

**VIRGINIA:** AT THE REGULAR MEETING OF THE TAZEWell  
COUNTY BOARD OF SUPERVISORS HELD FEBRUARY 4, 2020  
AT FOUR O'CLOCK P.M. IN THE TAZEWell COUNTY  
ADMINISTRATION BUILDING, 197 MAIN STREET, TAZEWell  
VIRGINIA 24651

**PRESENT:** CHARLES A. STACY, CHAIRMAN  
TOM A. LESTER, JR., VICE CHAIRMAN  
TRAVIS HACKWORTH, MEMBER  
MARGARET ASBURY, MEMBER  
D. MICHAEL HYMES, MEMBER  
C. ERIC YOUNG, COUNTY ADMINISTRATOR  
CHASE D. COLLINS, COUNTY ATTORNEY  
WHITNEY PARSONS, EXECUTIVE ASSISTANT  
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY  
NEWS/RICHLANDS NEWS PRESS; WARREN HINKLE, THE VOICE  
NEWSPAPER; WVVA NEWS; BLUEFIELD DAILY TELEGRAPH

**ABSENT:** NONE

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Vice Chairman, Tom Lester called the regular meeting to order and presided, with Chairman Stacy arriving later.

Supervisor Hackworth gave the invocation followed by the Pledge of Allegiance to the United States flag led by Supervisor Hymes.

Supervisor Stacy arrived and chaired the meeting thereafter.

#### **AGENDA APPROVED AS AMENDED**

Upon motion of Supervisor Hymes, seconded by Supervisor Lester 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 February 4, 2020 agenda as amended.

#### **MINUTES APPROVED AS WRITTEN**

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 January 14, 2020 Tazewell County Board of Supervisors meeting minutes as written.

#### **CONSENT CALENDAR**

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

**WARRANTS**  
**January 2020**

**Payroll**

Ordered that Warrant Nos. 144599 through 144623, and direct deposits totaling \$238,589.80 from the General, covering payroll for the various County agencies, for the period ending December 31, 2019, be approved.

Ordered that Warrant Nos. 144625 through 144650, and direct deposits totaling \$240,712.10 from the General Fund, covering payroll for the various County agencies, for the period ending January 15, 2019, be approved.

**Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 488743 through 488848, and electronic transfers (ACH) totaling \$935,950.56 from the General, Landfill Enterprise, Capital Outlay, and Law Library, covering operating expenses for the various County agencies issued December 26, 2019, be approved.

Ordered that Warrant Nos. 488850 through 488861, for \$147,718.94 from the General, covering payroll deductions for the various County agencies for the period ending December 31, 2019, be approved.

Ordered that Warrant Nos. 488863 through 488954, and electronic transfers (ACH) totaling \$1,609,237.82 from the General, Landfill Enterprise, Capital Outlay and Law Library Funds, covering operating expenses for the various County agencies issued January 10, 2020, be approved.

Ordered that Warrant Nos. 488956 through 488968, for \$130,617.10 from the General Fund, covering payroll deductions for the various County agencies for the period ending January 15, 2020, be approved.

**Handwritten**

Ordered that Warrant No. 802076 through 802082 for \$104,642.02 from the General, Landfill Enterprise, Capital Outlay, and Law Library, covering operating expenses for the month of December 2019, be approved.

Sheriff’s Department – Transferred the following amounts from the Contingent Expenditures and Grant Account No. 91050-7041 to the Sheriff Department Accounts as follows:

- \$900.00 to Acct. 31020-6010 (received from Regency Real Estate and Auction Comp., Inc.)

- \$1,128.06 to Acct. 31020-1150 (received from Cumberland Mountain Community Services)
- \$500.00 to Acct. 31060-6021 (received from Graham Intermediate Pro)

Library Account – Transferred the following amounts from the Contingent Expenditures and Grant Account No. 91050-7041 to the Library Accounts as follows:

- \$25.00 Cash to Acct. 7301-3099
- \$50.00 to Acct. 7301-3099 (received from Linda Gillespie)
- \$50.00 to Acct. 7301-3099 (received from Diana Brookshire)
- \$100.00 to Acct. 7301-3099 (received from Delia Kersey)
- \$300.00 to Acct. 7301-3099 (received from Charles E. Presley dba the Lawn Ranger)
- \$1,000.00 to Acct. 7301-3099 (received from the Cruise Foundation)

Animal Shelter Account – Transferred the following amounts from the Contingent Expenditures and Grant Account No. 91050-7041 to the Animal Shelter Accounts as follows:

- \$2,500.00 to Acct. 35070-6009
  - \$2,000.00 to Acct. 35070-5510
  - \$200.00 to Acct. 35070-5520
  - \$5,818.30 to Acct. 35070-3310
- Authorized \$1,000.00 from the Western District Fund and \$1,000.00 from the Northwestern District Fund for a total of \$2,000.00 payable to Richlands High School for DECA; attn: Paula B. Bandy, Marketing Coordinator. These monies will go towards the Virginia DECA State Leadership Conference held in Virginia Beach, VA February 27<sup>th</sup>-March 1<sup>st</sup>. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.
  - Authorized \$750.00 from the Western District Fund and \$750.00 from the Northwestern District Fund for a total of \$1,500.00 payable to Winter Honey, PO Box 698, Richlands, VA 24641. These monies are for the Winter Honey Festival. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

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#### **EXECUTIVE/CLOSED MEETING – 4:04 P.M.**

The County Administrator requested item A(3) ATV easements near Boissevain be added for discussion during Executive Session.

Upon motion of Supervisor Lester, 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(5) Discussions regarding project Jonah
- A(5) Discussion regarding the retention of a business project CRFP
- A(29) Contract negotiations regarding Clinic Road
- A(29) Richlands EMS contract negotiations
- A(3) ATV easements near Boissevain

**RETURN/CERTIFICATION/REPORT OF ACTION – 6:09 P.M.**

**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, 2.2-3711 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.

The Chair called for a roll call Vote on the Certification:

Ayes: All Five (5)

Nays: None (0)

Absent: None (0)

Absent during vote: None (0)

Report of Action: One (1)

**CLINIC ROAD CHANGE ORDER**

Upon motion of Supervisor Lester, 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 approve change order number three on Clinic Road contingent upon approval of CST funds for the property. A copy of the change order and contract are available at the County Administration office.

## **SPECIAL PRESENTATIONS**

### **WINTER HONEY MONTH PROCLAMATION**

Supervisor Hackworth welcomed John Willis to the meeting.

Now, Supervisor Hackworth presented, read and moved to adopt the *Winter Honey Month Proclamation in Tazewell County, Virginia* with Supervisor Lester seconding and with all members present and voting in favor thereof and no one against the same. A copy of the proclamation is on file in the County Administration Building, 197 Main Street, Tazewell, VA 24651.

Dr. Willis discussed numerous activities and events held at the Winter Honey Festival. The festival's goal is to educate about the preservation of bees and to bring the community together.

### **RESOLUTION URGING THE VIRGINIA GENERAL ASSEMBLY TO SUPPORT "GET A SKILL, GET A JOB, GIVE BACK" (G3) INITIATIVE**

Supervisor Hymes read aloud a resolution sent by Dr. Wright, President of SWCC, requesting approval from the Board in support of the (G3) Initiative.

Upon motion of Supervisor Hymes, seconded by Supervisor Asbury and adopted by a vote of 4 to 0, with Supervisor Lester abstaining, the Tazewell County Board of Supervisors hereby adopt a resolution entitled, *Urging the Virginia General Assembly to Support "Get a Skill, Get a Job, Give Back" (G3) Initiative*. A copy of the resolution is on file in the County Administration Building, 197 Main Street, Tazewell, VA 24651.

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### **DAVE WHITE – DIRECTOR OF OPERATIONS**

Dave White recognized Ginny Dawson, Randy Sheets, and Robin Powers for all of their hard work and efforts at the Animal Shelter.

### **GINNY DAWSON – ANIMAL SHELTER DIRECTOR**

Ginny Dawson reported in 2012 that the animal shelter had one of the highest euthanization rates in the state of Virginia at 62%. The previous shelter manager left in October 2015 and then they officially took over at the beginning of 2016. Since that time they have worked diligently to lower that number each year. The euthanization rate at the shelter for 2019 was 8.14%, giving the shelter an overall live release rate of 93%, considering them to be a no kill shelter. Animals are now only euthanized for aggression or illnesses. The shelter, a member of the Virginia Federation of Humane Societies, works with numerous rescues in-state, out-of-state, and all across the country. Mrs. Dawson recalled that the new shelter facility was opened in January 2019 on Camp Joy Road and that it has been extremely well received by the public and

animals. In 2019 the state shelter inspector came for their annual inspection and it was the first time they had ever passed with 100%.

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### **KENNETH DUNFORD – DIRECTOR OF ENGINEERING**

The Director of Engineering updated the Board on the Clear Fork Flood Study stating he had a couple of comments back from FEMA, hoping that the engineer would have those back that week to review them.

Mr. Dunford discussed working on the annual report for recycling and that has sent letters out to businesses to get their tonnage to be able to include in it.

### **LANDFILL ROAD CONSTRUCTION**

The landfill is looking for material to build roads within the landfill. He stated that it could help the County with recycling. In a conversation between Mr. Dunford and the landfill they discussed reducing the tonnage fee by \$5 per ton for anybody that has sorted or separated material from tearing down a house or building a road, from materials deemed suitable for road building such as brick block. Mr. Dunford asked for the Boards consideration and vote.

Upon motion of Supervisor Hackworth, 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 five dollar (\$5.00) per ton rate reduction at the landfill for materials deemed by Santek to be usable for internal haul road construction.

### **PUBLIC HEARING SET TO CONSIDER ADOPTING TAZEWELL COUNTY RECYCLING ACTION PLAN**

Mr. Dunford recalled the Board approving the Recycling Plan in October 2019. He said after submitting the plan they have just now started reviewing it in January. Mr. Dunford requested that the Board schedule a public hearing for the March meeting.

Upon motion of Supervisor Hymes, seconded by Supervisor Lester 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 the County Attorney to advertise for a public hearing on March 3, 2020 to consider adopting the Tazewell County, Virginia Recycling Action Plan.

Mr. Dunford briefly mentioned that he was working on advertisements for bids regarding general engineering services and groundwater monitoring for the landfill and that he was working with VDOT to get Clinic Road into the State system.

## **PUBLIC HEARING SET TO CONSIDER THE CLOSURE OF A PORTION OF FILL STREET BY VDOT**

*(Approximately 30 minutes into the meeting)*

Regarding Smart Scale, Mr. Dunford is currently working with VDOT to get revised plans for the entrances and to set up meetings with individual property owners to discuss it with them. The County Administrator pointed out that these Smart Scale applications have been bumped up two years to 2020 instead of 2022 and that the Board could decide whether to follow through with it and make their call in March. The Board suggested also getting up with the business owners and anyone who would be affected on Fill Street. Supervisor Hymes cautioned that the intersection at Claypool Hill Mall was the second most dangerous intersection west of Roanoke according to accident data kept by VDOT.

Upon motion of Supervisor Hackworth, seconded by Supervisor Lester 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 direct the Director of Engineering to send letters to those affected by the potential closure of a portion on Fill Street and upon further motion authorizes and directs the County Attorney to advertise for a public hearing on March 3, 2020 to consider the closure of a portion of Fill Street by the Virginia Department of Transportation.

Mr. Dunford discussed the next round of Smart Scale applications and told the Board that he would provide them with sketches when he receives them.

Mr. Dunford said that VDOT is still in the process of studying Veteran's Road and Plaza Drive has been patched.

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## **BARRY BROOKS – DIRECTOR OF FIRE AND EMS OPERATIONS**

Mr. Brooks reported that asset tags have been placed on all SCBA gear and that they have completed the training. He said about 40% of the gear has been issued out and that they are just waiting on the fire departments to come get the rest of them.

Mr. Brooks discussed that the EMS building was coming along and that Mr. Young has copies of the drawings. Mr. White is working on getting bids for two bays at station 2 and Mr. Brooks believes he has gotten one of them so far.

Mr. Brooks brought up that out of 150 calls ran in January 40 of them were refusals. The EMS Captain told him that a lot of those calls were repeated refusals. Mr. Brooks stated that they just wanted to help but it is becoming a problem and they don't get reimbursed for those calls, which is starting to make them accrue bad debt. He suggested putting a fee or policy in place for repeat refusals. By the third refusal in one month it is considered abusing the EMS system. The County Attorney will check to see if there is an authorization to charge the callers.

The gentleman from Downtown Community Television Center, Inc., located in New York City, visited with Mr. Brooks that week to look at the fire truck he would be receiving from the County.

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#### **PAM WARDEN – ECONOMIC DEVELOPMENT MANAGER**

Mrs. Warden reported that VCEDA Capital Grant awards were given to Coal Town Taps, TP's Auto Repair, PK Fitness, and Red Roof Home. She said several more will be applying for the upcoming round.

She announced that the Tobacco Commission recently launched its Talent Attraction Program intended for recent graduates that have student loan repayments and if qualified they would be eligible to receive \$12,000.00 annually for loan repayment with a two year commitment to live and work in the Virginia Tobacco region. She said the program was marketed towards: public school teachers in science, math, technology, computer science; public school special education teachers; speech language pathologists, physical or occupational therapists; industrial or electrical engineers; information security, network, or computer systems analyst. She stated that they also have a program with the Virginia Health Department to work with students in the medical field to help them with their student loans as well. Eligibility criteria can be found on [www.revitalizeva.org](http://www.revitalizeva.org).

Mrs. Warden also discussed efforts to streamline the CProp application process and the requests that they are receiving.

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#### **A.J. ROBINSON – TOURISM AND COMMUNITY DEVELOPMENT DIRECTOR**

*(Approximately 1 hour into the meeting)*

Mrs. Robinson reported having an extremely busy month in January. She attended a trade show in Canada with VA Tourism. Mrs. Robinson then went with other members of the County to Richmond. Since, she has followed up with VA Tourism to ask for constructive criticism about the meeting the County had with them in Richmond. They advised that the meeting went well but suggested narrowing down the amount of people in the meeting down to Board of Supervisor members, one representative from each of the towns, the County Administrator, and the Tourism Director. VA Tourism stated that most other counties are coming into the meetings with two to ten people.

The day after returning from Richmond she left to attend a trade show in Cleveland, Ohio for Back of the Dragon. She mentioned taking her new employee Adam Davis with them and said that he did an excellent job and was a great addition to tourism's staff. At the trade show they received great feedback and a new brochure went out. The people at the trade show had concerns regarding gun control and being reluctant to come to Virginia because of the headlines that they have been reading. Mrs. Robinson informed them that Tazewell was a sanctuary county and that gun control wouldn't be an issue for motorcyclists traveling through our county. The following



week Mrs. Robinson headed back to Richmond and met with Rita McClenny of VTC. Ms. McClenny also reported receiving calls about those concerned about traveling through Virginia because of gun restrictions.

Mrs. Robinson also reported on numerous other events and projects: a few Ohio media outlets are interested in doing articles on Back of the Dragon Welcome Center; she will be attending VTC orientation in May; the possibility of the Appalachian Arts Center becoming a satellite visitor center; Pocahontas and Tazewell HGTV town revitalization contest entries; contributing \$500 to the Winter Honey Festival and assisting them with their marketing; Rally for Cedar Bluff is on hold until further notice and Bluefield Rally is still running and met last week to discuss potential projects that citizens requested, Colin the Business Challenge Winner for a coffee shop has gotten a hit from one of the cofounders of Yahoo who is potentially interested in investing in his coffee shop; and the start of selling and promoting merchandise at Cavitt's Creek.

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#### **CPPD LIAISONS – CHAIRMAN STACY AND SUPERVISOR HYMES**

Supervisor Hymes discussed that the CPPD voted on CProp grants the previous Thursday. One of them went to Bluefield, Virginia. Chairman Stacy explained that the Town of Bluefield had asked for the grant to go towards improvements to the old Fincastle County Club that was purchased by the town. They were able to receive \$200,000.00 from the CProp application. Chairman Stacy made clear that this would be the only opportunity for the next 12 months that the Town of Bluefield would be able to receive a CProp grant. He explained that each locality was limited to \$200,000.00 per year of the \$3 million fund from the settlement.

Supervisor Hymes mentioned a hotspot was placed on Sharina's Wingz restaurant to serve as a free Wi-Fi hotspot in the Town of Tazewell.

Supervisor Hymes talked about an email from Joseph Puckett discussing that they were half way in the project towards getting an agreement with APCO to get poles placed in Clearfork that would allow them to be able to put broadband there all the way to the Bland County line.

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#### **PSA LIAISON – SUPERVISOR MIKE HYMES**

Supervisor Hymes wasn't in attendance at the last PSA meeting but was informed that they discussed Project Jonah.

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#### **UNSCHEDULED CITIZEN COMMENTS**

1. Joseph H. McClung, Rich Creek, Virginia – stated he was there to discuss the State of West Virginia's Resolution No. 8 which asks counties to succeed from the State of Virginia because some of the legislation that has been introduced over gun control laws

among other debatable topics. He was in favor of Vexit and asked for the Board's support before heading back to Richmond the next day.

Chairman Stacy pointed out that there wasn't anything on the Agenda requiring a statement or vote from the Board that evening. The Board was only there to receive comments.

2. Travis Bandy, 231 Gillespie Road, Pounding Mill – approached the Board to discuss Rogich Road. He asked if the Board had set up a meeting with Delegate Will Morefield yet. Supervisor Lester said that Delegate Morefield was aware of the situation but was in Richmond right now and wouldn't be back until the following month. Delegate Morefield plans to meet with them when he returns. Mr. Bandy mentioned speaking with Mr. Brooks about the issue and stated even without ice in the tunnel it would be difficult for fire trucks and ambulances to fit through it. With most of the population being older in that area Mr. Bandy had concerns about what they would do in the case of an emergency. Mr. Brooks told him that EMS would need to come and look at the tunnel and get measurements to see what emergency vehicles they would be able to use in an emergency. They would also need to notify 911 and dispatch of the concerns so they can log in their database and be able to send out the correct vehicles.
3. George Gillespie, 4174 Witten's Mill Road, North Tazewell – had complaints regarding the cleanliness of the back-stop located at the landfill, stating it was a mess. Mr. Gillespie mentioned a couple of years ago there used to be a lady that worked there that cleaned it off every day and kept it in good shape. He said he had asked local management about it and that they sent a guy to clean it up but the mess was back the very next day.

Chairman Stacy explained that the County used to have the benefit of using probationers and people that were doing free labor at the landfill. They used to help people unload their trash on Saturdays and clean up some of the debris but under the current arrangement we do not have the ability to do that.

Mr. Gillespie secondly commented that he liked the idea of the Board being video broadcasted on social media.

Thirdly, he asked if the Board had heard anything else regarding the water project for Cove Creek with Dominion. Chairman Stacy mentioned that the Board met with several Dominion representatives when they were in Richmond and that they indicated they were all waiting for their core studies to come back and also for the weather to break.

*(Approximately 1 hour and 30 minutes into the meeting)*

4. Eric Whitesell, 5254 Thompson Valley Road, Tazewell – addressed that he was there to talk about Vexit. Mr. Whitesell passed out a letter to the Board between West Virginia Delegate Gary G. Howell and himself discussing the topic. He discussed in great detail about morality issues regarding abortion and LGBTQ. Mr. Whitesell mentioned that Virginia was likely to raise taxes and that it was a billion dollar increase annually in the budget proposed by the governor. He discussed gasoline taxes going up over the next 3

years to pay for roads that wouldn't benefit our area but would most likely benefit northern Virginia. Mr. Whitesell fears with these tax increases that business will not want to come to VA and those that are here will want to leave, causing a greater tax burden on its citizens. He discussed the Green New Deal bills brought before VA legislature saying that it encourages the end of coal and gas by 2028. Mr. Whitesell stated that the Virginia we knew doesn't exist anymore and in order for Tazewell County to maintain its culture, values, beliefs, coal industry, and way of life the County needs to consider a referendum put before the people of Tazewell County to vote on succeeding from the State of Virginia and becoming a part of West Virginia.

5. Bruce Remines, 327 Gulfport Drive – quoted, “The best way for evil to triumph is for good men to do nothing”. Mr. Remines, knowing West Virginia Governor Jim Justice for 45 years, stated he was willing to be a free ambassador to the Board of Supervisors on their behalf if Vexit was something they were seriously considering.
6. Anthony Cichocki, 7026 Pounding Mill Branch Road – discussed moving from Pennsylvania to Tazewell 32 years ago. Mr. Cichocki was pleased when he moved here because the laws and policies were more conservative but he has seen it gradually shift into becoming like Pennsylvania. He urged people to stop voting Democrats in on the local, state, and national level. Mr. Cichocki stated that everyone should be embarrassed where this country is heading believing that morality in this country is gone.
7. Joseph H. McClung, Rich Creek, Virginia - Chairman Stacy allowed Mr. McClung to approach the Board again. Mr. McClung wanted to discuss corrupt election laws. He stated that election laws in Virginia were corrupt and caters to Richmond. He favored West Virginia's election laws because if you run for governor there you only have to pay a \$1,500.00 fee to run but to run for governor in Virginia you have to have 10,000-20,000 names on a petition depending where you live. He believed that anybody who votes should have the right to run for any public office.

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## **APPOINTMENTS**

### **BEAUTIFICATION COMMITTEE**

Upon motion of Supervisor Lester, 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 Everett Worrell, 439 Laurel Road, Cedar Bluff, VA 24609, to the Beautification Committee, effective immediately with a term expiring December 31, 2021.

### **INDUSTRIAL DEVELOPMENT AUTHORITY**

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 Larry Ratliff, 150 County Line Road,

Cedar Bluff, VA 24609, to the IDA, effective immediately with a term expiring June 30, 2021. This appointment fills the unexpired term of Doyle Rasnick.

### **RATIFIED POLL APPROVING A BODY CAMERA REVIEW ATTORNEY FOR THE COMMONWEALTH'S OFFICE**

Upon motion of Chairman Stacy, seconded by Supervisor Asbury and adopted by a vote of 4 to 1, with Supervisor Hymes opposing, the Tazewell County Board of Supervisors hereby ratify the poll approving a body camera review attorney for the Commonwealth's Office pursuant to Section 15.2-1626;1626.1:(70)(J) for an annual cost of \$82,372.

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### **RESOLUTION ESTABLISHING A FEE SCHEDULE FOR FOIA REQUESTS**

The Chairman brought up this matter tabled from the January meeting. The Board had inquired about establishing a fee that would compensate the Board for the amount of personal time it takes them to produce documents for a FOIA request. This is because of a recent FOIA request that took a significant amount of time from the Board and staff to research and provide. The County Attorney, Chase Collins, advised them again that neither the code nor FOIA Council allows such compensation to Board members but that there is a way for the fees to come back to the locality. Mr. Collins discussed aloud the Resolution provided last month to the Board. There was no action. Mr. Young reminded the Board that they are provided county email accounts and if they use only these accounts for county business county staff could search them to respond to FOIA. Supervisor Hymes stated his County email account did not allow him to open attachments.

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### **CONSIDERATION OF MAKING DEPOSIT IN TO RESERVE FUND**

The County Administrator recalled creating a reserve fund last fall with plans to deposit a million dollars into it. Due to cash flow concerns the Board only deposited half a million dollars into the reserve fund with plans to revisit the topic in February. Mr. Young has carefully watched the cash flow and the County's performance compared to budget. For December the County was 102%-103% over budget for that month but on the year it was about 96% of what it should be, meaning the County is within its budget. It also means that the County doesn't have a whole lot of room to play with and that the Regional Jail bill and health insurance was up slightly. Mr. Young said he wasn't comfortable putting another half a million dollars into the fund right now and would like to make this a part of the budget process going forward to put a certain amount into the reserve fund each year going forward.

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### **POCAHONTAS WATER UPDATE/GREATER TAZEWEILL WATER UPDATE**

The County Administrator stated that there was a lengthy discussion at the PSA meeting the night before regarding the Pocahontas Water Project and its challenges. He explained that when the project was started they had the probability of Pocahontas being without water and that

the plant was in such horrible shape that DEQ wanted to condemn it, so something had to be done. Mr. Young explained the hardship and troubles the County has experienced over the last 6 years to help the situation. They were able to build pump stations and have been successful in replacing a ton of water lines in Pocahontas.

Mr. Young explained that three things happened two weeks prior. One, there was a massive leak in the Town of Pocahontas with a six-inch line leaking and a lot of water coming out. Two, the emergency backup station in Yards, that they were building and connecting to the Bluefield system so they can back feed in an emergency, is not yet complete and is still vulnerable. So all water they got couldn't come from Bluefield because it didn't have a pump station and three, the Pocahontas Water Plant had been shut down by the Virginia Department of Health. So all of the water had to be pumped from Tazewell. He explained that shoving that amount of water that fast was taxing to Tazewell's distribution system. Due to leaks in the Tazewell lines pressure could not be increased enough in Tazewell to serve all of the Pocahontas area.

Mr. Young was informed at the PSA meeting the previous night that PSA's tanks were now full and that they have fixed the leak at Pocahontas. They also have now put an emergency pump in but it wasn't a full power pump at the Bluefield connection to back feed from Bluefield. PSA is hopeful that a water outage will not happen again.

Supervisor Hymes suggested that the County talk with an engineering firm about pulling water through the Town instead of pushing it because it puts significant strain on the lines. Mr. Young planned to invite Mr. Ball to the next Board meeting.

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## **RICHMOND TRIP DISCUSSION**

Chairman Stacy discussed wanting to have a Richmond trip debriefing with all of the County and Town people that attended the trip. The Board decided on having a conference call with everyone involved at 3:30 pm at the March meeting.

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## **SWCC SCHOLARSHIP PROGRAM**

The County Administrator recalled the "Get a Skill, Get a Job, Give Back" Resolution passed earlier that evening. He explained that if the Resolution passes at the Virginia General Assembly then the County's obligation under their scholarship program for scholars will be reduced by 40% according to Dr. Wright. But Mr. Young said that the college would probably still continue to ask for the same amount of money and continue to escrow it for when they have years that are up and years that are down. He said that he sees the wisdom in this but wanted to take care of the County's needs first and that they will have the data for the County this spring.

## **NEW DRUG DOGS FOR SHERIFF**

*(Approximately 2 hours into the meeting)*

The County Administrator reported that the Sheriff's Office informed him of the high probability of marijuana being legalized in Virginia. He explained that the current Sheriff Department's drug dogs cannot distinguish between marijuana, cocaine, and heroin. Due to the pending changes the Sheriff requested new drug dogs.

Upon motion of Chairman 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 approve the authorization for the County Administrator to purchase new drug dogs for the Sheriff's Department if deemed necessary from the Contingency Fund.

Chairman Stacy asked Mr. Young to negotiate with the Sheriff to ensure that proceeds from the sale would be accounted for in his next budget or returned to the County.

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## **PUBLIC HEARING TO ADD A PORTION OF ROSENBAUM ROAD NEAR POCAHONTAS TO THE ATV TRAIL**

The County Administrator mentioned an inquiry from a respected developer in the Pocahontas area. The developer would like to buy property on Bethel Road off of Rosenbaum Road to put 12 – 15 rental cabins in. He explained that the developer would like to be able to have their guests ride their ATV's directly to the trail rather than load them and haul them over there. Mr. Young explained that the trail runs very close to that section of the road and wouldn't be very far. He also didn't see any safety concerns it would cause.

Upon motion of Supervisor Asbury, 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 authorizes and directs the County Attorney to advertise for a public hearing on March 3, 2020 to consider adding a portion of Rosenbaum Road near Pocahontas to the ATV trail.

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## **ADOPTED LANDFILL REIMBURSEMENT RESOLUTION**

The County Attorney stated that as time goes along the landfill is running out of space so Santek was going to assist the County in designing a phased project to add additional airspace to the landfill to allow operation to continue. The estimated cost for construction is \$5.6 million. The County Administrator explained that they took the costs from the previous time and doubled it, so the cost wasn't for certain. Mr. Collins said that the County's financial advisor mentioned that in order to keep operating the County may need to eventually utilize tax exempt bonds to incur that debt as it moves along. This way the County isn't dipping into operational expenses to fund the project, creating another financial crisis. The bond council and financial advisors

suggested adopting a resolution to reimburse expenditures and proceeds for borrowing. Mr. Young explained that it essentially means the County can reimburse itself for the design cost if the resolution is passed.

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 adopt a RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING. A copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia 24651.

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### **PAY SCALE REVISION – EMS**

The County Administrator recalled approving the Tazewell County Starting Salary Scale the previous year. Mr. Young explained that they have hired some part-time EMT's that do not have the same level of experience or time. He asked for the Boards approval to adjust the scale and pay beginning EMT's less until they have an adequate amount of training, classes, and hours of experience.

Upon motion of Supervisor Lester, 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 authorizes the change to the "Tazewell County Starting Salary Scale As of July 1, 2019" for EMS positions as presented to the Board in the agenda packet.

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### **2020 MEMORANDUM OF AGREEMENT FOR TAZEVELL COUNTY OFFENDER WORKFORCE PROGRAM**

The Board tabled this discussion until the March meeting so Mr. Plaster would be able to be in attendance.

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### **RECESS 8:13 PM – 8:23 PM**

The Chair called for a brief recess and reconvened shortly thereafter.

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### **MILITIA DONATIONS FROM THE PUBLIC**

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 authorize that militia donations received from the public be equally divided between the Concealed Weapons Training, JROTC, Boy Scouts of America, and Girl Scouts of America programs in Tazewell County, Virginia.

Supervisor Hackworth recalled Will Adam's questions at the January meeting asking about militia regulations and the structure of it. Supervisor Hackworth asked if the Sheriff of Tazewell would be a good candidate to be head of the militia. Mr. Young responded that he wouldn't recommend it because protecting people and killing people are not necessarily the same thing. He further responded that if you're going to have a militia that's going to have military objectives to do then he would recommend someone with Reserve or National Guard experience.

Supervisor Lester asked at what point the County begins establishing who that person is and how the militia is organized. Supervisor Hackworth discussed that Tazewell now has a civil defense committee according to the news that met the night before and that they were organizing and electing secretary, treasurer, district wardens, county wardens, etc. He stated that they had a right to do so but questioned what the County should do about it and what plan it needs.

Chairman Stacy mentioned that the purpose of the Resolution was to be able to challenge in courts of law any gun regulations the County deems to be unconstitutional and that they hadn't contemplated the structure of a militia. He suggested making a firm statement on where the Board stands regarding the issue.

There was much discussion among the Board regarding the topic.

The County Attorney stated that Title 44 in the Code of Virginia clearly listed three classes of the militia: the National Guard, Virginia Defense League, and the unorganized militia. He explained that the same Title states how those are to be called into action by the Governor or the President. Mr. Collins said once those are called into action they are incorporated in the Virginia Defense League and that is the organizational aspect. He clarified that it wasn't a situation where the Board would call a militia.

Supervisor Lester disagreed and questioned who would call a militia if it was the Governor who was infringing on their rights.

The County Administrator found it appropriate to adopt some protocols. Chairman Stacy would like an update at the March meeting.

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## **BOARD CONCERNS**

### **SUPERVISOR LESTER**

#### **RICHLANDS HIGH SCHOOL – MODEL GENERAL ASSEMBLY**

**\$1,400.00 WESTERN**

**\$1,000.00 NORTHWESTERN**

Upon motion of Supervisor Lester, 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 the amount of \$1,400.00 from the Western District Fund and \$1,000.00 from the Northwestern District Fund, for a total amount of \$2,400.00, payable to Richlands High School, Model General Assembly, 138 Tornado Alley, Richlands, VA 24641, Attn: Amy Warner. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

## **NATURAL GAS PROJECT IN THE WESTERN DISTRICT**

*(Approximately 2 hours and 30 minutes into the meeting)*

Supervisor Lester revisited the need of natural gas for multiple businesses in the Claypool Hill area.

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 Tom Lester to the Western Gas Committee.

## **CHILD ADVOCACY CENTER FUNDING**

Supervisor Lester talked about the Child Advocacy Center in Richlands, a nonprofit organization, and offered to set up a tour for the Supervisors if they would like to go. He then asked that the Board consider budgeting \$25,000.00 towards funding a Sexual Assault Nurse Examiner (SANE) and to challenge the other three counties served to do the same. Supervisor Lester stated that the closest SANE nurse was located in Russell County and that other victims of sexual abuse have to travel to Roanoke, many of them being small children.

## **VEXIT**

Supervisor Lester stated he was intrigued by the idea of Vexit but recognizes that it is highly impractical in numerous ways. Some of the differences between Virginia and West Virginia he discussed were: water systems, state funding systems, road funding, school funding, teacher retirement systems, and SVCC belonging to the State of Virginia. Supervisor Lester realizes that it is a very complex issue but believes that they owe the constituents to look at all options.

The County Administrator and County Attorney discussed that the code does not offer a referendum. Mr. Collins explained that any referendum would have to be transcribed to the Virginia Board of Elections and they would then place the subject matter on the ballot in which ever voting cycle coming up.

The County Administrator discussed several obstacles regarding the idea of Vexit. Some of them being: the PSA owes \$30 million to the State of Virginia for its water and sewage systems, all property the County owns is in Tazewell County, Virginia's name, and grants and

funding through the Tobacco Commission. Mr. Young explained that Richmond could take our courthouse, jail, land, properties, etc. and make the County pay for it all over again.

Supervisor Hackworth understood everyone's frustrations with Richmond and the feeling of having your liberties and constitutional rights being stripped but did not believe the County needed to make a knee jerk reaction. He stated that if there was ever a term that Virginian's were going to stand up and take back Virginia, it would be within the next election cycle.

#### CHAIRMAN STACY

#### **TAZEWELL COUNTY BUSINESS REGISTRATION**

Chairman Stacy revisited the proposed business registration requirement which would allow the County to capture data of what businesses are in Tazewell County and the need to determine who is responsible for filing and if they would be required to disclose personal property inventory information. Supervisor Hackworth had concerns regarding the parameters of what constitutes as a business and used those who sell Avon as an example. After some discussion, Chairman Stacy asked the County Attorney to draft a resolution to review at the next meeting.

#### SUPERVISOR HYMES

#### **TAZEWELL HIGH SCHOOL - PROJECT GRADUATION**

##### **\$500.00 SOUTHERN**

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 authorizes the amount of \$500.00 from the Southern District Fund, payable to THS Project Graduation, 167 Cosby Lane, Tazewell, VA 24651 attn: Robert E. Duff, Sr. These monies go towards the pen and ink drawings of THS prints for graduates. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

#### **TAZEWELL HIGH SCHOOL – SOCCER BOOSTERS CLUB**

##### **\$250.00 SOUTHERN**

##### **\$250.00 NORTHERN**

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 authorizes the amount of \$250.00 from the Southern District Fund and \$250.00 from the Northern District Fund for a total amount of \$500.00, payable to Tazewell High School Soccer Boosters Club, P.O. Box 476, North Tazewell, VA 24630; c/o Melissa Brown. Said warrants shall be issued by the County Administrator in

accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

**SUPERVISOR ASBURY**

**BRAD DEEL – DRONING SERVICE FOR POCAHONTAS HGTV REVITALIZE A TOWN CONTEST**

**\$1,000.00 NORTHERN**

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 authorizes the amount of \$1,000.00 from the Northern District Fund, payable to Brad Deel, 1460 DC Caney Bridge Road, Clintwood, VA 24228. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

**LADY RED DEVILS SOFTBALL TEAM – REPAIRS TO BALLFIELD IN POCAHONTAS**

**\$1,500.00 NORTHERN**

**\$1,000.00 EASTERN**

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 authorizes the amount of \$1,500.00 from the Northern District Fund and \$1,000.00 from the Eastern District Fund, for a total amount of \$2,500.00, payable to Lady Red Devils, P.O. Box 805, Bluefield, WV 24701; attn: Thomas A. Wimmer II. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

**CHAIRMAN STACY**

**GRAHAM HIGH SCHOOL – MODEL GENERAL ASSEMBLY**

**\$1,500.00 EASTERN**

**\$1,000.00 NORTHERN**

Upon motion of Chairman 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 authorizes \$1,500.00 from the Eastern District Fund and \$1,000.00 from the Northern District Fund, for a total amount of \$2,500.00, payable to Graham High School, Model General Assembly, 210 Valleydale Street, Bluefield, VA 24605, attn: Lee Brown. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

### **UNSCHEDULED CITIZEN COMMENTS**

1. Will Adams, Governor G C Peery Hwy., North Tazewell, VA said that the point of a militia is not to kill but to protect. Mr. Adams believed that the Sheriff should be the head of the militia because he has the authority to call out for help in a tough situation if he didn't have enough deputies. The Sheriff also knows what is legal or not.

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### **ADJOURN**

Now, there being no further business to be transacted and upon motion of Supervisor Hackworth, 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 adjourns this meeting to March 3, 2020 at 4:00 p.m.

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Charles A. Stacy, Chair

By: WP

Adjourn time: 9:12 p.m.