

VIRGINIA: At a regular meeting of the Tazewell County Board of Supervisors held May 4, 2010 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, Jr., Member  
John Absher, Member  
Jim Spencer, III, County Administrator  
C. Eric Young, County Attorney  
Patricia Green, Assistant County Administrator  
Ruth Groseclose, Administrative Assistant  
Members of the 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. Supervisor Anderson gave the invocation followed by the Pledge of Allegiance to the United States Flag.

The Chairman welcomed those present. He then suggested that agenda item, School Board Local Funding Request, be considered following Citizen Comments Unscheduled.

**AGENDA APPROVED AS AMENDED**

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

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**MINUTES APPROVED AS WRITTEN**

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the April 6, 2010 Board of Supervisors meeting minutes as written.

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**EXECUTIVE/CLOSED MEETING**

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed meeting pursuant to Virginia Code Section 2.2-3711 to address the following matters:

- A-7 Legal - Regarding specific legal matter requiring the provision of legal advice by counsel involving illegal dumpsite near Red Root Ridge
- A-7 Legal – Consultation with legal counsel requiring the provision of legal advice by counsel involving Covington Road
- A-7 Legal – Consultation with legal counsel requiring the provision of legal advice by counsel involving Bluestone Financing
- A-6 – Discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the government unit would be adversely affected - Contract negotiations involving Emergency Communications
- A-3 Property Acquisition (2) Matters – Tannersville Tower Site and Morris Knob
- A3 Property Acquisition/Disposition – involving the Health Department Building

- A7 Legal/Contractual Matter involving Consol Energy
  
- A-7 Legal/Consultation with legal counsel regarding sales tax recoupment

**RETURN/CERTIFICATION/REPORT OF ACTION**

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

**CERTIFICATION  
OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: All five (5) Supervisor Absher, Campbell, Hymes, White and Anderson  
Nays: None(0)  
Absent: None (0)

Absent during vote: None (0)

**EXECUTIVE/CLOSED SESSION –  
ACTION AS A RESULT  
COVINGTON ROAD – CONDEMNED**

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 authorizes and directs the County Attorney, if necessary, to file a Certification of Take to condemn Covington Road, located in the Eastern District of Tazewell County, Virginia.

**IDA SUPPORT AGREEMENT – FIRST BANK & TRUST**

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the Support Agreement with the Industrial Development Authority (IDA) and First Bank & Trust Company, Bristol, Virginia and the related Moral Obligation Resolution to support the \$3,000,000.00 line of credit for Contract II for the Bluestone Regional Business and Technology Center.

Further, 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 directs the Tazewell County Industrial Development Authority (IDA) to not award Contract II until the Tobacco Commission has confirmed in writing the additional \$2,000,000.00 grant for Contract II Infrastructure for the Bluestone Regional Business and Technology Center.

**TANNERSVILLE TOWER SITE  
LEASE AGREEMENT**

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an agreement with Mrs. Craig for \$7,232.00 for a three (3) year term property lease agreement for the placement of the Tannersville Community Tower Site, and further that the Tazewell County Board of Supervisors

simultaneously negotiate for an alternative site for the same amount with same terms – and finally, that Mrs. Craig be given five (5) days to respond to this offer.

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The Chairman noted that the Board would need to return to an executive/closed session towards the end of the meeting.

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### **EMERGENCY SERVICES COMMITTEE (ESC) ACTION**

#### **Poly Skid Unit – \$3,555.00 Back to Capital Outlay Rescue Account**

Supervisor Campbell, on behalf of the Emergency Services Committee, reported that the USDA Rural Development grant applied for by the County to purchase a Poly/Skid Unit at a cost of \$7,900.00 was rejected by the USDA because of the County's financial strength for such a small grant. The grant was a 55/45 match with the County approving the matching funds in the amount of \$3,555.00 at their March 2010 meeting. The ESC Committee is requesting that the Board transfer the \$3,555.00 back to the Capital Outlay Rescue Account and apply the \$3,355.00 toward the match for an OEMS Rescue Squad Assistance Fund Grant (80/20) that was awarded to purchase a Phillip HeartStart MRx ALS Monitor. The total cost of the monitor is \$21,235.50 and the award amount is \$16,988.40, with a local funding match of \$4,247.10, with Rescue 945 allocating \$1,400.00 and with the County paying the remaining \$2,847.10 from the \$3,555.00. Now, upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof, the Tazewell County Board of Supervisors hereby transfers the \$3,555.00 allocated to Rescue 945 at their March 2010 meeting for the Poly/Skid Unit back to the Capital Outlay Rescue and further hereby approves the amount of \$2,847.10 from the Capital Outlay Rescue, payable to 945 Rescue, to assist with the matching funds for a OEMS Rescue Squad Assistance Fund to purchase a Phillip HeartStart MRx ALS Monitor for Rescue 945.

Supervisor Campbell commended Dave White for his commitment to search for grant funding for the various emergency services departments. He said of the some of the grants were 90/10 through Federal Stimulus money. The ESC Committee made a request that all fire departments submit the grant requests as may be appropriate. He said this was a good opportunity for the fire departments to weigh in on equipment needs. The County

Administrator, Jim Spencer, said this was good idea but the county needed to decide how much to put up as matching funds so the County does not overwrite available county funding. He also said he contacted USDA – Rural Development and USDA would assist the County in individual grant applications, put the grant packages together and submit as necessary. However, he said the departments should begin compiling their information now if they intend to apply for the grant funding. He said the grant applications need to be applied for by individual departments and not in the County’s name, due to the financial strength of the County.

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## **APPOINTMENTS**

### **Emergency Services Committee**

One ESC appointment to replace member Earl Griffith was deferred to the next regular meeting. Mr. Griffith resigned his position as a member of the ESC committee, effective immediately.

### **SVCC Board**

One at-large SVCC Board appointment to fill Dr. Tom Brewster’s unexpired term to June 30, 2013 who resigned was deferred to the next regular meeting.

### **IDA**

One appointment to fill the unexpired term of the late Rev. Leon Yost was deferred to the next regular meeting.

## **CLINCH VALLEY COMMUNITY ACTION BOARD OF DIRECTORS**

Upon motions made, seconded and duly passed the following individuals were reappointed to serve as members of the Clinch Valley Community Action, Board of Directors.

Two appointments were deferred to the next regular meeting (E. Hagy & B.Smith):

- Donald A. Neal – 1807 Lee Ave. Bluefield, VA 24605 to June 30, 2011
- David Larimer – 600 Six Road, Tazewell, VA 24651 to June 30, 2011
- Frances Meadows – 201 Henderson St. Richlands, VA 24641 to June 30, 2011

## **REDISTRICTING COMMITTEE**

Appointments to the Tazewell County Redistricting Committee was deferred to the next regular meeting.

**TALL STRUCTURES APPEALS BOARD**

Upon motions made, seconded and duly passed, the Tazewell County Board of Supervisors hereby nominate the following individuals to serve as members of the Tall Structure Ordinance Appeals Board. The nominations will be forwarded to the Circuit Court Judge for formal appointment. The northern and northwestern district appointments were deferred to the June 1, 2010 regular meeting.

- Southern District – Charlie Hart
- Eastern District – Ron Mullenaux
- Western District – Curt Breeding
- Northern District – deferred
- Northwestern District – deferred
- One at large – deferred
- Planning Commission Representation – Bill Gillespie

**GENERAL REASSESSMENT RFP**

Upon motion of Supervisor White, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints the following committee to review and make a recommendation with regard to the RFP's received for the General Reassessment for Real Property for Tazewell County, Virginia. The County is accepting written proposals to perform a General Reassessment of all real property within the County of Tazewell – RFP's will be accepted until May 21, 2010 at 2:00 p.m.

**RFP REVIEW COMMITTEE:**

- Emma Hagy; Mike Hymes and Seth White

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**CITIZEN COMMENTS SCHEDULED****NEVA BRYAN – APPALACHIAN AGENCY FOR SENIOR CITIZENS – AASC ACTIVITIES**

Neva Bryan, Director of Public Relations, Appalachian Agency for Senior Citizens updated the Board on some of the current and future activities of the agency. Appalachian Agency for Senior Citizens (AASC) was established in 1975. AASC is one of Virginia's 25 Area

Agencies on Aging designated by the Virginia Department for the Aging to carry out the department's mission to foster the dignity, independence and security of older Virginians by promoting partnerships with communities at the local level. AASC offers information and services for older adults residing in Buchanan, Dickenson, Russell, and Tazewell counties.

Among its services are Four County Transit, Generations Adult and Child Day Care, and AllCARE for Seniors PACE.

Last year AASC helped nearly 30 people avoid nursing home placement by enrolling them in AllCARE for seniors;

- Counseled more than 1,200 people about health insurance, especially Medicare;
- Provided more than 17,000 hours of homemaker services;
- Made emergency home repairs to 63 homes;
- Delivered almost 140,000 meals to the elderly at their homes;
- Provided affordable public transportation services to our four counties;
- Instructed community members about how to recognize, prevent, and report elder abuse;
- Offered child and adult day care services
- Offers legal aid for qualified seniors
- Provides a fall prevention program for seniors
- Various nutrition sites for seniors that are USDA approved
- AASC is now on FACE BOOK – and is good PER

Upcoming activities include the farmer's market coupons for qualified seniors.

The coupons not only help provide nutrition for seniors but also help support local growers of produce.

These are just a few examples of how AASC helps older people and their caregivers.

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**CONSENT CALENDAR APPROVED**

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

**WARRANTS APPROVED AS PAID**

March/April 2010

Payroll

Ordered that Warrant Nos. 131665 through 131753, and direct deposits totaling \$196,243.88 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending March 31, 2010, be approved.

Ordered that Warrant Nos. 131755 through 131842 and direct deposits totaling \$194,793.14 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending April 15, 2010 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 447420 through 447540, for \$517,173.85 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of March 2010, be approved.

Ordered that Warrant Nos. 447542 through 447560, for \$147,055.81 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending March 31, 2010, be approved

Ordered that Warrant Nos. 447562 through 447727, for \$1,347,450.10 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of April 2010, be approved.

Ordered that Warrant Nos. 447729 through 447746 for \$146,485.72 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending April 15, 2010, be approved.

#### Handwritten

Ordered that Warrant Nos. 801445 through 801454 for \$59,141.99 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of March 2010, be approved.

#### **COYOTE CLAIMS APPROVED**

- \$100.00 to Ray Howell, 1477 Rosenbaum Rd, Bluefield, Virginia 24605 for 2 coyotes killed on March 20, 2010 with a snare
- \$150.00 to Ray Howell, 1477 Rosenbaum Rd, Bluefield, Virginia 24605 for 3 coyotes killed on April 16, 2010 with a snare
- \$50.00 to Dillard Putman, 2084 Virginia Ave. Bluefield, Virginia 24605 for 1 coyote killed on April 16, 2010 with a snare
- \$50.00 to Ray Howell, 1477 Rosenbaum Rd. Bluefield, Virginia 24605 for 1 coyote killed on April 6, 2010 with a snare
- \$50.00 to James Hoops, 133 Lynn Street, Cedar Bluff, Virginia 24605 for 1 coyote killed on April 12, 2010 with a snare
- \$50.00 to Will Adams, 28010 Governor Perry Highway, North Tazewell, Virginia 24630 for 1 coyote killed on April 14, 2010 with a rifle
- \$200.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, Virginia 24651 for 4 coyotes killed on March 24, 2010 with a snare
- \$200.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, Virginia 24651 for 4 coyotes killed on March 17, 2010 with a snare

- \$50.00 to Delmar Bowman, 429 Westview St. Pounding Mill, VA 24637 for 1 coyote killed on April 14, 2010 with a rifle
- \$50.00 to Bobby Smith, Gillespie Road, Clifffield, VA 24637 for 1 coyote killed with a coyote on April 14, 2010 with a rifle
- \$50.00 to Lewis Gates, PO Box 1006, North Tazewell, VA 24630 for 1 coyote killed on April 12, 2010 with a rifle
- \$200.00 to Larry Lambert, 401 Plymouth Hollow Rd. North Tazewell, Virginia 24630 for 4 coyotes killed on March 25, 2010 with a rifle
- \$50.00 to Larry Lambert, 401 Plymouth Hollow Rd. North Tazewell, Virginia 24630 for 1 coyote killed on March 23, 2010 with a snare
- \$200.00 to John Keen, PO Box 15, Pounding Mill, Virginia 24637 for 4 coyotes killed on March 19, 2010 with a rifle
- \$50.00 to Jessie Asbury, 4025 Hogback Rd. Tazewell, Virginia 24651 for 1 coyote killed on April 4, 2010 with a snare
- \$50.00 to Danny Akers, Rt. 2 Box 1190 Bluefield, Virginia 24605 for 1 coyote killed on March 12, 2010 with a snare
- \$550.00 to Russell Daugherty, 5834 Slate Creek Road, Grundy, Virginia 24614 for 11 coyotes killed with a rifle on March 15, 2010 in Willow Springs at Claypool Hill, VA (property owned by Mr. Daugherty)
- \$100.00 to Cody Cox, 1224 Clearfork Road, Tazewell, Virginia 24651 for 2 coyotes killed by a snare on March 29, 2010 with a snare
- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 1 coyote killed on April 18, 2010 with a snare
- \$250.00 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 5 coyotes killed on March 27, 2010 with a snare
- \$200.000 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 4 coyotes killed on April 2, 2010 with a snare
- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 1 coyote killed on April 11, 2010 with a snare

- \$50.00 to Donald Howard, 375 Dairy Barn Rd., Bluefield, Virginia 24605 for 1 coyote killed on April 26, 2010 with a snare
- \$50.00 to Kenneth Roark, 251 Valley Farm Rd., Tazewell, Virginia 24651 for 1 coyote killed on April 17, 2010 with a snare
- \$150.00 to Ray Howell, 1477 Rosenbaum Rd. Bluefield, Virginia 24605 for 3 coyotes killed on March 26, 2010 with a snare
- \$50.00 to Glen Cooper, 1061 Pea Patch Rd. Jewell Ridge, Virginia 24622 for 1 coyote killed on April 19, 2010 with a rifle
- \$50.00 to Jody Brewster, 163 Portland Rd. Tazewell, Virginia 24651 for 1 coyote killed on April 10, 2010 with a rifle
- \$100.00 to Ira Horne, 519 Grays Branch Rd. Cedar Bluff, Virginia 24609 for 2 coyotes killed on April 27, 2010 with a trap
- Animal Control – Transferred the amount of \$2,534.45 from the Contingent Grant Account, 91050-7041 to the Special Police Vehicle Repairs & Maintenance Account, 35010-6009. This is a check received from State Farm Insurance for repairs to one of the Animal Control Vehicles.
- Library Account – Transferred the following amounts received as donations to the various Library Accounts:
  - Richlands Funeral Co. \$100.00 to Account 7301-3099
  - First Comm. Bank \$25.00 to Account 7301-3099
  - Fincastle Garden Club \$100.00 to Account 7301-3310
- Falls Mills School/CVCA, Inc. – Approved a transfer of \$50,000 from the Contingent Grant (91050-7041) to General Fund Contingency (91050-7023) for check received from CVCA, Inc. for the Falls Mills School property (flow through)
- Approved \$350.00 for the Tazewell Elementary Spring Carnival - \$100.00 Southern & \$250.00 Northern District Youth Funds

Adopted a resolution requesting VDOT to perform a safety study on Route 700 Santana Road - posting of a speed limit and placement of sign.

- ▶ Awarded a contract for Backbone Equipment for Tannersville Internet to the low bidder “PC Mall Gov.” for \$39,365.06 to be paid entirely from the Federal Grant.

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### **INVASION CONFERENCE – AMY LAMBERT**

Evangelist Amy Lambert, announced that on July 10, 2010 at Mitchell Stadium, Bluefield, WV - INVASION 2010 would be holding a Conference in an event to strengthen our community. Ms. Lambert is a native from the Richlands, Virginia area and found herself at an early age severely addicted to drugs and at age 19, close to death. Ms. Lambert spoke of her decisions to surrender her will and life to Christ. She said that this was the beginning of her life transformations and she is now completely set free from all of her addictions. She graduated from Mercy Ministries of America and Mercy Ministries, Joyce Meyer’s “Enjoying Everyday Life” broadcast, “Today’s Christian Magazine” as well as other web, radio, and television broadcasts, have featured her testimony. Ms. Lambert is scheduled to appear on the 700 Club as well. She believes “her story can bring hope to countless other broken and hurting people.” Ms. Lambert travels the world holding Gospel Crusades, national meetings and training empowerment sessions for those who are called to the ministry of evangelist. INVASION was founded by Ms. Lambert. She said headlining the July 10, 2010 event would be Brian “Head” Welch, former guitarist of the legendary secular band KORN. Also featured will be DecembeRadio, as well as upcoming local band, BreakNDaylight. Ms. Lambert said the financial goal for this event is \$50,000.00.

Now, upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor White abstaining because his Church is involved in the sponsorship, the Tazewell County Board of Supervisors hereby approves monies from district funds as set forth below, subject to legal review and approval. Once approved by the County Attorney, 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 – INVASION Accounting Office, 1009 Baptist Valley Road, Cedar Bluff, Virginia 24609:

\$ 1,000.00 Northwestern District

1,000.00 Eastern District

1,000.00 Western District  
500.00 Northern District  
500.00 Southern District  
\$ 4,000.00 Total

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### **BASCOM AUSTIN, BLUEFIELD, VA**

Bascom Austin, 500 Mt. View Drive, Bluefield, Virginia 24605 stated that his family owns 178 acres in Springville. He said he attended the meeting this date to represent some of the property owners affected by the Boards adoption of the Tall Structure Ordinance. He said most of the property owners in this regard were constituents of Supervisor Anderson. Mr. Austin said the property owners, since the adoption of the ordinance, have lost value in their property, lost money because of the lease terminations with BP and lost future revenue, and because of this, he questioned what the County was going to do for the property owners.

Supervisor Anderson thanked Mr. Austin for his comments and said that he could not commit the County to any type of pledge, but he would be willing to work with the landowners with regard to some type of conservatory to help benefit the landowners, but he could not guarantee any funding from the County at this time. The Chairman mentioned the upcoming reassessment and the implementation of an appeals board. He explained the process of appealing land values should their land become deflated because of property restrictions and regulations as a result of the Tall Structure Ordinance.

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### **ABINGDON AMBULANCE SERVICE, INC.**

#### **KEVIN AUSTIN**

Kevin Austin, Administrator of the Abingdon Ambulance Service, Inc. appeared before the Board of Supervisors seeking approval to operate an ambulance transportation service in Tazewell County. He said his primary goal was to serve the community and medical facility needs with convalescent ambulance transportation and not respond to 911 dispatched calls. The ambulance service will be located in the Richlands, Virginia area.

Now, 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 authorizes and directs the appropriate County Official to write a letter recognizing Abingdon Ambulance Service, Inc. as an authorized company to do business/service in Tazewell County, Virginia, subject to legal review and approval.

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### **ELECTORAL BOARD CONCERNS**

Phillip Horton and Sandra Warden, members of the Tazewell County Electoral Board presented information to the Board with regard to various needs of the County Registrar's office and County polling places. Mr. Horton stated that the Electoral Board received a letter from the State Board of Elections outlining the needed repairs to various polling places in the County that need to be responded to within 60 days detailing the action planned and time frame for addressing the problems raised by the Centers for Independent Living (CIL). A total reimbursement for the repairs from the State is expected if the County can meet the time frame as outlined in the April 20, 2010 letter from the State. ADA problems exist at the following polling places: UMW Union Hall; L & G Auction; Thompson Valley Community Center; Baptist Valley Fire Dept; Nuckolls Hall; Baptist Valley Assembly of God; Jewell Ridge Community Center; Springville Elementary and Burkes Garden Community Center. Other needs addressed included:

1. Redistricting Needs – Maps need to be updated to include recently annexed areas of Richlands and Tazewell. Registrar's copy of GIS maps need to be updated regularly – new streets have not been added in the last 4 years.
2. Space issues for the Registrar's Office – privacy not available for voters. There is a room approximately 7½ feet by 14½ feet with three voting booths that does not provide any privacy for all elections, except for towns. Approximately 600 people voted in person during the Presidential Election in this small area. Voters would have to walk behind those who were voting to get to their assigned voting booth – there is not enough room in this space to create separate partitions for privacy. For the May 4<sup>th</sup> Town Election, the Registrar had to set up 5 PCUs and five touch screen machines in a very limited space that is also used to prepare electronic poll books and precinct bags to be distributed. When the voting machines were being

tested and certified to use in the town election, there was not room for the custodians to move without knocking over something. (No Excuse Voting).

3. The room that is being used to store the voting equipment now has a problem with moisture – a dehumidifier has to be used at all times. The voting machine cases were starting to rust. Recently the dehumidifier overflowed and flooded a portion of the room.
4. Computer/Internet Support – Needs to be made available for every Election Day, whether it is a holiday or not. All of the information used by the Registrar’s Office on this day is accessed via the internet and the County Server. If either of these systems becomes inoperable, the Registrar needs to have a contact person that can take care of the problem immediately. Sam Wolford has agreed to provide this for May 4; however, this will need to be ongoing for all future elections.
5. Emergency personnel need to be available on Election Day to be dispatched to various precincts in case of power outages.
6. Concerns pertaining to current voting facilities - ADA (Americans With Disabilities Act) Problems
  - a. Clear Fork – limited parking in front of the fire department and very dangerous to park on side of road – high traffic area with speed problems. Voter requested that VDOT place signs on road for each election alerting motorists of traffic – received no response from VDOT.
  - b. Falls Mills – Clinch Valley Community Action ongoing problems could create problems for voters (i.e. handicapped accessibility, parking, etc.)
  - c. Gap Store – Handicapped parking problem – handicapped voters have to back out on the Baptist Valley Road to get out of the parking space – high traffic area with speed problem and limited sight distance for oncoming traffic.
  - d. Jewell Ridge – No bathrooms or water
  - e. Pocahontas – No handicapped accessible parking spaces available at the precinct. Voters have to park down the street and go past 2-3 other buildings to get to the polling place. There is a large hole adjacent to the sidewalk on one of the entryways, which is very dangerous. Building is extremely damp and musty. During the Presidential Primary (February 2008), they did not have any heat at all and had to bring in space heaters to use.

7. The County should consider adopting an ordinance to establish CAP (Central Absentee Precinct) to be used in Town Elections for absentee ballots. Election Officials have to receive additional training just to be able to process absentee ballots for that one election. CAP Officers are trained to handle these for every election.
8. The County should consider applying for a “Bailout from Special Provisions of the Voting Rights Act of 1965”. By doing this, the County could make decisions concerning precinct boundaries and polling locations without having to have approval from DOJ. The County Attorney will look into this matter.

### **Space Needs Study**

A consensus of the Board was to appoint Supervisor Anderson and Supervisor Campbell as a committee to revisit the Space Needs Study, and a copy of the Wiley Wilson study sent to the two new Board of Supervisors for their review. The space formerly used for the commonwealth attorney’s office in the Courthouse is currently vacant. It was reported that the Commissioner of Revenue is no longer interested in using the office space. This space could possibly be used for the Registrar. The county administrator will set up a meeting to address the space issues and make a report to the Board accordingly.

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### **FIVE (5) MINUTE RECESS**

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

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### **UNSCHEDULED COMMENTS**

#### **School Funding for Teachers**

Debbie Mason, 521 Adams Street, Tazewell, Virginia, spoke on behalf of the teachers in Tazewell County and thanked the Board of Supervisors for trying to get answers for the teachers and hopefully finding money to help fund their step increases. She said the step increases were needed to help with bills and to pay college tuition and other expenses. She feels that if the steps are lost, new teachers will not come to Tazewell County. She urged the Board to help find the money in order to help keep qualified teachers in our County.

**Jacob/Jake Brake Concerns Pounding Mill**

Philip Dale, 680 Pounding Mill, Pounding Mill, Virginia, voiced concerns regarding truckers using their Jacob brakes in the Wal-Mart Claypool Hill area and the loud braking noises as a result of same. He would like to see something done to prohibit the use of the compression braking systems within certain areas. Mr. Dale said he recently traveled through Ohio and certain towns in the state prohibited their use in certain municipal limits. Mr. Dale also requested that the County address the need for a red light or other signal at the Granny's Road intersection at Claypool Hill. Chairman White suggested that a letter be sent to the Tazewell County Transportation Board with regard to these issues.

**Sally Rash – Pocahontas**

Ms. Sally Rash, Center for Christian Action, Pocahontas, Virginia thanked the Board of Supervisors for supporting the Pocahontas community. She said that ATV Trails was an excellent idea and the community supports the project. She personally thanked the County Administrator and Supervisor Jim Campbell as well as other BOS members for helping with the Town's revitalization efforts.

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**APPEAL OF A DENIAL OF A JUNKYARD PERMIT –  
MOONLITE EXPRESS**

No one appeared on behalf of Moon Lite Express, Inc. as scheduled to address an Appeal of a Denial by the Tazewell County Planning Commission of a Junkyard Permit for Moon Lite Express, Inc. / Dwayne Musick, PO Box 910, Raven, Virginia 24639. However, the Chairman, Seth White stated that Mr. Fred Harman, attorney for the Musick's called him earlier this date and discussed the situation with him further stating that he spoke with Mr. Musick about the situation today as well. He said Mr. Musick understands the reasons for denial. Chairman White said that he did not want to run any business out of the County and Moon Lite Express was a good company but needed to be in compliant with the County's Junkyard Ordinance in order to operate.

The County Attorney, Eric Young, explained that the Tazewell County Planning Commission, at a meeting held March 11, 2010, denied the Auto Salvage & Junkyard Permit for Moon Lite Express, Inc. for the following reasons:

1). Sec. 10-192 B (1) Where the applicant has only leasehold interest, Applicant must provide written proof that the property owner agrees to the location of an automobile graveyard or junkyard on the property.

2). Sec. 10-187 Screening – An automobile graveyard or junkyard established in the County after July 22, 1987 shall be screened by natural objects, planting that provide year round coverage, fences or other appropriate means so as not to be visible from the main travelled way of the highway, or otherwise removed from sight.

Note: If permits have not been approved from, the Department of Environmental Quality for storm water control it may be necessary for the DEQ to visit the facility to determine whether permits are required for this location.

This decision may be appealed to the Tazewell County Board of Supervisors and if the Board denies the appeal, the Circuit Court Judge may be petitioned with regard to the denial. The County Attorney then explained the County's on-going efforts to clean up the County and part of the cleanup process is to enforce the guidelines with regard to the operation of junkyards and salvage yards in the County as well as changing the way the county previously handled the application process. Chairman White said he would like to see the County work with Mr. Musick and help him locate a new site for his junkyard.

The Board then considered the requirements of the ordinance, copies of the lease and representations of counsel.

Now, with this in mind, Supervisor White moved to deny the appeal to the Board of Supervisors based on the list of reasons as listed above, but requested that the County Attorney contact the Industrial Development Authority (IDA) in efforts to locate a new site/location for Moon Lite Express Inc. Further, that the denial of the appeal process be delayed for 30 days and until the IDA and County can work with the Musick's in this endeavor. The motion was seconded by Campbell and unanimously adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against.

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## **SCHOOL BOARD FUNDING FY10-11**

Supervisor Hymes said he would like to give the School Board an opportunity to consider several of the questions addressed by the Board of Supervisors during the April 27, 2010 joint

meeting before approving level local funding. He said he disagreed with how the additional money and carry over monies are being allocated, away from the classroom and schools, thereby negatively affecting the quality of education. Supervisor Campbell echoed his comments and reiterated his earlier question with regard to why the School Board would not consider reductions to the central office personnel. Both felt this would leave an impression that classrooms are being targeted, but not administration. He said he felt the teachers are feeling the brunt of the cuts.

Supervisor White said that would not vote on this motion because he had already publicly committed to support local funding and the carry over and he would not go back on this word.

### **MINIMUM FUNDING FAILED**

With this in mind, Supervisor Hymes moved to give the Tazewell County School Board minimum funding until the maximum state funding becomes available, thus allowing the School Board the opportunity to consider several of the suggestions as recommended during the April 27, 2010 joint meeting. Supervisor Campbell seconded the motion and said that he agreed with full funding, but he disagreed with how the additional funding and carry over could leave an impression with regard to quality education. The Chairman then called for a roll call vote of the foregoing motion and which motion failed by a vote of 2 to 3, with Supervisors Absher, White and Anderson voting nay.

Recorded Vote:

Absher – Nay

Campbell – Aye

Hymes – Aye

Anderson – Nay

White – Nay

Randy Conn, member of the Tazewell County School Board was present and said he thought budget committees were formed to address and resolve issues prior to the budget adoption and he thought the budget committees had already addressed these issues. He said he appreciated the local funding proposal, and questioned the reasoning behind the minimum funding amount and said he did not like being put on the spot. Mr. Conn said that the School Board members were trying to find ways to help the teachers.

Supervisor Anderson said he could appreciate Mr. Hymes comments. He wanted to know if there was a possible way, as a result of the April 27 joint meeting, that the School Board might be able to adjust their budget and help the teachers. Mr. Conn said this was a very difficult budget year and yes, the School Board diligently works to support the teachers, but he could not guarantee the step increases for teachers.

**SCHOOL BOARD BUDGET –**

**LOCAL FUNDING ALLOCATION APPROVED FOR FY2010-2011**

Now, upon motion of Supervisor White seconded by Supervisor Absher and adopted by a vote of 3 to 2, with Supervisor Hymes and Supervisor Campbell voting nay, the Tazewell County Board of Supervisors hereby approves the budget for the Tazewell County School Board for Fiscal Year, FY2010-11 from local funds in the amount of \$12,182,812.00, the same amount for the current year. Further, that any funds remaining from those appropriations to the School Board for Fiscal Year 2010 as of June 30, 2010 shall be hereby re-appropriated (carried over) to the Tazewell County School Board in addition to the funds mentioned above. Further, the Tazewell County Board of Supervisors requests that the Tazewell County School Board re-examine/review the suggestions and comments made during the joint work session held April 27, 2010 for the benefit of resolving the issues addressed during the work session, especially the step increase for teachers.

Recorded Vote:

Absher – Aye

Campbell – Nay

Hymes – Nay

Anderson – Aye

White – Aye

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**SVCC – REAL WORLD ACADEMY**

**\$400.00**

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

Funds, payable to SVCC – Real World Academy, PO Box SVCC, Richlands, Virginia 24641, attn: Sharon Peery. 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:

\$100.00 Northwestern

100.00 Southern

100.00 Northern

100.00 Western

Total \$400.00

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### **WESTSIDE SEWER PLANT UPGRADE**

#### **BUILDING INSPECTION/PERMITTING FEES WAIVED**

The County Administrator, Jim Spencer, reported the Bluefield Sanitary Board requested that the County waive the County's building inspection-permitting fees for the Westside Sewer Plant Upgrade. The plant is located along Route 102 near Falls Mills, Virginia. The plant treats sewer from Bluefield WV, VA, and the PSA's Bluefield Divides Sewer System.

Now, upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby waives the County's building inspection - permitting fees for the Westside Sewer Plant Upgrade. Be it further approved that the County Administrator, Jim Spencer initiate a meeting with officials from the City of Bluefield, West Virginia to address future opportunities that might benefit both parties.

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### **DOVE LANE – VACATION**

#### **DEFERRED TO JUNE 1, 2010**

The Board of Supervisors once again considered adopting an Ordinance of Vacation of Dove Lane, connecting to the south side of Baptist Valley Road, west of the Town of Tazewell and running adjacent to parcels 092-01-0003, 0004 and 0004A now, or formerly owned by Dennis C. McReynolds, Tina M. McReynolds, Shirley Morefield Mays and Jackie A. Cochran. During the April 6, 2010 Board of Supervisors meeting the Board deferred action following the

public hearing on this matter. At the April 6, 2010 hearing, there was discussion concerning a possible drainage issue and the County Engineer was directed to contact Ms. Jackie Cochran with regard to the impending drainage concerns. The County Attorney stated that Gary Earp, County Engineer said there were no drainage issues. Supervisor Campbell stated that he had talked to some of the residents on Dove Lane and they did have some drainage issues from time to time. However, Supervisor Campbell thought the water might be coming off Route 631 instead of Dove Lane. The Board of Supervisors deferred action on this matter until such time as the County Engineer, Gary Earp can report to the Board of Supervisors on this subject.

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### **BUDGET HEARING FY10-11 – AUTHORIZED FOR ADVERTISEMENT**

Upon motion of Supervisor Absher, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise for a public hearing on June 1, 2010 to hear concerns regarding the Tazewell County Proposed Budget, FY10-11.

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### **SPEARHEAD TRAILS “TRAILHEAD”**

#### **RESOLUTIONS ADOPTED**

The County Administrator, Jim Spencer, reported that the people helping with the Spearhead Trails in Tazewell County are also helping with a trail project in Kentucky. They had Kawasaki sponsor a ride and brought in folks to ride the proposed trail. The ride resulted in getting approximate \$1,500,000 in media for the event. He said they would like to do a similar event in Tazewell County this spring.

Mr. Spencer stated that the Southwest Regional Recreation Authority (SRRA) would like to partner with the IDA and the Parks and Recreation Authority to submit a request for funding assistance to the Virginia Tobacco Commission through the Economic Development Committee. The grant application would be for a “trailhead” at the Boissevain Miners Museum.

Now, 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 supports this project and approves the

submission of funding assistance to the Virginia Tobacco Commission for the purpose of developing a trailhead for the Pocahontas Trail, one of the first trails which will be developed within the Spearhead Trail System.

### **SOUTHWEST REGIONAL RECREATION AUTHORITY**

#### **FUNDING SOUGHT**

Then, 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 supports the Southwest Regional Recreation Authority's submission of funding requests to the Virginia Tobacco Indemnification and Community Revitalization and other agencies if necessary, for an approximate amount of \$300,000.00 to assist with funding the preparation of the Trail Development Implementation Plan for the proposed regional multi-use trail in Southwestern Virginia, known as the Spearhead Trails.

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### **BUCHANAN COUNTY PSA – REQUEST TO DEPOSIT**

#### **BIO-SOLIDS IN THE TAZEWELL COUNTY LANDFILL**

The County Administrator, Jim Spencer, received a letter from the Buchanan County Public Service Authority, requesting permission to deposit bio-solids/sludge from their wastewater treatment plant into the Tazewell County Landfill. The Board deferred action on the request until the County Administrator researches the going-rate/price for the deposit of same.

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### **FLOOD PLAIN MAPPING UPDATE**

The County Administrator, Jim Spencer, reported that the County hosted a FEMA meeting on April 22, 2010, addressing the new Flood Plain maps for Tazewell County. The County will have to revamp its current Flood Plain Ordinance to coincide with the new Flood Plain maps and the County will have to notify each person in the County affected by the new flood plain maps. The notification will be done by mailings. During the FEMA meeting, county and town representatives were given sample information, such as mailings, flood ordinances, and information to share with the public. The County has six months to review the new maps and to locate possible errors in the mapping. Towns within the County will adopt their own ordinances.

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**FIRE HYDRANT AT TAZEWELL MIDDLE SCHOOL**

Supervisor Hymes mentioned the fire hydrant issue at the Tazewell Middle School and said that he contacted Town Manager, Jerry Wood on this subject. He said Mr. Wood sent him an email stating that the Town of Tazewell is diligently working on the problem and there has been a lot of action taken on the fire hydrants at the Middle School and Elementary School. Mr. Wood also told Supervisor Hymes that the first official action was taken June 22, 2009 and the Town of Tazewell fire hydrants are located where they are supposed to be as well as being approved by the County Health Department. However, Mr. Woods said that the school board hydrants are not approved by the health department, as well as being in the wrong location. According to Mr. Wood, the Town of Tazewell has an official engineering report from James Baker, P.E. T +L, dated April 20, 2010 and according to their hydraulic data, the Town's system does not include or reflect flow data from hydrants that have never been used. Supervisor Hymes said in essence, the hydrants belonging to the County School System have never been approved by the Virginia Department of Health, thus illegal. However, there is one legal fire hydrant at Tazewell Middle School. Supervisor Hymes stated Mr. Wood assured him, according to the Town engineers, that the Tazewell Middle School, Tazewell Elementary School and the Career and Technical Center are all well protected by the existing fire hydrants. Supervisor White said that some of the questions arose when the School System reported that the Town of Tazewell took parts from the hydrants and if the hydrants belonged to the School System why did the Town dismantle the hydrants. Supervisor Hymes felt that ownership of the hydrants was not the issue, that the important factor was protection. Supervisor White agreed and said fixing the problem was his main concern. David White, Emergency Services Coordinator, stated that the EMS Committee would look into the situation as well as the County Attorney requesting a copy of the April 20, 2010 engineering report under the Freedom of Information. A report on this matter will be forthcoming.

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**REGION 4 RPAC 1 MEETING AND APPOINTEE**

The County Administrator, Jim Spencer, reported that the establishment of Regional Preparedness Advisory Committees (RPAC) throughout the Commonwealth based on the

Governor's Homeland Security Regions in 2007. Membership for each RPAC includes representatives from emergency management, fire, law enforcement, and local government, the private sector, and institutions of higher level. The County Administrator recommended Dave White represent Tazewell County.

Now, upon motion of Supervisor White seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Dave White, Emergency Services Coordinator to represent Tazewell County as a member of the Region 4 RPAC1. (Regional Preparedness Advisory Committee).

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### **BLUEFIELD COLLEGE – LEADER CAST PROGRAM**

The Board agreed to allow the County Administrator to use \$500.00 from his training budget for five county staff members to attend a Chick-fil-A leadership development program at Bluefield College on May 7, 2010. The daylong event will feature live simulcast lectures from some of the world's best leaders, including former Indianapolis Colts coach Tony Dungy, author Jim Collins, and leadership expert John Maxwell.

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### **EXECUTIVE/CLOSED SESSION**

Upon motion of Supervisor White seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed session pursuant to Virginia Code Section 2.2-3711 to address the following matters:

- A7 Legal/Contractual Matter involving Consol Energy
- A-7 Legal/Consultation with legal counsel regarding sales tax recoupment
- A-7 Legal/Consultation with legal counsel regarding claim against the County by a previous county employee

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

**CERTIFICATION OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: Five (5) Supervisor Absher, Campbell, Hymes, Anderson and White

Nays: None

Absent: None

Absent during vote: None

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**SALES TAX RECOUPMENT**

Supervisor Hymes moved that the Tazewell County Board of Supervisors forgive the sales tax recoupment issue without further collections. The motion was seconded by Supervisor Absher and which motion failed by a vote of 2 to 3, with Supervisor Campbell, White and Anderson voting nay.

**JULY 2010 MEETING – OFFICIALS INVITED**

And now, further, upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby requests that the towns, School Board, Norman Cook and other officials as may be necessary and appropriate be invited to the July 2010 regular meeting to discuss the Sales Tax Recoupment subject.

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**WESTERN DISTRICT MONIES APPROVED/TRANSFERRED**

Upon motion of Supervisor Absher, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following transfers for the Western District Accounts:

- ▶ Transfer the amount of \$816.52 from Account No. 91030-8109 – 4 to Account No. 41010-3320 – 4 (Western District Coal Rd. to Coal Rd. Main.)
- ▶ Transfer the amount of \$1,438.32 from Account No. 91400-5680 to 41010-3310-4 (Western District Funds to Western Orphan Road Grading )

**CLIFF ROAD – REPAIRS REQUESTED**

Supervisor Absher requested that Gary Earp or Ken Dunford determine if grade work or other maintenance could be performed on Cliff Road located in the Western District.

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**SCHOOL BOARD /TEACHER****CONCERNS**

Supervisor Campbell stated that with regard to the vote on the School Board budget earlier this date, he said a priority should be placed with the support staff, custodians, cooks, bus drivers, nurses, etc. and teachers as well. He stated that he felt that the numbers reported at the April 27 meeting reflected otherwise and focused on the central office staff, indicating an increase in central office staff support and decreases in other categories. He also mentioned an increase in the Superintendent's salary. Supervisor Campbell stated that he felt the Board had an obligation to give the school board sufficient time to reevaluate the salary issues and cuts made and said the cuts should have been across the board instead of the classroom.

Supervisor Hymes said he felt his opinions needed to be heard regarding the step increases and he hoped something good happens as a result.

**FIRE DEPARTMENT INCIDENT REPORTS/OTHER EMERGENCY SERVICES****CONCERNS**

Supervisor Hymes requested the need for continued incident reports from county fire departments and other emergency services departments. Supervisor White also requested the

need for fire departments to report their water usage. Supervisor White said the County would discontinue funding if the reports are not submitted.

Supervisor Campbell requested that the County Attorney look into convicted felon rights with regard to serving on fire departments as well as individuals with disabilities serving on fire departments and the potential liabilities to the County.

#### **SOUTHERN DISTRICT FUNDS**

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell, and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby transfers the amount of \$2,312.44 from the Southern District Recreation Fund to Southern District Fund to cover deficient funding.

#### **BUILDING INSPECTION FEES**

Supervisor Hymes requested that the County Attorney determine if the County can increase their building inspection fees.

#### **4-H AGENT POSITION**

Supervisor Hymes requested that the County push to fill the vacant 4-H Agent position recently held by John Blankenship.

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#### **GRAHAM HIGH SCHOOL – PROJECT GRADUATION**

##### **\$1,500.00**

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,500.00 from the Eastern District Fund, payable to the Graham High School, Project Graduation, C/O First Community Bank, 101 Sanders Lane, Bluefield, VA 24605. 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 check by the Treasurer of Tazewell County, Virginia.

**SCHOOL BOARD –  
PART TIME STUDENT POLICY &  
REQUEST AN UPDATE FROM BUDGET COMMITTEE**

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 requests that the County Attorney write a letter to the Tazewell County School Board asking their consideration of implementing a policy for part-time students.

Further, 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 requests that an informal letter be sent to the Tazewell County School Board Budget Committee & School Board asking for an update within the next two (2) weeks with regard to any progress made on the issues discussed at the April 27, 2010 recessed/ joint meeting.

**ZONING KICK-OFF MEETING**

Supervisor Anderson mentioned the Zoning Kick-off meeting scheduled for May 13, 2010 @ 2:00 p.m. and stated he would do his best to attend.

**MAINTENANCE PROPERTY CODE IN POCAHONTAS**

Supervisor Anderson questioned the maintenance code issues with the Town of Pocahontas. The County Attorney cited Virginia Code Sections regarding maintenance within towns and enforcement thereof. He said he is working with the attorney for the Town of Pocahontas to hopefully resolve the property maintenance concerns.

**ORPHAN ROAD POLICY**

Supervisor Anderson requested that the revised Orphan Road Policy be placed on the June 1 agenda for discussion.

**ROAD REVENUE SHARING STATUS 2011**

Supervisor Anderson questioned the 2011 Road Revenue Sharing program and participation by the County. Supervisor White reported that the Coal & Gas Severance Committee met and reviewed a proposed plan, however the County is low on funding for the 2011 road revenue sharing projects. The Coal & Gas committee will meet again May 24 @ 3:00

p.m. to address funding issues. An update will be given at the June 1, 2010 Board of Supervisors meeting on this subject.

Supervisor Anderson also announced the upcoming public hearing on VDOT's Six Year Improvement Plan 2011-2016. The hearing will be held on June 3, 2010 in Dublin, VA.

#### **ENTERPRISE ZONE AMENDMENTS**

Supervisor Anderson questioned the status of the proposed amendments to the County's Enterprise Zone. The ordinance can only be amended once per year and there are several areas in the County that need to be considered. The maps need to be finalized and each property owner affected by the amendments have to be notified. The Board suggested that the County Administrator set up a meeting with the Board members to discuss their prospective changes. The County Attorney suggested that the public hearing be held in August 2010. He said this should allow enough time to have the maps available as well as property owners notified.

#### **ISO RATING**

#### **STRUCTURE FIRE RESPONSE GUIDELINES**

Supervisor Anderson brought to discussion the ISO ratings and explained the purpose of the proposed Structure Fire Response guidelines. He said the proposed guidelines originated from residents living in rural areas who have been or are presently having difficulty obtaining or keeping their homeowners insurance policies as well as paying outrageous insurance rates with regard to fire protection. The County Attorney, Eric Young, has been waiting to hear from the various towns since September 2009, with no results.

Now, 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 ratifies the adoption the STRUCTURE FIRE RESPONSE GUIDELINES as approved September 2009, subject to legal review by the County Attorney as well as review and approval by the various town attorney's, further asking that the towns respond within two (2) weeks.

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#### **CARLOCK – PRUETT BUILDING**

With regard to the Carlock-Pruett Building at Graham High School, Supervisor Anderson reported that Dr. Lawson had confirmed, via email to Patricia Green, the \$250,000.00 carry-over

this year and that the money was in the School Board's \$1,500,000.00 from FY08-09. He said a contract was ready for execution, however, due to the on-going concerns with regard to school funding, Supervisor Anderson moved, with Supervisor White seconding the foregoing, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby requests that the Tazewell County School Board consider an extension of the \$250,000.00 funding obligation, at least until June, 2010, with regard to funding the Carlock-Pruett Building project.

**RICHLANDS LITTLE LEAGUE BASEBALL \$1,000.00**

**\$500.00 Northwestern Recreation Funds**

**\$500.00 Western Recreation Funds**

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Northwestern District Recreation Fund and \$500.00 from the Western District Recreation Fund payable to the Richlands Little League Baseball, Richlands, Virginia. 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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**SPECIAL OLYMPICS – RICHLANDS KIWANIS**

**\$500.00 (\$100.00 FROM EACH DISTRICT FUND)**

Upon motion of Supervisor White, seconded by Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 (\$100.00 from each district fund) payable to the Richlands Kiwanis Club for the Special Olympics Program. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**RICHLANDS HIGH SCHOOL – PROJECT GRADUATION****\$1000.00 (\$500.00 Northwestern & \$500.00 Western)**

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 (\$500.00 Northwestern District & \$500.00 Western District) payable to Richlands High School – Project Graduation, Richlands, Virginia. 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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**JEWELL RIDGE FIRE DEPARTMENT****\$5,000.00 ROOF REPAIRS**

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$5,000.00 from the Northwestern District Fund, payable to the Jewell Ridge Fire Department, Jewell Ridge, Virginia for repairs to the fire department roof, contingent upon approval by the County Attorney.

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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**ADJOURN**

Now, there being no further business to be transacted and upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the meeting was adjourned.

The next regular meeting is scheduled for June 1, 2010 at 6:00 p.m.

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Seth R. White, Chairman

By: rg

Adjourn 11:42 p.m.