

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD NOVEMBER 6, 2014 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL VIRGINIA 24651

**PRESENT: CHARLES A. STACY, CHAIR
SETH R. WHITE, VICE CHAIR
JOHN ABSHER, MEMBER
D. MICHAEL HYMES, MEMBER
J. GARLAND ROBERTS, MEMBER
C. ERIC YOUNG, COUNTY ATTORNEY
PATRICIA GREEN, DEPUTY COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS; WARREN HINKLE, TAZEWELL COUNTY FREE PRESS**

ABSENT: JAMES H. SPENCER, III – COUNTY ADMINISTRATOR

The Chairman called the regular meeting to order and presided with all members in attendance. Supervisor Roberts gave the invocation with Supervisor White leading those present in the Pledge of Allegiance to the US Flag.

The Chairman then welcomed all those in attendance.

AGENDA APPROVED

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 November 6, 2014 agenda as amended.

MINUTES APPROVED AS WRITTEN

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 October 7, 2014 Regular Meeting Minutes and the October 15, 2014 Special Meeting Minutes as written.

TREASURER OF TAZEWELL COUNTY - DELINQUENT TAX LIST

David Larimer, Treasurer of Tazewell County, Virginia showed the Board a list of past due taxes by county employees or by county officials as of June 30, 2014. The delinquent list totaled \$13,399.50 in real estate taxes and \$963.88 in personal property taxes. Mr. Larimer however stated that some of the employees had made arrangements to make payments on the amounts due , as well as some employees paying their taxes in full. The delinquent tax list did not include employees of the County School system, however Mr. Larimer said he could provide such a list if the Board so desired. A copy of the list as presented by Mr. Larimer is on file in the office of the County Administrator, 108 East Main Street, Tazewell, VA 24651.

**TAZEWELL COUNTY COMMONWEALTH ATTORNEY'S OFFICE ANNEX
CHANGE ORDERS APPROVED, No. 4; No. 5; No. 7**

Following presentation by 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 abstaining, the Tazewell County Board of Supervisors hereby approves Change Orders No. 4 in the amount of \$9,707.00; No. 5 in the amount of \$2,806.00; No. 7 in the amount of \$523.00 for the Commonwealth Attorney's Office Annex Project as outlined in the summaries of the attached Change Orders with Nickels, Inc. PO Box 347, Tazewell, Virginia 24651. A copy of the Engineer's Report outlining the Change Orders is on file in the Office of the County Engineer and the County Administrator and attached hereto these minutes and incorporated herein by reference thereto.

Mr. Anderson then presented a written monthly update for the Engineering Department highlighting the various activities taking place in the Engineering Department, such as Building

Safety, Roads Update including a Six Year Plan summary as a result of a recent hearing by VDOT in Bristol.

ENTERPRISE ZONE -PUBLIC HEARING AUTHORIZED

Following an Economic Development presentation by Mike Thompson, Interim Economic Development Director, and upon motion of Supervisor White, seconded by Supervisor of Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the Deputy County Administrator to advertise for a public hearing for the December 2, 2014 regular Board of Supervisors Meeting to amend the Tazewell County Enterprise Zone and to further add to the Proposed Enterprise Zone Amendments, the old Acme site located in Richlands, Virginia. It is the purpose of the Enterprise Zone Ordinance to stimulate business and industrial growth within the area so designated as the Tazewell County Enterprise Zone by means of state income tax credits, state sales tax exemptions, and local incentives more particularly set forth herein. A copy of the preliminary maps outlining the areas of designation will be forwarded to DHCD for preliminary approval to assure the qualification of the additional boundaries into the County's Enterprise Zone.

Then, 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 suspends Roberts Rules of Order with regard to the agenda format to allow Mr. Dahmon Ball, PSA Administrator, the opportunity to present an update on recent Public Service Authority (PSA) activities.

Mr. Ball reported that the Claypool Hill Waste Water Treatment Plant Upgrade Project is on schedule. He presented a loan amortization schedule for the PSA Tazewell - Divides Leachate Line. A meeting is scheduled with all parties on this matter November 13, 2014 at 1:30 p.m. Supervisor Roberts said he plans to attend the meeting on behalf of the Board of Supervisors.

**1994 GMC - DECLARED SURPLUS AND DONATED
TO THE TAZEWELL COUNTY PUBLIC SERVICE (PSA)**

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 declares a 1994 GMC, VIN No. 4V2JCBBE5RR827157, as surplus property and hereby donates same to the Tazewell County Public Service Authority (PSA).

EXECUTIVE/CLOSED MEETING

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

- A-3 Property Acquisition involving the TCFR/Payne lease
- A-3 Property Disposition involving Landfill Gas lease
- A-29 Discussion regarding the evaluation of Landfill Groundwater Monitoring proposals

Now, 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 returns from the executive/closed meeting and hereby certifies the following:

**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 Roberts, White, Stacy, Absher, White

Nays: None

Absent: None

Absent during vote: None

Report of Action:

LANDFILL GROUND WATER MONITORING CONSULTANT

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 3 to 2, with Supervisor Hymes and Supervisor Stacy voting no, the Tazewell County Board of Supervisors hereby approves a contract for Landfill Groundwater Monitoring to Joyce Engineering, subject to the County Attorney reviewing the contract and contingent upon the County Attorney's assessment of the promises made to the County by Joyce Engineering during the initial interview. The County Attorney will meet with the County Engineer to evaluate the assurances made by Joyce Engineering.

CONSENT CALENDAR

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

- ▶ Approved coyote claim in the amount of \$50.00 to Darrell Wess, 4956 Pounding Mill Branch, Pounding Mill, VA 24637 for 1 coyote killed with a bow on Oct. 5, 2014
- ▶ Approved coyote claim in the amount of \$50.00 to James Stevens, 151 Kiser Road, Tazewell, VA 24651 for 1 coyote killed with a rifle on Oct. 25, 2014
- ▶ Approved coyote claim in the amount of \$150.00 to Raymond Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 3 coyotes killed on October 23, 201 with a snare.

- Approved coyote claim in the amount of \$50.00 to Dean Matney, PO Box 832, Tazewell, Virginia 24651 for 1 coyote killed with a rifle on November 2, 2014
- Approved coyote claim in the amount of \$50.00 to John Blankenship, 150 Dessert Rose Drive, Tazewell, VA 24651 for 1 coyote killed with a muzzle loader on November 1, 2014
- Approved coyote claim in the amount of \$50.00 to Jack Hagerman, Box 223, Horsepen, VA 24619 for 1 coyote killed with s snare on November 3, 2014.
- Southern District - ratified \$500.00 payable to the YMCA Sail Fish Swim Team.
- Southern District - approved \$500.00 payable to D.A.R.E. Christmas Dinner to be held December 6, 2014 at Nuckolls Hall
- Southern District - approved \$100.00 to cover Nuckolls Hall Rental fee for the D.A.R.E. Christmas
- Southern District -approved \$50.00 to cover Fuller Peery Building rental fee on Tues. Nov. 11 for THS Project Graduation event.
- Southern District - approved \$75.00 to cover Nuckolls Hall Rental fee for North Tazewell Elementary for Christmas Program Dec. 1, 2014.
- Southern District - approved Fuller/Perry Building rental fees for Twirling Divas Christmas, December 15, 2014.
- Sheriff's Dept. - approved the amount of \$163.00 from the Contingent Expenditures & Grant Account 91050-7041 to Account 31020-3110 Reimbursement from Workers Comp for claim.
- Sheriff's Dept. - approved the amount of \$158.04 from the Contingent Expenditures & Grant Account 91050-7041 to Account 31020-5510 Travel & Training (reimbursement for training)
- Sheriff's Dept. - approved the amount of \$46.00 from the Contingent Expenditures & Grant Account 91050-7041 to Account 31020-6009 - payment to Sheriff's office for scrap metal
- Sheriff's Dept. - approved the amount of \$4,700.00 from the Contingent Expenditures & Grant Account 91050-7041 to Account 31060-6021 D.A.R.E Supplies - Retribution

- Northern District - approved the amount of \$275.00 payable to the Pocahontas Center for Christian Action for medical supplies
- Northern District - ratified \$1,000.00 to the Falls Mills Fish Club for the purchase of gravel
- Commissioner of Revenue - approved the amount of \$250.00 from the Contingent Expenditures & Grant Account 91050-7041 to Supplies Account 12090-6001 - this is a check received by the Commissioner of Revenue from Appalachian Land Co. LLC for Excel Program for Tazewell County
- Approved 2015 Grant Application - Industrial Revitalization Fund
- Approved Erroneous Assessment in the amount of \$3,048.00 payable to Regions Equipment Finance Company for 2013 International 4000 Series Truck VIN # 1HTMKAAN5DH311354, Ticket No. 24911 paid in error

WARRANTS

October 2014

Payroll

Ordered that Warrant Nos. 139355 through 139406 and direct deposits totaling \$363,001.15 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 30, 2014, be approved.

Ordered that Warrant Nos. 139408 through 139461 and direct deposits totaling \$369,130.67 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending October 15, 2014 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 467361 through 467520, for \$661,541.36 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 2014, be approved.

Ordered that Warrant Nos. 467522 through 467535, for \$143,825.46 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending September 30, 2014 be approved.

Ordered that Warrant Nos. 467537 through 467715, for \$1,760,378.61 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 2014, be approved.

Ordered that Warrant Nos. 467717 through 467731, for \$130,655.66 from the General Funds, covering payroll deductions for the various County agencies for the period ending October 15, 2014, be approved.

Handwritten

Ordered that Warrant No. 801864 through 801865 for \$87.93 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of September 2014, be approved.

CITIZEN COMMENTS

Mr. Robert Steele, 4330 Witten Mill Road, North Tazewell, VA 24630 introduced and welcomed THS students, Jordon Steele and Jewell Ruble who were selected through American Council International Studies (ACIS) to compete on America's Team and travel to Italy to represent the USA in softball. The team will compete in a series of softball games to promote and enhance the sport, as well as travel Italy, see the Milan, play a double header in the Roman Coliseum, see Tuscany, visit Ferrara's castle and visit other areas of Italy. The students have to raise \$4,400.00 each in order to participate and travel to Italy. The students will be coached by the Whitney Davis, VT softball coach and former professional Charity Butler. He said the America's Team provides student-athletes with high integrity and strong character and will leave them with a positive impact showing them the world through athletic competition. Mr. Steele requested support from local businesses and private individuals to help make the trip a life-time dream come true.

The board congratulated Ms. Steele and Ms. Ruble and thanked Mr. Steele for the presentation and suggested he provide them with a mailing address for donations.

CITIZEN COMMENTS UNSCHEDULED

Ms. Rhonda Kay, 2157 Adria Road, North Tazewell, Virginia 24630 - Director of Tazewell Animal Rescue Coalition (ARC) reported for the record many complaints regarding the Tazewell County Animal Shelter. Ms. Kay said the County's Animal Shelter has received complaints with regarding to the Animal Shelter adopting animals with Zoonotic diseases to households with children and the lack of vetting sick animals and people calling the shelter to reclaim their animals who are told the animals are not there when actually they are. Ms. Kay said she felt there was a much better way to handle problems at the Shelter and presented the Board with a list of "SEVEN (7) RECOMMENDATIONS FOR A BETTER SHELTER" that could be implemented right now, without haste. The Board thanked Ms. Kay with the Chair suggesting that the list be presented to Dave White for his review and comments and his suggestions submitted to the Board of Supervisors. A complete list of the recommendations is attached hereto and incorporated herein by reference thereto.

CITIZEN COMMENTS UNSCHEDULED

Mr. Richard Jones, 6515 Baptist Valley Road, North Tazewell, VA 24630, thanked the Board of Supervisors for their support of the 2014 Veterans Day Parade scheduled for 2 p.m. Sunday, November 9. Mr. Jones said a fly-over of a T-28 Trojan 1940's Military Aircraft would take place following the parade and would circle the town from West to East and leave a low trail of smoke behind. Mr. Jones said the pilot of the T-28 Aircraft wanted to make the public and media aware of the event to avoid concerns from citizens who might think the aircraft was having difficulties. The Board thanked Mr. Jones for his report and suggested Frank Brandy with WVVA and other surrounding medias be notified of the event.

BOARD OF SUPERVISORS

- LIAISON REPORTS

ESC REPORT

ORDINANCE ADOPTED - EXEMPTING TAXES BY LOCAL DESIGNATION OR CLASSIFICATION FOR FIREFIGHTHERS AND RESCUE SQUAD MEMBERS

Supervisor Hymes reported that a majority of County Firefighters and Rescue Squad members preferred a partial tax exemption instead of a stipend who volunteered their time as

members of a local fire department or rescue squad. The County Attorney, Eric Young, said the ordinance would allow only one vehicle owned or leased by the named volunteer to be considered for the exemption and the volunteer must not be delinquent on any real or personal property taxes assessed by Tazewell County. The Chief of each volunteer fire department will on before January 15 of each year submit to the EMS Coordinator a certification form containing information to verify eligibility with a copy of a roster certification stamped filed with the Circuit Court. No exemption will exceed \$300 in any given year per EMS member.

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 ordinance.

The County Attorney was requested to provide the chief of each fire and rescue department a copy of the ordinance to familiarize their departments with the new exemption as well as rules and regulations relating thereto.

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA HELD AT THE COUNTY ADMINISTRATION BUILDING IN THE TOWN OF TAZEWELL, VIRGINIA, ON THE 6th DAY OF NOVEMBER 2014, FOLLOWING A PUBLIC HEARING BEFORE THE BOARD HELD ON SEPTEMBER 2, 2014, UPON NOTICE TO THE PUBLIC BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OF TAZEWELL, THE FOLLOWING ORDINANCE WAS ADOPTED, FOLLOWING PUBLIC HEARING, A MOTION AND SECOND:

Ordinance No.

Date: November 6, 2014

AN ORDINANCE TO EXEMPT PERSONAL PROPERTY FOR VOLUNTEER FIREFIGHTERS AND RESCUE SQUAD MEMBERS BY LOCAL CLASSIFICATION OR DESIGNATION:

WHEREAS, the Board desires to reward the County's volunteer firefighters and volunteer rescue squad members who sacrifice their time, dedicate their labor, and risk their personal well being for the benefit of the health and safety of the County's residents by enacting an ordinance to provide them with a partial tax exemption from Tazewell County vehicle property taxes; and,

WHEREAS, the Virginia Code Section 58.1-3506 (A)(15), authorizes the County to

enact such exemptions within the limitations therein prescribed, to wit; to be eligible for said exemption the individual must apply to his or her chief or head of the volunteer organization for certification that the individual meets criteria to be eligible for said exemption; said certification must be filed in the office of the Commissioner of Revenue or other assessing officer prior to January 31st each year in which the exemption is sought; said individual must also provide verification at the time of filing that he or she is a member of the volunteer organization and is listed as such on the roster that is maintained pursuant to the Virginia Code in the Tazewell County Circuit Court; said individual must be considered an active member of the volunteer organization that regularly responds to emergency calls or regularly performs other duties for the rescue squad or fire department; and that the exemption shall pertain only to one (1) vehicle owned or leased by the named individual who is obligated under the terms of ownership, licensure or lease agreement to pay personal property taxes on the vehicle.

NOW THEREFORE be it Ordained, pursuant to Section 58.1-3506 (A)(15) of the Code of Virginia that:

§1 DEFINITIONS

- A. "Qualified Tax Payer" for purposes of this ordinance is a taxpayer who:
1. Is an active member of a volunteer fire department or a volunteer rescue squad located in and operating in Tazewell County, as verified by the Department or Squad Chief, and has been active for a minimum of 2 years prior to application, without receiving any compensation for such volunteer duties.
 2. Is not delinquent on any real or personal property taxes previously assessed by Tazewell County.

3. Is included on his or her Department's roster, in the case of a fire fighter, which is filed with the Tazewell County Circuit Court Clerk's Office.
 4. Is certified as qualified by the Tazewell County Emergency Management Coordinator.
 5. The Chief of each volunteer fire department shall on or before January 15th of each year submit to the Emergency Management Coordinator a certification form, which contains information to verify eligibility of the Department's members, together with a copy of the roster certification stamped filed with the Tazewell County Circuit Court. The certification form shall be as attached hereto.
- B. "Eligible Vehicle" is titled in the Qualified Taxpayer's name, either jointly or solely and proof of such ownership and a copy of current registration must be provided to the Commissioner along with application for exemption; it must be for personal use only, located, taxed and tagged in Tazewell County, Virginia. Commercial vehicles are not eligible for any exemption under this ordinance.

§2 EXEMPTION

- A. All or a portion of the value of a single automobile owned or leased by a Qualified Taxpayer, which is subject to local taxation pursuant to Section 58.1-3500 *et seq.* of the Code of Virginia, shall be exempted from personal property taxation as hereinafter set forth.
- B. The aggregate amount of exemptible value pursuant to this ordinance

shall be determined annually by the Board in their annual budget on or before June 30th each year. No exemption shall exceed Three Hundred Dollars (\$300.00) per Qualified Taxpayer on their personal property obligation, in any given year. Upon approval of Board's annual budget on or before June 30th each year the County Administrator or his designee shall advise the Commissioner in writing of the amount budgeted by the Board for the purposes of this Ordinance. The exemptible value per Qualified Taxpayer, who applies for and is granted the exemption, shall be the aggregate amount of exemptible value set by the Board of Supervisors divided by the total number of Qualified Taxpayers who apply for and are granted the exemption.

§3 PROCEDURE

- A. Each year on or before January 31st the Emergency Management Coordinator shall submit to the Commissioner of Revenue a list of eligible Qualified Taxpayers.
- B. Any Qualified Taxpayer may submit to the Commissioner of Revenue an application, in a form approved by the Commissioner, on or before January 31st each year to receive the exemption.
- C. The Commissioner shall, using the list submitted by the Emergency Management Coordinator, determine which applicants are eligible for the exemption.
- D. The Commissioner then shall exempt a portion of the value each

eligible applicant's Eligible Vehicle, according to the formula herein set forth, from taxation for that tax year. Should the exemptible value available for any Qualified Taxpayer exceed the value of such taxpayer's Eligible Vehicle the entire value of such vehicle shall be exempted; no remaining exemptible value shall be allocated to the taxpayer.

§4 APPEALS

- A. Any applicant who believes he or she was eligible for the exemption but was not listed by the Emergency Management Coordinator as qualified may appeal to the Board of Supervisors by giving written notice to the County Administrator within 30 days of receiving his or her tax assessment.
- B. Any applicant who was designated by the Emergency Management Coordinator as eligible for the exemption but was not granted the exemption by the Commissioner, may be appeal said decision as provided in the Code of Virginia for assessments generally.

WHEREAS, the Tazewell County Board of Supervisors did on Sept. 2, 2014, hold a public hearing in accordance with notice duly and lawfully published pursuant to the Virginia Code.

It is so ORDAINED this 6th day of November 2014.

RECORDED VOTE: Hymes, Roberts 5 to 0
MEMBERS PRESENT: Roberts, White, Stacy, Absher, Hymes
MEMBERS ABSENT: None
AYES: Five (5)
NAYS: None
ABSTENTIONS: None

THOMPSON VALLEY FIRE DEPARTMENT -

\$125,000.00 LOCAL FUNDING APPROVED FOR FIRE TRUCK - TANKER

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 \$125,000.00 as local funds for the purchase of a tanker for the Thompson Valley Fire Department through a USDA Grant. These monies are hereby approved as follows: \$25,000.00 from the Rescue Squad Capital Outlay, Account No. 32020-8109 and \$100,000.00 from the Other Obligations Capital Projects Contingency Fund, Account No. 91050-7008. Bids will be solicited in accordance with the County's procurement requirement.

The Deputy County Administrator is hereby authorized and directed to transfer this money in accordance herewith this action at such time as may be necessary and appropriate, and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

In addition, Supervisor White requested that Dave White provide him a copy of the equipment - priority list that was developed by him showing the equipment need(s) for each County fire department.

\$22,000.00 BAPTIST VALLEY FUNDING MATTER

Patricia Green reported that the County is still waiting to hear from the Baptist Valley Fire Department with regard to the return of \$22,000.00 to the County. She said her office has left messages, but no response have been received. It was mentioned that the Baptist Valley Fire Department may need to have new signature cards to conduct banking business. The Board suggested that the County Attorney, Eric Young review the by-laws/articles of incorporation and write a letter to the appropriate individual regarding this matter and report same to the Board at its December 2, 2014 meeting.

PLANNING COMMISSION -

Supervisor Stacy said he had nothing to report with regard to the October 9, 2014 Planning Commission Meeting.

CUMBERLAND PLATEAU PLANNING DISTRICT

Supervisor White reported that Solid Waste Authority will meet on the Landfill issues and give Supervisor White a report next month at the next CPPD meeting.

UP TO \$5,000.00 FOR WIRELESS CELL TOWER SERVICE CONSULTANT

Upon motion of Supervisor White, 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 an amount up to \$5,000.00 as consulting monies to assist with locating sites for the placement of wireless cell-towers in Tazewell County, more particularly for remote areas of Tazewell County, such as the Pocahontas ATV Trail vicinity and for other infrastructure planning in Tazewell County.

Supervisor White reported that the 4-G cell tower service project should be completed by the Spring 2015.

Chris Strugill with the Southwest Regional Recreation Authority was present and gave an update on how the SRRA provides security on the ATV trail. Major Heatley was present and said they needed to work in collaboration with the Sheriff's Office with regard to security and to let the County's Sheriff's department and 911 department know who was providing security.

Mr. Strugill also stated that portions of the ATV Trail in Pocahontas have AT&T cell phone service so the County should contact AT&T with regard to possibly obtaining AT &T as a County provider for cell service in that area.

Ms. Andrea with SRRA was present as well and gave an update on the number of permits sold during the initial opening of the trail. She then announced a Community Readiness meeting with Pocahontas Officials as well as County folks to see what the Town of Pocahontas needs to do to enhance the town to benefit tourism. Ms. Andrea mentioned the amount of revenue other Southwest Virginia counties received as a result of operating trails. She said it was a great revenue boost for Southwest Virginia.

Supervisor Stacy then requested that the County Attorney research State Code with regard to the County's collection of possible tax/fees from out of area folks that use the ATV Trail. The Chairman suggested adding a tax/fee to the current ATV permits or by other compilation. The County Attorney will notify the Chairman of his findings.

RECREATION DEVELOPMENT AUTHORITY (RDA)

Supervisor Roberts reported that the RDA did not have a quorum present at their last meeting and mentioned the on-going issues with a lack of quorum for the Tourism Committee and Airport as well. Chairman Stacy suggested that the County Attorney notify the folks regarding their lack of attendance and see if they want to continue being members or if they would like to resign from their positions.

Now, upon motion of Supervisor Roberts, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to notify the members of the Airport and let them know that the Board of Supervisors will consider removing any member from the Airport Authority or other County Committee/Authority who misses three (3) or more meetings in a row.

FIVE (5) MINUTE RECESS CALLED

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

APPOINTMENTS

ESC - One appointment to the ESC Committee, NW District was deferred to the December 2, 2014 meeting.

CVCA, Inc. Project Discovery Board -

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 Mrs. Mable Horton, PO Box 324, Boissevain, VA 24606 as a member of the Project Discovery Board for Clinch Valley Community Action, Inc. This appointment serves as the Board of Supervisors Representative on the CVCA, Inc. Project Discovery Board.

JEWELL RIDGE HOUSING PROJECT

Supervisor White said the CPRH Authority's - housing project(s) for the Jewell Ridge area will be addressed next month.

BUSINESS TO BUSINESS SHOWCASE

The Chairman thanked county employees who worked the Business to Business Showcase. He said it was an excellent event and with great participation. Supervisor White suggested the event be rotated throughout the County to give exposure to other towns. Patricia Green, Deputy County Administrator requested that Nuckolls Hall be the site for next year's Show-Case because the location was very liked by vendors who participated. She also said it would be hard to find another location that the county could reserve for an entire week.

TROY AND BANKS, INC. -

UTILITY AND TELEPHONE CONSULTANTS - AGREEMENT APPROVED

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 an Agreement with TROY & BANKS, INC. , 2216 KENSINGTON AVE., BUFFALO, NY 14226 to provide Tazewell County with an audit/evaluation of Tazewell County's utility and telephone company(s) billing information and activities with regard to service and equipments. Troy and Banks will pursue credits due for any past billing discrepancies and act as the County's Agent should a refund check be desired in lieu of a credit. The Deputy County Administrator is hereby authorized and directed to execute the agreement in accordance with this action. A copy of the Agreement in its executed form is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651 and incorporated herein by reference thereto.

MEMORABILIA - POCAHONTAS HIGH SCHOOL

Chairman Stacy reported that there was some old memorabilia in the Pocahontas High School that needs to be dispersed of accordingly, such as trophies as well as a Pocahontas Indian head. The School Superintendent sent a letter requesting that the Board of Supervisors allow the County Attorney to determine the legal/title issues with regard to the old Pisgah School and the old Clifffield School Property in exchange for the memorabilia.

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

Tazewell County Board of Supervisors hereby directs the County Attorney to make an offer of \$10.00 to the School Board for the memorabilia and donate same to the Town of Pocahontas.

LEAD TAZEWELL COUNTY

\$500.00 SOUTHERN

\$500.00 NORTHWESTERN

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 \$500.00 from the Southern District fund for a scholarship for Robin McCann to the LEAD Scholarship Class and \$500.00 from the Northwestern District fund for a LEAD Scholarship participate, payable to Chamber of Commerce, LEAD Program, 1413 Front Street, Richlands, VA 24641. The Deputy County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

COMMUNITY THANKSGIVING

SPONSORED BY THE TAZEWELL POLICE DEPARTMENT -

JUVENILE COURT \$500.00 SOUTHERN DISTRICT FUND

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Southern District Fund, payable to the Tazewell Police Department, Community Thanksgiving, PO Box 608, Tazewell, Virginia 24651-0608. The Deputy County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

FOSTER CARE CHRISTMAS -

TAZEWELL COUNTY DEPARTMENT OF SOCIAL SERVICES

\$1,250.00 (\$250 FROM EACH DISTRICT FUND - S; NW; E; N; W)

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 \$1,250.00 (\$250.00 from each of the five district funds) payable to the Tazewell County DSS/Tazewell County Foster Parent Association. These monies will be used for the DSS and the Tazewell County Foster Parent - Foster Care Christmas Party. The Deputy County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

\$500.00 SOUTHERN DISTRICT FUND

PAYABLE TO TAZEWELL AREA CHAMBER OF COMMERCE

FOR REPAIRS

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 \$500.00 from the Southern District Fund payable to the Tazewell Area Chamber of Commerce, Tazewell Mall, PO Box 6, Tazewell, Virginia 24651, attn: Pam Chambers, to be used for building repairs. The Deputy County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

FOUR SEASONS YMCA

DECEMBER 2, 2014 AGENDA

Supervisor Hymes announced that representatives from the Four Seasons YMCA would attend the December 2, 2014 Board of Supervisors meeting to address the Annual Support Campaign. In the last year the YMCA has grown into a three-branch operation, Tazewell, SWCC and Russell County. A representative from SWCC will attend the meeting as well.

RICHLANDS HIGH SCHOOL - BOYS BASKETBALL (NEW SHOES)

\$500.00 WESTERN \$500.00 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 \$1,000.00 (\$500 Western District and \$500 Northwestern District) payable to the Richlands High School Boys Basketball Program to help purchase of new basketball shoes. The Deputy County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

HUMANE SOCIETY OF TAZEWELL COUNTY, VIRGINIA

\$3,500.00 (\$700 FROM EACH DISTRICT FUND - S; NW; E; N; W)

ATTN. BONNIE FLETCHER

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a unanimous vote, 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 \$3,500.00 (\$700.00 from each of the five district funds) payable to the Humane Society of Tazewell County, Virginia, attn: Bonnie Fletcher, 276-202-7044. The Deputy County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Supervisor White requested that the County work close with Ms. Fletcher who could give the County ideas and tips with ways to improve the County's Animal Shelter.

RICHLANDS LITTLE LEAGUE - REQUEST FOR AUDIT

Supervisor White requested the Deputy County Administrator to send Ms. Beth Newberry, President of the Richlands Little League a copy of Ms. Newberry's letter regarding the League's intent to conduct an audit and to inform Ms. Newberry that the County would request their money back from them if the County does not receive a copy of their audit within 30 days.

MISSION OF PEACE - \$1,000.00

NORTHERN DISTRICT FUND

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 \$1,000.00 from the Northern District Fund, Acct. No. 91600-24, payable to Mission of Peace Food Pantry, 1834 Bandy Rd., Cedar Bluff, VA 24609 Attn. Lisa Payne (to help defray food expenses). The Deputy County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

BANDY FIRE DEPARTMENT \$1,000.00

NORTHERN DISTRICT FUND

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, Acct. No. 91600-4, payable to the Bandy Fire Department, Bandy, VA 24602 to help defray equipment expenses. The Deputy County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

FOIA MATTER ADDRESSED

Supervisor Stacy wanted to know why Supervisor White had filed for a Freedom of Information Request asking for copies of any communications between Supervisor Stacy, Supervisor Hymes with Earl Cole and Phillip Keen from the Voice Newspaper. Supervisor White said he was filing the request as a citizen and he would extend his request to include the other members of the Board of Supervisors. Supervisor Absher and Roberts agreed with providing disclosures as well. Supervisor White said he had received information that a member of the Board of Supervisors provided Mr. Keen, a member of the VOICE Newspaper, with information regarding the County Administrator, Jim Spencer's contract. Supervisor Stacy said he felt fingers were being pointed at him and Supervisor Hymes and not Supervisor Absher and

Roberts because he and Supervisor Hymes were the ones that voted against the motion made August 5, 2014 to approve the renegotiated contract of the County Administrator. The County Attorney, Eric Young, reiterated that the cause or causes for the renegotiated contract are exempt as personnel matters. However, he said the contract was always available to the public under the Virginia Freedom of Information Act. Supervisor Hymes agreed and said the contract was never sealed. Supervisor White reiterated the contract was voted on in public meeting and the fact that one newspaper did not have a representative at the meeting didn't make the contract a secret and the matter was not being hidden from the public.

Everyone was reminded of the Veterans Day Event Tuesday, Nov. 11 at 9:30 a.m. at Tazewell High School and reminded of the December 6, D.A.R.E. Dinner at Nuckolls Hall. The Chairman also mentioned the Annual County Employee Christmas Luncheon December 17 at Nuckolls Hall.

ADJOURN

Now, there being no further business to be transacted, and upon motion of Supervisor White, 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 meeting was adjourned at 9:57 p.m.

The next meeting is scheduled for December 2, 2014 at 6:00 p.m.

Charles A. Stacy, Its Chairman

by: RG