

**VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY
BOARD OF SUPERVISORS HELD NOVEMBER 5, 2015 AT 6:00
P.M. IN THE TAZEWELL COUNTY ADMINISTRATION
BUILDING, 108 EAST MAIN STREET, TAZEWELL VIRGINIA
24651**

**PRESENT: SETH R. WHITE, CHAIR
J. GARLAND ROBERTS, VICE CHAIR
CHARLES A. STACY, MEMBER (arrived at 6:10 p.m.)
JOHN ABSHER, MEMBER
D. MICHAEL HYMES, MEMBER
C. ERIC YOUNG, COUNTY ATTORNEY
PATRICIA GREEN, INTERIM COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY
NEWS/RICHLANDS NEWS PRESS; WARREN HINKLE, THE
VOICE NEWSPAPER**

OTHERS

**PRESENT: BOARD OF SUPERVISORS ELECT -
MAGGIE ASBURY, NORTHERN DISTRICT
TRAVIS HACKWORTH, NORTHWESTERN DISTRICT**

ABSENT: NONE

The Chairman, Seth R. White, called the meeting to order and presided, with Member Stacy absent (arrived at 6:10 p.m.). Supervisor Roberts gave the invocation with Supervisor Hymes leading those present at the Pledge of Allegiance to the United States Flag.

The Chairman welcomed all those in attendance and gave a special welcome to Board of Supervisors elect members, Maggie Asbury and Travis Hackworth who will take office effective January 1, 2016.

AGENDA APPROVED AS AMENDED

Now, upon motion of Supervisor Roberts, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Supervisor Stacy absent from the meeting, the Tazewell County Board of Supervisors hereby approve to add an A1- matter personnel to the Executive/Closed Meeting, pursuant to Virginia Code Section 2.2-3711, involving an appointment to the Cumberland Plateau Planning District Commission and thereby approving the agenda format as amended.

MINUTES APPROVED

Upon motion of Supervisor Roberts, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Stacy absent from the meeting, the Tazewell County Board of Supervisors hereby approves the November 5, 2015 meeting minutes as written.

MONTHLY UPDATES - COUNTY DEPARTMENTS

COUNTY ENGINEER - MATT ANDERSON

Matt Anderson, County Engineer, updated the Board with the following matters:

Coal Creek Road repairs in the NW District & Fincastle Farms Road Bridge repairs in the Eastern District from the Coal Severance Tax funds totaling \$8,900.00 was added to the Consent Calendar for consideration of approval; the Groundwater Monitoring Services Contract with Joyce Engineering \$6,200.00 was approved; House Bill No. 2 Project -Resolutions were approved; Virginia Dept. of Health - Item 1, 2, 3, were approved; Item 4 opposed regarding transitioning of VDH onsite sewage system - complete & return documents area to be submitted by the County Engineer and the Interim County Administrator; A DEQ Storm Water Opt-out resolution was approved; the Tradewinds Road - Public Hearing was authorized for December 1, 2015; the FEMA Study negotiations are on-going; Banner Circle prices for drainage are being obtained by Mr. Addair and Buckhorn Road price repair will be given to Matt Addair for submittal to the Board of Supervisors.

COUNTY ENGINEER MATTERS ACTION -

GROUNDWATER MONITORING SERVICES CONTRACT APPROVED

Upon request of Matt Anderson, County Engineer, and upon motion of Supervisor Roberts, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Stacy absent from the meeting, and with all member present voting in favor thereof and no one against

the same, the Tazewell County Board of Supervisors hereby approves the Landfill Groundwater Monitoring Services Contract - Environmental General Consulting Budget Amendment with Joyce Engineering in the amount of \$6,200.00. The total costs decreased this year - the increase in fees for this year, FY15 is \$1,200.00. Matt Anderson stated that there would likely be an increase in fees for FY16, however the total recouped cost will be \$2,100.00 per year, with the decreased costs for the landfill closure and post-closure. A copy of the letter /email from John Westerfield, Sr. Technical Consultant, Joyce Engineer, outlining the foregoing, is on file in the office of the County Engineering, Tazewell, Virginia.

HOUSE BILL NO. 2 PROJECT - CLAYPOOL HILL, VA - RESOLUTION

Upon motion of Absher, seconded by Supervisor Roberts and adopted by a vote of 4 to 0, with Supervisor Stacy 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 and supports a resolution for the House Bill No. 2 Project for Route 19/460 Intersection at Claypool Hill. Matt Anderson, County Engineer, said the project made it through the first round of interviews and is expected to be fully funded. The resolution needs to be submitted by the end of November with Cumberland Plateau Planning District requested to support the project by resolution as well. A copy of same will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, VA 24651.

**VIRGINIA DEPARTMENT OF HEALTH -
LEGISLATIVE**

Following presentation by Matt Anderson, County Engineer, and upon motion of Supervisor Absher, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with Supervisor Stacy arriving at 6:10 p.m., and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby supports the Virginia Department of Health (VDH) legislative proposals as follows, No. 1 - 3 and opposes No. 4: and hereby authorizes the County Engineer and the Interim County Administrator, Ms. Green to complete and return these documents on behalf of the Tazewell County Board of Supervisors.

_ **Item 1-** Building Permit - Onsite Sewage - Engineering has no issue.

_ **Item 2 -** Permit Time Increase - 18 months for initial permit, with an additional 18 months extension for construction if already started.

Engineering has no issue.

_ **Item 3** - Onsite Soil Evaluator Name Change - Matches language between DPOR and VDH. Engineering has no issue.

_ **Item 4** - Transitioning of VDH onsite sewage system soil evaluation and design services to private sector. Engineering feels that this will put additional financial burdens on the citizens building in areas where conventional septic systems are able to be utilized.

DEQ "OPT-OUT" STORMWATER RESOLUTION ADOPTED

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts 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 resolution regarding "opt-out" of the Stormwater Program.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF TAZEVELL COUNTY, VIRGINIA HELD AT THE TAZEVELL COUNTY ADMINISTRATION BUILDING AT 108 EAST MAIN STREET AT 6:00 PM, ON THE 5TH DAY OF NOVEMBER, 2015, FOLLOWING A MOTION AND SECOND:

Date: November 5, 2015

RESOLUTION

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia's expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth's expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia

Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to “Opt Out”, leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia’s lead environmental regulatory agency, the DEQ was established as the Commonwealth’s VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth’s environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Tazewell County, Virginia along with 54 other localities in Virginia, voted in 2014 to “Opt Out” of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia’s Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia’s “Opt Out” localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to “Opt Out” provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory “Opt Out” constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Tazewell County Board of Supervisors, Tazewell, Virginia **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Tazewell County Board of Supervisors of Tazewell, Virginia respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT:

The Tazewell County Board of Supervisors, Tazewell County, Virginia **strongly recommends** that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

IT IS SO RESOLVED this the 5th day of November, 2015.

TRADEWINDS ROAD -

PUBLIC HEARING AUTHORIZED

Upon motion of Supervisor Stacy, seconded by Supervisor Roberts 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 Interim County Administrator to advertise for a public hearing to consider the acceptance of Tradewinds Road into the County's Orphan Road Program.

ECONOMIC DEVELOPMENT/TOURISM UPDATE

Mike Thompson, Interim Economic Development Director gave a brief report of the activities taking place in his office. A Ribbon Cutting ceremony at Blue Wolf with Mary Rae Carter as guest speaker was held on October 27 on site. The Enterprise Zone (VEZ) designations for Tazewell County was approved for the next 10 years with options for 2 more - 5 year renewals. Mr. Thompson as well as Chairman White thanked all those involved to get this accomplished. Only four out of twenty applications were approved state-wide. The Chairman said he was excited about the many good things taking place in Tazewell County as well as the many good projects proposed to come about. He commended Mr. Thompson for his hard-work and eagerness to make things happen.

ENTERPRISE ZONE ORDINANCE AUTHORIZED FOR ADVERTISEMENT

Now, upon motion of Supervisor Stacy, seconded by Supervisor Roberts 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 Interim County Administrator to advertise a public hearing to consider the adoption of the Enterprise Zone.

PSA AND AIRPORT UPDATES

Dahmon Ball, PSA Administrator did not attend the meeting.

Jerry McReynolds, Airport Manager, did not attend the meeting but submitted a written report via email to the Board of Supervisors.

EXECUTIVE/CLOSED MEETING

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 Project Jonah; A-7 Legal matter involving Royal Oak Road easement; A- 1 Personnel matter involving candidates for the position of County Administrator; A-1 Personnel matter involving an appointment to the Cumberland Plateau Planning District Commission. The Board of

Supervisors hereby further agree to invite individuals into the executive session as may be necessary and appropriate.

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Absher seconded by Supervisor Roberts 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 Session and hereby adopts the following resolution:

TAZEWELL COUNTY BOARD OF SUPERVISORS

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

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

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

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

Nays: None

Absent: None

Absent during vote: None

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

The Chairman announced that the Board of Supervisors would return to the executive/closed meeting at the end of the meeting.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Stacy seconded by Supervisor Roberts and adopted by a vote of 5 to 0, and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items presented as "Consent Calendar". The matters requiring the issuance of warrants shall be issued by the Interim County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

APPROVED WARRANTS AS PAID

October 2015

Payroll

Ordered that Warrant Nos. 140617 through 140667 and direct deposits totaling \$ \$363,316.22 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 30, 2015, be approved.

Ordered that Warrant Nos. 140669 through 140714 and direct deposits totaling \$354,290.07 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending October 15, 2015, be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 471632 through 471791, for \$495,681.22 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 2015, be approved.

Ordered that Warrant Nos. 471793 through 471806, for \$145,772.69 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending September 30, 2015, be approved.

Ordered that Warrant Nos. 471808 through 471976, for \$1,973,788.48 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 2015, be approved.

Ordered that Warrant Nos. 471978 through 471990, for \$126,976.44 from the General Funds, covering payroll deductions for the various County agencies for the period ending October 15, 2015, be approved.

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Ordered that Warrant No. 801909 through 801920 for \$50,522.65 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of September 2015, be approved.

- Approved coyote claims:
 - \$50.00 to Danny White, 1754 Gose Mill Road, Tazewell, VA 24651 for 1 coyote killed on 10/7/15.
 - \$50.00 to Danny White, 1754 Gose Mill Road, Tazewell, VA 24651 for 1 coyote killed on 10/24/15.
 - \$50.00 to Jared Keene, 7015 Pounding Mill Branch Road, Pounding Mill, VA 24637 for 1 coyote killed on 10/17/2015.
- Southern District Fund - approved the amount of \$200.00 for Nuckolls Hall rental fees on 11/28 and 12/26/15 - free Christmas movie event by Tazewell Today, Town of Tazewell and SATIRA.
- Southern District Fund - approved the amount of \$125.00 , i.e. \$75.00 Nuckolls Hall and \$50.00 Fuller Peery for 12/3/2014 and 12/4/15 - Rotary Club- Poinsettia Project
- Southern District Fund - approved a "request to rescind 10/6/2015 action approving \$1,000.00 to the Cove Community Center for repairs." Supervisor Hymes previously approved this at the September 15, 2015 recessed meeting.
- Southern District Fund - ratified the amount of \$300.00 to the Tazewell Elementary PTA - Fall Festival and Auction
- Approved the amount of \$55.00 to the Good Samaritan Food Pantry on the condition they pay the taxes on their property.
- Eastern District Fund - Ratified the amount of \$1,000.00 to Graham Intermediate and \$1,000.00 to Springville Elementary School for Fall Festival activities.
- Northern District Fund- approved the amount of \$1,000.00 to the Labor of Love - White Christmas Project
- Loan to Western District for Road Paving - approved the amount of \$12,500 each (\$24,000) from the Eastern and Northwestern Fund and transferred to the Western District Fund for road paving projects. The remaining balance of \$9,550.00 needed will be taken from the Western District Fund.

- Sheriff's Office - approved the amount of \$390.00 (check from the Furnace Man) from the Contingent Expenditures & Grant Account No. 91050-7041 to 31020-5510 Travel & Training to sponsor an officer in Taser School.
- K-9 Ike - declared surplus and donated as approved by the Sheriff
- Tourism Account - approved the amount of \$2,765.00 (Advertising Sales Money collected) from the Contingent Expenditures & Grant Account No. 91050-7041 to the Tourism Development Account No. 1206-5640 and the amount of \$4,147.50 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Tourism Advertising Account No. 1206-3600 (check from Spearhead Trails for co-op advertising)
- Approved a resolution requesting VDOT to add segment A & B of Route 696 to the State Secondary System.
- Approved a resolution relating to VDOT's - Land Use Permits
- Approved \$5,800.00 from the Northwestern District Road Fund (CST) for repairs to Coal Creek Road
- Approved \$3,100.00 from the Eastern District Road Fund (CST) for repairs to the Fincastle Farms Road Bridge

**TERESA BARRINGER -
PAAC RESOLUTION ADOPTED
(Southwestern VA Training Center)**

Ms. Teresa Barringer, representing the PAAC - Parent Advocacy and Advisory Council of Southwest Virginia shared with the Board of Supervisors the importance of making sure residents in Southwestern Virginia with Intellectually/Developmentally Disabilities have the care and necessary support they need to live and thrive to the best of their ability. She said the previous Governor of VA signed a bill that would allow only one Training Center in Virginia and the individuals affected by the closures would be moved into the community. She said the training center that was chosen to stay open was in Chesapeake, Virginia with 75 beds of which 69 are filled and the location is much too far for families of the SWVTC to drive and visit with their loved ones. She said the current Governor could change this ruling and she duly requested that the Board of Supervisor ask Governor McAuliffe to reconsider the decision made by the previous administrator to close the SWVA Training Center.

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

**RESOLUTION/PROCLAMATION IN SUPPORT OF KEEPING
SOUTHWESTERN VIRGINIA TRAINING CENTER OPEN
PRESENTED BY PARENT ADVOCACY & ADVISORY COUNCIL-SWVTC**

WHEREAS, Southwestern Virginia Training Center, an Intermediate Care Facility, opened May 3, 1976, and currently serves approximately 124 individuals with Intellectual & Developmental Disabilities. Their profound levels of medical/behavioral challenges require 24-hour care in a structured environment. PAAC maintains such services, including medical & dental care, do not exist elsewhere in our region as a part of community resources.

WHEREAS, the Department of Justice cited the Commonwealth of Virginia for not providing enough community options for persons with disabilities. The 2012 Settlement Agreement did not require Virginia to close four of their five Training Centers. This was an Executive Decision made by Virginia's Former Governor McDonnell.

WHEREAS, there is overwhelming support from the citizens of Galax, the Counties of Grayson and Carroll, as well as Senator Bill Carrico, Delegate Jeff Campbell and Delegate Israel O'Quinn to keep this facility open.

WHEREAS, the City of Galax and the Twin Counties have embraced training center residents with open hearts thus allowing them to participate in social activities and events. Hundreds of volunteers are involved with SWVTC. This encourages socialization with non-disabled peers.

NOW, THEREFORE, BE IT RESOLVED THAT the Tazewell County Board of Supervisors recognizes the importance of keeping Southwestern Virginia Training Center open to serve the most vulnerable of Virginia's citizens, and ask for Governor Terry R. McAuliffe to reconsider the decision made by his predecessor to close Southwestern Virginia Training Center.

COMCAST CABLE ORDINANCE ADOPTED

The Chairman, Seth R. White, called to order a public hearing entitled, a PUBLIC HEARING to consider AN ORDINANCE regarding the Board's intent to accept a Cable Franchise Agreement between the County of Tazewell and Comcast of the South, which said public hearing was duly advertised according to law in a local newspaper having general circulation throughout Tazewell County, VA.

Now, the Chairman called for public comments from the floor three times with regard to the public hearing, and there being none he declared the public hearing closed.

The Chairman then gave the floor to the County Attorney, Eric Young who explained the purpose of the public hearing with regard to the Comcast Cable agreement. In addition he said Comcast has agreed to provide at least 3 cable converter boxes, at no charge to each public grade school (K-12) in the County as well as Complimentary Service to Abbs Valley - Boissevain Pocahontas Rescue 945; Abbs Valley Boissevain Elementary School; and Springville Elementary School was provided as Exhibit A to the Franchise Agreement.

A copy of the letter from Comcast/Matt Shiffermiller, Sr. Manager, Government Affairs, outlining the Equipment for Schools, was included in the agenda for review.

Then upon motion of Supervisor Stacy, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts an ORDINANCE ACCEPTING a CABLE FRANCHISE AGREEMENT BETWEEN THE COUNTY OF TAZEWell AND COMCAST OF THE SOUTH. A copy of the ordinance as adopted and a copy of the letter from Matt Shiffermiller, Comcast Senior Manager, Government Affairs is attached hereto and incorporated herein by reference thereto.

Now, upon motion of Supervisor Roberts, 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 suspends Roberts Rules of Order to change the order of business on the agenda format.

BOARD OF SUPERVISORS LIAISONS REPORTS

Planning Commission

Supervisor Stacy said that the draft version with updates to the County's Comprehensive Plan and the draft proposed Zoning Ordinance for the Eastern District is reaching final form and the Planning Commission will discuss both matters at their November 12, 2015 meeting.

CPPD

Supervisor White announced that there is some grant monies in the Federal House & Senate Budget for Coal Producing areas for energy projects, i.e. to replace coal jobs, etc. He said the Cumberland Plateau District Planning Commission hopes to apply for some of the grant money. The CPPD has also helped fund some PSA projects recently.

RDA

Supervisor Roberts reported that SRRA is taking care of some of the problems on the ATV Trail and all trails are open. SRRA is doing maintenance on the trail as promised. A dirt bike training facility is being discussed for the County owned property there. Upgrading on the properties is also being discussed in order to keep some of the money that could be used for County projects. He said a lot of good things are moving with the trail in a positive direction.

PUBLIC HEARING -

FALLS MILLS PROPERTY -

AN ORDINANCE TO ACCEPT THE HIGHEST BID TO PURCHASE COUNTY OWNED REAL PROPERTY KNOWN AS THE FORMER FALLS MILLS SCHOOL PROPERTY, NEAR FALLS MILLS, TAZEWEEL COUNTY, VIRGINIA

The Chairman called to order a public hearing entitled "**AN ORDINANCE TO ACCEPT THE HIGHEST BID TO PURCHASE COUNTY OWNED REAL PROPERTY KNOWN AS THE FORMER FALLS MILLS SCHOOL PROPERTY, NEAR FALLS MILLS, TAZEWEEL COUNTY, VIRGINIA.**" He then called for public comments from the floor with regard to the public hearing. A copy of the complete ordinance in a form as hereby advertised for public hearing in accordance with applicable laws is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

Mrs. Regina Sayers, Executive Director, Appalachian Agency for Senior Citizens, requested that the Board of Supervisor hold off awarding the bid to the highest bid for the two-acre portion of the former Falls Mills School, near Falls Mills, VA. She felt the two acres would

be needed by Appalachian Agency for Senior Citizens if the facility was turned into an Adult Day Care. A feasibility study for such a facility was prepared in March 31, 2015 - funding for the project is being pursued. Supervisor Hymes said the AASC Day Care would create additional jobs for the County and he agreed with Mrs. Sayers to table the request to see if the funding for the project was still feasible as well as giving the Board of Supervisors additional time to read the Feasibility Study.

The Chairman then called for additional comments from the floor.

Ms. Sherry Graham (Randy), was present and requested that the Board of Supervisors adopt the ordinance accepting her bid of \$8,000.00 (highest bid) for the property. Ms. Graham said she and her husband would like to build a home on the site.

Now, the Chairman called for additional comments from the floor and there being none he declared the public hearing closed.

The Board of Supervisors took no action and deferred the consideration of adopting the ordinance to a later date. They thanked Ms. Sayers and Ms. Graham for their comments made this evening.

The Chairman called for a recess of five (5) minutes after which the meeting was duly reconvened.

APPOINTMENTS

The following appointments were deferred to the December 1, 2015 regular meeting:

- Library Board of Trustees - 1 appointment due to resignation
- Project Discovery for CVAC, Inc. - 1 appointment to replace Ms. Mable Horton

ASAP

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts 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 Kathryn Mooney Gallagher, Assistant Commonwealth's Attorney to serve as a member of the ASAP Policy Board governing Southwest Virginia Alcohol Safety Action Program (VASAP) for a term of one (1) year effective December 1, 2015 to December 1, 2016.

TOURISM

Upon motion of Supervisor Roberts, 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 appoints Cody Howell, Box 1477 Rosenbaum Road, Bluefield, VA 24605, as a member of the Tazewell County Tourism and Recreation Committee, with a term effective immediately and expiring June 30, 2016, to fill the unexpired term of Teresa Hurley who resigned.

EMERGENCY OPERATIONS PLAN FOR TAZEWELL COUNTY, VIRGINIA

Upon motion of Supervisor Roberts, 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 adopts the Emergency Operations Plan for Tazewell County, Virginia 24651. A copy of the Plan in a form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, VA 24651.

**CITIZEN COMMENTS UNSCHEDULED -
FOUR SEASONS YMCA - ANNUAL CAMPAIGN**

Chris Wearmouth, Four Seasons YMCA, gave a report on the Annual Campaign for the Four Seasons YMCA. Mr. Wearmouth said that this year's campaign has already reached \$63,000.00. The YMCA employees 90 people and serves Tazewell and Russell Counties and financial assistance is offered at all the locations to those who cannot afford the membership fees. Mr. Wearmouth said the Four Seasons YMCA directors and staff as well as members certainly appreciated the County's support of its facilities.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present voting in favor thereof and none one against the same, the Tazewell County Board of Supervisors hereby approve the following monies from District Funds as set forth below, payable to the Four Seasons YMCA Annual Campaign, 106 Gratton Road, Tazewell, Virginia 24651, attn: Chris Wearmouth. The Interim 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:

- \$11,000.00 Southern District

- 2,500.00 Western District
 - 2,500.00 Northwestern District
 - 1,000.00 Northern District
 - 2,500.00 Eastern District
- \$19,500.00
-

ROUND MOUNTAIN ROAD - RESOLUTION ADOPTED

The County Attorney, Eric Young, reported that he mirrored Bland Count's resolution requesting the US Forest Services to open access to the roads in the National Forest in order for all citizens to have the ability to enjoy public road, to wit:

RESOLUTION
IN REQUEST OF THE U.S. FOREST SERVICE TO OPEN PUBLIC ROAD ACCESS
ON ROAD AND FOR U.S. FOREST SERVICE MAINTENANCE OF ROUND
MOUNTAIN ROAD

WHEREAS, the Board of Supervisors of the County of Tazewell considers access to public lands essential for all citizens to enjoy; and,

WHEREAS, many of the roads throughout the County were created because of the mining, logging, agriculture, and public access, and these said roads have long been part of the history of Tazewell County and have provided access to otherwise remote areas, and said roads have been utilized by the public for multiple generations; and,

WHEREAS, in October of 1972 the U.S. Forest Service acquired the property of the Consolidated Coal Company, which included vast amounts of land throughout Bland and Tazewell Counties, including the area of Round Mountain, an area rich in history such as the manganese mines and Civilian Conservation Corp Camp "Cherokee" located at the base of the mountain in Bastian, Virginia; and,

WHEREAS, many of the roads in Tazewell County were created by citizens and the Civilian Conservation Corp, which these roads are now under the charge of the U.S. Forest Service, who is responsible for maintaining the public access roads in the National Forest; and,

WHEREAS, over the years, several of these roads, including the Round Mountain Road, have been closed to yearly public access and have not received adequate maintenance to ensure public access; and,

WHEREAS, the access road linking Round Mountain to the Burke's Garden community was recently gated and public access prohibited, thus prevent the citizens from having a public access between the two communities and the public lands of the National Forest.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of the County of Tazewell requests that the U.S. Forest Service open year around access to all National Forest Roads in Tazewell and Bland Counties, especially Round Mountain Road, to grant the public access to their land; and,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Supervisors of the County of Tazewell request that the U.S. Forest Service reach an agreement with the private land owners on Burke's Garden side of Round Mountain to insure that public access is granted for all citizens to utilize the public lands associated with the National Forest; and,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Supervisors of the County of Tazewell urge citizens, other localities, and elected representatives to join in Tazewell County's request to the U.S. Forest Service to open access to the roads in the National Forest in order for all citizens to have the ability to enjoy these public lands.

IT IS SO RESOLVED this the 5th day of November, 2015.

BERNARD KITTS - BURKES GARDEN ROAD CONCERN

The County Attorney, Eric Young will make a report during the December 1, 2015 meeting with regard to Mr. Bernard Kitt's request to maintain the old Pauley Road in Burkes Garden, at the West End of Burkes Garden near Tommy Dunford's residence.

BUSINESS TO BUSINESS SHOWCASE

Patricia Green, Interim County Administrator reported that the Business to Business Showcase held October 22-23, 2015 was a success. Ms. Stephanie Surrett was guest speaker at this year's event. She said approximately 80 vendors set up on Friday.

**TOWN OF POCAHONTAS - POLICE DEPARTMENT
\$5,000.00 APPROVED**

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts 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 payable to the Town of Pocahontas Police Department to help with damages to the department as a result of the July 5, 2015 flood. The Interim 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.

- \$ 500.00 Southern District
 - 500.00 Northern District
 - 500.00 Northwestern District
 - 500.00 Western District
 - 500.00 Eastern District
 - 2,500.00 Contingency Fund
- \$5,000.00

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Stacy, seconded by Supervisor Roberts 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- Personnel matter involving candidates for the position of County Administrator and A-1 Personnel matter involving Rescue 945.

Upon motion of Supervisor Roberts, 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 pursuant to Virginia Code Section 2.2-3711 and hereby certifies 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 Board of Supervisors that such executive/closed meeting was conducted in conformity with Virginia law;

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

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

Nays: None

Absent: None

Abstentions: None

REPORT OF ACTION

AUDIT OF 945 FINANCIAL RECORDS

Upon motion of Supervisor Hymes seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the Interim County Administrator, Patricia Green to go to Rescue 945 and conduct an audit of the financial condition of Rescue 945 and to report back to the Board of Supervisors by their December 1, 2015 meeting.

DUDLEY PRIMARY FALL FESTIVAL

\$1,000.00 EASTERN DISTRICT FUND

Upon motion of Supervisor Stacy, seconded by Supervisor Roberts 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 Eastern District Fund, payable to the Dudley Primary School, Bluefield, VA attn: A.J. Robinson to assist with the schools fall festival activities. The Interim 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.

**SAUNDERS HOUSE -
\$3,500.00 INSURANCE PREMIUMS
FROM EASTERN DISTRICT FUND**

Upon motion of Supervisor Stacy, seconded by Supervisor Roberts 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 \$3,500.00 from the Eastern District Fund, subject to legal review and approval, to assist with the payment of the insurance premiums for Sanders House, PO Box 1422, Bluefield, VA 24605. The Interim County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

**CENTER FOR CHRISTIAN ACTION
\$500.00 NORTHERN DISTRICT FUND**

Upon motion of Supervisor Roberts, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Northern District Fund, payable to the Center for Christian Action, Pocahontas, VA 24635, attn: Sally Rash, to help defray expenses for fuel purchase. The Interim 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.

LABOR OF LOVE - WHITE CHRISTMAS

\$2,500.00 (\$1,000 N; \$500 S; \$500 N.Western; \$500 Western)

Upon motion of Supervisor Roberts, 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 (\$1,000 Northern, \$500 Southern, \$500 Northwestern and \$500 Western) payable to the Labor of Love - White Christmas, North Tazewell, VA 24635, attn: Renee Steele. The Interim 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.

MISSION OF PEACE FOOD PANTRY

\$1,000.00 - NORTHERN DISTRICT

Upon motion of Supervisor Roberts, 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 from the Northern District Fund payable to Mission of Peace Food Pantry, Bandy, VA to help defray expenses for feeding the needy. The Interim 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.

**SHOP WITH THE COP -
TAZEWELL, VIRGINIA \$600.00**

\$300.00 NORTHERN

\$300.00 SOUTHERN

Upon motion of Supervisor Roberts, 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 \$300.00 from the Northern District and \$300.00 from the Southern District for a total of \$600.00 payable to the Shop-with-a-Cop Program, Tazewell Police Department, 201 Central Avenue, Tazewell, VA 24651 Attn: Dewitt Cooper. The Interim 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.

RICHLANDS HIGH SCHOOL GIRLS BASKETBALL \$1,500.00

- \$750.00 WESTERN AND \$750.00 NORTHWESTERN

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 \$750.00 from the Western District and \$750.00 from the Northwestern District, payable to the Richlands High School Girls Basketball Team (for uniforms or shoes) attn: Aaron Lowe, Richlands High School, Richlands, VA 24614. The Interim 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.

RICHLANDS HIGH SCHOOL BASKETBALL CHEERLEADERS \$1,500.00

- \$750.00 WESTERN AND \$750.00 NORTHWESTERN

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 \$750.00 from the Western District and \$750.00 from the Northwestern District, payable to the Richlands High School Basketball Cheerleaders, Richlands, Virginia 24641 - to assist with the purchase of uniforms, attn: Glenna Brown (971-1675). The Interim County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

TAZEWELL COMMUNITY DINNER - \$1,000.00

\$750.00 SOUTHERN

\$250.00 EASTERN

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 from the Southern District and \$250.00 from the Eastern District, \$1,000.00 total to the Tazewell Police Department, PO Box 608, 201 Central Avenue, Tazewell, Virginia 24651 for the Tazewell Police Department, Italian Village & Tazewell County Juvenile Court's third annual community dinner scheduled for December 5, 2015 at the American Legion Hall, Tazewell, Virginia.

The Interim 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

**THS COMPETITION CHEERLEADERS
\$600.00 SOUTHERN DISTRICT**

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts 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 \$600.00 from the Southern District Fund, payable to the THS Competition Cheerleaders, Tazewell, VA 24651. The Interim 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.

RECYCLE BINS

Supervisor Hymes questioned the location of recycle bins at county transfer stations and reiterated the need for alternate locations.

STIPENDS FOR THE BOS AND VICE CHAIR SUGGESTED

Supervisor Stacy suggested that the Board consider stipends for the BOS chair and vice chair to compensate them for the extra duties involved with these positions.

CLINCH VALLEY COMMUNITY SAFETY PROGRAM

Supervisor Stacy requested that the Interim County Administrator keep him apprised of Clinch Valley Community Action's request for \$65,000.00 for the Community Safety Program.

AEP INSURANCE

Supervisor Hymes questioned AEP's recent proposal to sell insurance to customers to cover AEP power surges. He requested that the Press let the public know that he invited AEP to address this several years ago and AEP rejected the invitation.

TREE IN DORAN RIVER

Supervisor White requested that the Interim County Administrator check on a complaint about a tree in the Doran river.

COUNTRY FARMS ROAD - GRAVEL NEEDED

Supervisor Absher requested the County Engineer/Road Department to determine the need for gravel on Country Farms Road - Jan Cordle is the contact.

HOUSE REMOVAL AND DEMOLITION

Supervisor Roberts requested the County Attorney determine if the County could move the house out of the creek in/behind Laurel Creek and determine if the County could tear down the cinder block/stone house (without windows and doors) on Cedar Street in Pocahontas, Virginia.

Supervisor Roberts announced a BBQ & ribbon cutting for the opening of the Resort Style Cabin Rentals on The Hatfield McCoy & Spearhead Trails on Friday, Nov. 6, 2015 at 11:00 a.m. at the Cates property in Pocahontas Virginia.

ADJOURN

Now, there being no further business to come before the Board of Supervisors and upon motion of Supervisor Stacy, seconded by Supervisor Roberts 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 regular meeting is scheduled for December 1, 2015 at 6:00 p.m.

Seth R. White, Chairman

by: RG - adjourn 9:32 p.m.