

**VIRGINIA: At a regular meeting of the Tazewell County Board of Supervisors held September 4, 2012 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: Katie Cole, Bluefield Daily Telegraph; Warren Hinkle, Tazewell County Free Press; Jim Talbert, Clinch Valley News/Richlands News Press**

**ABSENT: None**

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Chairman Hymes called the meeting to order and presided.

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

The Chairman then welcomed all those present and introduced Dr. Leah Hollon, Public Policy Instructor from the Appalachian College of Pharmacy. Accompanying Dr. Leah Hollon was a group of pharmacy students who were in attendance to observe the meeting to learn more about local government at work.

Now, 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 August 7, 2012 regular meeting minutes, with one change to page 19 paragraph 5, sentence 4 to read “Northern” District instead of “Eastern” District relative to monies paid to the Falls Mills Fish Club.

**AGENDA APPROVED**

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 September 4, 2012 meeting agenda as amended. Amendments included the deletion of Board Concerns from the first part of the agenda.

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**EXECUTIVE/CLOSED MEETING**

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 enters into an Executive/Closed Session pursuant to Virginia Code Section 2.2-371:

- A-7 Legal consultation regarding Gas Well Assessment Litigation
- A-3 Property Acquisition involving Morris Knob Tower site
- A-3 Property Acquisition involving TCFR lease
- A-5 Prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community – involving Project DB
- A-7 Legal consultation involving MOU w/ Town of Tazewell

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**CERTIFICATION/REPORT OF ACTION**

Now, 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 returns from the Executive/Closed Meeting and hereby adopts the following certification read by Supervisor White:

**RESOLUTION**

**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: Four (4) – Stacy, Absher, Hymes and White  
Nays: None (0)  
Absent: None (0)  
Absent during vote: None (0)

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

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The Chairman once again introduced and welcomed Dr. Leah Hollon, Public Policy instructor, Appalachian College of Pharmacy students who were in attendance to observe the regular board of supervisors meeting. Dr. Leah Hollon thanked the Board of Supervisors for their welcome. The students will attend the October 2 regular meeting as well as part of their public policy curriculum.

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### **SPECIAL PRESENTATION**

#### **■ IN MEMORY OF THE LATE BENJAMIN S. "BEN" BARRINGER**

The Chairman gave the floor to Supervisor Seth White who introduced and welcomed the family of the late Benjamin S. Barringer. Mr. Barringer died suddenly May 25, 2012. Mr. Barringer was a member of the Tazewell County Board of Supervisors from 1992 to 1996. Susan S. Barringer his wife along with the Honorable Judge Henry Allen Barringer and sister Emily Edmondson attended the meeting along with other family members.

Now, 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 adopts and presents the following resolution to the Barringer family:

**RESOLUTION  
REMEMBERING THE LATE  
BENJAMIN S. "BEN" BARRINGER**



WHEREAS, Benjamin S. "Ben" Barringer, 67 of Thompson Valley, Virginia died suddenly Friday, May 25, 2012; and

WHEREAS, Benjamin S. "Ben" Barringer is survived by his wife, Susan S. Barringer and her children and grandchildren, and his brother, The Honorable Judge Henry Allen Barringer and his sisters, Emily Edmondson and Anne Wynne Rogg, as well as his nieces and nephews and their families; and

WHEREAS, Benjamin S. "Ben" Barringer was a 1967 graduate of Cornell University and was an inventive and insightful man who was a farmer and producer of beef and sheep and was a public servant by choice; and

WHEREAS, he was a former member of the Tazewell County Board of Supervisors serving from 1992 to 1996, and was a member of the North Tazewell Lions Club and served as District Governor. He also served as a former chairman of the Tazewell County Republican Party and was very active in his community – serving as a member of the Cove Volunteer Fire Department for many, many years; and

WHEREAS, Benjamin S. "Ben" Barringer represented the citizens of Tazewell County with honor and was nonetheless a respected and influential person, due largely to his unquestioned integrity; and

WHEREAS, Benjamin S. "Ben" Barringer was a man blessed with an innate dignity and sense of humor and will be long remembered for his common sense to governing, for his willingness to trust the intelligence of county citizens and for the respect he earned from both sides of the aisle and for his strength, courage, dedication and wisdom; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Tazewell County, Virginia, note with great sadness, the loss of Benjamin S. Barringer and hereby adopts and presents this resolution to the Barringer family as an expression of the Board of Supervisors high regard in which his memory is held.

Adopted and presented this the 4<sup>th</sup> day of September 2012.

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**VIRGINIA CHILD IDENTIFICATION PROJECT  
(VACHIP) PROGRAM DEMONSTRATION BY  
POCAHONTAS LODGE NO. 240 –  
DAVID WOODARD DISTRICT DEPUTY**

David Woodard and Charles Gearheart presented a Virginia Child Identification Program (VACHIP) demonstration purchased for the Pocahontas Masonic Lodge No. 240. The VACHIP

program will help in the search of missing children. The computer program inputs all descriptions of a child on a CD including photos, all 10 fingerprints, and a video interview of the child which is given to the child's parent for safekeeping. There is no database and the information is stored on the CD. Should a child go missing and an Amber Alert called, the CD can be given to law enforcement to aid in the recovery of the child, and within seconds the CD can be sent to law enforcement all over the country. Mr. Woodward said the VACHIP Program will be used in upcoming events in Pocahontas to ID children.

The Board thanked Mr. Woodard and Mr. Gearheart for the VACHIP presentation and noted its importance and value.

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### **CONSENT CALENDAR APPROVED**

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 following items presented as "Consent Calendar". Matters requiring the issuance of warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

#### **WARRANTS APPROVED**

##### **July/August 2012**

##### **Payroll**

Ordered that Warrant Nos. 136304 through 136373 and direct deposits totaling \$218,866.39 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 31, 2012, be approved.

Ordered that Warrant Nos. 136375 through 136448 and direct deposits totaling \$217,428.38 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 15, 2012 be approved.

##### **Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 457901 through 458071, for \$518,286.90 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of July 2012, be approved.

Ordered that Warrant Nos. 458073 through 458088, for \$163,338.13 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 31, 2012 be approved.

Ordered that Warrant Nos. 458090 through 458232, for \$886,526.15 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of August 2012, be approved.

Ordered that Warrant Nos. 458234 through 458249 for \$162,965.38 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 15, 2012, be approved.

### **Handwritten**

Ordered that Warrant No. 801702 through 801712 for \$122,032.81 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of July 2012, be approved.

- Ratified \$5,000 from Eastern District fund as approved Aug. 8, 2012 to wit: \$2,000 to Chargers football team and \$3,000 to Graham Youth League
- Approved \$5,000 from the Northwestern District fund payable to the Richlands Teen Center
- Victim Witness Grant: transferred the amount of \$1,883.00 from the Contingent Grant Resource Account No. 91050-7041 as monies received from a State Grant( flow through)
  - \$ 23.00 to Office Supplies Account No. 22010-6001
  - \$ 1,276.00 to Printing Account No. 22010-3500
  - \$ 584.00 to Postage Account No. 22010-5210
- Sheriff Account - transferred from the Contingent Grant Resource Account No. 91050-7041

- \$1,000.00 donation from Wal-Mart to the Sheriff Account No. 31020-6010 Police Supplies
- \$655.42 reimbursement for training for Breath & Alcohol to Sheriff Account No. 31020-5510 Travel & Training
- \$500.00 from Jewell Smokeless Coal to Dare Supplies Account No. 31060-6021
- \$500.00 gas reimbursement from Guy M. Turner, Inc. to Account No. 31020-6009 Vehicle Supplies & Repair
- Registrar's Account - Approved up to \$5,000.00 from Account no. 91050-7023 Contingency Fund if needed, for the purchase of new laptops/Electronic Poll Books for the Registrar's Office – matching fund/grant from the State Board of Elections
- Sheriff's Dept. Vehicle – Declared as surplus – a Jeep Patriot 4-WD Sport VIN # 1J4NF2GB4AD551804 & even trade for new vehicle.
- Approved a transfer in the amount of \$15,000.00 from Account No. 91050-7023 (Contingency) to Account No. 41010-3310 (Orphan Road Repairs & Maintenance)
- Approved an M.O.U. with Cumberland Plateau Health District for Rabies Clinic - A copy of same is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

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## **225<sup>TH</sup> ANNIVERSARY OF THE UNITED STATES CONSTITUTION**

Following presentation by Chris Calo, on behalf of the Sons of American Revolution, and 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 adopts the following resolution:

### **Proclamation Recognizing the 225th Anniversary of the United States Constitution**

#### **BE IT RESOLVED**

That the citizens of Tazewell County, Virginia join the Clinch Mountain Militia Chapter of the Virginia Society of the Sons of the American Revolution in celebrating the 225th Anniversary of the Constitution of the United States of America. Signed on September 17,

1787 in the city of Philadelphia, Pennsylvania, the Constitution is much more than the preeminent law of the land. It sets forth the enduring structure of our Republic. It is the ultimate guarantor of our rights as citizens. Indeed, as the divinely inspired vision of our founders, the Constitution has and continues to afford a legacy of freedom for all people who thirst for liberty. Come together with us in honoring the Constitution: fundamental to our nation and our daily lives.

**So approved by the Board of Supervisors of Tazewell County, Virginia  
THIS THE 4 DAY OF SEPTEMBER 2012**

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### **TAZEWELL COUNTY TOURISM STRATEGIC PLAN PRESENTATION**

Randy Rose, Virginia Tourism Corporation, Tourism Development Specialist and Joan Yates, Interim Chairman of the Tazewell County Tourism Committee presented the Tazewell County Tourism Strategic Plan. Mr. Rose said the new numbers for tourism for the overall state would be released by the Governor in the next few days. He said the Board should be pleased with the results. The updated Plan prioritizes the objectives, targets and measures tourism for Tazewell County as well as serving as a reference document for tourism entrepreneurs and businesses that are considering locating within Tazewell County.

Supervisor Stacy questioned the Lack of Zoning as one of the Weaknesses. Mr. Rose explained how the lack of zoning made the list – i.e. primary draws being natural assets (input from the tourism stakeholders).

Supervisor White suggested that the adoption of the Plan be deferred to the recessed meeting scheduled for September 13 to give the Board time to review the Plan. He spoke of all the great things going on in Tazewell County to draw tourism, i.e. Back of the Dragon, the proposed ATV trail & Pocahontas Walking Riding Trail.

Supervisor Hymes questioned Item 2A - the 40% funding increase in the tourism budget through tax collections and allocations from the BOS by December 2014. This is a 40% funding increase from the 2012 Tourism Budget and said this was a significant increase for one particular group. Margie Douglass, Tourism and Economic Development Coordinator spoke from the floor and said the proposed increase is a request for a full time tourism developer/coordinator to be implemented by July 1, 2013.

The Board will consider the adoption of Tourism Strategic Plan at the next recessed meeting.

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**TROUT STOCKING CONCERNS**

Phillip Stiltner, 238 Laramie Road, Doran, Virginia - voiced concern about the way the Virginia Department of Game and Inland Fisheries stock the area lakes and ponds/streams. He said by the time the working man has time to get to the streams the big trout are gone because of the trout chasers. He requested that the Board consider asking the Virginia Game & Inland Fisheries to change the way they do things, more particularly by “delaying harvest.” The Board suggested that Mr. Stiltner gather a citizen petition relative to the foregoing and also requested that Mr. Charlie Yates, a board member of the Commonwealth of VA – ninth congressional district, be invited to a future Board of Supervisors meeting and the petition be presented to Mr. Yates accordingly. The Board also requested that Mr. Stiltner be notified when Mr. Yates could attend.

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**UNSCHEDULED CITIZEN COMMENTS**  
**FCCLA – JUSTIN HESS**

Upon request of Justin Hess, First Vice-President, FCCLA, Richlands High School and upon motion of Supervisor Hymes, 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 \$1,000.00 (\$250.00) from each district fund respectively as set forth below, payable to Richlands High School, FCCLA, Memo: Justin Hess, 138 Tornado Alley, Richlands, Virginia 24641. Mr. Hess was recently elected as National First Vice President of Family, Career and Community Leaders of America (FCCLA) – and will be attending several state & national FCCLA events. 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 check by the Treasurer of Tazewell County, Virginia:

- \$250.00 from Eastern District
  - \$250.00 Western District
  - \$250.00 Northwestern District
  - \$250.00 Southern District
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**ANIMAL CONTROL CONCERNS****ERIC WHITESELL, THOMPSON VALLEY RESIDENTS**

Eric Whitesell, a 23 year resident from 5254 Thompson Valley Road and a 32 year attorney from the Tazewell area, spoke about the lack of peace and tranquility for the last nine months in his neighborhood due to noise from barking dogs. He said he is being victimized because of this. Mr. Whitesell said he lives on an 18 acre farm and dogs bark west and north on his property disrupting his once peaceful neighborhood. Mr. Whitesell requested that the Board amend/update the current Tazewell County Animal Control Ordinance to be more stringent and to address a declaration to protect the rights of citizens to live in peace on their property.

The Chairman stated that the Board of Supervisors would address the Animal Control matter in more detail and make a decision on a public hearing when there are five (5) members on the Board.

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**BOARD OF SUPERVISORS – LIAISONS REPORT**

- **Emergency Services Committee – Supervisor Stacy**

The ESC did not meet last month. There is no information on the burn building at this time. Mr. Stacy said that Fire Services Report will be presented October 3, 4 & 5. The Chairman requested the ESC look into the possibility of having every fire & rescue department in the County have a traditional set of by-laws thereby establishing the same rules and regulations for each department.

- **Planning Commission – Supervisor Absher**

There was nothing to report as a result of the August 9 Planning Commission meeting.

- **Industrial Development Authority – Supervisor White**

Supervisor White said the Gas Committee meeting met and will meet again Monday, September 10 @ 9:00 a.m. The Committee hopes to move quickly and is focusing on areas without natural gas.

Supervisor White reported there are monies the county might be able to recoup i.e. in-kind grant/monies for certain employees who worked during

emergency situations – storms, etc. The County’s emergency services department is working with Cumberland Plateau in this endeavor.

- **LPN Program – School Board**

The Chairman reported that Tom Brewster would serve as a citizen member on the LPN Program Committee. The County Attorney is waiting to hear from the School Board’s attorney with regard to the LPN - M.O.U.

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**BLUEFIELD VIRGINIA RESCUE SQUAD, INC.  
AMBULANCE & NEW CARDIAC MONITOR –  
APPROVED SUBJECT TO CONTINGENCIES**

Upon motion of Supervisor Stacy, 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, and in order to meet the grant application deadline of September 15, 2012, the Tazewell County Board of Supervisors hereby approves a funding advancement in an amount up to \$27,833.00 from the Eastern District funds to assist with matching grant funds through the Virginia Office of EMS for the purchase of a new ambulance and a new cardiac monitor for the Bluefield Virginia Rescue Squad, Inc., subject to the approval of same by the Tazewell County Emergency Services Committee; once approved by the Emergency Services Committee, as well as the approval of equivalent funding commitments from the Bluefield Virginia Rescue Squad, the Town of Bluefield, Virginia and subject to legal review and approval of the County Attorney, the Eastern District Fund will be reimbursed accordingly up to an amount of \$27,833.00 from Account No. 32020-8109 Rescue Squad – Capital Outlay. And, at such time as may be necessary and appropriate, 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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**APPOINTMENTS**

**Local Emergency Planning Commission (LEPC)**

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 appoints Frank Dorton, Chief of Police Town of

Richlands, 1851 Cranwell Drive, Richlands, Virginia 24641 to serve as a member of the Tazewell County Local Emergency Planning Commission and further hereby appoints Ginny Dawson, 108 East Main Street, Tazewell, Virginia as Executive Secretary to replace Dee Phipps.

**Emergency Services Committee**

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 reappoints Tim Owens, 111 Central Avenue, Richlands, Virginia 24641 as a member of the Tazewell County Emergency Services Committee, with a term commencing immediately and expiring June 30, 2014 (two -2 year term).

**Tall Structures Committee**

One Northwestern District appointment to the Tall Structures Committee was deferred to the October 2, 2012 regular meeting.

**Tazewell County Tourism Committee**

Due to the resignation of Larry Davidson as a member of the Tazewell County Tourism Committee and upon motion of Supervisor Hymes, 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 appoints Ms. Nancy Brooks PO Box 828, 215 Marion Avenue, Tazewell, Virginia 24651 as a member of the Tazewell County Tourism Committee, representing the Southern District, with a term effective immediately and expiring June 30, 2014.

Consideration of appointing Ad hoc members to the Tazewell County Tourism Committee was deferred to the October 2, 2012 regular meeting.

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**VEHICLE POLICY AMENDED – CELL PHONE USE**

Following explanation by the County Attorney of the proposed amendments to the Tazewell County Vehicle Policy regarding cell phone usage, and 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 adopts the Tazewell County Vehicle Policy as hereby amended relative to the use of cell phones:

**TAZEWELL COUNTY, VIRGINIA**

Employee

**County Vehicle Policy**

Initials \_\_\_\_\_

**Effective October 1, 2012**

County-owned vehicles are assigned to certain employees and agents based on their positions or duties and are intended for County use only unless otherwise authorized in writing. Holding a specific job title does not automatically entitle an employee or agent to use a County-owned vehicle. Assignment of a County-owned vehicle to an employee or agent is at the sole discretion of the County Administrator. Use of a County owned vehicle is not a perk.

**RESTRICTED USE**

All County-owned vehicles are considered “**restricted use only**” unless broader use is specifically authorized by the County Administrator. Such vehicles are to be used for County business purposes only. Nor shall any employee or agent let any non-employee or non-agent drive the County-owned vehicle, or transport his or her personal friends or family in a County vehicle.

The employee or agent must be willing to certify that he or she did not use the vehicle for personal purposes and that he or she did not use the vehicle for personal reasons during the course of County business. Personal reasons shall not include stops for food, drink, rest, regular breaks in accordance with the County Personnel Policy or restroom use. No County employee or agent may use a County vehicle for personal gain.

**VEHICLE CARE AND MAINTENANCE**

The employee or agent to whom a County-owned vehicle is assigned shall be responsible for insuring that it is properly serviced and maintained. Abuse or neglect of a County-owned vehicle shall not be tolerated. The County garage shall provide fuel and maintenance. Otherwise, the employee or agent shall obtain pre-approval from County Administration before requesting private service or repair of the vehicle. Any service on a County vehicle not performed by the County garage or approved by County Administration will be at the employee’s or agent’s expense, except in emergency circumstances.

**REPORTING OF ACCIDENTS**

Should a County-owned vehicle be involved in an accident or an employee receive a citation for a traffic violation while driving a County vehicle, the incident shall be promptly reported (within 24 hours) to the Department Head, who shall promptly report the incident to the County Administrator.

Any County employee or agent who knowingly operates a County owned vehicle with a suspended or revoked license will be subject to disciplinary action, up to and including, termination.

### **TAKING VEHICLES HOME**

Employees or agents may not take County vehicles home. However, under certain circumstances, the best interests of the County including fuel costs, mileage, employee time and government responsiveness, may be best served by permitting some employees or agents to take County vehicles home.

For example, if an employee or agent is to travel first thing the following morning and the employee's or agent's residence lies between the Administration Building and the destination, then the employee or agent may take the vehicle home to save payroll expense for the employee's or agent's time.

If the employee or agent routinely travels to locations other than their normal site for reporting for work, then they may take the vehicle home with the Department Head, County Administrator or his designee's permission.

An employee or agent may take a county vehicle home for a specific purpose, as described above, only when approved by the Department Head or County Administrator or his designee.

Certain employee's or agent's duties may require that they be "On Call", while off duty. Other employees or agents may be required to travel extensively or travel to functions outside the County. Some employee's or agent's duties may require them to rapidly respond to emergencies. Such employees or agents may be permitted to take County vehicles home, with the Department Head or Administrator's permission.

### **ELIGIBILITY**

No employee or agent shall drive a County vehicle unless he or she has a Driver's Permit and is in good standing with the Division of Motor Vehicles issuing the permit. Employees or agents shall comply with any conditions or limitations accompanying their permit.

In the event the employee or agent has an off-duty accident or receives a traffic citation while off duty, they shall report it to their Department Head or immediate supervisor on the next business day.

If an employee or agent is prescribed a medication which may impair their ability to drive, they must report that fact to their Department Head.

The Administrator may suspend an employee's or agent's use of County vehicles based on an employee's or agent's driving record, documented drug or alcohol use or justified public complaint.

### **EMS AND FIRE DEPARTMENTS**

County employees or agents who drive vehicles assigned to Fire Departments, Emergency Medical Services or other such agencies must meet all standards and comply with all rules and guidelines established by the Emergency Services Committee or their respective agency.

Fire Chiefs or EMS Captains must approve and authorize an employees' or volunteers' use of a County Vehicle and verify that the employee or volunteer is qualified, has met all standards set by the Emergency Services Committee and has complied with this Policy.

For purposes of this policy, EMS and Fire and Rescue Chiefs or Captains shall make all decisions otherwise left to the Administration herein.

### **EXCEPTIONAL CIRCUMSTANCES**

In extraordinary, exigent circumstances, Emergency Personnel may select a person, who has not been pre-approved, to operate a County Vehicle. Such person shall possess an Operator's License from the Department of Motor Vehicles. Any incident which requires a non-employee to operate a County Vehicle shall be reported, as soon as practicable, to the Chief or Captain responsible for the vehicle involved.

### **CELL PHONE USE**

The use of cell phones while driving county vehicles, for which a Commercial Drivers License (CDL) or EVOC certification is required, is prohibited. Cell phones may only be used while driving such vehicles in Emergency circumstances. Cell phones may only be used under emergency circumstances if a hands free device is used.

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### **ROUTE 16/ GRAVEL ON ROAD**

The County Administrator, James H. Spencer, III reported that he and Chairman Hymes received a complaint about the amount of gravel across Route 16 – Clinch Mt./tourism route where motorcycle enthusiasts travel on a regular basis, more particularly, Back of the Dragon fans. He said the gravel is posing a safety hazard when a hard rain occurs. Supervisor White suggested the County contact VDOT about a shoulder extension program/bicycling lane through possible grant monies. The County Administrator stated there might be an issue with this type of program because of the cliffs at the side of road. The Chairman suggested the County Administrator contact VDOT concerning the safety hazard and to discuss with VDOT the shoulder extension program. This matter will be addressed at the October 2, 2012 regular meeting.

## **RECYCLING EFFORTS**

A group of citizens from the County and various towns visited the Recycling Center in Raleigh County. The County is trying to move forward with a recycling center jointly with the schools and other county entities. The County Administrator reported that the group of people from the area will visit the Bedford Recycling Center on September 18. The next recycling committee meeting will be held September 27, 2012. It was also suggested that the County Administrator invite the recycling instructor from Raleigh County to Tazewell County for a demonstration.

## **COUNTY WEBSITE – REVAMPED**

The County Administrator reported the Information & Technology Department is working to revamp the County's website to include a day/event planner so people can look for certain events taking place in the County. He said this would also help market Tazewell County. Supervisor Stacy said once this is implemented he would like to invite a reporter from WVVA to accompany the visitor on his/her route and do a story on the experience.

## **ENERGY SAVINGS - RFP**

The County Administrator reported he and several staff met with an energy savings consultant to help the county look at ways to save energy in county buildings. The county administrator reported that this could be joint endeavor with the various towns, School Board as well as the PSA to initiate a savings for the FY13-14 budget. The Board granted the County Administrator permission to proceed with soliciting an RFP for such an energy savings consultant, after which the Board will select a committee to review the RFP's and then go from there.

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

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## **EXECUTIVE/CLOSED MEETING**

Then, 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 enters into an Executive/Closed



meeting pursuant to Virginia Code Section 2.2-3711, further allowing certain individuals, as may be necessary and appropriate to attend the executive/closed meeting:

- A-7 Legal consultation regarding Gas Well Assessment Litigation
- A-3 Property Acquisition involving Morris Knob Tower site
- A-3 Property Acquisition involving TCFR lease
- A-5 Prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community – involving Project DB
- A-7 Legal consultation involving MOU w/ Town of Tazewell

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

Now, upon motion of Supervisor Stacy, 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 adopts the following resolution read by Supervisor Stacy:

#### **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**

## **REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING**

### **M.O.U. PROJECT D.P. -- APPROVED**

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 approves the initial M.O.U. regarding Project D.P.

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### **RAVEN ELEMENTARY SCHOOL (GENERAL FUND)**

#### **\$2,000.00 FROM NORTHWESTERN 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 \$2,000.00 from the Northwestern District Fund, payable to the Raven Elementary School -General Fund, 22 School Street, Raven, VA 24639. 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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### **WESTERN DISTRICT RECREATION FUNDS**

#### **\$5,000.00 TO CEDAR BLUFF HERITAGE FESTIVAL –**

#### **TOWN OF CEDAR BLUFF**

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 amount of \$5,000.00 from the Western District Recreation Fund, payable to the Cedar Bluff Heritage Festival, Town of Cedar Bluff, VA contact: Linda Singleton, ph. 964-4889. 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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**RICHLANDS GIRLS J.V. & VARSITY BASKETBALL**

**\$2,000.00 (\$1,250.00 WESTERN DISTRICT RECREATION & \$750.00**

**NORTHWESTERN DISTRICT RECREATION)**

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 following amounts from district funds as set forth below, payable to the Richlands Girls J.V. & Varsity Basketball, Richlands, VA 24641 attn: Jenna Blackburn Hearl. 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:

- Western District Recreation \$1,250.00
- Northwestern District Recreation \$ 750.00

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**RICHLANDS MIDGET FOOTBALL LEAGUE, INC. \$2,000.00**

**\$1,000.00 (WESTERN RECREATION) \$1,000.00 (NORTHWESTERN RECREATION)**

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 amount of \$2,000.00 from the following from district recreation funds as set forth below payable to the Richlands Midget League Football, Inc. PO Box 630, Richlands, Virginia 24641, Attn: Brian Mitchell, President. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

- Western District Recreation \$1,000.00
  - Northernwestern District Recreation 1,000.00
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**SPRINGVILLE ELEMENTARY SCHOOL PTA \$1,500.00  
FROM EASTERN DISTRICT FOR FALL FESTIVAL (CONTINGENT UPON  
MATCHING CONTRIBUTION)**

Upon motion of Supervisor Stacy, seconded by Supervisor Absher 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 approves the amount of \$1,500.00 from the Eastern District Fund and earmark for the Springville Elementary School PTA – Fall Festival contingent upon the PTA raising the same amount/matching contribution. Upon such proof of matching funds, the County Administrator is hereby authorized and directed to issue said warrant payable to Springville Elementary PTA, 144 Schoolhouse Road, North Tazewell, VA 24630 attn: Terri Osborne (322-5900). Said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**GRAHAM HIGH SCHOOL BOOSTERS  
WEIGHT ROOM \$5,000.00 FROM EASTERN DISTRICT  
(CONTINGENT UPON MATCHING CONTRIBUTION)**

Upon motion of Supervisor Stacy, seconded by Supervisor Absher 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 earmarks the amount of \$5,000.00 from Eastern District funds for the Graham High School Boosters to assist with weight room/stocking expenses, contingent upon the GHS Boosters raising the same amount/matching contribution. Upon such proof of matching funds, the County Administrator is hereby authorized and directed to issue said warrant to Graham High School Boosters, 210 Valleydale Street, Bluefield, VA 24605 attn: Robbie Rice (phone 322-3152). Said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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Supervisor Hymes questioned the orphan road paving schedule for this fall. The County Administrator reported that board members are working on their district lists and will submit to the County Engineer's office to review to make certain the road qualify for the county's road program. The Coal & Gas Committee will need to meet as well to recommend the approval of same to the Board of Supervisors.

Supervisor White requested that the Board of Supervisors present a resolution to the family of the late Grat Webb to commemorate his life.

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**FY 12-13 COYOTE BOUNTY PAYMENTS  
TO BE EFFECTIVE SEPTEMBER 15, 2012**

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 none against the Tazewell County Board of Supervisors hereby desires to continue supporting the coyote bounty payment system established by an ordinance adopted August 7, 2012, entitled “A Repeal and Reenactment of the County’s Ordinance Regulating Coyote Bounties”. Said payments by the County will commence effective September 15, 2012 for coyotes killed on lands in Tazewell County designated as agricultural use, as identified on the tax records of the county, for the first 100 coyotes killed, beginning September 15, 2012 and thereafter until all one hundred (100) said coyote bounty payments are approved by the Board of Supervisors. All unpaid coyote claims submitted to the County prior to September 15, 2012 are hereby null and void. All bounty payments must be approved by the Board of Supervisors in accordance with the attached ordinance and the coyote bounty claim form.

The County Attorney, Eric Young stated that the Board of Supervisors could approve a supplement appropriation for the period of July 1 to June 30 when necessary and appropriate due to the ordinance amended to read calendar year instead of fiscal year.

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**RECESS TO SEPTEMBER 13, 2012 @ 7:00 P.M.**

Now, 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 recesses this meeting to September 13, 2012 at 7:00 p.m.

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D. Michael Hymes, Chair

By: RG –

Recess time: 10:29 p.m.