

**VIRGINIA: At a recessed meeting of the Tazewell County Board of Supervisors held September 13, 2012 @ 7:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651**

**PRESENT: D. Michael Hymes, Chair  
John Absher, Vice Chair  
Seth R. White, Member  
Charles A. Stacy, 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: Warren Hinkle, Tazewell County Free Press;  
Jim Talbert, Clinch Valley News/Richlands News Press; David Byrd,  
The Voice News**

**ABSENT: None**

---

Chairman Hymes called the recessed meeting to order and presided. He welcomed all those in attendance.

Supervisor White gave the invocation with Supervisor Absher leading those present in the Pledge of Allegiance to the United States Flag.

**AGENDA APPROVED AS AMENDED**

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 4 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 agenda as amended. Additional matters included adding an A-7 Legal Consultation (Natural Gas/MOU) item to the Executive Closed Meeting.

The Chairman then gave a brief explanation of how the Board of Supervisors would handle the interviews and interim BOS position for the northern district vacancy left by Dr. Tom

Brewster who resigned as a Board of Supervisor member August 8, 2012. He said the board received three (3) applications for the vacancy and each applicant would be interviewed in open meeting this date, i.e. Maggie Asbury, Thomas B. Childress and David Woodard.

Now, the Chairman placed numbers 1 through 3 in a container and each applicant drew a number to determine the order of interviews. The Chairman also explained that candidates 2 & 3 would be placed in a different area of the administration building so they could not hear the questions being posed. Mr. Childress drew the number 2; Mr. Woodard drew number 1 and Ms. Asbury drew number 3.

Each of the four (4) supervisors asked each candidate a series of questions. The list of questions are attached hereto and incorporated herein by reference.

Following the interview process of approximately 35 minutes, and upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, and 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. The Chairman noted that the Board would invite necessary folks into the executive/closed meeting as needed.

- A(1) – Personnel Matter involving a member of the Board of Supervisors
- A(3) – Property Acquisition involving the TCFR lease
- A(3) – Property Acquisition involving the Richlands Incubator lease
- A(7) – Legal consultation involving natural gas (M.O.U.)

Now, upon motion of Supervisor Absher, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, 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 meeting and hereby adopts the following resolution read by Supervisor Absher:

**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 Stacy, Absher, White and Hymes

**Nays:** None

**Absent:** None

**Absent during vote:** None

**ACTION OF A RESULT OF THE EXECUTIVE/CLOSED MEETING**

**CLAYPOOL HILL WASTE WATER TREATMENT PLAN**

**--MORAL OBLIGATION RESOLUTION**

Upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby request the Tazewell County Public Service Authority (PSA) to immediately have their consultant/engineer evaluate a fourth option for sewer treatment for the Claypool Hill/Wardell area. That option being exercising the terms and conditions in the current sewer contract between the Tazewell County Public Service Authority (PSA) and Richlands for the needed capacity for Claypool Hill/Wardell area being obtained

from the Town by either upgrading the Richlands Plant and/or buying capacity to treat 100 percent of the sewer flow from Claypool Hill/Wardell area; any capacity the PSA has in the Richlands Plant for future projects such as Baptist Valley West be considered to be reallocated to Claypool Hill/Wardell for the purposes of this comparison of option four and upgrading the Claypool Hill/Wardell Sewer Treatment Plant. This evaluation will include the cost for a sewer collection system or pumping system to transport sewer from Claypool Hill/Wardell to the Richlands Sewer Treatment Plant. The evaluation shall also include operations and maintenance and capital construction costs for both options. The Tazewell County Board of Supervisors hereby further request that this information be provided to the PSA by their October 2012 meeting.

---

#### **TAZEWELL COUNTY FIRE RESCUE – LEASE**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to approach the landlord of the current Tazewell County Fire & Rescue facility and request a six-month lease extension of present terms while the Board of Supervisors reviews the landlord's proposal for a longer lease.

---

#### **INTERIM NORTHERN DISTRICT BOARD OF SUPERVISOR MEMBER APPOINTED**

Supervisor Absher placed of the name of Thomas B. Childress on the floor to fill the interim position of Northern District Board of Supervisor to fill the vacancy that has occurred as a result of the resignation of Tom Brewster. Supervisor Stacy seconded the foregoing nomination. The Chairman then called for further nominations. Now, there being none, he declared nominations closed with Supervisor Stacy moving to close nominations, seconded by Supervisor Absher and unanimously adopted.

Now, the Chairman called for a vote of the foregoing to appoint Thomas B. Childress, PO Box 391, Pocahontas, Virginia 24635 to serve as interim member of the Tazewell County Board of Supervisors and until the 2013 election. The motion was adopted by a vote of 3 to 0,

with Supervisor White abstaining. The Chairman further requested that the County Attorney notify the Circuit Court Judge of the foregoing in order for Thomas B. Childress to qualify for same.

---

**SCRIPPS SPELLING BEE \$500 (\$100 FROM EACH DISTRICT)**

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 (\$100 from each district fund) payable to the Scripps Regional Spelling Bee, Attention Betty Melvin, 515 Fairground Road, Tazewell, VA 24651. 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.

---

**TAZEWELL COUNTY SCHOOL BOARD –  
LPN PROGRAM \$168,000.00 ADDITIONAL APPROPRIATION AS A RESULT OF  
THE AUGUST 7, 2012 BOS MEETING**

Upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 3 to 1, with Supervisor White voting no, the Tazewell County Board of Supervisors, as a result of the August 7, 2012 Board of Supervisors meeting hereby approve an additional appropriation in the amount of \$168,000.00 from the County's General Fund to the School Board's Operating Fund to fund the salaries and benefits, not to exceed the amount of \$168,000.00, for the Tazewell County School System's LPN Program for FY12-13, with Chairman Hymes further acknowledging that this is a one-time appropriation/commitment from the Board of Supervisors with the expectation that the Tazewell County School Board will continue with the LPN Program next year and find a way to fund same.

With regard to Supervisor White voting no, he said he was not against the LPN Program, but the \$168,000.00 was a whole lot of money and said there had to be some other way to continue with the Program. He said he wanted to go on record in support of the LPN Program, stating that he valued the LPN Program and its contributions to the area, but he thought the Board would be setting a bad precedent if the County funded the program, as well as setting a

precedent that the County would fund additional school board cuts down the road. He said he thought the Board should be watchful with tax-dollars with regard to present economic circumstances.

---

**PUBLIC EASEMENT USE PERMIT –**

**E.G. WAGNER SUBDIVISION/SCOTT FERGUSON**

Upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby grant Scott Ferguson, 2247 Virginia Avenue, Bluefield, VA 24605 to construct, install, extend, repair and maintain a below ground sewer line within the boundaries of that certain unnamed alley located near Bluefield, Virginia South of Virginia, dividing Section 3 of the E.G. Wagner Subdivision and running between lots 11 through 17 and lots 34 through 40 as shown on a plat recorded in the Tazewell County Circuit Court Clerk's Office on Plat Card 381 – further allowing a right of entry and to temporarily obstruct the public right of passage thereon for purposes of installing said line and the future right to reenter to maintain said line – the permit will not affect the private property rights of others across properties that Mr. Ferguson may intend to construct the lien and further that Mr. And further be it approved, Mr. Ferguson shall be responsible for investigating the boundaries of the alley and determining the property rights of third parties.

Supervisor White suggested that the Board advertise to vacate the foregoing street. The County Attorney said that a vacation would be an in-depth process with all property owners required to be notified of the preceding. Therefore, no second was made on Supervisor White's request to vacate at this time.

---

**RICHLANDS HIGH SCHOOL BOYS VARSITY BASKETBALL TEAM**

**\$500.00 NORTHWESTERN DISTRICT RECREATION FUNDS**

**\$500.00 WESTERN DISTRICT RECREATION FUNDS**

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Northwestern District Recreation Funds, payable to the Richlands High School Varsity Boys Basketball Team; and further upon motion of Supervisor Absher seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 payable to the Richlands High School – Boys Basketball Team. 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.

---

**TOWN OF RICHLANDS FIRE & RESCUE**

**FUNDING ASSISTANCE (EMS Grant for Equipment)**

Upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 4 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 monies \$3,205.00 from the Northwestern District Fund and the same amount of \$3,205.00 from Account No. 32010-8109 – Town of Richlands – Capital Outlay, to assist with funding for the Richlands Fire-Rescue /EMS Grant for Motorola VHF Mobile Digital P25 Radio and Mobile Data Mapping & GPS Tracking Software \$6,410.00. The County Administrator is hereby authorized and directed to issue said warrant in the amount of \$6,410.00 to the Town of Richlands Fire & Rescue 200 Washington Square, Richlands, Virginia 24641. Said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

---

**OTHER CONCERNS:**

**COAL RALLY**

Supervisor Hymes requested the County Administrator contact Barbara Altizer, Executive Director of the Eastern Coal Council to find out if the County might possibly have a pro-coal rally “Hands across Tazewell County” before cold weather sets in. He said coal is a huge part of our economy and Tazewell County should rally for coal due to its importance to our state and to our country. Supervisor Absher will also be supporting coal and assisting with a jobs fair during the Cedar Bluff Heritage Festival Sept. 15.

**BVU – TV CABLE SERVICES IN TAZEWELL COUNTY**

Supervisor White requested that State officials representing Tazewell County, i.e. Senator Puckett and Delegate Morefield’s office be notified and requested their support in asking Bristol Virginia Utilities (BVU) to offer cable television services in Tazewell County.

**NEW LEGISLATION DEADLINE**

The County Attorney reminded the Board to send his office any proposed legislation prior to October 1, 2012 so he could pass on to state representatives for consideration in the upcoming 2013 General Assembly.

---

**ADJOURN**

Now, there being no further business to be transacted and upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 4 to 0, the Tazewell County Board of Supervisors hereby adjourns this meeting.

---

D. Michael Hymes, Chair

By: rg

Adjourn time: 10:45 p.m.