

**VIRGINIA: AT A RECESSED MEETING OF THE TAZEWELL COUNTY  
BOARD OF SUPERVISORS HELD SEPTEMBER 15, 2015 AT 5:30  
P.M. IN THE TAZEWELL COUNTY ADMINISTRATION  
BUILDING, 108 EAST MAIN STREET, TAZEWELL VIRGINIA  
24651**

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

**ABSENT: NONE**

The recessed meeting was called to order by Chairman, Seth R. White. He welcomed those in attendance.

**AMENDMENT TO THE POCAHONTAS WATER AGREEMENT**

The County Attorney, Eric Young, presented to the Board of Supervisors an amended agreement to the Inter-municipal Agreement for the Purchase of a Municipal Water System between the Tazewell County PSA, the Tazewell County Board of Supervisors, and the Town of Pocahontas, VA - to provide for the PSA to purchase the Town's water distribution system so that the PSA can continue to serve the system's customers after the Town ceases the operation of its water system. The amendments were requested by the West Virginia's Commission's staff:

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

**AMENDMENT TO INTERMUNICIPAL AGREEMENT FOR PURCHASE OF MUNICIPAL WATER SYSTEM**

This Amendment to Intermunicipal Agreement for Purchase of Municipal Water Distribution System is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015 between the Tazewell County Public Service Authority, a Virginia Water and Waste Authority created pursuant to Section 15.2-5100 et seq. of the Code of Virginia ("TCPSA"), the Tazewell County Board of Supervisors, the governing body of a political subdivision of the Commonwealth of Virginia ("BoS"), and the Town of Pocahontas, Virginia, a Virginia Municipal Corporation ("Town"), to amend the parties 2015 Intermunicipal Agreement to Purchase Municipal Water Distribution System, which provides for the TCPSA to purchase the Town's water distribution system such that the TCPSA may continue to serve the system's customers after the Town ceases to operate its water system (hereinafter "the Agreement").

WHEREAS, the parties entered into the Agreement, which provides for an increase in water rates of the Town's customers, including customers whose connections are located in West Virginia;

WHEREAS, the law of West Virginia governs the manner in which public drinking water is purveyed in West Virginia;

WHEREAS the West Virginia Authority charged by West Virginia Law with the responsibility to review rates charged for public water in West Virginia has requested that the Agreement be amended as below set forth prior to approving the rate increase provided for in the

Agreement to be signed by C. Don Dunford, Chair, Tazewell County PSA; Dahmon Ball, PSA Administrator; Benjamin Gibson, Mayor, Town of Pocahontas; and Pocahontas Council Members and by the Tazewell County Board of Supervisors Chairman, Seth R. White and its Interim County Administrator, Patricia Green. A copy of the Agreement in its executed form will be attached hereto and incorporated herein by reference.

WHEREAS the parties agree to amend the Agreement as below set forth;

NOW THEREFORE, that for good and valuable consideration to the parties as more particularly set forth in the Agreement, the parties hereby agree to amend the Agreement as below set forth. All other provisions of the Agreement not explicitly altered hereby shall remain in full force and effect.

1. The parties recognize and agree that the Town's customers whose connections to the Town's system are located in West Virginia shall not be billed for garbage collection services and their connection to the Town's system, which is located in West Virginia, may not be disconnected for any failure to pay for garbage collection.

2. The parties hereto recognize that the rates charged to customers of the Town's system whose connections are located in West Virginia are governed by the laws of the State of West Virginia, including but not limited to Section 24-2-4b of the Code of West Virginia. In the event a rate increase becomes necessary, the Town shall submit the proposed ordinance for the rate increase to the appropriate West Virginia Authority, as may be required by West Virginia Law. The Town also shall Petition the West Virginia Authority for approval of such rate increase, if required by the then governing West Virginia Law. In the event the West Virginia Authority shall deny the Town's request to increase rates for the Town's customers

whose connections are in West Virginia, the Town shall nevertheless increase the rates for the Town's customers whose connections are in Virginia in accordance with the Town's Ordinance.

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**ROBERTS RULES OF ORDER SUSPENDED**

Upon motion of Supervisor Roberts, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby suspends Roberts Rules of Order to allow citizens from the floor two (2) minutes to speak to the Board of Supervisors on the topic of Round Mountain Road. This matter was deferred from the September 1, 2015 regular meeting.

Now, the Chairman called for citizen comments from the floor on the subject of Round Mountain Road.

Mr. H.S. Caudill, Tazewell, Virginia 24651 spoke and reminded the Board that the Round Mountain Road was not only a Southern District Road, but a road that affects all of Tazewell County as well as folks in Bland County.

County Attorney, Eric Young said he talked to Mr. McKeague with the Dept. of Forestry Services and he said that his department had made an effort to meet with folks who owned right-of-ways there in hopes that they could possibly reach an agreement with property owners to re-open the road. The County Attorney said he has emailed several of the property owners to discuss the possibly of donating the right-of-ways to the County for possible repairs after which the County could turn the road over to the Department of Forestry.

Mr. Leroy Long, Tazewell, Virginia 24651, requested that the Board of Supervisors help the tax-payers by doing everything they could to re-open the road. He said his father was 86 years old and he was saddened by the road closure after being able to use it for so many years. Mr. Long reiterated his willingness to do what he could to work with landowners to reopen the road.

The Board thanked Mr. Caudill and Mr. Long for their comments and told them that the Board would keep the group up to date with communications between property owners as well as with the Department of Forestry Services. The Board will give a report on this matter at the October 6, 2015 meeting.

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FARM HERITAGE CAPITAL GRANT

Supervisor Hymes requested the Interim County Administrator, Patricia Green, to meet with Charlotte Whitted with Crab Orchard Museum and discuss the county's match for the Farm Heritage Capital Grant implemented several years ago to the Museum for special projects. This matter will be addressed October 6, 2015.

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COVE COMMUNITY ASSOCIATION-  
\$1,000.00 FROM SOUTHERN DISTRICT FUND  
FOR NEEDED REPAIRS TO THE CENTER

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Southern District Fund, to the Cove Community Center, Maiden Spring Road, Tazewell, Virginia 24651. The Interim County Administrator is hereby authorized and directed to issue said warrant in accordance with this action in accordance and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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RHS SOFTBALL TEAM \$22,000.00

Upon motion of Supervisor Absher, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a total amount of \$22,000.00 (\$8,000 Northwestern District Special School Projects Acct.; \$12,500.00 Western District Special School Projects Acct. and the amount of \$1,500.00 from the Southern District Fund), payable to the RHS Softball Team, attn: Davie Lamie, for the placement of a lighting system for the girls softball field at the new athletic complex in Richlands. A quote in a total amount of \$85,000.00 for the lighting system was received from Musco Sports Lighting. The Interim County Administrator is hereby authorized and directed to issue said warrant in accordance with this action in accordance and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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FALLS MILLS FISH CLUB \$1,000.00

Upon motion of Supervisor Stacy, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Eastern District and the amount of \$500.00 from the Northern District, Falls Mills Fish Club Acct. - payable to the Falls Mills Fishing Club, attn: Wade Lovell, Falls Mills, VA.

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

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TOWN OF RICHLANDS - PAVING AND WORK TO HILL CREEK ROAD (TOWN SECTION) \$25,000.00 FROM THE NORTHWESTERN DISTRICT ROAD ACCOUNT

Upon motion of Supervisor White, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$25,000.00 from the Northwestern District Road Account payable to the Town of Richlands, Virginia for paving and work to the Hill Creek Road located in the Town of Richlands, Virginia.

The Interim County Administrator is hereby authorized and directed to issue said warrant in accordance with this action in accordance 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 Stacy, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enter into and Executive/Closed Meeting, pursuant to Virginia Code Section 2.2-3711 - A-1 Personnel Matter - interview candidates for the position of County Attorney.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one

against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Meeting, with Supervisor Hymes reading the following certification:

**CERTIFICATION/EXECUTIVE CLOSED MEETING**

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

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

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

Ayes: Stacy, Roberts, White, Absher, Hymes

Nays: None

Absent: None

Absent during vote: None

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

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**RECESS**

Now, there being no further action to be transacted and upon motion of Supervisor Stacy, seconded by Supervisors Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby recesses this meeting to September 22, 2015 at 5:30 p.m. for the purpose of interviewing candidates for the position of County Administrator.

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Seth R. White, Chairman

9:36 p.m. Recess time