

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

PRESENT: DAVE R. ANDERSON, CHAIRMAN
D. MICHAEL HYMES, VICE CHAIRMAN
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:
JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS
GREG JORDON, BLUEFIELD DAILY TELEGRAPH
CHARLES OSBORNE, TAZEWELL COUNTY FREE PRESS
EARL COLE, THE VOICE NEWSPAPER, LEBANON, VA
& WVVA VIDEOGRAPHER

ABSENT: NONE

The Chairman of the Board, Dave Anderson called the regular meeting to order and presided with all members in attendance. Supervisor Absher gave the invocation followed by the pledge of allegiance to the United States Flag. He welcomed any visitors.

The Chairman then acknowledged special guest, Justin Hess, RHS student, FCCLA (Family Career and Community Leaders of America) 2011-12 Vice President of Parliamentary Law, State of Virginia. Mr. Hess was accompanied by Beth Goforth, Advisor.

Following introductions by Ms. Goforth, Mr. Hess thanked the Board for allowing him to be on the agenda. Mr. Hess said he would be attending the FCCLA State Conference and needed

to raise over \$5,000.00. Supervisor Hymes remarked on the importance of the FCCLA and commended Mr. Hess for his outstanding academic achievements and for representing Tazewell County in this important role. Supervisor Hymes recommended that the Board of Supervisors assist Mr. Hess with the costs associated with the state event.

VIRGINIA FCCLA LEADERSHIP FOUNDATION

\$1,250.00 (\$250.00 FROM EACH DISTRICT FUND)

Then, 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 \$1,250.00 (\$250 from each of the five (5) district funds) payable to the Virginia FCCLA Leadership Foundation, Richlands High School, 138 Tornado Alley, Richlands, Virginia 24641. This money will be used as partnership money for the Virginia FCCLA Leadership Foundation. 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.

AGENDA APPROVED AS AMENDED

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 the agenda as amended. Supervisor White requested amendments include the addition of Senator Phillip Puckett during Citizen Comments. Delegate Will Morefield was also added to the agenda to address the WCYB-Time Warner Cable matter.

MINUTES APPROVED

AUGUST 2, 2011

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 approves the August 2, 2011 meeting minutes as written.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Hymes, 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 enters into an executive/closed meeting pursuant to Virginia Code Section 2.2-3711:

- A-3 Property Acquisition involving Morris Knob Tower site
- A- 7 Legal/ Contractual matter involving the Comprehensive One Stop
- A-1 Personnel matter involving the County Attorney's office
- A-6 Investment of Public Funds where negotiation is involved/A3 Property Disposition involving Landfill Methane Gas Lease to the IDA
- A-6 Investment of Public Funds where negotiation is involved relative to Western Tazewell County -Natural Gas Project
- A-7 Legal matter involving consultation with legal counsel – M.O.U. – Western Tazewell County - Natural Gas Project
- A-7 Legal matter involving consultation with legal counsel regarding Landfill – letter of agreement with DEQ
- A-7 Legal matter involving consultation with legal counsel – M.O.U. Gas Well Assessment
- A-1 Personnel Matter involving Building Safety Department
- A-7 Legal matter involving contract negotiations/ Pocahontas Building Coordination Plan

RETURN/CERTIFICATION OF EXECUTIVE/CLOSED ACTION

Upon motion of Supervisor Hymes, seconded by Supervisor White 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 returns from the executive/closed session and hereby adopts the following certification of resolution read by Supervisor Hymes:

CERTIFICATION OF RESOLUTION

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

The Chairman reported that the Board of Supervisors would need to return to the executive/closed session later in the meeting.

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

1. Upon motion of Supervisor Hymes, seconded by Supervisor Campbell 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 and authorizes the Chairman of the Board of Supervisors, on behalf of the Board, to execute a letter of agreement with the Commonwealth of Virginia, Department of Environmental Quality regarding the landfill and drainage pond and other related issues that were cited on Aug. 19, 2011.
2. Upon motion of Supervisor White, seconded by Supervisor Campbell 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 enters into agreement with the SWCC College Foundation & Cumberland Plateau Planning District lease with the Richlands Business Incubator (RBI) to the County.
3. Upon motion of Supervisor Anderson, 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 approves the amended and restated Prime Lease of Landfill Gas to the Tazewell County Industrial Development Authority (IDA) pursuant to Sections 15.2-1205 and 15.2-1800 (B) (i) of the Code of Virginia, and further the Board of Supervisors authorize and direct the Industrial Development Authority (IDA) to enter into the Development and Sublease Agreement with the College Foundation and renew fuels for the capture, purification and marketing of landfill gas for the Bluestone Business and Technology Park. And, hereby, further authorizes, empowers and directs the Chairman of the Board of Supervisors, on behalf of Tazewell County, Virginia to execute any documents necessary to carry-out these transactions, subject to legal review and approval.

SPECIAL RECOGNITION S

1. PYOTT BOONE SPIDERS
2. COMMEMORATING THE LATE JACK HARRY

The Chairman, Dave R. Anderson welcomed members of the Pyott-Boone Spiders– Relay for Life Team and commended the team for raising \$200,000 + for the American Cancer Society. Supervisor Hymes read the resolution that was unanimously adopted upon a motion of Supervisor Anderson and seconded by Supervisors Hymes. A copy of the resolution in a form as adopted is on file in the office the County Administrator, 108 East Main Street, Tazewell, Virginia.

The Chairman then honored the late Jack H. Harry by resolution. Members of his family were present and accepted the resolution. Mr. Harry was a civic activist, leader and had a long history of serving Tazewell County with distinction. Mr. Rhudy Keith, Member of the Tazewell Public Service Authority also presented the Harry family with a resolution on behalf of the Tazewell County Public Service Authority. Mr. Harry served as a member of the PSA Board. Now, 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 adopts the resolution of the Board of Supervisors. A copy of the

resolution in a form as hereby presented is attached hereto and incorporated herein by reference thereto.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor White seconded by Supervisor Hymes 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 APPROVED AS PAID:

July/August 2011

Payroll

Ordered that Warrant Nos. 134457 through 134542 and 134544 and direct deposits totaling \$206,426.44 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 31, 2011, be approved.

Ordered that Warrant Nos. 134546 through 134625 and direct deposits totaling \$207,767.59 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 15, 2011 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 453347 through 453508, for \$433,910.97 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 2011, be approved.

Ordered that Warrant Nos. 453511 through 453527, for 144,064.29 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 31, 2011, be approved.

Ordered that Warrant Nos. 453529 through 453701, for \$1,439,795.83 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. 453703 through 453717 for \$144,726.83 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 15, 2011, be approved.

Handwritten

Ordered that Warrant Nos. 801608 through 801620 for \$22,047.14 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of July 2011, be approved.

Approved coyote claims:

- \$50.00 to Charles Altizer, PO Box 85, Amonate, VA 24601 for 1 coyote killed with a vehicle on August 13, 2011
- \$200.00 to Phillip Linkous, 1093 Cochran Hollow Road, Cedar Bluff, VA 24609 for 4 coyotes killed with a snare on August 13, 2011
- \$150.00 to Phillip Linkous, 1093 Cochran Hollow Road, Cedar Bluff, VA 24609 for 3 coyotes killed with a snare on July 24, 2011
- \$50.00 to Archie French, 2087 Selina Road, North Tazewell, Virginia 24630 for 1 coyote killed on July 18, 2011 with a snare
- \$50.00 to Ronnie Carl Robins, Jr. 413 Brook St. Tazewell, Virginia 24630 for 1 coyote killed on July 29, 2011 with a pistol
- \$50.00 to Billy Waddle, PO Box 417, North Tazewell, Virginia 24630 for 1 coyote killed on August 14, 2011 with a rifle
- \$50.00 to Virginia Turley, 3930 Freestone Valley Road, Tannersville, VA 24377 for 1 coyote killed on August 12, 2011 with a rifle

Library:

- Approved a transfer from Acct. No. 91050-7041 Contingent Expenditures & Grant to cover special funds received as donations for the County Library (flow through

funding) \$500.00 donation from North Tazewell Lions Club credit to Acct. No.
7301-6012

Commonwealth's Attorney Office:

- Approved \$4,000.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the CA's office, SATIRA Grant Account No. 22010-5605 (Flow through money received from the VA Dept. of Alcoholic Beverage Control Community Coalition Grant Review Committee)

District Funds Approved/Ratified:

- \$1,000.00 to Richlands High School Girls Volleyball
((\$500 from Northwestern District and \$500 from Western District)
 - \$1,500.00 from the Southern District Funds, payable to Burkes Garden Community Association - material for electrical repairs
 - \$2,000.00 from the Northern District Fund, payable to the North Tazewell Elementary School
 - \$1,500.00 from the Eastern District Fund, payable to Graham High School Booster (send to GHS)
 - Ratified \$1,000.00 from the Northwestern District Fund,
payable to the Town of Richlands Virginia - Neighborhood Watch Program (check issued)
 - Ratified \$600.00 (\$300 from Southern District & \$300 from Eastern District) payable to the Tazewell County Fair Association, revamping of old bleachers at county fairgrounds for safety purposes.
 - Sheriff's Office – Approved \$439.62 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Sheriff's Account No. 31020-5510 Travel-Training Expenses -- reimbursement for Breath Alcohol Training (Sgt. McNerlin & Deputy White)
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PUBLIC HEARING –

RAGAMUFFIN ROAD – VACATION OF SAME

The Chairman, Dave R. Anderson, called to order a public hearing entitled “AN ORDINANCE TO VACATE A PUBLIC STREET COMMONLY REFERRED TO AS RAGAMUFFIN ROAD OR RAGAMUFFIN STREET, CONNECTING ROUTE 631 TO LOWE STREET IN THE GUS PAYNE SUBDIVISION, IN THE BAPTIST VALLEY AREA OF TAZEWELL COUNTY, VIRGINIA.” The Chairman called for public comments from the floor three times with regard to the subject public hearing and there being none he declared the public hearing closed. Now, upon motion of 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 hereby adopts the following Ordinance of Vacation: To vacate a public street, commonly referred to a Ragamuffin Road or Ragamuffin Street, located in the Gus Payne Subdivision, between Lowe Street and Route 631, in the Baptist Valley area of Tazewell County, Virginia. The adjoining land-owners are believed to be the Alice Barnett Estate, David C. Lowe, Sr. and Mildred K. Lowe, James Ray Cooper, and El Bethel House of God. The affected parcels are No. 091B 04 0054-0059, 091B 04 0048-0053, 091B 04 0015-0016, and 091B 04 0012-0014, respectively, for taxation purposes. A complete copy of the ordinance as hereby adopted is on file in the office of the County Administrator and posted at the front door of the Circuit Court Clerk’s Office located on Main Street in Tazewell Virginia, and if no comments are heard following the 30 day comment period, the ordinance as hereby adopted will be recorded in office of the Circuit Court Clerk, Tazewell, Virginia, pursuant to VA Code Section 15.2-2272.

TIME WARNER CABLE COMMENTS -

ROBERTS RULES OF ORDER SUSPENDED

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 suspends Roberts Rules of Order with regard to the approval of the agenda format. The Board agreed to hear from Time Warner Cable representatives as well as spokespersons from WVVA – TV and WCYB TV.

CITIZEN COMMENTS

Mr. B.C. Fuller, 709 Triangle Road, Bluefield, Virginia 24605, reported a stray horse on Dr. McGray's property for approximately three (3) weeks. The County Administrator suggested that Animal Control investigate the matter and requested that Mr. Fuller give the information to Sam Wolford who oversees Animal Control.

Kenneth Burkett, 709 Burkett Drive, North Tazewell, Virginia 24603 (Baptist Valley community) voiced concern with the amount of rocks left on his and other neighbor's property as a result of the sewer line project in Baptist Valley. He said the contactors left a mess on their property, as well as leaving a mess on Hawkins Drive in the Baptist Valley area. Mr. Burkett said he has spoken to several PSA officials as well as the contractor with no results. He also said his neighbor, Clifford Pennington, has a problem with surface water on his septic system fill lines due to improper sloping by the contractor. The County Administrator, Jim Spencer, and Mr. Dahmon Ball, PSA Administrator spoke on this topic and stated that the PSA holds a retainer on every PSA project and suggested the retainer not be released if the project is not completed to previous standards.

ORDINANCES OF VACATION – DEFERRED TO OCTOBER 4, 2011 PORTION OF WATER STREET (2 HEARINGS HELD AUGUST 2, 2011) PURSUANT TO VA CODE SECTION 15.2-2272 & 15.2-2206

As a result of negotiations being held with both parties involved, and 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 defers to the October 4, 2011 regular meeting, consideration of adoption of two (2) proposed Ordinances of Vacation, more particularly, portions of Water Street located in Raven, Tazewell County, Virginia, lying east of the southeast corner of Lot 4, Section 3 of "The Raven Addition" as shown on a Plat recorded with a deed in the Tazewell County Circuit Court Clerk's office, in Deed Book 83, at page 125. The Board of Supervisors intends to vacate a portion of the street, either pursuant to Section 15.2-2272 or Section 15.2-2006 of the Code of Virginia. The property owners who may be affected by this Ordinance of

Vacation are Pinion Construction, David Pinion and Joyce Pinion, Ida Reedy and Agnes Reedy, Clyde Elbert Moore and Ruby Jewell, Clarence E. Grose and Elise V. Grose, Victor Dowdy, Carol Dowdy, Michael Wayne Dowdy and Rickey Lee Dowdy, Clyde Arnold Wells and Letty (a/k/a Lettie) Wells, and John Noel.

TIME WARNER CABLE/WCYB/WVVA

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.

Supervisor White stated that he had received a petition with over 1000 signatures from Tazewell County residents wanting WCYB back. A copy of same is on file in the office of the County Administrator, 108 East Main St. Tazewell, Virginia and attached hereto these minutes as part of the record of this meeting. Supervisor White said that he has received more calls on this topic than any other concern since taking office. Supervisor White, on behalf of county constituents, requested that WCYB be returned to local programming. Mr. C.K. Allen with Time Warner Cable was present and told the supervisors that a system that would allow viewers to switch back and forth from WVVA to Bristol Station WCYB might be possible. Another option for the return of WCYB to Tazewell County is FCC classification as significantly viewed. Supervisor White questioned Mr. Allen with regard to how he would define WCYB viewers by Tazewell County residents and Mr. Allen stated “as highly viewed.” Supervisor Campbell questioned the number of people in Tazewell County affected by the change. Mr. Allen stated approximately 5000.

Frank Brady, Vice President and general manager of WVVA, spoke and told the supervisors that WVVA had no problems with WCYB being on Time Warner’s programming cable line-up and read a prepared statement stating that WVVA supports Time Warner subscribers who want WCYB back, stating that WVVA supports these efforts as long as NBC programming was protected, as required by NBC, the station would support WCYB local news and SEC sports coverage. He further stated that he was not sure why Time Warner was just removing WCYB because the request was made three years ago and a special request was made in 2006 when Time Warner replaced Adelphia. He further stated he was confident that the

request for non-duplication would have been sent to Time Warner every three-years as part of the contract renewal with the cable service. He further reported that the point of having only one NBC affiliate was to make certain advertisers do not have to run ads on both WVVA and WCYB.

Senator Phillip Puckett, F – 38th District spoke and stated that he visions an increase in dish sales if WCYB isn't returned to Time Warner's programming line-up. He said the citizens in Tazewell County feel short changed and pleaded the return of WCYB to the viewing area.

Delegate Will Morefield, R- 3rd District spoke as well and said as many as 100 people have called him on this topic and many have said they would turn in their cable boxes if a resolution isn't reached soon. He reiterated the increase in cost for cable services to county citizens and stated county citizens deserve to have WCYB returned. He further extended a helping hand with the solution.

Supervisor Hymes suggested the County solicit Senator Mark Warner's help and follow up with the FCC. He said the County had to have some type of resolution. Supervisor White said he felt the Board would find an answer for the problem and requested that all parties work together to accomplish same.

Mr. Brady and Mr. Allen said they would each consult legal departments in their corporate offices and attempt to find a solution – and if an agreement can be reached, they will notify the Board who will call a special meeting, if needed, to hear the proposed agreement.

Jim McKernan, WCYB did not attend as scheduled due to an unexpected urgency in his office.

CITIZEN COMMENTS

Mark Robinson, Pounding Mill, Virginia spoke on the WCYB removal and stated that WVVA only had minimum coverage of the April 2011 tornadoes, while WCYB cancelled their normal programming to warn citizens of the storm's path. He suggested that local viewers boycott WVVA until a resolution is reached.

Now, the Chairman, Dave R. Anderson called for further comments regarding this topic, and there being none he declared a ten (10) minutes recess after which the meeting was duly reconvened.

ESC REPORTS

ISI VIKING DXL AIR PACKS (10 @ \$1,200)

\$12,000.00 FROM FIRE DEPARTMENT OUTLAY

Following recommendation from Supervisor Campbell, on behalf of the Emergency Services Committee 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 approves the amount of \$12,000.00 from the FY2011-12 Fire Dept. Capital Outlay 32010-8109, for the purchase of 10 - ISI Viking DXL Air Packs w/ spare bottle from the Bluefield West Virginia Fire Department @ \$1,200.00. These air bags will utilized by three county fire departments who are in dire need of the air packs. 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.

FIRE TRUCK BIDS – DEFERRED FOR LEGAL REVIEW

Following the Emergency Services Committee's review of six (6) bids for the purchase of two (2) county fire trucks (1,500 gallon pumper) the Board of Supervisors defer the award of bids for further review by the County Attorney. The ESC recommended the Board of Supervisors award the bid(s) to Pierce at a cost of \$220,139.00 each with a 7-8 month delivery time-frame. This matter will be addressed at a later date, contingent upon legal review.

APPOINTMENTS

SWCC (College Board)

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 appoints Kathleen B. Payne, 981 Willow Springs Road, Cedar Bluff, VA 24609, as a member of the Southwest Virginia Community College

Board with a term effective immediately and expiring June 30, 2015 (4 year term). This appointment fills the expired term of Ms. Elene Combs.

Recreation and Parks Facility Authority

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 appoints Jerry Gravely, 343 Paradise St. P.O. Box 603, Pocahontas, VA 24635 as a member of the Tazewell County Recreation and Parks Facility Authority, with a term effective immediately, filling the resignation of Mr. Sam Wolford – term expiring June 30, 2013.

Building Code of Appeals

One appointment to the Local Building Code of Appeals was deferred to October 4, 2011 regular meeting to fill the resignation of Henry Nickels.

SW Virginia Alcohol Safety Action Program (VASAP)

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 appoints Melanie Menefee, Assistant Commonwealth's Attorney, PO Box 946, Tazewell, Virginia 24651 to serve as a member of the Policy Board governing the Southwest Virginia Alcohol Safety Action Program (VASAP) for a term of two (2) years effective December 1, 2011 to December 1, 2013.

Professional Assessor – 2012 Taxes (General Reassessment)

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 appoints Donald K. Thomas, Wingate Appraisal Service to conduct the County's 2011 General Reassessment, effective for the 2012 taxes.

Richlands Incubator and Administrative Board (RBI)

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 appoints Sam Wolford, 108 East Main Street, Tazewell, Virginia 24651 to serve as a member of the Richlands Incubator and Administrative Board (RBI), effective immediately. This appointed replaces Margie Douglass who resigned.

COUNTY PROJECTS UPDATE

Tourism Zones

The County Attorney, Eric Young, reported that recent changes to the Code of Virginia entitle local governments to authorize Industrial Development Authorities to administer state grants to certain businesses within tourism zones. The County would have the authority to determine the types of businesses they would like to administer the loans to, in amounts expected to range from \$5,000 to \$15,000. He further reported that he completed a draft tourism zone ordinance but suggested the Tourism Committee review the ordinance before advertising for public hearing. He said the tourism ordinance will need some amendments to accommodate the recent state changes. The Board suggested that each member bring back some ideas from each of their respective districts, with Supervisor Campbell suggesting that the Towns be made aware of the new law and get their ideas as well. He further suggested that a one-page out-line be drafted showing the incentives and benefits of the tourism grants. This matter will be placed on the October 4, 2011 agenda.

Septic System Permitting Concerns

The County Administrator, Jim Spencer reported on the backlog of septic system permitting by the Virginia Dept. of Health. The Board suggested that Mr. Brian Stanley attend the October 4, 2011 to address the problem with the board straightforward. The Board discussed the possibility of hiring a part-time inspector to help speed up permit approvals. Mr. Spencer was requested to solicit names of people in the county with septic system inspection complaints. The County Attorney said he would also discuss this matter with the Planning Commission at their September 8 meeting.

Erosion & Sediment Control Ordinance &

Subdivision Ordinance

Upon motion of Supervisor Hymes, seconded by Supervisor White 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 authorizes and directs the County Administrator to advertise for a joint public hearings with the Tazewell County Planning Commission to be held October 4, 2011 with regard to the proposed amendments to the Erosion and Sediment Control Ordinance and proposed amendments to the Tazewell County Subdivision Ordinance.

Proposed Peddlers Ordinance

The Planning Commission was requested to make recommendations regarding a proposed Peddlers Ordinance for Board of Supervisors review. The Board suggested the ordinance be drafted toward outsiders selling merchandise on the roadside that take profits away from local business, such as furniture outlets. It was the consensus of the Board to exclude local yard sales as well as agriculture products from the ordinance.

Zoning Ordinance

The Zoning Subcommittee will meet September 7, 2011 to review changes to the proposed zoning ordinance. The maps are being compiled.

School Board Transparency Issues & Department of Budget & Planning Study Report

The County Administrator reported he and Patricia Green met with Dr. Lawson regarding the transparency issues and the Department of Budget and Planning Study Report. During the meeting, Dr. Lawson reported that, if implemented, the study would review non-instructional programs/expenses, not classroom, such as transportation, food services, maintenance, janitorial, etc. and make recommendations for cutting expenses. With regard to the virtual check-book, the Board of Supervisors should know more after the school board meeting scheduled for September 12. The Board of Supervisors also discussed their intentions to help pay for the study, up to \$30,000.00. The board then recommended that the School Board and Board of Supervisors stay on track with communications, via Web email vs. US mail. Dr. Lawson feels the Supervisors are not responding to school board letters. Chair Anderson offered to attend a meeting with Dr. Lawson/school board officials/county staff if needed, to address the request for transparency issues as well as the subject of the Department of Budget and Planning Study Report. With regard to the unanswered letter, Supervisor Hymes requested that the County Administrator find which letter Dr. Lawson was referring to.

Historic Crab Orchard Museum and Pioneer Park Invitation to Bid

Bids for construction improvements at Historic Crab Orchard Museum and Pioneer Park for new paving, concrete curbs and sidewalks funded through VDOT, TEA-21 funding will be accepted until September 14, 2011. The invitation to bid was posted on eVA.

Historic Pocahontas Trail

The right-of-way issues with regard to Historic Pocahontas Walking Trail were addressed. Mr. Tom Childress was present with regard to the right-of-way dispute. The County

Administrator reported that easements were granted to the PSA in the same location when the sewer line in Pocahontas was constructed. The property is being certified by a licensed surveyor and outside legal counsel and additional costs of \$1,000.00 will hopefully be paid by VDOT. It was the consensus of the Board to move forward.

Coal Heritage Trail Resolution

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 Coal Heritage Trail Resolution – in support of the Coal Heritage Trail into the Coalfields of Virginia. A copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

SWCC Internship – County Administrator is working on various county projects that an intern from SWCC will assist with, such as IDA Marketing, as well as a county business directory. The intern will be paid with funding through the IDA.

Telephone System – A new telephone system is being considered for Tazewell County. Patricia Green will bring back costs as well as cost saving ideas to the Board of Supervisors at the October 4, 2011 regular meeting. A new system will be in the neighborhood of \$50,000.00. Supervisor Hymes reiterated the need for good customer service and said the telephone system and answering service must be public friendly.

**\$17,478.00 APPROVED FROM CONTINGENCY FOR ORPHAN ROAD BRIDGE
INSPECTION – VDOT CONSULTANT FEE**

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 the amount of \$17,478.00 from the FY11-12 Contingency Fund, Account No. 91050-7023, for fees related to VDOT consultant fees for bridge inspections in the county's orphan road program (The County will reimburse VDOT). This amount is for the initial inventory, inspection and load rating for Fincastle Farms Bridge (old bridge near Camp Joy) Sage Hill Bridge (Ascue Farms) and Mountain Road Bridge near Clifffield. 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.

AIRPORT AUTHORITY SUPPORT AGREEMENT

ADOPTED – VRA /VIRGINIA AIRPORTS REVOLVING FUND

Upon motion of Supervisor Hymes, 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 adopts and approves an AMENDED SUPPORT AGREEMENT, made as of September 1, 2011, and to be effective September, 2011, between the Board of Supervisors of Tazewell County Virginia and the Tazewell County Airport Authority, - relating to the issuance and sell of Airport Revenue Bonds, Series 2011, in an original amount not to exceed \$295,000.00 (the “Local Bond.”) A copy of the amended support agreement as hereby approved and executed is on file in the office of the County Attorney, 108 East Main Street, Tazewell, Virginia 24651.

Coal Show – National Guard Armory

The County Administrator reported the dates of the September 2011 Coal Show at the National Guard Armory in Bluewell, WV. Various board members plan to attend the event. The County Administrator said he would get tickets for each board member.

JEWELL RIDGE CONVENIENCE AREA AGREEMENT

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 a lease agreement and further authorizes and directs the Chairman of the Board of Supervisors to execute the Jewell Ridge Convenience Area Agreement upon receipt of same, and hereby 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, subject to legal review and approval. Upon legal review and approval and the execution of same, a copy of the agreement will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

Fire Arm Ordinance

Supervisor White requested the County Attorney to review the fire arm laws and local ordinance relating to fire arms and make certain the county fire arm policies are in accordance with state law.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Anderson, 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 enters into an executive/closed meeting pursuant to Virginia Code Section 2.2-3711 A-1, two (2) personnel matters involving the County Attorney's office and the Building Safety Department and Virginia Code Section 2.2-3711 A 3 Property Acquisition involving the Morris Knob Tower site.

RETURN/CERTIFICATION/REPORT OF ACTION

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 returns from the Executive/Closed Meeting and hereby certifies the following resolution read by Supervisor White:

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

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING
MORRIS KNOB TOWER SITE**

Upon motion of Supervisor Hymes, 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 approves the County's acquisition of an option for the Morris Knob Tower and further authorizes and directs the County to obtain an appraisal for the Morris Knob tower site property.

GARY JACKSON – ACTING BUILDING OFFICIAL

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 appoints, effective immediately, Gary Jackson as Acting Building Official for Tazewell County, Virginia, retroactive to September 1, 2011.

BOARD CONCERNS

Supervisor Campbell mentioned the implementation of full-service/handicapped accessible, DMV mobile units, to be available one (1) day every other month in the Bluefield and Richlands area. Location expansions and additional day possibilities are forthcoming.

Supervisor Anderson mentioned the cancellation of the September 2011 Second Chance Learning Annual Law fit Challenge event and the rescheduling to a later date. Supervisor Anderson said he requested Chief Harry Cundiff to forward a letter and new schedule to the Board of Supervisors.

Supervisor Anderson questioned the status of the Mount Vista Court suit. The County Attorney reported that a non-suit motion was filed today. The suit is being dropped.

Supervisor Anderson mentioned the change in the Town Elections from May to November. Cedar Bluff has moved their town elections to November. This will be a cost saving measure. The Town of Tazewell made a motion to investigate the possibilities and the Town of Bluefield has advertised their intent and waiting approval from the Department of Justice.

Supervisor Hymes requested that the County Reassessment Team be invited to the October 4, 2011 regular meeting for an update.

Supervisor Hymes requested an update on the town tax rebate funding. Patricia Green will give an update on the collections at the Oct. 4, 2011 meeting.

Supervisor White reported he would be meeting with a gentleman September 7 who intends to donate the old Raven Theater property to the Raven Theater revitalization folks. An update on the project will be given at the October 4, 2011 meeting.

Supervisor White mentioned the Small Business Opportunity Fund and stated that no property he owns will be eligible for the funding or no money that he has ever authorized from Northwestern District Funds was used for personal gain. He clarified recent rumors and the anonymous letter alleging same.

Supervisor Hymes mentioned the potential closure of the BB & T Bank at the Pocahontas location, effective Jan. 31, 2012. Supervisor White said he would try and get the facts and report same to the Board of Supervisors at their October 4, 2011 regular meeting.

Supervisor Hymes stated the County needed something solid with regard to revamping the Coyote Bounty Ordinance, i.e. amount of funding the county plans to provide as well as the trapping proposal. The County Attorney will meet with Attorney Eric Whitesell on this topic.

With regard to a proposed garbage collection site at the Thompson Valley – old Frog Level Yacht Club location, Supervisor Hymes requested that the County Attorney contact nearby property owners with regard potential placement of same (requesting their input about site).

Concerning the Bluestone Business and Technical Center, Supervisor Hymes reiterated the County Administrator is actively recruiting businesses and the public needs to know that the Bluestone is not a “white elephant.”

Supervisor Hymes reported on the Dolly Parton and her literacy program, "Dolly Parton's Imagination Library", as part of the Dolly Wood Foundation, mails one book per month to each enrolled child from the time of their birth until they enter kindergarten and has been

replicated in 566 counties across thirty-six U.S. as well as Canada. In December 2007 it expanded to Europe, United Kingdom, being the first British locality to receive the books. The program distributes more than 2.5 million free books to children annually. Washington County, VA is doing the program. Supervisor Hymes would like the County to possibly consider the program for next year and suggested sponsorship by local county businesses. Population figures and other statistics are needed. Patricia Green will follow up with details of the program.

Supervisor Hymes requested the fire truck status for Clearfork Fire Department. He said Dave White has the documentation. Supervisor Campbell said ESC is looking into Clearfork's request. Patricia Green will get the information from Dave White.

Supervisor Absher wanted to know if there was a dress code in place for county staff. Patricia Green reported the County does have a dress code policy, but said she and the County Administrator would review the dress code policy to see if it needed to be revamped. This matter will be addressed at the October 4, 2011 regular meeting.

Supervisor Absher requested an updated copy of the monthly district financial report from Arlene Matney.

TAZEWELL BASEBALL BOOSTERS \$3,000 (\$1,500 NORTHERN DISTRICT
\$1,500 SOUTHERN DISTRICT)

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 approves the amount of \$3,000.00 (\$1,500 Northern District & \$1,500 Southern District) payable to the Tazewell Baseball Boosters, PO Box 1393, North Tazewell, Virginia 24651, Attn: Jeff Williams, to assist in the purchase of new baseball uniforms for the THS Baseball Team. The County Administrator is hereby authorized and directed to issue said warrant and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

\$6,124.42 FROM WESTERN DISTRICT FUND-
TWO (2) FIRE HYDRANTS IN CEDAR CREEK

Upon motion of Supervisor Absher, 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 \$6,124.42 from the Western District fund payable to the Tazewell County Public Service Authority, PO Box 190, North Tazewell, VA 24630 Attn: Dahmon Ball, for the purchase of two (2) fire hydrants in Cedar Creek. 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 check by the Treasurer of Tazewell County, Virginia.

ADJOURN

Now, there being no further business to be transacted 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 adjourns this meeting. The next regular meeting is scheduled for October 4, 2011 at 6:00 p.m.

The Board of Supervisors could possibly call a special meeting in ten (10) days to further address the Time Warner/WVVA/WCYB matter.

David R. Anderson, Chairman

By: rg

Adjourn time 11:45 p.m.