

DRAFT

**VIRGINIA: AT THE ANNUAL/ORGANIZATIONAL MEETING OF THE
TAZEWELL COUNTYBOARD OF SUPERVISORS HELD JANUARY 5,
2016 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION
BUILDING, 108 EAST MAIN STREET, TAZEWELL VIRGINIA
24651**

**PRESENT: D. MICHAEL HYMES, MEMBER
CHARLES A. STACY, MEMBER
JOHN M. ABSHER, MEMBER (PARTICIPATED BY REMOTE
ATTENDANCE - VA CODE SECTION 2.2-3708.01)
MAGGIE ASBURY, MEMBER
TRAVIS HACKWORTH, MEMBER
C. ERIC YOUNG, COUNTY ATTORNEY
SHELIA WEIMER, ASSISTANT COUNTY ATTORNEY
PATRICIA GREEN, COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY
NEWS/RICHLANDS NEWS PRESS; WARREN HINKLE, THE
VOICE NEWSPAPER**

ABSENT: NONE

Board of Supervisor member D. Michael Hymes, called the annual/organizational meeting to order. All members were in attendance. Supervisor Absher, due to a medical condition could not be present and requested that the Board of Supervisors allow him to participate in the annual meeting pursuant to Virginia Code Section 2.2-3708.01, "Participation in meetings in event of emergency or personnel matter; certain disabilities; distance from meeting location for certain public bodies." Now, upon motion of Supervisor Stacy, seconded by Supervisor Hackworth and adopted by a vote of 4 to 0, the Tazewell County Board of

Supervisors hereby approves that Supervisor John Absher remotely participate in the January 5, 2016 annual meeting from his home at 501 Starr Street, Pounding Mill, VA.

Now, Supervisor Hackworth gave the invocation, with Supervisor Stacy leading those present in the Pledge of Allegiance to the United States flag.

Supervisor D. Michael Hymes then welcomed all those in attendance . He then welcomed the new Northwestern District member Travis Hackworth and the new Northern District member Margaret "Maggie" Asbury to the meeting. They each thanked the voters in their respective districts for electing them to the position of Board of Supervisor. Ms. Asbury said she was elected by 10 out of 11 precincts and she was honored by the winning percentage.

Both Mr. Hackworth and Ms. Asbury said they looked forward and were excited about serving the citizens of Tazewell County in their positions.

AGENDA APPROVED

Upon motion of Supervisor Stacy, 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 January 9, 2014 agenda as amended to also include an addition item to the Executive/Closed Session A-5 Expansion of Business involving Project LA.

MINUTES APPROVED

Upon motion of Supervisor Stacy seconded by Supervisor Hackworth 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 December 1, 2015 meeting minutes as written.

ORGANIZATIONAL STRUCTURING 2016

The County Administrator, Patricia Green called for nominations for a Chairman of the Board of Supervisors for a term of one-year or until his successor is duly elected.

The name of D. Michael Hymes was placed in nomination by Supervisor Absher, with Supervisor Hackworth seconding the foregoing. The County Administrator then called for additional nominations of a Chairman of the Board of Supervisors, and there being none she declared nominations closed. Then, upon motion of Supervisor Stacy, seconded by Supervisor

Hackworth 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 elects D.

Michael Hymes as Chairman of the Tazewell County Board of Supervisors for calendar year 2016 or until his successor is duly elected. The following vote is hereby recorded:

Supervisor Absher:	Aye	Supervisor Asbury:	Aye
Supervisor Stacy:	Aye	Supervisor Hackworth:	Aye
Supervisor Hymes:	Aye		

Chairman Hymes thanked members of the Board of Supervisors for their confidence and for electing him to lead the County in the New Year.

ELECTION OF A VICE CHAIRMAN

The newly elected Chairman, D. Michael Hymes then proceeded with the election of a Vice Chairman of the Board of Supervisors for calendar year 2016.

The name of John M. Absher was placed in nomination by Supervisor Stacy with Supervisor Asbury seconding the foregoing. Chairman Hymes sought further nominations from the floor for Vice Chairman and there being none he declared the nominations closed with Supervisor Hackworth moving and with Supervisor Stacy seconding the foregoing and by acclamation, hereby elects John M. Absher as Vice Chairman of the Tazewell County Board of Supervisors for calendar year 2016 or until his successor is duly elected, and with all members present voting in favor thereof and no one against the same. The following roll call vote is hereby recorded:

Supervisor Stacy:	Aye	Supervisor Hymes:	Aye
Supervisor Asbury:	Aye	Supervisor Hackworth:	Aye
Supervisor Absher:	Aye		

REGULAR MEETINGS, DATE, PLACE AND TIME

Upon motion of Supervisor Stacy, seconded by Supervisor Hackworth 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 designates the 1st Tuesday of each month beginning at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651 as the regular meeting date, place, time and location for regular meetings of the Tazewell County Board of Supervisors for calendar year 2016.

ROBERTS RULES OF ORDER ADOPTED

Upon motion of Supervisor Stacy, 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 Robert's Rules of Order as the official rules of procedure for conducting meetings/business of the Tazewell County Board of Supervisors for calendar year 2016.

CLERK OF THE BOARD OF SUPERVISORS

Upon motion of Supervisor Stacy seconded by Supervisor Hackworth 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 Patricia K. Green, Administrator as Clerk to the Board of Supervisors for calendar year 2016.

DIRECTOR OF EMERGENCY SERVICES FOR TAZEWEILL COUNTY

Upon motion of Supervisor Hymes 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 appoints the County Administrator, Patricia K. Green, as the Director of Emergency Services for Tazewell County for calendar year 2016.

LEGISLATIVE CONTACT TO WORK WITH VACo- 2016

Upon motion of Supervisor Hackworth, seconded by Supervisor Asbury 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 Charles A. Stacy to serve as Tazewell County's legislative contact to work with VACo during the upcoming 2016 General Assembly. The County Attorney, Eric Young will advise and assist in this endeavor.

TAZEWEILL COUNTY BUDGET COMMITTEE FY16-17

Upon motion of Supervisor Asbury, 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 Supervisor Stacy and Supervisor

Hackworth to the Tazewell County Budget Committee for Fiscal Year 16-17, with the three remaining Supervisors appointed as alternate members, to serve as needed in the absence of Members Stacy and Hackworth.

PERSONNEL COMMITTEE - CALENDAR YEAR 2016

Upon motion of Supervisor Stacy, seconded by Supervisor Hackworth 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 Supervisor Asbury and Supervisor Hymes as the Tazewell County Personnel Committee for calendar year 2016.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Hackworth, seconded by Supervisor Asbury and adopted by a vote of 4 to 0, with Supervisor Stacy abstaining, the Tazewell County Board of Supervisors hereby remove 2 coyote claims, to wit: Gregory Rasnick, Jr. from the Consent Calendar to be voted on separately. Gregory Rasnick is a nephew of Supervisor Stacy.

And further, upon motion of Supervisor Hackworth, seconded by Supervisor Absher with Supervisor Stacy abstaining, the Tazewell County Board of Supervisors hereby approves the coyote claims for Gregory Rasnick, Jr. as follows:

- \$50.00 to Gregory Rasnick, Jr. 206 Rasnake Rd. North Tazewell, VA 24630 for 1 coyote killed with a trap on December 9, 2015
- \$50.00 to Gregory Rasnick, Jr. 206 Rasnake Rd. North Tazewell, VA 24630 for 1 coyote killed with a snare on December 6, 2015

And further, upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the remaining items presented as "Consent Calendar". The matters requiring the issuance of warrants shall be issued by the Interim County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

- Approved the warrants for the month Dec. 2015

Payroll

- Ordered that Warrant Nos. 140815 through 140863 and direct deposits totaling \$ \$361,332.94 from the General, Landfill Enterprise,

and 911 Funds, covering payroll for the various County agencies, for the period ending November 30, 2015, be approved.

- Ordered that Warrant Nos. 140865 through 140917 and direct deposits totaling \$365,365.42 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 15, 2015, be approved.

Accounts Payable/Payroll Deductions

- Ordered that Warrant Nos. 472450 through 472614, for \$536,440.82 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of November 2015, be approved.
- Ordered that Warrant Nos. 472616 through 472628, for \$146,690.85 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending November 30, 2015, be approved.
- Ordered that Warrant Nos. 472630 through 472831, for \$509,862.57 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of December 2015, be approved.
- Ordered that Warrant Nos. 472833 through 472845, for \$131,728.33 from the General Funds, covering payroll deductions for the various County agencies for the period ending December 15, 2015, be approved.

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- Ordered that Warrant No. 801926 for \$100.00 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of November 2015, be approved.

- Approved coyote claims:
 - \$50.00 to George Z. Cole, 176 Log Cabin Lane, North Tazewell, VA 24630 for 1 female coyote killed with a snare on November 24, 2015
 - \$50.00 to Angela Ruble, 1479 Big Branch Rd. Bluefield, VA 24605 for 1 female coyote killed with a trap on December 4, 2015
 - \$50.00 to Angela Ruble, 1477 Big Branch Rd. Bluefield, VA 24605 for 1 female coyote killed with a trap on December 1, 2015
 - \$50.00 to Angela Ruble, 1477 Big Branch Rd. Bluefield, VA 24605 for 1 female coyote killed with a trap on November 16, 2015 with a trap
 - \$100.00 to Angela Ruble, 1477 Big Branch Rd. Bluefield, VA 24605 for 2 female coyotes killed with a trap on December 7, 2015
 - \$50.00 to Angela Ruble, 1477 Big Branch Rd. Bluefield, VA 24605 for 1 female coyote killed with a trap on November 28, 2015 with as trap
 - \$50.00 to Archie French, 207 Salina Rd. North Tazewell, Virginia 24630 for 1 female coyote killed with a rifle on November 18, 2015
- Ratified payment from \$200.00 from each district fund (\$1,000.00) to Tazewell Today (a 501c3 agency) to help with payments to local HS bands to defray costs of playing in Christmas parade
- Ratified the amount of \$680.00 from each district (\$3,396.00) for payment of invoices for the Fire & Rescue Appreciation dinner held in October
- Library Account - approved the following transfers from the Contingent Expenditures & Grant Account No. 91050-7041 to the Library Accounts to cover checks written:
 - \$250.00 to Account No. 7301-3099 (El Mariachi)
 - \$276.58 to Account No. 7301-5230 (Verizon)
 - \$3,167.28 to Account No. 7301-5230 (Time Warner Cable)
 - \$3,747.13 to Account No. 7301-5230 (Verizon)
- Sheriff's Account - approved a transfer in the amount of \$40.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Sheriff's Account No. 31020-6001 as payment for restitution.

- Sheriff's Account - approved a transfer in the amount of \$11,218.53 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Sheriff's Account No. 31020-5510 Travel and Training (extradition reimbursement)
- Sheriff's Account - approved the transfer in the amount of \$1,627.51 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Sheriff's Account No. 3102-6009 Vehicle Supplies (Insurance check from VACo for damaged vehicle)
- Sheriff's Account - approved the transfer in the amount of \$60.59 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Sheriff's Account No. 31020-6010 Police Supplies (Restitution)
- Commissioner of Revenue - approved the amount of \$50.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Commissioner of Revenue's Office Acct. No. 012090-6001 Office Supplies (check from Black Knight Infoserv, LLC to COR)
- Ratified closure of County offices December 23, 2015 - 1/2 day and December 31, 2015 all day in accordance with the same schedule as the Judge approved for the Courthouse.

MAINTENANCE CONTRACT

The Board of Supervisors deferred to the approval of the new maintenance contract with Elk Knob Construction to the February 2, 2015 regular meeting. The County Attorney would like to discuss with Elk Knob issues for travel, mobilization, etc.

CLINIC ROAD - CLAYPOOL HILL

\$84,930.00

Upon motion of Supervisor Absher, seconded by Supervisor Hackworth, and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$84,930.00 from Account No. 91030-8109-6 to Anderson & Associates, 100 Ardmore Street, Blacksburg, VA

24060, for engineering and contract administration - remediation/improvements for Clinic Road located in Claypool Hill, VA. The County Attorney, Eric Young, reviewed the contract and found it satisfactory. 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 24651.

**DAYTON ROAD -
ROUND MOUNTAIN**

The County Engineer reported that the PSA has issued a work order to take care of the Dayton Road Project. He also reported that he would meet with Round Mountain Road property owners this month to address the closure of the road there.

**JOYCE ENGINEERING CONTRACTS (2) APPROVED FOR --
PROFESSIONAL ENVIRONMENTAL SERVICES - TAZEWELL COUNTY, VA**

Upon motion of Supervisor Stacy, seconded by Supervisor Asbury, and adopted by a vote of 5 to 0, with all members present voting in favor thereof and non one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$38,475.00 to Joyce Engineering, 1604 Ownby Lane, Richmond, VA 23220 for groundwater monitoring at the Tazewell County Landfill and further upon motion of Supervisor Hackworth, seconded by Supervisor Stacy 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 an addendum to the SW Consulting Services to render an opinion on leachate pretreatment - at a total cost of \$6,200.00. Copies of the contracts/addendums as hereby approved, and once executed, will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, VA 24651. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

REQUEST FOR FIRE HYDRANT NEAR NEW DOLLAR STORE IN BAPTIST VALLEY, VA

Supervisor Asbury requested that the PSA investigate the need for an additional fire hydrant near the new Dollar General Store in Baptist Valley, VA. The County Administrator will contact Dahmon Ball with regard to same.

ECONOMIC DEVELOPMENT/TOURISM REPORT

Mike Thompson, Economic Development Director - gave a brief update on economic development projects, happenings, successes as well as some disappointments. He said county staff and elected officials are getting ready for the Richmond Legislative Meeting scheduled for January 20 - 22, 2016. The new Tazewell County website will be unveiled after January 1. Mr. Thompson said he was looking forward to exciting things for Tazewell County in 2016. Supervisor Hackworth commended Mr. Thompson for his efforts and congratulated him for doing a great job. Supervisor Hymes told him to keep pressing forward to make things happen.

TAZEWELL COUNTY AIRPORT

Jerry McReynolds, Manager, Tazewell County Airport submitted a written report to the Board with regard to the Airport's progress. Member Hackworth requested that he be provided a total number of airplanes using the County airport each year. The West-End Airport drainage issue remains; a slide problem exists, but the sinkhole is no longer there, the issue has been resolved. The widening of the turn-a-rounds will take place this year. All hangars are full and prospects look good for additional aircraft this year. He said no drone activity is allowed within 5 miles of the Airport and 400 feet in the air is the max for drones (the County Airport is a drone free zone). He thanked the Board for their support of the Airport and said the Airport is well positioned to assist the county in future economic development growth and ready to help the County meet goals in growth.

PSA REQUEST - 25% OF COAL AND GAS ROAD FUNDS

The County Administrator presented a letter from the PSA Administrator, Dahmon Ball, to the Board of Supervisors seeking funding to help with capital improvement of the PSA's existing

infrastructure.

The PSA Board respectfully requests consideration by the Tazewell County Board of Supervisors (TCBOS) to appropriate up to 25% of the Coal and Gas Severance Fund toward capital improvement of the PSA's existing infrastructure. Working together, we can realize sustainable infrastructure for future generations and economic opportunity for job growth.

The request was deferred to the Coal and Gas Road Improvement Committee for consideration. This matter will be addressed at a later date.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Stacy, seconded by Supervisor Hackworth 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 the Executive/Closed meeting pursuant to Virginia Code Section 2.2-3711:

- A-1 Personnel matter involving Drug Task Force
- A-7 Legal Consultation regarding Richlands Fire Contract
- A-7 Legal Consultation regarding Landfill Gas
- A-3 Property Disposition involving Cavitts Creek Park
- A-5 Prospective Industry involving Project Jonah
- A-5 Prospective Industry - discussion of the expansion of an existing industry, Project EEG.
- *A-7 Legal Consultation - regarding Landfill Disposal Charge Collections.
- *A-5 Prospective Industry - expansion of business involving Project L.A.

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Stacy, seconded by Supervisor Hackworth 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 pursuant to Virginia Code Section 2.2-3712, and adopts the following resolution read by Supervisor Hymes:

CERTIFICATION OF

**EXECUTIVE/CLOSED MEETING
TAZEWELL COUNTY BOARD OF SUPERVISORS**

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: Five (5) Supervisor Stacy, Supervisor Asbury, Supervisor Hymes, Supervisor Hackworth, Supervisor Absher

Nays: None (0)

Absent: None (0)

Absent during vote: None (0)

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING
SHERIFF'S DEPARTMENT -**

**\$25,000.00 APPROVED FROM COUNTY CONTINGENCY FUND
TO ASSIST WITH FUNDING FOR DRUG TASK POSITION**

Upon motion of Supervisor Hackworth, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$25,000.00 from the County's Contingency Fund 91050-7023, to the Sheriff's Dept. Acct. to assist in funding a position for the Drug Task Force for the remainder of FY15-16.

RESOLUTION - CLINCH RIVER STATE PARK

Upon motion of Supervisor Stacy, 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 adopts a Resolution Concerning Clinch River State Park:

Resolution Concerning Clinch River State Park

Whereas the Clinch River is North America's most biologically diverse river and holds more rare and endangered species than any other body of water in Virginia, and

Whereas the Clinch River Valley Initiative has done immeasurable work in promoting and preserving the Clinch River for recreational use, and

Whereas the data collected nationwide suggests State Parks are a catalyst for economic development in the region surrounding them, and

Whereas the region of Southwest Virginia is in desperate need of economic development catalysts to replace quickly disappearing coal jobs, and

Whereas Cavitt's Creek Park sits at the headwaters of the Clinch River in Tazewell County to serve as a 'first leg' of the proposed Clinch River State Park, and

Whereas Cavitt's Creek Park is located conveniently to Burkes Garden, The Back of the Dragon, Spearhead Trails' Original Pocahontas Trail and many other major tourism draws,

Let it therefore be resolved that the Tazewell County Board of Supervisors enter into a partnership with Virginia State Parks to donate Cavitt's Creek Park as a property within the Clinch River State Park, and

Let it further be resolved that the Tazewell County Board of Supervisors supports the efforts of the Clinch River Valley Initiative to see development of a 'string of pearls' concept of a State Park from the headwaters to the Tennessee State Line, and

Let it further be resolved that the Tazewell County Board of Supervisors proposes a

continuing financial partnership with Virginia State Parks for operations of said State Park in accordance with a letter from Patricia Green, County Administrator to Clyde Cristman of the Commonwealth of Virginia Department of Conservation and Recreation dated January 5, 2016 attached hereto and hereby incorporated herein.

**TOWN OF RICHLANDS -
FIRE AND RESCUE CONTRACT**

Upon motion of Supervisor Hackworth, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor therefore and no one against the same, the Tazewell County Board of Supervisors hereby approves the renewal of the Fire & Rescue contract with the Town of Richlands to cover the unincorporated portions in the Western and Northwestern districts as defined in the contract. A copy of same as hereby approved is attached hereto and incorporated herein by reference thereto.

PUBLIC HEARING

ORDINANCE TO ESTABLISH AN ENTERPRISE ZONE IN TAZEWELL COUNTY

The Chairman, D. Michael Hymes, called to order a public hearing that was duly advertised according to law, entitled "ORDINANCE TO ESTABLISH AN ENTERPRISE ZONE IN TAZEWELL COUNTY." A copy of which ordinance as advertised is attached hereto and incorporated herein by reference thereto.

Chairman Hymes explained the intent of the reenactment of the Enterprise Zone Ordinance. Qualified business firms may be allowed annual industrial development grants based on the amount of county real estate tax for new or expanding businesses locating within the Tazewell County Enterprise Zone and the business could receive a grant from the Tazewell County IDA. The grant would be available for the first three (3) years that the qualifying business is located within the County's Enterprise Zone.

The Chairman called for public comments from the floor with regard to the public hearing.

Mr. Eddie Pauley, Jr. 485 Brandon Drive, Bluefield, Virginia requested that his property on Virginia Avenue, Bluefield, Virginia known as Regency Auction House, Bluefield, Virginia 24605 be placed back into the Enterprise Zone. Mr. Pauley said that he received a letter from the County stating that his property would be removed from the

Enterprise Zone, meaning that his property would no longer be eligible for certain job creation tax grants and business tax incentives.

Now, the Chairman called for further comments from the floor with regard to the public hearing on the Proposed Ordinance to Reenact the Enterprise Zone. There being none he declared the public hearing closed.

Then, Supervisor Absher moved that Eddie Pauley's property located on Virginia Avenue in Bluefield, Virginia be added back to the Enterprise Zone. And, with regard to Supervisor Absher's motion, the County Attorney, Eric Young said that he would have to contact DHCD with regard to their 12 month rule of adding property back into the Enterprise Zone. Now, as a result of the County Attorney's comments, Supervisor Absher withdrew his motion.

Now, upon motion of Supervisor Stacy, 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 adopt "**AN ORDINANCE TO ENACT AN ORDINANCE TO RE-ENACT VIRGINIA ENTERPRISE ZONE IN TAZEWELL COUNTY, VIRGINIA.**" A copy of said ordinance is attached hereto and incorporated herein by reference and as set forth below:

ORDINANCE TO ESTABLISH AN ENTERPRISE ZONE IN TAZEWELL COUNTY

WHEREAS to further encourage the economic development of the County the Board desires to establish an Enterprise Zone in Tazewell County, Virginia and participate in the Commonwealth of Virginia Enterprise Zone Program by establishing said zone and certain local incentives, as herein set forth;

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors for the County of Tazewell, Virginia that Section 15-62 to 15-69 of the Code of Tazewell County Virginia pertaining to the enterprise zone is hereby repealed and reenacted as hereinafter set forth:

Sec. 15-62. - Short title. This article shall be known and may be cited as "Tazewell County Enterprise Zone Ordinance." References herein to "this Ordinance" shall mean this Article.

Sec. 15-63. - Statement of purpose. This Enterprise Zone is established pursuant to the Virginia Enterprise Zone Act ("the Act"), Section 59.1-279 et seq., Section 59.1-538 et seq., and Section 58.1-3220 and 3221 of the Code of Virginia (1950), as amended. The purpose of the Enterprise Zone Act and this Ordinance is to stimulate business and industrial growth within the area so designated as the Tazewell County Enterprise Zone, by means of certain tax credits, tax exemptions, and local incentives as more particularly hereinafter set forth.

Sec. 15-64. - Boundaries of the Tazewell County Enterprise Zone. The boundaries of the Tazewell County Enterprise Zone are as set forth on the map entitled, "Map of the Tazewell

County Enterprise Zone," which hereby is incorporated into this Ordinance and is on file in the office of County Administrator at 108 East Main Street, Tazewell, Virginia, and the Tazewell County Circuit Court Clerk's Office together with copies of this Ordinance. The acreage shown on said map as "Enterprise Zone" hereby is declared an enterprise zone pursuant to the aforesaid statute for a period of ten (10) years, in accordance with the Act.

Sec. 15-65. - Definitions. As used in this Ordinance, the following definitions shall apply:

"**Act**" or "**the Act**" shall mean the Virginia Enterprise Zone Act, being Section 59.1-279 et seq. and Section 59.1-538 et seq. of the Code of Virginia (1950) as amended.

"**Company**" shall mean any corporation, or corporations electing small business (subchapter S) corporation designation by the Internal Revenue Service, partnership, limited liability company, or sole proprietorship, authorized to do business in the Commonwealth of Virginia and subject to taxation as a for profit enterprise, subject to State and local taxation as permitted by the Code of Virginia. However, Company does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, Sections 512 or 501C; nor does it include homeowners associations as defined in Federal Internal Revenue Code, section 528.

"**County**" shall mean the County of Tazewell, Virginia.

"**Enterprise Zone**" or "**VEZ**" shall mean an area declared by the Governor of the Commonwealth of Virginia to be eligible for the benefits accruing under Section 59.1-538 *et seq.* of the Code of Virginia and shown on the Tazewell County Enterprise Zone Map.

"**Equivalent Employment**" or "**Equivalent Job**" shall mean a person or persons employed by Company for at least Forty (40) hours per week at an hourly wage or salaried equivalent as may be required by the Tazewell County Board of Supervisors as provided in this Ordinance. A single Equivalent Job may mean one employed individual, or multiple employed individuals, whose aggregate hours of employment, at the required wage or salaried equivalent, equals at least Forty (40) hours per week. The Tazewell County Board of Supervisors may modify the meaning of Equivalent Employment or Equivalent Job by requiring a minimum hourly wage or salaried equivalent. Until such designation is made the required hourly wage shall the Federal Minimum wage.

"**Existing Company**" shall mean any Company operating or located within the County on January 1, 2016 or more than twelve months prior to applying for any grants pursuant to this Ordinance. A Company which retains substantially the same ownership and which operated or was located within the County on January 1, 2016 shall be considered and Existing Company, even if the name of the Company or the organization of the business entity (corporate or otherwise) has changed.

"**IDA**" shall mean the Tazewell County Industrial Development Authority.

"**Mixed use**" shall mean a building used for both commercial/office/industrial use and residential use AND at least THIRTY PERCENT (30%) of the total usable floor space is used for Company's commercial/office/industrial operations.

"**New Company**" shall mean a business operating within the Enterprise Zone only after January 1, 2016, having had no prior business location within the County.

"**Qualified Company**" shall mean a Company that

(1) has applied for a grant pursuant to this ordinance;

and

(2) meets either of the following employment criteria:

(a) is a New Company that employs FIVE (5) new Equivalent Jobs more than the Company employed at the time the Company applied for VEZ grant(s); or

(b) an Existing Company that expands its existing operations at a location within the VEZ and maintains its employment levels equal to the number of Equivalent Jobs employed by the Company at the time the Company applied for the grant(s);

and

(3) meets *either* of the following investment criteria:

(a) Company has invested at least Twenty-Five Thousand Dollars (\$25,000.00) in improvements to real property located in the Enterprise Zone, including but not limited to new construction, renovation, rehabilitation, or expansion of a taxable structure, which serve to facilitate the Company's business operations; or

(b) Company has invested at least Twenty-Five Thousand Dollars (\$25,000.00) in purchasing machinery and tools, not previously assessed by Tazewell County, which will be located in the Enterprise Zone and serve to facilitate the Company's business operations located in the VEZ.

"Qualifying Improvement(s)" shall mean the improvements to real property made by Company which constitute the basis of Company qualifying for grants pursuant to this Ordinance. For purposes of calculating the Real Property Grant such improvements shall be funds expended by Company externally for labor or materials to construct, demolish, renovate or add to real property. No more than fifty percent (50%) of expenditures considered a qualifying improvement may be payments to persons or companies affiliated with or a subsidiary of applicant Company; expenditures made to such affiliated persons or subsidiary companies must be reasonable.

"Qualified Investment" means the investment in improvements to real property or in machines, tools, or other taxable personal business property reported by the applicant company to qualify for grant(s) pursuant to this Ordinance. No more than fifty percent (50%) of expenditures considered a qualifying investment may be payments to persons or companies affiliated with or a subsidiary of applicant Company; expenditures made to such affiliated persons or subsidiary companies must be reasonable.

"VEC" shall mean Virginia Employment Commission.

"VEZ" or "Enterprise Zone" shall mean the Virginia Enterprise Zone located in Tazewell County, Virginia

" Zone Administrator" shall mean the Administrator of this Ordinance and the Grants and benefits hereby created who has been duly appointed by the Board of Supervisors by resolution. In the event the person so appointed is unable to perform such duties, is no longer employed by Tazewell County, or is otherwise unavailable, the County Administrator, or her designee, may

act as the Zone Administrator until the position has been filled by Board appointment. The Zone Administrator shall serve at the Will and Pleasure of the Board of Supervisors and may be replaced, removed, or appointed by resolution. The initial Zone Administrator shall be the Economic Development Director for the County.

Sec. 15-66 Local Property Tax Grant Incentives.

A. Real Property Tax Grant. A Qualified Company shall receive a grant from the Tazewell County Industrial Development Authority (IDA) equal to TWENTY FIVE PERCENT (25%) of the increase in local real property tax paid by the Qualified Company by reason of an increase in tax liability resulting from the Qualified Improvements made to real property located in the Enterprise Zone and owned by the Qualified Company. The Qualified Company shall be entitled to the grant for three separate tax years. Property leased to the Qualified Company for a period of at least five years shall be deemed owned by the Qualified Company for purposes of this Ordinance.

B. Tangible Personal Property Grant ("TPPG"). A Qualified Company shall receive a Tangible Personal Property Grant, hereinafter referred to as "TPPG", from the Tazewell County Industrial Development Authority (IDA) equal to TWENTY-FIVE PERCENT (25%) of the increase in local machinery and tool tax and business personal property tax liability assessed on their Qualifying Investment in machinery and tools and business personal property. The Qualified Company shall be entitled to the grant for three separate tax years. The value of the Qualifying Investment shall be the amount reflected on the Company's machine and tools personal property tax return filed with the Tazewell County Commissioner of Revenue's Office.

C. Property Tax Grant Enhancements

- 1) The amount of either or both Property Tax Grants may be enhanced to FIFTY PERCENT (50%) of the above defined tax liability increase if any one of the following circumstances exists:
 - a) The Qualifying Company's Qualifying Investment or Improvement is being undertaken for the Qualifying Company to diversify its product or customer base, as determined at the sole discretion of the IDA. Diversification shall mean at least fifty percent of the Qualifying Investment or Improvement expands the Company's capacity to produce a product for an industry sector which constitutes less than 25% of the Company's current customer base or to serve customers in an industry sector which constitutes less than 25% of Company's current customer base.
 - b) The Qualifying Company is a Technology-driven company, as determined at the sole discretion of the IDA. A Technology-driven company develops advanced technology or employs advanced technology integral to the production process, whether of information or physical goods. Technology-driven companies include, but are not limited to companies in: advanced manufacturing, agro-tech, clean energy and clean energy equipment research and production, computer and computer device manufacturing, data centers, information processing, information technology, medical device manufacturing, research and development, pharmaceutical manufacturing, scientific instrument manufacturing, software development and telemarketing/teleservice centers. Technology-driven companies do not include companies using computers or office or medical

equipment in the normal course of business or companies distributing, retailing, installing or servicing technology equipment, unless a majority of customers are national or international.

c) The Qualifying Company is a Tourism Support Company, as determined at the sole discretion of the IDA. Tourism Support Companies are businesses whose primary customers are tourists and include, but are not limited to, hotels, bed and breakfasts, timeshares, gift shops, arts and crafts stores, antique dealers, galleries, outdoor recreation retailers, outdoor recreation service providers, museums, tourist attractions, and restaurants offering unique fare.

2) The IDA, at their sole discretion and without regard for past grant awards, may augment the amount and/or duration of either or both Property Tax Grants and may also adjust the qualification criteria for such augmented feature. The IDA may also, at their sole discretion and without regard for past grant awards, waive any Property Tax Grant qualification requirement or any portion, thereof. However, the IDA may not add any qualification requirements not set forth in this ordinance. Nor may the IDA diminish any Grant for which a Company qualifies.

D. Other Property Tax Grant Augmentations and Requirements

1) If a Qualifying Company fails to meet any qualification requirement during the grant period, the grant period may be extended by the IDA up to two years and the Qualifying Company may receive either or both Property Tax Grants in any subsequent year for which it meets the qualification requirements. However, the extension of the Grant term shall not increase the amount of the Grant: the Qualifying Company may not receive more than three tax years worth of Grant proceeds.

2) A Qualifying Company may not receive a Real Property Tax Grant if the Company or the owner of the subject property is receiving or has applied for a Rehabilitated Real Estate Tax Exemption (RRETE).

3) The value of the Qualifying Investment or Qualifying Improvements for the Property Tax Grants, initially established hereby as \$25,000.00 each, shall increase by THREE PERCENT (3%) each year beginning January 1, 2017. Such Qualifying Improvement or Qualifying Investment threshold during the first ten years after the effective date of this Ordinance shall be as shown on the attached chart which hereby is incorporated by reference.

4) If the Qualified Company does not apply for the Real Property Tax Grant within twelve months of completing the Qualifying Improvement the Zone Administrator may not award the Real Property Tax Grant to the Company.

5) If the total amount of the TPPG is estimated to exceed \$50,000.00, the Qualifying Company cannot receive more than \$50,000.00 in Grant proceeds unless the Company also signs a performance agreement with the IDA, whereby the Qualifying Company agrees to return all or a portion of the amount of TPPG proceeds if the machinery or tools constituting the qualifying tangible

personal property investment are removed from the VEZ within FIVE (5) years after the company receives its final TPPG proceeds payment. Said performance agreement shall only require that the amount to be repaid would be pro-rated for the number of years after the final TPPG payment that the Qualifying Investment remained in the VEZ, such that the total amount to be repaid is diminished by TWENTY PERCENT (20%) for each tax year in which such machinery and tools were taxed by the County.

E. Property Tax Grant Distributions. A Qualified Company receiving either the Real Property Tax Grant or Personal Property Tax Grant may receive such grant for any three tax years, during the five tax years immediately following a determination of eligibility. The Qualified Company may select which three of the five possible tax years for which the Qualified Company desires to receive the grant; the three years so selected need not be consecutive. The Qualified Company must apply for a grant distribution on or before April 15th of the year following the tax year for which the Company desires the grant distribution.

Sec. 15-67 Rehabilitated Real Estate Tax Exemption (RRETE)

A. Definition. The Rehabilitated Real Estate Tax Exemption Incentive, hereinafter referred to as "RRETE", is a three year partial exemption from taxation of the increase in assessed value of rehabilitated real estate, as authorized by §58.1-3221 of the Code of Virginia (1950) as amended and, for the residential portion of any mixed use building, pursuant to Section 58.1-3220 of the Code, as amended.

B. Amount of Incentive. Eighty percent (80%) of the increase in the assessed value of the property resulting from the Qualifying Investment will be exempted from taxation in the first tax year following completion of the Qualifying Investment, sixty percent (60%) in the second tax year; and forty percent (40%) in the third tax year. The exemption shall expire after three tax years.

C. Qualification Requirements for RRETE.

- 1) The property being improved must be a structure at least fifteen years old, located within the VEZ, and dedicated to commercial, industrial, or mixed use which includes either commercial or industrial; and
- 2) The assessed value of the property improvements after the completion of the rehabilitation must equal or exceed ONE HUNDRED AND TWENTY-FIVE PERCENT (125%) of the assessed value of the property improvements prior to the commencement of the rehabilitation or addition; and
- 3) The Applicant for the RRETE must be a Qualified Company that the Zone Administrator has determined is otherwise qualified for the Real Property Tax Grant as herein defined; and
- 4) The Applicant for the RRETE cannot receive the RRETE if Applicant, or a legal entity under the control of the Applicant, or an immediate family member of the Applicant, as defined in Section 2.2-3101 of the Code of Virginia (1950) as amended, or a tenant of Applicant is receiving, has received, or has applied for a Real Property Tax Grant pursuant to this Ordinance for the same improvements to the same property; and

5) The Applicant cannot receive the RRETE if the Applicant is delinquent on any tax or fee levied by County against any property of Applicant or delinquent on any tax levied against the subject property by any incorporated Town in the County.

D. Repairs Do Not Qualify. Increased assessments resulting from rebuilding or repair after a flood, fire, or other natural disaster do not qualify as improvements for the RRETE.

E. Qualification process for the RRETE.

1) To qualify for the RRETE Applicant Company must apply for the RRETE, prior to conducting any demolition, rehabilitation or addition to the qualifying property,

2) Applicant must present its plan for improvement to the Zone Administrator together with an application for a Real Property Tax Grant and state in writing its election to chose the RRETE rather than the Real Property Tax Grant;

3) The Zone Administrator shall evaluate the application pursuant to the procedures set forth herein. Upon a finding by the Zone Administrator that (a) the Company is a Qualified Company, (b) that the Company's proposed investment would be a Qualifying Investment for purposes of the Real Property Tax Grant, and (c) that the Company has elected to receive the RRETE instead of the Real Property Tax Grant, the Zone Administrator shall issue a notice of qualification for the RRETE to the Applicant.

4) Within twelve months of completion of the Qualifying Improvement the Applicant then must present the notice of qualification to the Commissioner of Revenue for Tazewell County. If the Commissioner is satisfied that the Applicant has complied with the requirements of this Ordinance and has been qualified by the Zone Administrator, the Commissioner, pursuant to Sections 58.1-3220, 3221 of the Code, shall adjust the Qualified Company's assessment in accordance with this Ordinance, beginning with the first tax year after an exemption has been approved by the Commissioner.

Sec. 15-68 Building Permit and Development Fee Refund Incentive.

Where a Qualifying Company has been awarded a Real Property Tax Grant or a RRETE, building permit fees and erosion and sediment control permit fees paid by the Qualifying Company to the County will be refunded to the Qualifying Company by the IDA, after completion of the Qualifying Improvement has been made and the last Real Property Tax Grant payment is received by the Qualifying Company. For Applicants receiving a Real Property Tax Grant the Building Permit and Development Fee Refund shall be made as part of the final grant payment. For applicants receiving an RRETE, the refund shall be made upon determination by the Building Inspector that rehabilitation construction has been completed. A Qualifying Company cannot receive the Building Permit and Development Fee Refund if the Qualifying Company is delinquent on any tax or fee levied by Tazewell County or on any tax levied on the subject property by any incorporated Town.

Sec. 15-69 Procedures. The following procedures shall determine a Company's eligibility for Grants and Incentives provided for in this Ordinance.

A. Initial Qualification. To qualify for any grant or incentive set forth in this Ordinance a Company must apply to the Tazewell County Economic Development Department ("the Department") by completing forms prepared by said Department. The application shall include a description of the Qualifying Improvements or Investments the Company intends to make, or has made not less than nine months prior to the application date. The application may include such other pertinent data as the Department may find necessary to evaluate the application and verify the statements made on such application. The Department shall, within sixty (60) days of receiving the application make a determination of eligibility. If the Zone Administrator determines the Company is eligible the Company shall be considered a Qualified Company.

B. Continuing Qualification. The Qualified Company must continue to meet the definition of a Qualified Company, comply with the additional requirements herein set forth at the time of each request for a grant distribution, and must comply with additional requirements specific to each grant or incentive requested by the Qualified Company. Once a previously Qualified Company has completed its Qualifying Investment or Improvement and, where applicable, has achieved its Equivalent Jobs requirement, Company must demonstrate to the Zone Administrator the following:

- (1) The Qualified Company has paid all taxes Company owed to County.
- (2) The Qualified Company must also present copies of their filings with the VEC demonstrating the Qualified Company continues to meet its employment qualifications.
- (3) That the Qualifying Company or any principal, partner, or member thereof has not failed to pay any other tax due to the Commonwealth of Virginia nor failed to meet the performance obligations of any grant agreement, whether pertaining to this ordinance or not, to which the IDA is a party.

Where a particular Grant provides for additional requirements, or upon occasion of multiple distributions of Grant proceeds, the Zone Administrator may require verification of continued qualification.

C. Grant Awards and Distributions Upon completion of the Qualifying Investments or Improvements, or as soon thereafter as the Company has Qualified, the Qualified Company shall provide proof of the expenditures made to perform the Qualifying Improvements or Investments. If the Zone Administrator determines that the Qualified Company is entitled to the specific grant requested pursuant to this Ordinance the Zone Administrator shall distribute the applicable proceeds to the Qualified Company within thirty (30) days of the Company (1) making its application, (2) completing the Qualifying Investment or Improvement, and (3) meeting the employment requirements.

D. Calculating Grant Amounts

- (1) For purposes of calculating the Real Property Tax Grant, the increase in tax liability for the Qualified Company resulting from the qualifying improvements shall be established by the subtracting the assessed value of the real property for the tax year during which the Qualifying Improvements commenced from the assessed value upon conclusion of construction of the Qualifying Improvements. If for any other reason the real property is re-assessed during the term of the grant, any increase in the land value resulting from such reassessment shall not affect the amount of the grant.

(2) For purposes of calculating the TPPG the value of the Qualifying Improvement shall be the value for which such improvements are assessed by the Tazewell County Commissioner of Revenue for the tax year for which the grant is awarded. Where Company fails to file a return and the Commissioner imposes a statutory assessment, such assessment shall not be the basis of calculating the amount of the grant.

(3) The Zone Administrator shall determine the amount of grant proceeds due the Qualified Company, shall make disbursement of such proceeds, and shall notify the Qualified Company in writing the reasons for any deduction, reduction, or withholding of such funds.

E. Appeals of Decisions by the Zone Administrator. The Zone Administrator shall provide written notice to the affected Company by dated mailing to the address provided on the Company's application.

(1) Any applicant Company denied eligibility or Qualified Company denied a distribution of grant proceeds, or any portion thereof, may appeal the Zone Administrator's decision to the IDA by filing a written notice of appeal with the County Administrator within sixty (60) days of the date of the Zone Administrator's notice. The IDA shall provide the appellant Company notice of the meeting at which the appeal will be considered.

(a) If the IDA overturns the Zone Administrator's decision the Company's Application and or distribution shall recommence, in accordance with the IDA's decision, relative to the date of the Zone Administrator's decision.

(b) The IDA shall notify the Company of its decision in writing.

(c) If the IDA does not act on the appeal within sixty (60) days of the appeal being filed the appeal shall be deemed denied.

(2) If the IDA denies the Company's appeal, or is deemed to have denied the Company's appeal, or the Company feels the IDA's decision is arbitrary, the Company may then appeal the decision to the Tazewell County Circuit Court by certiorari.

F. The headings in this Ordinance are not intended to be material to interpretation of the Ordinance.

IT IS SO ORDAINED this the 5th day of January, 2016.

**MINIMUM VALUE OF QUALIFYING INVESTMENT/ IMPROVEMENT
INFLATIONARY ESCALATION CHART
Tazewell County Code 15-66D(3)**

Tax Year	Minimum Value
2016	\$25,000.00
2017	\$25,750.00

2018	\$26,522.50
2019	\$27,318.18
2020	\$28,137.72
2021	\$28,981.85
2022	\$29,851.30
2023	\$30,746.85
2024	\$31,669.25
2025	\$32,619.33

PUBLIC HEARING - FEB. 2, 2016 TO CONSIDER RE-INCLUSIN OF VARIOUS PROPERTIES AND TO MODIFY MAPS AS MAY BE PERMISSIBLE

Next, upon motion of Supervisor Stacy, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that as public hearing be set for February 2, 2016 to consider re-inclusion of various properties and to modify maps of the Virginia Enterprise Zone as may be permissible based on the Department of Housing and Community Development's 12 month rule.

Supervisor Absher requested Mike Thompson to contact Jason Short to discuss his property as well with regard to the Enterprise Zone.



MIKE KRANTZ, GROUP CARES

Mike Krantz, Group Cares, 1515 Cascade Avenue Loveland, Colorado, 80539 - spoke with regard to the Workcamps Program - Group Cares, the Center for Christian Action team and other members of the community in Pocahontas are getting on board once again to help improve the living conditions of residents in Pocahontas and other parts of Tazewell County. This summer 400 volunteers will be coming to Tazewell County the week of July 17-23, 2016 to work on approximately 65 homes that need work the most.

Last year the group repaired 35 homes had 41 work crews with a total of 244 volunteers. He said the documented impact of one weeks work to a community is a little over \$300,000.00. Mr. Krantz said all the money from donations goes directly to repairing homes for people that are recommended by the Community Team with guidance from Group Cares. Mr. Krantz requested funding assistance from the Board of Supervisors to help with materials for the projects.

The Board thanked Mr. Krantz for all the work Group Cares has carried out for Tazewell County. The Chairman told Mr. Krantz the Board of Supervisors would consider his funding request during Board Concerns.

BILL BUNCH - ALTERNATIVE ENERGY

Bill Bunch, 444 Dorsey Lane, Tazewell, VA 24651 requested that the Board of Supervisors support his Alternative Energy Fair proposal (solar, wind, water) and incorporate same into the Tazewell County Fair - August 2016. Mr. Bunch requested seed money from the County to get the project set up at the Fairgrounds and he also asked for assistance/input from the County's Economic Development department. The Board requested that Mr. Bunch meet with the Tazewell County Fair Committee to make certain they are supportive of the Alternative Energy proposal and to come back to the February 2, 2016 with the Fair Committee's recommendation.

**JENNIFER BOURNE - CLINCH VALLEY COMMUNITY ACTION, INC.
STALKING AWARENESS MONTH PROCLAMATION**

Ms. Jenifer Bourne, Clinch Valley Community Action, Inc. - representatives of the Tazewell County Victim Witness Assistance Program and V-Stop, requested that the Board of Supervisors proclaim the month of January 2016 as Stalking Awareness Month in Tazewell County, VA . Supervisor Hymes presented the proclamation and moved that it be adopted, with Supervisor Stacy seconding the foregoing and as adopted by a vote of 5 to 0, with all members present voting in favor thereof and none against.

Stalking Awareness Month Proclamation

January 2016

Whereas, under the laws of all fifty states, the U.S. Territories, the District of Columbia, and federal government, stalking is a crime;

Whereas, 7.5 million people were stalked in one year in the United States, and the majority of victims are stalked by someone they know;

Whereas, 3 in 4 women killed by an intimate partner had been stalked by that intimate partner;

Whereas, many stalking victims lose time from work and experience serious psychological distress and lost productivity at a much higher rate than the general population;

Whereas, many stalking victims are forced to protect themselves by relocating, changing their identities, changing jobs, and obtaining protection orders;

Whereas, many stalkers use technology—such as cell phones, global positioning systems (GPS), cameras, and spyware—to monitor and track their victims;

Whereas, there is a need for great public awareness about the nature, criminality, and potential lethality of stalking;

Whereas, criminal justice systems can enhance their responses to stalking by regular training of law enforcement officers and aggressive investigation and prosecution of the crime;

Whereas, laws and public policies must be continually adapted to keep pace with new tactics used by stalkers;

Whereas, communities can better combat stalking by adopting multidisciplinary responses by teams of local agencies and organizations and by providing more and better victim services; and

Whereas, the Tazewell County Board of Supervisors is joining forces with victim service providers, criminal justice officials, and concerned citizens throughout Tazewell County

NOW, THEREFORE, I, Dean Michael Hymes, as Chair of the Board of Supervisors do hereby proclaim January 2016 as STALKING AWARENESS MONTH in Tazewell County and applaud the efforts of the Clinch Valley Community Action, Inc., Tazewell County Victim Witness Assistance Program, and the Tazewell County V-Stop Program for their efforts in promoting awareness about stalking.

EXPERIENCE WORKS - SHELMA RICHARDSON

Ms. Shelma Richardson, Experience Works (Green Thumb) 276-345-4257 - from the local office in Richlands, 1417 Second St., Richlands, VA appeared before the Board and requested a donation for the Experience Works Agency (Green Thumb Workers). She said the Dept. of Labor reduced their funding and the agency needs assistance. Experience Works offers employment training services through the Senior Community Service Employment Program (SCSEP) to low-income older workers in 9 counties and the city of Bristol in Virginia. Experience Works partners with local 501 (c)(3) not-for-profit agencies in each of the counties served. Experience Works also actively collaborate with local and public employers to create permanent employment opportunities for older workers who want to re-enter the workforce.

CITIZEN COMMENTS

RASH - MITCHELL

Ms. Sally Rash, 271 Water Street, Pocahontas, VA 24635 thanked the Board of Supervisors for all their support and help over the years. Ms. Rash strongly endorsed the work Mr. Mike Kratz and Group Care does for Tazewell County.

Ms. Irma Mitchell, 214 East Pine Street, Tazewell, VA 24651 thanked the Board of Supervisors for the money the County donated to Tazewell Today to assist local bands with their participation in the Tazewell Christmas Parade.

BOARD OF SUPERVISORS - LIAISONS REPORT

Planning Commission

Supervisor Stacy reported that the Tazewell County Planning Commission recommended that the Tazewell County Board of Supervisors, together with them, hold a joint public hearing on the proposed Eastern District Zoning Ordinance mid or late February 2016.

Eastern District Zoning Public Hearing

Now, upon motion of Supervisor Stacy, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes a joint public hearing to hear concerns regarding the proposed Eastern District Zoning Ordinance in mid or late

February 2016. A date of the public hearing will be addressed by the Tazewell County Planning Commission at its January 14, 2016 Organizational Meeting.

ESC

There was nothing to report for the ESC Committee. They have not met in several months.

CPPD - BOS LIAISON

Supervisor Stacy will serve as the BOS Liaison for the CPPD

IDA - BOS LIAISON

Supervisor Hymes will serve as the BOS Liaison for the Industrial Development Authority (IDA)

RDA - BOS LIAISON - Supervisor Asbury will serve as the RDA Liaison

PSA - BOS LIAISON - Supervisor Hackworth will serve as the BOS Liaison for the Tazewell County Public Service Authority

APPOINTMENTS

- Coal and Gas Road Improvement Advisory Committee (1 BOS member and 1 member associated with the Coal & Gas Industry to be confirmed by the Circuit Court Judge) - Supervisor Hymes resigned as the citizen member and wishes to serve in the capacity as BOS Representative - replacing Seth R. White.
 - Upon motion of Supervisor Stacy, seconded by Supervisor Asbury 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 following individuals will serve as members of the Tazewell County Coal & Gas Road Improvement Advisory Committee, with a term commencing immediately and expiring December 31, 2019 (4 year term) - contingent upon approval of the Circuit Court Judge - Bruce Remines, 327 Gulf Pond Drive, Bluefield, VA 24605
 - D. Michael Hymes, PO Box 7, Tazewell, VA 24651 - this appointment coincides with his elected term of office to December 31, 2017 (BOS Representative)
 - One Citizen Member was deferred to the February 2, 2016 regular meeting.

- Cumberland Mt. Community Services Board - 2 At large
 - Upon motion of Supervisor Hymes, seconded by Supervisor Asbury 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 Tammy B. Allison, 123 Peachtree Street, Tazewell, VA 24651 to serve as a member of the Cumberland Mt. Community Services Board with a term commencing January 1, 2016 and expiring December 31, 2018.

- One appointment to fill the expiring term of Fred Sayers was deferred to the February 2, 2016 meeting.
- Cumberland Plateau Planning District Commission - 1 BOS representative and 1 Town of Tazewell Elected Official
 - Upon motion of Supervisor Absher, seconded by Supervisor Hackworth 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 Charles A. Stacy, 518 Sable Lane, Bluefield, VA 24605 as a BOS elected official member of the Cumberland Plateau Planning District Commission with a term commencing immediately and expiring December 31, 2019. This appointment coincides with his elected term of office.
 - Upon motion of Supervisor Hymes, seconded by Supervisor Asbury 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 reappoints Don Buchanan PO Box 1144, North Tazewell, VA 24651 as a Town of Tazewell representative - elected official of the Cumberland Plateau Planning District Commission, with a term effective January 1, 2016 and expiring December 31, 2016. This appointment coincides with his elected term of office.
- Tazewell County Fire Rescue - 1 At large
 - 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 reappoints Fred Harmon, PO Box 523, Tazewell, VA 24651 as a member of the Tazewell County Fire-Rescue, Inc. Board of Directors, with a term commencing immediately and expiring June 30, 2018.
- Tazewell County IDA - 1 appointment to fill unexpired term of Maggie Asbury
 - Upon motion of Supervisor Asbury, 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 appoints Ms. Ann Robinson, PO Box 11, Falls Mills, VA 24613 as a member of the Tazewell County Industrial Development Authority, effective immediately and expiring June 30, 2016. This appointment fills the unexpired term of Maggie Asbury.
- Library Board of Trustees - 4 appointments (2 deferred to Feb. 2, 2016)
 - Upon motion of Supervisor Stacy, seconded by Supervisor Asbury, 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 reappoints Sarah Bowling, 108 Fincastle Lane,

Bluefield, VA 24605 with a term commencing January 31, 2020 (four(4) year term)

- Upon motion of Supervisor Asbury, 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 appoints D. Oliver Keene, 1570 Wrights Valley Road, Bluefield, VA 24605 with a term effective immediately and will expire January 31, 2019. This appointment fills the unexpired term of Barbara Rebkovich who resigned.
- New River Highlands RC & D Council - 1 appointment
- Upon motion of Supervisor Stacy, seconded by Supervisor Asbury 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 reappoints Jack Asbury, PO Box 139, Bluefield, VA 24605 as a member of the New River Highlands RC & D Council, with a term of one year commencing immediately and ending December 31, 2016.
- Project Discovery Board - 1 appointment to fill resignation of Mable Horton
- Upon motion of Supervisor Asbury, seconded by Supervisor Hackworth 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 Ms. Viola Wilborn, PO Box 73, Pocahontas, VA 24635.
- Tazewell County Planning Commission - 1 BOS representative
- Upon motion of Supervisor Hackworth, seconded by Supervisor Asbury 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 Charles A. Stacy, 518 Sable Lane, Bluefield, VA 24605 - coincides with his elected term of office (to December 31, 2019).
 - Upon motion of Supervisor Hackworth, 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 Darrell Addison, 502 Lakepark Drive, Richlands, VA 24641 to fill the unexpired term of Travis Hackworth, with a term commencing immediately and expiring June 30, 2017.
- Tazewell County PSA - 2 appointments
- Upon motion of Supervisor Stacy, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Absher abstaining, and with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints J.R.

Absher PO Box 190, Cedar Bluff, VA 24609 with a term commencing January 1, 2016 and expiring December 31, 2019 (four (4) year term).

- Upon motion of Supervisor Hymes, 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 reappoints Don Dunford, PO Box 60, Tazewell, VA 24651 to serve as a member of the Tazewell County Public Service Authority, with a term commencing January 1, 2016 and expiring December 31, 2019 (four (4) year term).

- Tazewell County Recreation and Parks Facility Authority - 1 BOS representative
 - Upon motion of Supervisor Stacy, 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 Maggie Asbury, PO Box 244, Boissevain, VA 24606 as a member of the Tazewell County Recreation and Parks Facility Authority, with a term commencing immediately and will expire 12/31/2019 (coincides with your elected term of office)

- Social Services Board - 1 eastern district appointment
 - Upon motion of Supervisor Stacy, seconded by Supervisor Asbury, 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 reappoints Ms. Karen Rich, Route 2, Box 153, Bluefield, VA 24605, as a member of the Tazewell County Social Services Board with a term commencing January 1, 2016 and expiring December 31, 2019 (four (4) year term).

- Tazewell County Tourism - 2 Ad hoc appointments to fill resignations of John Blankenship and Greg Carter (both deferred to the February 2, 2016 meeting)

RICHMOND LEGISLATIVE MEETING

The County Administrator said the Richmond Legislative meeting is scheduled for January 20-22, 2016. County officials will be meeting with Tourism, VEDP, VDOT, DHCD on Thursday and the reception will be held Thursday evening. The County's Legislative Breakfast will be held Friday morning.

CRESCENTVIEW - MILLENNIUM HOUSING

PUBLIC HEARING - FEB. 2, 2016

Upon motion of Supervisor Stacy, seconded by Supervisor Asbury 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 public hearing for February 2, 2016 to consider an amendment to AN ORDINANCE TO PARTIALLY EXEMPT REAL ESTATE TAXATION FOR THE PROPOSED REHABILITATED PROPERTY KNOWN AS CRESCENTVIEW APARTMENT COMPLEX LOCATED IN BLUEFIELD, VA. The County Attorney explained that the Millennium Housing was not successful in getting grants, etc. and have not begun renovations or other work. They are asking for an extension of the partial tax exemption.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Hackworth, 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 enters into an Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711, A-5 Prospective Industry involving Project Jonah; A-5 Prospective Industry - discussion of the expansion of an existing industry, Project EEG and A-7 Legal Consultation regarding Landfill Disposal Charge Collections.

Now, upon motion of Supervisor Stacy, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Meeting and hereby adopts the following 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 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, Hymes, Hackworth, Absher

Nays: None

Absent: None

Absent during vote: None

**REPORT OF ACTION AS A RESULT
OF THE EXECUTIVE/CLOSED MEETING
PROJECT JONAH - RESOLUTIONS**

Upon motion of Supervisor Hackworth seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts the following resolution:

RESOLUTION SUPPORTING PROJECT JONAH ACCESS ROAD

BE IT RESOLVED that the Board of Supervisors of Tazewell County Virginia agrees to fund the Tazewell County IDA's improvement of the access road to the project Jonah site, contingent upon Project Jonah commencing construction and their investment of over \$130m in a new facility on the site, which will employ at least 400 employees, and Jonah's compliance with the terms of Grant Agreements with all local, state, and regional agencies including but not limited to the Tazewell County IDA, VCEDA, and the Tobacco Commission.

BE IT FURTHER RESOLVE that to fund this project the County Administrator is authorized to apply for a grant from the Virginia Department of Transportation for industrial access road improvements in an amount up to \$800,000.00 and, if necessary, to seek financing for the remaining cost of the improvements, if any.

And further, upon motion of Supervisor Hymes, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following resolution:

RESOLUTION SUPPORTING PROJECT JONAH
WETLANDS MITIGATION CONTINGENCY

BE IT RESOLVED that the Board commit to provide project Jonah with up to thirty (30) acres of land for wetlands mitigation should their environmental permit require such mitigation; and further that this commitment be contingent upon project Jonah obtaining all necessary funding and financing for their \$130m investment on the site and their compliance with the terms of all other local, state, and regional grants including the Tazewell County IDA, VCEDA, and the Tobacco Commission.

PROJECT EEG

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 the amount of \$500,000.00 from the Capital Projects Contingency Fund, Acct. 97010-8162 payable to the IDA Project EEG. 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 24651.

EXPERIENCE WORKS

Now, upon motion of Supervisor Hymes, 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 the following amounts from district funds (\$2,250.00) payable to the Experience Works, 1417 Second Street, Richlands, Virginia,

as set forth below. 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 24651.

- Southern District \$500.00
- Eastern District \$500.00
- Northern District \$500.00
- Western District \$500.00
- Northwestern District \$250.00



MIKE KRANTZ GROUP CARES \$6,250.00

Following an earlier request this date by Mike Krantz, Workcamps Developer, and upon motion of Supervisor Hymes, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from district funds as set forth below, payable to Group Cares, Attn: Mike Krantz, telephone 970-443-7598 (mobile/office):

- Southern District \$500.00
- Western District \$500.00
- Northern District \$2,500.00
- Eastern District \$2,500.00
- Northwestern District \$250.00

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 24651.

**THS - TAZEWELL WRESTLING CLUB -
\$1,000.00 FROM SOUTHERN DISTRICT**

Upon motion of Supervisor Hymes, 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 the amount of \$1,000.00 from the Southern District, payable to the THS - Tazewell Wrestling Club, attn: Deacon Young, telephone 979-6360. 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 24651.

BIG BRANCH ROAD - WATER LINE CONCERNS

Supervisor Asbury requested VDOT's contractor for the Big Branch Road project be contacted about the water-lines be left open. She said residents are experiencing frozen water pipes. The County Administrator will contact VDOT concerning this.

VIRGINIA COAL AND ENERGY ALLIANCE INC.

\$500.00 FROM SOUTHERN DISTRICT FUND

Upon motion of Supervisor Hymes, 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 the amount of \$500.00 from the Southern District fund, payable to the Virginia Coal and Energy Alliance, Inc. PO Box 339, Lebanon, VA 24266, re: 2016 VCEA Membership dues. 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 24651.

AEP SCAM

Supervisor Hackworth voiced concern about the AEP phone scam taking place. Alleged Latin American(s), via telephone are soliciting money from area AEP customers asking for pre-paid debit/visa cards. Customers are being told if they don't pay a certain amount by a certain time their electric service would be disconnected. Supervisor Hackworth said his office was targeted by the scam. When he realized it was a scam he alerted the local police who intervened. He wanted the press to help make the public aware of the situation and to warn them to never purchase a prepaid debit card for telephone solicitors.

WELCOME TO TAZEWELL COUNTY - INFORMATION GUIDE

Supervisor Stacy recommended the County implement some type of Welcome to Tazewell County information guide for new residents.

ADJOURN

Now, there being no further business to come before the Board of Supervisors, an upon motion of Supervisor Stacy, seconded by Supervisor Hackworth 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 adjourn this meeting.

The next meeting is scheduled for February 2, 2016 at 6:00 p.m.

D. Michael Hymes, Chairperson

by: RG

Adjourn 10:30 p.m.