

**VIRGINIA: At a regular meeting of the Tazewell County Board of Supervisors held October 2, 2012 in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651**

**PRESENT: D. Michael Hymes, Chair**

**Seth R. White, Member**

**Charles A. Stacy, Member**

**Thomas B. Childress, Member (Interim)**

**James H. Spencer, III - County Administrator**

**C. Eric Young, County Attorney**

**Patricia Green, Assistant County Administrator**

**Ruth Groseclose, Administrative Assistant**

**Members of the Press: Katie Cole, Bluefield Daily Telegraph; Warren Hinkle, Tazewell County Free Press; Jim Talbert, Clinch Valley News/Richlands News Press; David Bryd, the Voice**

**ABSENT: John Absher, Vice Chair**

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The Chairman called the regular meeting to order and presided. Supervisor Absher was absent from the meeting. Supervisor White gave the invocation followed by the pledge of allegiance to the United States Flag lead by Supervisor Stacy.

The Chairman then welcomed and introduced Thomas B. Childress, interim BOS member from the Northern District. Mr. Childress thanked the Board for their support and for selecting him to represent Tazewell County to fill the vacancy left by the resignation of Dr. Tom Brewster. Mr. Childress stated he would do his best to serve the citizens to the best of his ability and the trust put into him by this board and hoped that it would be well-founded.

**AGENDA APPROVED AS AMENDED**

Upon motion of Supervisor White seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting, the Tazewell County Board of Supervisors hereby approves the agenda format as amended. The Board added an A-7 legal matter to the Executive/Closed meeting regarding the Tazewell County Fire & Rescue lease.

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**MINUTES APPROVED**

Upon motion of Member White, seconded by Member Stacy and adopted by a vote of 4 to 0, with Supervisor Absher absent, and with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the August 28, September 4 and September 13, 2012 meeting minutes as written.

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**DR. LEAH HOLLON, PUBLIC POLICY INSTRUCTOR & STUDENTS  
APPALACHIAN COLLEGE OF PHARMACY**

The Chairman welcomed Dr. Leah Hollon, Public Policy instructor as well as approximately 10 students from the Appalachian College of Pharmacy, Grundy, Virginia. The group was in attendance to observe a local government meeting as part of their public policy curriculum. The group attended the September 4, 2012 regular meeting as well. Dr. Hollon introduced each student with the board welcoming and wishing them much success in their pharmacy studies.

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**EXECUTIVE/CLOSED SESSION**

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Absher absent, and with all member present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into the Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711 as follows:

- A-7 Consultation with legal counsel involving the Dental School MOU
- A-7 Consultation with legal counsel involving the landfill drainage pond
- A-7 Consultation with legal counsel involving the Coal and Gas Severance Tax
- A-7 Consultation with legal counsel involving the Town of Tazewell MOU
- A-6 Investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interests of the county would be adversely affected involving PSA Bonds – CHWWTP
- A-7 Consultation with legal counsel involving the Tazewell County Fire and Rescue lease

The Board authorized that Dahmon Ball and other citizens be allowed to participate in the executive/closed meeting as may be needed.

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**RETURN/CERTIFICATION/REPORT OF ACTION**

**CERTIFICATION**

**OF EXECUTIVE/CLOSED MEETING**

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

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

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

**Ayes: Supervisor Childress, Stacy, Hymes and White**

**Nays: Four (4)**

**Absent: Supervisor Absher**

**Absent during vote: Supervisor Absher**

**Report of action as a result of the Executive/Closed Meeting:**

**DENTAL SCHOOL PROJECT START- UP- COSTS**

**\$114,000.00 LOAN APPROVED TO THE IDA**

Upon motion of Supervisor Childress, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Absher 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 a loan in the amount of \$114,000.00 from Acct. No. 97010-8178, IDA/Economic Development Project, to the Tazewell County Industrial Development Authority

as monies to be used as start-up-costs for the Dental School Project, subject to the terms of the Memorandum of understanding (M.O.U.) with Bluefield College.

**PSA – MORAL OBLIGATION RESOLUTION**

**SOFT COSTS (CHWWTP) \$750,000.00**

Upon motion of Supervisor Stacy, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting, the Tazewell County Board of Supervisors hereby approves the SUPPORT AGREEMENT, made as of August 16, 2012, between the BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA (the “County Board”) acting as the governing body of Tazewell County, Virginia (the “County”), and TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY (the “Authority”) , a public body politic and corporate of the Commonwealth of Virginia, and WHEREAS, the Authority (PSA) has determined that it is in its best interest to issue and sell a \$750,000 Bond Anticipation Note, Series 2012 (the “Note”) to First Sentinel Bank, Richlands, Virginia (the “Bank”) and use the proceeds from the sale thereof to finance or refinance costs of various capital improvements (collectively, the “Project”) to the Authority’s water and sewer systems (collectively, the “System”), more particularly, the Claypool Hill Waste Water Treatment Plant (CHWWTP) improvements. A copy of the SUPPORT AGREEMENT/MORAL OBLIGATION AGREEMENT in a form as hereby approved is on file in the office of the County Administrator, 108 East Main Street, Tazewell Virginia 24651 and incorporated herein by reference thereto.

**MEMORANDUM OF UNDERSTANDING**

**- SHARED SERVICES/TOWN OF TAZEWELL, VIRGINIA – TAZEWELL COUNTY, VIRGINIA**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Absher 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 (Tazewell County) hereby approves a Memorandum of Understanding (MOU) with the Town of Tazewell, Virginia with regard to SHARED SERVICES. A copy of the MOU in a form as hereby approved is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651 and as incorporated herein by reference thereto.

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**NATIONAL 4-H WEEK PROCLAIMED  
OCTOBER 7, 2012 TO OCTOBER 13, 2012**

Ms. Emily Nester, Extension Agent 4-H Youth Development, Virginia Cooperative Extension Agency and Ms. Rhonda Fuller, 4-H Program Assistant, accompanied by 4-H youth students were introduced and welcomed by Chairman Hymes. Three (3) officer candidates were also introduced. The group presented a small token of appreciation to the Board for recognizing and supporting 4-H programs in Tazewell County and for proclaiming October 7, 2012 to October 13, 2012 as National 4-H Week : **The 4-H Pledge:** I pledge: My head to clearer thinking, My heart to greater loyalty, My hands to larger service, My health to better living, For my club, My community, My country, And my world - **The 4-H Motto:** “To Make The Best Better.” 4-H members present gave the 4-H Salute – which was followed by a round of applause from the audience.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Childress and adopted a vote of 4 to 0, with Supervisor Absher voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors PROCLAIMS October 7-13, 2012 as NATIONAL 4-H WEEK. A copy of the Proclamation in a form as hereby adopted is on file in the office of the County Administrator, and incorporated hereby by reference thereto.

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**CONSENT CALENDAR APPROVED**

Upon motion of Supervisor White seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items presented as “Consent Calendar”. Matters requiring the issuance of warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

**WARRANTS APPROVED AS PAID**

**August/September 2012**

**Payroll**

Ordered that Warrant Nos. 136450 through 136517 and direct deposits totaling \$219,570.40 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 31, 2012, be approved.

Ordered that Warrant Nos. 136519 through 136585 and direct deposits totaling \$226,197.64 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 15, 2012 be approved.

**Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 458251 through 458383, for \$212,319.29 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of August 2012, be approved.

Ordered that Warrant Nos. 458385 through 458398, for \$160,594.73 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 31, 2012 be approved.

Ordered that Warrant Nos. 458400 through 458554, for \$845,660.17 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 2012, be approved.

Ordered that Warrant Nos. 458556 through 458580, for \$6,422.50 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 2012, be approved.

Ordered that Warrant Nos. 458582 through 458595 for \$159,509.24 from the General Funds, covering payroll deductions for the various County agencies for the period ending September 15, 2012, be approved.

**Handwritten**

Ordered that Warrant No. 801718 through 801722 for \$32,123.57 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of August 2012, be approved.

- Ratified \$1,000 .00 (\$500 from Western Recreational funds & \$500 Northwestern Recreational funds) to Richlands Boys Basketball
- Approved \$25.00 payment to the Treasurer of Tazewell County for Lake Jack Witten shelter rental – from Account No. 9140-5670/Southern District
- Approved \$100.00 from the Contingency fund 91050– 7023, donation to SATIRA benefit (Corn Hole Tournament)
- Approved \$85.44 from Account No. 91050-7041 to the Sheriff’s Account No. 31020-5510 – reimbursement received from Cumberland Mountain Community Services for training.
- Approved \$327.81 from Account No. 91050-7041 to the Sheriff’s Account No. 31020-5510 Travel & Training – reimbursement for travel
- Approved \$5,000.00 from the Northwestern District Fund payable to the Jewell Ridge Development Corporation
- Approved \$2,000.00 to Cove Community Center from Southern District Funds for roof repair
- Coyote Claim – approved the amount of \$50.00 payable to John Barney, PO Box 122, Horsepen, VA 24619 for 1 coyote killed on September 17, 2012 with a shotgun.
- Approved \$2,500.00 (\$500 from each district fund) for the annual ESC Fire & Rescue Appreciation Parade.
- Commonwealth’s Attorney Budget - Approved \$10,000.00 from the Contingent Expenditures & Grant Account 91050-7041 to the

Commonwealth's Attorney – SATIRA Budget Account No. 22010-5605  
(Substance Abuse Taskforce in Rural Appalachia).

- Approved \$1,000.00 from the Northwestern District Fund to the Town of Richlands – Fall Festival.
- Sheriff Budget - Authorized the transfer of \$6,846.57 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Sheriff's Budget 31020-6009 and the amount of \$9,650.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Sheriff's Budget as insurance monies received for wrecked vehicles.

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Now, upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting, and 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 proceed with the Board of Supervisors Liaisons Report:

- Emergency Services Committee: The committee did not have a meeting in September, however, a team from the Virginia Fire Services Board folks will be visiting county fire and rescue facilities Oct. 3, 4 & 5 and a fire & emergency medical services study for Tazewell County will be presented at a later date.
- A public forum will be held Oct. 4 at Nuckolls Hall @ 7:00 p.m. for public input on the Fire Services Study – the towns are invited.
- Supervisor White requested that the County solicit neighboring counties (Buchanan & Russell) asking that they participate and help fund the Burn Building project in the amount of \$25,000 each.
- Planning Commission – Supervisor Absher had nothing to report as a result of the September 13, 2012 Planning Commission meeting; however, Member Tom Childress requested that zoning in Tazewell County be moved forward. He said the zoning committee met and decided to have a zoning ordinance inclusive. He said he and Eddie Pauley would serve as members of the Zoning Committee with Bill Gillespie and Travis Hackworth serving as alternate members.



- School Board Liaison member: It was a consensus of the Board to allow Patricia Green serve as the Board of Supervisors interim representative until the new budget cycle begins.

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## **PUBLIC HEARING**

### **TORONTO STREET –**

### **PROPOSED VACATION**

The Chairman called to order a public hearing which has been duly advertised according to law entitled: “**A PROPOSED VACATION OF A PORTION OF TORONTO STREET IN THE OSBORNE- HUFFMAN SUBDIVISION NEAR DORAN IN TAZEWell COUNTY, VIRGINIA, IN THE NORTHWESTERN DISTRICT OF TAZEWell COUNTY, VIRGINIA.**” The following people spoke in reference to the public hearing: A plat was on hand to help describe the proposed vacation:

- Pastor Kenny Pruitt – Pastor of the church that abuts Toronto Street (behind Silver Spur) questioned the highlighted portion of the Plat and said the portion of the street was used for parking and turning for the church. He voiced concerns that if the house beside the church was ever sold, a fence could be built which would interfere with the church’s parking and turning. Supervisor White suggested that the proposed vacation be modified and to keep the section adjacent to the church public.

The Board deferred action on the proposed vacation to give the County Attorney sufficient time to rewrite the proposed vacation.

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

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## **APPOINTMENTS**

Tall Structures Appeals Board – one (1) northwestern district appointment was deferred.  
Tazewell County Planning Commission – one (1) northern district appointment was deferred.

Tazewell County Road Viewers – one (1) northwestern district appointment was deferred.

Tazewell County Recreation and Parks Facilities Authority – Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting, the Tazewell County Board of Supervisors hereby appoints Thomas B. Childress, PO Box 391, Pocahontas, Virginia 24635 as a member of the Tazewell County Recreation Development Authority, for a term effective immediately and expiring June 30, 2014 – this appointment replaces Dr. Tom Brewster’s unexpired term.

Local Emergency Planning Commission (LEPC) – Upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting, the Tazewell County Board of Supervisors hereby appoints Jim Hardy, Fire Chief, Bluefield Virginia Fire Department, PO Box 1026, Bluefield, VA 24605 to serve as the fire chief representative of the Tazewell County Local Emergency Planning Commission.

Tazewell County Tourism Committee – consideration of allowing ad hoc members to serve as voting members was discussed. The Board agreed to allow the ad hoc members voting powers relative to local business matters only. Ad-hoc member appointments were deferred for further consideration, i.e. John Blankenship and Charlotte Whitted. The appointments will be considered at the next regular meeting of the Board of Supervisors.

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**PUBLIC HEARING -**

**PROPOSED VACATION OF CENTER STREET AND AN UNNAMED STREET IN THE EAST RAVEN ADDITION NEAR RAVEN IN TAZEWELL COUNTY, VIRGINIA IN THE WESTERN DISTRICT OF TAZEWELL COUNTY, VIRGINIA**

The Chairman called to order a public hearing that was duly advertised according to law, entitled “**PROPOSED VACATION OF CENTER STREET AND AN UNNAMED STREET IN THE EAST RAVEN ADDITION NEAR RAVEN IN TAZEWELL COUNTY, VIRGINIA IN THE WESTERN DISTRICT OF TAZEWELL COUNTY, VIRGINIA.**”

The Board of Supervisors intends to vacate the portion of Center Street and the unnamed Street commonly known as Citadel Street in the East Raven Addition as shown on a plat recorded in Deed Book 83, pages 320 & 321. If the street is vacated the public would no longer

have a right to travel over the road and the ownership of the street would be split between the bordering property owners.

Now, the Chairman called for public comments from the floor with regard to the public hearing. The following spoke with regard to the subject public hearing:

- Mac W. Smith, 7259 North Elms Road, Flushing, Michigan spoke in favor of the proposed vacation. Mr. Smith said he received a letter from the County Attorney with regard to the closure of the street.
- Susie P. Hill, Administrator, Estate of Robert S. Hill, 272 Red Root Ridge Road, Raven, Virginia 24639 – Riverview Drive is on her property and her property goes passed Riverview Drive. The County Attorney explained that the proposed area to be vacated does not affect Riverview Drive.
- Danny Horton, St. Route 318, Raven, Virginia - said he was in favor of the proposed vacation. The Trinity Tabernacle Church is proposing to build an awning on the church and the proposed vacation would be very helpful.

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

Now, upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Supervisors Absher absent from the meeting, the Tazewell County Board of Supervisors hereby vacates that portion Center Street and the unnamed Street (commonly known as Citadel Street) in the East Raven Addition as shown on a plat recorded in the Tazewell County Circuit Court Clerk's Office in Deed Book 83, pages 320 & 321 described as follows and as advertised:

**WHEREAS**, pursuant to §15.2-2006 of the Code of Virginia, (1950), as amended, the Board is authorized to vacate or alter any Public Right of Way located in the County of Tazewell, by ORDINANCE of the governing body of the locality in which the land lies;

**WHEREAS**, the Board intends to alter or vacate the public right of way being a portion of Center Street and an unnamed Street (commonly known as Citadel Street) in the East Raven Addition near Raven in Tazewell County, Virginia, in the Northwestern District of Tazewell County, that portion that crosses Lots 8 through 27;

**WHEREAS**, each property owner of record whose property adjoins the aforesaid portion of Center Street and unnamed Street (commonly known as Citadel Street), as shown in the County's land records, has been notified of the Board's intentions, as required by Statute; and

**WHEREAS**, notice of a public hearing to consider said vacation, setting forth the description of the right of way to be vacated and stating the time, date and place of the meeting of the governing body at which the adoption of the ordinance was to be voted upon, was duly published on the 19<sup>th</sup> day of September, 2012, and the 26<sup>th</sup> day of September, 2012, in the Clinch Valley News/Richlands News Press, a newspaper having general circulation in the County in which the street or alley is located, all as required by §15.2-2006 of the Code of Virginia (1950), as amended; and

**WHEREAS**, the Board finds that it is satisfied that there are alternate passageways available to the public and that this portion of Center Street and unnamed street (commonly known as Citadel Street) serves no public necessity;

**WHEREAS**, the Board further finds that the requirements for vacation of portions of the plat as contained in §15.2-2006 of the Code of Virginia, (1950), as amended, have been met.

**NOW THEREFORE BE IT ORDAINED**, that a portion of the road known as Center Street and unnamed Street (commonly known as Citadel Street), that crosses parcel number 104A2A0002, and lies between parcels 104A2A0002 and 104A2A0003, and for taxation purposes, shown in the land records of the County to be owned by Trinity Tabernacle Church, Jackie Smith, and Mack W. Smith, respectively, hereby is vacated pursuant to §15.2-2006 of the Code of Virginia, (1950), as amended. That portion of Center Street and unnamed Street (commonly known as Citadel Street) to be vacated is hereby described as follows:

That portion of Center Street and the unnamed Street (commonly known as Citadel Street) in the East Raven Addition as shown on a plat recorded in the Tazewell County Circuit Court Clerk's Office in Deed Book 83, pages 320 & 321 described as follows:

That portion of unnamed street, commonly known as Citadel Street, that crosses lots number 8 through number 11, and the western most portion of lots 26 and 27; and that portion of Center Street beginning between the North East corner of Lot 11 and the North West corner of lot 24, then running South to the South

East corner of Lot 10 and the South West corner of Lot 25 (also commonly known as Citadel Street).

It is so ORDAINED by the Board on this the 2nd day of October, 2012.

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**VDH – VIRGINIA DEPARTMENT OF HEALTH – CPPD**  
**ACTIVITIES REPORT**

Brian Stanley, Environmental Health Manager Senior, Cumberland Plateau Health District presented an update on various health department related activities:

- Reported the importance of Public Health Nurses and their services for the well-being of county citizens – i.e. provides childhood immunizations; provides services for the WIC program to promote good health of women and their children to age 5; educates families about child passenger safety programs – car seat installation training; BabyCare Program provides services to pregnant women and infants through 2 years; Well Child Clinic – provides interval monitoring of a child’s health all the way through adolescence; flu vaccines to County residents; EveryWomen’s Life (EWL)– a program that provides instructions on best care & self-examination as well as Medicaid enrollment for under age 65 for have been diagnosed with cancer through the EWL program. Many of the services are free to those that qualify; but services are based on family income and a sliding scale fee.
- Local Environmental Health staff inspects and issue required permits for food services in Tazewell County, i.e. School cafeterias, restaurants, food stands at community events; camps, day care centers and B & B’s.
- Local Environmental Health Staff investigates potential rabies exposures & any animal bite. Oral Rabies Vaccine (ORV) baiting is provided through the U.S.Department of Agriculture and has been conducted for the past two (2) years to prevent the spread of raccoon rabies westward.

The County Administrator reported on the upcoming Rabies Clinics scheduled for November 10, 2012 in various locations for Tazewell County.

Mr. Stanley requested that the County Administrator send him an email with regard to the Nov. 10 Clinic and he would respond giving VDH’s support of the rabies clinics.

**COAL ROAD PAVING LIST &  
REVENUE SHARING PARTICIPATION FY13-14**

Supervisor White on behalf of the Tazewell County Coal & Gas Road Improvement Committee presented the list of roads to be considered for the upcoming paving schedule for FY12-13. He also presented the Revenue Sharing Projects road list that the CST Committee recommended for approval.

Now, upon motion of White, seconded by Supervisor Childress and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting, and as recommended by the Coal & Gas Road Improvement Committee, the Tazewell County Board of Supervisors hereby approves the following road list to be put to bid and considered, with Moore Mountain being included as Add Alternate to Lot III (Northern District), subject to the appropriate right-of-ways being obtained and as approved by the County Attorney and County Engineer.

**LOT I (WESTERN DISTRICT)**

<b>ROAD</b>	<b>L X W (FEET)</b>	<b>EST. TONS</b>	<b>BID PRICE</b>
<b>Mall Church Rd</b>	415 x 18.5	94	
<b>Maid St</b>	250 x 9	41	
<b>Play St.</b>	792 x 8	78	
<b>Total Bid Price</b>			
<b>Price Per Ton</b>			

**LOT II (SOUTHERN DISTRICT)**

<b>ROAD</b>	<b>L X W (FEET)</b>	<b>EST. TONS</b>	<b>BID PRICE</b>
<b>Hickory Ridge</b>	508 x 8	57	
<b>Goose Creek Rd</b>	250 x 8	38	
<b>Total Bid Price</b>			
<b>Price Per Ton</b>			

**LOT III (NORTHERN DISTRICT)**

<b>ROAD</b>	<b>L X W (FEET)</b>	<b>EST. TONS</b>	<b>BID PRICE</b>
<b>Total Bid Price</b>			
<b>Price Per Ton</b>			

**LOT IV (NORTHWESTERN DISTRICT)**

<b>ROAD</b>	<b>L X W (FEET)</b>	<b>EST. TONS</b>	<b>BID PRICE</b>
<b>Miami ST</b>	10 x 10	21	
<b>Total Bid Price</b>			
<b>Price Per Ton</b>			

**LOT V (EASTERN DISTRICT)**

<b>ROAD</b>	<b>L X W (FEET)</b>	<b>EST. TONS</b>	<b>BID PRICE</b>
<b>Total Bid Price</b>			
<b>Price Per Ton</b>			

**ADDITIONAL CONTINGENCY ITEMS**

The following additional roads may be incorporated as additive alternates to the lots listed above.

**LOT I WESTERN DISTRICT (ADD. ALTERNATE)**

<b>ROAD</b>	<b>L X W (FEET)</b>	<b>EST. TONS</b>	<b>BID PRICE</b>
<b>Champion St.</b>	600 x 12	86	
<b>Aztec Ln</b>	224 X 8	36	
<b>Total Bid Price</b>			
<b>Price Per Ton</b>			

**LOT III Northern (ADD. ALTERNATE)**

<b>ROAD</b>	<b>L X W (FEET)</b>	<b>EST. TONS</b>	<b>BID PRICE</b>
<b>Repair Street</b>	100 x 8	27	
<b>Jimmy Grose</b>	528 x 8	59	
<b>Total Bid Price</b>			
<b>Price Per Ton</b>			

**LOT IV NORTHWESTERN DISTRICT (ADD. ALTERNATE)**

<b>ROAD</b>	<b>L X W (FEET)</b>	<b>EST. TONS</b>	<b>BID PRICE</b>
<b>Charity Road</b>	<b>300 x 8</b>	<b>42</b>	
<b>Rock Road</b>	<b>1550 x 10</b>	<b>1722</b>	
<b>Toronto St</b>	<b>300 x 13</b>	<b>433</b>	
<b>Minitor St</b>	<b>500 x 10</b>	<b>500 x 10</b>	
<b>Total Bid Price</b>			
<b>Price Per Ton</b>			

And further, upon motion of Supervisor White, seconded by Supervisor Childress and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves, upon recommendation by the Tazewell County Coal Road and Gas Improvement Committee at a meeting held September 28, 2012, the Tazewell County Coal Road and Gas Improvement Committee's recommendation for the County to commit funds for the revenue sharing program in the amount of \$900,000 overlay and \$100,000 guardrail; this is Tazewell County's matching portion of a total \$1,800,000 overlay and \$200,000 guardrail. These funds shall be applied for by the Engineering Department upon approval of the Board of Supervisors and will indicate by official letter to the Virginia Department of Transportation, its official intent to participate in the "Revenue Sharing Program" for Fiscal Year 2013-14. The application date for this is due November 1, 2012. Additional Names and



suggestions for paving and guardrail will be requested from the Transportation Safety Committee.

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## **CITIZEN COMMENTS**

### **UNSCHEDULED**

Robert Mitchem, 1122 Big Branch Road – wanted to know why the County planned to spend \$8,000,000.00 on the 4-way intersection of Route 644 & Route 696 which he felt was all about the Pocahontas Prison. He said he could not get any answers from VDOT. Mr. Spencer said Route 644 and Route 696 was a State Route and Tazewell County wasn't spending any monies on these routes to his knowledge. He also mentioned the curve down from the Fire Dept. in Bluefield, VA. He said tractor trailers run motorists out of the road because of the bad curve - and questioned why the curve could not be fixed. He mentioned the 40 mph speed zone on the other side of the curve and said driving 40 mph was impossible. Mr. Mitchem then shared with the Board a newspaper article regarding Route 102 and how the road could not be widened because of a flood zone designation. In closing, Mr. Mitchem mentioned the trash on the road in the area as well. The Chairman deferred the trash issues to the Sheriff and said he would also have Conrad Hill with VDOT contact Mr. Mitchem regarding his road concerns.

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## **CITIZEN COMMENTS**

### **K-9 Handlers – Barking Dog Ordinance /Request for exemptions**

Mr. Kenneth Looney, Wittens Mills Rd. North Tazewell, VA requested that the County consider an exemption for K-9 handlers and trainers when considering the proposed barking dog ordinance. Mr. Looney said he was a K-9 trainer and he trains his dogs to bark as part of the training requirements for search & rescue purposes as well as personal protection.

## **CITIZENS COMMENTS –**

### **OPPOSING THE CROOKED ROAD HERITAGE AREA DESIGNATION**

1. Junior Crockett –“I do not believe the County should be under the Crooked Road designation. If the BOS go on the national heritage designation you are in effect placing the County under supervision of the National Parks Services and the NPS will have people like Greenpeace making decision; they will implement zoning. If the BOS make

bad decisions it cannot be corrected – you can't back out. I'm not opposed to bluegrass, country music or things like that; I just don't want to give up my property rights....”

2. Anita Moody – “Certainly opposed to the long-arm of the federal government coming in and trying to enact anything that would put limits on me and my neighbors as property owners.”
3. Dianne Altizer – “ I have comments and questions for you to consider regarding the Crooked Road Project. Personal property is the cornerstone of our society. Our ancestors created this Country for that reason. We stand ready in support of all efforts to protect everyone's personal liberties and property. I'm a member of the Jeffersonville Tea Party Patriots. We support the idea of the Crooked Road Project. We believe that it clearly must be a local effort made by the persons who own the property that will be affected. However, we absolutely disagree with any part of the Ninth District being designated a "National Heritage Area." The United States government is bankrupt and out of control. How can they give us any money? The national government seems always to be in expansion mode. Virginia Constitution, Article 1, Section 2 says "That all power is vested in, and consequently derived from the people, that magistrates are their trustees and servants and at all times amenable to them." This is our law in Virginia. Will our citizens be given the opportunity to consent to this Crooked Road Project? How will consent of the people be obtained? Has the General Assembly agreed to the National Heritage Area? We believe that our local, state and federal governments must not in any way place more unconstitutional zoning or use restrictions on we the people, or on our private property. We respectfully ask that you sirs ensure that this does not happen.”
4. Richard Moody- Opposed to the Tazewell County participating in the Crooked Road Heritage Designation “property rights are the foundation of our nation; our constitution and everything we are about as capitalist society. I request that you consider this matter carefully and reject any involvement.”
5. Bernard Kitts – opposed to “anything federal government wants to do”. He also requested repairs to Moore Mt. Road located in the Northern District.

6. Jerry A. Hoops – federal designations “hurt property rights.” – Mr. Hoops also requested repairs to Moore Mt. Road.

Eric Young, County Attorney stated that his office research the designation and said he found that national heritage designations are subject to their own separate piece of legislation – he further said that US. Rep. Morgan Griffith’s office said the legislation had not been drafted. Mr. Young said if citizens aren’t interested in this they need to inform Mr. Griffith’s office.

Chairman Hymes requested that the Tourism Committee address the National Heritage Designation at their next meeting as well as clarifying Section 2.A & 3.A in the proposed Tourism Strategic Plan, i.e. 40% increase in their budget & the full-time tourism director position. Supervisor Hymes also requested that the Tourism Strategic Plan indentify/list each annual festival in the County. Consideration of adopting same will be discussed at the next regular meeting of the Board of Supervisors.

Eric Whitesell, local attorney from Tazewell and citizen from the Thompson Valley community stated that Mr. Looney’s comments regarding K-9 trainers and handlers were already incorporated in the “whole” animal control ordinance. He said the ordinance specifically defines Mr. Looney’s concerns.

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## **ENTERPRISE ZONES**

The County Administrator said the Enterprise Zone needed to be cleared up in the area of “residential” on Second Street and the street next to the Tabernacle Church, in the Northwestern District. The Enterprise Zone designation entitles the owners of properties within the zone to certain tax incentives. The County Attorney suggested the Board consider the adoption at the November 2012 regular meeting. The County Administrator will submit a draft of the county’s enterprise zone application to the state to see if is acceptable and within state guidelines in order to qualify for the incentives with the enterprise zone designation. The Enterprise Zone Ordinance, in its amended form, will be addressed and considered for adoption at the November 8, 2012 regular meeting.

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### **POCAHONTAS ATV TRAIL UPDATE**

The County Administrator reported that a conference call was held recently with officials from the Department of General Services and Spearhead folks. The County is waiting on an agreement with the Commonwealth of Virginia and with a private landowner. The Board suggested that the County contact State officials and try the political route again only if nothing is resolved as a result of the meeting with the Department of General Services and Spearhead folks. This matter will be addressed at the November 8 meeting.

### **BUSINESS TO BUSINESS SHOWCASE – NOVEMBER 1 & NOVEMBER 2, 2012 SWCC**

The County Administrator announced the 10<sup>th</sup> Annual Business to Business Showcase for November 1 & November 2, 2012 at SWCC. This is a free event for county businesses as an endeavor to promote area businesses. The showcase provides a networking opportunity for businesses and government entities, and showcases products offered in Tazewell and other neighboring counties. Approximately 90 to 100 businesses attend the event each year.

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

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### **WALKING/RIDING TRAIL**

Member Childress requested an update on the Walking/Riding Trail. The target opening date is set for the week-end of the Coal Heritage Festival - the last week of April, 2013. Mr. Spencer said that Dave Hill with Hill Studio is waiting on VDOT to approve the plan in order to meet the projected opening date.

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### **ANIMAL CONTROL –**

#### **TWO (2) PUBLIC HEARINGS SCHEDULED**

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Absher voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise for a public hearing at the board's November 8, 2012 regular meeting – An Ordinance to consider a proposal to change the purchase of dog tags from every year to every

three years, and further that the amendments to the Animal Control Ordinance relative to barking dogs be held at the December 4, 2012 regular meeting. The Chairman said that he would like to separate the two matters because he is receiving different comments (pro & con) on the barking dog ordinance.

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Supervisor White requested that Sara Sheets with Mountain Kids, Inc. be notified of the next Board of Supervisors meeting, date and time. Ms. Sheets would like to attend the meeting to present a grant presentation received from Dominion Power to Mountain Kids, Inc.

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Supervisor Hymes said that he has received several questions from dentists regarding the new dental school – questions similar to, “what can we do to help?” Supervisor White said he personally spoke to all the dentists in his area as well as one in the Southern District. Supervisor Stacy said he has heard similar remarks and he wanted to make certain that everyone sees all the details about the dental school that got the County so excited. The County Administrator said that Dr. Olive has reached out to various dental associations and health-care groups who have started an out-reach program for informational purposes with regard to the new dental facility.

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Supervisor White invited everyone to the Richlands Fall Festival scheduled for October 6, 2012.

Supervisor White requested that the County Administrator follow up with the matters addressed by the gas committee, prior to the next gas meeting scheduled for October 19.

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Supervisor Hymes said the Buckhorn Road- citizen group is ready for the County to consider the road for acceptance in the orphan road program.

Supervisor Hymes requested that the County Administrator contact Tommy Dunford regarding the possibility of marketing the old Burkes Garden Store.

Supervisor Hymes requested the County Administrator reach out to members of the County Fair Association with regard to their request for additional exhibit space, etc. for the County Fair. The County Administrator said he previously met with Fred Harman and Betty Melvin on this matter.

The Thompson Valley Collection Center (Garbage) bids have been solicited – a low bid of \$52,000 came in. The Board will vote on the bids at the November 8, 2012 meeting.

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### **CAMP 31 (DOC) FACILITIES**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting, and with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that a letter be sent to the Virginia DOC – asking that the Camp 31 facilities be donated to Tazewell County for economic development purposes.

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### **NORTHERN DISTRICT FUNDS**

#### **\$5,000.00 TO TOWN OF POCAHONTAS, VA --**

#### **TO MAKE REPAIRS TO OPERA HOUSE/COURTHOUSE FACADE - FALLING BRICKS**

Upon motion of Supervisor Childress, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Member Absher absent from the meeting, and with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$5,000.00 from the Northern District Fund, payable to the Town of Pocahontas, Virginia 24635 to assist with repairs (falling bricks) to the Pocahontas Opera/Court House façade. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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### **SOUTHERN DISTRICT FUNDS**

#### **\$500.00 TO COMMUNITY CHRISTMAS VILLAGE**

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Member Absher absent from the meeting, and 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 Funds, payable to the Community Christmas Village c/o the Tazewell Area Chamber of Commerce, Tazewell, Virginia 24651, contact person: Donnie Yates. The County Administrator is hereby authorized and

directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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### **SOUTHERN DISTRICT FUNDS**

#### **\$1,500.00 TO COVE FIRE DEPARTMENT – TURN OUT GEAR**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Member Absher absent from the meeting, and with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,500.00 from the Southern District Funds, payable to the Cove Fire Department, 1810 Maiden Springs Road, Tazewell, Virginia 24651 attn: John Fisher to assist with the purchase of turn-out gear. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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### **EXECUTIVE/CLOSED MEETING**

Upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Member Absher 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 enters into and executive/closed meeting, pursuant to Virginia Code Section 2.2-3711:

- A-7 Consultation with legal counsel involving the landfill drainage pond
- A-7 Consultation with legal counsel involving the Coal & Gas Severance Tax
- A-7 Consultation with legal counsel involving the Tazewell County Fire & Rescue lease

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

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 4 to 0, with Member Absher 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 returns from the Executive/Closed Session with Supervisor White reading the resolution of certification of the Executive/Closed Meeting:

**CERTIFICATION OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: 4 to 0 Supervisor Childress, Stacy, White and Hymes

Nays: None

Absent from meeting: Supervisor Absher

**REPORT OF ACTION:**

**LANDFILL DRAINAGE POND – \$ 75K APPROVED-  
NEGOTIATE WITH CONTRACTOR**

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 4 to 0, with Member Absher 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 approve payment of the original contract price of \$75,000.00 for the landfill drainage pond and hereby further authorize and direct the County Administrator to negotiate with the contractor with regard to his request for additional compensation and offer to pay an amount not to exceed the County Engineer's recommendation.

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**ADJOURN TO NOVEMBER 8, 2012**

Now, as a result of Election Day, November 6, 2012 falling on the Board of Supervisors regular meeting date, and upon motion of Supervisor White seconded by Supervisor Stacy and



adopted by a vote of 4 to 0, with Supervisor Absher 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 authorizes and directs that the regular November 2012 Regular Meeting be held on Thursday, November 8, 2012 at 6:00 p.m.

Now, there being no further business to be transacted, this meeting is hereby adjourned.

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D. Michael Hymes, Chairman

By: RG

Adjourn time: 10:24 p.m.