

VIRGINIA: At a regular meeting of the Tazewell County Board
of Supervisors held May 3, 2011 at 6:00 p.m.
in the Tazewell County Administration Building, 108 East Main Street,
Tazewell, VA 24651

PRESENT: Dave R. Anderson, Chairman
D. Michael Hymes, Vice Chairman
Seth R. White, Member
John M. Absher, Member
James T. Campbell, Jr. 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: Charles Owens, Bluefield Daily Telegraph;
Jim Talbert, Clinch Valley News/Richlands News Press

ABSENT: None

The Chairman, Dave R. Anderson, called the regular meeting to order and welcomed any guests. All members were in attendance.

Supervisor Absher gave the invocation, followed by the Pledge of Allegiance to the United States Flag.

AGENDA APPROVED AS AMENDED

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the May 3, 2011 agenda as amended.

MINUTES APPROVED AS WRITTEN

Upon motion of Supervisor Absher, seconded by Supervisors 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 April 5, 2011 Board of Supervisors meeting minutes as written.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Absher, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed meeting, pursuant to Virginia Code, Section 2.2-3711:

- A-5 Prospective Business/Industry – Project AT
- A-5 Retention of Existing Business – Project CRFP
- A-29 Consideration of modification of an existing contract with the IDA for Bluestone Development
- A-7 Legal Matter/Contractual involving the Workforce Investment Board (WIB) Youth Proposal
- A- 3 Property Acquisition – involving Tannersville Project, 5 Micro distribution sites
- A-6 Consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interests of the county would be adversely affected involving the Tazewell County Airport – MOU /Airport hanger loan
- A-1 Personnel matter involving County Administrator’s contract
- A-1 Personnel matter involving an employee in the Building Inspector’s office.

RETURN, CERTIFICATION, REPORT OF ACTION

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

RESOLUTION

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

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

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

Ayes: Supervisor Absher, Campbell, Hymes, White and Anderson

Nays: None

Absent: None

Absent during vote: None

REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING:
TAZEWELL COUNTY AIRPORT HANGER LOAN/M.O.U.

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 supports the Tazewell County Airport Authority in their financing of the new hanger project at the Airport, this includes addressing the pay-off of another hanger at the Airport. There is no financial obligation from the County at this time and any further action by the Airport Authority on this matter will need to be considered by this Board.

The Chairman noted for the record that the Board of Supervisors would return to the Executive/Closed Meeting later in the meeting to complete unfinished business.

RESOLUTION –

RECOGNIZING B. C. FULLER

Chairman Anderson welcomed Mr. B.C. Fuller to the meeting and expressed his appreciation to Mr. Fuller for his many years of service to Tazewell County. Mr. Fuller regularly attends meetings of the Board of Supervisors and plays an important role in many other county functions.

Now, upon motion of Supervisor Anderson, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts the following resolution honoring Mr. B.C. Fuller:

RESOLUTION



WHEREAS, Mr. B.C. Fuller, 709 Triangle Road, Bluefield, Virginia was born and raised in Russell County, Virginia in the Big A Mountain area and graduated from Honaker High School in 1944. He later moved to Tazewell County in 1958, where he farmed until 1965 and worked for the Bluefield, Virginia Post Office until his retirement in 1988; and

WHEREAS, B.C. Fuller and his wife Louise have been married for more than fifty years and are members of the Ebenezer United Methodist Church, Bluefield-Tazewell Road and have two devoted and caring daughters, Jean Billips and Connie Fuller; and

WHEREAS, B.C. Fuller is a passionate leader of the Tazewell County Fair, where he has demonstrated the art of making apple butter to area students and many organizations as well as selling apple butter to buy the first tables for the Tazewell County Homemakers Association. He is also active in the Farm Bureau Association as well as the Young Farmers Association; and

WHEREAS, B.C. Fuller continues to stay busy with many local activities, especially the Tazewell County Fair. He has established an enviable record and

reputation for his dedication, accomplishments and service to the people of Tazewell County, Virginia; and

WHEREAS, B.C. Fuller exemplifies the true-spirit of public service and regularly attends monthly meetings of the Tazewell County Board of Supervisors where he routinely provides guidance and speaks to the Board on issues important to his community; and

BE IT RESOLVED, that the Board of Supervisors of Tazewell County, Virginia hereby presents this resolution to B.C. Fuller, as an expression of the Boards gratitude for his commendable and invaluable service, and in recognition of his dedication and leadership to his neighbors, his true devotion to his community and to the Commonwealth; and

BE IT FURTHER RESOLVED, that the Tazewell County Board of Supervisors hereby presents this resolution to B.C. Fuller as an expression of appreciation and hereby proclaims him as one of Tazewell County's finest, a true humanitarian - for his outstanding loyalty and commitment to the people of Tazewell County.

CITIZEN COMMENTS

Ms. Peggy Joyce – Peddling Concerns Willow Springs Area

Ms. Peggy Joyce, Willow Springs section of Tazewell County spoke to the Board regarding the on-going daily yard sales and flea markets in the Willow Springs section of the County. Ms. Joyce said the yards sales have become a nuisance and eyesore to the community. She alleged that the yard sale dealers hang signs and other obstacles on the road signs and utility poles that obstruct site distance. The board suggested that Ms. Joyce contact the Sheriff's office as well as suggesting that VDOT be contacted to see if the yard sales were on VDOT's right-of-way.

Mr. Jerry McReynolds – Airport Manager

TAZEWELL COUNTY AIRPORT RUNWAY EXTENSION ENDORSEMENT

Following presentation by Jerry McReynolds, Manager of the Tazewell County Airport, and 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 supports the

extension of Tazewell County Airport runway 25 from 4300 feet to 5000 feet in keeping with the Airport Layout Plan (ALP) by sending this endorsement to the Virginia Department of Aviation, Richmond, Virginia and to the Federal Aviation Administration (FAA) Airports District Office, Dulles, Virginia.

There were no unscheduled citizen comments.

APPOINTMENTS

Building Code of Appeals:

The Board of Supervisors deferred appointments to the Building Code of Appeals Board to the next meeting.

Industrial Development Authority:

Upon motion of Supervisor Campbell, 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 appoints Ricky Edward Compton, Sr. 4686 Baptist Valley Road, North Tazewell, Virginia 24651 to the Tazewell County Industrial Development Authority, with a term commencing immediately and expiring June 30, 2012. This appointment fills the unexpired term of Shea Cook who resigned.

SCHOOL BOARD

MINIMUM STATE FUNDING

Following discussion concerning funding for the Tazewell County School System, and upon motion of Supervisor Campbell, 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 required minimum state funding as the local funding amount for the Tazewell County School System's budget for FY11-12.

Supervisor Hymes stated the amount would be addressed again during the May 9, 2011 joint meeting with the School Board based the actual minimum amount. Patricia Green was requested to speak with Jamie Lester on the amount. Supervisor White stated that the funding amount approved this date is not an "end-all, be-all total", that the Board

of Supervisors would bring this matter to the floor again for discussion and consider adjusting the amount. Supervisor Hymes said that he did not want the school board to go out between now and the 9th of May and write the teachers a letter advising them of possible layoffs.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Hymes seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as Consent Calendar, except that the two damage claim requests, Keene & Boothe be removed from the Consent Calendar and considered for approval at June 7, 2011 regular meeting. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

COYOTE CLAIMS APPROVED

- \$50.00 to Doug Blevins, 13759 Mudfork Rd. Falls Mills, VA 24613 for 1 coyote killed on April 29, 2011 with a gun
- \$100.00 to Jack Harman, 6440 Sinking Waters Road, Bandy, VA 24602 for 2 coyotes killed on April 23, 2011 with a snare
- \$150.00 to Ray Nease, 2123 Baptist Valley Rd. Cedar Bluff, VA 24609 for 3 coyotes killed on March 20, 2011 with a trap
- \$50.00 to Ray Nease, 2123 Baptist Valley Rd. Cedar Bluff, VA 24609 for 1 coyote killed with a trap on March 2, 2011
- \$50.00 to Ray Nease, 2123 Baptist Valley Rd. Cedar Bluff, VA 24609 for 1 coyote killed with a snare on April 7, 2011
- \$50.00 to Ray Nease, 2123 Baptist Valley Rd. Cedar Bluff, VA 24609 for 1 coyote killed with a trap on March 16, 2011
- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, VA 24651 for 1 coyote killed with a snare on April 7, 2011
- \$100.00 to Clinton Bell, 1987 Cove Road, Tazewell, VA 24651 for 2 coyotes killed on April 23, 2011 with a snare

- \$150.00 to Clinton Bell, 1987 Cove Road, Tazewell, VA 24651 for 3 coyotes killed on April 18, 2011 with a snare
- \$150.00 to Sadie Mackey, PO Box 1042, Cedar Bluff, VA 24609 for 3 coyotes killed on April 18, 2011 with a trap
- \$50.00 to Archie French, 207 Salina Rd. North Tazewell, VA 24630 for 1 coyote killed with a snare on April 12, 2011
- \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 1 coyote killed with a snare on March 30, 2011
- \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 1 coyote killed with a snare on March 11, 2011
- \$100.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 2 coyotes killed with a snare on March 10 & 11, 2011
- \$50.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24651 for 1 coyotes killed on March 29, 2011 with a snare
- \$100.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24651 for 2 coyotes killed on April 6, 2011 with a snare
- \$100.00 to Jessie Asbury, 4045 Hogback Road, Tazewell, VA 24651 for 2 coyotes killed on April 8, 2011 with a snare
- \$200.00 to Alfred Webb, 244 Beachwood Lane, Tazewell, VA 24651 for 4 coyotes killed on March 12, 2011 with a snare
- \$50.00 to Alfred Webb, 244 Beachwood Lane, Tazewell, VA 24651 for 1 coyote killed on April 16, 2011 with a snare
- \$150.00 to Alfred Webb, 244 Beachwood Lane, Tazewell, VA 24651 for 3 coyotes killed on March 31, 2011 with a snare
- \$200.00 to Bill Crabtree, Box 2208 Tazewell, VA 24651 for 4 coyotes killed on March 31, 2011 with a snare/rifle.
- \$100.00 to Anthony Rasnick, 1498 Mundy Town Rd. North Tazewell, VA 24630 for 2 coyotes killed on April 3 – 5, 2011 with a snare.
- \$200.00 to John Keene, PO Box 1360, Cedar Bluff, VA 24609 for 4 coyotes killed on March 12, 2011 with a rifle.
- \$50.00 to Steven Short, Box 698 Steeles Ln. Tazewell, VA 24651 for 1 coyote killed on April 5, 2011 with a snare

- \$200.00 to Philip Linkous, 1093 Cochran Hollow Road, Cedar Bluff, VA 24609 for 4 coyotes killed on April 6, 2011 with a snare
- \$150.00 to Larry Lambert Sr. 401 Plymouth Hollow Rd. North Tazewell, VA 24630 for 3 coyotes killed on April 3, 2011, with a snare
- \$50.00 to Jess Sparks, PO Box 1084, Cedar Bluff, VA 24609 for 1 coyote killed with a April 9, 2011 with a rifle

WARRANTS

March 2011/April 2011

Payroll

Ordered that Warrant Nos. 133769 through 133850 and direct deposits totaling \$198,500.58 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending March 31, 2011, be approved.

Ordered that Warrant Nos. 133852 through 133942/133944 and direct deposits totaling \$204,984.44 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending April 15, 2011 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 451874 through 452033, for \$287,628.51, from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of March, 2011, be approved.

Ordered that Warrant Nos. 452035 through 452051, for \$150,131.64 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending March 31, 2011, be approved.

Ordered that Warrant Nos. 452053 through 452214, for \$1,442,549.16 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of April 2011, be approved.

Ordered that Warrant Nos. 452216 through 452233 for \$153,037.00 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending April 15, 2011, be approved.

Handwritten

Ordered that Warrant Nos. 801583 through 801590 for \$83,378.53 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of March 2011, be approved.

- Library Account - Transferred amounts received as donations to the various Library Accounts, from the Contingent Expenditures & Grant Accounts, No. 91050-7041 to the following accounts:
 - Approved \$75.00 to Account No. 7301-3099 (Michael T. Hegstrom, M.D. – donation)
 - Approved \$38.56 to Account No. 7301-6012 (Laura S. Roberts)
 - Approved \$50.00 to Account No. 7301-3099 (Four Way Drug)
 - Approved \$50.00 to Account No. 7301-3099 (Felicia De Courcy-donation)
 - Approved \$50.00 to Account No. 7301-3099 (Cash-donation)
 - Approved \$50.00 to Account No. 7301-3099 (Hurst Scott Funeral Home-donation)
 - Approved \$100.00 to Account No. 7301-3099 (Altizer, Walk and White- donation)
 - Sheriff's Account – Transferred the amounts from the Contingent Expenditures & Grant Accounts, No. 91050-7041 to the following accounts:
 - \$9,388.91 to Account No. 31020-5510 Travel & Training / monies received from the Supreme Court for Extraditions
 - \$81.03 to Account No. 31020-5230 Telecommunications (Verizon Credit)
 - Ratified VDOT Revenue Sharing amount for 1.5 M for FY12
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EMERGENCY SERVICES COMMITTEE

RECOMMENDATIONS APPROVED

Upon presentation by Supervisor Campbell following recommendation from the Tazewell County Emergency Services Committee, the Tazewell County Board of Supervisors hereby supports the Emergency Services Committee's (County's) plan to procure the services for the lease/purchase (State Contract) of two pumpers and the future support of the transfer as necessary up to \$25,000.00 from Fire Capital Outlay and place towards the lease purchase of the vehicles. It was also mentioned that Garland Roberts would more than likely be willing to use the \$22,000.00 received as insurance money towards the project as well.

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

- Approved funding for transmission repairs to Tazewell County Fire-Rescue Unit 4 (ambulance), payable to Arrington's, INC for parts/labor at an estimated cost of \$1,396.76. TCF-R will pay the difference if the repairs go over the estimate (financial/invoice information requested) and further that the \$9,251.26 be transferred from the Fire Capital Outlay Account to the Rescue Capital Outlay Account to cover the Rescue Account's deficient funding and to cover the costs of repairs in the amount of \$1,396.76.

- Upon motion of Supervisor Campbell, 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 and directs that a resolution be drafted and presented, recognizing Rick Compton, President of the Delrick Corporation, 4686 Baptist Valley Rd, North Tazewell, VA for his company's generosity over the years. Delrick Corporation has donated five trucks to various county fire departments as well donated two trucks to Baptist Valley FD, one to ABBS Valley FD, Bishop FD, Thompson

Valley FD and one to the Town of Tazewell.

PUBLIC HEARING

PROPOSED VACATION OF A PORTION OF MOUNT VISTA COURT IN THE
FINCASTLE FARMS SUBDIVISION NEAR BLUEFIELD IN TAZEWell
COUNTY, VIRGINIA, IN THE EASTERN DISTRICT OF TAZEWell
COUNTY, VIRGINIA

The Chairman called to order a public hearing that was duly advertised, pursuant to the Code of Virginia, Section 15.2-2006, giving the Board of Supervisors intent to adopt an Ordinance of Vacation to vacate a portion of Mount Vista Court in Fincastle Farms Subdivision. The portion of Mount Vista Court to be vacated is the entire width and length of the platted right of way North of the Northeast Corner of Lot Forty Three (43), between lots 42, 41, 40 and 45, 46, 47, 48 as shown on a plat recorded in Plat Book 19 at page 65 in the Tazewell County Circuit Court Clerk's Office. Said public right of way was dedicated by a deed recorded in Deed Book 500 at page 463 in the aforesaid Clerk's Office. The property owners who may be affected by this Ordinance of Vacation are Michael Hegstrom, Stephanie Hegstrom, Jerry Elswick, Christine Elswick, Peter Romano, Deborah Romano, James David Hicks, Kenneth Mathena, Paul Rutherford, Pamela Rutherford, Rodney Cline, Serena Cline, Michael J. Harrison, Patricia Bowman, Darla Bowman, David W. Sluss and Karen B. Sluss. That portion of Mount Vista Court to be vacated is described as follows: All that portion of Mount Vista Court in Fincastle Farms Subdivision from the northeast corner of lot forty three (43) to the cul-de-sac: including that portion of the road lying east of lots 42, 41, and 40 and west of lots 46, 47, and 48 as shown on a plat recorded in Plat Book 19 at page 65 in the Tazewell County Circuit Court Clerk's Office. Said public right of way was dedicated by a deed recorded in Deed Book 500 at page 463 in the aforesaid Clerk's Office.

Chairman Anderson then called for public comments from the floor. Attorney, Joey Stiltner, spoke on behalf of his client, Michael Harrison, requesting that the entire original ROW become a private easement. Mr. Stiltner introduced a letter from his client Micheal Harrison requesting that the letter be made part of the minutes of this meeting.

“GALUMBECK DENNIS and KEG
JANE DAMRON & MICHAEL HARRISON
April 30, 2011

Mr. James H. Spencer Mr. David R. Anderson
Mr. James T. Campbell Mr. Seth R. White
Mr. John M. Absher Mr. D. Michael Hymes
Tazewell County Board of Supervisors
Mr. C. Eric Young
Tazewell County Attorney
108 East Main Street
Tazewell, VA 24651

Re: Mount Vista Court, Fincastle Farms Subdivision
Intent to vacate all of the ROW North of Lot 43
Gentlemen:

I have no objection to the County's current proposal to vacate this Public ROW, providing the entire original ROW becomes a Private Easement. As you know, we did and do object to the narrowing of a short section of this ROW only in front of our property (Lot 47) as mandated by an Ordinance adopted at your February 1, 2011 meeting. We have requested the Court's review of that action. This new proposal to abandon the entire ROW seems to acknowledge our concerns. Thank you.

However, the February 1st Ordinance removed a short segment of the current Public ROW and sold it to the Owner of Lots 40 & 41. Therefore, the current proposal to abandon the balance of this ROW does not appear to affect the status of that small parcel of land because it is no longer part of the ROW you now propose to vacate. To avoid creating a new Private Easement with the same defects noted in our Complaint, the February 1st Ordinance must be rescinded prior to approval of the current proposal at the scheduled May 3, 2011 Meeting. Repealing the February 1st Ordinance would satisfy the most significant demand in our complaint. Please accept this letter as our request that the Board of Supervisors return this Public ROW, soon to be Private Easement, to the condition that existed prior to the County's involvement. Please call if we need to discuss these matters further.

Sincerely,

Michael J. Harrison

M: 407-963-2211

Cc Terry J. Stiltner

P: 276-988-6561

360 LAKE SEMINARY CIRCLE • MAITLAND, FLORIDA. 32751”

The Chairman then called for further public comments from the floor three (3) times and there being none, he declared the public hearing closed.

Chairman Anderson stated that he wanted to make certain everyone was in compliant and that the turn-a-round be placed in the appropriate location. In saying this, and upon recommendation of the County Attorney, the Chairman advised Mr. Stiltner of the next regular meeting date and time, June 7, 2011, and suggested that this matter be delayed until then.

Now, upon motion of Supervisor White, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby tables the consideration of vacating Mount Vista Court as described in the public hearing notice to the June 7, 2011 regular meeting. This will allow time for the county engineering department to determine the appropriate widths, etc. with regard to the turn-a-round.

TAZEWELL COUNTY RECREATIONAL FACILITIES, PARKS AND
DEVELOPMENT AUTHORITY
BYLAWS ADOPTED

Upon motion of Supervisor White, seconded by Supervisor Anderson 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 Bylaws of the Recreational Facilities and Parks and Development Authority of Tazewell County, Virginia – and following execution of same, a copy will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651. The County Attorney was further directed to determine the terms of the members. The Chairman suggested that the board consider in the future, appointing representatives from each of the five (5) districts to serve on this board. The County is quickly pursuing projects, such as the Pocahontas Trails. The Board felt the Committee should be more diverse, other than County staff.

ZONING UPDATE

The County Administrator reported the three (3) additional zoning community/informational meetings scheduled for May 10, 11 & 12. The meetings will be held in Burkes Garden, Abbs Valley and Jewell Ridge.

TOURISM ZONES

The County Administrator said he met with the Tourism Subcommittee with regarding to tourism zone incentives and a report should be ready by June 2011.

POCAHONTAS WALKING TRAIL

The Pocahontas Walking Trail matter was delayed until later in the meeting to give Mr. Tom Childress the opportunity to arrive and to speak on this topic.

CONVENIENCE STATIONS PROPOSED

JEWELL RIDGE AND ADRIA COMMUNITIES

The County Administrator stated both sites have been deferred to the budget committee for review. The County Attorney said he contacted Pocahontas Land LLP with regard to the Jewell Ridge convenience site proposed location. He said he received a response from the surveyor who plans to survey the parcel needed by the County and is working with county landfill and engineering personnel with regard to possibly leasing the site for the convenience area. With regard to the proposed Adria Convenience area the site should be operational by August 2011.

TAZEWELL COUNTY

BUDGET FY 2011-12 – PUBLIC HEARING AUTHORIZED

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell 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 authorizes and directs the County Administrator to advertise a public hearing for June 7, 2011 at 7:30 p.m. to hear concerns regarding the proposed budget for Tazewell County, Virginia FY11-12. The public hearing will be advertised in local newspapers on May 18 and May 25, 2011. The Board further requested that Patricia Green determine the costs for advertising a more detailed and larger print budget. In addition, an outlined budget shall be placed on the Tazewell County Website for public view and inspection.

TANNERSVILLE WATER PROJECT

Member Dave Anderson said the PSA Board would discuss the proposed water project for the Tannersville area at its May meeting. Smyth County has agreed to sell the county 50,000 gallons of water per day. The County Administrator said there are two scenarios for moving the project forward, to wit: Rural Development would make a loan to the County for \$3,607,146 at 3.375 percent for 38 years. The minimum monthly bill would be between \$38 and \$45 per month. Rural Development would require signed user agreements from 80 percent of the customers and the County would have to finance \$150,000 annually for 38 years. The second scenario would request Rural Development grant funding for \$1,500,000 as well as a loan for \$2,107,136. Supervisor Hymes said

the Tannersville Community is in dire need for water. The health department turned down a grant request. Supervisor Hymes suggested the PSA Board search for additional money for the proposed water project.

GIS PROFESSIONAL CONSULTING
SERVICES CONTRACT (S) KING MOORE &
TIMMONS GROUP (AS A RETAINER)

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

DEPARTMENT OF CONSERVATION AND RECREATION (DCR) 50-50 GRANT
APPLICATION FOR FUNDING FOR DAM SAFETY /INUNDATION MAPPING
AND REPAIRS TO GATE AND CONTROLS

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes the application for a 50-50 grant from the Department of Conservation and Recreation (DCR) – for funding for dam safety/inundation mapping and repairs to gate and controls. The County Administrator is hereby authorized, empowered and directed to submit the necessary application documents by the May 12, 2011 deadline. The County expects to

request \$135,000.00 (50/50 match) in grant funding and will be included in the FY2011-12 budget detail.

**BUILDING SAFETY MONTH –
MAY 2011**

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

**Proclamation
Building Safety Month**

Whereas, our state’s continuing efforts to address the critical issues of safety, energy efficiency, water conservation and sustainability in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;

Whereas, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians—dedicated members of the International Code Council—develop and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;

Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wild land fires and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council and International Code Council Foundation, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;

Whereas, “Building Safety Month: An International Celebration of Safe and Sensible Structures” the theme for Building Safety Month 2011, encourages all Americans to raise awareness of the importance of building safety; green and sustainable building; pool, spa and hot tub safety; and new technologies in the construction industry. Building Safety Month 2011, encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property.

NOW, THEREFORE, the Board of Supervisors of Tazewell County, Virginia hereby proclaims the month of May, 2011, as Building Safety Month, accordingly, and encourages our citizens to join with their communities in participation in Building Safety Month activities.

BOARD CONCERNS

WESTERN DISTRICT FUNDING-

TRANSFER APPROVED

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 transfers the amount

of \$1,030.67 from the Western District Youth Activity Account No. 72010-5608 to the Western District Orphan Road Account No. 41010-3310-4. The County Administrator is hereby authorized and directed to transfer these amounts in accordance with this action.

SPACE STUDY COMMITTEE

Supervisor White requested the Space Study Committee to meet as soon as possible to evaluate potential wasted space in the County Courthouse.

Supervisor Campbell also wanted to know the Town's policing and ticket procedure. He said a county department head parked in the Courthouse parking area was recently given a ticket. Supervisor Campbell wanted to know if the town had the authority to administer tickets in the courthouse parking area.

PSA MATTERS ADDRESSED

1. The Board of Supervisors requested that the PSA follow & implement the County's competitive bidding/procurement policy to include advertising on the General Services Central Electronic Procurement Website (EVA)
2. The Board requested that that PSA place a quarterly "virtual checkbook" on the PSA Website - showing all expenditures over \$1,000
3. Supervisor White mentioned the PSA retaining engineering services as well, and requested that a provision be placed in contracts. "Low bidders shall not be allowed to bid/subcontract on jobs within the same project."

EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed session pursuant to Virginia Code Section 2.2-3711 to wit:

- A-29 Consideration of modification of an existing contract with the IDA for Bluestone Development
- A-7 Legal Matter/Contractual involving the Workforce Investment Board (WIB) Youth Proposal
- 3 Property Acquisition – involving Tannersville Project, 5 Micro distribution sites
- A-6 Consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interests of the county would be adversely affected involving the Tazewell County Airport – MOU /Airport hanger loan
- A-1 Personnel matter involving County Administrator's contract

- A-1 Personnel matter involving an employee in the Building Inspector's office.

RETURN/CERTIFICATION/REPORT OF ACTION

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

Nays: None

Absent: None

Absent during vote: None

ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING

WORKFORCE INVESTMENT BOARD –

LETTER TO BE SUBMITTED

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the submission of a letter to the Workforce Investment Board based on discussions this date in the executive/closed meeting of the Tazewell County Board of Supervisors.

POCAHONTAS WALKING/RIDING TRAIL –
TOM CHILDRESS

Tom Childress addressed the \$400,000, \$100,000, \$50,000 and the \$40,000(WV) monies earmarked by various agencies for the Walking-Riding Trail in Pocahontas (VA mileage is 1.1 and .8 miles in WV). Mr. Childress said that so much money has been spent on the studies with Hill Studio that only a small amount is left to do Phase I – just passed the caboose area not far from the train station down to tunnel No. 1. He said Congressman Boucher made this announcement in October - and Hill Studio presented this information at a public meeting. The initial plan was to have the letting of a contract by July and by late July, the actual laying of Phase I would take place. Mr. Childress voiced concern with the sudden delay and the desire to change the area of Phase I; this will hold up the letting of the contract. Mr. Childress further voiced concerns with the delay and the possibility that the money would be lost if the project doesn't begin by October 2011. The County Administrator stated it was his understanding that the money will be available as long as there is movement on the project. The Board directed the County Administrator to deal directly with David Hill – Hill Studio with regard to the contract location of the project because time is of the essence.

COUNTY ADMINISTRATOR –
PRESS RELEASE &
EMPLOYMENT AGREEMENT APPROVED

The following Press Release by the Tazewell County Board of Supervisors was read by Supervisor Dave Anderson:

“The Board of Supervisors is pleased to have approved a new contract for County Administrator Jim Spencer. Mr. Spencer’s contract had expired in

December of 2010 and was extended by mutual agreement to June 30, 2011 to allow the parties to negotiate an agreement which redefines his duties.

In 2002 the Board of Supervisors consolidated the County Administrator position with the Public Service Authority Administrator's position in an effort to save money and focus on infrastructure development. The current board decided to consolidate Economic Development responsibilities with those of the County Administrator and segregate the duties of the PSA administrator into a separate position. This will strengthen the counties efforts on job creation and economic development. Mr. Spencer will be the County Administrator and will be responsible for economic development efforts of the IDA. Ms. Margie Douglas will report to Mr. Spencer and continue in her role as Economic Development and Tourism Coordinator. The Board continues to support the PSA and water and sewer infrastructure throughout the County. The PSA will retain a separate administrator who can focus exclusively on the PSA. This new agreement reflects the Board's continued emphasis on job creation. While Tazewell County's economy has outperformed many other localities in Southwest Virginia during the current recession, the Board wants to hone the local government's efforts on economic development. With the Bluestone Park nearing the point of accepting new business it is critical that economic development be the County Administrator's primary focus.

The Board is pleased to have reached an agreement with Spencer and looks forward to working with him long into the future."

Now, upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 1, with Supervisor Campbell voting nay, the Tazewell County Board of Supervisors hereby approves an Employee Agreement with James H. Spencer, III, County Administrator, to be effective June 30, 2011. A complete copy of the Employment Agreement is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia and incorporated herein by reference.

For the record, Supervisor Campbell stated that with regard to Mr. Spencer's contract he feels he has been very clear about his feelings. He said the efforts of the personnel committee were to alleviate some of the responsibilities of Mr. Spencer's roles with the PSA and he agrees with that. However, he said there are several portions of the contract that he is not comfortable with, one is the Economic Development portion. He said he feels like a lot of Mr. Spencer's time that could have been spent with his family,

not having PSA duties, will now be devoted to Economic Development. Another part of the contract that he is not comfortable with is the salary aspect. Having said this, Supervisor Campbell said that he thinks that Mr. Spencer is an asset to the County and is a good employee and he enjoys working with him, but these are the two (2) points that he doesn't agree with.

RECESS TO MAY 9, 2011

Now, there being no further business to be transacted and upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, this meeting is recessed to May 9, 2011 at 7:00 p.m. to hold a joint meeting with the Tazewell County School Board – the meeting will be held at the Tazewell County Career and Technical Center.

David R. Anderson, Chair

By: rg

Recess time: 11:15 p.m