

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD MARCH 3, 2015 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL VIRGINIA 24651

**PRESENT: SETH R. WHITE, CHAIR
J. GARLAND ROBERTS, VICE CHAIR
CHARLES A. STACY, MEMBER
JOHN ABSHER, MEMBER
D. MICHAEL HYMES, MEMBER
C. ERIC YOUNG, COUNTY ATTORNEY
PATRICIA GREEN, DEPUTY COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS; WARREN HINKLE, THE VOICE NEWSPAPER**

ABSENT: JAMES H. SPENCER, III – COUNTY ADMINISTRATOR

MINUTES

The Chairman, Seth R. White, called the regular meeting to order and presided with all members in attendance. He welcomed those present.

Supervisor Roberts gave the invocation with Supervisor Stacy leading those present in the Pledge of Allegiance to the United States Flag.

AGENDA APPROVED AS AMENDED

Upon motion of Supervisor Roberts, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the March 3, 2015 meeting agenda as amended and to include an additional matter to the Executive/Closed meeting, A-29 - discussion of expenditures of public funds pertaining to health insurance.

MINUTES APPROVED

Upon motion of Supervisor Roberts, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the February 3, 2015 Regular Meeting Minutes and the February 25, 2015 Special Called Meeting Minutes as written.

ENGINEERING DEPARTMENT UPDATE

MATT ANDERSON

Matt Anderson, County Engineer, gave a brief update on the various activities in his department; Building Safety; Orphan Roads; Pocahontas Walking Trail; Planning Commission activities; Bridge Inspection Report and FEMA Flood Study - RFP. He then requested action with regard to the following projects:

CLINIC ROAD - VDOT LOCALLY ADMINISTERED PROJECT

Following presentation by Matt Anderson, County Engineer, and upon motion of Supervisor Absher, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the execution of a contract with Anderson & Associates/Gress Engineering in the amount of \$29,209.65 for the preparation of a Preliminary Engineering Report during the planning stages of the Clinic Road Project. He said VDOT has voiced concerns regarding drainage in the area adjacent to the mall. After discussions with Anderson & Associates/Gress Engineering team, he said he felt it would be best to prepare a Preliminary Engineering Report. A copy of the contract with Anderson & Associates/Gress Engineering is attached to these minutes and incorporated herein by reference thereto as executed herein by reference.

ANNUAL VDOT BRIDGE INSPECTIONS

Upon motion of Supervisor Stacy, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a contract in the amount of \$4,344.00 with Schwartz and Associates to perform the annual VDOT Bridge Inspection work for three bridges, two (2) in Western District and one (1) in Eastern District. The Deputy 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. A copy of the contract as executed is attached hereto and incorporated herein by reference.

**JOYCE ENGINEERING - SOLID WASTE MANAGEMENT CONSULTING
CONTRACT UP TO \$20,000.00**

Upon motion of Supervisor Roberts, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a Solid Waste Management Consulting Contract with Joyce Engineering, in an amount up to \$20,000.00 on a time and material basis for general landfill consulting as required. County Engineering staff has reviewed the cost sheets and recommends same. A copy of the contract in a form as hereby approved is attached hereto and incorporated herein by reference thereto.

**JOYCE ENGINEERING - GROUNDWATER MONITORING CONSULTING
CONTRACT**

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 a Landfill Groundwater Monitoring Consulting Contract/Agreement with Joyce Engineering for the next five (5) years. Per the committee requirement, Joyce has agreed to lower their fees from their initial submission. The fee for the first year is \$41,970, which is below the anticipated cost of the previous consultant for this year. Based on the previous submission, the cost will then rise 3% annually thereafter. An additional consulting fee for time and material labor (up to \$5,000.00) is also included. Engineering staff has reviewed the cost sheets and recommended the approval of same.

FEMA FLOOD STUDY -

The County Engineer said the RFP for the FEMA Flood Study would be advertised this month. The study will examine the flood plain along Clearfork for approximately 3.1 miles and the flood plain along Lynn Hollow for approximately 2.8 miles.

**JERRY MCREYNOLDS -
AIRPORT UPDATE**

Jerry McReynolds, Manager of the Tazewell County Airport, reported the \$750,000.00 West End Drainage Project is scheduled to begin Monday, March 9, 2015. The project will last approximately 75 days. Mr. McReynolds said the Airport is the "County's Airport" and is in excellent condition and represents Tazewell County in a most impressive manner. He said the Airport Board is very thankful for the support of the Tazewell County Board of Supervisors and welcome BOS members and Staff to visit any time. Mr. McReynolds said he expects to have an excellent year in 2015. And said he is always available to answer any questions concerning the role of the Airport in Tourism, Economic Development and any other areas of County Government.

**DAHMON BALL -
PSA REPORTS**

Dahmon Ball, PSA Administrator, said the Claypool Hill Waste Water Treatment Plant was on schedule, 63% complete in time, and 60% complete in value. The PER on the Natural Gas Study is due in April; The Greater Tazewell Water Treatment Plant to the Town of Pocahontas, Phase 2 & 3 Project should be put bid in June; The Greater Tazewell Phase 4 - Round Table is scheduled for March 5, 2014 to address to the Richmond Meeting. They plan to meet with funders & VRA people. The Boissevan Trial Head is one-half complete and waiting on arrival of the lift station.

The Divides Sewer Project matter was an Executive Session matter, after which, the Board of Supervisors approved the 2015 Amendment to the 2009 Inter-municipal Agreement between the Town of Pocahontas and the Tazewell County Public Service Authority to permit the PSA to accept Leachate from the County Landfill to the PSA's Divides Sewer Line (the agreement is made part of the minutes).

EXECUTIVE/CLOSED MEETING

The Chairman, Seth R. White, announced the Board of Supervisors intent to enter into an executive/closed meeting but first announced his pledge as Chairman to more transparent and to talk about business matters if appropriate in open meeting. He then read the list of

executive/closed meeting matters and in a few words identified each subject listed for the Closed Meeting.

Now, upon motion of Supervisor Roberts, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711 as follows:

- A (3) Property Acquisition involving the Animal Shelter
- A(3) Three (3) Property Disposition matters involving vacant County properties and the Community Facilities Building
- A (5) Prospective Business or Industry involving Project Jonah
- A(29) Discussion concerning the evaluation of a potential contract with the Town of Tazewell and the PSA for disposal of Leachate involving the expenditure of public funds
- A(7) Legal matter - Consultation with legal counsel regarding the PBE Grant
- A(29) Evaluate proposals from personnel consultants to recruit a County Administrator
- A(1) Personnel matter - involving the Building Inspection Department
- A(1) Personnel matter - involving the Deputy County Administrator
- A(29) Discussion concerning the potential for the expenditure of public funds involving health insurance

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Roberts, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Meeting and certifies the following resolution:

**CERTIFICATION OF
EXECUTIVE/CLOSED MEETING**

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

WHEREAS, 2.2-3712 of the Code of Virginia requires a certification by the Board of Supervisors that such executive/closed meeting was conducted in conformity with Virginia law;

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

Ayes: Five - Supervisor Stacy, Roberts, White, Absher, Hymes

Nays: None

Absent: None

Absent during vote: None

RFP - VACANT COUNTY BUILDINGS

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the issuance of an RFP to sell vacant County and Industrial Development (IDA) owned properties and the Community Facilities Building.

PSA - ACCEPTANCE OF LEACHATE AGREEMENT

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the 2015 Amendment to the 2009 Intermunicipal Agreement between the Town of Tazewell, Virginia and the Tazewell County Public Service Authority which would permit the Tazewell County PSA to accept Leachate from the County's Landfill into the PSA's Divides Sewer Line, and further that the draft of the Agreement submitted to the Board in Executive Session be made a part of the minutes.

**2015 AMENDMENT TO 2009
INTER-MUNICIPAL WASTEWATER SERVICE AGREEMENT**

BETWEEN

TOWN OF TAZEWELL, VA

AND

TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY

THIS AMENDMENT TO THE 2009 INTER-MUNICIPAL WASTEWATER SERVICE AGREEMENT, is made and entered into as of this ____ day of _____, 2015, by and between the TOWN OF TAZEWELL, VA (Town) and TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY (TCPSA), a public body politic and corporate duly created pursuant to the Virginia Water and Waste Authorities Act, Section 15.2-5100 et seq. of the Code of Virginia (1950) and collectively the Parties:

WITNESSETH:

THAT WHEREAS, the Parties agree that the health and safety of the residents within the Service Area, hereinafter defined, require that the rivers and streams of the Service Area be clean and free from obnoxious domestic, commercial and industrial wastes and that the citizens thereof be provided with safe and reliable drinking water and wastewater treatment; and

WHEREAS, the Tazewell County Board of Supervisors ("the Board") owns and operates a public landfill as permitted by the Commonwealth of Virginia's Department of Environmental Quality ("DEQ"), which produces liquid Leachate collected along the liner of the landfill;

WHEREAS, the Board is required by law to collect said Leachate and dispose of the same at a facility capable of treating said substance such that it complies with the discharge standards set by the DEQ;

WHEREAS, the Board's obligation to collect and treat Leachate from the landfill under current law extends as much as thirty years beyond closure of the landfill;

WHEREAS, the Board's current method of transporting Leachate to treatment facilities by loading Leachate onto tanker trucks, hauling it many miles to different facilities, and unloading it into those facilities, is grossly inefficient;

WHEREAS, the parties hereto propose that the TCPSA construct a sewer collection line from the current terminus of the Town's line to the landfill to collect the Leachate which then will be transmitted to the Town's wastewater collections system and then to the Town's treatment plant where it will be treated and discharged in accordance with DEQ's permitting standards;

WHEREAS the parties have an existing agreement whereby the TCPSA has capacity to dispose of waste water in the Town's treatment facility;

WHEREAS The Lane Group, an independent, qualified and competent Engineering firm has examined the Town's Facility and the landfill Leachate, determined that the Town may accept the Leachate and still comply with the Town's discharge parameters, and reduced their opinion to writing in a Preliminary Engineering Report entitled Tazewell Wastewater Treatment Plant Headworks Analysis and dated September 2014 (Attached hereto as "Exhibit B");

WHEREAS, the parties desire to enter into this agreement to modify their 2009 Inter-Municipal Wastewater Service Agreement to provide for the TCPSA to collect, transport, and discharge landfill Leachate into the Town's wastewater collection system to be treated at the Town's treatment facility;

NOW THEREFORE; for and in consideration of the premises and the mutual covenants and agreements herein contained, the Parties covenant and agree to Amend the 2009 Inter-

Municipal Waste Water Service Agreement as follows. Unless expressly modified hereby said 2009 Agreement shall remain in full force and effect:

Section 1. *Definitions.* The following terms shall have the meanings as below attributed to them. Any term not defined in this section shall have such meaning as may have been defined in the 2009 Agreement.

"the Agreement" or **"the 2009 Agreement"** shall mean the 2009 Inter-Municipal Waste Water Service Agreement entered into between the Town of Tazewell, Virginia and the Tazewell County Public Service Authority, whereby the Authority purchased capacity in the Town's Treatment and Disposal Facility.

"this Agreement" shall mean this 2015 Modification Agreement.

"the Divides Line" shall mean a sewer line constructed by the TCPSA from the terminus of the Town's Dry Town Line near the "Rameys" facility East of the Town of Tazewell to the Tazewell County landfill located on Lynn Hollow Road.

"the Facility" or **"the Town's Facility"** shall mean the Town's Treatment and Disposal Facility as defined in the 2009 Agreement.

"Leachate" means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials from such waste.

"DEQ" shall mean the Commonwealth of Virginia Department of Environmental Quality and any successor organization designated by the Commonwealth of Virginia to perform such functions as the Department performs at the time of this modification Agreement."

"Sludge" shall mean the deposited solids from treated waste water.

Section 2. *Use of TCPSA capacity for Leachate.*

A. The Town shall permit TCPSA to accept Leachate from the Tazewell County Landfill located on Lynn Hollow Road near "the Divides" in Tazewell County, Virginia into sewer lines constructed by the TCPSA and to transport the Leachate by means of such lines to the Town's wastewater collection system. The Town shall transport the Leachate to the Town's Facility through the Town's system. The Town then shall treat and discharge such Leachate in accordance with the 2009 Agreement and this Agreement.

B. The Town further shall accept and treat any additional domestic, commercial or industrial discharge introduced into the Divides Line by users other than the Tazewell County Landfill in accordance with the 2009 Agreement.

C. The current estimated flow from the landfill Leachate at the time of this agreement is Thirteen Thousand Gallons Per Day (0.013mgd). The parties acknowledge the volume of Leachate may increase during the term of this agreement. The Leachate shall be separately metered and shall not be considered a utilization of any portion of the TCPSA's Eight Hundred Thousand gallons per day (0.80mgd) capacity in the Town's Facility. All other flow to the Town's system from the Divides Line shall be considered a portion of the TCPSA's capacity in the Town's Facility and be subject to the same rights and responsibilities of the parties as set forth in the 2009 Agreement.

Section 3. *Tap.*

Pursuant to Section 2.1 of the 2009 Agreement the TCPSA shall be permitted to construct a Divides Line Tap at the Terminus of the Town's Dry Town Line at the location shown on the plan sheet, labeled "Exhibit A". Such tap shall be constructed at the TCPSA's expense and under such terms as set forth in the 2009 Agreement.

Section 4. *Leachate Regulation*

A. The Town expressly consents to accept Leachate at the Town's Facility. Any provisions of any ordinance, rule, policy, or regulation heretofore promulgated by the Town which would prohibit or limit acceptance of the Leachate will be amended or repealed by the Town.

B. The Town shall not hereafter enact or promulgate any current or future Ordinance, rule or regulation which would limit the acceptance of Leachate beyond the terms of this agreement, unless required by any Federal or State statute, law, or regulation.

C. The Town acknowledges that TCPSA will construct the Divides Sewer Line in reliance upon this agreement. Should the Town fail to perform pursuant to this agreement the Town acknowledges that the TCPSA shall be entitled to specific performance as relief.

D. The TCPSA agrees that Leachate discharged into the Divides Line at the Landfill and transported through the TCPSA's collection lines to the Town's system shall be pretreated such that it does not contain any substances or materials identified on the attached Pretreatment Program Analysis (Schedule A) in concentrations in excess of the limits identified in Schedule A.

1. The TCPSA shall test the Leachate discharged into the Divides Sewer Line in accordance with the testing protocol described in Attachment B and provide copies of all results to the Town. The Town shall have the right to conduct additional tests of the Leachate discharged into the Divides Line at any time. If upon testing such test reveals concentrations of substances or materials in a concentrations more than TWENTY-FIVE PERCENT 25% greater than shown by the TCPSA's most recent test, the TCPSA shall pay the reasonable costs of the

Town's test. Otherwise, the Town shall be responsible for the cost of any additional tests conducted by the Town.

2. Should more than two consecutive tests, conducted either by the TCPSA as part of the testing protocol or by the Town, reveal Leachate discharge concentrations in excess of the limits set forth in Schedule A, the TCPSA will provide the Town a plan of action to reduce such concentrations and take reasonable measures pursuant thereto to reduce such concentrations.

3. If concentration levels of any material or substance in the Leachate discharged to the Divides Line cause the Town's Facility to exceed its qualitative permitted discharge limits, the TCPSA shall cease permitting discharge of Leachate into the Divides Line until the excessive concentrations have been remedied. The TCPSA shall not be required to cease discharge unless a qualified, professional engineer, mutually chosen by the parties, has verified that the Leachate discharge has caused the Town's Facility to exceed its qualitative permitted discharge limits. Should the TCPSA cease discharge of Leachate pursuant to this subsection, 4D(3), the TCPSA may resume Leachate discharge if the same mutually chosen qualified, professional engineer provides a written opinion that such excessive Leachate discharge has been remedied.

4. As of the execution of this Agreement the parties mutually select The Lane Group as the qualified professional engineer. Upon the expiration of the Lane Groups retainer or if the Lane Group is no longer willing to perform the above described services for the parties, the parties then shall jointly procure a qualified professional engineer to be kept on retainer to perform the above described services. The above described services of such engineer shall be paid for by the TCPSA.

E. TCPSA acknowledges that Town agrees to accept the Leachate for treatment at the Town's Facility in reliance on the Tazewell County Board of Supervisors accepting the

Town's Sludge from the Town's Facility at the Tazewell County Landfill. In the event the Board of Supervisors refuses to accept Sludge from the Town's Facility due to the Sludge containing sediments or extracts from Landfill Leachate, the parties agree to negotiate in good faith to find an alternative disposal site for the Town's Sludge. Once an alternative option has been agreed upon the parties shall present the option to the Tazewell County Board of Supervisors as a disposal option which would be at said Board's expense. If the Board of Supervisors does not accept the option or provide an alternative acceptable to both parties within thirty (30) days, either party to this Agreement shall have the right to terminate this Agreement with respect to acceptance of Leachate.

Section 5. *Metering and Telemetry*

The TCPSA shall cause to be installed at the TCPSA's expense a meter at the Tazewell County Landfill to measure the quantities of Leachate Discharged into the Divides Line. The TCPSA shall cause to be installed at the TCPSA's expense a separate meter at the connection point between the Divides Line and the Town's lines. The TCPSA shall be responsible for reading these meters and reporting the results to the Town and the Town shall have the right to read and test the meters as described in the 2009 Agreement.

The TCPSA also shall provide the telemetry data for the Town's Facility operator to monitor the pump station flow from the Divides Line.

Section 6. *Charge for Leachate*

A. The TCPSA shall pay a fee for Leachate discharged into the Divides Line in the amount of ONE CENT (\$0.01) per gallon. The quantity of Leachate discharged into the Divides Line shall not be included in the calculation of any other rate or fee charged to the TCPSA.

B. All other waste water discharged into the Town's system from the Divides Line shall be subject to the same rates and fees as may be set forth in the 2009 Agreement.

C. The Town shall not charge the TCPSA any transit fee, pumping fee or any other charge or fee for the use of the Town's system to convey the Divides Line discharge to the Facility.

Section 7. *Term*

This modification agreement shall remain in effect for the duration of the 2009 Agreement.

Section 8. *Effective Date*

This Agreement shall become effective and binding upon the parties upon approval of this Agreement by the Town Council, the TCPSA Board, and the Tazewell County Board of Supervisors, all as evidenced by resolutions adopted by the respective bodies and execution by their duly authorized executives.

Section 9. *Effect of Amendment*

All terms of the 2009 Agreement shall remain in full force and effect except as have been modified by this Agreement.

Section 10. *Third Party Beneficiary*

The parties intend that the Tazewell County Board of Supervisors are a third party beneficiary of this Agreement in that the Board may more efficiently dispose of Leachate from the Tazewell County Landfill. The parties acknowledge that the Board's agreement to pay for the debt incurred by the TCPSA to construct the Divides Line is consideration to both parties to this Agreement. Therefore, the parties agree that The Tazewell County Board of Supervisors

may enforce any of the terms of this agreement pertaining to Leachate, including bringing any Civil Action for equitable enforcement of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused their respective corporate names to be subscribed hereto and their respective corporate seals to be hereto affixed and attested by their duly authorized officers, all as of the date first above written.

SPECIAL PRESENTATION

The special presentation scheduled on the agenda format was postponed to a later date.

PUBLIC HEARING(S)

THERE WERE THREE (3)

PUBLIC HEARING TO HEAR CONCERNS REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) FOR THE AASC FALLS MILLS ADULT DAYCARE CENTER PROJECT

The Chairman, Seth R. White, called to order a public hearing to **HEAR CONCERNS REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) FOR THE AASC FALLS MILLS ADULT DAYCARE CENTER PROJECT**, and which public hearing notice was duly advertised according to law. A copy of which certificate of publication is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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

AASC - Presentation of fact sheet and draft proposal:

Mrs. Regina Sayers, Executive Director of Appalachian Agency for Senior Citizens, accompanied by Ms. Linda Hayes, AASC Grant Writer (who was in the audience, available for questions) provided the Board with a summary of the proposed Adult Day Care at the Falls Mills Center Project. Ms. Sayers said the services to be provided would be Adult Day Care, Home Delivered and Congregate Meals, All-Care for Seniors and Care Coordination. The new center is proposed for the Former Falls Mills Elementary School and the Board of Supervisors is being asked to apply for a Community Development Block Grant in the amount of \$700,000.00. The

Preliminary Engineering Report for cost of renovations is \$3,133,707.00 which was prepared by Thompson and Litton. The number of people to be served will be 180 older or disabled persons and their families by the second year and the number would increase yearly with up to 250 individuals with their families. Ms. Sayers said the number of older people in the Northern and Eastern Districts of Tazewell County continues to grow and services needed for older persons increase. She said only one adult day care is located in the County which is the Western District and it is a long trip for families needing service who live in the Eastern and Northern Districts. The Falls Mills site would help provide services to approximately 40 adults and adults who participate in the ALLCARE for Seniors PACE Program will be provided transportation to the center. A itinerary will be planned for each day care participant, with a supervisor, activities director, registered nurse, and personal care attendant. The participants will include a USDA - approved breakfast, lunch and afternoon snack . PACE participants will receive medical care and therapy while on site. AASC will also provide meals for older citizens through their agency nutrition program two to three days a week through the Congregate Meal Program and hot meals will be provided to home delivered meals to area participants. The Falls Mill site will become a distribution center for home delivered meals to area participants. The Agency will also provide care coordination services to all seniors in the community including assistance with Medicare Part D and assisting seniors to access the education and services they need. At least ten (10) new employee would be hired during the phase and eventually there would be thirty (30).

Mrs. Sayers presented the Board with a Resolution requesting their approval and authorizing the County to sign and submit the appropriate documents for submittal for the Virginia Community Development Block Grant application. The grant funding amounts would be \$700,000.00 from the Virginia Tobacco Commission; \$300,000.00 from the Virginia Coalfield Economic Development Authority, AASC \$300,000.00; Private Foundations \$133,707.00 and Tazewell County through the budget and loans would be \$1,000,000.00 split between fiscal years 2015 and 2016. She said the project will serve 25,258 persons and 38% of which are low to moderate income. The application deadline is March 25, 2015.

Chairman White voiced concern about the \$1,000,000.00 in County funding and said it wasn't feasible to adopt the resolution as presented. Supervisor Stacy said the County would have to spend some serious time on the budget with this amount and it hasn't even been addressed by the budget committee this year. Chairman White said the best solution to the

problem would be some other type of grant funding because the County does not have the resources to fund the project right now. Mrs. Sayers said the grant could be put off until next year as well as the possibility of looking at other ways to refurbish the facility. Mrs. Sayers thanked the Board for their support and consideration.

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

No action was taken regarding the Community Development Block Grant Funds (CDBG) for the AASC Falls Mills Adult Day-Care Center Project.

**PUBLIC HEARING TO HEAR CONCERNS REGARDING A PROPOSED
ORDINANCE REGULATING THE ISSUANCE OF LICENSES TO OPERATE
PAWNSHOPS WITHIN THE COUNTY OF TAZEWELL, VIRGINIA**

The Chairman called to order a public hearing that was duly advertised according to law entitled, "**A PUBLIC HEARING TO HEAR CONCERNS REGARDING A PROPOSED ORDINANCE REGULATING THE ISSUANCE OF LICENSES TO OPERATE PAWNSHOPS WITHIN THE COUNTY OF TAZEWELL, VIRGINIA.**"

The Board of Supervisors' most recent enforcement of pawnshops within Tazewell County was by resolution requiring every pawnshop owner to reapply every year and pay a \$100 fee to operate the business.

The Chairman called for public comments from the floor with regard to the public hearing. The County Attorney, Eric Young, explained that the pursuant to this public hearing, the resolution was changed to an ordinance, and language to read "Once issued, applicant's license shall be renewed automatically, without any additional fees, at the first regularly scheduled meeting of the Planning Commission each calendar year, so long as neither the Tazewell County Sheriff's Office nor the Tazewell County Office of the Commonwealth's Attorney object in writing prior to December 1st of the preceding year."

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

Then upon motion of Supervisor Roberts, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts "**AN ORDINANCE REGULATING**

THE ISSUANCE OF LICENSES TO OPERATE PAWNSHOPS WITHIN THE COUNTY OF TAZEWELL, VIRGINIA."

AN ORDINANCE REGULATING THE ISSUANCE OF LICENSES TO OPERATE PAWNSHOPS WITHIN THE COUNTY

WHEREAS the Board desires to regulate and standardize the issuance of licenses to operate pawnshops within the County in accordance with Virginia Code §15.2-1232.1 and §54.1-4001;

WHEREAS the Board desires that after a potential pawnshop owner or licensee has sought permission to operate as a pawnbroker from the Tazewell County Circuit Court by filing the appropriate petition, after having a duly authorized criminal background check and meeting all other requirements set forth by the Court in its Order and having been approved to apply for a license from the County by said Court;

WHEREAS the Board desires to stimulate the economy and assist businesses to operate within the confines of the County;

WHEREAS the Board, being aware there is a license requirement for any business operating as a pawnbroker within the Commonwealth of Virginia pursuant to Virginia Code §54.1-4001;

WHEREAS the Board of Supervisors intends to assist potential businesses operate within the confines of the law of the Commonwealth of Virginia;

NOW THEREFORE, be it ORDAINED that pursuant to Virginia Code §15.2-1232.1 and Virginia Code §54.1-4001, no business, person, corporation, or other entity may engage in business as a pawn shop nor as a pawnbroker, as defined by the Code of Virginia, without a license issued by the Tazewell County Planning Commission pursuant to this ordinance.

Any person, business, corporation or other entity that desires a pawn shop or pawnbroker license must meet the following requirements:

1. The licensee must obtain an order from the Tazewell County Circuit Court as set forth in §54.1-4001 of the Virginia Code authorizing such potential licensee to apply for a license.
2. The potential licensee, authorized by the Court to apply for a license, may apply to the Tazewell County Planning Commission for a license by completing an application at the Tazewell County Building Inspector's Office and paying an application fee of One Hundred Dollars (\$100.00). Such application shall include a designation of the location of the proposed business and a copy of the Order from the Circuit Court authorizing the application. The Planning Commission shall consider such potential licensee's application at the Commission's first regularly scheduled meeting, not less than seven (7) days, following the date of the application. The applicant shall be notified, at least seven (7) days in advance of the meeting, of the date of the meeting at which the application shall be considered by the Commission.
3. Within sixty (60) days of the application, applicant will receive either a license from the Planning Commission or denial of said authorization. A letter of denial shall state the reasons thereof for the denial. The following procedures shall be followed regarding consideration of applications:
 - A. The Commission shall not deny a license without good cause.
 - B. Within thirty (30) days of the date of the decision to deny the application, the applicant may file an appeal to the Board of Supervisors, in writing, sent to the County Administrator at the Tazewell County Administration

Building, located at 108 E. Main Street, Tazewell, VA 24651.

- C. The Board will hear the appeal at its next regularly scheduled meeting, not less than seven (7) days from the date of the written notification of the appeal. The applicant shall receive notification of the date of the meeting, not less than seven (7) days, at which the appeal shall be considered by the Commission.
 - D. If the appeal is denied by the Board of Supervisors, the applicant may appeal to the Tazewell County Circuit Court in accordance with proper procedures. Such appeal must be filed within sixty (60) days of the date of the denial by the Board of Supervisors.
- 4. Once issued, applicant's license shall be renewed automatically, without any additional fees, at the first regularly scheduled meeting of the Planning Commission each calendar year, so long as neither the Tazewell County Sheriff's Office nor the Tazewell County Office of the Commonwealth's Attorney object in writing prior to December 1st of the preceding year. Upon receipt of any such objection, the Planning Commission shall provide the licensee a copy of the objection and notice of the date and time of the Commission's January meeting.
 - 5. Said license may be revoked at any time upon investigation, notice and hearing before the Planning Commission for any non-compliance with the law of the Commonwealth of Virginia and/or non-compliance with any other regulations that may be applicable. Licensee may appeal the revocation in the using the same procedure as set forth above for a denial of the initial license.
 - 6. This licensure requirement shall not apply within the corporate limits of any Town

- within the County.
7. A copy of the license issued by the Planning Commission shall be given to the Tazewell County Sheriff's Office.
 8. Failure to comply with these provisions shall constitute a violation of §54.1-4001, and be a Class 1 misdemeanor.

**PUBLIC HEARING
TO HEAR CONCERNS REGARDING A PROPOSED ORDINANCE OF VACATION OF
THE REMAINING PORTION OF DIP STREET LOCATED IN THE CEDAR LAND
FARMS SUBDIVISION**

The Chairman, Seth R. White called to order a public hearing that was duly advertised according to law entitled "**A PUBLIC HEARING TO HEAR CONCERNS REGARDING A PROPOSED ORDINANCE OF VACATION OF THE REMAINING PORTION OF DIP STREET LOCATED IN THE CEDAR LAND FARMS SUBDIVISION, POUNDING MILL, TAZEWELL COUNTY, VIRGINIA IN THE WESTERN DISTRICT OF TAZEWELL COUNTY, VIRGINIA .**" A copy of the proposed ordinance was posted at the front door of the County Courthouse on Main Street , Tazewell, Virginia and copies made available in the office of the County Administrator, 108 East Main Street, Tazewell, VA 24651.

The Chairman called for public comments from the floor.

The County Attorney explained that Mr. Tex Sawyers petitioned the Board of Supervisors to consider vacating the remainder of Dip Street, between Spur Street and Ravine Street. Mr. Sawyers owns property abutting Dip Street. Dip Street has never been developed as public passageway and serves no public necessity. The Board of Supervisors did on January 9, 2014 at their annual meeting vacated the majority of Dip Street by Ordinance. The Board further finds that the requirements for vacation of the remainder of portions of Dip Street have been met.

The property owners who may be affected by this Ordinance of Vacation are Tex Sawyers and Juanita Sawyers, Curtis R. Queen and Diane L. Queen, Dudley Redden and Gladys Redden, Michael H. Boyd and Linda S. Boyd, Brian Robinett and Melissa Robinett, Marcus Deel and Betty Deel, Deborah Hess, John J. Ringhoffer and Crystal A. Ringhoffer, Joseph S.

Tatum and Wanda Tatum, and Michael D. White and Ramona Sue White. That portion of Dip Street to be vacated is described as follows:

That portion of Dip Street to be vacated is the remainder of Dip Street, located between Spur Street and Ravine Street, in Cedar Land Farms Subdivision between parcels 125A50101SE04000D and 125A401000F, as shown as "Parcel B" on a certain plat posted at the Tazewell County Circuit Court Clerk's Office.

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

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

Then upon motion of Supervisor Absher, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts **AN ORDINANCE OF VACATION OF THE REMAINING PORTION OF DIP STREET LOCATED IN THE CEDAR LAND FARMS SUBDIVISION, POUNDING MILL, TAZEVELL COUNTY, VIRGINIA IN THE WESTERN DISTRICT OF TAZEVELL COUNTY, VIRGINIA."**

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

WHEREAS, Tex Sawyers petitioned the Board of Supervisors of Tazewell County, Virginia, ("Board") to consider vacating the remaining portion of Dip Street, between Spur Street and Ravine Street, that lies between parcels 125A50101SE04000D and 125A401000F, as shown on a plat entitled "Map of Cedar Land Farms, Inc." annexed to that certain deed from Cedar Land Farms, Inc. to Wayne Tester and John R. Dobson, dated January 26, 1971, and recorded in the Tazewell County Circuit Court Clerk's Office in Deed Book 360, Page 505, and

being more particularly shown as Parcel B on a plat entitled "PLAT Showing Survey for Tex Sawyers, Property Situate in Cedar Land Farms Subdivision, Claypool Hill, Tazewell Co., Virginia, dated June 10, 2014, prepared by Alpha Land Surveyors" and stated in support thereof that Dip Street has never been developed as public passageway and serves no public necessity; and

WHEREAS, the Board vacated the majority of Dip Street by Ordinance dated January 9, 2014, and recorded in the Office of the Clerk of the Circuit Court of Tazewell County in Deed Book 2014, at Page 2956; and

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

WHEREAS, notice of public hearing to consider said vacation of the remaining portion of Dip Street, setting forth the description of the portion of the map to be vacated, stating the time, date, and place of the meeting of the governing body at which the adoption of the Ordinance was to be voted upon, was duly published on February 18, 2015, and February 25, 2015, in the Clinch Valley News/Richland's New Press, a newspaper having general circulation in the County in which Dip Street is located, all as required by §15.2-2006 and §15.2-2272 of the Code of Virginia (1950), as amended; and

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

WHEREAS, the Board finds that it has vacated the majority of Dip Street by Ordinance dated January 9, 2014, and recorded in the Office of the Clerk of the Circuit Court of Tazewell County in Deed Book 2014, at Page 2956; and

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

NOW THEREFORE BE IT ORDAINED, that the remaining portion of Dip Street, between Spur Street and Ravine Street, which lies between parcels: 125A401000F and 125A50101SE04000D, and, for taxation purposes, shown in the land records of the County to be owned by: Dudley and Gladys Redden (125A401000F) , and Tex and Juanita Sawyers (125A20101SE04000D), in the Cedar Land Farms Subdivision, and being more particularly shown on a plat entitled "Map of Cedar Land Farms, Inc." annexed to that deed from Cedar Land Farms, Inc. to Wayne Tester and John R. Dobson, dated January 26, 1971, and recorded in the Tazewell County Circuit Court Clerk's Office in Deed Book 360, Page 505, and more particularly shown as Parcel B on a plat entitled "PLAT Showing Survey for Tex Sawyers, Property Situate in Cedar Land Farms Subdivision, Claypool Hill, Tazewell Co., Virginia, dated June 10, 2014, prepared by Alpha Land Surveyors" hereby is vacated pursuant to §15.2-2006 and §15.2-2272 of the Code of Virginia, (1950), as amended. That portion of Dip Street to be vacated is hereby described as follows:

That portion of Dip Street to be vacated is located in Cedar Land Farms Subdivision between Spur Street and Ravine Street and lying between parcels 125A50101SE04000D and 125A401000F, as more particularly shown on that certain plat entitled: "Map Cedar Land Farms, Inc.," annexed to that certain deed from Cedar Land Farms, Inc. to Wayne Tester and John R. Dobson, dated January 26, 1971, and recorded in the Tazewell County Circuit Court Clerk's Office in Deed Book 360, page 505, and being more particularly shown on a Plat, as Parcel B, entitled: "PLAT Showing Survey for Tex Sawyers, Property Situate in Cedar Land Farms Subdivision, Claypool Hill, Tazewell Co., Virginia, dated June 10, 2014, prepared by Alpha Land Surveyors" and which plat is to be recorded at the Tazewell County Circuit Court Clerk's Office.

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

It is so ORDAINED by the Board on this the 3rd day of March 2015.

CONSENT CALENDAR

Upon motion of Supervisor Roberts seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items presented as "Consent Calendar", except that Item H. Northern District Funds, Ratify payment of \$160.00 to F & R Electric, Inc. for 1 door motor for 945 Rescue be removed from the Consent Calendar. The matters requiring the issuance of warrants shall be issued in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS APPROVED AS PAID

February 2015

Payroll

Ordered that Warrant Nos. 139783 through 139832 and direct deposits totaling \$370,381.16 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending January 31, 2015, be approved.

Ordered that Warrant Nos. 139834 through 139883 and direct deposits totaling \$380,597.39 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending February 15, 2015, be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 468899 through 469064, for \$435,904.87 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 2015, be approved.

Ordered that Warrant Nos. 469066 through 469079, for \$149,830.33 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending January 31, 2015, be approved.

Ordered that Warrant Nos. 469081 through 469236, for \$322,123.34 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 2015, be approved.

Ordered that Warrant Nos. 469238 through 469254, for \$135,615.81 from the General Funds, covering payroll deductions for the various County agencies for the period ending February 15, 2015, be approved.

Handwritten

Ordered that Warrant No. 801875 through 801876 for \$4,786.06 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of January 2015, be approved

➤ Coyote Claims Approved:

- \$150.00 to Cole Cornwell, 1125 Tiptop Road, North Tazewell, VA 24630 for 2 female coyotes killed on January 13, 2015 with a snare
- \$75.00 to Larry Horn, 1312 Jewell Main Road, Jewell Ridge, VA 24622 for 1 female coyote killed on February 3, 2015 with a rifle
- \$75.00 to Timmy Vencill, 216 Clearfork Rd., Tazewell, VA 24651 for 1 female coyote killed on February 3, 2015 with a snare
- \$75.00 to Earl White, 166 Comstock Lane, Bluefield, VA 24605 for 1 female coyote killed on February 14, 2015 with a snare
- \$75.00 to Henry Harris, 107 Quarter-horse Circle, Tazewell, VA 24651 for 1 female coyote killed on February 17, 2015 with a snare
- \$75.00 to Eric Degray, 406 Canterbury Rd. Bluefield, VA 24605 for 1 female coyote killed on Feb. 20, 2015 with a gun
- \$375.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 9 coyotes killed on Feb. 7-21, 2015 with a snare (3 of which were female)

- Southern District Funds - Approved \$500 to New River Valley Diamonds, 2802 Shadow Lake Road, Blacksburg, VA 24060- America's Team donation for Jordon Steele & Jewel Lee Ruble - Italy trip
- Southern District Funds - Approved \$500 payable to Troop 93 - Cub Scouts
- Northern District Funds - Ratified \$500 paid to the Mission of Peace, Bandy, VA - gravel purchase for entrance at the Mission
- Northern District Funds - Ratified \$1,000.00 paid to Falls Mills Fish Club to help defray trout stocking expenses in March 2015
- Sheriff's Office:
 - Approved a transfer in the amount of \$3,550.00 from the Contingent Expenditures & Grant Account No. 9105-7041 to the Sheriff's Acct No. 31020-8105 (Insurance check for Matt Stiltner's vehicle) Pg. 43
 - Approved a transfer in the amount of \$467.93 from the Contingent Expenditures & Grant Account No. 9105-7041 to the Sheriff's Acct. No. 31020-6009 for damages to Ray Smith's vehicle.
 - Approved the amount of \$40.00 from the Contingent Expenditures & Grant Account No. 9105-7041 to the Sheriff's Acct. No. 31020-6010 - Restitution payment
 - Approved the amount of \$13,439.57 from the Contingent Expenditures & Grant Account No. 9105-7041 to the Sheriff's Account No. 31020-5510 Travel & Training - Refunds for Extraditions
 - Approved the amount of \$4,965.00 from the Contingent Expenditures & Grant Account No. 9105-7041 to the Sheriff's Account No. 31020-8105 - check from Dominion Auto Auction - surplus vehicle funding and will be used to purchase a vehicle.
 - Approved the amount of \$1,865.00 from the Contingent Expenditures & Grant Account No. 9105-7041 to the Sheriff's Account No. 31020-8105 - check from Dominion Auto Auction - surplus vehicle funding and will be used to purchase a vehicle.

- Approved the amount of \$455.94 from the Contingent Expenditure & Grant Account No. 9105-7041 to the Sheriff's Account No. 31020-6010 to purchase ammo (check from Circuit Court - Maintenance Account)
 - Ratified an advertisement for Insurance Consultant for Health Insurance Program
-

KASEY ADDAIR -

CHRIS JOHNSON - TAZEWEILL TAE -KWON-DO

\$250.00 (\$50.00 Each District Fund)

Master, Kasey Addair, Tazewell Tae-Kwon-Do, introduced black-belt, Sensei Chris Johnson. She gave a brief summary of last year's martial arts competition held at Tazewell High School. She said the tournament was a huge success and thanked the Board for their support of the tournament. They had competitors from four (4) states and earned enough money to help pay fees for two instructional camps and to help rent a tour bus to take the team to Coal Grove Ohio in November 2014. She said Tazewell's tournament was the larger in the circuit with the most competitors and black belts in attendance. She duly requested that the Board again provide monies to cover the janitorial services needed for the school during the upcoming March 28, 2015 tournament at THS.

Now, upon motion of Supervisor Absher, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the amount of \$50.00 from each district fund for a total of \$250.00 to pay for the custodial services at THS during the March 28, 2015 Martial Arts Competition. The Deputy County Administrator is hereby authorized and directed to issue said warrant and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

DEPUTY DUTY WEAPON -

DECLARED SURPLUS - TO BE SOLD TO

RETIRED DEPUTY GRAT ATKINSON

AT FAIR MARKET VALUE

Upon request of Sheriff Hieatt, and upon motion of Supervisor Roberts, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor

thereof and no one against the same, the Tazewell County Board of Supervisors hereby declares retired Deputy Grat Atkinson's duty weapon as surplus property and approves the sale of same to Mr. Atkinson at fair market value, which is an approximate amount of \$350.00.

SURPLUS PROPERTY - OLD VEHICLES, EQUIPMENT, ETC

CONSIDERED FOR SCRAP TO HELP PAY FOR NEW POLICE VEHICLE

Upon request of Major Harold Heatley, Tazewell County Sheriff's Office, it was a consensus of the Board to allow the Deputy County Administrator, Patricia Green to work with Major Heatley with possible ways to purchase a new vehicle at a price of approximately \$28,000.00 for the Sheriff's Office, including the confirmation of old vehicles, equipment, as well as other bits and pieces of old items located at the Impound Lot at the County Landfill. Ms. Green said some of the old equipment had already been declared surplus by the Board of Supervisors and given to the Landfill and proceeds from the sale of same were to be placed in the Landfill Account. Ms. Green, Sheriff Hieatt and Mr. Heatley will work together to come up with a way to pay for the vehicle, including compiling a list of surplus equipment/vehicles, and to inform the Board of Supervisors with results from same.

COMMUNICATIONS UPDATE - DERRICK RUBLE 911 DIRECTOR

Derrick Ruble, 911 Director updated the Board on the progress on the installation of the radio systems for the Pocahontas and Tannersville communities. Mr. Ruble said the equipment has been ordered with grant monies for both projects. Within 45 days power should be on and ready to go, less the FCC license, which is the only hold up. The communications will be significantly improved with the new equipment. A complete report from Mr. Ruble with regard to the Pocahontas and Tannersville Radio Systems is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

ROUTE 16 - CLINCH MOUNTAIN - ROAD CONCERNS

FOR BACK OF THE DRAGON

Dave Woodard, County Tourism Coordinator and Larry Davidson, Coordinator, Back of the Dragon Event were present. Mr. Woodard spoke about the upcoming Back of the Dragon and the need for the County to find a way to come up with funding to keep the road clear of gravels on Route 16, i.e. the Route in which motorcycle and sport car enthusiasts travel during the annual event. Larry Davidson said the event is scheduled for June 13-14, 2015 and would

begin at the County Fairgrounds this year. Supervisor Hymes requested that Mr. Davidson provide the Board with a sponsorship/event package.

With regard to the gravel, Mr. Woodard said VDOT sweeps the road in an effort to keep the road clear of debris, but VDOT would like to pave the inside curbs on the second mountain of Route 16 (Clinch Mt.) but were \$30,000.00 short in funding for the curbing project. The Board said they were troubled that they did not know earlier about the need for funding, more particularly, during the preparation of funding for the recent road projects. They requested that Ms. Green look at the various Road Accounts to see if there was any funding that could be used for the curbing project. If funding is available the TCBOS will consider approval and confirm during the April 7, 2015 regular meeting.

In other concerns, Mr. Woodard reported the proposed State Park project is moving forward and hopefully within the next two years it may perhaps take place. The Director of DCR and the Secretary of Natural Resources have set a date to tour the project. The entire Clinch River State Park Project made it to the Governor's desk for funding.

In addition, Supervisor Absher requested that the School Board consider providing free lunches to all children in Tazewell County Schools. Mr. Woodward said there were grant monies available that might make this happen, but not likely in the upcoming fiscal year.

SECOND CHANCE -

ROCKS THE TWO VIRGINIAS

Erik Robinson, Executive Director, Second Chance Learning Center gave a brief update on the services which provides free counseling, mentoring and tutoring services and is nearing its tenth-year anniversary. He said the Center has given approximately \$85,000.00 in scholarships, mostly to students attending SVCC. Mr. Robinson said the biggest fund-raiser for the Center is the Second Chance Rocks the Two Virginias. This year's line-up will include Leonard Skynyrd as the main event and Craig Wayne Boyd. Mr. Robinson said several other musicians have contacted him with interests, such as Cody Wickman from Beckley who recently appeared on The VOICE. He said the publisher for The VOICE had to approve Mr. Wickman's performances. Mr. Robinson thanked the Board for their previous support and duly requested that the Board make a monetary donation for this year's event. The Board of Supervisors requested that they receive tickets earlier this year in order to distribute to non-profits. Mr.

Robinson said all he needed was the number of tickets for each supervisor and he would send the tickets to Ms. Green to be distributed.

Now, upon motion of Supervisor Stacy 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 following amounts from District Funds, payable to Second Chance Rocks the Two Virginias, 14 Westwood Medical Park, Bluefield, VA 24605; and with said warrant issued by the Deputy County Administrator which will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651:

- \$4,000.00 - Eastern
 - 1,500.00 - Western
 - 1,500.00 - Northern
 - 1,500.00 - Southern
 - 1,500.00 - Northwestern
- \$10,000.00

BOARD OF SUPERVISORS - LIAISONS REPORT

Planning Commission - Supervisor Stacy reported the draft zoning ordinance for the Eastern District was sent to various people who submitted a FOIA for a copy of the draft. The Planning Commission will meet March 12, 2015 to address changes to the draft and decide whether the Commission will vote to make the draft available for public review.

Industrial Development Authority (IDA) - Supervisor White reported that a variety of economic development projects are being pursued.

Recreation Development Authority (RDA) - Supervisor Roberts reported the ATV trails will be refurbished because of weather damage. Dave White will contract the repairs out in amount up to \$10,000.00.

ESC MATTERS

Following presentation by Supervisor Hymes, Chairman of the Emergency Services Committee and upon motions made, seconded and duly passed, the Tazewell County Board of Supervisors hereby approves the following Emergency Services recommendations:

Burkes Garden Fire Truck / Declared surplus and allowed Dave White to dispose of and place proceeds from sale into the Fire Dept. Capital Outlay; TC Fire Rescue - Dave White

authorized to meet with Todd Day, Town of Tazewell to determine if they want Squad 1 with needed repairs; Major Heatley requested all radios be removed from surplus vehicles because of federal grant monies used to purchase radios; Squad 2 to be used by Bluefield, VA; Squad 3 to stay with TCFR and transformed to Crash Truck; Squad 4 - Repair bills by Arrington questioned (Jim Talbert will check and let Dave W. know); Ladder Truck for Richlands tabled for review; \$10 K of the \$20 K returned to County be given to Tazewell County Fire Dept. to purchase turn-out gear. Tazewell County Fire Department will be given the remaining funds in Tazewell County Fire Rescue 3202-5604-9 in the amount of \$5,250.00 and \$4,750.00 from the Southern District Funds to finish paying for the turn-out gear. The 20,000.00 will be transferred from the Contingent Expenditures Grant Account to the Fire Dept. Capital Outlay Account and \$10 K will be disbursed accordingly for air-tanks for Baptist Valley; Rescue 7 be turned into Bishop Fire Department; Fire Study \$100 K be considered in Dave White's budget for implementation of same (break down to be presented by Dave White to County Budget Committee to study during FY16 Budget process). A list of all fire trucks in the County 1990 model or older be developed as well as an estimated cost to replace them.

County Budget Update

Supervisor Roberts said the County Budget Committee had a preliminary meeting with the School Board on Tuesday, March 2, 2015. The School Board will have its Budget to the Board of Supervisors by April 1, 2015. Patricia Green, Deputy County Administrator stated that the School Board budget is being prepared using 6,000 students. They have 6002 enrolled and if they drop below 6000 below the March 31 reporting period, they may lose some state funding for the current year. Next year's budget is being built with 5,850 students. They are also losing their 25 pre-K positions.

Ms. Green also reported that she and Sam Wolford, County Information and Technology Department have been meeting to address various prospective projects for shared services.

APPOINTMENTS

LOCAL BOARD OF BUILDING CODE OF APPEALS

Upon motion of Supervisor White, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Jerry Blackburn, 1260 Burton

Hollow Road, Tazewell, VA 24651 as a member of the Local Board of Building Code of Appeals, with a term commencing immediately and expiring May 31, 2017. This appointment fills the unexpired term of Dallas Sparks who resigned.

TOURISM COMMITTEE - AD HOC

Upon motion of Supervisor Stacy, seconded by Supervisor Robinson 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 Althea Jeffries "A.J." Robinson, 125 Carriage Lane, Bluefield, VA 24605, as an Ad-hoc member of the Tazewell County Tourism Development Committee, with a term commencing immediately and expiring June 30, 2016. This appointment fills the unexpired term of Larry Hypes who resigned.

FIREFIIGHTERS TAX EMPTION UPDATE

The County Attorney, Eric Young recommended that the Tax Exemption for Volunteer Fire and Rescue Squad Members be placed on the FY15-16 County Budget Calendar for discussion. The Board of Supervisors adopted an Ordinance on November 16, 2014 to Exempt Personal Property for Volunteer Firefighters and Rescue Squad Members by Local Classification or Designation. According to the Commissioner of Revenue's letter, 121 fire and rescue personnel were eligible, but 49 of those did not file , with 71 qualifying, and with 1 disqualified due to delinquent taxes prior to 2014. A valid number of exemptions need to be determined and submitted to the FY15-16 Budget Committee.

\$2,000.00 APPROVED

**MIKE KRANTZ
WORKCAMPS DEVELOPER**

GROUP  CARES™

**970-443-7598 (MOBILE/OFFICE)
970-622-4176 (FAX)**

Upon motion of Supervisor Roberts, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from District Funds, payable to Group Cares, 1515 Cascade Ave. Loveland, CO 80539 - attn: Mike Krantz.

Said warrant will be issued by the Deputy County Administrator and converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651:

- Northern District \$1,000.00 (5699-12)
 - Northwestern District \$ 500.00
 - Western District \$ 500.00
 - Total \$2,000.00
-

E-CITATION

Upon motion of Supervisor Stacy, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to determine if the E-citation Bill passed for cities/towns and to draft a resolution with regard to the Board of Supervisors action of October 7, 2014, to wit: "Now, upon motion of Supervisor Stacy, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members presented and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County to incorporate the monies into the next budget cycle in order for the Commonwealth's Attorney Office to order the E-Citation Equipment." The County Attorney will draft the resolution and circulate to the Board of Supervisors for approval accordingly.

The 2014 Bill allows counties and cities to access a fee not to exceed \$5.00 as part of the costs in each criminal or traffic case or circuit court to be used for the implementation and maintenance of an electronic summons system.

AMERICA'S TEAM - ITALY TRIP

JORDON STEELE & JEWEL RUBLE

Upon motion of Supervisor Roberts, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following monies from District Funds, payable to the New River Valley Diamonds, 2802 Shadow Lake Road, Blacksburg, VA 24060, 501(c) 3 Organization, 51-0620225, to assist Jordan Steele and Jewel Lee Ruble from Tazewell High School, who have been selected to compete on America's Team (Softball)

traveling to Italy. Said warrant to be issued by the Deputy County Administrator which will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651:

- \$500.00 Northern District 5600-3
- \$100.00 Northwestern District
- \$500.00 Western District
- (see Southern District amount in the Consent Calendar)

TAZEWELL HIGH DECA

\$1,500.00 (\$1,000 SOUTHERN & 500 WESTERN)

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from District Funds as set forth below to THS DECA, attn: Donna Marinus, and which said warrant will be issued by the Deputy County Administrator and converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651. This funding will assist the 14 students that qualified at the State Conference who will travel and compete in the DECA's National Competition in Orlando, Florida scheduled for April 2015.

- \$1,000.00 Southern
 - 500.00 Western
- \$1,500.00

RICHLANDS HIGH SCHOOL

GIRLS SOFTBALL \$10,000.00

SOFTBALL FIELD MAINTENANCE

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and non one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from District Funds, payable to the Richlands High School, Girls Softball - field project, attn: Rocky Hill. Said warrant to be issued by the Deputy County Administrator which will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651:

RHS Girl's Softball

- \$ 5,000.00 Western
 - 5,000.00 Northwestern
- \$10,000.00

TOWN OF RICHLANDS, VIRGINIA

FREEDOM FESTIVAL \$1,500.00 WESTERN

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,500.00 from the Western District Fund, payable to the Town of Richlands, Virginia - Freedom Festival, Attn: Jan White, 200 Washington Square, Richlands, Virginia 24641. Said warrant to be issued by the Deputy County Administrator which will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

RICHLAND HIGH SCHOOL - DECA

\$1,500.00 NORTHWESTERN DISTRICT

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 \$1,500.00 from the Northwestern District Fund, payable to the Richlands High School DECA, Richlands, Virginia 24641, attn: Paula Bandy. This money will assist the DECA students attending the State/National Conference events. Said warrant to be issued by the Deputy County Administrator which will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Roberts, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an Executive/Closed Meeting pursuant

to Virginia Code Section 2.2-3711, A- 1 Two (2) Personnel Matters - one matter involving the Deputy County Administrator and one matter involving the Building Inspections Department.

Upon motion of Supervisor Roberts, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors returns from the Executive/Closed Meeting and hereby adopts the following resolution read by Supervisor Hymes.

TAZEWELL COUNTY BOARD OF SUPERVISORS

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

WHEREAS, 2.2-3712 of the Code of Virginia requires a certification by the Board of Supervisors that such executive/closed meeting was conducted in conformity with Virginia law;

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

Ayes: Supervisor Stacy, Roberts, White, Absher, Hymes

Nays: None

Absent: None

Absent during vote: None

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING
COUNTY ADMINISTRATOR - CONSULTANT**

Upon motion of Supervisor Roberts, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby awards a contract for the executive search firm for the County Administrator's position for Tazewell County, Virginia to Waters & Company of the Springstead Group in an amount not to exceed \$19,500.00.

Supervisor White said he and Supervisor Hymes would meet with the consultant and set up a time for each Board member to meet with the consultant individually to address their goals of what they want and expect from a County Administrator.

ADJOURN

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

The next regular meeting is scheduled for Tuesday, April 7, 2015 at 6:00 p.m.

Seth R. White, Its Chair

By: RG

10:56 p.m.