

**VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD MAY 7, 2013 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651**

**PRESENT: JOHN ABSHER, CHAIRMAN  
CHARLES A. STACY, VICE-CHAIR  
D. MICHAEL HYMES, MEMBER  
SETH R. WHITE, MEMBER  
THOMAS B. CHILDRESS, MEMBER (INTERIM)  
JAMES H. SPENCER, III – COUNTY ADMINISTRATOR  
C. ERIC YOUNG, COUNTY ATTORNEY  
SHELIA WEIMER, ASSISTANT COUNTY ATTORNEY  
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR  
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT  
MEMBERS OF THE PRESS: WARREN HINKLE, TAZEWELL COUNTY FREE PRESS; JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS; KATIE COLE, BLUEFIELD DAILY TELEGRAPH**

**ABSENT: None**

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The Chairman called the regular meeting to order and presided, with Supervisor Childress arriving a few minutes late. Supervisor White gave the invocation, with Supervisor Stacy leading those present in the Pledge of Allegiance to the United States Flag.

The Chairman welcomed all those in attendance.

**AGENDA FORMAT APPROVED AS AMENDED**

Upon motion of Supervisor White, seconded by Supervisor Stacy 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 agenda format as amended – deleting Agenda items 15. L. Letter of Support, SW Virginia Destination & 15. N. Landfill Sewer Costs from the agenda format.

**MINUTES APPROVED AS AMENDED**

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 April 5, 2013 meeting minutes as written.

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**EXECUTIVE/CLOSED MEETING**

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 enters into the Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711, A-1 Personnel Matter involving the performance of a public official regarding the Cumberland Plateau Housing Authority.

The Board further agreed to allow Mr. Eli Jones and Mr. Keith Viers to enter into the Executive Session as may be necessary and appropriate.

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**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 returns from the Executive/Closed Meeting and hereby adopts the following resolution read by Supervisor Hymes:

**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 Childress, Stacy, Absher, Hymes and White

Nays: None (0)

Absent: None (0)

Absent during vote: None (0)

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

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### **SPECIAL PRESENTATION**

#### **BY SENATOR PHILLIP PUCKETT**

#### **HONORING THE LATE SGT. GUY HAGY, JR.**

The Chairman welcomed the Honorable Virginia State Senator Phillip Puckett to the meeting. Senator Puckett then presented a joint House-Senate Resolution to the family of the last Sgt. Guy Hagy Jr., who was the first Tazewell County soldier killed in Iraqi Freedom – on September 4, 2004 – 9 years ago. The resolution was adopted during the 2013 session of the General Assembly with Senator Phillip Puckett stating that he was honored to present the resolution to the Hagy family, who were present and accepted the resolution with admiration.

The Board of Supervisors and audience gave a standing ovation after the presentation.

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### **JOINT PUBLIC HEARING –**

#### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

#### **APPROVAL OF SECONDARY HIGHWAY SIX-YEAR PLAN 2013/14 THROUGH 2018/10 AND CONSTRUCTION PRIORITY LIST 2013/14**

The Chairman called to order a **JOINT PUBLIC HEARING** that was duly advertised according to law entitled– “**A JOINT PUBLIC HEARING WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND THE TAZEWell COUNTY BOARD**

**OF SUPERVISORS IN ACCORDANCE WITH SECTION 33.1-70.01 OF THE CODE OF VIRGINIA – TO RECEIVE PUBLIC COMMENT ON THE PROPOSED SECONDARY SIX-YEAR PLAN FOR FISCAL YEARS 2013/14 THROUGH 2018/19 IN TAZEWELL COUNTY AND ON THE SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FISCAL YEAR 2013/14.”**

The Chairman then called for public comments from the floor with regard to the public hearing. The following people spoke in reference to the public hearing:

Mr. Conrad Hill, Resident Administrator, Lebanon, Virginia gave a brief summary of the list of roads being considered for the Secondary Six Year Road Plan, and which list is attached hereto and incorporated herein by reference. The projected costs for all projects total \$1,446,190.00. Mr. Hill said following a meeting with local officials the Mudfork Road, Route 655 project was added to the Plan and will be a reconstruction of the road, widening and repaving of approximate 2.1 miles, scheduled for 2017-18. A gap in the road will need to be lowered resulting in the relocation of homeowners. Projected costs would be \$12 million dollars with a more realistic figure down the road that will include engineering costs. Other projects on the Plan include Route 696, Big Branch Road; Route 747; Route 643 Wolf Harber; Route 643, Dix Creek; Route 686, Lick Branch Road.

- Eddie Dickenson, 164, Dickenson Lane, North Tazewell, VA 24630 phone, 988-5211, questioned if the Mudfork Road would be paved or pea graveled to Route 655. Mr. Hill said the road was expected to be paved. He told Mr. Dickenson he would let him know by the end of the week what the project would consist of.
- Mr. Roger Mitchem, Big Branch Road, Bluefield, VA 24605 – voiced concern with regard to the construction of Route 696. He said the Board should have never constructed the road. Mr. Hymes said the road was nice, but the road was built on a fault line, across the Dryfork anticline and it would be hard to hold. He agreed that the road should not have been built but it was done and the State would have to contend with the repairs.
- Mr. Wayne Sluss, 830 Ben Bolt, Tazewell, Virginia thanked Mr. Hill for all his hard work as well as thanking the Board of Supervisors for their cooperation with regard to the construction of the Mudfork Road. He said the road would be a huge benefit to the Pocahontas Trail and would help our economy. He requested

that the Board continue to work together and to communicate to help keep the project moving forward in order to complete it in a timely manner.

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

Then, upon motion of Supervisor Hymes, seconded by Supervisor Childress 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 SECONDARY HIGHWAY SIX-YEAR PLAN (2013-14 THROUGH 2018-19 AND CONSTRUCTION PRIORITY LIST FOR 2013/14)” and further hereby adopts the RESOLUTION in accordance with this action:

**RESOLUTION**

**APPROVAL OF SECONDARY HIGHWAY SIX-YEAR PLAN (2013/14 THROUGH  
2018/19)  
AND CONSTRUCTION PRIORITY LIST (2013/14)  
TAZEWELL COUNTY, VIRGINIA**

**WHEREAS**, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2013/14 through 2018/19) as well as the Construction Priority List (2013/14) on May 7, 2013, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List, and

**WHEREAS**, Conrad L. Hill, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for

Secondary Roads (2013/14 through 2018/19) and the Construction Priority List (2013/14) for Tazewell County, Virginia.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Tazewell County, Virginia that since said Plan appears to be in the best interests of the Secondary Road System in Tazewell County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2013/14 through 2018/19) and Construction Priority List (2013/14) are hereby approved as presented at the public hearing.

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**PUBLIC HEARING –**

**REAL ESTATE EXEMPTION FOR ELDERLY PERSONS**

**ORDINANCE ADOPTED AS AMENDED**

The Chairman called to order a public hearing that was duly advertised according to law entitled, a Public Hearing to hear concerns regarding “**AN ORDINANCE TO AMEND SECTIONS 18-63 AND 18-65 OF THE CODE OF TAZEVELL COUNTY, TO PROVIDE A REAL ESTATE TAX EXEMPTION FOR ELDERLY PERSONS PURSUANT TO SECTION 58.1-3210, *Et Seq.* CODE OF VIRGINIA, 1950, AS AMENDED.**”

The Chairman shared with the Board of Supervisors a packet of information from the Commissioner of Revenue, David Anderson, outlining his concerns with regard to the amendments to the proposed ordinance. The last time the ordinance was amended was in 2007 following the 2006 reassessment. Tazewell County averages 600 qualified elderly exemptions each year, with 30 to 40 new applications, with only a few that reapply. Mr. Anderson indicated in his letter that the biggest concern with the exemption is the income limitation. He said that annual cost of living increases with Social Security and benefits disqualifies select single applicants and numerous married people, and because of this, he believes the ordinance needs to be reviewed after each reassessment or on an annual basis during the yearly budget workshops.

Now, the Chairman called for public comments three (3) times and there being none he declared the public hearing closed.

Then, upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, with

Supervisor White absent from the vote, the Tazewell County Board of Supervisors hereby adopts, following a public hearing held this date, as duly advertised **“AN ORDINANCE TO AMEND SECTIONS 18-63 AND 18-65 OF THE CODE OF TAZEVELL COUNTY, TO PROVIDE A REAL ESTATE TAX EXEMPTION FOR ELDERLY PERSONS PURSUANT TO SECTION 58.1-3210, *Et Seq.* CODE OF VIRGINIA, 1950, AS AMENDED”**:

**Section 1: Section 18-63 of the Code of Tazewell County is amended to read as follows:**

**"Sec. 18-63. Exemptions.**

A real estate tax exemption is provided for property owners, otherwise qualified pursuant to this Division, who are not less than sixty-five (65) years of age or who are permanently and totally disabled veterans of the United States Armed Forces or Connected Service. These persons are deemed to be bearing an extraordinary real estate tax burden in relation to their income and financial worth. The effective date of this provision as amended shall be **January 1, 2014.**"

**Section 2: Section 18-65(3) of the Code of Tazewell County shall be amended to read as follows:**

**"Sec. 18-65 (3)**

"The total combined income from all sources during the preceding calendar year by owners of the dwelling who use it as their principal residence and owner's relative who live in the dwelling shall not exceed **thirty thousand dollars (\$30,000.00). Four thousand dollars (\$4,000.00)** of income of each relative who is not the spouse or owner living in the dwelling shall be excluded from the total combined income calculation."

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**DR. MELODY COUNTS – NEW HEALTH DIRECTOR FOR THE CUMBERLAND PLATEAU HEALTH DISTRICT THAT INCLUDES TAZEVELL COUNTY, VA**

The Chairman introduced and welcomed Dr. Melody Counts – the new Health Director for the Cumberland Plateau Health District, which includes Tazewell County. Dr. Counts said that she was happy to be working in the area. Supervisor Hymes requested that Dr. Counts

follow up with the Boards request for a Cancer Statistics Study for Tazewell County that the Board of Supervisors ask for several years ago, involving the high number of cancer cases among children in Tazewell County – and in certain school districts. Dr. Counts said that she would check on the study and inform the Board of Supervisors as soon as possible.

The Chairman thanked Dr. Counts and welcomed her to Tazewell County and invited her to attend future meetings of the Board of Supervisors.

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## **STORM WATER MANAGEMENT**

### **INFORMATIONAL HEARING**

The Chairman called to order an informational hearing to hear concerns from State representatives relating to the consideration of Tazewell County adopting an Ordinance to establish a Tazewell County Storm Water Management Plan, pursuant to Section 10.2-603 et.seq. of the Code of Virginia, as amended. Due to State representatives unable to attend the meeting this evening, the Board of Supervisors deferred the informational hearing to their June 4, 2013 regular meeting.

The County Administrator provided copies of the DCR – “Frequently Asked Questions” with regard to the Stormwater regulations, as well as a the proposed permitting fees /proposed state rates for new projects. He said the new fees will have a great impact on development/developers in the County because the County does not currently require a permit for work less than one acre if it is not part of a subdivision.

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## **FAIR ASSOCIATION – FUNDING REQUEST APPROVED**

### **\$93,000.00 (LOAN) FOR UPGRADES TO FAIRGROUND FACILITY**

Following presentation of a Fairgrounds Upgrade - Preliminary Site Plan by Attorney Fred Harman, representing the Tazewell County Fair Association, accompanied by Viola Asbury and John Mundy, Fair Association Board Members, 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 approves an amount not to exceed \$93,000.00, subject to review and approval of the Tazewell County Budget Committee’s evaluation of the monies requested. The budget committee will determine how the County can budget the funds requested for capital upgrades to



electrical, water and sewer upgrades, plus a new shelter with bath rooms at the Tazewell County Fairgrounds. Mr. Harman pledged the Fair Association's repayment of annual installments to the County, subject to available revenues received as a result of the annual Tazewell County Fair. This matter will be addressed during the next budget committee meeting and the Board of Supervisors will be notified accordingly.

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**ELK – RESOLUTION ADOPTED**

**- IN REFERENCE TO THE VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES PROPOSED AMENDMENT TO 4VAC15-90-85**

Following presentation by Eric Whitesell, President of the Tazewell County Farm Bureau, regarding the Virginia Department of Game and Inland Fisheries, Wildlife Division-proposed plan to amend the regulations concerning elk hunting in Tazewell, Lee, Scott and Russell Counties, by establishing a continuous closed season to establish elk population by migration from the restoration Counties. Mr. Whitesell reiterated the Board of Supervisors action of July 2010, whereby the Board opposed the use of Tazewell County as an "elk restoration area" because of the threat of the health, safety, and welfare of inhabitants of our County. In addition the threat posed to users of public highways, the treat to crops and fence damage as well disease transmission to livestock. Mr. Whitesell spoke of the documented articles concerning elk experiences in Eastern Kentucky. He said it was a nightmare there. He shared with the Board pictures of some of the elk population in Eastern Kentucky.

Mr. Whitesell stated that he sent Senator Phillip Puckett and Delegate Morefield letters requesting their assistance in this endeavor.

Now, upon motion of Supervisor Childress, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Absher abstaining, the Tazewell County Board of Supervisors hereby adopts a resolution as presented by Eric Whitesell, opposing to the amendment of 4VAC15-90-85. GAME:DEER. ELK HUNTING, as set forth below:

**RESOLUTION OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS**

**ADOPTED MAY 7, 2013**

**WITNESSETH:**

**THAT WHEREAS,** the Virginia Department of Game and Inland Fisheries has proposed to amend the regulation found in 4VAC15-90-85. Game: Deer. Elk Hunting.; and

**WHEREAS**, under the present regulation, elk of either sex, antlered or antlerless may be taken during any open deer season, using weapons legal for deer hunting in that season, except in the Counties of Buchanan, Dickenson, and Wise; and

**WHEREAS**, the Virginia Department of Game and Inland Fisheries proposes to amend the aforesaid regulation by establishing a continuous closed season for elk hunting in Lee, Russell, Scott, and Tazewell Counties in order to establish an elk population in Tazewell County by migration from the restoration Counties of Buchanan, Dickenson, and Wise; and

**WHEREAS**, this Board previously adopted, on August 3, 2010, a resolution opposing the reintroduction of elk and the Virginia Department of Game and Inland Fisheries Operational Plan For Elk Management in Southwest Virginia; and

**WHEREAS**, the Virginia Department of Game and Inland Fisheries has solicited comments upon the proposed regulation for the sixty (60) day period beginning April 2, 2013 and ending May 31, 2013; and

**WHEREAS**, the Tazewell County Board of Supervisors has been requested to again adopt the following resolution concerning reintroduction of elk and establishment of an elk population in Tazewell County;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Tazewell County Board of Supervisors is opposed to the amendment of 4VAC15-90-85. Game: Deer. Elk Hunting;

**AND BE IT FURTHER HEREBY RESOLVED** and ordered that a copy of this Resolution be transmitted to the Virginia Department of Game and Inland Fisheries prior to the expiration date for comment upon the proposed regulation and that Tazewell County's opposition to the amendment of the aforesaid regulation be noted and spread upon the records of the May 7, 2013 meeting of the Tazewell County Board of Supervisors.

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**SALINA ROAD –**

**EVA COLEMAN**

Ms. Eva Coleman, Salina Road, Witten's Mill area, North Tazewell, VA requested gravel and Children at Play signs for the part of Salina Road that is County maintained. Supervisor Childress also requested that the cul-de-sac/turn-a-round that once existed be looked at. He said the cul-de-sac has been closed up by a property owner and it is hard to turn around. In addition, there is some fence post placed in the County's right-of-way. Supervisor Childress said that he

would like to have two (2) children at play signs placed as well as the asphalt patched on the County's portion of the road. The County Administrator said he would send Mr. Childress the costs for the signs as well as asphalt for patching.

Eric Whitesell, a local attorney was present and stated that he did a title search many times on the Salina property and there is no dedicated public right away across the French property.

Supervisor White suggested that the property owners on Salina Road consider forming a homeowners association and work together to maintain the road. He reiterated that the County could not work on private roads and suggested that Supervisor Childress call a community meeting to try and reach a compromise with regard to the road situation.

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**ROGER MITCHEM –**

**BIG BRANCH ROAD CONCERNS**

Mr. Roger Mitchem, Big Branch Road said that he always thought that Route 696 was built for the prison, but he only sees coal trucks, diesel fuel trucks and other traffic outside of prison use. In addition, he said he could not run his cattle across Big Branch Road – and he would like for someone to show him the law that states that. Mr. Mitchem said he was very disappointed with the amount of monies wasted to build Route 696. He said the County should in the future spend their monies to build a “common sense school.”

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**TEN (10) MINUTE RECESS**

The Chairman called for a recess of ten (10) minutes after-which the meeting was duly reconvened.

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**OLDER VIRGINIANS MONTH**

**- AASC, BRIAN BECK**

Brian Beck, Appalachian Agency for Senior Citizens, updated the Board with regard to the AASC's ANNUAL SPRING FLING, Free Health Fair sponsored by the Clinch Valley Medical Center to be held at the AASC facility in Wardell on May 18, 2013 at 10 a.m. to 2:00 p.m. He also announced the Governor's recognition of Older Virginians Month – The

Board duly concurred and recognized May 2013 as Older Virginians Month in the Commonwealth.

Mr. Beck updated the Board with regard to his first year with regard to the LEAD Tazewell County. The *LEAD Program* is a nonprofit and non-partisan organization supported through Richlands Chamber that meets to discuss ways to help educate proven leaders about regional differences, opportunities and challenges in our County. Mr. Beck all funding requests for the upcoming year have been submitted to the County Administrator.

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### **TAZEWELL COUNTY SCHOOL LOCAL FUNDING**

#### **APPROVED - \$13,706,060.00**

Following presentation of the proposed funding for the Tazewell County School Board for fiscal year, FY13-14 by the Chairman and discussion by members of previous year funding amounts, and now,

Upon motion of Supervisor Absher, seconded by Supervisor Childress, and adopted by a vote of 2 to 0, with Supervisors Hymes, Stacy and White abstaining from the vote, the Tazewell County Board of Supervisors hereby approves the amount of \$13,706,060.00 as the local funding amount or 127 ½ % (percent) of the required local match. However, there is the potential to increase the local match to the school system as the Budget Committee continues to work on the FY13-14 budget. We would hereby request the school system to revise the budget that has been submitted in categories to reflect and account for a 2% raise for all school board employees. In addition, any funds left over from the FY12-13 school budget will be allowed to be carried over to the FY13-14 School Board Budget. The Budget Committee(s) [School & County] will meet the week of May 13, 2013 to further address school funding issues.

The local funding amount of \$13,706.060.00 is \$600,000 more than last year.

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## **AIRPORT AUTHORITY**

### **UPDATE**

Jerry McReynolds, Airport Manager, gave a report of activities taking place at the Tazewell County Airport. He said the Airport is in really good shape. There are several major projects at the Airport – the AWOS/Beacon Replacement and Relocation. It is a state-of-the art and can be accessed by telephone or remotely by computer by pilots to view current weather conditions here prior to leaving their home base. The Beacon will be installed the week of May 7 and will take approximately 10 more days to complete. Other project updates: The new hangar taxi-way and apron project will begin this month and have pre-construction conference soon; West End Drainage Project continues to be in design stages; Sink Hole: measuring 65 ft. long, 45 feet wide, 17 feet deep - the County is pursuing corrective measures to determine the best way to handle the problem – additional sinkholes have been revealed on the Western end; Runway markings have been approved by DOAV – complete by early June; Vegetation Management Project is being funded by DOAV & 20% local. Mr. McReynolds said he has available towers at the Airport, more particularly a 60' tower. Supervisor Hymes suggested that the specs be given to Sam Wolford to see if the tower could be used for the Cove area for wireless service. Mr. McReynolds said the Air Show is scheduled for the third Saturday in August; it will be a four hour event this year. He invited everyone's attendance. Many field trips, mostly kindergarten children, are taking place at the Airport and highly enjoyed by the children. He reiterated the use of the facility as more than just an airport.

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### **CONSENT CALENDAR APPROVED**

Upon motion of Supervisor Absher seconded by Supervisor Childress and adopted by a vote of 5 to 0, with all members present, and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items presented as "Consent Calendar". 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 APPROVED AS PAID**

**April 2013**

**Payroll**

Ordered that Warrant Nos. 137353 through 137410 and direct deposits totaling \$331,547.30 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending March 31, 2013, be approved.

Ordered that Warrant Nos. 137412 through 137468 and direct deposits totaling \$331,953.76 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending April 15, 2013 be approved.

**Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 460786 through 460951, for \$516,629.87 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of March 2013, be approved.

Ordered that Warrant Nos. 460953 through 460966, for \$286,975.51 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending March 31, 2013 be approved.

Ordered that Warrant Nos. 460968 through 461158, for \$1,665,354.21 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 2013, be approved.

Ordered that Warrant Nos. 461160 through 461173 for \$272,673.28 from the General Funds, covering payroll deductions for the various County agencies for the period ending April 15, 2013, be approved.

**Handwritten**

Ordered that Warrant No. 801779 through 801784 for \$530,664.10 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of March 2013, be approved.

- ▶ Approved waiver of building inspection fee of \$500.00 for the Raven Theater Building

- ▶ Approved \$2,000.00 from the Northwestern District Youth Fund for Raven Elementary School – 5<sup>th</sup> grade school trip.
  - ▶ McGuire Woods FOIA Payment – Haymes Brothers, Inc. v. Tazewell County IDA - Approved the following from the Contingent Grant Resource Account No. 91050-7041 to the County Attorney Budget line items:
    - \$2,475.20 to Account No. 12010-3310
    - \$ 141.00 to Account No. 12040-6001
  - ▶ Library Budget – Approved the following transfers:
    - \$100.00 from Acct. No. 91050-7041 to Acct. No. 7301-3099 (donation from Jeffersonville Woman’s Club)
    - \$200.00 from Acct. No. 91050-7041 to Acct. No. 7301-3099 (donation from Fincastle Garden Club)
    - \$100.00 from Acct. No. 91050-7041 to Acct. No. 7301-3099 (donation from Fiesta Ventures LLC)
    - \$1000.00 from Acct. No. 91050-7041 to Acct. No. 7301-3099 (donation from CONSOL Energy, Inc.)
  - ▶ Sheriff Budget – Approved the following transfers:
    - \$1,500.00 from Acct. No. 91050-7041 to Acct. No. 31020-6010 Police Supplies (donation from Kelly Kidd to help purchase materials for new rifles)
    - \$5,949.20 from Acct. No. 91050-7041 to Acct. No. 31020-1150 (reimbursement from the grant for Drug Court Officer salary – Cumberland Mt. Community Services).
  - ▶ Southern District Funds – approved \$1,000.00 from youth funds to ESD (Effective School-wide Discipline) Celebration
  - ▶ Southern District Fund – approved \$1,100.00 to the Tazewell Athletic Foundation for plywood
  - ▶ Landfill – approved an additional appropriation of \$1,440 to Landfill Enterprise Fund (33-42050-3310) Repair and Maintenance for insurance check received for gas well repair
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**NORTHERN DISTRICT RECREATION FUNDS APPROVED**

**\$1,800.00 TO TOWN OF POCAHONTAS (1,000 Mulch & \$800 Picnic Tables)**

Following a request from Darrell Hunley, Town of Pocahontas- Town Council Member, and upon motion of Supervisor Childress, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following monies from Northern District Recreation Funds, payable to the Town of Pocahontas, PO Box 128, Pocahontas, VA 24635 attn: Parks & Recreation Committee for repairs to playgrounds –new picnic table and rubber mulch. The County Administrator is hereby authorized, directed and empowered to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia:

- \$1,000.00 Rubber Mulch and \$800 Picnic Tables

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**BOARD OF SUPERVISORS**

**LIAISONS REPORT**

**Planning Commission**

Supervisor Childress reported that the Planning Commission will tour the Bluestone Technology Park. On May 2 the Zoning Subcommittee met and considered “definitions” for the proposed Zoning Ordinance. The Comprehensive Subcommittee will meet May 21 and will address the “transportation” portion of the Plan.

**Industrial Development Authority (IDA)**

Supervisor White updated the Board with regard to the IDA. The IDA continues to work on matters relative to the new dental school – they met with the new dean of the school. The County is working with some funding agencies for the school.

**Cumberland Plateau Planning District Commission**

Supervisor White reported that he and Supervisor Hymes is working to restructure the Cumberland Plateau Planning District Commission. They have some ideas to help improve the unfortunate issues that were put on the CPPD. He said the CPPD has done wonderful things for Tazewell County and nearly ½ billion dollars of projects have been put in place because of the CPPD, projects such as big water and sewer projects that have improved the lives of County



citizens. He said he hoped to turn the situation around to where people would be proud of CPPD.

**Emergency Services Committee – ESC**

**TRANSFER OLD TANNERSVILLE TANKER TO COVE FIRE DEPT.**

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 transfers the old Tannersville Tanker, 72 GMC fire truck, VIN. No. THM732ZV516358, to the Cove Fire Department, VIN No. The license/registration for the tanker needs to be clarified.

**ESC – Policies under New Regulation: Designated Infectious Control Officer (DICO).** The County Administrator is working with area EMS departments to try and form a pool of individuals to serve as back-up/cover for each other as Designated Infectious Control Officer (DICO). The County must have a Designated Infection Control Officer who must be trained for the licensed EMS agency. Either a member of the agency or a person who is not a member of their agency can be the DICO, but must be an essential part of the agency infection control plan and have the knowledge to be contacted for consultation by EMS workers in the event of an exposure.

**Recreation Development Authority (RDA)** – Supervisor Childress said that the ATV trail signs are up and reported that the ATV Rally went very well. He said that the policing of the occasion was excellent and should be considered an example for upcoming ATV events. Mr. Childress said the word needs to get out that every aspect of the ATV trail calendar will be policed, patrolled and properly conducted.

**Pocahontas Walking Riding Trail**

Supervisor Childress updated the status of Hill Studio's need for a survey of the Pocahontas Walking Riding Trail. Mr. Childress said this is spending money that does not need to be spent. The County Administrator stated that Hill Studio is seeking a more elaborate engineering survey asking for an additional \$27,000.00, thereby increasing the engineering costs to \$111,820.00. Board members suggested the County not pay for additional surveying costs.

Now, upon motion of Supervisor White, seconded by Supervisor Childress and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County

Attorney to review the contract, to determine if there are any type of remediation clauses in the agreement, and if necessary, allow the Board of Supervisors to pursue any and all legal actions as may be necessary and appropriate against Hill Studio with regard to damages, and so forth, in order for the county to continue with the construction of the Walking/Riding/Trail project.

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## **SURPLUS VEHICLES DECLARED**

### **– OLD SHERIFF CARS**

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 5 to 0, and with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby declare surplus the old sheriff vehicles housed at the Landfill storage lot - VIN Nos. as set forth below:

- 2FAFP71WX2X128144
  - 2B3HD46V54H586103
  - 2B3HD46V64H701369
  - 2B3HD46V74H586135
  - 2FAFP71WOYX199569
  - 2B3HD46VX4H586114
  - 2FAFP71W62X103516
  - 2B3HD46V74H702806
  - 2FALP71W5VX206305
  - 2FAHP71WX4X120203
  - 2B3HD46V44H58613
  - 1FMZU72KX3UA96151
  - 2FAFP71WX1X113836
  - 2FAHP71W75X161180

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## **APPOINTMENT**

### **SOUTHWEST VIRGINIA COMMUNITY COLLEGE**

One appointment to the Southwest Virginia Community College Advisory Board to fill the expiring term of Erick Robinson was deferred to the June 4, 2013 regular meeting.

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**BUDGET HEARING AUTHORIZED FOR JUNE 4, 2013 AT 7:30**

Upon motion of Supervisor Hymes, seconded by Supervisor Childress and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise for a public hearing on June 4, 2013 at 7:30 p.m. to hear concerns regarding the proposed Tazewell County Budget, FY2013-14.

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**AEP – LETTER TO BE WRITTEN  
OPPOSING PROPOSED INCREASE**

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 authorizes and directs the County Attorney to send a letter to the State Corporation Commission opposing any and all rate increases being considered by Appalachian Power Company.

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**PUBLIC HEARING AUTHORIZED FOR –  
REVISIONS TO THE COAL AND GAS SEVERANCE TAX ORDINANCE**

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 authorizes and directs the County Administrator to advertise for a public hearing, June 4, 2013, to hear concerns regarding the Tazewell County Board of Supervisors intent to amend the Tazewell County Coal and Gas Severance Tax Ordinance to include “Uniform Ordinance Provisions.”

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**ORPHAN ROAD – PROPOSED REVISIONS**

The County Attorney reported that review of the Orphan Road Ordinance – potential revisions, is on-going.

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**MONTE VISTA COURT – RIGHT OF ENTRY AND EXTENSION OF SEWER LINE  
WITHIN A PUBLIC EASEMENT**

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 ratifies approval of a PERMIT to construct, install, extend, repair and maintain a below ground utility line within the boundaries of certain property located near Bluefield, known as Fincastle Farms, and crossing county-maintained road known as Monte Vista Court, off Route 720, Clearfork District, in Tazewell County, Virginia entering into Lot No. 43, as shown on Plat recorded in the Tazewell County Circuit Court Clerk’s Office in Plat Book 45, page 100 on Plat Card 8756 - for Right of Entry and Extension of Sewer Line within a PUBLIC EASEMENT for Peter J. Romano, 206 Fincastle Lane, Bluefield, VA 24605.

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**TAX COLLECTION ORDINANCE –  
20% FOR LEGAL FEES FOR COLLECTION COSTS**

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 authorizes the County Administrator to advertise for a public hearing at the final meeting in June 2013, to hear concerns regarding a proposed Delinquent County Tax Administrative Cost Ordinance to impose an additional 20% fee for collection costs for County delinquent taxes on the taxpayer who have failed or refused to pay their taxes as required by law.

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**TOURISM SIGNS – BIDS SOLICITED**

The County Administrator reported that the County is waiting on the third bid for the Welcome to Tazewell County signs. Once received, the quotes will be brought back to the Board for consideration of approval.

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**PUBLIC GIS – DISCLAIMER**

The County Administrator said the he continues to discuss with the Commissioner of the Revenue ways to possibly deploy the “mapping” for Public GIS. He said the property

boundaries are not precise, and if the GIS system is placed on the Commissioner's website for public use than the County should have a disclaimer stating that the system is not intended for boundary surveys. The County Attorney said compared to 10 years ago, with regard to searching property titles/ownership, the current GIS system is great, but agreed there should be a disclaimer. The Board of Supervisors concurred with a disclaimer proviso.

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### **NORTHERN DISTRICT RECREATION FUND**

Upon motion of Supervisor Childress, 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 following amounts from Northern District & Recreation Funds, payable as set forth below. 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:

- \$1,000.00 Falls Mills Fishing Club, PO Box 74, Falls Mills, VA 24613
- \$1,000.00 to Bandy Community Center, George Burnett, President, Bandy Virginia to assist with repairs to play ground & out-door recreation area.
- \$500.00 to Bobby Shew Community Center, PO Box 153, Pocahontas, VA 24635 for operation of area Food Bank.

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### **SPEED STUDY – TRIANGLE ROAD REDUCTION IN SPEED**

Upon motion of Supervisor Stacy, seconded by 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 adopts a RESOLUTION requesting the Virginia Department of Transportation to consider performing a Safety Study for the reduction of speed on Triangle Road, located in the Eastern District of Tazewell County.

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### **ROAD CONCERNS**

Supervisor Stacy requested that the County Administrator continue to investigate the Taylor litter concern in the Woodstone Ave. vicinity, Eastern District.

With regard to a request for various road repairs in the Eastern District, Supervisor Stacy stated that he was waiting to see what the County is going to do with regard to possible revisions to the County's Orphan Road Policy.

Supervisor Absher requested the Planning Commission determine if Sage Hill Road and Ponderosa Heights could be considered for repairs under the County's Orphan Road guidelines.

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**MERCHANTS CAPITAL TAX**

The Board will consider the possible reduction in the Merchants Capital Tax Rate from \$4.30 to \$3.80 per \$100.00 during the adoption of the FY13-14 County Budget. This could represent an annual loss of approximately \$116,000.00 in County Revenue.

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**SOUTHERN DISTRICT FUNDS \$500.00 -  
CLINCH VALLEY COMMUNITY ACTION**

Upon motion of Supervisor Hymes, seconded by Supervisor Childress 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 \$500.00 from the Southern District Recreation/Youth Funds, payable to Project Discovery of Clinch Valley Community Action, PO Box 188, North Tazewell, Virginia 24630. 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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**\$3,000.00 TO RICHLANDS HIGH SCHOOL VARSITY FOOTBALL TEAM  
(\$ 1,500.00 NORTHWESTERN DISTRICT  
\$ 1,500.00 WESTERN DISTRICT)**

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$3,000.00, i.e. (\$1,500.00 from Northwestern Fund & \$1,500.00 from Western Fund) payable to the Richlands Varsity Football Team, attn. Greg Mance, tele. 963-3046. 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 (RHS) SOCCER – \$500.00**

**\$250.00 NORTHWESTERN**

**\$250.00 WESTERN**

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 (\$250 from Western District Funds & \$250 from the Northwestern District Fund) payable to the Richlands High School Soccer Boosters, 2037 Cedar Valley Drive, Cedar Bluff, VA 24609 attn: LaRhonda Lindsey/Jim Gibson. 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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**CEDAR BLUFF FIRE DEPARTMENT - \$7,500.00**

**WESTERN DISTRICT FUND**

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$7,500.00 from the Western District Fund, payable to the Town of Cedar Bluff, Virginia 24609, attn: Jim McGlothlin, PO Box 807, Cedar Bluff, VA 24609. 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.

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**\$3,000.00 TOWN OF RICHLANDS**

**FOR JULY 4, 2013 FREEDOM FESTIVAL**

**FROM NORTHWESTERN DISTRICT FUND**

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 \$3,000.00 from the Northwestern District Fund, payable to the Town of Richlands, 217 Railroad Avenue, Richlands, Virginia 24641, for the July 4 Freedom Festival. The County Administrator is hereby authorized and directed to issue said warrant and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**JEWELL RIDGE CONVENIENCE CENTER**

**- DUMPSTER SAFETY**

Supervisor White requested that the County Administrator obtain a price for a safety pad for the steps at the Jewell Ridge Convenience area.

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**TAZEWELL COUNTY FIRE-RESCUE**

The County Attorney stated he would update the Board with regard to matters relative to the status of the Tazewell County Fire-Rescue.

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**THOMPSON VALLEY CONVENIENCE AREA**

Supervisor Hymes stated he was happy to announce that the Thompson Valley Convenience Area was now open.

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**ADJOURN**

Now, there being no further business to be transacted, and 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 adjourns this meeting.

The next meeting is scheduled for June 4, 2013 at 6:00 p.m.

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John M. Absher, Chair

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Adjourn time 11:23 p.m.