

VIRGINIA: At a recessed meeting of the Tazewell County Board of Supervisors held June 30, 2009 at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

PRESENT: David R. Anderson, Chairman  
Bill Wimmer, Vice-Chairman  
D. Michael Hymes, Member  
Seth R. White, Member  
Dr. Thomas Brewster, Member  
James H. Spencer, III – County Administrator  
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; Charles Owens, Bluefield Daily Telegraph; Tammy Wolford, TheVoice/Cedar Bluff Review; William Paine, Adventure Radio

ABSENT: None

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The Chairman, David R. Anderson called the recessed meeting to order and presided with all members in attendance. He welcomed those present.

Supervisor White gave the invocation which was followed by the Pledge of Allegiance to the United States Flag.

#### **AGENDA APPROVED**

Upon motion of Supervisor Wimmer seconded by Supervisor Brewster 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 June 30, 2009 agenda format with revisions.

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

Upon motion of Supervisor White 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 June 2 and June 19, 2009 meeting minutes as written.

**EXECUTIVE/CLOSED MEETING**

Upon motion of Supervisor Wimmer seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed meeting pursuant to Virginia Code Section 2.1-3711 as set forth below:

- Boundary Adjustment – 15.2-2907 (D) Tazewell & Richlands
- A-7 One (1) Legal Consultation regarding Airport Property
- A-3 One (1) Property Disposition involving the Falls Mills School
- A-1 One (1) Personnel matter involving County Administration

**RETURN/CERTIFICATION OF RESOLUTION/REPORT OF ACTION**

Upon motion of Supervisor Brewster, 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 return from the Executive/Closed meeting and hereby adopts the following resolution, read by Supervisor Hymes:

**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 White, Hymes, Brewster, Wimmer and Anderson

Nays: None

Absent: None

Absent during vote: None

**REPORT OF ACTION**

**FALLS MILLS SCHOOL DISPOSITION - AUTHORIZED FOR PUBLIC HEARING**

Upon motion of Supervisor Brewster, 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 authorizes and directs the County Administrator to advertise for a public hearing to hear concerns regarding the Board’s intent to dispose of the Falls Mills Elementary School property.

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**SPECIAL PRESENTATIONS**

Chairman David R. Anderson welcomed to the meeting family members of the late Anita Brown, former Mayor of Pocahontas, Virginia with the following resolution presented and adopted unanimously by the Board of Supervisors:

RESOLUTION  
IN MEMORY OF ANITA G. BROWN



WHEREAS, Anita G. Brown, whose enthusiasm for the Town of Pocahontas, Virginia led her to a long history of participation in the community as a business person and civic leader; and

WHEREAS, Anita G. Brown passed away on Monday, February 16, 2009 and at time of her death she was serving as the Mayor of Pocahontas, Virginia, the town’s first female mayor; and

WHEREAS, Mrs. Brown was a member of the Christ Episcopal Church, Pocahontas, Virginia and her pastor has often been quoted saying “Anita had three loves, her family, her church and her town” and;

WHEREAS, Mrs. Brown was instrumental in her visions to beautify Pocahontas, Virginia and persuaded others to participate in the revitalization of the Town; and

BE IT RESOLVED, the Tazewell County Board of Supervisors mourn the passing of Anita G. Brown whose name has become synonymous with the Historic Town of Pocahontas, Virginia, its community pride, and active citizenship and hereby extends its sympathy, on behalf of the people of Tazewell County, as well as to her beloved family and many, many friends; and

RESOLVED FURTHER, that the Tazewell County Board of Supervisors hereby presents this resolution as an expression of the respect in which her memory is held by the Board of Supervisors of Tazewell County, Virginia.

Adopted this the 30<sup>th</sup> day of June 2009

The Board of Supervisors then welcomed Dock Rasnake, former member of the Tazewell County Planning Commission. Mr. Rasnake was a member of the Planning Commission for the past three (3) decades and was one of the first members of the Commission established in the 1960's. Mr. Rasnake's term expired June 30, 2009. The following resolution was presented to Mr. Rasnake and adopted unanimously:

RESOLUTION



WHEREAS, Dock Rasnake has served the citizens of Tazewell County, Virginia as a member of the Tazewell County Planning Commission for the past three (3) decades; and

WHEREAS, Dock Rasnake whose performance during that time exemplified the competency and loyalty required by the Tazewell County Planning Commission; and

WHEREAS, Tazewell County, Virginia is indeed fortunate to have had the services of Mr. Rasnake; and

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors on behalf of the entire membership of the Tazewell County Planning Commission, hereby acknowledges the dedicated services Mr. Rasnake has given to the Planning Commission and hereby extends a unanimous vote of thanks and appreciation for the many years of dedication and expertise he provided ; and

BE IT FINALLY RESOLVED that the Tazewell County Board of Supervisors hereby presents this resolution to Mr. Rasnake as an expression of appreciation, gratitude and further hereby extends their best wishes during his future endeavors. Good luck and God Speed!

ADOPTED THIS THE 30<sup>th</sup> day of June, 2009

Then, the Board of Supervisors welcomed Todd Day who served the citizens of the Town of Bluefield as Town Manager from February 2004 to June 30, 2009. Mr. Day resigned his post from the Town of Bluefield effective this date with the Board of Supervisors adopting the following resolution by a unanimous vote:

RESOLUTION

SENDING BEST WISHES TO TODD DAY



WHEREAS, Daryl T. "Todd" Day has served the citizens of the Town of Bluefield, Virginia for the past thirteen years; and

WHEREAS, his wide-range of interests and talents has resulted in his acceptance of a new position and his resignation as Manager for the Town of Bluefield, Virginia; and

WHEREAS, Todd Day served the citizens of Bluefield, Virginia as Interim Town Engineer from September 3, 1996 and was hired full time to the position in March 1997 and served as Public Works Director from June 26, 2001 to February 9, 2004 at which time he was hired full-time Town Manager; and

WHEREAS, Todd Day is highly respected for his leadership and for the many activities undertaken and accomplished; and

WHEREAS, his noteworthy efforts include the many FEMA Projects at Bluefield, Virginia Town Hall, Rasi's, Rutherford's Electronics, Walts, D & D as well as the Bluefield WV Sanitary Board initiatives, the Annexation project, the Water Plant (2 CIP) new tank and lines, water plant upgrades, the water agreement with the Tazewell County PSA and his involvement in the Bluestone Regional Business & Technology Center, not to mention the many other contributions to the Town of Bluefield, Virginia as well as to the citizens of Tazewell County, Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors desire to thank Todd Day for his accomplishments and for his professionalism – as well as his impish sense of humor that could lighten your day and further note the Board of Supervisors appreciation for his kindness, his compassion and for creating lasting friendships with the people of Tazewell County, Virginia.

Good luck and God Speed!

Adopted and presented this the 30<sup>th</sup> day of June, 2009

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## **VDOT REPORTS – MARY HALLOWAY, RESIDENT ADMINISTRATOR**

Marty Halloway, VDOT Resident Administrator, Tazewell, Virginia updated the Board of Supervisors with the following highway projects:

### **Construction**

- Paving Schedule was awarded to W & L Construction Company from Chilhowie VA., with anticipated starting date the first part of August, 2009.
- 460 Bridge Project – Continuing with beam end repairs. The anticipated completion date is October 2009.

### **Project Development**

- Guardrail Contract – The contract is in the final stages and is being prepared for an anticipated September advertisement.
- RTE 696 – Working on property and construction survey.

### **Miscellaneous**

- Kersey Road – The Right-of-Way division continues to work on the request. They are having difficulty with getting the right-of-way corrected.

Members of the Board of Supervisors questioned the status of the following road matters:

- Supervisor Anderson questioned whether Ebenezer Street was still in the County's road system. Mr. Halloway said the road continues to be in the County System. There are some right of way issues – and this is the last year there will be rural addition monies. The final extension to 3<sup>rd</sup> Street will be the last project funded by rural addition monies.

The County's Engineering Department is working to resolve the right of way issues on 3<sup>rd</sup> Street with Mr. Addison.

- Supervisor Wimmer requested that the State continue to consider Lick Branch Road for repairs as promised. A meeting will be scheduled the week of July 6 to look at the road.
- Mr. Halloway said that the proposed closure of the Tazewell Residency has been accelerated to December 20, 2009. The Tazewell Residency was proposed for consolidation but now has been designated for closure. Thirteen people are anticipated for job relocation or job loss. If the positions are relocated they will be driving to Lebanon or Wythe County.
- Supervisor White questioned the status of placing guardrails on the curve in Jewell Ridge where a fatal accident recently occurred. Mr. Halloway said once an accident analysis on the site was performed by VDOT it appeared that high-speed was a factor in the accident. VDOT placed cautionary signs for the present time and guardrails will not be placed until this fall.

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#### **CITIZEN COMMENTS UNSCHEDULED**

##### **Essex Road –**

Steve Asbury, Bluefield, Virginia 24605 and other concerned citizens from the Essex Road requested that the Board of Supervisors consider the road as part of the County's Road Program. He said that there were seven (7) families using Essex Road. He said that residents of Essex Road tried unsuccessfully several years ago to have the road paved/repared but one individual stopped the project. He presented a petition seeking assistance from the County as well as pictures that showed the condition of the road in question.

Supervisor Anderson stated that he and the County Attorney as well as other County employees have visited the road in question and discussed the road matter with property owners including Ms. Hodock. However, he reminded Mr. Asbury that the road in question was a private road and the County could not make repairs to private property.

The County Attorney, Eric Young showed a power point presentation of the Plat/property in question. The road has not been dedicated to the public; therefore the County cannot make repairs to the road. The only solution would be for the County to take the road by eminent domain, construct ponds, and make other necessary transformations because of the many drainage issues. The cost for this process would be tremendous for the County. According to photographs shown by those present, Ms. Hodock has obstructed the right-of-way with railroad-ties causing water ponding and other hindrances. Mr. Young said that he had spoken to Mr. Frank Durham a resident of Essex Road and suggested that residents contact Legal Aid, a legal service

in a neighboring county who might represent the Essex Road residents free of charge. Mr. Young said that he could not advise residents what to do, but felt that Ms. Hodock was wrong in blocking the right-of-way because the residents have a private right-of-way on the road. He said moving the obstruction would solve some of the problem. Chairman Anderson said that he would be willing hold a community group meeting to address the options with residents as well as speaking or meeting with Ms. Hodock. He requested that as many phone numbers as may be applicable be placed on the petition in order for him to contact residents with regard to calling a neighborhood meeting.

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

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### **CITIZEN COMMENTS – UNSCHEDULED**

The following individuals spoke to the Board during Unscheduled Citizen Comments:

- Betty Slade – 142 Ashworth Lane, Bluefield, VA 24605 – in favor of wind-energy in Tazewell County. She said that she was speaking for members of the new energy independence group and said the group decided to unite behind wind energy. She said that wind energy has no pollution or emissions.
- Alex Payne – 392 Century Lane, Bluefield, VA 24605 – in favor of wind-energy in Tazewell County. He said that people wearing green badges during this meeting owned property on East River Mt and they should be allowed to decide what happens to their property.
- John Absher – Star St. Cedar Bluff, VA 24609 – stated that the Town of Cedar Bluff should have been notified that the annexation issue was going to be considered by the Board of Supervisors at its June 2, 2009 meeting and noted his disappointment in the Board for acting in that manner. He said that a clear description of the boundary line was needed.
- Johnny Smith – Mayor of Cedar Bluff, VA 24609 – stated that he was disappointed that he had to learn by reading the newspaper that the Board of Supervisors approved the boundary adjustment submitted by the Town of Richlands. He said that he didn't attend the last board meeting because the annexation matter wasn't on the printed agenda. He said that he mourned the outcome and was shocked that the Board of Supervisors did not notify the Town of Cedar Bluff that this would take place. He called the action by the Board of Supervisors illegal and unethical. The County Attorney said that nothing illegal or unethical took place that the matter was on the Supervisors revised agenda as an executive session matter.

- Chairman Anderson stated that the County did not try to blindsides the Town stating that both Supervisor White & Supervisor Wimmer held several meetings with both towns on this subject.
- Seth White said that several meetings were held among Town of Cedar Bluff and County officials. He said three (3) different agreements were discussed line by line and the County officials did not hear from the town's attorney on any of the agreements. He also said with regard to recent newspaper articles, the County did not cut funding for the transit service in Cedar Bluff. He said the revenues losses occurred as a result of a reduction in the sales tax. Supervisor Wimmer reiterated Supervisor White's comments.
- Joe Nicholson, 7322 Burkes Garden Road, Burkes Garden, Virginia – voiced his opposition to the proposed Ridgeline ordinance. He stated that he was concerned about the setbacks included in the proposed ordinance and said that the project was too important for the County to make a default type of judgment and noted that the proposed project would be a magnet for Tazewell County.

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#### **TAZEWELL COUNTY BUDGET MATTERS**

Each member of the Board of Supervisors received a copy of the proposed amendments to the County Budget Ordinance as advertised and reviewed same.

#### **BUDGET AMENDMENTS APPROVED FY09-10**

Now, upon motion of Supervisor Wimmer, 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 amendments to the FY2009-10 proposed budget as recommended by the Tazewell County Budget Committee as set forth below:

#### Changes from Proposed Advertised Budget

FY2009-2010

#### General Fund

	<u>As Advertised</u>	<u>Adjustments</u>	<u>Revised Budget</u>
Current Beginning Balance:	\$ 1,442,438		
Increase Beginning Balance:			
Increase needed to balance fund		120,000	
District fund balance forwards		310,418	

Adjusted Beginning Balance:		\$	1,872,856
Current Budgeted Revenue:	43,756,406		
Additional Changes to Revenues:			
Consumer Utility Tax		90,000	
Fire Premium Funding		2,528	
Four-For-Life Funding		5,247	
Virginia Tourism Corp.		4,850	
Rent Reim. - Comm. Facilities Bldg (IDA)		227,429	
Total Revenues with Revisions:			<u>45,959,316</u>
Current Budgeted Expenditures:	\$ 45,154,783		
Additional Changes to Expenditures:			
District fund carryover - Youth Funds		4,830	
District fund carryover - Road Funds		183,769	
District fund carryover		100,507	
SWVCC		31,879	
Fire Premium Funding		2,528	
Four-For-Life Funding		5,247	
Tourism - Marketing Leverage Grant		4,850	
Airport Authority Capital Outlay Reduction		(20,000)	
Pretrial Program		65,000	
Hospitalization - Indigents (Program not funded)		(11,925)	
Health Department Utilities - to IDA		(15,700)	
Cavitt's Creek Contractual		(5,000)	
Disabilities Service Board - Matching Grant Funds		(9,587)	
VACO Bond Payment - Flow through		355,000	
Total Expenditures with Revisions:			<u>45,846,181</u>
Adjusted Ending Fund Balance:		\$	<u>113,135</u>

Capital Projects Fund

	<u>As Advertised</u>	<u>Adjustments</u>	<u>Revised Budget</u>
Current Beginning Balance:	\$ 4,500,000		
Increase Beginning Balance:			
Increase Capital Projects Contingency			
Adjusted Beginning Balance:			\$ 4,500,000
Current Budgeted Revenue:	6,328,533		
Additional Changes to Revenues:			
Transportation Enhancement Grant - State		(7,077)	
Total Revenues with Revisions:			<u>6,321,456</u>
Current Budgeted Expenditures:	\$ 10,609,141		
Additional Changes to Expenditures:			
Walking Trail Grant		(12,397)	
Total Expenditures with Revisions:			<u>10,596,744</u>
Adjusted Ending Fund Balance:			<u>\$ 224,712</u>

School Fund

	<u>As Advertised</u>	<u>Adjustments</u>	<u>Revised Budget</u>
Current Beginning Balance:	\$ 700,000		
Increase Beginning Balance:			
Additional Fund Balance Carryover from FY09		<u>828,159</u>	
Adjusted Beginning Balance:			\$ 1,528,159.00
Current Budgeted Revenue:	61,943,248		
Total Revenues with Revisions:			<u>61,943,248</u>
Current Budgeted Expenditures:	\$ 62,643,248		
Additional Changes to Expenditures:			
Instruction Category		578,159	
Facilities Category		<u>250,000</u>	
Total Expenditures with Revisions:			<u>63,471,407</u>

Adjusted Ending Fund Balance:			\$ -
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	<u>911 Fund</u>		
	<u>As Advertised</u>	<u>Adjustments</u>	<u>Revised Budget</u>
Current Beginning Balance:	\$ 450,000		
Adjusted Beginning Balance:			\$ 450,000
Current Budgeted Revenue:	1,825,230		
Total Revenues with Revisions:			<u>1,825,230</u>
Current Budgeted Expenditures:	\$ 2,061,508		
Additional Changes to Expenditures:			
Capital Outlay		52,700	
Total Expenditures with Revisions:			<u>2,114,208</u>
Adjusted Ending Fund Balance:			<u>\$ 161,022</u>

## SUMMARY ALL FUNDS

	<u>As Advertised</u>	<u>Adjustments</u>	<u>Revised Budget</u>
Current Beginning Balance:	\$ 14,061,738		
Increase Beginning Balance:			
All Funds		1,258,577	
Adjusted Beginning Balance:			\$ 15,320,315
Current Budgeted Revenue:	108,443,189		
Additional Changes to Revenues:			
All Funds		322,977	
Total Revenues with Revisions:			<u>108,766,166</u>
Current Budgeted Expenditures:	\$ 119,158,276		
Additional Changes to Expenditures:			
All Funds		1,559,860	
Total Expenditures with Revisions:			<u>120,718,136</u>
Adjusted Ending Fund Balance:			<u>\$ 3,368,345</u>

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**TAZEWELL COUNTY BUDGET FY09-10 APPROVED**

Now, after a public hearing on the proposed budget was duly held on June 2, 2009, in accordance with applicable Virginia Codes, and which public hearing was advertised in local newspapers having general circulation within Tazewell County, with said certificate of publication on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia, and following approval of the amendments to the aforementioned budget 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 an “ORDINANCE APPROVING THE FY2009-10 BUDGET ORDINANCE, ADOPTING LOCAL TAX LEVIES, AND BUDGET FOR THE COUNTY OF TAZEWELL, VIRGINIA FOR FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010, TO BE EFFECTIVE ON JULY 1, 2009 AT 12:01 A.M. AS HEREBY AMENDED.” A copy of the complete budget ordinance as hereby amended and has hereby adopted in its amended form is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651. The roll call vote as hereby recorded adopting said budget ordinance is set forth below:

- Supervisor White      Aye
- Supervisor Hymes      Aye
- Supervisor Brewster      Aye
- Supervisor Wimmer      Aye
- Supervisor Anderson      Aye

**TAX LEVIES ADOPTED FY09-10**

Supervisor Hymes stated he served on the budget committee for the first time and given the difficult economic hard times he could see no reason to burden the taxpayers with a tax increase and stated that the budget as adopted this date should allow the tax rates to remain the same. He further reiterated that since he was elected there have been no tax increases and he does not plan to increase taxes this year. Supervisor Hymes gave a summary of tax rates in eleven neighboring counties with Tazewell County ranking as the fifth lowest tax rate out of the eleven. He also said that even though the county’s budget was cut by \$1.1 million there would be no county employees laid off as well as being able to level fund the county’s school system for FY09-10, and stated that this was a huge accomplishment.

Supervisor White reiterated that this budget included no tax increases and was pleased with the outcome of the budget.

Now, upon motion of Supervisor Brewster seconded by Wimmer and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts and fixes the tax rates and levies for the current year and calendar year FY2009-10 in accordance with Section 58.1-3001 of the Code of Virginia, 1950, as amended. A complete copy of the tax rates and levies as hereby adopted and fixed are set forth in the County Budget Ordinance as hereby adopted, and which said Budget Ordinance in its amended form as adopted, is on file in the Office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

#### **ANNUAL APPROPRIATION OF COUNTY FUNDS, FY2009-10**

Upon motion of Supervisor move the approval of AN ANNUAL APPROPRIATION for the operation of all General County Agency budgets, for fiscal year beginning July 1, 2009 and ending June 30, 2010, to be effective July 1, 2009 at 12:01 a.m. except that the Tazewell County School Board Budget for FY2009-10 be hereby appropriated in the following major classifications and further that a request for an efficiency study be conducted the Tazewell County School Board to be discussed at the joint meeting with the School Board set for October 2009. A discussion with the School Board will also include the topic of “non-categorical funding”, both of these matters to be included on the agenda:

Administration/Attendance/Health	\$ 1,860,542
Instruction	44,658,487
Operation & Maintenance	5,713,960
Other School Food Services	310,000
Pupil Transportation	3,887,545
Capital Outlay Facilities	2,094,010
Debt Service	2,068,449
Technology	2,878,414

#### **BUDGET TRANSFERS/APPROPRIATIONS APPROVED**

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster 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 budget transfers/appropriations as may be necessary from surplus accounts, etc. to close all such accounts for the fiscal year, FY2009-10.

Supervisor White again stated that he was pleased with the outcome of the budget process and thanked the Budget Committee for their diligence and hard work. He praised the county employees and said that the County had a good group of people. Supervisor Brewster echoed

Supervisor White's comments and said that he hoped the County could monetarily thank county workers in the near future.

Now, upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a unanimous vote, the Tazewell County Board of Supervisors declared a ten (10) minute recess, after which the meeting was duly reconvened.

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**CONSENT CALENDAR APPROVED**

Upon motion of Supervisor Wimmer seconded by Supervisor Brewster 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 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**

May/June 2009

Payroll

Ordered that Warrant Nos. 129869 through 129965, and direct deposits totaling \$200,946.30 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending May 31, 2009, be approved.

Ordered that Warrant Nos. 129967 through 130062, and direct deposits totaling \$204,318.16 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending June 15, 2009, be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 443699 through 443875, for \$445,848.80 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of May 2009, be approved.

Ordered that Warrant Nos. 443877 through 443898, for \$141,120.29 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending May 31, 2009, be approved

Ordered that Warrant Nos. 443900 through 444091, for \$930,255.95 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of June 2009, be approved.

Ordered that Warrant Nos. 444093 through 444113 for \$144,736.13 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending June 15, 2009, be approved.

Ordered that Warrant Nos. 444115 through 444225, for \$14,275.00 from the General Fund covering operating expenses for the various County agencies for the month of June 2009, be approved.

#### Handwritten

Ordered that Warrant Nos. 801358 through 801363 for \$18,145.11 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of May 2009, be approved.

#### Coyote Claims Approved

- \$50.00 to William Osborne, 328 Little Tumbling Creek Road, Tannersville, VA 24377 for 1 coyote killed with a rifle on June 4, 2009
- \$50.00 to Ricky Kinder, 137 Barnette Ave. North Tazewell, VA 24630 for 1 coyote killed with a rifle on May 7, 2009.
- \$50.00 to Steven Short, Box 698 Steels Lane, Tazewell, VA 24651 for 1 coyote killed with a snare on June 16, 2009.
- \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 1 coyote killed with a rifle on June 23, 2009
- \$150.00 to Alfred Webb, 244 Beachwood Lane, Tazewell, VA 24651 for 3 coyotes killed with a snare on April 27, 2009
- \$50.00 to Alfred Webb, 244 Beachwood Lane, Tazewell, VA 24651 for 1 coyote killed with a snare on May 9, 2009.

#### Coyote Reimbursement from Farm Bureau

- Transferred the amount of \$5,450 from the Contingent Grant Resource Acct. 91050-7041 to Special Police Budget, Coyote Claims Acct. 35010-5803 (Farm Bureau's 1/3 share)

#### Road Matters

- ◆ Adopted a resolution requesting "Watch for Children" signs on Harbor Street located in the Green Acres Subdivision
- ◆ Adopted a resolution requesting VDOT to conduct a speed study or place "Watch for Children" signs on Cody Street located in the Drytown Section.

- ◆ Adopted a resolution requesting VDOT to perform a speed study for placement of speed limit signs on Route 635 – two mile stretch on Mundy Town Road
- ◆ Adopted a resolution requesting VDOT to perform a speed study for placement of “Watch for Children” signs on Hillcrest Addition – Pocahontas VA
- ◆ Approved the Orphan Road Paving list and authorized an invitation to bid

District Funds to wit:

**Western District**

Keen Road  
Grace Street  
Thru Drive

**Southern District**

Hat Rock Road  
Ivy Woods Road  
Olympic Drive  
Crystal Brook Lane  
River Bend

**Northern District**

Heather Street  
Dove lane  
Lester lane  
Repair Street

**North Western District**

Forest Road  
Miami Street  
Port Street  
Atmore

**Eastern District**

Mount Vista Court

- ◆ Ratified \$1,000 from the Northern District Fund paid to the Town of Pocahontas, 4<sup>th</sup> of July/fireworks celebration
- ◆ Approved \$300 from the Southern District Funds payable to the Tazewell County Career & Technical Center for the masonry program
- ◆ Approved \$250 from the Southern District Funds & \$250 from the Northern District Funds payable to Project Graduation to supply pen & ink drawings for graduates
- ◆ Approved \$3,000 from the Northern District Funds payable to Bandy Community Center – Labor Day Festival

#### Registrar's Office

- ♦ Transferred a total amount of \$5,489 from the Registrar Contractual Service Line Acct. No. 13020-3110 to the Compensation Line Acct. No. 13020-1150 & 13020-2100 i.e. \$5,099 to Compensation and \$390 FICA

#### Library Transfers

- ♦ Transferred an additional \$198.00 from the Contingent Expenditures & Grant Acct. 91050-7041 to the Library Account No. 8101-Equipment
- ♦ Transferred the amount of \$4,154.95 from the Contingent Expenditures & Grant Acct. 91050-7041 to the Library Account No. 6012-Books (Popular Subscription Service (reimbursement of overpayment)
- ♦ Approved the re-appropriation of accounts for FY10 maintained by the Treasurer's office, i.e. Sheriff \$5.54; Federal Forfeiture/Sheriff \$382,572.94; Federal Forfeiture/Commonwealth Atty. \$1,393.67; Perdue Pharma/Commonwealth Atty. \$853,093.68; Commonwealth Atty. Investment CD-National Bank \$723,445.46

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## **EMERGENCY SERVICES REPORT**

### **SUPERVISOR WIMMER**

#### **ABBS VALLEY FIRE DEPARTMENT - \$8,000.00**

Upon recommendation of the Tazewell County Emergency Services Committee and upon motion of Supervisor Brewster, seconded by Supervisor Wimmer 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 \$8,000 from the FY2008-09 Capital Outlay Account, 32010-8109 as funding to purchase eight (8) sets of turn out gear. 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 Hymes requested the status and continuation of an on-going Emergency Services equipment/vehicle inventory list.

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## **APPOINTMENTS**

### **Cumberland Plateau Planning District**

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all those present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby rescinds the appointment of Mike Watson, as a citizen member of the Cumberland Plateau Planning District, as Mr. Watson is presently a resident from West Virginia, and in his place, upon motion of Supervisor Anderson, seconded by

Supervisor Hymes and adopted unanimously, the Tazewell County Board of Supervisors hereby appoint Harry Cundiff, Chief of Police, Town of Bluefield, Virginia 112 Huffard Drive, PO Box 1026, Bluefield, VA 24605 as a Citizen Member from the Town of Bluefield, Virginia to serve effective July 1, 2009 and expiring June 30, 2010 (one-year term).

#### **Upper Tennessee Round Table**

Upon motion of Supervisor Brewster, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof the Tazewell County Board of Supervisors hereby appoints Dave Kinder, Tazewell County GIS Coordinator, 108 East Main Street, Tazewell, Virginia 24651 as a member of the Upper Tennessee River Roundtable.

#### **Tazewell County Fire & Rescue**

One at-large appointment to the Tazewell County Fire & Rescue Board of Directors was deferred to the August 4, 2009 regular meeting.

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### **ANNUAL BIDS AWARDED**

#### **PEST CONTROL BIDS REJECTED**

Upon motion of Supervisor Wimmer, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby awards the annual bids as follows for fiscal year 2009-10 effective July 1, 2009 and ending June 30, 2010:

- LP Gas/Liquid Propane to Highland Propane, 620 Blue Prince Road, Bluefield, WV 24701
- Vehicle Fuel to Petroleum Products, Belle, WV
- Tires – Kidd Tires, Tazewell, VA 24651
- Pest Control – rejected all bids and obtain quotes

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### **PROPOSED RIDGELINE PROTECTION ORDINANCE**

#### **ENERGY ECONOMIC IMPACT STUDY**

The County Administrator, Jim Spencer stated that the County's Industrial Development Authority (IDA) selected the firm of Springstead Inc. to perform the Energy Economic Impact Study and was negotiating a contract. The cost for the study will exceed the \$26,000 amount. Springstead Inc. has requested an additional \$1,200 to present the study to the Planning Commission and to the Board of Supervisors – in a joint session. The study could take as long as 90 days to complete.

There was no action taken on the Proposed Ridgeline Protection Ordinance.

## **VIRGINIA PUBLIC AUTHORITIES – AGREEMENT FOR THE PURCHASE OF ELECTRICITY FROM APPALACHIAN POWER COMPANY**

The Board of Supervisors deferred action on an AGREEMENT FOR THE PURCHASE OF ELECTRICITY FROM APPALACHIAN POWER COMPANY for electric general service and street lighting services. The Board requested that the County Attorney review the agreement thoroughly and make a recommendation to the Board of Supervisors regarding same. The agreement if recommended for approval by the County Attorney will be ratified at the August 4, 2009 regular meeting.

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## **ORPHAN ROAD GUIDELINES**

The Board of Supervisors previously received a copy of the proposed Orphan Road Guidelines. It was the consensus of the Board of Supervisors to review the proposed guidelines and that each member of the Board contact Gary Earp, County Engineer with their suggestions. Supervisor Hymes also requested that each Board member be sent a spreadsheet showing roads that have been added to the road list in the last five (5) years by district. Supervisor White expressed concern about the existing road policy with regard to making repairs to only sections of roadways and leaving out road repairs to one or two homes on a road/street. Supervisor Anderson reiterated the need for all right of ways and easements before the County considers a road for repair. He said the road system now in place is not working.

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## **FLOOD DAMAGE RELIEF MEETING**

The County Administrator, Jim Spencer reported that the Long Term Recovery Task met July 1, 2009 at the Clinch Valley Community Action office to address the flood damage that occurred in Tazewell County on June 17, 2009. A Flood Damage Relief Community Meeting will be held Thursday, July 9, 2009 from 1:00 to 5:00 p.m. to help county residents with the application process for possible assistance from the Tazewell County Long-Term Recovery Task Force. Damages to roads during the flood are estimated at more than \$100,000.00.

## **LONG TERM RECOVERY TASK FORCE, CLINCH VALLEY COMMUNITY ACTION, INC. \$5,000.00 FROM CONTINGENCY FUND**

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$5,000.00 from the FY2008-09 Contingency Fund Acct. No. 91050-7023, payable to the Clinch Valley Community Action, Inc. Long Term Recovery Task Force, PO Box 188, North Tazewell, VA 24630 to assist with Flood Damage Relief as a result of the heavy rains that occurred June 17, 2009 in Tazewell County. 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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**PSA-**

**RESOLUTION APPROVED AUTHORIZING THE EXECUTION OF AN AGREEMENT RELATED TO THE ISSUANCE AND SALE BY THE TAZEWELL COUNTY PSA OF A REFUNDING REVENUE NOTE TO REFUND PRIOR BONDS ISSUED BY THE PSA- NOT TO EXCEED \$6,600,000.**

Upon motion of Supervisor White, seconded by Supervisor Brewster 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 AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING OBLIGATION OF THE COUNTY TO CONSIDER CERTAIN APPROPRIATIONS TO THE TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY AND AGREEING TO CERTAIN MATTERS RELATIVE TO THE ISSUANCE AND SALE BY THE TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY (PSA) OF A REFUNDING REVENUE NOTE TO REFUND PRIOR BONDS ISSUED BY THE AUTHORITY – PROVIDED THAT THE ORIGINAL PRINCIPAL AMOUNT OF THE NOTE DOES NOT EXCEED \$6,600,000.00. The Chairman of the Tazewell County Board of Supervisors is hereby authorized and directed to enter into the agreement and execute all documents as may be necessary and appropriate in accordance with this action. A copy of the resolution as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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**NORTHWESTERN DISTRICT GARBAGE COLLECTION**

Supervisor White requested that the Northwestern District Garbage Collection proposal move forward as quickly as possible. A survey will need to be completed and numbers needed prior to a hearing. The County Attorney will need to research the matter to see if the service can be mandatory as well as determining who is going to handle the garbage collection. The County Administrator stated that the County needed something solid before the public hearing is held on this subject. This matter will be addressed again at the August 4, 2009 regular meeting.

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**ANIMAL CONTROL POLICY –**

**WILD VS. DOMESTIC ANIMAL CALLS**

Supervisor Anderson requested clarification of who to contact with regard to wild animal calls vs. domestic animal calls. Dave White, Emergency Services Coordinator and Erwin Ernest, 911 Director were in attendance and both discussed the various animal calls received by their

departments. It was determined that depending on the circumstances the County's Animal Control Officers will respond to all animal calls as well as wild life calls, but if too large for the County to handle the State's Game Warden will be contacted. It was also suggested that County's Animal Control telephone number, 276- 988-4160 be published in the local newspapers. The Board of Supervisors also suggested that the County's 911 Dept. and the County's Animal Control office work together to remedy the many non-emergency calls received by 911. Supervisor White felt the County's 911 telephone should not be used to report domestic or wild animal complaints unless it was an urgent situation such as a dog bite or animal attack.

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**VACO RESOLUTION ADOPTED –  
SUPPORTING THE PURCHASE OF PRODUCTS AND SERVICES MADE IN THE USA  
WITH ECONOMIC STIMULUS FUNDING**

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster 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 supporting the purchase of products and services made in the United States with Economic Stimulus funding. A copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

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**THOMPSON VALLEY OLD FIRE TRUCK –  
INVITATION TO BID LOCALLY**

Upon request of Supervisor Hymes it was a consensus of the Board of Supervisors to readvertise an invitation to bid for the old 1974 fire truck housed at the Thompson Valley Fire Dept. The board agreed to solicit bids for the old fire truck in local newspapers.

The Board of Supervisors further requested that the County sign up for participation in Govdeals.com.

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**DISTRICT FUNDS APPROVED**

Northern District \$500.00 Town of Pocahontas – Neighborhood Watch Association

Upon motion of Supervisor Brewster, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Northern District Fund, FY09-10 payable to the Town of Pocahontas, Virginia 24635 and earmarked for the purchase and installation of Neighborhood Watch Signs for the Pocahontas Neighborhood Watch Association. The Town of Pocahontas, VA will purchase and post the signs in accordance herewith. 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.

Northern District \$1,500 – Rescue 945 – Instantaneous Vascular Access Equipment

Upon motion of Supervisor Brewster, seconded by Supervisor Wimmer 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 from the Northern District Fund, FY09-10 payable to Rescue 945, PO Box 217, Boissevain, VA 24606 for the purchase of instantaneous vascular access equipment for trauma and cardiac patients as well as pediatric patients. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

Northern District Youth \$1,000 & Western District Youth \$500 to Baptist Valley Tigers Football - Little League Football, Tazewell, Virginia

Upon motion of Supervisor Brewster, seconded by Supervisor Wimmer 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 from the Northern District Youth Account & \$500 from the Western District Youth Account, for a total of \$1,500.00 payable to the Baptist Valley Tigers Football, PO Box 834, Tazewell, Virginia 24651 for the purchase of little league equipment needs. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

\$500.00 Western District Funds to Town of Richlands 4<sup>th</sup> of July Fireworks

Upon motion of Supervisor Wimmer, 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 \$500.00 from the Western District Fund payable to the Town of Richlands, Virginia 24641 to assist with 2009 4<sup>th</sup> of July fireworks display. 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.

\$2, 500.00 Western & \$2,500.00 Northwestern to the Town of Cedar Bluff to assist with Transit Program

Upon motion of Supervisor Wimmer, 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 \$2,500.00 from the Western District Fund and the amount of \$2,500.00 from the Northwestern District Fund, for a total of \$5,000.00 to be issued to the Town of Cedar Bluff, Virginia 24609 to assist Cedar Bluff

in its yearly contractual obligation with AASC – Four County Transit Operation. 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 checks by the Treasurer of Tazewell County, Virginia.

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### **OTHER BOARD CONCERNS**

Supervisor Brewster commended Sam Wolford for getting Tazewell County on Face Book. He said the County increased visitors from 60 fans to 100 in just one day. He said it was time the County worked to get people back to Tazewell County.

Supervisor Wimmer requested that the County Airport and County 911 be provided a link on the Tazewell County website.

Supervisor Wimmer requested that the Board of Supervisor present resolutions to the Hudson's/Clinch River Farms & Fenner Dunlop for receiving the Green Technology and Innovations Awards. Various Southwest Virginia companies were recognized for Excellence in Technology by the Southwestern VA Technology Council (SWVTC). The awards ceremony was held in Abingdon at the VA Highlands Community College on May 28.

Supervisor Wimmer requested that the County's Road Dept. investigate the alleged road block on Caleb Hollow Road. He was told that the road was partially blocked with farm equipment.

Supervisor Wimmer reiterated Supervisor White's earlier comments that the County did not cut funding to the Cedar Bluff transit program that the funding shortage was a result of problems with the distribution in the sales tax revenue. He also requested that each town be notified of all meetings of the Board of Supervisors as well as providing each town with a copy of the Boards agenda.

Supervisor Hymes questioned whether the AC was repaired at Nuckolls Hall. The AC has been repaired. He questioned the Camp 31/Route 61 Convenience Area project. The County Administrator will update the Board on this subject once he hears from the Department of Corrections (DOC).

Supervisor Hymes questioned the bathroom project at Burkes Garden Community Center. The County Administrator will update the Board as progress continues.

Supervisor Hymes announced Congressman Boucher's invitation to a "Funding & Utilizing Electronic Medical Records" forum at the Higher Education Center in Abingdon, Monday July 20 at 8:30 p.m.

The County Administrator stated that the County was waiting on the Town of Tazewell with regard to the Baptist Valley Sewer project. Minor changes are being made to the agreement by the Town.

Supervisor Anderson mentioned Cumberland Plateau Planning District's announcement that the Baptist Valley East Sewer Project would receive CDBG funding for \$1 M. The County Attorney, Eric Young said that approximately 130 property easements were still needed. If property owners do not respond and cooperate, the County could take the right-of-ways/easements by eminent domain.

Supervisor Hymes questioned the Tacoma Road Water project as well as the Tannersville Water Project. Jim Spencer, County and PSA Administrator said Darrell with the PSA could perform an estimate on the Tacoma Road project. Supervisor Hymes again requested the need for a community meeting in Tannersville with regard to the Tannersville Water project.

Supervisor White announced and invited everyone to the Jewell Ridge Community July 4 Celebration. He said the event would be held the entire weekend, July 3 – 5.

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#### **ENVIRONMENTAL COURT/ COURT FEES TO BE CONSIDERED FOR INCREASE**

The County Attorney, Eric Young was requested to set up a meeting with Judge Hurley to address the potential increase in court fees/ordinance to be considered for amendment and to discuss the possibility of the implementation of a bi-weekly environmental court. The County Attorney was also requested to run the numbers with regard to increasing the court fees.

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#### **AEP - PROPOSED INCREASES**

##### **STATE CORPORATION COMMISSION PUBLIC HEARINGS**

The Chairman, David R. Anderson stated that the County would be represented in Wytheville, Virginia on July 1, 2009 with regard to the State Corporation Commission's hearings on AEP's proposed rate increases to the fuel factor and environmental and reliability surcharge. A copy of the Board of Supervisors letter & resolution opposing AEP's rate increase will be hand-delivered to the State Corporation Commission during the July 1 hearing.

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#### **\$800.00 FROM CLAIMS & BOUNTIES - DAMAGE TO LIVESTOCK/HORSE KILLED BY BEAR**

Upon motion of Supervisor Brewster, 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 \$800.00 from the FY09-10 Claims & Bounties Account payable to Randall Sluss, 274 Fargo Road, Bluefield, VA 24605 for one (1) horse attacked by a bear on June 26, 2009 and died on June 28, 2009 as a result of same. 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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**COYOTE BOUNTY SUBJECT –  
MEETING SLATED WITH FARM BUREAU REPRESENTATIVES**

The Board recommended that two Board of Supervisor members, County Administrator, as well as Larry Mustard and Farm Bureau representatives meet on July 6 at 7:30 at the V& V Restaurant to discuss the County’s Coyote Bounty Ordinance.

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**ADJOURN**

There being no further business to be transacted and upon motion of Supervisor Brewster, seconded by Supervisor Wimmer 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 adjourn this meeting. The next regular meeting will be held August 4, 2009 at 6:00 p.m.

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David R. Anderson, Chairman

By: rg

Adjourn time: 10:55 p.m.