

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD OCTOBER 4, 2011 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VA 24651

PRESENT: DAVE R. ANDERSON, CHAIR  
D. MICHAEL HYMES, VICE CHAIR  
SETH R. WHITE, MEMBER  
JOHN M. ABSHER, MEMBER  
JAMES T. CAMPBELL, JR. MEMBER  
JAMES H. SPENCER, III – COUNTY ADMINISTRATOR  
C. ERIC YOUNG, COUNTY ATTORNEY  
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR  
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT  
MEMBERS OF THE PRESS:  
CHARLES OWENS, BLUEFIELD DAILY TELEGRAPH;  
JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS  
PRESS; CHARLES OSBORNE, TAZEWELL COUNTY FREE PRESS  
& WVVA VIDEOGRAPHER

ABSENT: NONE

Dave R. Anderson, Chairman, called the regular meeting to order and presided with all members in attendance. The Chairman then welcomed those present.

Supervisor Absher gave the invocation with Supervisor Hymes leading those present in the pledge of allegiance to the United States Flag.

AGENDA APPROVED

Upon motion of Supervisor White, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the October 4, 2011 agenda as amended.

MINUTES APPROVED – SEPTEMBER 6, 2011

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 September 6, 2011 meeting minutes as written.

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WELCOME – COUNTY ENGINEER

The Chairman then gave the floor to the County Administrator, James H. Spencer, III. Mr. Spencer introduced Matt Anderson as the new County Engineer for Tazewell County, effective Monday October 3, 2011. Mr. Anderson resides in the Rosenbaum Community near Abbs Valley. Mr. Anderson is a graduate of Bluefield State College. He is a Professional Engineer and has worked in the private sector for approximately 12-14 years. Mr. Anderson said he was happy that he was selected as the County Engineer and is excited about the new challenges that await him in this position.

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EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Campbell, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed meeting pursuant to Virginia Code Section 2.2-3711:

- A-3 Property disposition involving the Piggy Bank Café building
- A-3 Property acquisition involving the Falls Mills School
- A-3 Property acquisition involving the Raven Theater
- A-7 Legal matter/ consultation with legal counsel involving property damage claim at Richlands
- A- 1 Personnel matter involving the County Attorney's office

**RETURN/CERTIFICATION/REPORT OF ACTION**

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

CERTIFICATION  
OF EXECUTIVE/CLOSED MEETING

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

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

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

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

Nays: None

Absent: None

Absent during vote: None

Action: There was no action to report at this time.

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SPECIAL RECOGNITIONS

Upon motions duly made, seconded and passed, the following resolutions were adopted and presented:

**RESOLUTION  
COMMENDING SPRINGVILLE ELEMENTARY SCHOOL**



**WHEREAS**, Springville Elementary School – Tazewell County, Virginia was among eleven (11) schools in Virginia in 2011 to receive the U.S. Department of Education, 2011 National Blue Ribbon School Award; and

**WHEREAS**, the U.S. Secretary of Education – Arne Duncan recognized 304 schools in the United States as 2011 National Blue Ribbon Schools and the U.S. Department of Education will honor the entire 255 public and 49 private schools at an awards ceremony November 14-15, 2011 in Washington, D.C.; and

**WHEREAS**, the National Blue Ribbon Schools Program, honors public and private schools based on one of two criteria: 1) Schools whose students are high performing. These are schools ranked among each state’s highest performing schools as measured by their performance on state assessments, or 2) Schools with at least 40 percent of their students from disadvantaged backgrounds that improve student performance to high levels as measured by the school’s performance on state assessment or nationally- normed tests; and

**WHEREAS**, in order to qualify for the award the schools and school divisions must meet all state and federal achievement benchmarks based on the number of K-12 students and the number of schools in each jurisdiction; and

**WHEREAS**, the Tazewell County Board of Supervisors applaud the efforts of Principal Rodney Gillespie, his faculty, entire staff, and above all, the students for their academic excellence, and further hereby praise the parents for their guidance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Tazewell County Board of Supervisors does hereby present this resolution commending the Springville Elementary School for its noteworthy accomplishments and further extend the Board’s full support

and send best wishes in the continuation of a winning tradition! Congratulations, Job Well Done!

**PRESENTED AND ADOPTED THIS THE 4<sup>th</sup> DAY OF OCTOBER 2011**

Principal Rodney Gillespie and Teacher, Cindy Elliott was present to accept the resolution. Mr. Gillespie said he was honored and blessed to be principal at Springville and he was proud of the school and its many accomplishments.

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Now, the following resolution welcoming the Bluefield Blue Jays Baseball to the two Virginias was presented to Mr. George McGonagle, Mark Meachum and Steve Arey.



**BLUEFIELD BLUE JAYS BASEBALL  
RESOLUTION**

**WHEREAS**, baseball in Bluefield, WV is a tradition, played locally in the coalfields long before the Appalachian League was formed. In Bluefield, the baseball history can be traced back to 1882, with the arrival of the Norfolk & Western Railroad. Management encouraged company teams and local rivalries were soon developed; and

**WHEREAS**, professional baseball first originated in Bluefield in 1924, the “Blue-Grays”, where major league teams made Bluefield a favorite stop on barnstorming railroad exhibition tours, and promotional stunts brought fans in droves; and it was not uncommon for management to give away automobiles and suits; and

**WHEREAS**, popularity of the Blue-Grays prompted the construction of a first-rate stadium in City Park in Bluefield, alongside the fairgrounds. Bowen Field, where professional baseball is played today, was dedicated on May 11, 1939. Bowen Field was unique upon its construction, having both an all-dirt infield and outfield; and

**WHEREAS**, the Bluefield Blue Jays, a minor league baseball team of the Rookie Appalachian League, affiliate of the Toronto Blue Jays, begin playing their home games at Bowen Field in the Spring of 2011 after the Baltimore Orioles announced that Baltimore was ending their affiliation with Bluefield and the Appalachian League at the end of the 2010 Appalachian League season; and

**WHEREAS**, the Bluefield Blue Jays are a true asset to the two Virginias’, by keeping eminent entertainment to our area, as well as enhancing economic stability in our region; and

**WHEREAS**, most importantly, the , “Blue Jays” stand out as a model to our youth sports programs, instilling the importance that teamwork, sportsmanship and discipline results in notable success; and

**WHEREAS**, the Tazewell County Board of Supervisors are proud and excited about the Bluefield Blue Jays accomplishments and hereby express Tazewell County's enthusiastic support of the entire team, its managers and coaching staff; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Tazewell County, Virginia officially welcome the Bluefield Blue Jays to the two Virginias', and above all, wish them much success in keeping the tradition and true spirit and outstanding baseball in our area for many years to come. Best Wishes!

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Now, the following resolution was presented to members of the Tazewell County 4-H Virginia Cooperative Extension Youth Council. Each youth council member was introduced, with a round of applause from the audience in recognition of the many 4-H Programs.

**VIRGINIA COOPERATIVE EXTENSION**

**4-H WEEK PROCLAMATION**

**4-H Week Proclamation**



Whereas, October 2-8, 2011 is National 4-H Week in the United States, and,

Whereas, more than 5 million youths take part in 4-H club programs nationwide; and,

Whereas, 4-H is ranked fourth in total awareness among agencies serving youth; and,

Whereas the Virginia Cooperative Extension System conducts 4-H programs through the state land-grant universities, Virginia Tech and Virginia State, with the mission to help young people acquire knowledge, develop life skills and form attitudes which will help them become self-directing, productive members of society; and,

Whereas, 4-H addresses issues facing youth wherever they live -- in inner cities, suburbs and rural communities and helps break barriers by focusing on learning-by-doing; and,

Whereas, 4-H builds youths self-esteem, leadership and citizenship skills, and focuses on critical issues such as protecting the environment; and,

Whereas, 4-H has programs on food and nutrition, science and technology, natural resources, substance abuse prevention, animal and plant sciences, career education, community pride, citizenship and leadership; and,

Whereas, more than 143,000 youth are active in 4-H programs in the state of Virginia; and,

Whereas, exciting, fun and student-centered educational programs are available through county 4-H in-School Programs; and,

Whereas, more than 17,000 adult volunteers in Virginia donate countless hours and effort each year in preparing for and teaching youth; and

Whereas, more than 1,200 students, age 9 to 19, are involved in 4-H at all schools in Tazewell County; and

Be it therefore resolved, that the Board of Supervisors of Tazewell County, VA, hereby declares October 2-8, 2011 as 4-H Week in Tazewell County, Virginia!

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## REASSESSMENT UPDATE

### WINGATE & ASSOCIATES

Harold Wingate and Daniel Thomas, Wingate & Associates, gave a status report of the real estate property reassessments being conducted in Tazewell County. Mr. Wingate said approximately 80 to 90 percent of their required field work was complete and the projected completion date should be towards the end of February 2012 (proposed completion date with extension). He said there would be property that would be reduced and property values increased as well as property not affected. Every parcel in Tazewell County is visited and inspected along with extensive studies of the home sales market in the County and when all the inspections are complete, every property owner will be sent a notification showing the old values and new values. A County Equalization Board will be established and hearings will be held where property owners can review property reassessment information and discuss the valuations with the appraisers. Mr. Wingate expressed the need for an updated phone system in the reassessment office. He said his technicians are using their personal phones to make calls. The County Administrator said the County is currently in the process of obtaining quotes for a new phone system. Mr. Wingate also told the Board that his office would need access to the court-house after hours in order to hold the reassessment hearings. Ms. Patricia Green said that extended hours at the courthouse would probably not be allowed by the judge. The County Administration Building or other County facility could be utilized for this purpose.

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JOINT PUBLIC HEARING – WITH THE TAZEWELL  
COUNTY PLANNING COMMISSION - TO HEAR  
CONCERNS REGARDING PROPOSED AMENDMENTS  
TO THE TAZEWELL COUNTY EROSION AND  
SEDIMENTATION CONTROL IN TAZEWELL COUNTY, VIRGINIA IN  
ACCORDANCE WITH SECTION 10.1-560 ETC. OF THE CODE OF  
VIRGINIA- AMENDING THE PROVISIONS OF THE  
“SUBMISSION AND APPROVAL OF PLANS

The Chairman, Dave Anderson, welcomed members of the Tazewell County Planning Commission to the meeting and announced the purpose of holding the joint public hearings. An affirmative motion by the Planning Commission authorized Board of Supervisor Chairman; Dave Anderson to preside over the joint public hearings scheduled this date.

Now, the Chairman called for public comments from the floor three times and there being none, he declared the joint public hearing closed. Whereupon the Planning Commission unanimously recommended adoption of the ordinance as written.

Now, upon motion by Supervisor Absher, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors, in concurrence with the Tazewell County Planning Commission this date, hereby adopts an ordinance amending THE TAZEWELL COUNTY EROSION AND SEDIMENTATION CONTROL ORDINANCE IN TAZEWELL COUNTY, VIRGINIA IN ACCORDANCE WITH SECTION 10.1-560 ETC. OF THE CODE OF VIRGINIA- AMENDING THE PROVISIONS OF THE “SUBMISSION AND APPROVAL OF PLANS, TO WIT: SAID BOARD ENACTED AND ORDAINED, AS FOLLOWS:

**AN ORDINANCE TO AMEND THE COUNTY’S EROSION AND SEDIMENT CONTROL REGULATORY ENFORCEMENT PROCEDURES**

**WHEREAS**, the Board desires to insure that Erosion and Sediment Control permits are not issued by the County unless all other necessary State and or Federal permits also are obtained by the developer;

**WHEREAS**, the Board also desires to limit any delay in the construction process caused by the permit approval process;



**NOW THEREFORE**, be it hereby **ORDAINED** that the Tazewell County Board of Supervisors hereby amends Section 6-6 of the County's Erosion and Sediment Control Ordinance to read as follows:

Sec. 6-6. - Submission and approval of plans; contents of plans.

(d)

The plan shall be acted upon within forty-five (45) days from receipt thereof by (i) approving said plan as submitted in writing and authorizing issuance of a permit, (ii) approving said plan, in writing, as to form with any required technical revisions and delegating to the Tazewell County Engineering Department authority to issue approval upon proof that all revisions have been made and all other necessary permits have been obtained by applicant, without further action by the Plan Approving Authority, or (iii) by disapproving said plan in writing and giving specific reasons for its disapproval.

When the plan is determined to be inadequate, or when revisions are required the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan and shall communicate these requirements to the applicant. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. If the required revisions are not made and resubmitted within sixty (60) days, the plan shall be deemed disapproved.

(e)

An approved plan may be changed by the plan-approving authority when:

(1)

The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

(2)

The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

(f)

In order to prevent further erosion, Tazewell County may require approval of a plan for any land identified in the local program as an erosion impact area.

(g)

When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

(h)

Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the board for review and written comments. The specification shall apply to:

(1)

Construction, installation or maintenance of electric, natural gas and telephone utility lines, and pipelines; and;

(2)

Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Individual approval of separate projects within subdivisions 1 and 2 of this subsection is not necessary when board approved specifications are followed, however, projects included in subdivisions 1 and 2 must comply with the board approved specifications. Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of the Tazewell County Erosion and Sediment Control Program.

(i)

State agency projects are exempt from the provisions of this section except as provided for in the Code of Virginia, Section 10.1-564.

(j) When the plan is approved by the Plan Approving Authority pursuant to Section 6-6 (d)(ii) above the permit shall not issue until the applicant has complied with all conditions of approval stated in the written notice of approval and presented proof that all other necessary Federal, State and Local permits have been obtained by the applicant. Such proof of compliance and permitting maybe approved by the Tazewell County Engineering Department or such other agency as is authorized to issue the permit, without further action from the Plan Approving Authority.

It is so ORDAINED this the 4<sup>th</sup> day of October 2011.

Motion/ Second: Absher, Campbell 5 to 0  
Members Present: Absher, Campbell, Hymes, White and Campbell  
Members Absent: None  
Members Voting Aye: Five

Members Voting Nay:       None  
Abstentions:               None

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JOINT PUBLIC HEARING –  
WITH THE TAZEWELL COUNTY PLANNING COMMISSION - TO HEAR  
CONCERNS REGARDING PROPOSED AMENDMENTS TO AN ORDINANCE TO  
REGULATE THE SUBDIVISION AND DEVELOPMENT OF LAND IN  
TAZEWELL COUNTY, VIRGINIA AND TO ESTABLISH CERTAIN SUBDIVISION  
STANDARDS AND PROCEDURES FOR TAZEWELL COUNTY,  
VIRGINIA, OR SO MUCH THEREOF AS COMES UNDER  
THE JURISDICTION OF THE GOVERNING BODY OF  
TAZEWELL COUNTY, VIRGINIA, AS PROVIDED BY THE 1950 CODE OF  
VIRGINIA, AS AMENDED WITH REGARD TO STREET  
NAMES

Chairman Anderson called to order a joint public hearing with the Tazewell County Planning Commission that was duly advertised according to law, entitled “JOINT PUBLIC HEARING – WITH THE TAZEWELL COUNTY PLANNING COMMISSION - TO HEAR CONCERNS REGARDING PROPOSED AMENDMENTS TO AN ORDINANCE TO REGULATE THE SUBDIVISION AND DEVELOPMENT OF LAND IN TAZEWELL COUNTY, VIRGINIA AND TO ESTABLISH CERTAIN SUBDIVISION STANDARDS AND PROCEDURES FOR TAZEWELL COUNTY, VIRGINIA, OR SO MUCH THEREOF AS COMES UNDER THE JURISDICTION OF THE GOVERNING BODY OF TAZEWELL COUNTY, VIRGINIA, AS PROVIDED BY THE 1950 CODE OF VIRGINIA, AS AMENDED WITH REGARD TO STREET NAMES.” Chairman Anderson then called for public comments from the floor three times and there being none, he declared the joint public hearing closed. Whereupon the Planning Commission unanimously recommended adopting the ordinance as written.

And now, upon motion of Supervisor Absher, seconded by Supervisor White and in concurrence with the Tazewell County Planning Commission, the Tazewell County Board of Supervisors, by a vote of 5 to 0, hereby adopts the following:

*Improvements.* All required improvements shall be installed by the subdivider at his cost. Specifications established by the Virginia Department of Highways for streets, curbs, etc. shall be followed except as herein provided. The subdivider's bond shall not be released until construction has been inspected and approved by the resident highway engineer for the Virginia Department of Transportation. All improvements shall be in accordance with the following requirements. Where any standard or regulation herein set forth conflicts with the then current Department of Transportation Standards, the Department's standards shall prevail.

4-4-1. Streets.

(a)

All streets in the proposed subdivision shall be public dedicated streets and shall be designed and constructed in accordance with the then current Virginia Department of Transportation subdivision street requirements, as well as other applicable regulations of said Department as amended from time to time by the Department.

(b)

Access: The primary access street to the subdivision shall be connected with a state maintained highway or road at a boundary of the subdivision, and all streets in the subdivision shall connect either directly or by other streets in the subdivision, and all streets in the subdivision to the primary access street.

(c)

County-maintained streets and roads. A subdivision may be developed along a street or road maintained under the Tazewell County Road Maintenance Program if such county-maintained street or road was taken into the county maintenance program on or before July 1, 1998, and such county-maintained street or road otherwise meets all requirements and standards to be included in the state road system for purposes of road maintenance (see attached list <sup>[53]</sup>).

(d)

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

(e)

The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

(f)

Restriction of access. When a tract fronts on an arterial street or highway, the Agent may require such lots to be provided with frontage on a marginal access street.

(g)

Dead-end Streets.

1)

Minor terminal streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long unless necessitated by topography as recommended to Agent by the Tazewell County Engineer. There shall be provided at the closed end with a turn-around approved by the Agent.

2)

Where, in the opinion of the Agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around approved by the Agent, as recommended by the Tazewell County Engineer.

(h)

Streets within certain subdivisions may be constructed to standards other than those for Virginia Department of Transportation Secondary Roads, under the following conditions:

1.

If a proposed subdivision contains less than one hundred (100) lots, the streets shown therein may be constructed to standards set forth in Tier I of the private road standards set forth in Table II of this Ordinance.

2.

If a proposed subdivision contains less than forty (40) lots, the streets shown therein may be constructed to standards set forth in Tier II of the private road standards set forth in Table II of this Ordinance.

3.

Subdividers may not repeatedly avail themselves to the exception herein created by segregating their subdivisions into phases. Therefore, for purposes of calculating the number of lots in a proposed subdivision, the number of lots shall include the lots in any adjacent subdivision, either created from the same parent parcel or

subdivided by the same subdivider pursuant to the provisions of this subpart (h). However, if such developer upgrades or causes to be upgraded, a thoroughfare to be shared by both subdivisions, to Virginia Department of Transportation Secondary Road Standards, then a subsequent subdivision may be eligible for development pursuant to this subpart (h).

(i)

If a proposed subdivision includes streets built to those standards set forth in subpart (h), such streets shall not be dedicated to the public, and such subdivision shall:

(i)

Convey ownership of such streets at the time of recordation of the plat to a duly organized Home Owners Association, whose articles provide that said streets may not be conveyed or dedicated to public use except by a two thirds vote of the membership of the Association. The Articles of the Association must provide that the President of the association may not be the subdivider; and

(ii)

The recorded plat and any deed conveying any lot within said subdivision must state in bold font as follows:

**"The streets within this subdivision are not dedicated public streets and will not be maintained by the Virginia Department of Transportation (V-DoT) or the County of Tazewell. The streets are conveyed to the (Name of Development) Home Owners Association. The Association will be responsible for maintaining and repairing the streets. The streets have not been built to V-DoT standards for secondary roads."**

And

(iii)

The Subdivider must provide the Association, for initial road maintenance, the sum of five hundred dollars (\$500.00) for each and every lot sold at the time each and every lot is sold by the Subdivider. These funds shall be deposited into

a noninterest bearing account in the name of the Home Owners' Association and may only be withdrawn by the President of the Home Owners' Association. The subdivider shall be solely responsible for maintaining the road until a majority of the lots have been sold. Once a majority of the lots have been sold, the Home Owners Association shall be responsible for maintaining the road, pursuant to the terms of the Articles of the Home Owners Association. Such terms shall include the limitation that the funds deposited by the subdivider for road maintenance may not be used for snow removal, landscaping, lighting, or any purpose other than maintaining the surface integrity of the road. The subdivider shall also include this obligation in every deed conveying each lot as a covenant between the Subdivider and the purchaser of the lot;

And

(iv)

The Subdivider shall, nevertheless, dedicate to the County of Tazewell, a nonexclusive, transferrable easement for the construction, installation, inspection, maintenance, replacement and repair, of gas lines, water lines, sewer lines, electric power lines, telecommunications lines, or other utility lines beneath the streets shown on the plat;

And

(v)

The subdivision plat must show and the deeds conveying affected lots must include an easement for adequate street drainage easements where necessary, as determined by the County's Agent for plan approval;

And

(vi)

The Deeds, Articles for the Home Owner's Association and plat including the required provisions hereinabove set forth must be approved by the Commission. The Commission

shall not deny approval of such documents for any reason other than their failure to adequately state those provisions required by this ordinance.

(j) The names of all streets as shown on such plats shall comply with Tazewell County's Street Naming Ordinance as may be amended from time to time. Upon submission of the plat to the Agent, the agent shall submit the plat to the County's Emergency 911 Addressing Coordinator for comment and approval of the street names shown thereon.

Adopted this the 4<sup>th</sup> day of October, 2011.

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TIME WARNER CABLE –

REMOVAL OF WCYB FROM LOCAL PROGRAMMING

Customers of Time Warner Cable in the Richlands/Tazewell and surrounding viewing areas were recently informed that NBC affiliate, WCYB, on channel 5 and HD channel 705 would no longer be available, and on or about August 18, 2011 the channel was removed from the Time Warner Cable local programming. In August 2011, NBC Station WVVA, invoked its right to “non-duplication”, NBC affiliate, WCYB, that Time Warner offers to Tazewell County. Representatives of Time Warner Cable as well as WVVA TV attended the September 6, 2011 meeting of the Board of Supervisors and addressed potential resolutions to return WCYB to Tazewell County airways. Supervisor White stated that he had received a petition with over 1000 signatures from Tazewell County residents wanting WCYB back and he plans to hold a rally to bring back WCYB at Richlands High School, Oct. 13, 2011.

Mr. C.K. Allen, Time Warner Cable was present and stated that there was no reliable equipment to ensure non-duplication in the case of unpredictable broadcasts like sports that often exceed their allowed time on NBC. Mr. Frank Brady, WVVA previously mailed a letter to Mr. Allen stated that “in the case of a sporting event causing duplication he would not report the occurrence.” Mr. Allen said that this would not resolve the matter because FCC was the decision maker, who enforced regulations, and Mr. Brady's consent would be trivial.

Mr. Frank Brady, WVVA and Mr. Jim McKernan of WCYB were both present and agreed the solution for the matter was Time Warner's acquiring broadcasting equipment allowing the cable provider to block certain programming. Mr. C.K. Allen said the equipment was not dependable.



Mr. Allen said that he continues to explore options, but he has to abide by law and FCC regulations. Supervisor Hymes suggested the County find and FCC Attorney to determine the County's rights.

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BRIAN STANLEY, VA DEPARTMENT OF HEALTH  
ENVIRONMENTAL HEALTH SERVICES ACTIVITIES UPDATE

Brian Stanley, Environmental Health Services, Virginia Department of Health highlighted the Board with the number of assistances to residents in Tazewell County with onsite sewage disposal systems from 2010 (209) and 2011 (186), with a District Total for 2010 (807) and 2011 (674). Private Well applications in Tazewell County for 2011 YTD are 31. He also presented the number of Food Services and Other Inspections for 2011 YTD, i.e. Food Facility, Temporary Event Facility, Campground, Summer Camp, Hotel/Motel/B&B and Pool permit statistics. With regard to rabies cases in Tazewell County, Mr. Stanley reported seven (7) confirmed cases in Tazewell County for year to date, 2011.

With regard to the Virginia Department of Health following up with and approving onsite sewage and water supply permits for residents in Tazewell County, he said the turn-a-round was usually no longer than two(2) weeks, but there are circumstances where permitting and application approval takes longer. He said citizens do have the option of hiring a private firm to perform the application process. Mr. Stanley said the lists of certified firms as well as other options are included in the application package. Mr. Stanley also reported on VDH's efforts to follow up on House Bill 2815 from the 2011 General Assembly where the bill was introduced, but tabled to allow additional investigations to be completed. House Bill 2815 would require VDH to establish procedures for requiring every application for an onsite sewage system permit, certification letter and alternative discharging system to include a site and soil evaluation report from a licensed onsite soil evaluator or a professional engineer working in consultation with a licensed OSE.

In closing, the Board requested Mr. Stanley to prepare and send a Press Release regarding the disposal of possible rabid animal, as well as making available a list of options for septic system permitting. The County Administrator was also requested to forward names of people with septic system complaints to Mr. Stanley. Telephone numbers to call regarding potential rabid animals will also be advertised.

With regard to holding rabies clinics in various locations of the County, Mr. Bill Gillespie was in the audience and stated the clinics would be held the 1<sup>st</sup> or 2<sup>nd</sup> week-end in November by Dr. Ann Yearings & Dr. Roy Wright. The County will provide \$1,500.00 and Farm Bureau has approved the same amount for the cost of the vaccination clinics.

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CITIZEN COMMENTS

The Board of Supervisors heard from Jack Ray and Grat Webb with regard to the old Raven Theater property. Each reiterated the importance and the value of the old theater to the citizens of Raven. Once restored, the theater will house a coal museum and will include the history of the Museum and Town. The theater will have 160 seats and will have an Ice Cream Parlor/Wilson's Ice Cream. The theater will be used by local clubs and drama classes and will display the history of mines and its evolution. Mr. Ray said it would take approximately \$30,000 to restore a piece of history. He requested that the County operate the property until the Raven Theater Group receives a 501c3 IRS Status.

CHARLES HENRY WILSON, JR.

RAVEN THEATER PROPERTY

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 accepts the donation of the Raven Theater property from Charles Henry Wilson, Jr. and convey same to the Tazewell County Recreation and Development Authority for development of the Raven Theater property and Museum Project; once the Theater receives 501c3 status from the IRS, the property will be returned to the Raven Theater Group, and further,

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following monies from District funds as set forth below payable to the Tazewell County Recreation & Development Authority to be earmarked for the Raven Theater Project. 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:

- \$10,000.00 – Northwestern
  - 1,000.00 – Western
  - 1,000.00 – Southern
  - 1,000.00 – Northern
  - 2,000.00 – Eastern
- \$15,000.00 total

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FIVE (5) MINUTE RECESS

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

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CONSENT CALENDAR APPROVED

Upon motion of Supervisor Hymes seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as Consent Calendar. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS

August/September 2011

Payroll

Ordered that Warrant Nos. 134627 through 134705 and direct deposits totaling \$214,172.52 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 31, 2011, be approved.

Ordered that Warrant Nos. 134707 through 134784 and direct deposits totaling \$213,531.11 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 15, 2011 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 453719 through 453840, for \$515,796.45 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 2011, be approved.

Ordered that Warrant Nos. 453842 through 453858, for 144,218.67 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 31, 2011, be approved.

Ordered that Warrant Nos. 453860 through 454002, for \$250,720.73 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of September 2011, be approved.

Ordered that Warrant Nos. 454004 through 454016 for \$138,965.09 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending September 15, 2011, be approved.

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Ordered that Warrant Nos. 801621 through 801633 for \$675,403.18 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of August 2011, be approved.

■ Approved Coyote Claims/Damage Claim

- ▶ \$150.00 to Phillip Linkous, 1093 Cochran Hollow Road, Cedar Bluff, VA 24603 for 3 coyotes killed by snare/rifle on August 27, 2011
- ▶ \$50.00 to Ray Howell, 1477 Rosenbaum Rd. Bluefield, VA 24605 for 1 coyote killed with a snare on August 26, 2011
- ▶ \$50.00 to James Hall, 1450 Whitley Branch Rd. North Tazewell, VA 24630 for 1 coyote killed with a rifle on September 14, 2011

- ▶ \$50.00 to Virginia Turley, 3920 Freestone Valley Road, Tannersville, VA 24377 for 1 coyote killed on Sept. 17, 2011 with a rifle.
- ▶ \$50.00 to Steven Short, Box 698 Steels Lane, Tazewell, Virginia 24651 for 1 coyote killed on Sept. 17, 2011 with a snare.
- ▶ Livestock Claim – approved \$2,250.00 for 15 – 100 lb lambs at \$1.50 per lb. killed by dogs on Sept. 9, 2011, to Jessie Asbury, 4025 Hogback Rd. Tazewell, VA 24651 (The County Attorney was directed to review the damage to animal/livestock ordinance to determine the need to modify)
- Appalachian Agency for Senior Citizens – Approved the SWCC Public Transportation Contract
- Appalachian Agency for Senior Citizens – ratify BOS letter of support for PACE block grant through the Department of Housing and Community Development
- Approved additional appropriation to the 911 fund for additional grant funds awarded for the Interoperability Grant in the amount of \$234,109.34 from the VA Dept. of Emergency Management (flow through) and approve additional appropriation as local match in the amount of \$18,475.57 (Reimbursement to VDEM for overpayment).
- SATIRA – transferred the amount of \$250.00 (donation) from Account No. 91050-7041 Contingent Expenditures and Grant Account to the Commonwealth’s Attorney/ SATIRA Account No. 22010-5605
- SATIRA – transferred the amount of \$1,000.00 (Wal-Mart Foundation) from Account No. 91050-7041 Contingent Expenditures and Grant Account to the Commonwealth’s Attorney /SATIRA Account No. 22010-5605

- Library – transferred the amount of \$9.00 (donation) from Account No. 91050-7041 Contingent Expenditures and Grant Account to the Library Account No. 7301-6012
- Northern District funds – approved/ratified the amount of \$1,350.00 (part of matching funds for Historic Pocahontas funding for FY11)
- Northern District funds – approved \$500.00 to the Town of Pocahontas for fire truck repairs
- Northwestern District funds – approved \$2,000.00 to Richlands Fire & Rescue to assist with Jaws of Life upgrade
- Ratified \$1,250.00 from Western Recreation fund & \$1,250.00 Northwestern Recreation fund – paid to Richlands Little League football.
- Eastern District funds:
  - ▶ Approved \$4,000.00 to Graham High School Boys & Girls Basketball – equipment needs
  - ▶ Approved \$7,000.00 to Graham Youth League – storage building
  - ▶ Approved \$10,000.00 to Carlock Pruitt Foundation
  - ▶ Approved \$500.00 to Bluefield VA – Downtown Development Corporation
  - ▶ Approved \$500.00 to Bluefield Business and Professional Association
  - ▶ Approved \$2500.00 to Springville Elementary School

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#### WATER STREET – PROPOSED VACATION DEFERRED TO NOVEMBER

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 defers the consideration of adopting the following Ordinances of Vacation (deferred from September 6, 2011), to the November 2011 regular meeting.

1. Portion of Water Street – Pursuant to 15.2-2272

2. Portion of Water Street – Pursuant to 15.2-2006

Supervisor White reported that the parties affected by the proposed vacation(s) continue to negotiate.

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EMERGENCY SERVICES COMMITTEE (ESC) UPDATE

2000 FORD TRUCK – DECLARED SURPLUS AND DONATED TO BAPTIST VALLEY FIRE DEPARTMENT

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby declares the 2000 Ford Truck donated by Delrick Corporation to the Baptist Valley Fire Dept as surplus property and hereby donates same to the Baptist Valley Fire Department. Supervisor Campbell, representing the Emergency Services Committee, said the Baptist Valley Fire Department plans to sale the vehicle. The Board further agreed that the proceeds from the sale of same will go to the Baptist Valley Fire Department.

\$25,000.00 FROM FIRE CAPITAL ACCOUNT

FOR NEEDED FIRE EQUIPMENT FOR COUNTY FIRE DEPARTMENTS

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$25,000.00 from the Account No. 32010-8109 Fire Capital Outlay to be used to purchase needed equipment (gloves, hoods, helmets, hydrant wrench, etc.) for the various County Fire Departments. The invoices for the equipment purchases will be submitted to Arlene Matney to be paid in accordance with this action. Said warrants will be converted to negotiable check by the Treasurer of Tazewell County.

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LINE OF DUTY – RESOLUTION

Supervisor Campbell stated he understands that the Commonwealth of Virginia has established an insurance plan for providing the line of duty benefits for first responders to be administered through the Virginia Retirement System. In doing so, the State now requires that the County recognize all fire and rescue departments considered by the County to be an integral part of the County's public safety program. Now,

therefore, upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts the resolution included in the supplemental agenda recognizing the department listed in the attachment to the resolution as hereby adopted and communicate same to the VRS:

RESOLUTION RECOGNIZING COUNTY FIRE DEPARTMENTS

WHEREAS the Board desires to participate in the VRS Line of Duty Act Insurance Program to insure benefits for the County's emergency responders;

WHEREAS the Code of Virginia requires the County to provide a list of those Fire and Emergency Medical Departments providing critical services to the residents of the County;

NOW THEREFORE, BE IT RESOLVED,

That, the Tazewell County Board of Supervisors hereby recognizes all those Fire Companies or Departments or Rescue Squads, set forth on the attached exhibit A to this Resolution, as an integral part of the safety program of Tazewell County, for purposes of Section 9.1-400 of the Code of Virginia, such that the members thereof may be eligible for the benefits of the Commonwealth of Virginia Line of Duty Act;

Be it further resolved that a copy of this resolution shall be provided to any State Agency or Insurance Organization as may be necessary to establish their eligibility pursuant to the Act.

It is so RESOLVED by the Board on this the 4th day of October, 2011.

Further, upon motion of Supervisor White, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby further request that Exhibit A as hereby referenced with regard to the foregoing resolution, be updated



and filed by June 1 of each year in the Circuit Court Clerk's office as well as a copy of same to the County Administrator, 108 East Main Street, to include current certifications and qualifications of each member.

#### FIRE TRUCK BIDS/LEASE PURCHASE

As a result of the last ESC meeting, Supervisor Campbell reported the ESC recommended that the Board of Supervisors approve Freedom Fire Equipment as the low bidder for the lease/purchase of the 1500 gallon tank/fire truck. Billy Allison said he discussed Freedom Fire Equipment with Supervisor Campbell as well as conducting research on the Internet about the company. Mr. Allison said he was not sure if Freedom was a vendor or manufacturer company. He said he was told the company was not a licensed Virginia dealer. Mr. Allison also said he spoke to the Vice President of a company who makes fire truck bodies and he did not recommend Freedom Fire Equipment. Mr. Allison said that cheaper is not always better. The County Attorney stated the County received three (3) bids on the fire truck and when the County produced an advertisement, the county is legally supposed to accept the lowest dollar value bid. Mike White of C.W. Williams Fire Equipment, a gentleman from the audience, stated that on the 25<sup>th</sup> day of August @ 4:00 p.m., the day of the bid closing, Freedom Fire Equipment was not on the list of bidders received. Due to potential discrepancy in the bid process, the Board of Supervisors deferred action on the matter until such time as the County Administrator and County Attorney can determine if there are inconsistencies with the bid process.

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#### APPOINTMENT

#### LOCAL BUILDING CODE OF APPEALS

One (1) appointment to the Local Building Code of Appeals was deferred to the November 2011 regular meeting.

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#### TOURISM ZONES

The County Attorney, Eric Young, stated that the Tourism Committee reviewed the proposed Tourism Zone Ordinance and recommended that the Board of Supervisors advertise a public hearing to hear concerns on the proposed ordinance. The proposed

ordinance will establish tourism zones in the County and create tax-based incentives for new businesses within the tourism zones. The tourism zone map is currently focused on the Northern District, more particularly, the Pocahontas Spearhead Trails. However, each board member was requested to look at areas within their districts for potential areas of inclusion on the map. This matter will be discussed at the November meeting and the public hearing will be scheduled for the December 2011 meeting.

#### ZONING UPDATE

The County Administrator stated Ken Dunford continues to work with the zoning consultant and the Planning Commission on the proposed Zoning Ordinance.

#### FIRE ARMS ORDINANCE ADOPTED

Supervisor White stated the Tazewell County Board of Supervisors held a public hearing, October 5, 2010, to hear concerns relative to an ordinance to allow persons with a concealed weapons permit to carry a fire arm in county parks and recreation areas. The Board of Supervisors took no action on the ordinance at that time because Virginia Code prohibits the County from regulating firearms. However, the ordinance posted on the county's website is confusing the public. The ordinance posted is obsolete and needs to be updated, pursuant to the 2004 legislation that prohibits counties and towns from regulating firearms, pursuant to VA Code Section 15.2-915.

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

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 4<sup>th</sup> DAY OF OCTOBER 2011, THE FOLLOWING DULY ADVERTIZED ORDINANCE WAS ADOPTED, FOLLOWING PUBLIC HEARING HELD AT PREVIOUS MEETING OF THE BOARD OF SUPERVISORS, OCTOBER 5, 2010:

"AN ORDINANCE TO ALLOW PERSONS WITH A CONCEALED WEAPONS PERMIT TO CARRY A FIRE ARM IN COUNTY PARKS AND RECREATION AREAS."

**WHEREAS** the Board has established by previous ordinance that no person shall be permitted to carry a firearm in any Tazewell County Park;

**WHEREAS** the Board finds that County Residents and persons visiting the County should not forfeit their right to carry a concealed firearm while hiking, camping, or otherwise visiting the County's public parks;

**WHEREAS** the Board recognizes that by their nature parks are remote places with special inherent dangers against which visitors should have the right to protect themselves;

**WHEREAS** the Board desires to allow responsible persons who have obtained a permit to carry a concealed firearm to do so within the County's parks;

**NOW THEREFORE, BE IT ORDAINED**, that Section 14-32(1) of the Code of Tazewell County, Virginia, hereby is amended to read as follows:

"Sec. 14-32 Prohibited Acts It is hereby declared to be unlawful for any person to do any of the acts set forth in this section within the limits of the facilities and lands located within any public park or parkway or lands used by the County for related purposes within the limits of the Tazewell County, Virginia Board of Supervisors County;

(1) To carry or discharge any firearms, firecrackers, rockets, torpedoes or fireworks of any kind without written consent of the administrator, with the exception of duly authorized law enforcement officials on official duty and with the exception of persons legally permitted to carry a firearm as a concealed weapon, pursuant to Section 18.2-308 *et seq.* of the Code of Virginia as amended, while in compliance with any laws or regulations appertaining to such permit.

Adopted this the 4<sup>th</sup> day of October 2011.

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#### THOMPSON VALLEY CONVENIENCE AREA – PROPOSED

Supervisor Hymes stated the County Attorney mailed letters to property owners who might be affected by a proposed convenience area/garbage collection station in the Thompson Valley area. Several property owners have responded to the letters. Supervisor Hymes said his main objective was to find a garbage collection site for the residents of Thompson Valley. Once citizen input is received the County will go from there.

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#### CHAMPION STREET

The Board discussed proposed repairs to Champion Street located in the Western District. The road does not qualify for repairs under the county's current orphan road

ordinance/program. The county will discuss the ordinance and consider five (5) occupied structure provisions instead of the current seven (7) residences. The board further authorized that a public hearing be scheduled for the December 6, 2011 regular meeting to consider amendments to the ordinance.

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**\$1,066.66 AIRPORT HANGAR**

**BUILDING FEES WAIVED- POLICY/LIST TO BE ESTABLISHED**

Upon motion of Member Hymes, seconded by Member 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 waive the building permit fees with regard the Airport Hangar project at the Tazewell County Airport in the amount of \$1,066.00.

Further, that the County Attorney is hereby requested to work with the County Building Inspectors and develop a list of departments/authorities that are exempt from County Building Inspection fees and that the list be posted in the County Administrator's office and Building Inspector's Office.

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**HISTORIC CRAB ORCHARD MUSEUM AND PIONEER PARK –  
INVITATION TO BID**

The County Administrator said two (2) bids were received for construction improvements at the Historic Crab Orchard Museum and Pioneer Park for new paving, concrete curbs and sidewalks funded through VDOT, TEA- 21 funding. DCI Shires Inc. submitted a low bid in the amount of \$102,298.91 and Elk Knob Inc. submitted a bid in the amount of \$156,988.90. The bid came in approximately \$16,000.00 higher than VDOT's TEA-21 funding. The County Administrator said he was told by Charlotte Whitted that Historic Crab Orchard Museum has the available funding for the difference. Supervisor Hymes agreed, but said Mrs. Whitted told him that the money had been set aside for security lighting and sidewalks. The Chairman then called for a motion to award the bid to the lowest bidder, DCI Shires Inc. No official motion or second was made on this matter.

Supervisor Anderson suggested that Ms. Whitted be notified.

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FARM HERITAGE CENTER PROJECT /HISTORIC CRAB ORCHARD MUSEUM  
\$2,500.00 APPROVED

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves Historic Crab Orchard Museum & Pioneer Park, Inc. to use \$2,500.00 of the \$50,000 in capital funding designated for the Farm Heritage Center Project and transfer same to the Historic Crab Orchard Museum's Operating budget to assist with administrative costs associated with the installation and connection of the sewer-line project at the Museum. This action is contingent upon legal review as well as the release of a one-time administrative fee of 5% from the Ratcliff Foundation for the same purpose.

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RECREATIONAL TRAILS PROGRAM

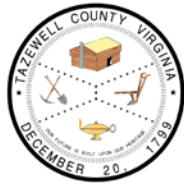
RESOLUTION ADOPTED

Following presentation by the County Administrator and upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator of Tazewell County, Virginia to make formal application to the Virginia Department of Conservation & Recreation for funding assistance for the implementation and completion of the Pocahontas Virginia Trail (ATV) Project, and further hereby adopts a resolution with regard to the application of same, \$100,000 grant. A public hearing on this topic was held at the former Pocahontas High School, Pocahontas, Virginia to solicit input on the proposed Virginia Recreational Trails Program for the Pocahontas ATV Trail Project. Sixteen people were in attendance. The Tazewell County Recreation Development Authority has acknowledged the support of same.

RESOLUTION

APPLICATION FOR FEDERAL FUNDING

RECREATION TRAILS PROGRAM



A resolution authorizing application(s) for federal funding assistance from the Recreational Trails Program to the Virginia Department of Conservation & Recreation (DCR) as provided by the Federal Highway Administration of the U.S. Department of Transportation.

WHEREAS, under the provisions of the Recreational Trails Program, federal funding assistance is requested to aid in financing the cost of the construction and/or rehabilitation of recreational trails and trail related facilities,

WHEREAS, the Board of Supervisors of Tazewell County, Virginia considers it in the best public interest to complete the Pocahontas Virginia Recreational Trail (ATV) Project described in the preliminary application and proposal description and environmental screening application;

NOW, THEREFORE, BE IT RESOLVED that:

1. The County Administrator of Tazewell County, Virginia is authorized to make formal application to the Virginia Department of Conservation & Recreation for funding assistance;
2. Any fund assistance received must be used for implementation and completion of the Pocahontas Virginia Recreational Trail (ATV) Project within the specified timeframe; and
3. The Board of Supervisors of Tazewell County, Virginia hereby certifies that project funding is committed and will be derived from;

***Phase I:***

Virginia Tobacco Commission	\$50,000	Construction
Skewes Family Foundation	\$50,000	Construction

**Phase II:**

Recreation and Parks Facilities Authority	\$40,000	Trail Mapping
Tazewell County Board of Supervisors	\$50,000	2011-2012 Trail Operation

4. We acknowledge that we are responsible for supporting all commitments to this project should any non-cash commitments not materialize; and

5. We are aware that the grant, if approved by the Federal Highway Administration, will be paid on an 80-20, matching, reimbursement basis. This means we may only request payment after eligible and allowable costs have been paid and remitted to our vendors and evidence of such has been provided to the Virginia Department of Conservation & Recreation in the format required by the project agreement.

6. This resolution becomes part of the formal application to the Virginia Department of Conservation & Recreation;

8. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all applicable state and federal laws.

9. We acknowledge that opportunity for public comment has been provided on the project and that evidence of such is a required component for approval.

This resolution was adopted by the Board of Supervisors of Tazewell County, Virginia during the meeting held October 4, 2011, in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

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SCHOOL BOARD UPDATE

EFFICIENCY STUDY – DEPARTMENT OF BUDGET AND PLANNING REPORT

With regard to the Tazewell County Board of Supervisors request for the Tazewell County School Board to participate in an Efficiency Review Study as well as

costs associated with the Study, and upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorize the County Administrator to forward a letter to Dr. Brenda Lawson, advising her of the Board of Supervisors agreement to pay up to \$30,000.00 for an Efficiency Study through the Department of Budget and Planning. Should the Study result in any savings to the School System, the Tazewell County School Board is hereby requested to reimburse to the County, one-half (1/2) of the savings, not to exceed the amount of \$15,000.00.

Supervisor Hymes and Supervisor Campbell reiterated their continued requests for the School Board to be transparent- i.e. the placement of a virtual checkbook for constituent review. The county did receive a copy of the school board check registers and suggested the county look into possibly placing the check register on the county's website – subject to legal review and approval.

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#### COUNTY TELEPHONE SYSTEM

The County Administrator said a new county telephone system is a work in progress.

#### BUSINESS TO BUSINESS SHOWCASE

The Business to Business Showcase is scheduled for October 6 -7, 2011 at SWCC. Approximately 90 vendors have registered for the event.

A new marketing program is being initiated to help businesses in Tazewell County. The program will be announced at the Showcase, Thursday, October 13, 2011.

#### APPALACHIAN ONE-STOP WORKFORCE CENTER- OPEN HOUSE

The County Administrator said the Management Team of the Appalachian One-Stop Workforce Center is hosting an Open House on October 20, 2011 4-6 p.m. at the Richlands Business Incubator. The open house will be an opportunity for the public to tour the facility and learn more about the collaboration and partnerships formed to ensure there is a viable workforce to meet the needs of employers in SW Virginia.

#### VDOT – REVENUE SHARING ROAD PROGRAM FY 2013

The County Administrator reported that the VDOT is working toward the FY2013 Revenue Sharing Road Program for localities. Each county is requested to prioritize



criteria/road projects for the FY2013 funding. A list of projects is due November 1, 2011 and a resolution is due by December 1, 2011. Ken Dunford in the County Engineering Department will work with VDOT to identify projects and to develop estimates for submission to VDOT by the deadlines.

**BLUEFIELD COLLEGE FOOTBALL HOMECOMING  
AND SCRIMMAGE**

The County Administrator reported that Ruth Blankenship, Bluefield College announced a Bluefield College Football Scrimmage & Homecoming on October 15, 2011. Additional information will be forthcoming.

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**MODIFICATION TO LEASE –**

**RATLIFF INVESTMENTS COMPANY – LESTER BUILDING 552 EAST  
RIVERSIDE DRIVE, NORTH TAZEWell, VA**

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 approve a MODIFICATION TO LEASE, by and between Ratliff Investments Company, (hereinafter referred to as “Lessor”) and Tazewell County, Virginia, a political subdivision of the Commonwealth of Virginia (referred to as “Lessee”) – agreeing to expand the premises included in the 2009 lease to wit:

That the PREMISES included in the Lease between the parties dated 2009, hereinafter referred to as "the Lease", shall be amended such that the PREMISES therein described shall also include an additional Three Hundred and Fifty-Two Square Foot (352sq.ft.) area within the Lester Building located at 552 East Riverside Drive, North Tazewell, Virginia. Such additional area being adjacent to the PREMISES already leased to Lessee and situate as shown on the attached sketch.

2. That in all other respects the Lease shall remain in full force and effect with all terms and conditions thereof applying to the additional space hereby included in the PREMISES. IN WITNESS WHEREOF AND IN AGREEMENT HEREWITH, the parties have affixed their signatures and seals this the 4<sup>th</sup> day of October 2011.

This action simplifies the offset to the electrical meter issues. A complete copy of the lease agreement is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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#### JEWELL RIDGE CONVENIENCE AREA

Upon motion of Supervisor White, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a lease agreement and further authorizes and directs the Chairman of the Board of Supervisors to execute the Jewell Ridge Convenience Area Agreement and hereby further approves an amount not to exceed \$5,000.00 for the payment of fees associated with surveying costs and legal work by Pocahontas Mining LLP (ten (10) year lease). And, in addition, Pocahontas Mining LLP has agreed to the County's \$2,000,000.00 Ins. Policy, instead of the original \$3,000,000.00 request. A replacement page with regard to the insurance policy is forthcoming and with said copy of the complete lease agreement is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

Supervisor White requested that this project be initiated as soon as possible. The County Attorney said once the agreement is executed by all parties the project can commence.

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#### BB & T POCAHONTAS BRANCH – PROPOSED CLOSURE

The County Administrator stated the decision to close the BB & T Bank- branch location in Pocahontas is an economic decision being made by higher-ups in North Carolina. FDIC has already approved the closure. The County does not have any say-so in the proposed closure; however, the County will be given the opportunity to buy the BB & T property.

Tom Childress, a resident of Pocahontas expressed the detrimental effect the closure would have on local residents.

The County Administrator was requested to set up a meeting with a BB & T official to address this matter. Supervisor White said he would be glad to meet as well with Larry Ratliff and a higher level, such as the regional president.

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FCC - INITIAL LEGAL CONSULTATION

UP TO \$1,000.00

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves an amount up to \$1,000.00 for costs associated with the Board of Supervisors request for the County Attorney, Eric Young to have an initial consultation with an FCC attorney regarding Time Warner Cable's removal of WCYB from its local programming line-up.

Supervisor White solicited Irma Mitchell's help in contacting Senator Warner and Congressman Griffith to see if they might give the County some insight and guidance on this matter.

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DISTRICT FUNDS

NORTHERN DISTRICT FUNDS \$700.00 TO POCAHONTAS FIRE DEPARTMENT – SEWER TAP FEE

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$700.00 from the Northern District Funds, payable to the Pocahontas Fire Department for PSA sewer tap fees. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

NORTHERN DISTRICT FUNDS \$750.00 TO DAD (Dixie Creek Amonate & Dryfork) FIRE DEPARTMENT – DAD (Dixie Creek Amonate & Dryfork) WATER TAP FEES

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$750.00 from the Northern District Funds, payable to the DAD (Dixie Creek, Amonate & Dryfork) Fire Department for PSA water tap fees. 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.

Supervisor Hymes reported a recent news release from the Governor, dated September 14, 2011 regarding high-school Microsoft- IT training at Richlands High School. Two high schools west of Roanoke will receive the training, Carroll County and Richlands High School.

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SCRIPP'S NATIONAL SPELLING BEE \$500.00 (\$100.00 FROM EACH DISTRICT FUND)

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00, \$100.00 from each district fund respectively, payable to the Tazewell County Fair Association to be used toward expenses associated with the Scripp's International Spelling Bee Event. 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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FOUR SEASONS YMCA –  
ANNUAL CAMPAIGN  
\$10,000.00 SOUTHERN DISTRICT FUNDS

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 \$10,000.00 from the Southern District Funds payable to the Four Seasons YMCA – Annual Support Campaign 2011. This will benefit and support low income families and individuals who wish to have membership at the YMCA. The County Administrator is hereby authorized and directed to issue said warrant to the Four Seasons YMCA, 106 Gratton Road, Tazewell, Virginia 24651 attn: Chris Wearmouth. Said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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Supervisor Hymes requested an update on a fire truck for the Clearfork area. Supervisor Hymes continues to have safety concerns for people living in remote areas, especially in Cove Creek Estates.

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#### DOLLY PARTON LITERACY PROGRAM

Supervisor Hymes requested the status of the county's participation in the Dolly Parton Literacy Program. Ms. Patricia Green will report on this topic at the November 2011 meeting.

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#### RAVEN TREE IN RIVER

Supervisor White reported a tree down in the river in Doran Bottom. He reiterated the need for a policy for this type of incidents in public water ways. Supervisor White said this was an emergency situation and something needed to be done immediately. The County Administrator said he would contact Gardner and obtain a quote for the removal of same.

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#### YOUNG'S ROAD – COUNTY ROAD SYSTEM

##### PUBLIC HEARING AUTHORIZED

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 authorizes and directs the County Administrator to advertise for a public hearing at the November 2011 regular meeting to consider accepting Young's Road into the Tazewell County Orphan Road System.

Supervisor White is working on obtaining the proper easements for this project.

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#### THOMPSON VALLEY COMMUNITY CENTER -

##### PAVING PARKING LOT & ROAD

##### SOUTHERN DISTRICT FUNDS

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 Supervisor hereby authorizes and directs

Kenneth Dunford to provide Supervisor Hymes with an estimate for paving the road and parking lot, prior to November 8, Election Day, at the Thompson Valley Community Center, and once the estimate is accepted by Supervisor Hymes, the funding is hereby approved from the Southern District Funds. The 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.

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**PATTON ROAD**

**WHITT LANE / ROAD REPAIRS**

Supervisor Anderson requested Ken Dunford to look into repairs to Patton Road located in Baptist Valley. Supervisor Campbell requested the PSA to investigate damages to the asphalt on Whitt Lane in Baptist Valley as a result of the construction of the new sewer line project.

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**BLUEFIELD VIRGINIA YOUTH BASKETBALL LEAGUE**

**\$2,700.00 EASTERN DISTRICT FUNDS**

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,700.00 from the Eastern District Funds, payable to the Bluefield Virginia Youth Basketball League, Bluefield, VA 24605. 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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**ABINGDON FEEDER CATTLE ASSOCIATION**

Chairman Anderson announced an invitation to the Abingdon Feeder Cattle Association's Special meeting on "The State of the Beef Cattle Industry." The meeting will be held at the Washington County Fairgrounds, Oct. 20, 2011 at 6:00 p.m.

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#### WATCH FOR CHILDREN ROAD SIGNS

It was the general consensus of the Board of Supervisors to pay for “watch for children” signs out of their district funds. The Board of Supervisors requested the County Administrator to have Kenneth Dunford in the Engineering Department to order approximately 12 signs and charge same to the County’s Orphan Road Account and invoice same to BOS individual district funds at such time as deemed necessary and appropriate.

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NOVEMBER 1, 2011 REGULAR MEETING DATE CHANGED TO NOVEMBER 15, 2011 AT 6:00 P.M.

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 changes the November 1, 2011 regular meeting to November 15, 2011 at 6:00 p.m. and further that all deferred matters be placed on the November 15, 2011 meeting agenda.

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#### ADJOURN

Now, there being no further business to be transacted and upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the meeting is hereby adjourned.

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David R. Anderson, Chairman

By: RG

Adjourn time 12:06 a.m.