

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD AUGUST 3, 2010 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651

**PRESENT: SETH R. WHITE, CHAIRMAN
DAVE R. ANDERSON, VICE-CHAIRMAN
D. MICHAEL HYMES, MEMBER
JIM CAMPBELL, MEMBER
JOHN ABSHER, MEMBER
JIM SPENCER, COUNTY ADMINISTRATOR
C. ERIC YOUNG, COUNTY ATTORNEY
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT**

OTHERS PRESENT: MEMBERS OF THE PRESS:

WARREN HINKLE, TAZEWELL COUNTY FREE PRESS; JIM TALBERT, RICHLANDS NEWS PRESS; CHARLIE OWENS, BLUEFIELD DAILY TELEGRAPH

ABSENT: NONE

The Chairman, Seth R. White, called the regular meeting to order and presided with all members in attendance. Supervisor Anderson gave the invocation with Supervisor Hymes leading those present in the Pledge of Allegiance to the United States Flag.

The Chairman welcomed those in attendance. He then requested that the Board consider an additional amendment to the agenda allowing for a moment of silence in remembrance of the late Sheriff's Deputy, Shawn Hess who recently died in a car wreck while on duty.

Now, upon motion of Supervisor Absher, seconded by Supervisor Anderson 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 additional agenda item as well as other revisions to the agenda format.

The Chairman then called for a moment of silence. The Board of Supervisors agreed that a resolution be adopted and presented to the Hess family in his memory.

MINUTES APPROVED

June 29, 2010 and July 12, 2010

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the June 29, 2010 Meeting Minutes, and further upon motion of Member Anderson, seconded by Member Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, hereby approves the July 12, 2010 Special Called Meeting Minutes as written.

**COUNTY TREASURER'S ANNUAL SETTLEMENT
YEAR ENDING JUNE 30, 2010**

Norman Cook, Treasurer of Tazewell County gave the Annual Settlement – Financial Condition of the County of Tazewell, as of June 30, 2010.

He reported that in comparison to other counties in the State, Tazewell County was in good financial, sound condition. The Financial Summary as presented showed \$15,731,500.87 in total committed funds with a \$2,303,560.46 in uncommitted funds. \$18,035,061.33 was the total of all funds. He thanked the County Administrator's office for their financial thoroughness and the Board for their diligence and hard work.

EXECUTIVE/CLOSED MEETING

No Cell Phone use in Executive/Closed Session

Upon motion of Supervisor Absher, seconded by Supervisor Campbell and adopted by a vote of 4 to 1, with Supervisor Hymes voting nay, the Tazewell County Board of Supervisors hereby deny the use of cell phones in the August 3, 2010 Executive/Closed meeting.

Now, upon motion of Supervisor Anderson, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an Executive/Closed Meeting pursuant to Virginia Code Section 2.1-3711 to address the following matters and further that

individuals other than the Board be allowed to attend the executive/closed meeting as may be necessary.

- A-3 Property Disposition involving Jeffersonville Volunteer Rescue Squad ambulances

- A-3 Property Acquisition involving Dove Street

- A-7 Legal Matter involving Sales Tax Recoupment

- A-3 Property Disposition involving the old Tazewell County Health Dept. Building

- A-7 Legal Matter involving fire hydrant invoice from the Town of Tazewell

- A-6 Contract Negotiations concerning the Landfill – where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected

RETURN FROM THE EXECUTIVE/CLOSED MEETING

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

CERTIFICATION OF EXECUTIVE/CLOSED MEETING

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

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

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

Ayes: Supervisor Absher, Campbell, Hymes, White and Anderson

Nays: None

Absent: None

Absent during vote: None

Action as a result of the Executive/Closed Meeting:

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

Now, upon motion of Supervisor Anderson, 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 places an additional executive/closed meeting at the end of the 8/3/2010 agenda format for further discussion of those items listed in the agenda for the first executive session.

DAYTON ROAD –

PUBLIC COMMENTS REGARDING DAYTON ROAD, ALSO

KNOWN AS OAK STREET LOCATED IN THE GRATTON AREA OF TAZEWELL COUNTY, VIRGINIA

The Chairman called for public comments from the floor with regard to recent requests for improvements to Dayton Street also known as Oak Street. The Board has also received questions concerning the status of the street as a public right of way, and because of conflicting requests, the Chairman declared a Public Hearing to order and called for comments from the floor regarding this subject:

1. Charles Stacy, 137 Borne Road, Tazewell, Virginia 24651 presented the following on behalf of his Mother, Linda K. Stacy.

“Linda K. Stacy
1388 Straight Fork Rd.
Grundy, VA 24614

August 3, 2010
Public Hearing/Meeting
(Dayton Drive)
Tazewell Co. Board of Supervisors

My name is Charles Stacy Jr. my address is 1374 Bourne Rd. in the Southern District of Tazewell County.

My mother Linda Stacy is the property owner and has been since 2003. Her father purchased the property in 1989 and lived there with his wife until his passing in 1997. His wife continued to live there until she became ill and she then deeded it to my mother. My family and I have lived there since 2003.

In 2006, a dispute arose with another landowner over the right of way and we have been involved in litigation since that time. As a result of the litigation we contacted the seller (who had lived in the same area for over 30 years-Betty *Sierble*) to ask about the issues and she indicated that the right of way was there but had not been used. We have a signed and dated a statement attesting to that from her as well as other statements from landowners concerning the litigation issues.

It has NEVER been our belief nor has it been our actions to hinder the use of this right of way. At no time has the ability to use or access it been prohibited. At no time has my family, friends or guests prevented anyone from being able to safely enter or exit the right of way. During the course of litigation, we have researched but have not found any evidence of the intent for this right of way to be a "public road".

The following are some of my concerns from the county's actions accepting this right of way as a road into the Orphan Road System:

1. The proposed width and length of the road, in relationship to the number of users.
2. The decision to accept ONLY a 230' section of the right of way. (The proposed 230' would end abruptly without a cul-de-sac only truly making it usable for one land owner and the other affected owner having a road a few feet from the back door of his dwelling.)
3. The legal rights of the landowners versus the county, where by the properties are private.
4. The decision to appoint one individual to be a contact for this property. Why is there a need? for this?
5. The inability of anyone at this point to clearly state (legally) the use of and rights of this right of way other than described or intended for by the deeds of record.
6. The fact that no other land owners were made aware of this decision when it was made and that the Board took action on maintaining the property prior to the approval of or the legal review of the property. (Gravel in March of 2008)
7. The ambiguity of the existing Orphan Road Policy. (No *evaluation to qualify* a parcel of land for acceptance into the county's road system.)
8. The Board has not even seen the property in question to accurately determine the significance or the need for its decision to accept this land into their road system. (See Pictures)

I have many other concerns that I would like to share with you but because of time constraints and legal issues, I will not. I will end with the reiteration that we have no intent on

prohibiting anyone from using the right of way by definition. We would agree to the acceptance of this right of way into the county road system if the road was *kept at a width of no more than 15 feet from the fence line* and that the county was solely responsible for the maintenance of the road. (The only exception being mowing the grass and that would be the responsible of each landowner corresponding to his or her property boundaries.) That the entire length of the right of way be recorded and accepted not just the 230' proposed by the board and that *each affected landowner agrees to the same within the entire right of way area*. Thank you for your time and consideration.

Sincerely,
Charles D. Stacy, Jr.”

2. Melissa Rose and Michael Rose, 229 Dayton Drive, Tazewell, Virginia 24651

Mrs. Rose stated that she and her husband, Michael, purchased their lot on 229 Dayton Drive in Nov. 18, 1994. She said their deed was stated to them that they have a “non-exclusive right-of-way passage over Oak Street”, which is now identified as Dayton Drive. She said their home was built and completed in December 1996 and prior to completion; the road for access was open, and during that time she and her husband talked to Mr. Spurgeon at VDOT, who inspected the road, and said a drainpipe did not need to be installed to open the road and they proceeded to gravel the road at their own expense. Mrs. Rose said they have lived there for 15 years with no problems until 2003, when another property owner moved in and started placing roof bolts, marking boundary lines and making it difficult to access their property. Mrs. Rose said she has copies of letters from the law office of Altizer, Walk & White as well as pictures and copies of surveys showing their property line as well as the road width. Mrs. Rose voiced concerned because the road in question is the only entrance to their property. She reiterated that the right-of-way was there when they purchased their property; otherwise, the bank would have denied their mortgage.

3. Danny Goodman stated that he was in process of buying property on the graveled part of Dayton Road because he liked the area, but taking 15 ft. of the property would take most of his yard and his back porch as well as interfere with the land of several other property owners on Dayton Road. The County is considering taking the 15 ft. wide strip of the northern section of Dayton Road instead of a 30 ft. strip as previously discussed.

Now, the Chairman called for public comments from the floor with regard to the public hearing and there being none, he declared the public hearing closed.

The County Attorney, Eric Young suggested that he and the County Engineer, Gary Earp meet with property owners and stake out a 15 ft. right-of-way and let everyone see what 15 ft. looks like.

The County Attorney will make a report on this matter at the September 7, 2010 regular meeting.

PUBLIC HEARING –

AN ORDINANCE TO REQUIRE PERSONS CONVICTED OF CERTAIN TRAFFIC OFFENSES TO PAY THE COSTS OF EMERGENCY RESPONSE

The Chairman called to order a public hearing that was duly advertised according to law entitled “AN ORDINANCE TO REQUIRE PERSONS CONVICTED OF CERTAIN TRAFFIC OFFENSES TO PAY THE COSTS OF EMERGENCY RESPONSE.”

Now, the Chairman called for public from the floor with regard to the public hearing.

1. Mrs. Della Osborne, Tannersville, Virginia spoke against the proposed ordinance. She felt the ordinance would discourage private donations as well as volunteer service to rescue squads and fire departments.

Now, the Chairman called for further public comments from the floor and there being none, he declared the public hearing closed.

Supervisor Hymes voiced opposition to the ordinance, stating that he felt the new ordinance was comparable to a tax increase and suggested that people involved in accidents charged with reckless driving would have to unfairly pay the additional \$1,000 fine. He said that he felt that anything extra beyond his tax was an addition tax.

Supervisor Campbell did not agree. He felt Supervisor Hymes additional tax suggestion was absurd, stating that those who drive while intoxicated, or with a suspended licenses should be made to pay for their crime.

The County Attorney, Eric Young explained that should the board delete the reckless driving provision from the ordinance it could be added back at a later time following the required public hearings.

Then, upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 4 to 1, with Supervisor Hymes voting nay, the Tazewell County Board of Supervisors hereby adopts “

“AN ORDINANCE TO REQUIRE PERSONS CONVICTED OF CERTAIN TRAFFIC OFFENSES TO PAY THE COSTS OF EMERGENCY RESPONSE”

WHEREAS Section 15.2-1716 of the Code of Virginia authorizes the County to collect from persons convicted of certain traffic violations the cost of emergency response incident to their arrest;

WHEREAS the Board desires to require those, whose violation of law required the expenditure of public resources, to pay for the costs thereof;

NOW THEREFORE,

BE IT ORDAINED, that in accordance with Section 15.2-1716 of the Code of Virginia (1950) as amended, Section 12 of the Code of Tazewell County is amended to include the following:

12-300. A person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the County of Tazewell or to any volunteer fire or rescue squad, or both, for the restitution of reasonable expenses incurred by the County for responding law enforcement, firefighting, rescue, and emergency medical services, including those incurred by the Sheriff’s Office or by any responding volunteer fire department or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation.

12-301. A person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the County for the cost of issuing any related arrest warrant or summons, including costs incurred by the Sheriff’s Office.

12-302. Persons convicted of the following offenses shall be liable for the County’s expenses as set forth in this ordinance:

Driving Under the Influence of Alcohol;

Driving While License Revoked or Suspended;

Leaving the Scene of an accident;

Any Other Offense listed in §15.2-1716 of the Code of Virginia (1950) as amended, except reckless driving.

12-303. The County shall submit a bill to the Court together with a request that the person be ordered to pay such costs as part of their restitution. The County shall bill for emergency response by the sheriff's office, or volunteer fire department or volunteer rescue squad, a minimum of Two Hundred and Fifty Dollars (\$250.00) each for their response. In lieu of the flat fee of two hundred and fifty dollars, the County shall submit an itemized bill from any volunteer fire department or rescue squad, when their itemized bill exceeds two hundred and fifty dollars. The County shall not bill in excess of One Thousand Dollars (\$1,000.00) in the aggregate for all services rendered for any one accident or incident.

12-304 In the event the person is not ordered to pay as restitution or does not pay as restitution the full amount of the bill submitted by the County to the Court, the County or any volunteer fire department or rescue squad shall have a separate civil action against such person to recover any unpaid portion of the bill.

IT IS SO **ORDAINED**, this the 3rd day of August 2010.

RECORDED VOTE: 4 to 1

MEMBERS PRESENT: 5 - Absher, Campbell, Hymes, White and Anderson

MEMBERS ABSENT: 0 - None

AYES: 4 - Absher, Campbell, White and Anderson

NAYS: 1- Hymes

ABSTENTIONS: 0

PUBLIC HEARING –

MIDDLE CREEK SEWER

The Chairman called to order a public hearing that had been duly advertised according to law entitled, NOTICE OF PUBLIC HEARING REGARDING COMMUNITY

DEVELOPMENT BLOCK GRANT FUNDS (CDBG) Construction – Ready application to be

submitted to the Virginia Department of Housing and Community Development for the Middle Creek Sewer Project. The draft CDBG proposal was presented for comment along with information on projected beneficiaries, including the number of low-to-moderate-income residents to benefit from the proposed project, and plans to minimize displacement. Citizens were also given the opportunity to comment on Tazewell County's past use of CDBG funds.

Now, the Chairman called for public comment from the floor three times and there being none, he declared the public hearing closed.

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

RESOLUTION

WHEREAS, Tazewell County, Virginia has as its primary objective the provision of adequate sewer facilities; and

WHEREAS, the County wishes to apply for Virginia Department of Housing and Community Development Construction-Ready (VCDBG) funds; and

WHEREAS, the title of the County's grant project is the Middle Creek Decentralized Sewer Project; and

WHEREAS, the County is requesting \$120,000 CDBG Funds; and

WHEREAS, the County has obtained or will obtain the \$150,000 in additional funds for this project through Virginia Southern Rivers Watershed Enhancement Program; and

WHEREAS, 12 households representing approximately 24 persons to be served with 67% of households being LMI; and

NOW, THEREFORE BE IT RESOLVED, that the Tazewell County Board of Supervisors authorizes the submission of this grant proposal in the amount of \$120,000 to the Virginia Department of Housing and Community Development for the Middle Creek Decentralized Sewer Project and designates the County Administrator as its representative to sign all documents pertaining thereto.

CITIZEN COMMENTS – SCHEDULED

APPALACHIAN AGENCY FOR SENIOR CITIZENS

NEW EXECUTIVE DIRECTOR, REGINA SAYERS

Mrs. Regina Sayers introduced herself as the new executive director of the Appalachian Agency for Senior Citizens. Mrs. Sayers lives in Cedar Bluff. Prior to her employment with AASC, she served as regional practice director for Carillion Tazewell Community Hospital. She worked also as the administrative laboratory director and physician practice manager for St. Luke's Hospital in Bluefield, WV and the physician practice manager for Buchanan Healthcare in Grundy, Virginia. Mrs. Sayers received a BS in Human Resources from Bluefield College and a Master of Science in Management from Marshall University. Mrs. Sayers thanked the Board for their continued support of the AASC Programs and stated that the county funds appropriated to the AASC budget are extremely important to the success of the Agency.

She announced the Agency would like to expand over the next few years to include Sr. housing. Other AASC programs briefly addressed were AllCARE for Seniors PACE; Four County Transit; Generations Intergenerational Day Care; Care Coordination; In-Home Care; Nutrition; Advocacy and Emergency Home Repair. Mrs. Sayers stated that a representative from Senator Mark Warner's is scheduled to visit the Agency on August 5 to tour the AASC facility and to look at the PACE Program in depth. She invited the Board to attend the event. In closing, Mrs. Sayers left a letter of thanks and a synopsis of AASC programs.

CONNIE ELKINS – READING FOUNDATION, APPALACHIA

Ms. Connie Elkins, Children's Reading Foundation of Appalachia introduced herself and briefed the Board on the purpose of the Foundation. The goal of the Foundation is to promote twenty minutes of reading per day for preschoolers to grandparents. Ms. Elkins stated the Foundation is working closely with Tazewell County Public Schools, Head Start and other County agencies with this goal. The foundation is independent to Tazewell County Public Schools as well as an international program.

Ms. Elkins thanked the Board for their support and adoption of the previous resolution in support of the program. She requested that the Board consider approval to place permanent road signs in Tazewell County showing the County's support of reading and literacy. She also requested that the Board allow the Foundation access to the Community – Public Network/Access Channel. Chairman White suggested that each board member as well as other

public officials take part in the reading event and requested that the Tourism Committee/Department work with Ms. Elkins in efforts to place the Foundations purpose as part of the “signs at all entrance points” in the County project.

The County Administrator suggested that Ms. Elkins contact Sam Wolford, County Public Safety Coordinator with regard to accessing the Community – Public Network Channel, as well as seeking input from the County’s Tourism Committee with regard to the sign project.

PLEASANT VALLEY ESTATES

JOE ROBINSON

Joe Robinson, Pleasant Valley Estates, stated that he and his wife visited other states this summer for property. He wanted to know the status of the county funds allocated for repairs to the road. Supervisor Absher stated that \$10,000.00 in coal severance funding was allocated for the paving project in this budget year, and said perhaps the paving project would extend to Rodney Dowdy’s property. Mr. Robinson stated that during the winter month’s people living in the Pleasant Valley Estates area were prisoners in their own homes. The Chairman suggested that the residents consider developing a Home Owners Association. Mr. Robinson disagreed and said that is why people pay taxes. Supervisor Absher reminded Mr. Robinson that Pleasant Valley Road was one of countless roads in the Western District that needed repaired, and felt \$10,000 was a fair amount of money for one road. Mr. Robinson stated that a representative from VDOT’s Richmond office told him that the County would keep people in the orphan road program as long as possible to use their tax money for the County’s benefit. Mr. Robinson suggested the county benefited and used the money to build the new County Administration Building and the Bluestone development. The Chairman assured Mr. Robinson that the Board did not desire to be in the orphan road business.

CLERESSA STREET – MARK MATNEY

Mr. Mark Matney stated that he was not a resident of Tazewell County but his sister and his disabled niece live on Cleressa Street in the Claypool Hill area. He alleged the road to his sister’s house is almost inaccessible in the winter months and expressed concern that the road is state maintained within 200 yards of her house. He stated that his sister and the other property owner are willing to give the appropriate right-of-way in order to have the road maintained. The

Chairman stated that Cleressa Road did not qualify as an orphan road and even if the County owned it, the County was not in the snow removal program. The Chairman reiterated that the State or County could not work a private road. He reminded Mr. Matney that during emergencies the Town of Richlands cooperates fully with the county and has emergency vehicles to reach people.

Mr. Matney, for the record, then acknowledged that the State requires every high school to offer the Holy Bible as an elective, and the Supreme Court has ruled it legal. He said he wanted to make the Board aware of this and to give them something to think about.

SHEA COOK, IDA CONCERNS -

MEETING TIMES

TABLED

Chairman Seth White acknowledged Attorney Shea Cook's scheduled appearance on the August 3 agenda. Mr. Cook did not appear.

The Chairman, on behalf of Mr. Cook, told Supervisor Absher that the IDA regular meetings are scheduled for 3:00 p.m. and that various members of the Board of Supervisors have spoken to members of the Industrial Development Authority (IDA) about this situation, asking that members of the IDA move their meeting times to 5:00 p.m. or after, but the IDA did not have enough votes to approve the request and that Mr. Cook requested that the Board of Supervisors, as the governing body, make that change. Chairman White said that the Board of Supervisors has the authority to move the IDA meeting times to 5:00 p.m. The County Attorney, Eric Young cited Code of Virginia, Section 15.2-1419 "the governing body of any locality may establish the regular meeting times (day and hour) of its authorities, boards and commissions, so as to prevent conflict with other meetings." With this in mind, Supervisor Absher moved that the IDA change their meeting times to 5:00 p.m. Supervisor White seconded the motion for discussion. Supervisor Hymes stated that every committee in the County has members who sometimes have conflicts and cannot attend every meeting. He said he felt this was an IDA issue and this Board of Supervisors should not be telling the IDA what to do. Supervisor Absher disagreed. Chairman White said he felt changing the meeting times would benefit the citizens and stated that a two-hour meeting time change, 3:00 p.m. to 5:00 p.m. would not make that much difference. Supervisor Anderson said that the IDA was an unpaid committee

that serves a very vital part of the County; further stating this was a democracy and stated it should be up to the IDA to set their own meeting times. He felt the Board of Supervisors would be doing them an injustice by changing their meeting times, “they should have the opportunity to set their own times.” Chairman White stated that it was more than one member of the IDA who wanted the time changed. Supervisor Campbell said he met with two (2) of the IDA members who expressed concern about moving the meetings to 5:00 p.m. and he specifically requested that there be a time on the IDA agenda, more particularly, 5:00 p.m. for Public Comment. He said that this presents a very tricky situation and suggested that the Board table the matter until the IDA considers the issue further. The County Administrator, Jim Spencer, said the next IDA meeting was scheduled as a reorganizational meeting, setting meeting dates etc. and it would be a good time for this matter to be addressed. Board members agreed to this concept.

BOARD CONCERNS

Supervisor Absher voiced concern about the new federal Building Officials (BOCA) Guidelines with regard to manufactured homes. He said one of his constituents was recently informed by the County Building inspection department that new BOCA regulations requires the replacement/installation of the same manufactured heat pump as the manufactured furnace in mobile homes. If the same brand heat pump/furnace is not installed the entire unit with regard to warrantee might be in jeopardy. The County Administrator, Jim Spencer stated that he would look into this further and report same to Supervisor Absher.

\$5,100.00 to CEDAR BLUFF FESTIVAL FROM WESTERN DISTRICT FUNDS

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$5,100.00 from the Western District Fund, Acct. No. 91400-5680, payable to the Cedar Bluff Festival- Town of Cedar Bluff, VA 24609. 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.

\$7,500.00 to CEDAR BLUFF FIRE-RESCUE DEPARTMENT

WESTERN DISTRICT FUNDS

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$7,500.00 from the Western District Fund Account, payable to the Town of Cedar Bluff, Cedar Bluff, VA 24609, for fire and rescue needs or any other service as needed by the Town of Cedar Bluff. Supervisor Absher stated that he originally intended to pledge \$15,000.00, but due to the budget constraints, he would have to consider dividing the pledge amount. 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.

HILL STUDIO –

TOWN OF POCAHONTAS DOWNTOWN

REVITALIZATION

David Hill of Hill Studio presented a power point presentation showing the revitalization plan for the Town of Pocahontas, Virginia. The Plan is being made possible from a \$1,000,000 Community Development Improvement Grant. The revitalization plan is to restore several locations in the center of the historic town, i.e. stabilize and salvage the old company store as well as revitalizing the town's marquee and facade improvements throughout the town including the revitalization of seven commercial properties as well as clean the streams and restore the railings along Laurel Run. The Plan also includes a walking tour guide. The Town is also in line to receive an interpretive planning grant and construction and marketing monies from Appalachian Regional Commission (ARC).

CITIZEN COMMENTS

Bill Osborne, a resident of Tannersville, Virginia, and Vice President of the Tazewell County Farm Bureau, requested that the Board of Supervisors oppose the reintroduction of elk in Southwest Virginia. He voiced concern about disease, stating that one elk could shut down the entire cattle season in Virginia. Mr. Osborne said the he remembered the problems Bland and Giles counties encountered with the elk in the 1940's. He duly requested that the Board of

Supervisors oppose the proposal by the Department of Game and Inland Fisheries to reintroduce elk in Southwest Virginia.

Eric Whitesell, a local attorney and resident of Thompson Valley, Virginia as well as President of the Tazewell County Farm Bureau, also encouraged the Board to adopt a resolution opposing the reintroduction of elk in Southwest Virginia. Mr. Whitesell sent a letter to the Board of Supervisors citing various concerns about the elk as well the economic impact on farmers as a result of damages to crops and disease including damage to property, fences and even the danger to motorists. The letter indicated that annual damage to vehicles and crops could reach \$20,000,000.00.

Now, upon motion of Supervisor Campbell, 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 adopts the following resolution:

RESOLUTION

WHEREAS, the Tazewell County Farm Bureau has voiced their opposition to the Department of Game and Inland Fisheries plan for reintroduction of elk in Virginia; and

WHEREAS, the Board of Supervisors of Tazewell County, Virginia concur with the Tazewell County Farm Bureau in its decision and agree that past programs and state statutes providing compensation for wildlife damage has always been “too little too late” and;

WHEREAS, the impact beyond the agriculture community is far reaching; Elk are significantly larger than deer and require more than 20 pounds of forage per day, affecting our county’s crops as well as its structures, landscaping, cemeteries, not to mention the creation of another highway safety issue; and

WHEREAS, Virginia farmers are already suffering enough as a result of the economic downturn and from the reintroduction of coyote, not to mention the surplus of deer population which has become a nuisance, not only to farmers, but to anyone who has a yard and a garden.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Tazewell County Board of Supervisors strongly opposes the reintroduction of elk and the Virginia Department of Game and Inland Fisheries Operational Plan for Elk Management in Southwest Virginia; and be it further ordered that a copy of this resolution be transmitted to the Virginia Department of Game and Inland Fisheries meeting scheduled for August 17, 2010 and that Tazewell County’s opposition be noted and spread upon the records of that meeting.

CITIZEN COMMENTS – UNSCHEDULED

B.C. Fuller, Triangle Road, Bluefield, Virginia 24605 voiced opposition to the implementation of any Peddler's Ordinance for Tazewell County. Supervisors Absher, White and Campbell reiterated the Boards intent and stated that the proposed ordinance would not affect the sale of fresh produce by local farmers.

Gary Wayne Keen, 428 Keen Road, Pounding Mill, VA questioned the recent FEMA Flood letter mailed to County residents by the County Engineer. He said he felt the letter was not mailed in time to give property owners sufficient time to appeal and said with no more explanation or time, he was lucky to have the opportunity to speak on the subject. Mr. Keen also questioned the number of letters undeliverable or returned to the County.

Brian Osborne, 435 Keen Road, Pounding Mill, VA questioned why his property was mapped in the higher risk flood zone. He said he was 300 ft above the river and said his house was not going to flood.

The County Administrator, Jim Spencer stated the County was required by FEMA to send out the letters and citizens would have the opportunity to appeal and address their concerns. The County will also seek an extension with regard to the August 18 appeal deadline. He reiterated that the County Engineering Department decided to send a letter to everyone that might be impacted, but FEMA set out the guidelines. The County will have to revamp its current Flood Plain Ordinance to coincide with the new Flood Plain maps and the County was required to notify each person in the County affected by the new flood plain maps. During the April 2010 FEMA meeting, county and town representatives were given sample information, such as mailings, flood ordinances, and information to share with the public. The County has six months to review the new maps and to locate possible errors in the mapping. Towns within the County will adopt their own ordinances.

FIVE (5) MINUTE RECESS

The Chairman, Seth R. White called for a five (5) minute recess after which the meeting was duly reconvened.

CONSENT CALENDAR

Upon motion of Supervisor Anderson seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as Consent Calendar as set forth below. The County Administrator is hereby further authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS

June/July 2010

Payroll

Ordered that Warrant Nos. 132220 through 132313, and direct deposits totaling \$204,216.04 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending June 30, 2010, be approved.

Ordered that Warrant Nos. 132315 through 132406 and direct deposits totaling \$203,206.05 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 15, 2010 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 448539 through 448702, for \$651,283.11 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of June 2010, be approved.

Ordered that Warrant Nos. 448704 through 448711, for \$27,250.00 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of June 2010, be approved.

Ordered that Warrant Nos. 448713 through 448732, for \$154,497.06 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending June 30, 2010, be approved

Ordered that Warrant Nos. 448734 through 448867, for \$782,828.39 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of July 2010, be approved.

Ordered that Warrant Nos. 448869 through 448889 for \$154,602.78 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 15, 2010, be approved.

Handwritten

Ordered that Warrant Nos. 801478 through 801483 for \$58,331.70 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of June 2010, be approved.

- Coyote Claims Approved -
 - \$150.00 to Dillard Putman, PO Box 932, Bluefield, Virginia 24605 for 3 coyotes killed with a rifle/snare
 - \$50.00 to Michael Absher, 18261 G.C. Perry Hwy. Pounding Mill, VA 24637 for 1 coyote killed on May 14, 2010 with a rifle
 - \$50.00 to Larry Lambert Sr. 401 Plymouth Hollow Rd. North Tazewell, VA 24630 for 1 coyote killed on June 9, 2010 with a rifle
 - \$50.00 to Larry Lambert Sr. 401 Plymouth Hollow Rd. North Tazewell, VA 24630 for 1 coyote killed on June 15, 2010 with a snare
 - \$50.00 to James Kulchar, 202 West Riverside Dr. North Tazewell, VA 24630 for 1 coyote killed on July 18, 2010 with a trap
 - \$50.00 to Jason Matney, 491 Paige Dr. Cedar Bluff, VA 24609 for 1 coyote killed on July 10, 2010 with a rifle
 - \$50.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, VA 24651 for 1 coyote killed with a rifle on May 11, 2010
 - \$50.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, VA 24651 for 1 coyote killed with a rifle on July 7, 2010 with a snare

- Sheriff's Office Account
 - Transferred the amount of \$1,600.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Sheriff's Dept. Acct. No. 31020-5510 Travel Expense/Training – reimbursement for portion of unused training monies for Robert Taylor.
- Transfer Station Account
 - Transferred the amount of \$17,213.73 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Transfer Station Vehicle Repairs & Maintenance Acct. No. 42030-6009 – this is an insurance check for repairs to a roll-off truck damaged in an accident in June.
- Cumberland Plateau Regional Housing Authority -
 - Approved payment in lieu of taxes for HUD Developments for \$8,087.23 for fiscal year ending March 31, 2010.
- Ratified the amount of \$800.00 payable to Richlands Little League – All Star Event, \$400 Northwestern District & \$400 Western District
- Animal Control Account -
 - Approved \$2,534.45 from the Contingent Expenditures and Grants Account, 91050-7041 to Animal Control Vehicle Repairs 35010-6009 (insurance check received from State Farm Insurance)
- Library Account -
 - Approved \$500.00 from the Contingent Expenditures and Grants Account, 91050-7041 to Library Account 7301-6012 as monies received as a donation from the North Tazewell Lions Club.
- Landfill Tipping fees -
 - Waived the landfill-tipping fees associated with the demolition of a house on VA Avenue in Richlands
- Northern District Fund:
 - Ratified the \$488.42 to Lowes for repair work on air conditioning unit Baptist Valley Fire Rescue
- VDOT- Ratified the Six Year Road Plan Resolution as approved June 29, 2010

▪ Covington Road -

➤ Approved Covington Road Settlement in Carter v. Dalton

CARTER V. DALTON SETTLEMENT - COVINGTON ROAD

MONIES APPROVED

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$4,000.00 from the Eastern District Fund to cover the costs associated with payment to the Plaintiff as settlement in the Carter V. Dalton – Covington Road dispute and the County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable check by the Treasurer of Tazewell County, Virginia, and

Further, upon motion of Supervisor White, seconded by Supervisor Anderson 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 transfers the amount of \$1,000.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Eastern District Fund Account that was recovered from the co-defendant relative to the Carter V. Dalton – Covington Road dispute. The County Administrator is hereby authorized and directed to transfer these funds in accordance with this action.

Further, upon motion of Supervisor Anderson, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that the Covington Road Agreed Order approved this date be made part of the minutes of this meeting :

VIRGINIA:

IN THE CIRCUIT COURT FOR TAZEWELL COUNTY

NANCY P. CARTER, Et Al.)

)

Plaintiffs,)

AGREED ORDER

v.)

CM: 10000048

)

6. That nothing further being in dispute between the Plaintiffs and the Defendant, Tazewell County or between the County and the other parties Defendant, the County hereby is Dismissed from the case and no orders shall be entered hereafter to the County's prejudice;

7. The Court finds that the claims made by the Plaintiffs with respect to Covington Road were made in good faith. The Court Orders that those claims by Plaintiffs that Covington Road, the Nash Bypass, or adjacent disputed property referenced in the Plaintiffs' Complaint and Amended Complaint are a private road and not a public road are dismissed with prejudice, pursuant to the agreement of the parties;

8. That the Clerk shall spread a copy of this order among the land records of this Court indexing all parties Plaintiff as Grantors;

It is so ORDERED this the ____ day of _____, 2010.

Judge

I ASK FOR THIS:

C. Eric Young, Esq.,

Tazewell County Attorney

108 East Main Street

Tazewell, Virginia 24651

Telephone: 276-988-1213

I ASK FOR THIS:

Roger W. Mullins, Esq.

Counsel for Plaintiffs

106 Church Street

Tazewell, Virginia 24651

Telephone: 276-988-7566

I ASK FOR THIS:

Alan B. McGraw, Esq.,
Counsel for Defendants Dalton
P.O. Box 30
209 East Main Street

APPOINTMENTS

Industrial Development Authority

Supervisor Hymes moved that Robert Steele, Whitten Mill Road, North Tazewell, Virginia, be appointed to serve as a member of the Tazewell County Industrial Development Authority to fill the expired term of Jim Boyd. The motion died for a lack of a second.

Supervisor Absher then moved to appoint Darrell Addison, 502 Lakepark Drive, Richlands, Virginia 24641 as a member of the Industrial Development Authority to fill the expired term of Jim Boyd. Supervisor White seconded the foregoing with Supervisor Hymes voting nay and with Supervisor Anderson abstaining from the vote, and with said motion approved by a vote of 3 to 1, the Tazewell County Board of Supervisors hereby appoints Darrell Addison, 502 Lakepark Drive, Richlands, Virginia 24641 to serve as a member of the Tazewell County Industrial Development Authority (IDA) with a term commencing immediately and expiring June 30, 2014.

The Board agreed to honor Mr. Boyd at the September 7, 2010 regular meeting for his many years of service to the Industrial Development Authority.

Redistricting Committee

One appointment to represent the Town of Richlands and one appointment to represent the Town of Pocahontas as members of the Tazewell County Redistricting Committee was deferred to the September 7, 2010 meeting.

Jeffersonville Rescue Board of Directors

One appointment to the Jeffersonville Rescue Board of Directors was deferred to the September 7, 2010 regular meeting.

Recycling Committee

Appointments to the newly established Recycling Committee were deferred to the September 7, 2010 regular meeting; however, Supervisor Anderson suggested that the committee begin to meet and establish objectives. Members include, Keith Jenovec, Elena Combs, and Sonja Ratliff were recently appointed as members.

Wireless Authority

Appointments to the Wireless Authority were deferred to the September 7, 2010 regular meeting. Mike Watson, Town of Blfd; Sam Kinder, Tannersville; and John Wimmer, Baptist Valley were recently appointed as members.

Airport Authority

Upon motion of Supervisor Absher, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoint Jonathan Roberts, 130 Grand Drive, Cedar Bluff, Virginia as a member of the Tazewell County Airport Authority to fill the unexpired term of Dr. Fred Sayers who resigned, with a term commencing immediately and expiring December 31, 2011.

Cumberland Plateau Regional Housing Authority (CPHA)

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints Eli Jones, PO Box 41, Tazewell, Virginia 24651, as a member of the Cumberland Plateau Regional Housing Authority, with a term commencing September 1, 2010 and expiring August 31, 2014 (4 year term).

Zoning Committee– Community Stakeholders

The Board of Supervisors deferred appointments to the Zoning Committee to the September 7, 2010 regular meeting. Members of the Board mentioned the importance of the zoning committee and said they would to have more time to consider individuals for the appointments. Members will include a variety of individuals, such as representatives from the Farm Bureau, Realtor Associations, building industry, community groups etc. The Planning Commission recently appointed Seth White, Alternate; Tom Childress, second Alternate; Member Bill Gillespie and Member Ellis Cole to serve on the Zoning Committee.

WORKFORCE INVESTMENT BOARD – CONSORTIUM BYLAWS ;
RESOLUTION FOR AMENDMENT APPROVED

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approve amendments to the Southwest Virginia Employment and Training Consortium By-Laws Article III, Section 3 be amended to read: [Article III, Section E AMENDMENTS

1. Amendments may be proposed to the CONSORTIUM By-laws by any member, and upon introduction, shall be referred to the Executive Committee, which shall report its recommendations to the CONSORTIUM at a subsequent meeting. Adoption shall require approval by the recorded vote of 2/3 of CONSORTIUM members.
2. Copies of all proposed amendments shall be furnished to each member at least ten (10) days prior to consideration.]

A copy of the resolution in a form as hereby adopted is attached hereto and incorporated herein by reference thereto.

WORKFORCE DEVELOPMENT – REGIONAL CAREER PATHWAYS GRANT
APPLICATION AND APPROVE FUNDING OF \$2,500.00

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, and contingent upon other counties participation in same, and contingent upon grant approval notification, the Tazewell County Board of Supervisors hereby ratifies and approves the amount of \$2,500.00 from the FY2010-11 Contingency Fund as matching funds for participation in a Partnership for a Regional Career Pathways System Grant funding through the Virginia Community College System by a Ford Foundation Grant. This action is contingent upon other the other two (2) counties, Russell and Buchanan County participating in same. The grant will provide \$75,000 “seed money” to develop career pathways that will streamline workforce development training throughout the region to assure fulfillment of employers’ requirements.

The County Administrator is hereby further authorized and directed to issue said warrant as may be necessary and appropriate with regard to this action.

ENTERPRISE ZONE ORDINANCE– AMENDMENTS

PUBLIC HEARING AUTHORIZED

The County Administrator, Jim Spencer, reported that he and the County Engineer would make the necessary adjustments to the Enterprise Zone Ordinance Maps, pursuant to Supervisor Absher's changes as well as including the amendments to the map in the Bluefield area.

Property owners affected by the changes will be notified prior to the public hearing. The State must also approve the changes prior to the public hearing.

Now, upon motion Supervisor Anderson, seconded by Supervisor Absher 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 a public hearing be scheduled for the September 7, 2010 regular meeting to consider the expansion and modification of the Boundaries of the Enterprise Zone to include certain real property in the Bluefield, Virginia area as well in the Western District, and to remove certain other properties which have been developed into residential use.

RABIES CLINICS TO BE SCHEDULED

The County Administrator announced that Sam Wolford is working with the local health department and local veterinarians to schedule rabies clinics in various locations throughout the County.

ORPHAN ROAD GUIDELINES

The County Attorney, Eric Young, stated that he forwarded a draft copy of the Orphan Road Guidelines to the Board of Supervisors for their review and recommended changes. Chairman White requested that this matter be placed on the September 7, 2010 agenda for discussion.

VEHICLE FUEL BID- MINERS OIL COMPANY, INC.

Upon motion of Supervisor Anderson, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby awards the FY10-11 Vehicle Fuel Bid

to Miners Oil Co. Inc., 14550 Gov. G. C. Peery Hwy. PO Box 409, Pounding Mill, Virginia 24637, effective immediately and expiring June 30, 2011.

**PROPOSED PEDDLERS ORDINANCE
FOR TAZEWELL COUNTY**

The County Attorney, Eric Young, stated that he circulated a draft copy of a Proposed Peddlers Ordinance to the Board for their consideration. Members of the Board plan to email their comments concerning the proposed ordinance to the County Attorney. This item will be placed on the September 7, 2010 regular meeting for further review and discussion.

FLOOD HAZARD MAP & LETTER

Members of the Board of Supervisors requested that the County Administrator work with the County Engineering Department to schedule two (2) urgent public meetings to answer questions with regard to the Flood Plain letter recently mailed out to approximately 3300 persons in the County. Once the meeting dates and times are set, the Board requested that local radio and TV stations broadcast the announcement.

SALES TAX RECOUPMENT

Supervisor Campbell brought to discussion the Sales Tax Recoupment subject. The County Attorney, Eric Young suggested that the Sales Tax Recoupment matter be addressed in the second Executive/Closed session as scheduled at the end of this meeting.

LEXIS NEXIS – ELECTRONIC LAW LIBRARY BID AWARD

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell, and adopted by a vote of 5 to 0, with all members present, and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby awards a bid for \$7,884.00 to Lexis Nexis for the Tazewell County Electronic Law Library, from fund No. 31. After reviewing quotes submitted by both Lexis Nexis and Fastcase, the Chairman of the Tazewell County Bar Association found that the Fastcase quote was not responsive because it did not include treatises.

ANNUAL LAWFIT CHALLENGE - \$2,500.00 (\$500 FROM EACH DISTRICT FUND)

Upon motion of Supervisor Anderson, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,500.00 (\$500.00 from each TCBOBOS district fund respectively), payable to the 4th Annual Law Fit Challenge, attn: Harry L. Cundiff, PO BOX 1026, Bluefield, VA 24605, scheduled for Saturday , September 4, 2010 at Graham Recreation Park.

The County Administrator is hereby authorized and directed to enter into and execute 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.

**CHILDREN AT PLAY SIGNS –
REQUESTED ON BLUESTONE LOOP ROAD**

Upon motion of Supervisor Anderson, 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 the following resolution:

WHEREAS, the Tazewell County Board of Supervisors recognizes the crucial need to request that the Virginia Department of Transportation investigate and conduct a *safety study* for the purposes of erecting “Children at Play” signs on Bluestone Loop Road, Route 665 from .45 east of Route 19 to Route 19 (length .4 miles) Eastern District from Cost Center Funds No. 1204007.

CLINCH VALLEY COMMUNITY ACTION – CAMP JOY FACILITY (ROOF REPAIRS) \$3,500.00 FROM EASTERN DISTRICT FUNDS

Upon motion of Supervisor Anderson, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$3,500.00 from the Eastern District Funds, payable to the Clinch Valley Community Action, Inc. PO Box 188, North Tazewell, Virginia 24630 as monies to assist in roof repairs to a Camp Joy facility. The amount of \$5,000.00 was approved for this purpose in FY2009-10. 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 by the Treasurer of Tazewell County, Virginia.

**CLAYPOOL HILL ANNEXATION CONCERNS VOICED
SUPERVISOR ABSHER**

Supervisor Absher, for the record, stated that Claypool Hill would remain Claypool Hill. He said rumors were circulating that the Town of Richlands planned to annex Claypool Hill and he wanted the people in the Claypool Hill area to know that this was erroneous information, stating that “Richlands needs Claypool Hill more than Claypool needs Richlands.” He said he wanted to address this and get the word out to relieve people’s uncertainties.

911 FACILITIES– OLD JR. HIGH STATUS

Supervisor Anderson questioned the status of the 911 facility moving to the old Jr. High School building. The County Administrator, Jim Spencer said an updated Emergency Communication Centers manual, “NFPA” in relation to Code Section 12.21, was ordered and will be forwarded to the Sheriff as well an updated Wiley Wilson Study. The County Administrator wanted to clarify a rumor that his office is road blocking the Sheriff with regard to the issuance of building permit(s). He said he does not issue building permits from his desk; however, he would like to make certain that the 911 facility is built to standard to alleviate future problems.

BOARD CONCERNS

Supervisor Anderson reminded citizens of the upcoming tax-free weekend for school shopping. He encouraged public participation as an opportunity to save money.

Supervisor Campbell requested that the Board of Supervisors consider and request the implementation of an SVCC Memorial Scholarship(s) fund in memory of and in honor of the late Sheriff Deputies, Tom Reid and Shawn Hess. He requested that the County Administrator write a letter to the college to see how to initiate the scholarships for students interested in law enforcement.

Supervisor Absher then requested that the County Administrator contact VDOT and State elected representatives to see if the bridge near the college in Wardell could be named the “Bo Lambert Bridge” in honor and in memory of Mr. Lambert who was killed in Iraq.

EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enter into an executive/closed meeting, pursuant to Virginia Code Section, 2.1-3711 to discuss the following matters:

- A-3 Property Acquisition involving Dove Street
- A-7 Legal Matter involving Sales Tax Recoupment
- A-3 Property Disposition involving the old Tazewell County Health Dept. Building
- A-6 Contract Negotiations concerning the Landfill – where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion Supervisor Anderson, 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 returns from the Executive/Closed Meeting and hereby adopts the following resolution read by Supervisor Hymes:

**CERTIFICATION
OF EXECUTIVE/CLOSED MEETING**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) that only public

business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive/closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Tazewell County Board of Supervisors.

Ayes: Supervisor Absher, Campbell, Hymes, White and Anderson
Nays: None
Absent: None
Absent during vote: None

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING
TAX REPAYMENT/RECOUPMENT AGREEMENT**

Upon motion of Supervisor White, seconded by Supervisor Anderson and adopted by a vote of 3 to 2, with Supervisor Absher and Hymes voting nay, the Tazewell County Board of Supervisors hereby approves the Repayment Agreements in relation to the Sales Tax Recoupment, as drafted by the County Attorney, contingent upon the agreements signed off by the towns agreeing to forgive the remaining of the sales tax that was formally disputed other than the amount that is unquestionably due as affirmed by the Treasurer of Tazewell County. Copies of the Recoupment Agreements, once executed by all parties, will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

**TOWN OF TAZEWELL VIRGINIA –
PROPERTY DISPOSITION MATTER
JEFFERSONVILLE VOLUNTEER RESCUE SQUAD**

Supervisor Hymes, noted for the record, the property disposition matter relating to the Jeffersonville Volunteer Rescue Squad that was discussed by the Board of Supervisors in the executive/closed meeting. He said the County Attorney, Eric Young was directed to contact the Town Attorney, Brad Pyott, to address and hopefully resolve the issue with reference to the Jeffersonville Rescue Squad. The County Attorney will report the discussion and hopefully a resolution to the Board of Supervisors.

RICHLANDS NEIGHBORHOOD WATCH – SIGNS

\$500.00 FROM NORTHWESTERN DISTRICT

Upon motion of Supervisor White, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Northwestern District Fund to payable to the Town of Richlands Police Department, Richlands, Virginia 24641, Memo: Richlands Neighborhood Watch Program. 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.

CAMP JOY – SUMMER SCHOLARSHIP PROGRAM

\$2,000.00 FROM SOUTHERN DISTRICT FUNDS TO CLINCH VALLEY

COMMUNITY ACTION

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,000.00 from the Southern District Funds, payable to the Clinch Valley Community Action, Inc. – Camp Joy Summer Scholarship Program, PO Box 188, North Tazewell, Virginia 24630. 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.

FALLS MILLS, VIRGINIA FISH CLUB

\$1,500.00 (\$500 Southern, \$500 Northern & \$500 Eastern)

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves \$1,500.00, (\$500.00 Southern District Fund, \$500.00 Northern District Fund and \$500.00 Eastern Fund District) payable to the Falls Mills Fish Club, contingent upon legal review and approval that the Club is a 501©3 status. Once approved, the County Administrator is hereby authorized and directed to issue said

warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

**CONVENIENCE AREA NEAR ADRIA –
SUPERVISOR CAMPBELL REQUESTED**

Supervisor Campbell requested that the County Administrator and the County Engineer investigate a potential site for a solid waste convenience area in the Adria community, possibly near Big Daddy's , Bud's etc. (contact Mike Lambert). This matter will be addressed at the September 7, 2010 meeting.

GRANT FOR TAZEWELL COUNTY FIRE & RESCUE SQUAD - ENDORSED

Supervisor Campbell mentioned the poll recently conducted asking for the Board of Supervisors support of an 80/20 grant application for the Tazewell County Fire & Rescue Squad. He said he gave the necessary paperwork to Sam Wolford and he wanted to make certain the grant was submitted as well as the Board of Supervisors authorizing the necessary funding match for the grant. The Board of Supervisors will ratify the funding amount at their September 7, 2010 meeting.

**\$10,000.00 FROM EASTERN DISTRICT ROAD FUND
TO WESTERN DISTRICT ROAD FUND (LOAN)**

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a transfer in the amount of \$10,000.00 from the Eastern District Road Fund to the Western District Road Fund, FY10-11. The County Administrator is hereby authorized and directed to transfer these funds in accordance with this action.

ADJOURN

Now, there being no further business to be transacted and upon motion of Supervisor Campbell, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members

present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adjourn this meeting.

The next meeting is scheduled for September 7, 2010 at 6:00 p.m.

Seth R. White, Chairman

/rg

12:08 a.m.