

**VIRGINIA:** At a recessed meeting of the Tazewell County Board of Supervisors held May 10, 2012 at 4:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

**PRESENT:** D. Michael Hymes, Chairman  
John Absher, Vice Chairman  
Seth R. White, Member  
Charles A. Stacy, Member  
Dr. Thomas M. Brewster, Member  
James H. Spencer, III. County Administrator  
C. Eric Young, County Attorney  
Patricia Green, Assistant County Administrator  
Ruth Groseclose, Administrative Assistant  
Members of the Press: Katie Coil, Bluefield Daily Telegraph;  
Jim Talbert, Clinch Valley News/Richlands News Press

**ABSENT:** None

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The Chairman, D. Michael Hymes, called the recessed meeting to order and presided with all members in attendance. He then welcomed those present to the recessed meeting. Member Absher arrived a few minutes late.

Member White gave the invocation with Member Stacy leading those present in the Pledge of Allegiance to the United States flag.

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#### **AGENDA FORMAT APPROVED AS AMENDED**

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 4 to 0, with Member Absher absent and with all those present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the agenda as amended. Agenda Item 5-B., Consideration of awarding bid for Historic Crab Orchard Museum – Repairs/Paving Bid was deleted from the agenda.

**EXECUTIVE/CLOSED MEETING**

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711 as follows – Several members of the Industrial Development Authority (IDA) attended the Executive/Closed Meeting with regard to this topic.

- *A-7 Legal Matter consultation regarding Bluestone Contract No. 2*

**RETURN/CERTIFICATION/REPORT OF ACTION**

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

**CERTIFICATION**

**OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: Supervisor Brewster, Stacy, Absher, White and Hymes  
Nays: None  
Absent: None

Absent during vote: None

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

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### **CITIZEN COMMENTS**

The Chairman called for citizen comments from the floor three (3) times and there being none he moved forward with the agenda format.

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### **TAZEWELL COUNTY SCHOOL BUDGET**

With regard to local funding for the Tazewell County School Board, Supervisor Brewster stated he spoke to several members of the School Board via the telephone, and one major funding component affecting the school budget is the requirements for more local Virginia Retirement System (VRS) funding as well as the fact that state funding for public education has been diminishing since 2004. He said the school board has to also monitor and manage funding to continue with administration and teaching positions. In addition, because of new state regulations regarding technical education, more computers, and equipment and computer labs have to be funded even though the state does not provide funding for the mandates. Federal and state funds for special education and Title I have also been reduced. Supervisor Brewster said the County Budget Committee has been discussing funding amounts for the school board that might include new money and possibly a one-time funding allocation that would help free up other school funds for FY12-13.

School Superintendant Dr. Brenda Lawson was present and spoke. She said if the School Board doesn't get the money they need cost reductions will have to be made. She mentioned that everything outside direct services for students would have to be reduced. Dr. Lawson said that all school systems across the state are faced with reductions and a lot of the reductions are contributed to the upcoming Virginia Retirement System (VRS) requirement. She said Tazewell County has an excellent school system with great teachers and would like to see the quality of education continued in Tazewell County.

School Board member Steve Davis spoke and talked more specifically regarding school system reductions. He said that if the County only provides half of the \$2.8 M requests the results would be dramatic. Programs and positions will be eliminated and the \$2.8 M funding request from the County will only sustain the school system for FY12-13. Mr. Davis said the

shortfall is so severe that new teachers won't be hired, new buses can't be purchased and the School System would have to operate on a bare-bone budget.

The Board of Supervisors decided to delay for a week the vote to provide local funding to the school board until such time as the county budget committee and school board budget committee meet to review and discuss potential funding ideas and suggestions. A recessed meeting of the Board of Supervisors will be scheduled the week of May 14, 2012.

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**BIDS REJECTED**

**MAINTENANCE BID –EQUIPMENT AND OPERATORS**

**TAZEWELL COUNTY PSA & TAZEWELL COUNTY**

Upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby rejects the two (2) bids, to wit: Bailey and Wells, Inc. and Gardner, Inc. received for Maintenance/ Equipment and Operators for Tazewell County PSA and Tazewell County. The Board of Supervisors further hereby authorizes and directs the County Administrator to readvertise the Invitation to Bid – Equipment & Operators in accordance with this action.

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**RICHLANDS MIDDLE SCHOOL**

**FCCLA \$1,500.00 (\$750 Northwestern & \$750 Western)**

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 payable to the Richlands Middle School FCCLA- National Event expenses, i.e. \$1,500.00 (\$750.00 Northwestern District & \$750.00 Western District). The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**VDOT - SPEED STUDY REQUEST FOR GRATTON/ROUTE 61**

Upon motion of Supervisor Brewster, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby requests the Virginia Department of Transportation to consider lowering the speed limit from the beginning of Route 61/Gratton community to the entrance of Camp 31/Department of Corrections facility and further that the passing lines be changed to solid lines as set forth below:

**RESOLUTION**

**WHEREAS**, the Tazewell County Board of Supervisors recognizes the crucial need to request that the Virginia Department of Transportation investigate and conduct a *safety/speed study* to consider reducing the speed on Route 61 in the Gratton community from the beginning of Route 61 to the entrance of Camp 31/Department of Corrections facility an approximate distance of 5.4 miles, and further that the Virginia Department of Transportation consider changing the broken lines (passing) to solid lines (no passing).

**NOW, THEREFORE, BE IT RESOLVED**, that the Tazewell County Board of Supervisors hereby requests that the safety study be conducted as soon as possible and the results from those findings be reported to the Board of Supervisors.

This resolution was adopted by a unanimous roll call vote with five (5) ayes, zero (0) nays and zero (0) abstentions, and with no members absent.

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**TAZEWELL YOUTH FOOTBALL LEAGUE FOR  
POCAHONTAS LITTLE LEAGUE  
\$750.00 FROM NORTHERN DISTRICT FUND**

Upon motion of Supervisor Brewster, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$750.00 from the Northern District Fund, payable to the Tazewell Youth Football League, earmarked for the Pocahontas Little League Program for uniforms, field preparations etc. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this

action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**RICHLANDS HIGH SCHOOL GIRLS SOFTBALL**

**\$1,000.00 (\$500.00 NORTHWESTERN & \$500.00 WESTERN)**

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 \$1000.00 (\$500.00 Northwestern & \$500.00 Western) payable to the Richlands High School re: Softball Girls Softball Team, Richlands, Virginia. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia – 24651.

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**EXECUTIVE/CLOSED MEETING**

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 enter into an Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711:

- A-6 Discussion regarding the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the county could be adversely affected involving Landfill- Storm water Pond Construction
- A-7 Legal Matter involving Bluefield VA Rescue Squad - contract negotiations with Town of Bluefield
- A-7 Legal Consultation involving the Regional Jail Lease
- A-7 Legal Consultation involving Bluestone Contract No. 2

Upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the

Tazewell County Board of Supervisors hereby returns from the Executive/Closed Meeting and hereby adopts the following resolution read by Supervisor Seth White.

**CERTIFICATION**

**OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: Supervisor Brewster, Stacy, Absher, White and Hymes

Nays: None

Absent: None

Absent during vote: None

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

**STORM WATER POND-**

**TAZEWELL COUNTY LANDFILL**

**PLEASANT VIEW DEVELOPERS**

Upon motion of Supervisor Brewster, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby awards Pleasant View Developers as the low bidder for the Landfill Storm water Pond construction project in the amount of \$75,000.00. The bid is based on the revised drawing dated April 9, 2012 and included in the prices are equipment and labor as well as materials for the project. The bid does not include solid rock removal and breaking. Any changes

from the drawing dated April 9, 2012 will need to be approved by change order issued and signed by the Tazewell County Board of Supervisors. The Board of Supervisors hereby further authorizes, empowers and directs the County Administrator or Chairman of the Board of Supervisors to enter into and execute the necessary documents with regard to this action. A copy of the agreement/contract is attached hereto and incorporated herein by reference.

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**BLUEFIELD VIRGINIA RESCUE SQUAD**

Upon motion of Supervisor Stacy, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby recognize the new seven member Executive Committee of the Bluefield Virginia Rescue Squad including Mr. Stacy, Mr. Spencer and Mike Watson, Town Manager for the Town of Bluefield, as the governing body of the squad, for the purposes of their certificate of need, and find that the squad has implemented satisfactory financial safeguards to insure its solvency for the foreseeable future, as required by the Board's earlier resolution, and finally that the Tazewell County Board of Supervisors requested Supervisor Stacy and the County Administrator, Jim Spencer, to serve as members of the executive committee as county/public officials to represent Tazewell County in this capacity.

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**RESOLUTION ADOPTED -**

**DESIGNATING THE COUNTY ATTORNEY TO AGREE TO LOCAL PROPERTY TAX SETTLEMENTS APPROVED BY THE TREASURER**

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

**WHEREAS** Virginia Code § 58.1-3994(B) permits the Treasurer of Tazewell County to compromise and settle the amount of delinquent local property taxes due and payable when the Treasurer determines that the collection of the entire amount due and owing is in substantial doubt and would not be in the best interests of Tazewell County;



**WHEREAS** Virginia Code § 58.1-3994(B) requires the consent of the Tazewell County Board of Supervisors or their designee before the Treasurer may take such action;

**WHEREAS** the Board wishes to designate an individual to undertake such a duty to ensure expedient and beneficial agreements with delinquent taxpayers;

**WHEREAS** the Board finds that the County Attorney, is the appropriate individual to serve as the Board's designee for the purposes of Virginia Code § 58.1-3994(B);

**NOW THEREFORE, BE IT RESOLVED,**

That, effective immediately, pursuant to Virginia Code § 58.1-3994(B), the Tazewell County Board of Supervisors designates the Tazewell County Attorney as the individual who is permitted to consent to actions taken by the Treasurer of Tazewell County in compromising and settling amounts due and payable for delinquent local property taxes.

The County Attorney's authority shall be limited to:

- (1) Delinquent tax claims where there is substantial doubt that the County will collect all taxes, penalties, and interests due; and
- (2) Waiver of penalties and interest up to an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).

The authority hereby granted shall not include the authority to consent to any waiver of principle taxes owed. The County Attorney's sole responsibility pursuant hereto shall be to determine, on behalf of the Board, whether there is substantial doubt as to the County's ability to collect all taxes, penalties, interest, and attorneys' fees due from a particular taxpayer.

The Board shall consider any settlements whereby the total amount due is decreased by more than Two Thousand Five Hundred Dollars (\$2,500.00) or where the County Attorney disagrees with the Treasurer's decision.

The Board hereby recognized that the County Attorney, in performing the duties hereby assigned, shall be acting in his official capacity and not as counsel to either the Treasurer or the Board with respect to his determination regarding the collectability of any claim.

It is so **RESOLVED** this 10 day of May 2012.

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**2012 TAX LEVIES –  
PUBLIC HEARING AUTHORIZED**

Upon motion of Supervisor White seconded by Supervisor Stacy and adopted by a vote 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that a public hearing be advertised and held with regard to the Proposed 2012 Property Tax Levies, at the second meeting of the Tazewell County Board of Supervisors scheduled for June 2012.

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**RECESS**

Now, upon motion of Supervisor White, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby recesses this meeting to Wednesday, May 16, 2012 @ 6:00 p.m. to consider approving a local funding amount for the Tazewell County School Board for FY12-13 and to discuss other business as may properly come before the Board of Supervisors.

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D. Michael Hymes, Chairman

By: rg  
7:00 p.m.