

**VIRGINIA:** At a regular meeting of the Tazewell County Board of Supervisors held December 7, 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, Chairman  
D. Michael Hymes, Member  
John Absher, Member  
Jim T. Campbell, Jr., Member  
C. Eric Young, County Attorney  
Patricia Green, Assistant County Administrator  
Ruth Groseclose, Administrative Assistant  
Members of the Press: Jim Talbert, Clinch Valley News/Richlands News Press; Greg Jordon, Bluefield Daily Telegraph

**ABSENT:** Jim Spencer, County Administrator

The Chairman, Seth R. White welcomed those present and called the regular meeting to order and presided with all members in attendance. Invocation was given by Chairman White, followed by the Pledge of Allegiance to the United States Flag.

The County Administrator, Jim Spencer was absent from the meeting due to a death in his immediate family. Chairman White expressed deepest condolences to the Spencer family.

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**AGENDA APPROVED AS AMENDED**

Upon motion of Supervisor Hymes, 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 December 7, 2010 agenda as amended.

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## **MINUTES APPROVED AS WRITTEN**

### **October 5, 2010 Minutes**

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 October 5, 2010 regular meeting minutes as written.

### **October 25, 2010 Minutes**

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 October 25, 2010 recessed meeting minutes as written.

### **November 9, 2010 Minutes**

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 November 9, 2010 regular meeting minutes as written.

## **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 enters into an executive/closed meeting, pursuant to Virginia Code Section 2.2-3711:

- A-6 & A-19 Consideration of the investment of Public funds where competition or bargaining is involved, where, if made public initially, the financial interests of the government unit would be adversely affected and discussion of plans to protect public safety involving potential grant funding involving the Town of Richlands
- A(3) Property Disposition involving the old County Health Department Building
- A-(6) & A(29) Investment of Public funds regarding expansion of the county landfill and modification of an existing contract for landfill development

- A(1) Personnel matter involving Litter Control Officer
- A(1) Two (2) Personnel matters- involving County Administrator and County Attorney

**RETURN/CERTIFICATION/REPORT OF ACTION**

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. The Chairman called for a roll call vote with the following vote hereby recorded.

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

Nays: None

Absent: None

Absent during vote: None

**ACTION OF A RESULT OF THE 1<sup>ST</sup> EXECUTIVE/CLOSED MEETING  
TOWN OF RICHLANDS, VIRGINIA –  
MT. EMPIRE CRIMINAL JUSTICE INFORMATION NETWORK GRANT**

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 enters into an agreement with the Town of Richlands, Virginia for the County of Tazewell, Virginia to act as the fiscal agent for the Mountain Empire Criminal Justice Information Network Grant from the Commonwealth Department of Criminal Justice Services and hereby further authorizes the Chairman to execute the same on behalf of the County, contingent upon legal review. A copy of the agreement in its executed form, once approved by legal counsel, will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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**BLUEFIELD BUSINESS AND PROFESSIONAL ASSOCIATION-  
CITIZEN OF THE YEAR AWARD**

Erik Robinson, on behalf of the Bluefield Business and Professional Association, presented the *Citizen of the Year Award* to Dave Anderson. Mr. Robinson stated that the Association recognizes all the time-consuming and often tedious work required of Supervisor Anderson and the Association appreciates his representation to the people in the Bluefield area. Supervisor Anderson thanked Mr. Robinson for the recognition and received a round of applause for his efforts.

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**CONSENT CALENDAR APPROVED**

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 APPROVED AS PAID**

**October/November 2010**

**Payroll**

Ordered that Warrant Nos. 132958 through 133042, and direct deposits totaling \$208,525.26 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending October 31, 2010, be approved.

Ordered that Warrant Nos. 133044 through 133120 and direct deposits totaling \$200,230.77 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending November 15, 2010 be approved.

**Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 450011 through 450191, for \$351,278.51 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of October, 2010, be approved.

Ordered that Warrant Nos. 450193 through 450209, for \$149,376.07 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending October 31, 2010, be approved

Ordered that Warrant Nos. 450211 through 450338, for \$19,650.00 from the General Fund, covering operating expenses for the various County agencies for the month of November, 2010, be approved.

Ordered that Warrant Nos. 450340 through 450499, for \$557,925.58 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of November 2010, be approved.

Ordered that Warrant Nos. 450501 through 450519 for \$154,580.07 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending November 15, 2010, be approved.

**Handwritten**

Ordered that Warrant Nos. 801529 through 801539 for \$992,856.52 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of October 2010, be approved.

• **Coyote Claims Approved**

- \$50.00 to Jody Shortridge, PO Box 1287 North Tazewell, VA 24651 for 1 coyote killed on October 30, 2010 with a rifle
- \$50.00 to Donald Ellison, 290 Roma Rd. North Tazewell, VA 24651 for 1 coyote killed on November 7, 2010 with a snare
- \$50.00 to Rita White, PO Box 52, Horsepen, VA 24619 for 1 coyote killed on November 12, 2010 with a vehicle
- \$50.00 to Jeff Crouse, PO Box 552 North Tazewell, VA 24630 for 1 coyote killed on November 2, 2010 with a gun
- \$50.00 to Curtis Hylton, 145 Beavers Hollow Road, North Tazewell, VA 24630 for 1 coyote killed with a rifle on November 13, 2010.
- \$50.00 to Anthony Stilwell, 1645 Pounding Mill Branch Rd. Pounding Mill, VA 24637 for 1 coyote killed with a rifle on November 13, 2010
- \$50.00 to Dewey Quesenberry, PO Box 24, Amonate, VA 24601 for 1 coyote killed with a rifle on November 13, 2010
- \$50.00 to Carlos Baker, PO Box 394, Tazewell, VA 24651 for 1 coyote killed with a gun on November 3, 2010.
- \$200.00 to Donald Howard, 375 Dairy Barn Rd. Bluefield, VA 24605 for 4 coyotes killed with a rifle/snare on November 13, 2010.
- \$50.00 to Harold Miller, 155 Lombardy Rd. Bluefield, VA 24605 for 1 coyote killed on October 28, 2010 with a rifle.
- \$50.00 to Jack Harman, 6440 Sinking Waters Rd. Bandy, VA 24602 for 1 coyote killed with snare on October 26, 2010
- \$50.00 to Wanda Gillespie, PO Box 122, Bishop, VA 24604 for 1 coyote killed with gun on October 30, 2010
- \$50.00 to Albert Sheets, 124 Hopkins St. North Tazewell, VA 24630 for 1 coyote killed with a vehicle on November 7, 2010
- \$50.00 to Charles Hayes, 308 Little Tumbling Creek, Tannersville, VA 24377 for 1 coyote killed on October 26, 2010 with a rifle.
- \$100.00 to Ray Howell, 1477 Rosenbaum Rd. Bluefield, VA 24605 for 2 coyotes killed on Oct. 28, 2010 with a snare.

- \$50.00 to Lonnie Endicott, 615 Harbor St. Pounding Mill, VA 24637 for 1 coyote killed with a rifle on November 18, 2010.
- \$50.00 to Jack Thompson, 905 NYE Valley Rd. Bastian, VA 24314 for 1 coyote killed with a gun on Nov. 19, 2010.
- \$50.00 to Ronald Kinder, 2226 Freestone Valley Road, Tannersville, VA 24377 for 1 coyote killed on Nov. 27, 2010.
- \$350.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, Virginia 24651 for 7 coyotes killed on 1/10/2010; 11/11/2010; 11/13/2010 & 11/27/2010 with a rifle & snare.
- \$50.00 to Danny Strouth, 105 Woodlane, Richlands, Virginia 24641 for 1 coyote killed on 11/25/2010 with a rifle.
- \$50.00 to Kenneth Burkett, 177 Burkett Drive, North Tazewell, VA 24630 for 1 coyote killed with a rifle on November 27, 2010.
- \$400.00 to Clinton Bell, 1987 Cove Rd. Tazewell, Virginia 24651 for 8 coyotes killed with snare & rifle on Oct. 29, 2010; Nov. 8, 2010; Nov. 9, 2010; Nov. 10, 2010; Nov. 26, 2010.
- \$100.00 to Johnny Horn, 904 Goss Rd. Bluefield, VA 24605 for 2 coyotes killed on December 5, 2010 with a rifle.
- \$50.00 to Kenneth Christian, RR1 Box 263 G, Cedar Bluff, VA 24609 for 1 coyote killed on December 10, 2010 with a rifle.
- \$50.00 to Steven Short, Box 698 Steels Ln. Tazewell, VA 24651 for 1 coyote killed on November 29, 2010 with a snare.
- **Library Budget**
  - Approved \$50.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Library Budget No. 7301-3099 as donation received
- **DSS Employee's**
  - Allowed the Dept. of Social Services to provide a one-time 3% cost of living supplement for all full-time DSS employees and a \$100.00 cost of living supplement for all part-time DSS employees from DSS funding (will not involve County funding)

- County Employees - Clarified a 3% one-time payment for full-time employees approved at November 9, 2010 meeting: Employees hired to full time positions after July 1, 2010 will only be eligible for one-time payment of \$150 instead of 3%.
- **Annual Employee Christmas Party**
  - Approved to close County Offices on Wednesday, December 15, 2009 from 11:30 a.m. to 1:30 p.m. for the Annual Employee Christmas Luncheon at Nuckolls Hall.
- **Airport Authority**
  - Declared a 1999 Ford Crown Vic – located at Landfill Impound Lot as surplus property and donate same to the Tazewell County Airport to use as a courtesy car.

**VIN# 2FAFP71W5XX124445**

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**ROBERTS RULES OF ORDER SUSPENDED-  
AGENDA FORMAT CHANGED**

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby suspend Robert's Rules of Order and modify the agenda format for the purpose of discussing several items earlier in the meeting.

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**EMERGENCY SERVICES – ABBS  
VALLEY FIRE DEPT. \$8,975.00 APPROVED**

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 hereby approves the amount of \$8,975.00 from Account No. 32010-8109, Fire Dept. Capital Outlay, payable to the Abbs Valley Fire Department, 160 Kayla Avenue, Boissevain, VA 24606, to assist towards the purchase of a poly-water skid tank. 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.

**\$1,000.00 from Northern District Fund re: Poly-Water Skid Tank**

Further, upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Northern District Fund, payable to the Abbs Valley Fire Department, 160 Kayla Avenue, Boissevain, VA 24606, to assist in the purchase of a poly-water skid tank. 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.

**PAGER OPERATIONS -  
FIRE RESCUE**

Supervisor Campbell, on behalf of the Emergency Services Committee, addressed concerns that several fire departments Alpha/Numeric pagers not operating properly, i.e. not going off. The Board requested that Derrick Ruble, or a 911 representative attend the next meeting of the Emergency Services Committee to address the problem. Supervisor Campbell also requested that Ruth Groseclose provide the Board with ESC protocol/bylaws, pertaining to ESC structure. A recommendation was made that the County appoint a 9-1-1 representative/or ad-hoc member to serve on the ESC Committee. Supervisor Hymes also mentioned his recent conversation with the Sheriff with regard to making sure Baptist Valley receives adequate fire coverage. He stated that the Sheriff needs a letter from Tazewell County Fire & Rescue advising his department that the TCFR would provide coverage for the Baptist Valley area 24-7 in order for the 9-1-1 Dept. to send fire calls to Tazewell County Fire & Rescue.

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**RESOLUTION APPROVED**

Delegate Will Morefield, Virginia House of Delegates, presented a preliminary alignment improvement report for the Claypool Hill to Chilhowie Corridor project. Delegate Morefield was accompanied by Jim Thompson, Thompson & Litton who prepared the Claypool Hill to Chilhowie Corridor Development Report. Delegate Morefield said the concept of the new roadway corridor from Claypool Hill to I-81 near Chilhowie would significantly increase economic development in Tazewell, Buchanan, Dickenson and Smyth Counties, as well as improves access to Southwest Virginia Community College, with the proposed corridor location

enhancing regional development and would complement the Coalfields Expressway and Route 460 improvements. Delegate Morefield requested that the Board of Supervisors begin the process by endorsing a resolution to the General Assembly requesting the formation of a SWVA Transportation Authority and make its first priority construction of improvements of Route 91 from Claypool Hill to Chilhowie, VA.

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

WHEREAS, the Board desires to further develop the County's Economy, to enhance Tourism, and to in all ways otherwise enhance the standard of living for its residents; and

WHEREAS, the Board believes a transportation infrastructure is the foundation of our economy; and

WHEREAS, the Board therefore believes improvement of major transportation corridors throughout Southwest Virginia will enhance economic opportunities for all County Residents; and

WHEREAS, the improvement of Route 91 from Chilhowie, Virginia to Claypool Hill, Virginia would be a fundamental improvement to the Transportation Infrastructure throughout Southwest Virginia; and

WHEREAS, the Board is aware that such fundamental improvement will require the resources and cooperation of many localities; and

WHEREAS, the Board desires to work with other localities to carry out improvements of Route 91;

NOW, THEREFORE BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby requests that the General Assembly approve the formation of a Southwest Virginia Transportation Authority and that said Authority should make its first priority construction of improvements of Route 91 from Claypool Hill, Virginia to Chilhowie, Virginia generally along the course as shown on the attached map.

**TAZEWELL RESIDENCY (VDOT)**

Supervisor Hymes requested that Delegate Morefield do whatever is necessary to assist in getting the VDOT residency in Tazewell reopened.

### **TAZEWELL COMMUNITY HOSPITAL (CARILON) UPDATE**

Supervisor Mike Hymes stated that he was waiting on the results of a study with regard to the status of the Tazewell Community Hospital facility.

He presented a list of Carilon contacts to Ms. Groseclose and requested that the list be placed on the County's website. He encouraged people to call THC officials noting the importance of the hospital to Tazewell County.

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### **APPOINTMENTS**

- Airport Authority – deferred
  - JEDA – deferred
  - Southwest Va Emergency Council, Inc. – reappointed Rhudy Keith, 5759 Baptist Valley Road, North Tazewell, VA 24630 for at term commencing January 1, 2011 and expiring December 31, 2013
  - Jeffersonville Rescue Board of Directors – deferred
  - Tazewell County PSA – reappointed Rhudy Keith, reappointed Rhudy Keith, 5759 Baptist Valley Road, North Tazewell, VA 24630 for a term commencing January 1, 2011 and expiring December 31, 2014 (4 year term)
  - Redistricting /Census 2010 – appointed Barnes Kidd, 7893 Baptist Valley Road, North Tazewell, VA 24630
  - Emergency Services Committee – appointed Garland Roberts, 3604 Abbs Valley Road, Bluefield, VA 24605 with a term effective immediately and expiring June 30, 2012.
  - Social Services Board – appointed Chris Thompson, PO Box 188, North Tazewell, VA 24630 with a term commencing January 1, 2010 and expiring December 31, 2014 (4 year term)
  - Wireless Services Authority – deferred (Wireless Meeting Scheduled for December 10, 2010)
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## **MIDDLE CREEK DECENTRALIZED SEWER PROJECTS**

Upon motion of Supervisor Absher, 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 following Middle Creek Decentralized Sewer Project Agreements/Resolutions as presented this date with copies of same as hereby approved on file in the office of the Tazewell County Administrator, 108 East Main Street, Tazewell, Virginia. The Chairman of the Board of Supervisors and the County Administrator is hereby authorized and directed to execute the documents in the form as presented on behalf of the Board of Supervisors of Tazewell County, Virginia:

- CONTRACT AGREEMENT – between the Tazewell County Public Service Authority and the Cumberland Plateau Planning District Commission for Administration of Virginia Community Development Block Grant – MIDDLE CREEK DECENTRALIZED SEWER PROJECTS
- Residential Anti-Displacement and Relocation Assistance Plan
- Non-Discrimination Policy
- Fair Housing Certification
- Agreement – PSA's ownership and operation of the sewer system
- Tazewell County Local Business and Employment Plan

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## **PUBLIC HEARING**

### **PROPERTY DISPOSITION-**

#### **ONE (1) CRASH TRUCK AND TWO (2) AMBULANCES**

The Chairman, Seth R. White called to order a public hearing that was duly advertised according to law, entitled a Public Hearing to consider the Disposition of Property, i.e. two (2) ambulances and one (1) crash truck – titled in the County's name, insured by the County of Tazewell, used by the Jeffersonville Volunteer Rescue Squad located in the Town of Tazewell, VA 24651. The Board of Supervisors will consider the conveyance/disposition of same to the Town of Tazewell, Virginia pursuant to Virginia Code Section 15.2-951.

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

Mr. Chris Blankenship, Chair of the Jeffersonville Volunteer Rescue Squad Board and Service Chair of the Town of Tazewell Emergency Services gave a brief update of current operations of the JVRS. He reported that the vehicles in question and in conjunction with the public hearing this date have been in rotation and are working very well. He reported that the 911-call rotation is also working very well. Both entities, Tazewell County Fire & Rescue and Jeffersonville Volunteer are working good and responding as required of them. He said Jeffersonville responded to 107 calls last month with prior monthly calls as high as 150 with the vehicles working out well. Supervisor Hymes questioned whether Jeffersonville would be interested in answering calls in Baptist Valley. Mr. Blankenship stated that Jeffersonville would not be interested in answering initial calls in Baptist Valley, but if Baptist Valley needed a back up, Jeffersonville would be glad to respond. He said Jeffersonville has no problems with the rotations as is.

With regard to the agreement between and Town and County, the County Attorney, Eric Young stated that the County is waiting to hear back from the Town of Tazewell.

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

Supervisor Hymes moved the conveyance of the three (3) vehicles to the Town of Tazewell, Virginia, with Supervisor Absher seconding the foregoing.

Now, upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby table Supervisor's Hymes motion with regard to the disposition/conveyance of assets/equipment to the January 2011 – organization/annual meeting of the Board of Supervisors in order for the County Attorney to again present the terms of the agreement to the Town of Tazewell Attorney prior to the consideration of same. Supervisor Hymes stated that he would contact the Sheriff with regard to protocol relative to the rotation of calls.

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**PUBLIC HEARING –  
PROPOSED ORDINANCE TO REGULATE THE ACCEPTANCE OF ROADS  
INTO THE COUNTY SYSTEM**

The Chairman, Seth R. White, called to order a public hearing that was duly advertised according to law, entitled “**AN ORDINANCE TO HEAR CONCERNS REGARDING A PROPOSED ORDINANCE TO REGULATE THE ACCEPTANCE OF ROADS INTO THE COUNTY SYSTEM.**” A complete copy of the ordinance as proposed for adoption was posted at the front door of the County Courthouse and a copy of same on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651, as follows:

**AN ORDINANCE TO REGULATE THE ACCEPTANCE OF ROADS INTO THE  
COUNTY SYSTEM**

WHEREAS the Board desires to maintain certain public roads within the County which are not within the Virginia Department of Transportation System and not within the corporate limits of any town;

WHEREAS the Board desires to maintain such system of County roads in an orderly fashion, to protect the safety of the travelling public, to prevent the inclusion of ill conceived roads that represent an extraordinary maintenance burden on the County, and to provide the public quality access to their homes and businesses;

NOW THEREFORE, be it ORDAINED that:

**Sec. 1 County Road Standards**—The Board of Supervisors shall not repair, improve or maintain any road not included on the attached “List of County Roads “unless the following criteria are met:

a. The road must have a width of thirty (30) feet of dedicated public right of way as certified by the County Attorney, or an attorney retained by the Board for the purpose of determining roadway rights of way.

b. The right of way must include all necessary drainage easements, as

certified by the County Attorney, or an attorney retained by the Board for the purpose of determining roadway rights of way, and the County Engineer or any other licensed engineer retained by the Board for purposes of determining the drainage requirements of public roads.

c. The road must connect with a State maintained public road or another road in the County system that meets the same standards contained in this ordinance.

d. The road right of way must intersect on both ends with a road described in part (c) or at its terminus include sufficient right of way for a *cul-de-sac* or “T” turn around.

e. The road must serve a minimum of ten residences.

f. The Board may by resolution set such additional standards, as the Board may deem necessary.

**Sec. 2 Road Acceptance Procedure-** The Board of Supervisors shall not repair, improve, or maintain any road not included on the attached “List of County Roads” except by the following process:

a. Upon resolution of the Board, the Board shall cause to be advertized a public hearing to consider accepting the road into the County road system. Such advertisement shall meet the standards set forth in the Code of Virginia for any other County Ordinance. Such advertisement shall also include providing written notice by certified mail to the owners of each parcel that connects to the road as shown by the County tax maps: the names and addresses of the adjoining property owners for purposes of the advertisements shall be as shown in the Commissioner of Revenue’s records, unless any other owners or addresses are known.

- b. The advertisement shall include the names of the affected property owners, the number of homes served by the road, and an estimated cost to improve the road to meet the standards set forth in this ordinance.
- c. After consideration of any comments made at the public hearing, the Board shall refer the proposal to the Planning Commission for comment.
- d. After receipt of official comment from the Planning Commission or after sixty (60) days from the date of the public hearing, the Board may vote to accept the road into the County Road System.
- e. The minutes shall include a certification of compliance with the standards set forth in this ordinance by the County Attorney, County Engineer, and County Administrator.
- f. An instrument indicating the County's acceptance, containing a certified Copy of the Ordinance accepting the road shall be recorded in the Circuit Court Clerk's Office among the land records, listing the adjoining property owners as Grantors and the Board of Supervisors as Grantee for indexing purposes.

**Sec. 3 Existing Roads** No road shall be repaired, improved, or maintained without compliance with this ordinance, unless it is listed on the attached "List of County Roads". Any other roads heretofore improved by the County without an expressed resolution of the Board accepting such road into the County Road system shall not be considered County Roads; the County's prior improvements thereof shall be deemed *ultra vires*; and no implication of acceptance by the Board of such roads into the system may be inferred from such improvements.

It is so ORDAINED by the Board on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

The following people spoke requesting repairs to various roads in the county:

1. B. C. Fuller, Triangle Road, Bluefield, VA 24605 – Mr. Fuller requested that the County consider repairs to approximately 400 ft. of Shawver Road located in the Eastern District and ask the County to consider taking this portion of road into the County’s Orphan Road Program.
2. Homer Nelson, 236 Ridgewood Drive, Pounding Mill, Virginia - telephone no. 963-2466. Mr. Nelson reported that the senior citizens living on Ridgewood Drive are having difficulty picking up their mail. The mailboxes are at the foot of the hill. He requested the county or state’s assistance in getting the road cleared.
3. Ed Huff, 349 Silver Spur Road, Goose Creek Subdivision, North Tazewell, VA 24630 requested that the road be placed the County’s paving schedule. Three (3) residents live on the road in question. Supervisor Hymes said once the drainage easements are received as well as the County having available road funds, the road in question could possibly be considered for repairs.
4. Ray Willis, 830 Rutherford Drive, Goose Creek, North Tazewell, VA 24630 – Requested that the County take the necessary actions to remove the snow on the road. He said the condition of the road is deplorable and wanted to know if the County contracts for snow removal. Supervisor Hymes reported that the County is not in the snow removal business and owns no snow removal equipment. Mr. Willis also stated that Whitley Branch Road is a State maintained highway, but the State seldom clears the road. Supervisor Hymes said he would get in touch with VDOT official, Conrad Hill in Lebanon to address this concern.

Now, the Chairman of the Board of Supervisors, Seth R. White, called for additional comments from the floor with regard to the subject public hearing three times, and there being none, he declared the public hearing closed.

Consideration of adopting the ordinance as proposed for adoption was deferred to the January 2011 organization meeting.

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

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## **GARLAND ROBERTS**

### **ABBS VALLEY FIRE DEPARTMENT – REQUEST FOR PUMPER**

Garland Roberts, 3604 Abbs Valley Road, Bluefield, Virginia, President of the Abbs Valley Fire Department, requested the urgent need for a pumper for the Abbs Valley Fire Station. He said he could not wait for six months or a year; he needed a pumper now because the Abbs Valley Station is the second busiest volunteer fire station in the entire county. Mr. Roberts reiterated the fire department's diligence to pay the fuel bills and all the other operating costs, noting the Department receives only \$7,200 in funding assistance from the County each year. He voiced his frustration with the Board of Supervisors for not approving the Sales Tax Recoupment money for emergency services use.

Chairman White acknowledged the county's plan to meet the needs of rural fire departments. He assured Mr. Roberts that work is in progress to have adequate equipment for emergency services. Supervisor Campbell also acknowledged his goal for a long-term commitment for fire department equipment needs. He also voiced the need to restructure the membership of the Emergency Services Committee; the committee seldom has a quorum. Supervisor Campbell reiterated the need to have a plan in place allowing the use of fire/rescue equipment by other departments during emergencies. Several members of the Board discussed the County Administrator's position as Emergency Services Director and noted his authority to make such call. The county attorney stated it would depend on the ownership of the equipment. Chairman White suggested that Supervisor Campbell and Garland Roberts meet with the Pocahontas Mayor Gibson to possibly work on a short-term solution for Abbs Valley Fire Department to use the town's truck and further suggested that the ESC call a special meeting to put a plan in place allowing the loan of fire/rescue equipment during emergencies. Chairman White stated the Board of Supervisors would consider new appointments to the Emergency Services Committee.

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**SHEA COOK – IDA MEMBER**

**REQUEST FOR JOINT MEETING BETWEEN BOARD OF SUPERVISORS AND INDUSTRIAL DEVELOPMENT AUTHORITY**

Shea Cook, 215 Washington Square, Richlands, Virginia and member of the Tazewell County Industrial Development Authority (IDA), requested a joint meeting between the IDA and the Board of Supervisors to get a better handle on economic development issues, i.e. Bluestone, potential property disposition as well as management of County owned property. He said the IDA has a very important mission. He said there have been several instances where a lack of communication exists between the two entities and reiterated the importance of having the same envisions. The Board of Supervisors agreed to meet with the IDA in a joint session December 16, 2010 at 6:00 p.m., with Chairman White suggesting that the meeting last no longer than two hours.

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**FLOOD PLAIN MANAGEMENT ORDINANCE – JOINT PUBLIC HEARING AUTHORIZED**

Upon recommendation of the Tazewell County Planning Commission at their meeting held December 9, 2010, and 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 authorizes and directs the County Administrator to advertise and schedule a joint public hearing January 11, 2011, between the Tazewell County Planning Commission and the Tazewell County Board of Supervisors with regard to a proposed Flood Plain Management Ordinance.

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**ORDINANCE TO PERMIT CERTAIN SUBDIVISIONS TO INCLUDE PRIVATE ROADS NOT OPEN TO THE GENERAL PUBLIC – JOINT PUBLIC HEARING AUTHORIZED**

Upon recommendation of the Tazewell County Planning Commission at their meeting held December 9, 2010 and 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 authorizes and directs the

County Administrator to advertise and schedule a joint public hearing January 11, 2011, between the Tazewell County Planning Commission and the Tazewell County Board of Supervisors with regard to a proposed Ordinance to Permit Certain Subdivisions to include Private Roads not open to the General Public.

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### **LONG RANGE TRANSPORTATION PLAN**

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 requests that the Route 91 Corridor Project - Claypool Hill to Chilhowie, Virginia, as presented by VA Delegate Will Morefield, and as adopted by the Board of Supervisors this date, be included in the Regional Long Range Transportation Plan, pursuant to Cumberland Plateau Planning District's letter & road list, dated October 25, 2010.

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### **PROPOSED ZONING**

Supervisor Anderson reiterated the importance of Zoning in Tazewell County. He requested that he attend the mid December 2010 meeting with the consultant and ask that he be notified of the meeting time & date accordingly. Supervisor Anderson also requested that the Board of Supervisors be notified of the January 2011 Zoning Community meeting dates, times and locations. January 24-27, 2011 was announced as the tentative dates for the four (4) community meetings, if suitable locations can be arranged.

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### **TAZEWELL COUNTY SCHOOL BOARD – STIMULUS FUNDS MOTION**

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 4 to 1, with Supervisor Hymes voting no, and with all members present, the Tazewell County Board of Supervisors hereby approves an appropriation to the Tazewell County School Board of \$413,244.00 for the teachers' stipends as proposed by the School Board at the joint meeting held October 25, 2010 between the Tazewell County School Board and the Tazewell County Board of Supervisors, and an additional \$20,304.00 be approved to increase the stipend for teachers at years twenty, twenty-one, and twenty-two on the pay scale to equal the gross pay

increase they would have received for their current contract year, had their respective steps been fully funded. Further, as part of this motion, this appropriation, of a total of \$433,548.00 is contingent on the entire stipend being paid for from Federal Stimulus funds received by the Tazewell County School Board for such purpose, and on the School Board distributing these funds as described in this motion and further that a joint budget committee meeting be held to review the Plan proposed by the Tazewell County School Board.

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**VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)  
REQUIRED FOR THE MASS NOTIFICATION SYSTEM (E.O.C. PACKAGE)**

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 adopts a resolution form - from the Virginia Department of Emergency Management (VDEM) required for the Mass Notification System (E.O.C. Package) authorizing and directing the County Administrator of Tazewell County, Virginia to execute, for an on behalf of the named applicant, Tazewell County Emergency Communications, 9-1-1 Center, a public entity established under the laws of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia. A copy of the resolution, in a form as hereby approved, is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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**SECOND CHANCE LEARNING CENTER**

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 monies from District Funds as set forth below, payable to the *Second Chance Learning Center – Benefit 2011*, attn: *Erik Robinson, 14 Westwood Medical Park, Bluefield, VA 24605*, with said warrant being converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651:

\$5,000.00	Eastern District
500.00	Northern District
500.00	Southern District

500.00 Northwestern District  
500.00 Western District  
\$7,000.00 Total

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**CARLOCK- PRUETT BUILDING FOUNDATION**

**\$10,000.00 FROM EASTERN DISTRICT FOR EQUIPMENT**

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$10,000.00 from the Eastern District Funds to assist with the purchase of equipment for the Carlock-Pruett Building Foundation (new training facility and gymnasium complex behind Graham High School). The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

**GHS – PROM 2011 FUND RAISER FOR TOY’S EVENT**

Further, that the amount of \$100.00 is hereby approved from the Eastern District Fund, payable to Graham High School, Bluefield, VA 24605, to assist with the GHS Prom – fundraiser for toy’s event. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**911 SURPLUS COMPUTERS**

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 authorizes and directs the County Administrator to send a letter to the 911 office requesting the donation of old 911 computers to the County/PSA for the purpose of utilizing the computers for billing purposes/credit card use.

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**CITIZEN NEWS LETTER – FY11-12**

Supervisor Anderson requested that the County consider allocating monies in the FY11-12 budget process for expenses associated with a proposed county newsletter. He expressed the importance of keeping citizens informed of County business and events.

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**1986 SUBURBAN –DECLARED SURPLUS AND DONATED TO THE THOMPSON VALLEY FIRE DEPARTMENT**

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 declares the 1986 Chevrolet Suburban housed at the Thompson Valley Fire Department, VIN NO. 1G8GK26MZGF194188, as surplus property and hereby donates same to the Thompson Valley Fire Department.

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**FIRE DEPARTMENT INSURANCE-**

**OTHER INSURED ACTIVITIES, SHARE THE BLESSINGS PROGRAM**

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 add the Share the Blessing Program event to the covered activities/other regularly approved insured activities of the Tazewell County Fire Department(s). This event involves the use of county fire department vehicles to deliver food to shut-ins at Christmas-time. Other covered events approved by the Board of Supervisors a previous meeting held, September 7, 2010 regular meeting include: Fire Departments helping with the Tazewell County Fair; Education events, i.e. visits to area schools, community centers during Fire Prevention Week and 4<sup>th</sup> of July Firework Displays.

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**WHITE CHRISTMAS – LABOR OF LOVE MISSION**

**\$1,250.00 (\$250.00 from each District Fund)**

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 hereby approves the amount of \$1,250.00 (\$250 from each District Fund respectively [Southern, Eastern, Northern, Northwestern & Western]) payable

to White Christmas, PO Box 386, North Tazewell, VA 24630. The County Administrator is hereby authorized and directed to issue said warrant and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**TAZEWELL HIGH SCHOOL – \$1,500.00**

**(\$1000 Southern District & \$500.00 Northern District)**

**FOR FOOTBALL PROGRAM/WEIGHT ROOM EQUIPMENT**

Upon motion of Supervisor Hymes and adopted 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 \$1,500.00 (\$1,000 Southern District & \$500 Northern District) payable to Tazewell High School Football Program to assist with the purchase of weight room equipment. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**TAZEWELL MIDDLE SCHOOL, GIRL'S BASKETBALL**

**\$600 – PURCHASE OF TEAM SWEATSHIRTS**

Upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$600.00 (\$300.00 from Northern District & \$300.00 from Southern District); payable to the Tazewell Middle School -Girls Basketball Program, to assist with the purchase of team sweatshirts. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia 24651.

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**ORPHAN ROAD PROGRAM MONIES –  
TRANSFERS APPROVED**

Upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same,

the Tazewell County Board of Supervisors hereby approves the following Northern & Southern Orphan Road Program/Coal Road Improvement Fund Account Transfers as set forth below to cover deficient funding. The County Administrator is hereby authorized and directed to transfer these funds in accordance herewith this action:

- The amount of \$1,314.56 from Account No. 41010-3320-2 (Coal Road Maintenance Acct. to Account No. 91030-8109-2 (Coal Road Improvement Fund)
- The amount of \$15,041.37 from Account No. 41010-3310 3 (Road Grading Projects Acct. to Account No. 91030-8109-3 (Coal Road Improvement Fund)

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**BANDY COMMUNITY CENTER – LAWN MOWER**

**- \$2,000.00 NORTHERN DISTRICT FUND**

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,000.00 from the Northern District Fund, payable to the Bandy Community Center to assist with the purchase of a lawnmower for the Bandy Community Center. 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. Supervisor Campbell stated that the Bandy Community Center was a 501©3 organization.

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**EXECUTIVE/CLOSED MEETING**

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enter into an Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711 AND further hereby authorizes and approves Mr. Shea Cook's participation in the A-3 Property Disposition discussion if necessary.

- A-3 Property Disposition – involving the old County Health Department Building
- A-1 Two (2) Personnel matters – County Attorney and County Administrator contracts

**RETURN/CERTIFICATION/REPORT OF ACTION**

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 returns from the Executive/Closed Meeting and hereby adopts the following certification of resolution read by Supervisor Hymes:

**RESOLUTION/CERTIFICATION  
OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: 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  
COUNTY ATTORNEY, C. ERIC YOUNG- EMPLOYMENT AGREEMENT**

**APPROVED**

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 the EMPLOYMENT AGREEMENT for C. Eric Young, County Attorney, subject to external legal review. A copy of same, in its

final approved form will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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**OTHER ACTION AS PROPERLY TRANSACTED:**

**SCHOOL BOARD –**

**COUNTY ADMINISTRATOR TO SEND LETTER SEEKING ANSWERS REGARDING THE DISPOSITION OF BOOKS FROM CLASS ROOMS AS A RESULT OF THE ELGIN READING FOUNDATION GRANT**

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 authorizes and directs the County Administrator to write a letter to the School Board, on behalf of the Tazewell County Board of Supervisors, seeking answers relative to the disposition/removal of books from classrooms as a result of the Elgin Reading Foundation Grant.

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**RECESS TO DECEMBER 16, 2010 AT 6:00 P.M.**

Now, there being no further business to be transacted, and upon motion of Supervisor Hymes, 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 recesses this meeting to December 16, 2010 at 6:00 p.m. for the purposes of conducting a joint meeting with members of the Tazewell County Industrial Development Authority.

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Seth R. White, Chairman

By: rg

Adjourn time 11:26 p.m.