

VIRGINIA: AT A SPECIAL CALLED MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD NOVEMBER 10, 2011 AT 7:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651

PRESENT: DAVE R. ANDERSON, CHAIRMAN  
D. MICHAEL HYMES, VICE CHAIRMAN  
SETH R. WHITE, MEMBER  
JOHN M. ABSHER, MEMBER  
JIM CAMPBELL, 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: JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS; CHARLES OSBORNE, TAZEWELL COUNTY FREE PRESS

ABSENT: NONE

The Chairman of the Board, David R. Anderson, called the Special Called Meeting to order and presided. All members of the Board of Supervisors were in attendance.

Member White gave the invocation, followed by pledge of allegiance to the United States Flag.

Now, the Chairman explained the purpose of the meeting i.e. To allow the Tazewell County Board of Supervisors to hold a SPECIAL CALLED MEETING on November 10, 2011 at 7:00 p.m. in the Tazewell County Administration Building, 1078 East Main Street, Tazewell, Virginia 24651 for the purposes as attached hereto this notice and waiver of the Special Called Meeting, titled – NOVEMBER 10, 2011 SPECIAL/REGULAR MEETING AGENDA – TAZEWELL COUNTY BOARD OF SUPERVISORS. The Special Called Meeting was called pursuant to Virginia Code Section 15.2-1417-1418 and all those required to be notified of the

Special Called Meeting were so informed. The request for the Special Called Meeting and Waiver of Notice is attached hereto and incorporated herein by reference thereto.

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#### GUESTS WELCOMED

The Chairman welcomed any guests. He noted that BOS elect, Dr. Tom Brewster and Charles Stacy could not attend the meeting this evening due to previous engagements.

Now, the Chairman then welcomed Becky Dye, Supervisor of Gifted Education for Tazewell County Public Schools. Mr. Dye introduced the students present – the gifted students were in attendance (middle through high school) to observe the Supervisors meeting as part of the “political science” curriculum. With elections recently occurring, the students were given the opportunity to see “politics in action.”

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#### AGENDA APPROVED

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 following roll call vote is hereby recorded approving the November 10, 2011 Special Called Meeting agenda as amended.

- Ayes: Supervisor Campbell, Absher, Hymes, White and Anderson
  - Nays: None
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#### MINUTES APPROVED

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 October 4, 2011 meeting minutes as written.

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#### CONSENT CALENDAR APPROVED

Upon motion of Supervisor Hymes seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as “Consent Calendar”. Be it further approved and directed that the County Administrator is hereby

authorized 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:

**WARRANTS APPROVED AS PAID**

September/October, 2011

Payroll

Ordered that Warrant Nos. 134786 through 134861 and direct deposits totaling \$211,585.82 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 30, 2011, be approved.

Ordered that Warrant Nos. 134863 through 134939 and direct deposits totaling \$210,073.29 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending October 15, 2011 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 454018 through 454189, for \$1,392,984.10 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of September 2011, be approved.

Ordered that Warrant Nos. 454191 through 454203, for 138,501.67 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending September 30, 2011, be approved.

Ordered that Warrant Nos. 454205 through 454345, for \$1,601,062.97 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of October 2011, be approved.

Ordered that Warrant Nos. 454347 through 454360 for \$139,506.34 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending October 15, 2011, be approved.

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Ordered that Warrant Nos. 801634 through 801638 for \$28,493.75 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of September 2011, be approved.

- Approved the following coyote claims:
  - \$50.00 to Ronald Keene, PO Box 471, Pounding Mill, VA 24637 for 1 coyote killed by rifle on July 8, 2011
  - \$50.00 to Clinton Bell, 187 Cove Road, Tazewell, VA 24651 for 1 coyote killed by snare on September 16, 2011
  - \$50.00 to Clinton Bell, 187 Cove Road, Tazewell, VA 24651 for 1 coyote killed by snare on October 7, 2011
  - \$50.00 to Will Adams, 28010 GC Perry Hwy. North Tazewell, VA 24630 for 1 coyote killed by rifle on October 15, 2011
  - \$50.00 to Howard Wingo, 1837 Whitley Branch Road, North Tazewell, VA 24630 for 1 coyote killed with rifle on October 2, 2011
  - \$50.00 to Roy L. Harman, 134 Coral Drive, North Tazewell, VA 24630 for 1 coyote killed with a rifle on October 5, 2011
  - \$150.00 to Phillip Linkous, 1093 Cochran Hollow Road, Cedar Bluff, VA 24609 for 3 coyotes killed on September 30, 2011 with a snare.
  - \$200.00 to Phillip Linkous, 1093 Cochran Hollow Road, Cedar Bluff, VA 24609 for 4 coyotes killed on September 24, 2011 with a snare
  - \$200.00 to Phillip Linkous, 1093 Cochran Hollow Road, Cedar Bluff, VA 24609 for 4 coyotes killed on October 19 & October 21, 2011 with snare/rifle
  - \$50.00 to Johnny Horn, 904 Goss Road, Bluefield, VA 24605 for 1 coyote killed with a snare on October 25, 2011
  - \$50.00 to Johnny Horn, 904 Goss Road, Bluefield, VA 24605 for 1 coyote killed with a snare on October 19, 2011
  - \$50.00 to Donna Ball, PO Box 584, Pounding Mill, VA 24637 for 1 coyote killed with a rifle on October 7, 2011

- \$100.00 to Johnny Horne, 904 Goss Road, Bluefield, VA 24605 for 2 coyotes killed with snare on Nov. 7, 2011
- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, VA 24651 for 1 coyote killed with a snare on Nov. 3, 2011
- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, VA 24651 for 1 coyote killed with a snare on Nov. 3, 2011
- Transferred the amount of \$5,012.26 from the Contingent Expenditures and Grant Account No. 91050-7041 to the Western District Account No. 91400-5680 – Caleb Hollow Road (payment from Vandyke’s Atty. )
- Library Budget – transferred the amount of \$390.00 from the Contingent Expenditures and Grant Account No. 91050-7041 to the Library Acct. No. 7301-5410 (money from Xerox)
- Fire Dept. - Ins. Check – transferred the amount of \$4,035.50 from the Contingent Grant Account to 32010-8109 (Fire Dept. Capital Outlay) and authorize a check be issued to Tazewell County Fire Department for repairs to the 1981 American LaFrance Pumper involved in an accident Sept. 13.
- Ratified \$2,500.00 for FCC Attorney/WCYB issue

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#### **CITIZEN COMMENTS**

Brian Stanley, Virginia Department of Health, presented a Press Release “BE AWARE ‘NOT ALARMED’ OF RABIES IN TAZEWELL COUNTY, VIRGINIA. The press release advised how residents should be aware, not alarmed, of rabies in Tazewell County. The release also explained how residents should report a potential rabid animal to humans, pets or livestock. Telephone numbers to the Tazewell County Health Department, Animal control and after hours, weekends and holiday contacts were also given. A list of rabies laws (Code of VA) was also distributed. Mr. Stanley agreed to provide the Board of Supervisors with a joint Rabies Plan /Agreement for their review and consideration.

Ms. Tempa Rasnick, Nurse Manager Senior, CPHD, was also present and gave details with regard to rabies testing and inoculations as well as medical costs for treatment.

Mr. Stanley also presented an update on site visits for Septic System Permitting applications. He explained that most applications are completed in less than 2 weeks; however, a few applications are placed on the pending lists for further evaluation. Mr. Stanley stated that applicants who do not wish to wait on the local health department for evaluation of septic system applications can obtain the services of

a private consultant to evaluate their site. The consultant will submit the required documentation to the local health department for the issuance of a construction permit.

In closing, Mr. Stanley announced the upcoming retirement of a veteran Health Department employee, Mr. Les Clevenger, effective, January 1, 2012. Mr. Stanley said the Health Department would do their best to fill the position as soon as possible.

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**CLINCH VALLEY COMMUNITY ACTION, INC.**

**COMMUNITY SAFETY PROGRAM FUNDING REQUEST \$32,500.00**

**DEFERRED TO DECEMBER 6, 2011 –**

**DOUG SHEETS REQUESTED TO ATTEND MEETING**

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 defers action with regard to a request from Doug Sheets, Clinch Valley Community Action, Inc. asking the County for their FY10/11 funding in the amount of \$32,500.00 for the Community Safety Program. Clinch Valley Community Action, Inc. failed to make their funding request for FY10/11 and the monies reverted to the County's General Fund at the end of June 2011. The funding request would now need to be expended from the County's Contingency Fund. The Supervisors requested Mr. Sheets be contacted and invited to the December 6, 2011 Board of Supervisors meeting to give more detail on this request. Supervisor Anderson also suggested that he and Supervisor Hymes meet with Mr. Sheets prior to the December 6 meeting to discuss this matter.

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**NATIONWIDE RETIREMENT SOLUTIONS 457(b) PLAN ENHANCEMENTS**

**APPROVED FOR COUNTY EMPLOYEE PARTICIPATION**

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 Tazewell County's participation in the Nationwide Retirement Solutions 457 (b) Plan enhancements for County employees – additional products and service plan sponsors, including a Roth 457 (b) Plan as well as agreeing to modify the Tazewell County payroll process to identify the additional payroll contributions.

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**GENERAL REASSESSMENT EXTENSION**

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 a two (2) month extension for Wingate Appraisal Service, 5111 Melrose Avenue, NW Roanoke, VA 24017, in which to complete the General Reassessment for Tazewell County, Virginia. This extension is necessary in order to complete the clerical work, public hearings and reviews in a timely and orderly manner. This action must be approved the Circuit Court Judge and the County Administrator will petition the court accordingly. The County Administrator is hereby authorized and directed to notify Wingate Appraisal Service of this action.

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**JOINT ASSOCIATION SURVEY (JAS) SCHEDULES --\$3,000.00 APPROVED  
FROM REASSESSMENT ACCOUNT**

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 approves the amount of \$3,000.00 from the Reassessment Account No. 91050-7025 – for the Joint Association Survey (JAS) Gas Wells Table- survey on drilling costs. This is the current price from the American Petroleum Institute for the JAS. The tables will remain the property of Tazewell County once the reassessment project is complete. The County Administrator is hereby authorized and directed to issue said warrant to the American Petroleum Institute 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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**FIRE TRUCK BID**

The County Attorney, Eric Young reported that following review of the bids received for the lease/purchase of the 1500 gallon tank/fire truck, it was determined that the Freedom Fire bid and Sutphen Bid were sent together in the same envelop and not separately, and neither were licensed in the State of Virginia, therefore, disqualifying the bids.

Now, upon motion of Supervisor Campbell seconded by Supervisor White 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 awards the contract to C. W. Williams, being

the lowest responsive and responsible bidder for the purchase of one (1) -1500 gallon fire truck and further that the County Administrator is hereby authorized and directed to immediately advertise another fire truck with the same specifications; and

Further, 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 the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to procure financing for the trucks at twice the cost of the 1500 gallon fire truck.

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### **EMERGENCY SERVICES COMMITTEE (ESC)**

#### **FUNDS FOR MEAL AT RYAN'S –**

#### **TO BE DIVIDED EQUALLY FROM DISTRICT FUNDS**

#### **TO REIMBURSE COUNTY ADMINISTRATOR'S CREDIT CARD**

Upon motion of Supervisor Campbell, seconded by Supervisor White 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 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 approves an equal amount of funding from each BOS district accounts to reimburse the County Administrator's credit card that will be used to pay for an upcoming meal at Ryan's Restaurant for the Emergency Services Committee (ESC). The County Administrator is hereby authorized and directed to transfer these funds in accordance with this action.

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### **APPOINTMENTS**

#### **Local Building Code of Appeals**

One Local Board of Building Code of Appeals appointment was deferred to the December 6, 2011 regular meeting.

#### **Cumberland Mt. Community Services**

One appointment to the Cumberland Mountain Community Services Board was deferred to the December 6, 2011 regular meeting.



**Tazewell County Airport Authority**

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 appoints the following individuals to the Tazewell County Airport Authority with terms commencing January 1, 2012 and expiring December 31, 2014 (three (3) year term).

- Reappointed - James Pruitt, 1533 Red Root Ridge Road, Raven, VA 24639
- Reappointed – Thomas Shrader, 754 Mill Road, Tazewell, VA 24651
- Appointed – Mrs. Cleo Hagerman Sargent, 1318 2<sup>nd</sup> Street, Richlands, VA 24641 to fill the expiring term of Jonathan Roberts (Dec.31, 2011).

Supervisor White requested Ms. Groseclose to contact the towns that need to make appointments to the Airport Authority, i.e. Richlands & Pocahontas.

**Coal Road & Gas Improvement Committee**

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 reappoints Seth R. White, PO Box 520, Richlands, Virginia 24641 to serve as the Board of Supervisors representative on the Coal & Gas Road Improvement Advisory Committee, with a term commencing January 1, 2012 and expiring December 31, 2015 (four (4) year term).

**New River Highlands RC & D Council**

Upon motion of Supervisor Anderson, 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 reappoints Mr. Jack Asbury, PO Box 139, Bluefield, VA 24605 to serve as a member of the New River Highlands RC & D Council for a term of one (1) year, commencing immediately and expiring December 31, 2012.

**Tazewell County Public Service Authority**

Upon motion of Supervisor Absher, 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 reappoints Aaron Roberts, 257 Richardson Drive, Cedar Bluff, VA 24609 as a member of the Tazewell County PSA, with a term commencing January 1, 2012 and expiring December 31, 2015 (four (4) year term).

One (1) appointment to fill the expiring term of C. Don Dunford was deferred to the December 6, 2011 regular meeting.

**Recreation and Development Authority**

One appointment to the Recreation and Development Authority to fill the expiring term of Dave Anderson, effective December 31, 2011 was deferred to the December 6, 2011 regular meeting.

**Social Services Board**

One appointment to the Social Services Board to fill the expiring term of Dr. Charles Thomason was deferred to the December 31, 2011 regular meeting.

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**COUNTY PROJECTS UPDATE--**

**TOURISM ZONES**

The County Administrator reported that the Tourism Zone maps of all districts were ready for Board of Supervisors review. Copies will be disseminated and input will be solicited from the BOS elect, Brewster and Stacy.

**YOUNG'S ROAD- NORTHWESTERN DISTRICT**

Young's Road is VDOT/State owned. The Assistant County Engineer is working to obtain permits from VDOT in order for the county to make repairs to the road. VDOT has pledged to contribute funding to the improvements.

**SABLE LANE – EASTERN DISTRICT**

Sable Lane, located in the eastern district has several ditching issues. Supervisor Anderson is hopeful that the County will proceed to go through the public hearing process to have the road considered for repairs. He also plans to speak to Mr. Stacy prior to January 1, 2012.

**FCC ATTORNEY – WCYB**

**COUNTY ATTORNEY REPORTS**

The County Attorney, Eric Young reported the FCC Attorney, Howard Weiss, retained by the County, has requested from the FCC copies of affiliate assignments for WCYB and WVVA. The County Attorney received a copy of a letter from WVVA asking Time Warner to remove WCYB from its local TV Cable line-up. Supervisor Hymes and Supervisor White both

indicated that they would not give or let up on the issue and both were seeking assistance from Senator Warner's office as well as Congressman Griffith's office in this endeavor.

Now, upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all member present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby includes as part of the record of this meeting, petitions presented this date, requesting that WCYB be returned to the Time Warner Cable System. A copy of the petitions as hereby presented are incorporated herein by reference thereto - and copies of same on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

#### **ZONING ORDINANCE (DRAFT)**

The County Administrator reported that the Tazewell County Planning Commission's Zoning Subcommittee, and the County Engineer Dept. and Zoning Committee plan to meet and scale down the draft zoning ordinance. Planning Commission member, Tom Childress was present and said the ordinance as written was too complicated, too robust and confusing. The County Administrator offered staff assistance to assess and provide input for a more toned down version. He also mentioned the possibility of using video conferencing with the Zoning Consultant in order to minimize additional consultant charges.

#### **VA ENTERPRISE ZONING (VEZ)**

The County Administrator addressed the benefits of expanding the VA Enterprise Zones (VEZ) in Tazewell County. Potential areas for expansion will be reviewed and a public hearing will be scheduled in the near future to consider the changes.

#### **SMOKE ALARM GRANT**

The County Administrator reported that the County recently received a grant for 396 smoke alarms from the Virginia Dept. of Fire Programs. The deadline to install the smoke alarms is April 30, 2012. The smoke alarms will be installed in high risk homes and per certain guidelines. The Administrator suggested the County partner with CVAC, Inc. since the organization is familiar with low income housing, etc. Supervisor Campbell also suggested that this matter be placed on the November 28, 2011 ESC meeting to discuss installation of the alarms by various fire departments.

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## **TAZEWELL COUNTY PUBLIC SCHOOLS**

### **\$586,174.55 APPROPRIATION /DEFERRED COMPENSATION INVESTMENT**

#### **EARNINGS**

Dr. Brenda Lawson, School Superintendent, Mike Dennis, School Board Chairman and Julie Butler, were present to address the extra money received by the School Board as a result of interest earned on a deferred compensation plan established in the 1990's. The plan permitted employees to retire then work an additional year and defer their salaries over a period of 3 to 7 years. Julie Butler said the plan was declared illegal in the 2004 because there was no break in service for the employees participating. The salaries were placed in a fund administered through BB & T. Ms. Butler stated that when the last employee received their last payment in June 2011, BB & T was requested to close the account and return the balance to the school board.

Several Board members questioned if the money belonged to the school system or the employees. Ms. Butler reported that the employees signed a contract for only their salaries, which each have received and fortunately the money was moved to a safe account prior to the economic downfall and the money earned interest, resulting in the \$586,174.55 balance.

Dr. Lawson reported that part of the money would be used for HVAC & replace electric panels at Richlands High School and said \$250,000.00 would more than likely be used for the Tazewell High School Athletic – training facility.

Now, upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 4 to 0, with Supervisor Campbell abstaining from the vote, the Tazewell County Board of Supervisors hereby approves that the investment earnings in the amount of \$586,174.55 from the Tazewell County School Board – Deferred Compensation Plan, administered by BB & T, as initiated in the early 1990's, be hereby appropriated to the school division's general fund. The last seven school employees involved in the School's Deferred Compensation Plan have received final compensation. There are no local funds involved in this transaction. The intent of the School Board is to use these earnings for electrical panels and HVAC systems at Richlands High School and unanticipated facility expenditures. The Board of Supervisors duly requested that any remaining funds from the \$586,174.55 be used towards the Tazewell High School – field house project.

Mr. Dennis told the Board of Supervisors that the School System would be seeking a 5% salary increase for teachers in the upcoming budget year, FY12-13. Supervisor Hymes clarified

the 5% increase and stated with benefits it would be more like a 7% increase. Mr. Dennis agreed with Supervisor Hymes 7% increase concept.

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**FY13 REVENUE SHARING RESOLUTION –  
INTENT TO PARTICIPATE**

Following recommendation from the Tazewell County Coal & Gas Road Improvement Committee at a meeting held October 24, 2011, and upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopt the following Virginia Department of Transportation- Revenue Sharing Resolution FY13:

**RESOLUTION**

At a Special Called Meeting of the Tazewell County Board of Supervisors held November 10, 2011 on a motion made, seconded and duly adopted, the following resolution was adopted by a vote of 5 to 0 with members present and voting in favor thereof and none against:

WHEREAS, the Tazewell County Board of Supervisors desires to submit an application for an allocation of funds of up to \$2,000,000.00 through the Virginia Department of Transportation Fiscal Year 2013, Revenue Sharing Program, to be matched on a dollar-for dollar basis, \$1,000,000.00 local funding and \$1,000,000.00 from funds of the State of Virginia; and

NOW, THEREFORE, BE IT RESOLVED THAT: The Tazewell County Board of Supervisors hereby support this application for an allocation of \$2,000,000.00 through the Virginia Department of Transportation Revenue Sharing Program

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**TREE DOWN IN RAVEN**

Supervisor White stated that he appreciated Dave White's assistance with the downed tree in Raven. He said he would ask for help from the local fire department, as this type of assignment would give the fire department training on this type of project. He also said he would donate funds from his district account if needed.

**EXECUTIVE/CLOSED SESSION**

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 enters into an executive/closed meeting, pursuant to Virginia Code, Section 2.2-3711:

- A-5 Prospective Industry – involving the location or expansion of a new business or industry in the county where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities to Tazewell County (IDA Project HC)
- A-5 Prospective Industry - – involving the location or expansion of a new business or industry in the county where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities to Tazewell County (IDA Project DJ)
- A-7 Legal Matter – legal consultation regarding landfill gas project
- A-7 Legal Matter – legal consultation regarding potential claim for RHS drainage
- A-7 Legal consultation regarding a lease agreement with Ceramic Technologies
- A-3 Property Disposition – involving the Piggy Bank Building
- A-3 Property Acquisition – involving the Tazewell County Fire Rescue Building

#### **RETURN/CERTIFICATION/REPORT OF ACTION**

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby adopts the following certification of resolution:

#### **CERTIFICATION**

#### **OF EXECUTIVE/CLOSED MEETING**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive/closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting

were heard, discussed or considered by the Tazewell County Board of Supervisors. The Chairman called for a roll call vote with the following vote hereby recorded.

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

Nays: None

Absent: None

Absent during vote: None

## **ACTION AS A RESULT OF THE EXECUTIVE/CLOSED SESSION**

### **TEMPORARY HOUSING FOR TAZEWELL**

#### **COUNTY FIRE AND RESCUE**

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 Attorney and County Administrator to negotiate a lease with property owner for temporary housing for Tazewell County Fire & Rescue. Once negotiated as approved by all parties, the Chairman of the Board of Supervisors is hereby authorized, empowered and directed to execute the lease agreement and which said lease will be on file in the office of the County Administrator.

#### **CERAMIC TECHNOLOGY, INC. (CTI) LEASE**

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 resolves that the Chairman is authorized to execute an acknowledgement of assignment of a lease by Ceramic Technology Inc. (CTI) to New Peoples Bank. A copy of same once executed will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia and attached to these minutes and incorporated herein by reference thereto.

#### **IDA- HC PROJECT**

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 resolves that the Board of Supervisors supports the Tazewell County Industrial Development Authority's (IDA) HC project in the Cedar Bluff/Claypool Hill area of Tazewell County, Virginia.

## **BOS ELECT – TO RECEIVE EXECUTIVE SESSION MEMO**

Upon motion of Supervisor Anderson, 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 that the executive session memo be given to Board of Supervisors elect Brewster and Stacy in order to apprise them of ongoing and upcoming executive/closed session matters.

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## **SIGN FOR GRATTON**

Supervisor Hymes requested a “Gratton” location sign be placed on Route 61. If VDOT does not pay for the sign, Supervisor Hymes agreed to pay for the sign from the Southern District Fund Account.

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## **CHRISTMAS FOR CHILDREN**

**\$1,750.00 (\$500 Northern, \$250 Western, \$500 Southern & \$250 Northwestern; Eastern \$250.00)**

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 monies from district funds to assist with necessary funding for 2011 Christmas for Children. Misty Rife with Pocahontas - Department of Corrections made the request, mail check to: PSCC Employee Fund, PO Box 518, Pocahontas VA 24635. The County Administrator is hereby authorized, empowered 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:

- \$500.00 Northern District
  - \$250.00 Western District
  - \$500.00 Southern District
  - \$250.00 Eastern District
  - \$250.00 Northwestern District
  - \$1,750.00 Total
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**CONVENIENCE AREA THOMPSON VALLEY –  
COMMUNITY MEETING TO BE SET**

The County Administrator will work with Supervisor Hymes to set a date and time for a community meeting in Thompson Valley to address a proposed convenience area in the community. The meeting will be held at the Thompson Valley Community Center, if available.

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Supervisor Hymes said the parking lot issues at the Tazewell Post Office have been resolved.

Supervisor Hymes reiterated the on-going proposed activity for the old Health Dept. Building on Ben Bolt; therefore, there was nothing new to report.

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**TAZEWELL GIRLS BASKETBALL BOOSTERS  
\$1,000.00 SOUTHERN DISTRICT**

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 amount of \$1,000.00 from the Southern District Funds, payable to the Tazewell Girls Basketball Program, Attn: Robert Steele, 4330 Witten Mill Rd, North Tazewell, VA 24630. The County Administrator is hereby authorized, empowered 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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**TAZEWELL WRESTLING CLUB  
\$750.00 (\$500 Southern & \$250 Western)**

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$750.00 (\$500.00 Southern District & \$250.00 Western District) payable to the Tazewell Wrestling Club, 627 East Fincastle, Tazewell, Virginia 24651 Attn: Chuck Burton, Head Coach, Tazewell Wrestling Club. The County Administrator is hereby authorized, empowered 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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**WHITE CHRISTMAS – \$2,250.00**

**(\$250 Eastern, \$500 Southern, \$500 Western, \$500.00 N. Western, \$500 Northern)**

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 amount of \$2,250.00 from district funds as follow, payable to White Christmas, Labor of Love Mission, Attn: Robert Steele, 4330 Witten Mill Road, 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:

- \$250 Eastern District
  - \$500 Southern District
  - \$500 Western District
  - \$500 Northwestern District
  - \$500 Northern District
- \$2,250.00 Total

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**HISTORIC POCAHONTAS \$1,650.00**

**FROM NORTHERN DISTRICT FUNDS**

Upon motion of Supervisor Campbell, 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 approves the amount of \$1,650.00 from the Northern District Fund payable to Historic Pocahontas, as funding necessary to cover needed expenses for FY11-12. 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.

**NORTHERN DISTRICT YOUTH & ROAD GRADING FUNDS  
INTO NORTHERN DISTRICT FUNDS**

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 transfer the balance of the Northern District Youth Funds and Northern District Road Grading funds into the Northern District Fund. The County Administrator is hereby authorized and directed to transfer these funds in accordance with this action.

**FY 11-12 NORTHERN DISTRICT FUND—  
BALANCE DIVIDED EQUALLY  
TO VARIOUS AGENCIES**

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 transfer the balance of Northern District Funds to be divided equally among the following agencies, e.g. schools and fire departments, and further that the money authorized for the schools be sent directly to the schools and not the school board. 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 checks by the Treasurer of Tazewell, Virginia:

Fire Departments: D.A.D (FD); Baptist Valley (FD); Bishop (FD); Bandy (FD); Abbs Valley (FD); Pocahontas (FD)

Schools: Tazewell Middle School; Tazewell High School; North Tazewell Elementary; Cedar Bluff Elementary; Abbs Valley Elementary

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**10% INCREASE FOR EMPLOYEE'S UNDER \$30,000-  
MOTION WITHDRAWN**

A motion by Supervisor Campbell seconded by Supervisor Absher was withdrawn to give all county employees' a salary under \$30,000.00, a 10% pay increase, subject to legal review and approval and subject to the county personnel and budget committee's review. A list of employees making under \$30,000 was made available. Supervisor Campbell stated he would

bring this matter up again during the December 6, 2011 regular meeting. Supervisor Hymes stated that this was not a fair way to give salary increases. He said all employees needed to be considered. The county's personnel committee will meet prior to the December 6, 2011 meeting to discuss the proposal.

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**RICHLANDS LITTLE LEAGUE \$12,500.00 –  
INDOOR SOFTBALL FACILITY**

**(\$7500.00 Northwestern & \$5000.00 Western)**

**ATTN: DAVID LAMIE**

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 \$12,500.00 (\$7,500.00 from the Northwestern District and \$5,000.00 from the Western District) payable to the Richlands Little League P.O. Box 1737 Richlands, Va. 24641, attn: Dave Lamie – proposed Indoor Softball Facility needs. 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.

**RICHANDS HIGH SCHOOL – GIRLS VARSITY BASKETBALL TEAM  
\$1,000 NORTHWESTERN & \$1,000 WESTERN**

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves \$2,000.00 (\$1,000 Northwestern District Fund & \$1,000 Western District Fund) payable to the Richlands High School Girls Varsity Basketball Team, Richlands Virginia. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

**RICHLANDS HIGH SCHOOL – BOYS VARSITY BASKET BALL TEAM  
\$500 NORTHWESTERN & \$500 WESTERN**

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 (\$500

Northwestern & \$500 Western) payable to the Richlands High School Boys Varsity Basketball Team, Richlands, Virginia. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**WATER STREET RESOLUTION /ORDINANCE ADOPTED**

**WATER STREET VACATION**

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 vacates that portion of Water Street lying east of a line extending southeast from the corner of lots owned by Pinion and Moore at a 45 degree angle to the southern boundary of Water Street, as shown on a map by the Tazewell County Engineering Department to be incorporated into the minutes of this meeting, pursuant to Section 15.2-2272 and further, Mr. Pinion is hereby permitted to construct a drainage ditch within the remaining right- of-way for Water Street adjacent to his property.

**ORDINANCE AS ADOPTED:**

**WHEREAS**, pursuant to §15.2-2272 of the Code of Virginia, (1950), as amended, any subdivision plat or part thereof of may be vacated by ORDINANCE of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies;

**WHEREAS**, it has come to the Board's attention that Water Street was dedicated to public use in 1917 and has not been accepted or approved by the public since; and

**WHEREAS**, all lots fronting Water Street also border Waited Road (Race Street) which the County has improved and paved, thereby rendering Water Street unnecessary; and

**WHEREAS**, an owner of two lots fronting Water Street has asked that Water Street be vacated; and

**WHEREAS**, it appears to the Board that continuing the public's inchoate right to use said street limits the value of adjoining property and therefore would not be in the best interests of the public; and

**WHEREAS**, it appears to the Board the public interest would best be served by vacating a portion of Water Street; and

**WHEREAS** the Board has duly advertized its intent to do so, setting forth the description of the portion of the map to be vacated and stating the time, date, and place of the public hearing before the governing body, after which the adoption of the ordinance was to be voted upon, was duly published on the 13 day of July, 2011 and the 20 day July, 2011 in the Richlands News Press, a newspaper having general circulation in the County in which Water Street is located, all as required by §15.2-2272 of the Code of Virginia, (1950), as amended; and

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

**NOW THEREFORE BE IT ORDAINED**, that the Board hereby adopts and approves the following Ordinance, vacating Water Street pursuant to §15.2-2272 of the Code of Virginia, (1950), as amended:

The Board does hereby **ORDAIN** that the eastern end of Water Street, as shown on a plat entitled "The Raven Addition," recorded in the Tazewell County Circuit Court Clerk's Office in Deed Book 83, at page 125, lying east of a line beginning at the southeastern corner of Lot 5, Section 3 extending in a southeasterly direction at an angle of forty-five (45) degrees as measured from the northern boundary line of Water Street, as shown on said plat, to its intersection with the southern boundary of said street, as more particularly shown on the attached map, hereby is vacated pursuant to §15.2-2272 of the Code of Virginia, (1950), as amended; and

Be it further **RESOLVED** that the County Attorney hereby is directed to record this ordinance in the Tazewell County Circuit Court Clerk's Office listing the owners of Lots 5, 6, 7, 8, 9, 10 and 11, in Section 3, as Grantees.

It is so **ORDAINED** by the Board on this the 10 day of November, 2011.

**RECORDED VOTE:** 5 to 0

**MEMBERS PRESENT:** Supervisor Campbell, Absher, Hymes, White, Anderson

**MEMBERS ABSENT:** None

**AYES:** Five (5)

**NAYS:** None

**ABSTENTIONS:** None

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#### **JENMAR**

Supervisor Anderson questioned the possible problems with the detention ponds at Jenmar. He requested the County Administrator to notify Jenmar about the potential issues. This could be a DCR issue as well.

#### **TAX EXEMPTIONS FOR VETERANS AND DISABLED**

Supervisor Anderson thanked Patricia Green for her continued help with researching information on the local and state level regarding potential exemptions for Veterans and other disabled persons.

#### **REASSESSMENT TELEPHONES**

Supervisor Anderson thanked Ms. Green for her assistance for resolving the telephone issues for the Reassessment office.

#### **FCCLA – THANK YOU LETTER**

Supervisor Anderson presented a thank you note for the Board of Supervisors donation to the FCCLA.

#### **FARM BUREAU ANNUAL MEETING**

Supervisor Anderson stated he attended the Annual Farm Bureau meeting and the Farm Bureau encouraged the Board of Supervisors to support funding to hire an Extension Administrative Assistant for the Extension Office; thanked the Board for opposing the

reintroduction of Elk; and requested the Board to continue with the study of health care in Tazewell County.

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**DIX CREEK FIRE DEPARTMENT – MATERIALS FOR WATER LINE  
\$1,292.13 FROM NORTHERN DISTRICT FUNDS**

**(Supervisor White was absent during the motion – however, this matter was on the original – Special Called Meeting Agenda)**

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 4 to 0, with Supervisor White absent from the meeting and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,292.13 from the Northern District Fund, payable to the Dix Creek Fire Department for water line installation material. 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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**BLUEFIELD COLLEGE – NURSING PROGRAM \$2,500.00  
EASTERN DISTRICT FUNDS**

Upon motion of Supervisor Anderson, 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 \$2,500.00 from the Eastern District Funds, payable to Bluefield College, Nursing Program, 3000 College Dr Bluefield, VA 24605, (276) 326-3682. 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.



**BAILEY LOG HOUSE – BLUEFIELD, VIRGINIA**

**\$5,000.00 – EASTERN DISTRICT FUNDS**

Upon motion of Supervisor Anderson, 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 \$5,000.00 from the Eastern District Funds, payable to the Bailey Log House Project, Graham Historical Society, P.O. Box 715, Bluefield, VA 24605. 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.

**BLUEFIELD, VIRGINIA LITTLE LEAGUE/ CHARGERS' FOOTBALL**

**\$2,500.00 – EASTERN DISTRICT/YOUTH FUNDS**

Upon motion of Supervisor Anderson, 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 amount of \$2,500.00 from the Eastern District/Youth Funds, payable to the Bluefield Virginia Little League – Chargers' Football. 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.

**GRAHAM HIGH SCHOOL BAND BOOSTERS \$4,000.00**

**EASTERN DISTRICT FUNDS**

Upon motion of Supervisor Anderson, 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 amount of \$4,000.00 from the Eastern District Fund, payable to the Graham High School Band Boosters. 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.

**YOUTH LEADERSHIP PROGRAM - \$1,500.00**

**EASTERN DISTRICT FUNDS**

Upon motion of Supervisor Anderson, 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 amount of \$1,500.00 from the Eastern District Funds, payable to the Bluefield Chamber, PO Box 4098, Bluefield, WV 24701-Youth Leadership Program. 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.

**BLUEFIELD VIRGINIA FIRE DEPARTMENT –  
\$7,739.50 (New Camera System) EASTERN DISTRICT FUNDS**

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 approves the amount of \$7,739.50 from the Eastern District Funds, payable to the Bluefield Virginia Fire Department, 100 N College Avenue, Bluefield, Virginia 24605 to assist with the purchase of a new camera system. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

**NO TRUCKS SIGN TO BE PURCHASED  
FOR FINCASTLE FARMS ROAD  
EASTERN DISTRICT FUNDS**

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves monies, if necessary, from the Eastern District Funds to pay for “No Truck” signs for the Fincastle Farms Road, Bluefield, VA 24605. The County Administrator is hereby authorized and directed to issue said warrant for the purchase of same, and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

**NOVEMBER 15, 2011 REGULAR MEETING CANCELLED**

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 cancels the November 15, 2011 meeting of the Board of Supervisors. .

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Now, there being no further business to be transacted, and upon motion of Supervisor Campbell, 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 adjourn this meeting.

The next meeting is scheduled for December 6, 2011 – 6:00 p.m.

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Chairman, David R. Anderson

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Adjourn time 11:10 p.m.