

**VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL  
COUNTY BOARD OF SUPERVISORS HELD MARCH 2, 2010 AT  
6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION  
BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA  
24651**

**PRESENT: SETH R. WHITE, CHAIRMAN  
DAVID R. ANDERSON, VICE-CHAIRMAN  
D. MICHAEL HYMES, MEMBER  
JIM CAMPBELL, MEMBER  
JOHN ABSHER, MEMBER  
JIM CAMPBELL, MEMBER  
JIM SPENCER, 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**

**ABSENT: NONE**

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The Chairman, Seth R. White, called the regular meeting to order and presided with all members in attendance. He then welcomed those present. Supervisor Anderson gave the invocation, which was followed by the pledge of allegiance to the United States flag, led by Supervisor Campbell.

**AGENDA APPROVED AS AMENDED**

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

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**MINUTES APPROVED AS WRITTEN**

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the February 2, 2010 Board of Supervisors meeting minutes as written.

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**DEANNA COX – ANNUAL FINANCIAL REPORT/COUNTY AUDIT  
FISCAL YEAR ENDING JUNE 30, 2010**

Deanna Cox, Robinson, Farmer, Cox Associates, presented the Tazewell County, Virginia County financial report/audit for year ending June 30, 2010. The assets of the County exceeded its liabilities at the close of the fiscal year by \$21,138,218 (net assets). Of this amount, \$9,888,223 was considered unrestricted. The assets of the County's business-type activities exceeded its liabilities at the close of the fiscal year by \$10,867,339 (net assets). Of this amount, \$3,822,244 was considered unrestricted. At the close of the current fiscal year, the County's funds reported combined ending fund balances of \$20,459,034. During the year, the County had governmental expenses that were \$4,965,258 more than revenues. Included in this amount was \$12,624,983 that was transferred to the school funds for the operation of the school system. The County's total debt increased by \$10,296,760 during the fiscal year (including the Landfill fund and blended PSA). The increase was due to the issuance of school bonds, school capital leases, landfill bonds, water and sewer improvement bonds and OPEB obligation.

Supervisor Campbell questioned the finances of the County in comparison/ranking to neighboring counties. Ms. Cox stated that the County's Audit was above average in terms of basic auditing procedures and complimented the county employees on their performances.

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**EXECUTIVE/CLOSED SESSION**

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 enter into an executive/closed session pursuant to Virginia Code Section 2.23711:

- A-3 Acquisition of Real Property – 911 Tower Site

- A-3 Property Acquisition located in the Gratton area
- A-7 Legal Consultation regarding Covington Road – Eastern District
- A-7 Legal Consultation regarding enforcement of the Ridgeline Ordinance
- A-6 Discussion regarding the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected regarding contract negotiations with the town (BlStn)
- A-1 Personnel involving County Attorney
- A-1 Personnel involving Property Maintenance Code Position
- A-5 Discussion regarding a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community – Project Helios.

#### **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 of no one against the same, the Tazewell County Board of Supervisors hereby return from the Executive/Closed Session:

#### **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: Five (5)

Nays: None (0)

Absent: None (0)

Absent during vote: None (0)

**REPORT OF ACTION AS A RESULT OF THE  
EXECUTIVE/CLOSED MEETING**

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 adopts the following resolution:

WHEREAS, the Board previously approved an Ordinance to regulate construction of tall structures on certain mountain ridgelines;

WHEREAS, the Ordinance calls for an Ordinance Administrator to determine whether proposed structures are regulated by the ordinance;

WHEREAS, the Ordinance calls for an Appeals Board to be appointed by the Circuit Court to hear appeals of applicants who have been denied permits to construct structures based on the Ordinance;

WHEREAS, the enforcement of the ordinance, implementation of the ordinance, and appeals and variances contemplated by the ordinance will require specialized legal counsel;

**NOW THEREFORE BE IT RESOLVED:**

1. That the Board appoints the County Engineer Gary Earp., P.E., as Interim Ordinance Administrator, to serve at the will and pleasure of the Board in such capacity, for purposes of the Ridgeline Protection Ordinance.

2. That the Board requests that the Circuit Court appoint seven (7) persons to serve as members of the Appeals Board and that one of the seven be a member of the Planning Commission as permitted by the Code of Virginia.

3. That the Board authorizes and directs the County Attorney to solicit proposals from attorneys specializing in land use regulation to assist the Board in implementing and enforcing the ordinance. And in the event such assistance shall be necessary prior to the next meeting of this Board, the County Attorney is authorized to contract with such counsel as may be necessary until the Board next meets.

It is so RESOLVED by the Board on this the 2<sup>nd</sup> day of March 2010.

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 adopts the following resolution:

WHEREAS, the Board previously approved an Ordinance to regulate construction of tall structures on certain mountain ridgelines;

WHEREAS, the Board adopted said ordinance after public hearings, recommendations from the Planning Commission, and upon solicitation of public comment;

WHEREAS, the Board desires to preserve the public record relating to passage of the Ordinance;

NOW THEREFORE BE IT RESOLVED:

1. That the letters received at the County Administration Building relating to the ordinance which were signed, with a return address, delivered to 108 East Main Street, Tazewell, Virginia 24651, prior to January 27, 2010,

hereby are made a part of the record of the public hearings. And, that the Board accept into the record letters received after January 27, 2010 and before February 2, 2010 and designate them as "late".

2. That copies of notices of the hearing that were sent be made a part of the record.

3. That the minutes of the Planning Commission meeting held in June, 2009 when said Commission Approved and Recommended the Ordinance to the Board and minutes of the July, 2009 meeting when those minutes were approved are made a part of the record;

4. That the minutes of the Ordinance Steering Committee's meetings held pursuant to instruction of the Planning Commission and the Board of Supervisors shall be made a part of the record;

All the documents as mentioned in accordance with this resolution and as hereby adopted are on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

It is so RESOLVED by the Board on this the 2<sup>nd</sup> day of March, 2010.

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**ANNOUNCEMENT FOR NEED OF AN**

**ADDITIONAL EXECUTIVE/CLOSED SESSION**

The Chairman noted for the record that the Board would need to return to an executive closed session towards the end of the meeting to finalize items of discussion as previously entered into this date.

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**CONSENT CALENDAR APPROVED**

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

**WARRANTS APPROVED AS PAID****January 2010/February 2010****Payroll**

Ordered that Warrant Nos. 131315 through 131398, and direct deposits totaling \$199,300.27 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending January 31, 2010, be approved.

Ordered that Warrant Nos. 131400 through 131484 and direct deposits totaling \$197,443.66 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending February 15, be approved.

**Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 446712 through 446871, for \$449,610.70 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of January 2010, be approved.

Ordered that Warrant Nos. 446873 through 446891, for \$145,539.80 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending January 31, 2010, be approved

Ordered that Warrant Nos. 446893 through 447022, for \$186,970.26 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of February 2010, be approved.

Ordered that Warrant Nos. 447024 through 447042 for \$147,398.15 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending February 15, 2010, be approved.

**Handwritten**

Ordered that Warrant Nos. 801430 through 801436 for \$31,494.10 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of January 2010, be approved.

■ Approved coyote claims:

- \$50.00 to William Bandy, 231 Gillespie Road, Pounding Mill, VA 24637 for 1 coyote killed on Feb. 11, 2010 with a snare
- \$50.00 to Travis Bandy, 231 Gillespie Road, Pounding Mill, VA 24637 for 1 coyote killed on Jan. 30, 2010 with a trap
- \$200.00 Duane Shortt, PO Box 70 RD -5460, Doran, VA 24612 for 4 coyotes killed on Jan. 14 & 28, 2010 with a rifle.
- \$50.00 to Robert Brittain, PO Box 227, Tazewell, VA 24651 for 1 coyote killed with a rifle on Jan. 13, 2010.
- \$50.00 to Archie French, 207 Salina Rd. North Tazewell, VA 24630 for 1 coyote killed with a snare on Jan. 31, 2010
- \$50.00 to Jessie Asbury, 4025 Hogback Rd. Tazewell, VA 24651 for 1 coyote killed with a snare on December 23, 2009
- \$150.00 to Jessie Asbury, 4025 Hogback Rd. Tazewell, VA 24651 for 3 coyotes killed with a snare on Jan. 11, 2010.
- \$100.00 to Jessie Asbury, 4025 Hogback Rd. Tazewell, VA 24651 for 2 coyotes killed with a snare on Jan. 19, 2010.
- \$50.00 to Marty Hurd, 156 Barbarossa Ln. North Tazewell, VA 24630 for 1 coyote killed with a muzzle loader on Nov. 4, 2009
- \$50.00 to Ray Howell, 1477 Rosebaum Rd. Bluefield, VA 24605 for 1 coyote killed with a snare on Feb. 4, 2010
- \$200.00 to Ray Howell, 1477 Rosebaum Rd. Bluefield, VA 24605 for 4 coyotes killed with a snare on Jan. 30, 2010.
- \$150.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, VA 24651 for 3 coyotes killed with a snare on Jan. 23, 1010

- ▶ \$100.00 to Doug Boothe, Rt. 1, Box 328-A3, Bluefield, VA 24605 for 2 coyotes killed with a gun and snare on Feb. 18, 2010
- ▶ \$150.00 to Jessie Asbury, 4025 Hog Back Road, Tazewell, VA 24651 for 3 coyotes killed with a snare on Feb. 18, 2010
- ▶ \$50.00 to Jessie Asbury, 4025 Hog Back Road, Tazewell, VA 24651 for 1 coyote killed with a snare on Feb. 1, 2010.
- ▶ \$50.00 to James Harris, Jr. 218 Rocky Dale Road, Tazewell, VA 24651 for 1 coyote killed with a rifle on Feb. 20, 2010.
- Library Account – transferred the amounts from the Contingent Expenditures & Grant Account 91050-7041 to various library accounts:
  - ▶ \$40.00 to 7301-6012 (Margaret Mullins)
  - ▶ \$755.61 to 7301-5410 (Xerox Corporation)
  - ▶ \$22.35 to 7301-6001 (Oriental Trading Co.)
- Library Account – transferred the amount of \$25.00 from the Contingent Expenditures & Grant Account 91050-7041 to Library Account No. 7301-6012 – Donor/ Hamilton
- PSA – “Resolved that the PSA may use up to \$39k from proceeds from the BOS loan to acquire easements for Baptist Valley to fund the Horsepen Water Project.”
- Transferred \$30,000 from the Contingent Expenditures & Grants (91050-7041) to Information and Technology Capital Outlay (12510-8109) for grant money received from USDA Rural Development, Rural Business Enterprise Grant.
- Ratified a resolution presented to Earl Griffith honoring his tenure as a PSA member
- Approved \$1,500.00 from the Northwestern District Fund to the Richlands High School DECA
- Approved \$750.00 from the Northwestern District Fund to the Raven Elementary for 5<sup>th</sup> grade trip

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## **VDOT REPORTS**

Marty Halloway, VDOT Resident Administrator, provided each member of the Board of Supervisors with a copy of a list of highway activities that have taken place since the February 2, 2010 Board of Supervisors meeting:

**Construction**

- RTE 782 – Bridge Project – Falls Mills Area – No change from last month due to weather.
- RTE 747 – Bridge Project – No change from last month due to weather.
- 460 Bluestone Project – No change from last month due to weather.
- Bridge Overlay Projects – Contractor waiting for warmer weather before starting due to weather sensitive operations.

**Project Development**

**Miscellaneous**

- Need to schedule a CST meeting (March 5, 2010 @ 3:00 p.m.)
- VDOT entrance policy – copies will be provided (free service no longer available – charges will be made)
- New Land Use Manual – available March 17, 2010

**Other**

Mr. Hallaway stated that the Virginia Department of Transportation is working jointly with the State Police to review the road & pot-hole repairs/sign replacements in question due to the recent wind and snow damages.

Supervisor Anderson commended VDOT employees for a job well done during the recent snow and ice storms in Tazewell County.

Supervisor Hymes mentioned the on-going need for drift/snow fences in areas such as Burkes Garden.

Supervisor Campbell inquired about the upcoming reduction in force changes to VDOT, particularly in the maintenance departments. Mr. Hallaway said the maintenance locations in Tazewell County remain unchanged.

Mr. B.C. Fuller questioned the status of the Triangle Road Bridge in the Eastern District. Mr. Hallaway said the matter was turned over to the Bridge Division for repairs.

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**HOME MONITORING PROGRAM –  
CLINCH VALLEY COMMUNITY ACTION**

Clinch Valley Community Action, Inc. representatives, Debbie Johnson and Gary Gunter updated the Board with regard to the Home Monitoring Program that is assisting

to ease the overcrowding in the Southwest Regional Jail, thus saving the County money. In the last ten (10) months, Ms. Johnson reported that the Diversion Program has saved the County around \$101,268.32. Mr. Gunter reported there are thirty (30) participants in the program who pay a fee to the Clinch Valley Community Action to participate in the program that allows participants to stay out of jail by submitting to random drug testing, drug counseling, anger management and other assessments. He said he hoped that the program would eventually include home electronic monitoring to its program, which allows ankle bracelets to alert officers if the person leaves an unpermitted area. A battery alert system would be included in the bracelet should the battery need recharging. The battery would be charged without removal of the bracelet. Any violation of the rules by participants could result in jail time. Ms. Johnson said that Clinch Valley Community Action was applying for a grant to increase its program. In closing, the Board requested that the County Administrator set up a meeting with Chris Thompson, CVCA, Inc. to determine all options with regard to saving the county money as well as suggesting that Ms. Thompson attend a budget meeting to address same.

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**LOIS MULLINS, PRESIDENT**

**TAZEWELL EDUCATION ASSOCIATION**

Mrs. Lois Mullins, President, Tazewell Education Association discussed the proposed state funding for the County's school system. She mentioned a potential cut of \$3,000,000 for FY10-11 and \$2,400,000 for biennial, FY11-12. Ms. Mullins said the school system is trying to figure out ways to meet the budget cuts. Ways to meet the cuts included employee layoffs. Ms. Mullins said that all teachers with 5 years or less experience have been told they may lose their jobs. This will result in more pupils in classrooms, less variety in class offerings and the quality of education would go down. She said employee contributions would also increase, VRS, hospitalization/insurance costs, etc. She reiterated that quality schools attract quality business and industry. Mrs. Mullins said the loss of teacher jobs in Tazewell County would also hurt the local economy. Mrs. Mullins said Tazewell County teacher salaries rank among the lowest in the State. She requested that the Board of Supervisors provide enough funding in order to save jobs for their constituents.

Chairman White questioned the TEA's position with regard to the proposed cuts set out by the Tazewell County School Board. Mrs. Mullins said that maintaining jobs for teachers was the most important and status quo with salaries in some form or fashion as well as class size.

Supervisor Campbell suggested that the Board of Supervisors meet with the School System by the April 15 contract deadline.

The Board then discussed shared services with the School Board in ways to save funding. A list of shared services as prepared by the County Administrator was given to the Board of Supervisors. He said that the Information Technology (IT) services would be one area addressed.

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## **PLEASANT VALLEY ESTATES**

### **JOE ROBINSON**

Mr. Joe Robinson, Pleasant Valley Estates, requested that the State assign a State Route number to the Pleasant Valley Road for emergency purposes/snow removal only. He said a resident of Pleasant Valley Estates recently became ill and the emergency vehicle could not get to the patient due to the icy/snow covered roads in Pleasant Valley Estates. Mr. Halloway explained that the State could not assign a State Route No. to a road unless the road was part of the State Highway System. However, Mr. Halloway said the County could assign road numbers for identification purposes, but every county road should be numbered, not just certain roads. He used Buchanan County as an example and explained that they have an independent road numbering system for all their county roads, as opposed to road names. With regard to Mr. Robinson's request, Chairman White noted that various emergency departments in the County have all terrain vehicles that are used during emergencies and the ambulance service called to Pleasant Valley Estates should have executed the use of same. The Board suggested that the 911 Center register be reviewed to determine the circumstances of Mr. Robinson's comments.

Supervisor Campbell spoke of the importance of having some type of emergency plan in place for its orphan roads.

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**DOVE LANE VACATION – PUBLIC HEARING AUTHORIZED**

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 authorizes and directs the County Administrator to advertise for a public hearing for April 6, 2010 to hear concerns regarding the Vacation of a Public Street Adjacent to Baptist Valley Road near Pine Tree Drive, Commonly Referred to as Dove Lane – North Tazewell Virginia.

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**DIESEL BOX TRUCK, 2001 GMC –**

Sheriff H.S. Caudill requested the return of the 2001 GMC Diesel Box Truck. The County Administrator, Jim Spencer gave a sequence of events relating to the old 2001 GMC Diesel Box Truck previously owned by the Tazewell County Sheriff's Dept. The truck was originally confiscated because of a raid at the Tazewell County Flea Market. The Sheriff offered the truck for sale in the Bristol area, with no results. He later gave the County the vehicle. The County placed an invitation to bid in local newspapers with a high bid of \$3,600.00 +/- . The County rejected the bids in 2007. However, at a meeting of the Board of Supervisors, held February 6, 2007, the County gave the Sheriff's department an amount of \$3,625.00; the amount derived from the highest bid received as a pledge to the Sheriff's Department that the monies from the sell of the box truck would be used to help offset expenses associated with Courthouse Security. The County agreed to keep the truck as a Hazmat Response Vehicle for use in the County. The County Administrator stated that he would notify the Sheriff of other potential surplus vehicles that he could possibly use instead of the box truck.

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**BUCHANAN COUNTY GAS & OIL REQUEST**

The County Attorney, Eric Young reported that Buchanan County has requested financial assistance from each of their neighboring counties to share the legal costs because of legal and lobbying fees with regard to the proposed reforms to the Virginia Gas and Oil Act litigation issues. The Board requested that the County Attorney follow up with potential litigation issues, costs, etc. and to make a report to the Board of Supervisors, via email. The County Attorney further stated that he was working with the County Commissioner of Revenue with regard to the CNX Gas case.

**AD HOC MEMBERS**

**BOARDS/AUTHORITIES/COMMISSIONS**

The County Attorney, Eric Young, presented the Board with a list of committees the Board makes appointments to. The list also showed the committees that do not have terms, thereby serving at the will and pleasure of the Board of Supervisors. The Board of Supervisors discussed the implementation of terms not to exceed one-year staggered terms to coincide with the elected terms of the Board of Supervisors. The County Attorney was directed to prepare a resolution to each ad-hoc committee advising them of the Board's desires.

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**APPOINTMENTS**

**Disability Services Board**

Upon motion of Supervisor White, 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 William Cole, PO Box 110, Doran, Virginia 24612 to the Tazewell County Disability Services Board with a term commencing immediately and expiring December 31, 2012 (3 yr. term).

**Redistricting Committee**

The Board of Supervisors deferred the remaining appointments to the Tazewell County Redistricting Committee to the next regular meeting.

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**EMPLOYEE HOSPITALIZATION RATES APPROVED FOR FY2010-11**

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 approves the Tazewell County Employee Hospitalization Rates for FY2010-2011.

The following rates as approved are based on participation in the County's present plan with Local Choice- Key Advantage w/ Expanded Benefits. The rates reflect a 6.5% increase for the upcoming year and both employer and employee rates reflect adjustments to absorb the cost of the increase:

The Budget Committee has reviewed these rates and recommended their approval by the governing body.

<i>Type of Coverage</i>	<i>Total Monthly Premium</i>	<i>Employee's Monthly Share</i>	<i>Employer's Monthly Share</i>
<b>Single</b>	\$575.00	\$57.50	\$517.50
<b>Subscriber/Dependent</b>	\$1,064.00	\$204.20	\$859.80
<b>Family</b>	\$1,553.00	\$350.90	\$1,202.10

Note: Based on 90% employer share for single, and 70% employer share for the difference in dual and family

The Advantage 65 Medicare supplement rate has increased to \$160.00. The cost of this coverage is the responsibility of the participant and as a standalone plan and is not used in the experience rating when determining the rates for the active group.

Approved also is a feature that allows the county to continue coverage for survivors of deceased employees until the end of the month following the employee's death. The full premium with continued employer and dependent contribution is required. This feature was offered last year and approved.

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**EMERGENCY SERVICES COMMITTEE (ESC)**

**UPDATE**

Supervisor Campbell, representing the Tazewell County Emergency Services Committee updated the Board with regard to the February 16, 2010 Emergency Services Committee meeting.

- ▶ A Tanker Task Force Committee will be considered for implementation and will the responsibility of the County's 911 Department
- ▶ Equipment Spot Checks – a committee will continue to monitor equipment needs.
- ▶ OEMS Grant application – the purchase of Anti-Virus programs were purchased and installed in county rescue units
- ▶ Jewell Ridge Fire Department and Buchanan County Mutual Aid – this matter is on-going

**USDA RURAL DEVELOPMENT GRANT  
POLY/SKID UNIT FOR ABBS VALLEY FIRE DEPARTMENT  
55/45 MATCHING GRANT**

Now, upon recommendation of the Emergency Services Committee (ESC) as presented by Supervisor Campbell who moved to approve a USDA Rural Development Grant to purchase a Poly/Skid Unit for the 2000 Chevrolet 4 x 4 truck operated by the Abbs Valley Fire Department. The cost of the Unit is \$7,900.00 and if the grant is approved, 55/45, the award amount will be \$4,345.00 with a County match of \$3,555.00. The Board hereby approves and commits the amount of \$3,555.00 with said amount transferred from the Rescue Capital Outlay Fund to Fire Department Equipment Account (County's match). The Poly/Skid Unit is needed in order for the 4 x 4 truck to become operational as a Quick Attack/Mini Pumper-Apparatus.

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**EMERGENCY DECLARATION RATIFIED**

Upon motion of Supervisor Campbell, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution ratifying the Declaration of an Emergency declared on February 5, 2010, by the County Administrator, Jim Spencer, pursuant to Virginia Code Section 44-146.21 of the Code of Virginia. The emergency was declared because of a series of heavy snowfalls in the County, culminating in an ice & windstorm on February 5, 2010 that interrupted electrical services in the county, transportation, water services, as well as causing severe travel conditions.

A copy of the resolution in a form as adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

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**BROADBAND PROJECT – CUMBERLAND PLATEAU COMPANY'S (CPC)  
SUPPORTING BVU & CPC – ARRA FUNDING APPLICATION**

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 supports Bristol Virginia Utilities and the Cumberland Plateau Company's ARRA funding application to

expand its fiber-optic backbone network. A copy of the support letter is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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### **EXECUTIVE/CLOSED SESSION**

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

- A-6 Discussion regarding the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the government would be adversely affected involving contract negotiations with the town relating to the Bluestone.
- A- 1 Personnel involving Property Maintenance Code Position
- A-5 Discussion regarding a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community – Project Helios

### **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 voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Meeting.

### **CERTIFICATION OF EXECUTIVE/CLOSED MEETING**

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

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

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

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

Nays: None

Absent: None

Absent during vote: None

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING**

**\$15,125.00 APPROVED FROM ANIMAL SHELTER ACCOUNT TO EMERGENCY SERVICES ACCOUNT**

Upon motion of Supervisor Absher, 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 approves the amount of \$15,125.00 from the Animal Shelter Account to the Emergency Services Account.

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**BOARD CONCERNS**

**ENTERPRISE ZONE – DAVE ANDERSON**

The County Administrator stated that he emailed each Board of Supervisor with regard to the two requests for amendments to the Enterprise Zone. The maps were made available as well. Amendments can only be made once per year. The Northern & Southern District does not have any land in the Enterprise Zone. Mr. Spencer said he would meet with the new board members to explain the Enterprise Zone and its incentives.

**\$500.00 TO YOUNG LIFE – FROM EASTERN DISTRICT FUNDS**

Upon motion of Supervisor Anderson, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Eastern District Fund to the Young Life Program, Bluefield,

VA c/o Pip Alba, Jr. P.O. Box 31, Bluefield, VA 24605. 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.

**ANDERSON – THANKED EARL GRIFFITH FOR HIS SERVICE  
TO THE PSA**

Supervisor Anderson thanked Earl Griffith for his ten (10) year service as a member of the Tazewell County PSA Board. Mr. Griffith was presented with a resolution from the Board of Supervisors during the March 1, 2010 PSA meeting.

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**SUPERVISOR CAMPBELL**

**HVAC System – Community Services Building**

Supervisor Campbell mentioned the ongoing problems with the HVAC system at the Community Services Building and questioned if the County had received documentation about the problems. The County Administrator said the County continues to have problems with the HVAC Contractor and has asked for an extended warranty. A system balancing report is now being performed. Supervisor Campbell said that Rick Chitwood, T & L told him that Burwill has agreed to extend the warranty for one (1) year. The County Attorney confirmed that he received written confirmation from Burwill that the warranty would be extended for one (1) year and the balancing would be completed by April 1, 2010.

**Joint Meeting Requested with School Board**

Supervisor Campbell requested that the Board of Supervisors have a joint meeting with the School Board to address budget issues. Other Board members agreed and suggested that the County Administrator attempt to schedule a joint meeting with the School Board following the April 6, 2010 regular Board of Supervisors meeting.

**\$2,500 NORTHWESTERN DISTRICT**

**\$2,500 NORTHERN DISTRICT**

**TO THE TOWN OF RICHLANDS FIRE DEPT. FOR FIRE APPARATUS – IN  
RETURN FOR 1981 FORD PUMPER**

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

against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,500 from the Northern District Fund and the amount of \$2,500 from the Northwestern District Fund, designated to the Town of Richlands for a pump apparatus-testing equipment and trailer, in return for a 1981 Ford Pumper as declared surplus by the Richlands Town Council, subject to the approval of the Richlands Town Council. Upon approval of same, the County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said action will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

### **SUPERVISOR HYMES**

#### **County 4-H Extension Agent Position**

Supervisor Hymes stated that he would be attending a meeting at Virginia Tech to address the County Extension Agent position. Supervisor Hymes feels this a very critical position that needs funded.

#### **Virtual Check Book – County’s Expenses**

Supervisor Hymes questioned the status of publishing the County’s Virtual Check Book on the County’s Website. The Assistant County Administrator said the information is now posted will be updated quarterly on the Tazewell County’s Website.

#### **Cumberland Mountain Community Services Facility at Wardell – Workshop**

Supervisor Hymes spoke of the importance of the Cumberland Mountain Community Services Facility Workshop at Wardell and mentioned the proposed budget cuts to the program. Now, upon motion of Supervisor Hymes seconded by Supervisor Campbell and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby requests the Chairman of the Board of Supervisors to send a letter to Senator Puckett, with copies to Delegate Stark & Delegate Morefield, requesting the restoration of State funding for the Cumberland Mt. Community Services Facility at Wardell.

#### **Dayton Road – Gravel Requested**

Supervisor Hymes requested that gravel be placed on the orphan road portion of Dayton Road, Southern District. Mike Rose is the contact person.

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**BOARDS/AUTHORITIES/COMMISSIONS**

Supervisor Absher moved that all meetings of any County Board, Commission or Authority meet after 5:30 p.m. to enable more public participation and attendance.

Following discussion, Supervisor Absher withdrew his motion.

**INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)**

Now, upon motion of Supervisor Absher, 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 requests the Tazewell County Industrial Development Authority (IDA) to set their meeting times to no earlier than 5:30 p.m. to enable more public participation and attendance.

**OTHER COMMITTEES – MEETING TIMES ADDRESSED**

A motion made by Supervisor Hymes seconded by Supervisor Anderson was withdrawn asking that every county committee be sent a letter asking that they meet no later than 5:30 p.m.

The County Attorney, Eric Young, stated that he would be looking at the entire Boards/Commissions/Authorities manual to determine what committees are obsolete. A complete list of non-working committees will be provided to the Board of Supervisors before July 1, 2010 and the Board of Supervisors can decide if the non-working committees need to be abolished. He will also send a letter to committees (subsidiary of the Board of Supervisors) asking that they set their meeting times to no earlier than 5:30 p.m.

**OTHER BUSINESS**

Supervisor White thanked Barbara Altizer, Eastern Coal Council for doing a great job coordinating a group trip to Richmond to oppose Senate Bill 564. The Bill would have banned mountaintop mining and effectively prohibited coal mining operations in the State of Virginia.

**ADJOURN**

Now, there being no further business to be transacted, and upon motion of Supervisor Hymes seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adjourns this meeting. The next meeting is scheduled for April 6, 2010.

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Seth R. White, Chairman

By: rg

11:20 p.m.