

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD MARCH 6, 2018 AT FOUR O'CLOCK P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 197 MAIN STREET, TAZEWELL VIRGINIA 24651

PRESENT: MAGGIE ASBURY, CHAIRPERSON

TRAVIS HACKWORTH, VICE CHAIRPERSON

CHARLES A. STACY, MEMBER

D. MICHAEL HYMES, MEMBER

TOM A. LESTER, JR., MEMBER

C. ERIC YOUNG, COUNTY ATTORNEY

PATRICIA GREEN, COUNTY ADMINISTRATOR

MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS

WARREN HINKLE, THE VOICE NEWSPAPER

ABSENT: RUTH GROSECLOSE, EXECUTIVE ASSISTANT

Madam Chairperson, Margaret A. Asbury called the regular meeting to order and presided, with all members in attendance. She welcome those present.

Supervisor Lester gave the invocation following by the pledge of allegiance to the United States flag led by Supervisor Hymes.

AGENDA APPROVED AS AMENDED

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 March 6, 2018 agenda format as amended.

MINUTES APPROVED AS WRITTEN

Upon motion of Supervisor Hackworth, 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 approve the February 6, 2018 Tazewell County Board of Supervisors meeting minutes as written.

CONSENT CALENDAR

Upon motion of Supervisor Hymes seconded by Supervisor Stacy 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 approves the following items presented as "Consent Calendar". The matters requiring the issuance of warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS

February 2018

Payroll

Ordered that Warrant Nos. 143259 through 143302, and direct deposits totaling \$233,627.87 from the General, and 911 Funds, covering payroll for the various County agencies, for the period ending January 31, 2018, be approved.

Ordered that Warrant Nos. 143304 through 143337, and direct deposits totaling \$232,942.16 from the General, and 911 Funds, covering payroll for the various County agencies, for the period ending February 15, 2018, be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 481985 through 482115, for \$469,813.49 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 2018, be approved.

Ordered that Warrant Nos. 482117 through 482128, for \$155,635.47 from the General, and 911 Funds, covering payroll deductions for the various County agencies for the period ending January 31, 2018, be approved.

Ordered that Warrant Nos. 482130 through 482273, for \$465,299.77 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 2018, be approved.

Ordered that Warrant Nos. 482275 through 482287, for \$129,299.03 from the General, and 911 Funds, covering payroll deductions for the various County agencies for the period ending February 15, 2018, be approved.

Handwritten

Ordered that Warrant No. 802030 through 802031 for \$5,035.00 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of January 2018, be approved.

- Approved \$1,000.00 payment to RHS DECA - \$500.00 Northwestern District and \$500.00 Western District
- Ratified \$603.82 (\$301.91 Eastern District and \$301.91 Northern District) - Walmart food invoice for Chief Hardy's memorial.
- Sheriff's Office
 - Approved \$150.00 from Acct. No. 91050-7041 - Contingent Expenditure and Grant Account to the Tazewell County Circuit Court, Account No. 31020-6001 - restitution on an ICAC Case
 - Approved \$300.00 from Acct. No. 91050-7041 - Contingent Expenditure and Grant Account No. 31020-6010- check from Consolidated Steel, Inc.
 - Declared surplus a 2007 Dodge Charger with 183,000 miles
 - Approved \$2,500.00 from Northwestern District fund to Communities in Schools - Southwest Virginia
- Approved \$652.66 from the Northern District fund to the Tourism Travel Account No. 12060-5510 - Motel Expenses for Tourism Dept.
- Approved \$500.00 Western and \$500.00 Northwestern (\$1000.00) to the RHS Softball Team to assist with Knoxville Tournament

PSA -

COUNTY AUDIT PRESENTATION

ROBINSON, FARMER & COX

Emily Viers, CPA with Robinson, Farmer, Cox Associates, presented the Tazewell County Audit for year ending June 30, 2017.

Ms. Viers reported that the auditing firm encountered no significant difficulties dealing with the County's auditing procedures. Audit recommendations and comments have been discussed with appropriate members of county management. She said on the County's side, the County received a good clean unmodified audit.

A copy of the Independent Auditor's Report and the Annual Financial Report for Year Ending June 30, 2017 is on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia 24651.

SWCC - PRESIDENT

DR. TOMMY WRIGHT

Madam Chairperson introduced and welcomed Dr. Tommy Wright, the new President of SWCC.

Dr. Wright said he was pleased and honored to serve as President of the College and was looking forward to working together to strengthen relationships. He said as a hard working community, together, many things could be accomplished. His goals are to strengthen from within and focus on "CORE" services i.e. 1. Communication 2. Organization 3. Resources 4. Engagement.

Dr. Wright then introduced Susan Lowe, Director of the college's foundation.

Ms. Lowe discussed the Access Community College Education Program (ACCE). The program is currently offered at the New River Valley College and currently all graduating classes are eligible to receive funding assistance from the ACCE. However, there are guidelines and requirements in order to qualify for funding from the Program. A student must have a 2.5 Average GPA and must be enrolled in 15 credit hours per semester.

Approximately \$94,000 is needed from the County in order to move ahead with the program.

The Board suggested that the County Administrator and two board members meet with Dr. Wright and Ms. Lowe to discuss the program in depth.

EXECUTIVE/CLOSED MEETING

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 enter into an Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711, further adding one additional A(3) Property Acquisition matter involving the Animal Shelter Lease:

- A(7) Legal Consultation regarding potential opioid litigation
- A(7) Legal Consultation regarding the Pocahontas Water Agreement
- *A(7) Legal matter - contract negotiations involving Santek
- A(7) Legal Consultation involving Rescue 945 Accounts Receivable
- A(1) Personnel matter involving the position of Economic Development Director
- A(1) Personnel matter involving the position of the County Administrator
- *A(3) Property Acquisition - Animal Shelter Lease

RETURN/CERTIFICATION/REPORT OF ACTION

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, Asbury, Lester, Hymes, Hackworth

Nays: None

Absent: None

Absent during vote: None

Abstentions: None

REPORT OF ACTION**SEND LETTER TO VDH****POCAHONTAS WATER SYSTEM**

Upon motion of Supervisor Asbury and unanimously adopted, the Tazewell County Board of Supervisors hereby approve the Tazewell County PSA's request to send a letter to the Virginia Department of Health requesting funding to purchase the Town of Pocahontas's distribution system, and further

Upon motion of Supervisor Asbury and unanimously adopted, the Tazewell County Board of Supervisors approve to loan the Town of Pocahontas, Virginia the amount of \$6,000.00 for their Spring 2018 Bond payment for their water system.

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.

AASC 16 ANNUAL MARCH FOR MEALS MONTH**- REGINIA SAYERS**

Regina Sayers, Executive Director, AASC, requested that the Board of Supervisors declare March 2018 as the 16th Annual March for Meals Month - Meals on Wheels.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Hackworth 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 adopt a resolution proclaiming March 2018 as the 16th Annual March for Meals Month. the 2018 observance of March for Meals celebrates 16 years of providing an opportunity to support Meals on Wheels and Appalachian Agency for Senior Citizens programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and

The Meals on Wheels programs and Appalachian Agency for Senior Citizens Nutrition Program, both congregate and home-delivered, have served our communities admirably for more than 40 years; and volunteers for Meals on Wheels and employees of Appalachian Agency for Senior Citizens are the backbone of the programs and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also show caring concern and attention to their welfare. A copy of the complete proclamation is on file in the office of the County Administrator, 197 Main Tazewell, Virginia 24651.

Ms. Sayers gave a brief update on the Falls Mills Adult Day Care facility. The contractor will be here March 16, 2018. Groundbreaking should occur within the next 6 to 8 months.

MONTHLY REPORTS

COUNTY ENGINEER - MATT ANDERSON

JOYCE GROUNDWATER MONITORING AGREEMENT - 2018

Matt Anderson, County Engineer, reported on the 2018 Joyce Engineer Groundwater Monitoring Agreement. A 3% increase in fees over last year were submitted. Supervisor Hackworth recommended that the contract be revised to a six month contract prior to approval. A copy of the contract to be considered for revision is attached hereto and incorporated herein by reference.

The County Engineer then gave a report on the following departments and county projects:

- County Building Inspection
- Transportation Safety
- Road Projects - i.e. Clinic Road (on-going); Richlands School Complex (VDOT to gather traffic movement; put together traffic modification plan following receipt; find potential funding sources for additional work for next school year.
- VDOT STAR Study - 460 Corridor - VDOT will submit data from contractor for use in the implementation of a SMARTSCALE (6yr. plan applications)
- Recycling Report - for Administration and Engineering - determine potential sources for increasing recycling efforts in County with assistance from DEQ
- Comprehensive Plan - Visionary Committee - a Project Lead will be hired; the Visionary Committee will meet and review comments and the list of concerns from the BOS
- Road Projects - many projects in the five districts are being studied and considered for repairs. Mr. Anderson presented a list of roads with comments and goals to the BOS
- Fincastle Farms Brush - Supervisor Stacy said he agreed to allocate \$4,800 for the removal of brush/trees. He would like additional bids. The County has received two cost estimates from contractors.
- Subdivision Ordinance - Upon motion of Supervisor Stacy, seconded by Supervisor Lester and adopted by a unanimous vote, the Tazewell County Board of Supervisors hereby request the Tazewell County Planning Commission to consider and recommend to change to the Tazewell County Subdivision Ordinance to require notice to owners neighboring property when a access road variance is required
- IDA - Supervisor Asbury had nothing to report on behalf of the IDA - Industrial Development Authority.

JERRY MCREYNOLDS - TAZEWEEL COUNTY AIRPORT

Jerry McReynolds, Tazewell County Airport, updated the Board on matters relative to the Airport. He said there are no action projects at this time, but did present two projects to the Virginia Aviation Board at their February meeting, i.e. Easement Acquisition Services - Obstruction Removal Project was approved with funding provided by the State at 80% - \$80,000.00 and Local at 20% - \$20,000.00; funding for additional hangars were also submitted.

Mr. McReynolds also reported that the County Engineer was solicited for assistance to assess the seriousness of "sink holes" during the recent rains. The sink holes are considered serious because of their location to the Airport's Runway. Representatives from the FAA, DOAV and Talbert & Bright Engineers to address the Airports Capital Improvement Plan (ACIP); The Airport continues to wait on the Department of Forestry to begin work on the garage to house their dozer - this most likely will begin once favorable weather returns.

Barry Brooks - Director of Fire & EMS Operations had nothing to report.

Dahmon Ball, PSA Administrator, was not present and Maggie Asbury, PSA Liaison member did not have anything to report.

Supervisor Hymes and Supervisor Stacy on behalf of the Cumberland Plateau Planning Commission reported they will be attending the CPPD's 50th Anniversary celebration. Supervisor Stacy reported that negotiations continue with Sunset.

Supervisor Hymes and Supervisor Hackworth continue to work with other members of the County Budget Committee to address and work on funding shortfalls. They met with the School Board this date. The budget committee continues to search for revenues. A joint meeting with the School Board will be held March 27, 2018 at 3:00 p.m. at the Career and Technical Center.

**ADAM WELLS - ECONOMY PROGRAM MANAGER, APPALACHIAN VOICES -
SOL-SMART ENERGY PROGRAM**

Adam Wells, Economy Program Manager, Appalachian Voices, presented information to the Board of Supervisors regarding the Sol-Smart Energy Program and requested a resolution of support from the Board showing their commitment in pursuing SolSmart Designation in Tazewell County. The statement of participation would focus on solar goals, areas of focus or community priorities. Goals would include sites that would be ideal for solar installation, grow workforce and entrepreneurial opportunities in solar and maximize local benefits; expand education and outreach about the benefits and opportunities of local solar; and promote changes that help grow the solar industry in Southwest Virginia.

The Board took no action on the request and suggested the matter be placed on the April 3, 2018 meeting for further discussion.

**VDOT -
JOHN WATSON, RESIDENT ADMINISTRATOR**

John Watson, Resident Engineer, Virginia Dept. of Transportation, presented a resolution for changes to the secondary system resulting from construction on Route 696, Big Branch Rd. No public hearing is required for this action. This is a standard administrative action for VDOT construction projects.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution for changes to the Secondary System resulting from construction on Route 696, Big Branch Road:

The Board of Supervisors of Tazewell County, in regular meeting on the 6TH day of March 2018, adopted the following:

RESOLUTION FOR HIGHWAY SYSTEM CHANGES ON ROUTE 696, BIG BRANCH ROAD

WHEREAS, the Virginia Department of Transportation has constructed the Route 696, Big Branch Road on a new alignment under Project 0696-092-779, R201, C501 (UPC 87466), and

WHEREAS, the project sketch and VDOT Form(s) AM4.3, attached and incorporated herein as a part of this resolution, defines adjustments required in the secondary system of state highways as a result of that construction, and

WHEREAS, the new road serves the same citizens as served by those portions of old road identified in the project sketch to be abandoned, which portions no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board hereby requests the Virginia Department of Transportation to abandon segment(s) M-L, K-J, I-H, G-F, E-D, and D-C from the secondary system of state highways, pursuant to §33.2-912 of the Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add segment(s) C-D, D-E, F-G, H-I, J-K, and L-N to the secondary system of state highways, pursuant to §33.2-705 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills and drainage, and

BE IT FINALLY RESOLVED, this Board orders that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

ROUTE 61 RIGHT OF WAY - ADANDONMENT

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 adopt a resolution or letter of support relating to the abandonment of a portion of old Route 61 right of way, Project 0061-092-101, RW - 201, PMI # 10345, Former Property of Roscoe N. Gillespie, et al, Parcel: 084. Because this abandonment is not related to construction, a public hearing was required. A public hearing was held March 5th by VDOT.

A copy of the letter of support/resolution as hereby approved is on file in the office of the County Administrator, 197 Main Street, Tazewell, VA 24651.

ROUTE 711 - ABANDONMENT

A resolution announcing the County's intent to abandon Secondary Route 711 was presented.

Now, upon motion of Supervisor Hackworth, seconded by Supervisor Lester 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 adopt a resolution approving the County's intent to abandon Route 711 from Route 676 (Back Hollow Road) to Dead End a distance of 0.22 miles, to wit:

RESOLUTION

WHEREAS, it appears to this Board that Secondary Route 711 from Route 676 (Back Hollow Road) to Dead End a distance of 0.22 miles, serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED: The Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforesaid section of Route 711, pursuant to Section 33.2-909 of the Code of Virginia (1950), as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

It is so **RESOLVED** this 6th day of March, 2018.

MASTER KASEY ADDAIR - TAE KWON DO

\$250.00 FROM SOUTHERN DISTRICT FUNDS - THE CUSTODIAL FEES

Kasey Addair, Head Instructor, Tazewell Tae Kwon Do, updated the Board on the tournament held in March 2017. She reported that the tournament was successful. There were competitors from four (4) states and enough money was earned to help pay for fees for two (2) instructional camps.

Master Addair again requested funding from the Board to help pay for the custodial fees at Tazewell High School on April 7, 2018.

Master Addair then introduced and welcomed Ryder Lowe, 12 year old, 1st Degree Black Belt candidate who gave a demonstration breaking a board three (3) different ways. Ryder recently won the Regional 4H Talent Show with the demonstration shown. He received a round of applause from those present.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$250.00 from the Southern District Fund, payable to the Tazewell County School Board -506 Jeffersonville Street, Tazewell, VA 24651 to assist with paying the custodial fees at Tazewell High School for the April 7, 2018 tournament, i.e. Tazewell Oh Do Kwon - Tae Kwon Do event.

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.

SHERIFF'S DEPARTMENT -

EDUCATIONAL INCENTIVE PROGRAM

The Tazewell County Sheriff, Brian Hieatt and five of his deputies, Brian Triplett, Glenn Keene, Jess Harder, Michael Hall and Heather McNerlin, spoke about a proposal for an Educational Incentive Program and requested monetary support of the Program in an approximate amount of \$82,800.00. It was established with the intent of offering the Sheriff's Office employee a reward for advanced educational training and as an incentive to remain an active employee with the Tazewell County Sheriff's office. The Sheriff's Department spends several thousand dollars on each employee it hires to train and send each deputy to the Southwest Virginia Criminal Justice Training Academy for State required training. And, the retention of trained employees is an ongoing problem with trained employees leaving the Sheriff Department for more profitable employment opportunities. It was reiterated that the incentive is not a pay raise, but merely an educational incentive that goes a long way in assuring that the job gets done right and to build a stronger more vibrant professional performance.

The board took no action on the proposal, but will study the request for further consideration.

LITTER CONCERNS

Sheriff Brian Hieatt presented a map showing litter complaints throughout the County. He said the Sheriff's Department is continually working to catch people who litter. When caught people are fined accordingly. The Sheriff said he was immensely upset when people purposely throw garbage out on our beautiful county and his office takes littering serious.

He presented quotes for the purchase of cameras to catch people who litter. The cameras are capable of storing the video in a I-cloud, and in doing so, if the cameras are damaged, the footage would still be available.

Now, upon motion of Supervisor Hackworth, 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 monies from each district fund to pay for twelve cameras to be placed in the five districts as follows: Northwestern three (3); Western three (3); Southern two (2); Eastern two (2); Northern two (2). The total cost for the cameras is \$6,190.63 and service is \$202.45 per month, for a total of \$8,620.00 for the year for cameras and service. (or broken down per camera and service is \$718.33).

The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

DISPOSAL OF USED TIRES

The Board of Supervisors heard from Curtis Breeding with regard to people throwing tires out on the side of county roads, as well as in local creeks and rivers. Mr. Breeding believes the reason people litter the county with tires is due to mandated fees to dispose of the tires. The County landfill as well as garages/tire dealers/auto shops charge a fee to dispose of the tires and he believes it puts a financial burden on people and they throw the tires away to avoid paying the fees.

SOLE SOURCE PROCUREMENT OF 911 SHARED REGIONAL GIS MAPPING

Ms. Randi Davis, 911 Dispatch Technician, presented information to the Board of Supervisors requesting that the Board of Supervisors approve moving forward with the next phase of the Mountain Empire Regional Geographic Information System (MERG). Tazewell County is the acting fiscal agent for another grant to further improve the integration of the GIS System (MERG), that is comprised of Bland, Buchanan, Carroll, Floyd, Giles, Grayson, Lee, Patrick, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe and the cities of Bristol and Norton - who have collaborated, using grant funding, to integrate the 911 FGIS mapping throughout Southwest Virginia to better facilitate law enforcement and emergency services for the residents in the county when events and occurrences require the joint coordination of those services across County boundaries. As part of the considerable effort, King-Moore Professional Geographic Information Systems (GIS) Services, (King-Moore) has performed previous work for the MERG - King-Moore is currently contracted to provide maintenance on the current integrated system until 2020. The MERG participants believe it is in the best interests of the region to procure the services of King-Moore as a sole source.

Now, upon motion of Supervisor Stacy, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes the Tazewell County Sheriff's Office to contract with King Moore for \$103,300.00, as the sole source for software upgrade for the next phase of the MERG integration as described in Mr. Ruble's email to the County Attorney included in the agenda detail; and further move that the Board of Supervisors hereby finds King Moore to be the Sole Source provider available to provide such services based on the representations contained in the email and King Moore letter attached to the email.

CITIZEN COMMENTS UNSCHEDULED

Travis Bandy, 231 Gillespie Road, reported a continued need for residents of the Rogich Road community to get to their homes without having to travel through the RR tunnel. The road is inundated by ice in the winter and floods in the spring making travel impossible. An alternate route is being considered. The County Engineer is working with other county officials as well as stakeholders and VDOT and NS regarding the railroad access. There are potential entrance issues and there must be solutions addressed as well as cost estimates presented.

PUBLIC HEARING

THERE WERE THREE (3)

RESCUE 33

Madam Chairperson called to order the following public hearings scheduled this date that had been dully advertised accordingly to law, entitled:

RESCUE 33

Madam Chairperson called to order a Public Hearing to consider "Granting a franchise and certificate of need to Rescue 33 Ambulance Service, Inc. PO Box 1077, Grundy, Virginia 24641, to permit the organization to provide Emergency Medical Services in the Richlands area of Tazewell County, VA" and called for public comments from the floor.

Supervisor Hackworth said he spoke to Tim Taylor, Richlands Town Manager, and requested that Rescue 33 back up Richlands Rescue Squad.

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

Then, upon motion of Supervisor Hackworth, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts and ordinance "Granting a franchise and certificate of need to Rescue 33 Ambulance Service, Inc. PO Box 1077, Grundy, Virginia 24641, to permit the organization to provide Emergency Medical Services in the Richlands area of Tazewell County, VA" to wit:

March 6, 2018 Ordinance #:03-18-001

RESOLUTION GRANTING EMERGENCY SERVICES FRANCHISE

WHEREAS, the Code of Virginia states that the Board of Supervisors is responsible to see that all areas of the County are served by Emergency Medical Service (EMS) providers;

WHEREAS, the Board desires to insure that all areas of the County have EMS available;

WHEREAS, the Board hereby finds that Rescue 33, Inc., a private, for-profit EMS agency desires to provide emergency medical services in the Richlands area of Tazewell County;

WHEREAS, the Board hereby finds that operation of an EMS agency by Rescue 33 in the County will provide additional opportunities for the County's residents to receive reliable EMS protection in the above named area;

NOW THEREFORE, the Board of Supervisors, to promote public health and safety in Tazewell County by ensuring that all territory within the County is covered by adequate EMS protection, does hereby **RESOLVE** to grant Rescue 33, Inc. a franchise to provide EMS services in Tazewell County, Virginia, pursuant to Section 32.1-111.14(2) of the Code of Virginia and hereby further **CERTIFIES** that their services are needed in the County.

IT IS SO RESOLVED this the 6th day of March, 2018.

**TIME WARNER CABLE SOUTHEAST, LLC - D/B/A CHARTER COMMUNICATIONS
SPECTRUM 10 YEAR CONTRACT**

Madam Chairperson called to order a public hearing that was duly advertised according to law, entitled, " **Time Warner Cable Southeast, LLC**, d/b/a Charter Communications - to consider adopting an *Ordinance to approve Duration of and Acceptance of Franchise Amendment and Renewal Agreement* with Time Warner Cable Southeast, LLC, d/b/a Charter Communications."

There were no speakers from the floor with regard to the public hearing, except the County Attorney, Eric Young, reviewed with the Board proposed changes, i.e. new address and waiver of bond.

Now, Madam Chairperson called for additional comments from the floor and there being none, she declared the public hearing closed.

Then, upon motion of Supervisor Hymes, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopt an *Ordinance to approve Duration of and Acceptance of Franchise Amendment and Renewal Agreement* with Time Warner Cable Southeast, LLC, d/b/a Charter Communications, as amended"

FRANCHISE AMENDMENT AND RENEWAL AGREEMENT

This Franchise Amendment and Renewal Agreement is entered into by and between Charter Communications and the Tazewell County Board of Supervisors, the governing body of the County of Tazewell, Virginia, being a political subdivision of the Commonwealth of Virginia and being the same party identified as "Tazewell County" in that certain franchise agreement dated September 4, 2007 below referenced, on this the 6th day of March, 2018.

WHEREAS, Time Warner Cable Southeast LLC. d/b/a Charter Communications ("Charter") currently holds a Cable Television Franchise Agreement with the County of Tazewell Virginia granted on September 4, 2007; and

WHEREAS, Charter's Franchise with the County of Tazewell, Virginia has expired; and

WHEREAS, Charter timely filed its request for renewal of the Franchise under Section 626 of the Cable Act; and

WHEREAS, the parties wish to renew the Franchise with the limited exceptions and modifications below, pursuant to Section 15.2-2108.19 et seq. of the Code of Virginia, and

WHEREAS, it is in the public interest to renew the current Franchise for an additional period term of years so that cable service to the public will not be interrupted.

NOW, THEREFORE, the Franchise of Charter shall be renewed and extended until July 31, 2027, subject to the following exceptions and modifications:

Section 1.1. is amended to state the following:

"Channel" shall mean a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel.

"Franchise Area" means all the unincorporated portions of Tazewell County, where Charter may operate as otherwise authorized by law.

Section 2.2. is amended to state the following:

Term of Franchise. The term of the Franchise granted hereunder shall be for a term of ten (10) years, commencing on August 1, 2017 (hereinafter, the "Effective Date") and ending on July 31, 2027, unless this Franchise is renewed or is lawfully terminated in accordance with the terms of this Franchise Agreement and the Cable Act.

Section 5.2. is amended to state the following:

- 5.2.1 Franchisee shall comply with the provisions of Section 58.1-645 et seq. of the Code of Virginia, pertaining to the Virginia Communications Sales and Use Tax, as amended from time to time, and, with the exception of required compliance with the Virginia Communications Sales and Use Tax, the provisions of this section shall not have any effect, for so long as the Communications Sales and Use Tax or a successor state or local tax that constitute a franchise fee for purposes of 47 U.S.C. § 641, as amended, is imposed on the sale of cable services by the Franchisee to subscribers in the county.
- 5.2.2 In the event that the Communications Sales and Use Tax is repealed and no successor state or local tax is enacted that would constitute a franchise fee for purposes of 47 U.S.C. § 641, as amended, the County may provide written notice to Franchisee of its intent to begin collecting franchise fees under this section. The franchise fee shall be in an amount equal to five percent (5%) of Grantee's Annual Gross Revenues. In the event the Communications and Use Tax enabling statute is amended authorize such tax to be imposed by localities, the franchise fee shall be equal to the maximum fee localities are then permitted by law to impose. The first payment period for the franchise fee to be paid under this section shall commence ninety (90) days after Grantee's receipt of Grantor's written notice, but no sooner than ninety (90) days after the effective date of such change in law. The amount of franchise fee and the method of calculation shall be equal when compared to the amount or method of calculation of the franchise fee in any other cable franchise or authorization to provide video service granted by Grantor. In the event any other cable franchise or authorization to provide video service provides for a lesser franchise fee than this Franchise, Grantee's obligation to pay a franchise fee under this section shall be reduced by an equivalent amount.
- 5.2.3 Franchise fee payments due to the County under this section shall be calculated on an annual basis. Franchisee agrees to pay the County on a yearly basis, within forty-five (45) days of the end of the calendar year. Upon written request from the County, Franchisee shall furnish a statement of said payment, reflecting the Annual Gross Revenues on which the payment is based.
- 5.2.4 Franchisee may pass franchise fees through to Subscribers as a line item on subscriber bills or otherwise as Franchisee chooses, consistent with applicable law.
- 5.2.5 In the event Grantee pays a franchise fee under this section, upon reasonable notice, the County shall have the right during normal business hours to inspect Grantee's records relevant to the payment of franchise fees and the right to audit or otherwise review and re-compute any amounts determined to be payable under this Ordinance; provided, however, that any such audit or review shall be completed within thirty-six (36) months following the date of the payment subject to audit or review.

Section 7.4. is modified as follows: "Time Warner Cable Inc." is deleted and replaced with the following language: "Charter Communications, Inc.".

Section 8.1. is amended to state the following:

Insurance. Throughout the term of this Franchise Agreement, the Grantee shall, at its own cost and expense, maintain Comprehensive General Liability Insurance and provide the Franchising Authority, certificates of insurance designating the Franchising Authority as additional insureds and demonstrating that the Grantee has obtained the insurance required in this Section 8. Such policy or policies shall be in the minimum amount of One Million Dollars (\$1,000,000.00) for bodily injury or death to any one person, and One Million Dollars (\$1,000,000.00) for bodily injury or death of any two or more persons resulting from one occurrence, and One Million Dollars (\$1,000,000.00) for property damage resulting from any one accident. The Grantee shall provide workers' compensation coverage in accordance with applicable law.

Section 9.2. is amended to state the following:

Service to School Buildings. The Grantee shall provide free "Basic" Cable Service, and free installation of one outlet to each accredited K through 12 public school, not including "home schools," located in the Franchise Area within one hundred twenty five (125) feet of the Grantee's existing distribution cable as of the Effective Date of this Franchise Agreement.

Section 9.3. is amended to state the following:

Service to Governmental and Institutional Facilities. The Grantee shall provide free "Basic" Cable Service and free installation of one outlet to each non-residential municipal building located in the Franchise Area within one hundred twenty five (125) feet of the Grantee's existing distribution cable. The buildings eligible for such service as of the date of this agreement are as listed in Exhibit A. Buildings subsequently acquired, which qualify for free service as described herein shall be eligible for such service. Municipal buildings are those non-residential buildings owned or leased by the Franchising Authority for government administrative purposes, and shall not include buildings owned by Franchising Authority but leased to third parties or buildings such as storage facilities at which government employees are not regularly stationed.

Section 9.4, 9.5 and 9.6 are added to state the following:

9.4 PEG Access Channel. Grantor may at any time during the term of this Franchise request one Channel on the Cable System for use by Grantor for non-commercial, video programming for public, education and government ("PEG") access programming in accordance with the procedures set forth below.

9.5 Process for Requesting PEG Access Channel.

- 9.5.1 If Grantor wishes to request a PEG Channel pursuant to this Section, it shall submit a written request to Grantee stating that there is a community need for PEG access programming and that Grantor has made arrangements to fund the operational expenses for such programming;
- 9.5.2 Upon receipt of the written request, Grantor and Grantee shall meet and confer in good faith to discuss the request and determine whether it is feasible for Grantee to provide the PEG Channel as requested by the Grantor; and
- 9.5.3 If Grantor does provide a PEG Channel pursuant to this Section, the Channel may be placed on any tier of service available to all Subscribers within the Service Area. In addition, prior to the activation of the Channel, Grantor shall provide a letter to Grantee identifying those entities or persons who will be responsible for providing access programming and agreeing to indemnify Grantee for any negligence or willful misconduct of such entities or persons for such access programming.
- 9.6 PEG Channel Reclamation. If the PEG channel provided pursuant to this section is unused for fifty (50%) percent or more of the time during "regular viewing hours" measured over any ten (10) consecutive week period, the Grantee shall have a right to a return of the PEG channel upon one hundred twenty (120) days' written notice to Grantor of its intent to reclaim the PEG channel. For purposes of this subsection, "regular viewing hours" shall be the hours between 4pm to 10 pm Monday through Friday.

Section 11.2. is amended to state the following:

Notice. All notices shall be in writing and shall be sufficiently given and served upon the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by facsimile with confirmed transmission and addressed as follows:

The Franchising Authority: Tazewell County
Attn: County Administrator's Office
197 Main Street
Tazewell, VA 24651

The Grantee: Charter Communications
ATTN: Director, Government Affairs
3140 West Arrowood Road
Charlotte, NC 28273.

with a copy to: Charter Communications
ATTN: VP, Government Affairs
12405 Powerscourt Drive
St. Louis, MO 63131

Section 12.1 is deleted.

Execution of this Extension shall not constitute a waiver of Tazewell County, Virginia's or Charter's rights respecting the Franchise. Charter shall not be required to send another request for renewal of the Franchise under Section 626 as a result of this Extension.

PASSED AND APPROVED this 6th day of March, 2018.

ORDINANCE TO WAIVE FEE FOR REPLACEMENT OF MOTOR VEHICLE STICKERS (DECALS)

Madam Chairperson called to order a public hearing that was duly advertised according to law entitled an **ORDINANCE TO WAIVE FEE FOR REPLACEMENT OF MOTOR VEHICLE STICKERS (DECALS)**.

Now, Madam Chairperson called for comments from the floor three times and there being none, she declared the public hearing closed.

Then upon motion of Supervisor Stacy, seconded by Supervisor Lester 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 TO WAIVE FEE FOR REPLACEMENT OF MOTOR VEHICLE STICKERS (DECALS)**, to wit:

A REVISION TO SECTION 12-39 OF THE TAZEWEILL COUNTY CODE OF ORDINANCES TO TEMPORARILY WAIVE THE FEE FOR REPLACEMENT MOTOR VEHICLE STICKERS EVINCING PAYMENT OF LOCAL LICENSE TAX

WHEREAS, the Tazewell County Code of Ordinances requires the owners of motor vehicles to pay a Ten Dollar (\$10.00) fee to license each motor vehicle and to display on such vehicle, for the entire lifetime of such vehicle, a sticker evincing payment of such fee;

WHEREAS, Section 12-39 of the Tazewell County Code of Ordinances requires that if such sticker is lost or destroyed, the owner may purchase a replacement sticker for One Dollar (\$1.00);

WHEREAS, Section 19-VAC 30-70-210 of the Virginia Administrative Code has been amended to require that all such stickers must be relocated from the bottom middle of the vehicle's windshield to the bottom left when inspected during 2018;

WHEREAS, the Board recognizes that moving the County sticker is virtually impossible without destroying it;

WHEREAS, the Board desires to minimize the financial impact of this change to the Virginia Administrative Code on County residents;

WHEREAS, on February 6, 2018, the Board ordained that the One Dollar (\$1.00) fee for replacement motor vehicle license stickers be

suspended on an emergency basis effective January 1, 2018 until January 31, 2019; and

WHEREAS, the Board desires to enact such an Ordinance through March 31, 2019, whereupon such fee shall be reinstated as set forth in Section 12-39 of the Tazewell County Code of Ordinances;

NOW THEREFORE be it **ORDAINED**, pursuant to Section 46.2-1163 of the Code of Virginia and Section 19-VAC 30-70-210 of the Virginia Administrative Code, that Section 12-39 of the Tazewell County Code of Ordinances be amended as follows:

CHAPTER 12 – MOTOR VEHICLES AND TRAFFIC

ARTICLE II – LOCAL VEHICLE LICENSE

SECTION 12-39 – Duplicate Tag or Sticker.

If a license plate, tag, or sticker for a motor vehicle issued under this article is lost, stolen, or destroyed, a duplicate license plate, tag, or sticker will be issued upon payment of a fee of One Dollar (\$1.00). This fee shall be suspended effective March 6, 2018 through March 31, 2019, whereupon such fee shall be reinstated.

It is so **ORDAINED** this 6th day of March, 2018.

RECESS

Madam Chairperson called for a ten (10) minute recess after which the meeting was duly reconvened.

APPOINTMENTS

Tazewell County Airport Authority

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 appoints John Flynn, 208 Jefferson Street, Tazewell, VA 24651 as a member of the Tazewell County Airport Authority, effective immediately and expiring December 31, 2020. (Three(3) year term). This appointment replaces Mack Payne's expiring term.

Community Development Committee

Upon motion of Supervisor Lester, seconded by Supervisor Hackworth 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 Mary Lawson, Susan Lowe and with Supervisor Hackworth recommending the appointment of Brian Beck to the Tazewell County Community Development Committee. This Committee serves at the will and pleasure of the Board of Supervisors and is a non-voting, non-paid committee.

Southwest VA Health Authority

Upon motion of Supervisor Lester, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Regina Sayers, 3213 Baptist Valley Road, Cedar Bluff, VA 24609 to serve as a member of the Southwest Virginia Health Authority, with a term commencing immediately. This appointment fills the term of Ms. Donna Murray who resigned.

Library Board of Trustees

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 appoints Laura Blevins, 606 Quail Drive, Bluefield, VA 24651 as a member of the Tazewell County Library Board of Trustees, with a term commencing immediately and expiring January 31, 2020. This appointment fills the unexpired term of Sarah Bowling who resigned.

IN-HOUSE REASSESSMENT COMMITTEE

The Board tabled the appointment of a committee to study an In-House Reassessment for Tazewell County.

COAL BID

There were no bids received for the stoker coal located in the basement of the old Tazewell County Administration Building and Department of Social Services. A minimum bid for the coal was \$5.00 per ton. There is approximately 20 tons of stoker coal.

The County Attorney stated that a late bid would be accepted if anyone was interested in the coal. The coal will be sold AS-IS and the coal must be removed at the bidders expense.

SUMMER READING PROGRAM - LIBRARY**\$200.00 FROM EACH DISTRICT (\$1,000.00)**

Upon motion of Supervisor Hymes, seconded by Supervisor Hackworth 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 \$200.00 from each district fund (\$1,000.00) payable to the Tazewell County Public Library, PO Box 929, Tazewell, Virginia 24651, to assist with the Summer Reading Program's Special Events.

The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

TAZEWELL HIGH SCHOOL - MODEL GENERAL ASSEMBLY**\$1,000.00 FROM SOUTHERN DISTRICT FUND**

Upon motion of Supervisor Hymes, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Southern District Funds, payable to the Tazewell High School, Model General Assembly (eight students to Richmond) on March 21, 2018 - make check payable to Tazewell High School, 167 Cosby Lane, Tazewell, VA 24651, attn: Keisha Stoots.

The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

TAZEWELL BASEBALL PROGRAM -**\$1,000.00 FROM SOUTHERN DISTRICT****FUNDING FOR CLEATS**

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Southern District Funds, payable to the Tazewell Baseball Program, attn: Aaron Buchanan, 167 Cosby Lane, Tazewell, Virginia 24651. This will assist with the purchase of cleats. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

STATE SKILLS USA COMPETITION -**TAZEWELL COUNTY CAREER AND TECHNICAL CENTER****\$2000.00 (\$400.00 FROM EACH DISTRICT)**

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell county Board of Supervisors hereby approves the amount of \$2000.00 (\$400.00 from each district fund) payable to the Tazewell County Career & Technical Center, 260 Advantage Dr. Tazewell, VA 24651 re: State Skills USA Competition (April 2018). The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

SUPERVISOR HYMES -**DUMPSTER CONCERNS AT FAIRGROUNDS**

Supervisor Hymes requested that no construction waste be placed in the convenience areas - only bagged garbage be placed in the dumpsters.

Supervisor Hymes requested that the dumpsters at the Tazewell County Fairgrounds be replaced with smaller dumpsters.

ROAD FUNDS TO DISTRICT FUNDS - SOUTHERN DISTRICT

Supervisor Hymes moved that the \$3,000.00 be transferred from his Southern District Road Fund to the Southern District Fund, with Supervisor Hackworth seconding the foregoing, and with all members voting aye.

SUPERVISOR HACKWORTH

Supervisor Hackworth reported that \$1,000.00 was needed to repair the water line at the Jewell Ridge Community Center and approved the amount from the Northwestern District fund to assist with the project. Supervisor Lester seconded the foregoing with all members present voting in favor thereof and none against. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action to the Jewell Ridge Community Center (Jewell Ridge Development Corporation) Jewell Ridge, Virginia, and which said warrant will be converted to

negotiable check by the Treasurer of Tazewell County, Virginia 24651. Supervisor Asbury said that she would ask the PSA Board for \$500.00 at the next PSA meeting.

With regard to the \$2,500.00 approved on the 3/6/2018 Consent Calendar to the Communities in Schools in Southwest Virginia, Supervisor Hackworth said that he raised \$500.00 in private funds to buy shoes for this cause. The board applauded his efforts.

COMMUNITY IN SCHOOLS FUNDING

Then, upon motion of Supervisor Lester, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,000.00 from the Western District and \$500.00 from the Northern District for the Community in Schools Program, Southwest Virginia. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

SUPERVISOR LESTER -

COMMUNITY SERVICE IN

RETURN FOR DONATIONS TO YOUTH PROGRAMS

Supervisor Lester said that he had received a pledge from the Richlands Softball Team to give ten hours of community service at Critterville Ball Park in exchange for the funding he approved to assist them with their Knoxville tournament expenses.

SUPERVISOR ASBURY

TOWN OF POCAHONTAS EASTERN EGG HUNT

\$300.00 FROM THE NORTHERN DISTRICT FUND

Upon motion of Supervisor Asbury, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$300.00 from the Northern District Fund, payable to the Town of Pocahontas, Annual Easter Egg Hunt, PO Box 704, Pocahontas, Virginia 24635, attn: Karen Lafon. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

TAZEWELL BASEBALL BOOSTERS

\$700.00 NORTHERN DISTRICT - GAME PANTS AND BASEBALLS

Upon motion of Supervisor Asbury, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$700.00 from the Northern District fund payable to the Tazewell Baseball Boosters, PO Box 1393, North Tazewell, Virginia 24630, attn: Aaron Buchanan to assist with the purchase of game pants and baseballs for the Middle School Team. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

CENTER FOR CHRISTIAN ACTION

\$568.00 FROM NORTHERN DISTRICT FUNDS

FOR RIFF RAFF BASKETS

Upon motion of Supervisor Asbury, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$568.00 from the Northern District fund, subject to legal review, payable to the Center for Christian Action, attn: Sally Rash

Director, Phone | (276) 945-5355, email | ccapsally@comcast.net. to assist with the purchase of riff raff (rock) baskets to help with the creek wall repair (receding ground) behind the Center for Christian Action in Pocahontas, Virginia. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Hymes seconded by Supervisor Hackworth 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 enter into an Executive/Closed meeting pursuant to Virginia Code, Section 2.2-3711:

- A(1) Personnel matter involving the position of Economic Development Director

- A(1) Personnel matter involving the position of the County Administrator
- *A(3) Property Acquisition - Animal Shelter Lease

RETURN/CERTIFICATION/REPORT OF ACTION

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, Asbury, Lester, Hymes, Hackworth

Nays: None

Absent: None

Absent during vote: None

Abstentions: None

REPORT OF ACTION:

TAZEWELL COUNTY ANIMAL SHELTER

LEASE

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 approve a RESOLUTION IN SUPPORT OF THE TAZEWELL COUNTY ANIMAL SHELTER LEASE from the Tazewell County Industrial Development Authority (IDA) at \$3,000.00 per month and authorize and direct the Industrial Development Authority to borrow the funds necessary to complete the improvement at the Tazewell County Animal Shelter for payment not to exceed \$3,000.00 per month and the lease and resolution as considered and approved this date be part of the motion and minutes of this meeting:

RESOLUTION IN SUPPORT OF ANIMAL SHELTER LEASE

WHEREAS, the Board desires to complete construction of the new Tazewell County Animal shelter to be located on certain real property owned by the Tazewell County Industrial Development Authority (IDA), located in the Idea Park on Camp Joy Road near Bluefield, Virginia;

WHEREAS, the Board desires that the IDA complete the improvements with funds to be borrowed by the IDA;

WHEREAS, the Board desires to lease the premises once improved by the IDA as directed by the Board;

WHEREAS, the Board intends to lease the premises from the IDA for a rent which would equal the debt service incurred by the IDA to make said improvements;

WHEREAS, the Board intends that the IDA may assign the lease entered into by the Board to the financial institution which loans funds to the IDA to make the improvements to the premises;

NOW THEREFORE, the Board of Supervisors for Tazewell County, Virginia, does hereby **RESOLVE** to enter into a lease agreement with the IDA to lease the Animal shelter for Three Thousand Dollars per month for a period of Twenty years on the condition that the IDA complete the improvements to the premises necessary for the building to be used as an animal shelter; further that the lease be in substantially the form as hereto attached and hereby incorporated herein;

The Board further resolves that the Chairperson and County Administrator are authorized to sign the lease on behalf of the Board.

Now, there being no further business to be transacted this meeting is hereby recessed.

RECESS

Upon motion of Supervisor Hymes, seconded by Supervisor Hackworth 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 of Supervisors hereby recess this meeting to March 27, 2018 at 3:00 p.m. at the Tazewell County Career and Technical Center to meet with the Tazewell County School Board to address budget concerns.

Margaret A. Asbury, Chairperson

By:RG

11:50 p.m. - Adjourn time