

January 5, 2010

**VIRGINIA:**           **At an organizational meeting of the Tazewell  
County Board of Supervisors held January 5, 2010  
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  
Jim Campbell, Member  
John Absher, Member  
James H. Spencer, III – County Administrator  
Eric Young, County Attorney  
Patricia Green, Assistant County Administrator  
Ruth Groseclose, Administrative Assistant  
Gary Earp, County Engineer  
Members of the Press: Jim Talbert, CVN/RNP; Charles  
Owens, Bluefield Daily Telegraph**

**ABSENT:**           **None**

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Presiding Chairman, David R. Anderson called the annual/organizational meeting to order with all members in attendance and welcomed those present.

Supervisor White gave the invocation with Supervisor Hymes leading those present in the pledge of allegiance to the United States flag.

The Chairman then welcomed new board of supervisor member, John Absher. Mr. Absher was elected November 3, 2009 as the new Western District Board of Supervisor representative for a term commencing January 1, 2010 and expiring December 31, 2013 (four (4) year term). Mr. Absher said he was glad to be part of this board and excited about the challenges that await him.

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**AGENDA APPROVED**

The Chairman then called for a motion to approve the agenda format, with Supervisor White moving and with Supervisor Campbell seconding the motion to approve the January 5, 2010 agenda format as hereby amended, with all members present voting in favor thereof and none against.

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**MINUTES APPROVED**

**4 to 0 (Absher Abstaining)**

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 4 to 0, with Supervisor Absher abstaining from the vote, the Tazewell County Board of Supervisors hereby approves the November 17, 2009 and the December 1, 2009 Board of Supervisors meeting minutes as written, except that page 18 – mail out agenda, page 41, paragraph 2 to read “return to Roots \$500 approved from the Western District Fund” instead of the Northwestern District Fund. The correction was noted by Supervisor White. The minutes shall be amended accordingly and the County Accounts payable Department shall transfer funds as hereby amended. Supervisor Absher abstained from the vote approving both sets of minutes because his term of office did not take effect until January 1, 2010.

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**ORGANIZATIONAL STRUCTURING**

Presiding Chairman, Dave Anderson then gave the floor to the County Administrator, Jim Spencer, who opened the floor for nominations for Chairman of the Tazewell County Board of Supervisors for calendar year 2010 or until his successor is duly elected.

The name of Seth R. White was placed in nomination by Supervisor Absher with Supervisor Anderson seconding the foregoing. The County Administrator then asked for further nominations for Chairman of the Board of Supervisors. Now, there being none, Supervisor Anderson moved that nominations be closed with Supervisor Absher seconding the foregoing and which motion passed unanimously. Then Supervisor Anderson moved with Supervisor Absher seconding the motion to elect Seth R. White by acclamation as Chairman of the Tazewell County Board of Supervisors for calendar year

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2010 or until his successor is duly elected, with all members voting in favor thereof and none against. The following roll call vote is hereby recorded:

Supervisor Absher: Aye                      Supervisor Campbell: Aye  
Supervisor Hymes: Aye                      Supervisor Anderson: Aye  
Supervisor White: Aye

The Chairman thanked the Board of Supervisors for electing him chairperson and said that he hoped he could do a good job and live up to everyone's standards.

**ELECTION OF A VICE CHAIRMAN**

The Chairman, Seth R. White, called for nominations from the floor for Vice Chairman of the Tazewell County Board of Supervisors for calendar year 2010. The name of Dave R. Anderson was placed in nomination by Supervisor Absher with Supervisor Campbell seconding the foregoing. The Chairman then called for further nominations for a Vice Chairman of the Board of Supervisors. There being none, the Chairman declared nominations closed with Dave R. Anderson elected as Vice Chairman of the Tazewell County Board of Supervisors by acclamation for a term of one (1) year or until his successor is duly elected. The following roll call vote is hereby recorded:

Supervisor Absher: Aye                      Supervisor Campbell: Aye  
Supervisor Hymes: Aye                      Supervisor Anderson: Aye  
Supervisor White: Aye

**REGULAR MEETINGS – DATE, TIME AND LOCATION**

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 designates the first Tuesday of each month, beginning at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651 as the meeting date, time and location of the Tazewell County Board of Supervisors regular meetings for calendar year 2010.

**ROBERT'S RULES OF ORDER ADOPTED**

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts Robert's

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Rules of Order, as the official rules of procedure for conducting meetings/business of the Tazewell County Board of Supervisors for calendar year 2010.

**CLERK TO THE BOARD OF SUPERVISORS**

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 appoints James H. Spencer, III as the Clerk to the Tazewell County Board of Supervisors for calendar year 2010.

**DIRECTOR OF EMERGENCY SERVICES NAMED**

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 appoints James H. Spencer, III as the Director of Emergency Services for Tazewell County, Virginia for calendar year 2010.

**VACo – COUNTY LEGISLATIVE CONTACT –**

**SETH R. WHITE & MIKE HYMES**

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 appoints Seth R. White & D. Michael Hymes to serve as Tazewell County's legislative contact to work with VACo during the upcoming 2010 General Assembly.

**TAZEWELL COUNTY BUDGET COMMITTEE, FY10-11**

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 appoints Supervisors Anderson and White to serve as the Board of Supervisors representatives on the Tazewell County Budget Committee with Supervisor Hymes serving as Supervisor Anderson's alternate and with members Absher and Campbell serving as Supervisor White's alternates as may be necessary and appropriate.

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**EXECUTIVE/CLOSED MEETING**

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 enters into an executive/closed meeting pursuant to Virginia Code, Section 2.2-3711 as set forth below:

- A-7 Legal matter/potential litigation involving a claim against the County “Hale”
- A-7 Legal matter /potential litigation involving an illegal junk yard
- A-5 Prospective Industry / involving a business or industry locating in the Northern District – where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community
- A-5 Two (2) Prospective Industry/involving a potential project(s) at the Bluestone where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community No. 1 Pioneer and No. 2 2010-01
- A-19 Discussion of reports or plans involving Courthouse Space
- A-3 Property Disposition involving a road matter in the southern district
- A-1 Personnel Matter involving Maintenance Code Enforcement Officer
- A-1 Personnel Matter involving law enforcement officer.
- A-7 Legal Matter involving investigation of charitable status of an entity funded by the Board of Supervisors

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**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 Session, with Supervisor Dave Anderson reading the certification as set forth below:

**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.

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

**Nays: None (0)**

**Absent: None (0)**

**Absent during vote: None (0)**

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

Then, 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 amends the

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agenda format to include an additional executive/closed meeting at the end of the meeting in order for the Board of Supervisors to continue discussion of the executive/closed meeting items as set forth on the agenda format as approved this date.

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**CONSENT CALENDAR APPROVED**

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

**WARRANTS APPROVED AS PAID**

**October/November 2009**

**Payroll**

Ordered that Warrant Nos. 130795 through 130882, and direct deposits totaling \$208,701.70 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending October 31, 2009, be approved.

Ordered that Warrant Nos. 130884 through 130970 and direct deposits totaling \$210,865.59 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending November 15, 2009, be approved.

**Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 445618 through 445783, for \$350,129.37 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 2009, be approved.

Ordered that Warrant Nos. 445785 through 445802, for \$140,251.61 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending October 31, 2009, be approved.

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Ordered that Warrant Nos. 445804 through 445932, for \$17,670.00 from the General Fund covering operating expenses for the various County agencies for the month of November 2009, be approved.

Ordered that Warrant Nos. 445934 through 446079, for \$1,109,846.42 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 2009, be approved.

Ordered that Warrant Nos. 446081 through 446100 for \$147,399.36 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending November 15, 2009, be approved.

**Handwritten**

Ordered that Warrant Nos. 801393 through 801409 for \$33,933.92 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of October 2009, be approved.

**WARRANTS**

**November/December 2009**

**Payroll**

Ordered that Warrant Nos. 130972 through 131059, and direct deposits totaling \$271,854.58 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending November 30, 2009, be approved.

Ordered that Warrant Nos. 131061 through 131144 and direct deposits totaling \$202,481.14 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 15, 2009, be approved.

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**Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 446102 through 446200, for \$288,293.16 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 2009, be approved.

Ordered that Warrant Nos. 446202 through 446220, for \$151,128.57 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending November 30, 2009, be approved.

Ordered that Warrant Nos. 446222 through 446362, for \$1,021,645.13 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of December 2009, be approved.

Ordered that Warrant Nos. 446364 through 446382 for \$146,524.40 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending December 15, 2009, be approved.

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- Ordered that Warrant Nos. 801410 through 801418 for \$69,958.06 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of November 2009, be approved.
- Coyote Claims Approved
  - \$50.00 to Keith Akers, 387 Ashworth Ln. Bluefield, VA 24605 for 1 coyote killed on Dec. 3, 2009 with a snare
  - \$50.00 to Keith Akers, 387 Ashworth Ln. Bluefield, VA 24605 for 1 coyote killed on Dec. 11, 2009 with a snare
  - \$50.00 to Danny Akers, Rt. 4, Box 1190, Bluefield, VA 24605 for 1 coyote killed on Nov. 13, 2009 with a snare
  - \$50.00 to Randall Rose, 305 Canterbury Rd. Bluefield, VA 24605 for 1 coyote killed on Nov. 23, 2009 with a trap

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- \$100.00 to Bascum Neil Turley, 3930 Freestone Valley Rd., Tannersville, VA 23477 for 2 coyotes killed on Nov. 14, 2009 with a rifle
- \$50.00 to Joseph White, 220 Stardust Ln. Tazewell, VA 24651 for 1 coyote killed with a rifle on Dec. 7, 2009
- \$50.00 to Roger Horton, 142 Mead Farm Rd. Tazewell, VA 24651 for 1 coyote killed with a vehicle on Dec. 8, 2009
- \$50.00 to Jack Howery, 230 Ferndale St. Cedar Bluff, VA 24609 for 1 coyote killed with a rifle on November 28, 2009
- \$50.00 to Donald Howard, 375 Dairy Barn Rd. Bluefield, VA 24605 for 1 coyote killed with a rifle on Nov. 27, 2009
- \$50.00 to William Rhudy, 175 Rhudy Creek Rd. Tazewell, VA 24651 for 1 coyote killed on Nov. 30, 2009 with a rifle.
- \$50.00 to Clinton Bell, Rt. 1, Box 350, Tazewell, VA 24651 for 1 coyote killed on Nov. 14, 2009 with a snare
- \$50.00 to Clinton Bell, Rt. 1, Box 350, Tazewell, VA 24651 for 1 coyote killed on Dec. 2, 2009 with a snare
- Damage Claims Approved
  - \$100.00 to Jesse Asbury, 4025 Hogback Road, Tazewell, Virginia 24651 for 1 sheep killed by stray dogs on November 24, 2009 by stray dogs (from claims & bounties account)
  - \$230.00 to Mike Bennett, 108 Desert Rose Drive, Tazewell, VA 24651 for 2 lambs killed by stray dogs on Oct. 30, 2009 (from claims & bounties account – contingent upon final approval by the Animal Control officer, Larry Nipper)
- Animal Shelter Transfer Approved
  - Approved up to \$7,500 from the FY09-10 Contingency Account to the Animal Shelter Account to pay for a new water heater plus installation

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- DARE Budget Approved
  - Approve the amount of \$500.00 from the Contingent Expenditures & Grant Account 91050-7041 to the DARE Supplies Account No. 31060-6021. This is a donation received from Jewell Smokeless Coal Corp for the DARE Program
- Adopted a resolution for Peakwood Drive – acceptance into VDOT’s Secondary Road System
- Ratified support letter for cable franchise bill
- Approved a letter of commitment for the Comprehensive One Stop
- Approved a Disaster Recovery Project – Program Income Plan

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**GUIDELINES – PUBLIC HEARING PROPOSED RIDGELINE ORDINANCE**

The County Attorney, Eric Young, presented a list of guidelines for the January 12, 2010 public hearing on the proposed Ridgeline Ordinance scheduled at Tazewell Middle School. The guidelines as presented are outlined below. The Chairman, Seth R. White suggested that the Board wait and see what the numbers are (attendance) before the Board sets a time limit for speakers. (approved at the end of this meeting).

**RIDGELINE ORDINANCE PUBLIC HEARING GUIDELINES**

1. Speakers will be required to sign a notice of their intent to speak in advance and will be permitted to speak in the order in which they sign.
2. Speakers will not be permitted to reserve a speaking time prior to the sign-up sheet being made available to the public. The sign-up sheet will be available at Tazewell Middle School beginning at 5PM and will continue to be available until 7PM. Each Speaker may only speak once.
3. Each speaker will be afforded two minutes to speak. However, prior to the start of the hearing, the Chair, by rule, may reduce the time in which speakers have to speak to one minute, depending on the number of speakers. By majority vote, the Board may overrule the chair and afford more time to speakers.
4. The hearing will commence at 6:15PM. The Board will hear speakers on the 12<sup>th</sup> for approximately five hours. The Chair, by rule, may extend the hearing time depending

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on the number of speakers remaining after the five hours have expired. The Board by majority vote may overrule the chair. If there are remaining speakers after five hours have lapsed, the Board may recess the hearing until another date. At the next hearing date only those speakers who signed to speak, before 7PM on the 12<sup>th</sup> would be heard.

5. The Board is not required to vote on the ordinance at the end of the hearing. In order to reflect on the comments made and to duly consider the written comments submitted, the Board may not vote on the issue on the 12<sup>th</sup>. As a courtesy to those persons present solely to see how the Board votes, prior to the hearing the Chair will advise those present whether the Board intends to vote on the ordinance that evening.

6. Also prior to the hearing, the Chair will advise those present that they may submit their comments in writing either *in lieu* of making an oral statement or as a supplement to their statement. The Board will accept written comments delivered at the hearing in person or delivered to the County Administration Building in person or by mail to 108 East Main Street, Tazewell, Virginia 24651. To be admitted as part of the official hearing record, comments must be signed with a return address and delivered before January 27<sup>th</sup>, 2010.

7. In the event of inclement weather, the Board will convene the hearing on the 12<sup>th</sup> and recess until another date and place of the Boards choosing. Whether the weather requires an alternate or supplemental date will be determined by a majority of the Board then present.

8. These rules may be amended by majority vote of the Board at any time.

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*SUMMARY OF HEARING*

**PUBLIC HEARING – TO HEARING CONCERNS RELATIVE TO THE  
“EXCEEDENCE OF A GROUNDWATER PROTECTION STANDARD IN ONE  
MONITORING WELL AT THE TAZEWELL COUNTY LANDFILL, LYNN  
HOLLOW ROAD”**

Pursuant to Virginia Administrative Code 9VAC20-80-310.A.5 of the Virginia Solid Waste Management Regulations, the Chairman of the Tazewell County Board of Supervisors, Seth R. White, called to order a public hearing on January 5, 2010, in the

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Tazewell County Administration Building Board Room at 108 East Main Street, Tazewell, Virginia at approximately 7:15 p.m.

Issues discussed were associated with the detection of mercury above the groundwater protection standard in one monitoring well at the Tazewell County Landfill, Lynn Hollow Road. The purpose of the hearing was to:

Acquaint the public with the history and location of mercury detection, the expanded investigation that has taken place to confirm the extent of detectable presence, and the expanded monitoring network that have been put in place for continued future monitoring.

Acquaint the public with the technical aspects of the investigation and monitoring plan and how the standards and requirements of the Solid Waste Regulations will be met, to identify issues of concern, and to facilitate communication and to establish a dialogue between the permittee (Tazewell County) and persons who may believe themselves to potentially be affected by the facility.

A 30-day public comment period began on December 21, 2009. Documentation in support of the investigative findings and planned monitoring program can be viewed and copied at 106 East Main Street, Tazewell, Virginia 24651 in the office of the County Engineer, Tazewell County, Virginia.

Now, the Chairman gave the floor to Ron Mullenex, Sr. Vice President, Marshall Miller and Associates accompanied by Steve Stansfield, Marshall Miller & Associates.

Mr. Mullenex stated that Marshall & Miller conducted a study at the Tazewell County Landfill with regard to ground water issues over the last few months to identify the potential detection of mercury at the County Landfill. The study found mercury in one of ten downgraded monitoring wells below the landfill facility, which lead to an intensive study to determine whether the mercury was/is capable of migrating in a way to take it off site. The County has commissioned the installation of additional monitoring wells for testing and has worked closely with the Virginia Department Environmental Quality (DEQ) to consider whether there might be any actual pending threat of the mercury moving. The location of the mercury detection is 200 ft. to water and approximately 100 ft. of unconsolidated soil before rock is encountered (ground water is down in the rock below the soil). The site has a history before the landfill was

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established and was used as an old dumpsite (unofficial) before the land was used as a regulated landfill facility. The monitoring wells were placed at the county landfill in 1993 with geology studies preformed. Mr. Mullennex stated that he was very familiar with the geology under the site as well as being familiar with the direction of ground water movement. Monitoring wells have been strategically placed to monitor the water moving away from the site as well as having background wells to show the natural state of the ground water having no influence from the landfill. There are 12 wells, 2 are background wells and 10 are gradient type wells. Monitoring wells detect in phases for potential problems on a quarterly basis. Mercury detection was found in one well several years ago and assessments have been conducted 22 times since then with mercury present each time. There are 2 background wells at the site that cannot be affected by the landfill itself by virtue of the way the groundwater moves. Each one has shown mercury at least once and is off site – meaning the mercury is not coming from the landfill. None of the other gradient type wells has, in no way, shown mercury detection. The water is very deep and the source cannot be determined. The general form is fine sediment in the sample(s). It is believed to be consistent with solid matter and localized to the one well location. In response to the findings, additional (5) wells have been drilled immediately down gradient in the direction of water flow.

Mr. Mullennex then presented a map showing the location of the County Landfill, the monitoring wells and with a display showing the movement of groundwater (east to west) beneath the site. The sediment removed from the monitoring well sample was analyzed and confirmed the concentration of mercury in the solid sediment. The mercury is isolated to one area and does not seem to be moving. He said given the depth, remediation to remove the mercury would be extremely expensive. Mr. Mullennex said he felt the best course of action, and as agreed to by the DEQ, is to go with the enhanced monitoring program to determine movement. As long as there is good evidence that the mercury is stable, nothing needs to be done. The strength of the mercury is low. Tables of the mercury ranges were shown at 1.3 to 5.6 to as high as 64 (max) [parts per billion]. The more common condition ranges 4 to 10 parts per billion. Drinking water standard is 2.0 parts per billion.

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The County Administrator, Jim Spencer reiterated, with Mr. Mullenex concurring, that mercury has never been detected in the leachate. However, following sampling, there was some natural occurrence of mercury across from the Landfill on Lynn Hollow Road (in soil off the landfill site). Mr. Spencer stated that the County continues to work with DEQ with monitoring and sampling on a continued basis.

Now, the Chairman then called for public comments from the floor.

Jack Thompson a resident of the Hawks Heights Subdivision across from the County Landfill stated that Landfill property was never used as an old dumpsite. He said that he was born and raised in the area and the statement was erroneous.

Roger Angles a resident of Bluefield, Virginia, alleged continued concerns with water quality in the Bluefield, Virginia area. He said there are a large number of people with various forms of cancer and stated that he is concerned that nothing is being done in the Bluefield, Virginia area to protect the water source. He pointed out that various car washes were being allowed to discharge water into the Bluestone noting the contents of the discharges such as a variety of oils/lubricants, radiator coolants, benzenes, PCB's. He said this year the Bluestone Conservancy would start monitoring the contents of the river for toxics, chemicals and pesticides.

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

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## **PUBLIC HEARING**

- **VACATION OF PROPERTY PORTION OF SECOND STREET IN EAST RAVEN ADDITION BETWEEN SCHOOL STREET (COMMONLY KNOWN AS RIVERVIEW DRIVE) AND CENTER STREET (COMMONLY KNOWN AS CITADEL ROAD)**

The Chairman, Seth R. White, called to order a public hearing that had been duly advertised according to law, entitled **“AN ORDINANCE OF VACATION TO VACATE A PORTION OF SECOND STREET IN EAST RAVEN ADDITION BETWEEN SCHOOL STREET (COMMONLY KNOWN AS RIVERVIEW DRIVE) AND CENTER STREET (COMMONLY KNOWN AS CITADEL ROAD)”**

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Now, the Chairman then declared the public hearing open and called for public comments from the floor.

Danny Horton, 318 Shorts Road, Raven, Virginia 24635 telephone 971-1579, stated the Trinity Tabernacle Church of God bought the property in question from Clayton and Thelma Johnson and to his knowledge, none of the property owners who may be affected by the Ordinance of Vacation do not oppose the ordinance. However, Eric Young, County Attorney, stated that he was contacted by an attorney representing property owners of lots 24, 25, 26 & 27 lying below the Church on the other side of Center Street. The property owners have questioned the accuracy of the Plat. They feel as though the street as Platted was on the Church or beneath the Church and requested that the County visit the site in question and determine the accurateness of the Plat to make sure the County will not be vacating property under the Church in question.

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

The Chairman recommended because of the potential misunderstanding that consideration of adopting the ordinance be postponed until the January or February meeting in order to give the County Attorney time to determine the accuracy of the Plat in question and to discuss the concerns with the property owners who have questioned the Plat. Other Board members concurred.

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### **PLEASANT VALLEY ROAD CONCERNS**

State Senator Phillip Puckett addressed the Board and requested the County's assistance by developing a plan to take care of people in emergency situations. He mentioned the recent snow storm where portions of Buchanan, Wise and Dickenson County were without electricity for almost two weeks and the residents had no way of reaching the outside world. Several roads were blocked and had no help clearing the roads. Senator Puckett said approximately 40 people were cut off/isolated in the Pleasant Valley Subdivision located in the Western District of Tazewell County and he asked the Board of Supervisors to consider some way of assisting them and to make some type of commitment/plan to help people in isolated areas during urgent situations. Supervisor Hymes said the board on numerous occasions suggested that property owners form a

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community association to help keep the roads clean and passable. He suggested that the County fire departments in rural areas consider equipping their vehicles with tools such as emergency chains and blades to help with isolated areas such as Burkes Garden and Thompson Valley. Supervisor White said the Richlands Fire Department recently purchased an all terrain vehicle to use during emergencies.

Other concerns to Senator Puckett included the high electric bills. Supervisor Campbell wanted to know if natural gas in this area could be used to generate electricity. Senator Puckett stated that AEP and Dominion were contacted to see if they were interested in a gas fire plant in this area. He also said that during the upcoming General Assembly he hoped to restore some of the State Corporation Commission's authority to regulate rate increases. He encouraged county citizens to write the State Corporation Commission with regard to the AEP's rate increases.

The County Administrator mentioned the ATV Trails project in Pocahontas and requested that the State treat Tazewell County fairly with regard to the ATV permitting process.

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Joe Robinson, Pleasant Valley Estates did not appear to address road matters as scheduled on the agenda.

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#### **UNSCHEDULED COMMENTS**

Gary Roberts, 610 Country Farms Road, Cedar Bluff, Virginia 24609 wanted to know whether the proposed Tall Structure Ordinance could be placed on a referendum/ballot to allow the public a vote on the matter. The County Attorney, Eric Young stated that he had researched State Code and he could not find a ruling that would allow it.

Shea Cook, Attorney, requested that the County obtain a written opinion from the Attorney General's office with regard to the legality of the proposed Tall Structure Ordinance. He also requested that Tazewell County and every county in Southwest Virginia pass a resolution strongly condemning Cap & Trade.

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**ANTI VIRUS PROGRAM FOR  
TOUGH BOOK COMPUTERS: RE - RESCUE VEHICLES**

Upon recommendation of the Emergency Services Committee and upon motion of 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 \$1,125.00 from Account No. 32020-8109 Rescue Squad Capital Outlay. This money will be used to purchase Anti – Virus programs for the Tough book Computers purchased for the Rescue Vehicles through a 100% OEMS grant.

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**APPOINTMENTS**

**Redistricting Committee – Census 2010**

Upon motion of Supervisor Absher, seconded by Supervisor Campbell and adopted by a vote of 4 to 0, with Supervisor Hymes abstaining, the Tazewell County Board of Supervisors hereby rescinds the appointment of Jim Thompson, PO Box 876, Richlands, VA 24641 and in his place appoints Jerry Mullins, PO Box 157, Cedar Bluff, VA 24609 as a member of the Tazewell County Redistricting Committee and hereby further appoints Wilma Sayers, 737 Middle Creek Road, Cedar Bluff, VA 24609, as the Town of Cedar Bluff representative as a member of the Tazewell County Redistricting Committee, with terms at the will and pleasure of the Board of Supervisors.

**Disability Services Board**

Upon motion of Supervisor Campbell, 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 reappoints Bill Stone, Rt. 1, Box 296, Bluefield, Virginia 24605 as a member of the Disability Services Board, with a term commencing January 1, 2010 and expiring December 31, 2012 (three (3) year term).

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 reappoints Jan Bowling, PO Box 39, North Tazewell, Virginia 24630 as a member of the Disability Services Board

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with a term commencing January 1, 2010 and expiring December 31, 2012 (three (3) year term).

One Northwestern District DSB appointment was deferred.

**Cumberland Mountain Community Services Board**

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 reappoints Rick Chitwood, 227 West Main St., PO Box 179, Tazewell, Virginia 24651 as a member of the Cumberland Mt. Community Services Board with a term commencing January 1, 2010 and expiring December 31, 2012 (3 year term) and further upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and none against the same, the Tazewell County Board of Supervisors hereby reappoints Dr. Fred Sayers, PO Box 1086, Cedar Bluff, VA 24609 as a member of the Cumberland Mountain Community Services Board with a term commencing January 1, 2010 and expiring December 31, 2012 (three (3) year term).

**Cumberland Plateau Planning District Commission**

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 appoints D. Michael Hymes, PO Box 7, Tazewell, Virginia 24651 as a elected official representative from the Board of Supervisors to serve a member of the Cumberland Plateau Planning District Commission with a term commencing January 1, 2010 and expiring December 31, 2013. This appointment coincides with Supervisor Mike Hymes elected term of office.

**Public Service Authority (PSA)**

Upon motion of Supervisor White, seconded by Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and none against the same, the Tazewell County Board of Supervisors hereby appoints Joel McClanahan, 206 Hillcreek Road, Richlands, Virginia 24641 as a member of the Tazewell County Public Service Authority (PSA), with a term commencing immediately and expiring December 31, 2013 (4 year term). This appointment fills the expiring term of Earl Griffith.

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The Board of Supervisors requested that a resolution be presented to Mr. Griffith for his service to the Tazewell County Public Service Authority.

**Social Services Board**

Upon motion of Supervisor Campbell, 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 appoints Robert “Spot” Steele, 4330 Witten Mill Road, North Tazewell, Virginia 24630 as a member of the Tazewell County Social Services Board with a term commencing January 1, 2010 and expiring December 31, 2013 (4 year term). This appointment fills the expired term of Bill Stone, Northern District.

**New River Highlands RC & D Council**

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 reappoints Jack Asbury, PO Box 139, Bluefield, VA 24605 as a member of the New River Highlands RC & D Council, for a term of one (1) year commencing January 2, 2010 and ending December 31, 2010.

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**COUNTY ADMINISTRATOR UPDATE --  
DEPARTMENT OF HOMELAND SECURITY (DHS) GRANT APPLICATION  
APPROVED (RESOLUTION)**

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 a resolution supporting a Department of Homeland Security (DHS) Grant Application, FY2010 Emergency Operations Center (EOC) Grant Program (opportunity for State and Local governments) Localities will compete for \$1 million dollars for construction or \$250,000 for renovations in the 2010 Grant Program. The County will apply for the full \$1 million to assist with a 911 Center renovations/construction project.

A copy of the resolution in a form as submitted will be placed on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

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**TAZEWELL COUNTY COUNCIL**

**LEGISLATIVE MEETING**

The County Administrator, Jim Spencer, reported that the Tazewell County Council – Legislative Session is scheduled for January 20-22, 2010 in Richmond. The Legislative Reception is scheduled for January 21 and held jointly with seven counties and the City of Norton. Meetings with various state agencies will be held as well to address topics of tourism, transportation, economic development and hopefully will meet with the Dept. of Recreation and Conservation to discuss the ATV trails project.

**MARSHALL MILLER & ASSOCIATES**

**GREENHOUSE GAS EMISSIONS INVENTORY PROPOSAL**

**LYNN HOLLOW LANDFILL**

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 Marshall Miller & Associates to perform a Greenhouse Gas Emissions Inventory Proposal for the Lynn Hollow Landfill (Tazewell County Landfill) as outlined in a letter dated January 5, 2010 to Gary Earp, PE. from Marshall Miller and Associates pertaining to the EPA Mandatory Reporting Rule (MRR). The not to exceed cost to perform the calculations and prepare a report is \$7,680.00. Further, that the County Administrator is hereby directed to modify the proposal and file for an extension if necessary with regard to the data. The County Attorney will also review the penalty portion of the EPA Mandatory Reporting Rule and inform the Board of Supervisors accordingly.

A copy of the letter as presented is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

**RECYCLING PROGRAM**

The County Administrator, Jim Spencer reported that he and Supervisor White attended a meeting with the School Board with regard to a proposed recycling program in cooperation with the Tazewell County School System. The proposal includes a plan to place five (5) recycling centers in each district at five (5) schools. The recycling centers will collect recyclable products such as paper, plastic, aluminum, cardboard, etc. The Board of Supervisors agreed to this concept with Supervisor Hymes authorizing to

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transfer \$35,000.00 from the Capital Contingency Account, 91050-7008 to the Landfill Recycling Program. Further, that the Board of Supervisors hereby requests the County Administrator to write a letter to the Tazewell County School Board asking the School Board to vote on the recycling proposal accordingly. Supervisor White seconded the foregoing and which motion was approved by a vote of 5 to 0, with all members present voting in favor thereof and no one against.

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#### **MAINTENANCE CONTRACT – RFP**

Bids for a Maintenance Contract for Equipment & Operators to furnish equipment together with operators, labor and supervision necessary to perform various projects throughout Tazewell County will be accepted until January 25, 2010 until 2:00 p.m. This matter will be placed on the February 2, 2010 agenda for discussion.

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#### **OLD HEALTH DEPARTMENT BUILDING**

The County Administrator stated that the County has not officially signed a deed of transfer to the IDA for the old Health Department Building. Supervisor Hymes suggested that the County consider the placement of restrictions on the use of the property. County officials are scheduled to meet with an interested prospective buyer in the next few weeks.

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#### **SPEARHEAD TRAILS MEETING UPDATE – POCAHONTAS TRAIL**

The County Administrator reported that the Spearhead Trails meeting scheduled for December 18, 2009 was officially cancelled due to the snowstorm, but various people had traveled great distances to attend the meeting, therefore, the County Administrator said he proceeded with the signing of an agreement with Spearhead. Now, a Recreation Authority and the full Spearhead Authority must ratify the Spearhead Agreement. The Pocahontas Trail will be the first trail in the Spearhead system. The County Administrator and Supervisor Campbell voiced their excitement with the ATV Trail and optimistically, by summer 2010, the first phase of the trail could be open, depending on funding and environmental permitting issues. Supervisor White stated that he would be meeting with Delegate Morefield and Government elect Bob McDonnell and he would mention the

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ATV project to the Governor elect. Supervisor White is hopeful the State will push to make business flow better in Virginia and to make processing easier.

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### **FALLS MILLS SCHOOL**

Supervisor Hymes questioned the status of the Falls Mills School deed/property.

### **CARLOCK CENTER**

Supervisor Hymes questioned the Carlock Center and the money it is receiving. Supervisor Hymes expressed concerns with regard to the possibly that the School System would eventually have to maintain the Center if the facility is turned over to the School Board. He said he would like questions answered with regard to budgetary issues going forward. Supervisor Hymes further requested a copy of an agreement/MOU, if available. The County Administrator said he would contact Dr. Lawson's office concerning this matter.

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### **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 enters into an Executive/Closed Session, pursuant to Virginia Code Section 2.2-3711:

- A-3 Property Disposition involving a road matter in the southern district
- A-1 Personnel Matter involving Maintenance Code Enforcement Officer
- A-1 Personnel Matter involving law enforcement officer.
- A-7 Legal Matter involving investigation of charitable status of an entity funded by the Board of Supervisors

### **RETURN/CERTIFICATION/REPORT OF ACTION**

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the

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Executive/Closed Meeting. Supervisor Hymes read the following certification of the Executive/Closed Meeting.

**RESOLUTION**

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

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

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

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

**Nays:** None (0)

**Absent:** None (0)

**Absent during vote:** None (0)

**REPORT OF ACTION AS RESULT OF THE SECOND EXECUTIVE/CLOSED SESSION**

**MAINTENANCE CODE DIRECTOR NAMED – DAVID W. WHITE**

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints David Wayne White, Director of Emergency Services & Animal/Litter Control as the Maintenance Code Director of Tazewell County.

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**SOUTHERN DISTRICT FUNDS**

**\$5,000 FROM SOUTHERN ROAD FUND**

**TO SOUTHERN DISTRICT FUNDS**

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 authorizes a transfer of \$5,000.00 from the Southern District Road Fund to the Southern District Account. The County Administrator is hereby authorized and directed to transfer these funds in accordance with this action.

**SOUTHERN DISTRICT FUNDS**

**\$2,000 TO THE TAZEWELL YOUNG LIFE PROGRAM**

**JOHN BOOTHE- PROGRAM COORDINATOR**

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 amount of \$2,000.00 from the Southern District Youth Fund payable to the Tazewell Young Life Program (John Boothe is the program coordinator in the Tazewell area). The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**VIRGINIA COOPERATIVE EXTENSION –**

**VIRGINIA 4-H FOUNDATION**

**\$1,500.00 FROM DISTRICT FUNDS**

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 amount of \$1,500 payable to the Virginia 4-H Foundation, Tazewell County 4-H, PO Box 229, Tazewell, Virginia 24651 (subject to legal review & approval – [make sure that the program is a 501C3 organization]). The County Administrator is hereby authorized and

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

\$ 500.00 Southern District  
\$ 250.00 Eastern District  
\$ 250.00 Northwestern District  
\$ 250.00 Northern District  
\$ 250.00 Western District  
\$1,500.00 Total

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**TAZEWELL COUNTY DEPARTMENT OF SOCIAL SERVICES  
AUTHORIZE APPROVAL TO GIVE CHRISTMAS BONUS TO SOCIAL  
SERVICES EMPLOYEES**

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 ratifies approval allowing the Tazewell County Department of Social Services to give their employees a one-time Christmas bonus as requested by Social Services Board Member, Henry Nichols. No additional money from the County is required with regard to this action.

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**GUIDELINES APPROVED – PROPOSED  
RIDGELINE ORDINANCE PUBLIC HEARING**

Upon motion of Supervisor Campbell, 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 approve revisions to the list of speaker guidelines with regard to the Proposed Ridgeline Ordinance Public Hearing scheduled for January 12, 2010 at the Tazewell Middle School.

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**\$1,500 EASTERN DISTRICT FUND**

**BLUEFIELD YOUTH LEADERSHIP PROGRAM**

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 \$1,500.00 from the Eastern District Fund payable to the Bluefield Youth Leadership Program, C/O The Greater Bluefield Chamber of Commerce, P.O. Box 4098, Bluefield, WV 24701 (Dave Anderson will deliver the check). 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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**CLAYPOOL HILL FIRE STATION**

**MONEY FOR HEATERS APPROVED**

**\$2,000.00 (\$1,000.00 N.W. - \$1,000.00 W. )**

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 approves \$1,000.00 from the Northwestern District Fund and \$1,000.00 from the Western District Fund for the purpose of providing new heaters for the Claypool Hill Fire Station. Installation & labor will be provided by the Claypool Hill Station. 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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**OTHER BUSINESS/CONCERNS**

Supervisor Campbell reported that he continues to hear concerns with regard to the HVAC Systems at various elementary schools, Cedar Bluff, Tazewell Elementary and North Tazewell. He said that children and teachers have to wear 2 & 3 layers in the classrooms to stay warm. Supervisor White said he would look into the complaints.

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The County Administrator suggested that the school system check the balancing systems on the heat pumps.

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Supervisor Anderson requested that County officials make it a priority to talk to their legislative representatives during the upcoming legislative meeting regarding the high electric bills.

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The County Attorney, Eric Young reported that he previously sent each member of the Board of Supervisors a copy of the proposed Orphan Road Policy for review.

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Supervisor White stated that the Zoning Consultant, RFP would be discussed and possibly considered for approval at the January 12, 2010 recessed meeting, as well as the consideration of approving the Ordinance of Vacation for the Trinity Tabernacle Church.

The Tourism Zones discussion will be placed on the February 2, 2010 agenda.

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Supervisor Hymes requested that the Board consider setting terms/staggered schedules for the Emergency Services Committee and the County Tourism Committee.

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**RECESS**

Now, there being no further business to be transacted, and upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby recesses this meeting to January 12, 2010 at 5:30 p.m. The meeting will be held at the Tazewell Middle School.

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Seth R. White, Chairman

by: rg