

**VIRGINIA:** At a regular meeting of the Tazewell County Board of Supervisors held May 5, 2009 at 5:30 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

**PRESENT:** David R. Anderson, Chairman  
Bill Wimmer, Vice Chairman  
D. Michael Hymes, Member  
Seth R. White, Member  
Thomas Brewster, Member  
James H. Spencer, III – County Administrator  
C. Eric Young, County Attorney  
Patricia Green, Assistant County Administrator  
Ruth Groseclose, Administrative Assistant  
Members of the Press

**ABSENT:** None

The Chairman, David R. Anderson arrived at the meeting a few moments late and in his absence, Vice Chairman Bill Wimmer called the meeting to order and presided.

Now, Vice Chairman welcomed all those in attendance. Supervisor White gave the invocation with Supervisors Hymes leading those present in the pledge of allegiance to the flag of the United States of America.

**AGENDA APPROVED**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor Anderson absent, the Tazewell County Board of Supervisors hereby approves the agenda format as amended.

**MINUTES APPROVED**

Upon motion of Supervisor White, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Anderson absent, the Tazewell County Board of Supervisors hereby approves the April 7, 2009 meeting minutes as written.

Supervisor Anderson arrived at the meeting at 5:34 p.m.

**EXECUTIVE/CLOSED SESSION**

Upon motion of Supervisor Hymes, 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 enters into an executive/closed meeting pursuant to Virginia Code, Section 2.2-3711 with two (2) additional matters added for discussion during the executive closed meeting:

- 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 County would be adversely affected relating to a Regional Solid Waste Contract
- A-6 –Contractual Matter - 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 County would be adversely affected relating to the Baptist Valley Sewer project
- A-7 Three (3) Contractual- Regarding specific legal matters requiring the provision of legal advice by counsel involving two County Landfill matters and one WIB/Comprehensive One-Stop
- Additional items added:
  - A-7 Legal Matter concerning recoupment of sales tax
  - A-7 Legal Matter involving fire protection services

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 returns from the Executive/Closed Meeting and hereby adopts the following resolution:

**CERTIFICATION  
OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: All five (5) Supervisor White, Hymes, Brewster, Wimmer and Anderson:

Nays: None

Absent: None

Absent during vote: None

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

**BAPTIST VALLEY EAST SEWER**

**PSA AUTHORIZED TO BID**

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the Tazewell County Public Service Authority (PSA) to advertise for bids the Baptist Valley East Sewer Project.

**TRIENNIAL CENSUS – IMPROPER ALLOCATIONS**

Upon motion of Supervisor White, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney, Eric Young, to work with the Treasurer of Tazewell County, Norman Cook, to evaluate how the County can recoup the approximate \$1.8 million that the County was shorted as a result of improper allocations triennial census conducted by the Tazewell County School Public System, subject to legal review and approval.

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**SCHOOL BOARD BUDGET – LOCAL FUNDING ALLOCATION APPROVED FOR FY2009-10**

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the budget for the Tazewell County School Board for Fiscal Year, FY2009-2010 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 2009 as of June 30,2009 shall be hereby re-appropriated (carried over) to the Tazewell County School Board in addition to the funds mentioned above.

**COMMENTS REGARDING THE SCHOOL BUDGET**

Members of the Board of Supervisors made the following comments with regard to the FY2009-2010 School Board Budget:

Supervisor Wimmer:

“I was approached early on in the budget process, and have not been as involved as Supervisor Anderson and Supervisor Hymes, but several school board members approached me early on and ask me if I could commit to level funding and to give back any year-end savings to the School System, and that’s all I committed to and the majority of the Board of Supervisors only committed to that. I remember three years ago or so, I committed to the exact same thing and at the 9<sup>th</sup> hour we were bombarded with, we can’t do this, we can’t do that... it’s ridiculous to me. Why can’t we get this information way in advance or why can’t they save the money they say they are going to save? It just doesn’t make any sense to me. That’s my comments.”

Supervisor Hymes:

“Each year, when teachers receive contracts, the step salary scale is included in our packets. This salary scale represents a tacit agreement between the school systems and its employees, that in return for years of devoted service, educators and other staff member will finally reach the top pay levels and be able to plan for their eventual retirement.

For those of you who are unfamiliar with the system, Tazewell County teachers receive a salary based on their years of experience. For the first five years, there is no

increase, followed by 13 years of \$400 increases per year. Employees who have taught for 19 years get a \$900 increase, and then there is a \$6,000 increase between years 19 and 20. The big jump is between 20 and 21, when employees get a \$9,000 raise. It is not a gift or a bonus it is an earned benefit for staying in the system.

I have received many e-mails and calls about the salary step increase and I want to ask the School Board to reconsider this issue, each year I have been on the board the system has returned over \$500,000 to the Board and we have allowed the funds to be retained by the system for use in any way they see fit. I think that we can depend on that saving the end of the year and don't see why these steps can't be given in anticipation of returning no carry over next year. In fact, if the system needs to move funds from one account to another all you need is a request to move the savings to instruction and it will be approved by this Board.

Secondly, I cannot understand why the School Board would expend funds to repair the Richland's track which was damaged by a contractor. These funds could have been carried over into this year to fund a second Pre-K program at Tazewell Elementary School. To only fund low income Pre-K is a disservice to other middle income parents of Pre-K children who were depending on this service and now must pay \$500 a month for the service.

Finally, when the construction projects were approved last year, I pointed out that building total electric schools and elimination of coal fired schools was a bad idea and was told that you could not find a supplier for the coal and the cost was too high for coal. Well, now your budget indicates that electric cost increase will cause a 17% increase in your costs. I'm sure this is driven by anticipated increased usage and now is at the mercy of AEP which thinks nothing of increasing costs by 20% a year.

I know that health care costs increase by 11% in the next year, but I believe that the money for step increases and Pre-K programs was eaten up by increased cost for electricity and not the medical cost increase.

I have supported the school board each year at budget time and in fact Mr. Wimmer and I voted to give your additional funds two years in a row.

I am requesting that you take the next 30 days to review this budget and develop a plan to fund Pre-K and step increases.”

Supervisor White:

“The Budget as proposed by the Tazewell County School System does not include a pay increase or step increase for employees. The budget does provide that the School System will pay for the 11 percent health insurance increase for employees. According to the proposed budget, the hospitalization rate increase will be \$631,000; this is included in their budget request. The cost for the step increase is \$525,000; this was not included in their budget request. The Board of Supervisors requests that the School System change and use the \$631,000 for step increase and increased health insurance costs. The step would be \$525,000 leaving the difference of \$106,000 to offset health insurance costs for employees of the School System.

The projected carryover is estimated at \$700,000. The Board of Supervisors requests that the School System take additional cost saving measures to increase the amount of carryover at year end to provide additional Pre-K classroom space for health insurance costs for employees.

The Board of Supervisors requests that the School System evaluate the testing that is required verses being conducted. Any saving from reduction in testing should be used for classroom supplies for teachers.

The Board of Supervisors further requests that the School System request an efficiency study to look at other cost saving measures.”

And, finally I would request that our boards meet jointly to discuss only budget issues. If we are going to have transparency in government, let’s live up to it.”

Supervisor Brewster:

“Unfortunately due to re-benchmarking, there has been reductions in funding for Pre-school and Pre-school education in Tazewell County that has significantly reduced the capacity of the programs. However, it is possible with stabilization monies, particularly in the area of Title One and Special Education, to restore some of those Pre-School slots. Also, with the emphasis on Pre-school education, the VA Tobacco Commission has authorized monies through a grant from the VA Dept. of Education funding for Pre-school education programs in the Southside and in Southwest Virginia. I would certainly encourage Tazewell County Public Schools to look there for possible funding.”

I admire Tazewell County Public Schools for picking up the 11% on the health insurance, as much as \$1,500 per year, per family. I admire the school system for looking out for these employees. In addition, I realize we do not set the funding priorities for the school system. We fund the school system, but we do not set the funding priorities. I would encourage the school system to go back and take a look at their funding priorities and to consider a step increase for *all* employees. I would also like to recommend a review by the school system of the current salary scale for school personnel, and that consideration be given to amending or revising the current scale. The new scale can be revised with all new teachers hired. Years 20 and 21 years are lottery steps or a bubble step. Consequently, consideration needs to be given to even out the salary scale so that there are not significant salary increases at any one level of service.

Teachers work on a flat salary scale for many years. The step increase was designed to reward employees for their longevity, loyalty, and dedication to the students of Tazewell County Public Schools. Teachers look forward to finally earning the money that they deserve for their many years of dedicated service. In fact, they deserve more, but the step increase at minimum is an effort to reward those teachers that remain on the front lines meeting the needs of our student population. Therefore, I would certainly encourage the school system to look and see how these steps could be funded.”

Supervisor Anderson:

“This is my sixth year with the budget, and I believe most people know that I’m a pretty good servant. I’m also pro-education. I’ve had seven years of college and have my Masters degree to go with it. I would like to make five quick points:

1. We’ve got to have a user friendly budget, one we can understand, so the general public can understand – County level and School Board level
2. We’ve got to have County cooperation, shared resources. There’s a multitude of ways we can share resources in this County to help cut costs
3. We must have an efficiently study – we have to step back and look at ways to save in this economy
4. The most crucial – put the money in the classroom. We shouldn’t have teachers scrambling around for copy paper and supplies; put it in the classroom.

5. We need quarterly meetings, a must with the School Board. We need an open dialog. We don't want to read about things in the paper, we want to be able to sit down and discuss matters. I am requesting that we recess this meeting with the opportunity to reach out to the School Board and again discuss budget matters with them."

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## PRESS RELEASE

May 5, 2009:

Vice Chairman Wimmer read the following Press Release relative to the Town of Cedar Bluff's comments alleging that the County of Tazewell refused to provide Cedar Bluff with fire protection services. The Press Release was adopted unanimously upon motion of Supervisor Wimmer, seconded by Supervisor White with all members voting in favor thereof and no one against:

"The Town of Cedar Bluff issued a press release stating that the County refused to provide Cedar Bluff fire protection services. This is not correct.

As the public is well aware Cedar Bluff and Richlands are engaged in political and legal warfare over their respective territorial ambitions. The new front in this struggle is fire protection. Since as early as 1993 Cedar Bluff has been aware that there is not an explicit agreement providing fire protection services for their town. Nor in that time have they chosen to provide it for themselves.

The Board would like to make clear that the Board is not denying anyone in Cedar Bluff any services given other residents of Towns in the County. Tazewell County does not provide primary fire protection services within any incorporated Town in the County. Obviously, County equipment and volunteers will respond to a disaster or an emergency if any Town's forces are overwhelmed, as would any other Town within the County. But Primary fire protection within town limits is and has been the responsibility of the several Towns.

Towns require more intensive fire protection coverage than rural areas in the County, because buildings in Towns are more densely occupied and located closer together. Virginia gives municipalities separate taxing authority to provide the type of services required for their residents. The County cannot support municipal quality fire protection services in all of our Towns with only property tax revenues.

In fact for many years the County has contracted with Towns to provide coverage outside their corporate limits in the County. The County contracted with Richlands to provide Fire Protection services in the County in 1986, 1993, 1999, and most recently in 2007. None of those contracts explicitly provided for fire protection services in the Cedar Bluff corporate limits.

The 2007 agreement reflected a need for additional fire protection in the Western District. Recent growth in the Claypool Hill area rendered the County's aging equipment inadequate to provide protection that would be necessary for home and business owners to maintain their fire insurance policies.

The Richlands Fire Department was the only agency capable of providing the necessary level of protection. Richlands agreed to increase its level of coverage in exchange for the county paying for the needed equipment.

In June of 2007, before the new agreement took effect, Cedar Bluff's Mayor Smith and Town Manager met with the County Attorney and Western District Supervisor regarding the Town's proposed annexation of Bane's Bottom. At that time the Town's manager represented that Cedar Bluff had fire protection from the Richlands Fire Department by separate agreement.

Based on the fact that Cedar Bluff claimed to have fire protection coverage with the Town of Richlands by separate agreement and that Richlands was not interested in including Cedar Bluff in the County's contract, Cedar Bluff's territory was not included in the County's July 2007 agreement with Richlands to provide fire protection in Claypool Hill.

The following September, in later consideration of Cedar Bluff's annexing Bane's Bottom; the Town presented the agreement they had claimed required Richlands to provide their Town fire protection. The County Attorney reviewed the agreement and advised the Board and Cedar Bluff's Town manager that in his opinion the agreement did not require Richlands to provide fire protection. However, the Town demonstrated that Cedar Bluff had paid Richlands fire protection monies and that Richlands had responded to calls in Cedar Bluff. Based on these facts it appeared the two towns were performing under some agreement.

Since then, whatever understanding Cedar Bluff had with Richlands has deteriorated to the point that both Towns now claim there no longer is an agreement for

fire protection to cover Cedar Bluff. Based on these developments the Board of Supervisors requested last month to renegotiate the fire protection contract the County has with Richlands in an attempt to include Cedar Bluff as a party. At Cedar Bluff's request, the Board undertook this effort in an attempt to resolve uncertainty for the residents of their Town. Over the past few weeks Board members have tried to negotiate an accord between the two, but, as with the boundary issues, we have been unsuccessful.

The Board cannot in good conscious pay for Cedar Bluff what it does not pay for any other Town in the County. Cedar Bluff and Richlands should either reach an agreement for future fire protection or file suit in the Circuit Court to determine whether the 2003 agreement between them is enforceable.

The Board again encourages both Towns to set aside their animosities and resolve the differences in the best interests of their residents.

Members of the Board further requested that the Cedar Bluff Town Council research matters relative to a probable increases in homeowners insurance costs for residents of Cedar Bluff as a result of ISO rating changes that most folks could not afford.

Supervisor White reiterated the importance of the towns of Cedar Bluff and Richlands working together to reach an agreement and expressed his willingness to continue meeting with both towns to assist in this endeavor. He said that the no one wins if the battle is fought in court.

County Administrator, Jim Spencer stated that Supervisor Wimmer and Supervisor White should be commended for the hours they have spent with the two towns trying to find a solution and warned that sometimes people get what they asked for and too often their wishes cost them more in the long-run.

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#### **UNSCHEDULED CITIZEN COMMENTS**

Dahmon Ball, Raven, Virginia thanked the Board of Supervisors for removing the tree in the Clinch River located in the Raven area. He also thanked the Board for their efforts to accomplish transparency between the towns of Richlands and Cedar Bluff.

Robert "Spot" Steele, Wittens Mills Road, thanked the Board of Supervisors for sponsoring Kids Fish Day at Cavitts Creek/Lake Jack Witten, May 2, 2009. He said the event was a huge success and requested that it be continued each year.

Mr. Steele then spoke about the importance of communication and encouraged transparency among all government agencies.

Supervisor Hymes also commented on the Kids Fish Day event at Cavitts Creek and thanked all those individuals, businesses, agencies as well as other responsible parties for making the event a success and everyone there had a great time. He said that everyone who helped should be thanked for their hard work and efforts.

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### **CONSENT CALENDAR APPROVED**

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

### **COYOTE CLAIMS APPROVED**

- \$50.00 to Clinton Bell, Rt. 1 Box 350, (1987 Cove Road) Tazewell, Virginia 24651 for 1 coyote killed with snare on April 23, 2009
- \$50.00 to Clinton Bell, Rt. 1 Box 350 (1987 Cove Road), Tazewell, Virginia 24651 for 1 coyote killed with snare on April 14, 2009
- \$50.00 to Steven Short, Box 698 Steeles Lane, Tazewell, VA 24651 for 1 coyote killed with snare on April 17, 2009
- \$50.00 to Marty Hurd, 156 Barbarosa Lane, North Tazewell, VA 24630 for 1 coyote killed with rifle on January 3, 2009
- \$100.00 to Lonnie Yates, Jr. 179 Mallard Way, North Tazewell, VA 24630 for 2 coyotes killed with a snare on March 5, 2009
- \$250.00 to Lonnie Yates, Jr. 179 Mallard Way, North Tazewell, VA 24630 for 5 coyotes killed with a snare on Feb. 7, 2009
- \$150.00 to Lonnie Yates, Jr. 179 Mallard Way, North Tazewell, VA 24630 for 3 coyotes killed with a snare on Dec. 11, 2008

- \$50.00 to Lonnie Yates, Jr. 179 Mallard Way, North Tazewell, VA 24630 for 1 coyote killed with a trap on Feb. 3, 2008
- \$50.00 to Lonnie Yates, 179 Mallard Way, North Tazewell, VA 24630 for 1 coyote killed with a snare on Feb. 14, 2007
- \$50.00 to Mark Hrovatic, 22 School House Lane, Mt. Nebo, WV 26679 for 1 coyote killed with a shotgun in Roaring Fork on April 20, 2009
- \$150.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24651 for 3 coyotes killed with snare on Feb. 11, 2009 with a snare
- \$50.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24651 for 1 coyote killed with a snare on March 30, 2009
- \$50.00 to Ray Nease, 2123 Baptist Valley Road, Cedar Bluff, VA 24609 for 1 coyote killed with trap on Feb. 11, 2009
- \$50.00 to Ray Nease, 2123 Baptist Valley Road, Cedar Bluff, VA 24609 for 1 coyote killed with a trap on Feb. 17. 2009
- \$100.00 to Ray Nease, 2123 Baptist Valley Road, Cedar Bluff, VA 24609 for 2 coyotes killed with a trap on Feb. 17, 2009
- \$50.00 to Ray Nease, 2123 Baptist Valley Road, Cedar Bluff, VA 24609 for 1 coyote killed with a trap on March 20, 2009
- \$50.00 to Ray Nease, 2123 Baptist Valley Road, Cedar Bluff, VA 24609 for 1 coyote killed on March 26, 2009 with a trap
- \$50.00 to Ray Nease, 2123 Baptist Valley Road, Cedar Bluff, VA 24609 for 1 coyote killed on April 8, 2009 with a trap
- \$50.00 to Bob Corell, 570 Corell Farm Road, Tazewell, VA 24651 for 1 coyote killed on March 31,2009 with a snare
- \$50.00 to Bob Corell, 570 Corell Farm Road, Tazewell, VA 24651 for 1 coyote killed on April 8, 2009 with a snare
- \$100.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 2 coyotes killed by a snare March 23, 2008 with a snare
- \$50.00 to Jerry Jackson, II – Rt. 1, Box 220, Tazewell, VA 24651 for 1 coyote killed on April 13, 2009 with a snare

- \$50.00 to Michael Clear, PO Box 690, Chilhowie, VA 24319 for 1 coyote killed on April 14, 2009 with a snare
- \$50.00 to Jess Sparks, PO Box 1084, Cedar Bluff, VA 24609 for 1 coyote killed on April 1, 2009 with a trap
- \$150.00 to Larry Lambert, 401 Plymouth Hollow Road, North Tazewell, Virginia for 3 coyotes killed on March 18, 2009 with a rifle

**DAMAGE CLAIM APPROVED**

- \$652.16 for 13 goats killed by stray dogs – payable to Kimberly Hale, 154 Hampshire Road, Bluefield, VA 24605 – day of kill, April 6, 2009

**WARRANTS**

**March/April 2009**

**Payroll**

Ordered that Warrant Nos. 129494 through 129584, and direct deposits totaling \$202,238.74 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending March 31, 2009, be approved.

Ordered that Warrant Nos. 129586 through 129676, and direct deposits totaling \$201,546.83 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending April 15, 2009, be approved.

**Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 443002 through 443171, for \$1,368,812.97 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 2009, be approved.

Ordered that Warrant Nos. 443173 through 443190, for \$138,229.87 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending March 31, 2009, be approved

Ordered that Warrant Nos. 443192 through 443317, for \$634,290.56 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 2009, be approved.

Ordered that Warrant Nos. 443319 through 443340, for \$138,074.49 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending April 15, 2009, be approved.

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Ordered that Warrant Nos. 801340 through 801345 for \$274,157.13 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of March 2009, be approved.

- Ratified \$1750.00 paid to THS DECA: \$1000 from Southern District & \$750 from Northern District
- Approved \$500.00 payable to Thompson Valley Fire Dept: \$100 from Western & \$400 from Southern (1<sup>st</sup> Annual Farm & Agriculture Safety Day – May 9, 2009)
- Approved \$1,849.00 from Northern District Fund payable to Bandy Community Center – upgrade building for Disaster Preparedness Center
- Approved \$600.00 from Northwestern District Fund payable to Raven Elementary School – 5<sup>th</sup> grade field trip
- Approved Cumberland Plateau Regional Housing Authority's request to waive Authority's payment in lieu of taxes in the amount of \$8,911.61
- Proclaimed May 3-9, 2009 as Building Safety Week in Tazewell County

- Proclaimed May 10-16, 2009 as Business Appreciation Week in Tazewell County

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## EMERGENCY SERVICES REPORT

Supervisor Wimmer reported the following Emergency Services matters as a result of their regular meeting held in April 2009:

- **CLEARFORK FD FUNDS REQUEST:** Russell Stowers requested \$18,000.00 for repairs on an 81 Ford pumper's tank, packing replaced and pump serviced. The truck is automatic, in good condition, has 29,000 miles on it and is set up with high pressure capabilities. Clearfork does not have the funds for the repairs and is requesting the total cost be paid by the Board of Supervisors.
- **GRANT APPLICATION REQUIREMENT:** Bill Wimmer encouraged the County fire & rescue to apply for ESC grants as a group. He stated that the ESC need to make it a requirement that if a department finds a grant they want to apply for, they need to contact other departments to see if they have a need/use for the grant and work together and apply for the grant as a group. Also, David White/Emergency Services Coordinator needs to be included in review of grants before they go out.

The following is an update of the tasks sent down by the BOS at the April Meeting:

- **GPS for EMERGENCY VEHICLE:** At the April BOS Meeting it was suggested that the ESC discuss the need for GPS units in emergency vehicles. Those in attendance discussed this and it was decided that this would be made a part of the OEMS Grant Application being completed by Jason Kinser.
- **TANKER TASK FORCE COMMITTEE:** At the April BOS Meeting the Tanker Task Force By-Laws were approved by the BOS with review by county attorney. Eric Young County Attorney has review with no changes.
- **JEWELL RIDGE FD & BUCHANAN COUNTY – MUTUAL AID:** At the April BOS Meeting members directed the ESC to contact Buchanan County in regards to a mutual aid agreement with regard to emergency calls in the Jewell Ridge/ Buchanan County area. This is being worked by David White. Dee Phillips would look into this.

### **CLEARFORK VOL. FIRE DEPT. –**

#### **REQUEST FOR \$18,000 FOR REPAIRS TO PUMPER/TANKER**

Now, Russell Stowers, Chief, Clearfork Volunteer Fire Department was present and requested \$18,000.00 for repairs to their 81 Ford pumper's tank, packing replacement and service of pump. Mr. Stowers said the fire department does not have the funds to pay for this and requested that the total cost be paid by the Board of Supervisors. The

Board requested that the Assistant County Administrator determine available county funding, if any, and notify the Board of Supervisors accordingly. Ms. Green said if the money wasn't available in this fiscal year, FY09 the Board could perhaps budget the money for FY10 and make it available after July 1, 2009. The Board agreed to this concept.

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## **APPOINTMENTS**

### **Disability Services Board**

Upon motion of Supervisor Anderson seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Michael Nunan, 110 Aden Street, Bluefield, VA 24605 as a member of the Tazewell County Disability Services Board, with a term commencing immediately and expiring December 31, 2011. This appointment fills the unexpired term of Ms. Penny Altizer.

### **Clinch Valley Community Action**

Four (4) appointments to the Clinch Valley Community Action, inc. Board of Directors were deferred to the June 2, 2009 regular meeting. The Board requested that the County Attorney review the structure of the CVCA, Inc. Board of Directors and to contact Chris Thompson, CVCA, Inc. Executive Director to discuss the make-up of the Board. Supervisor White questioned whether members could be appointed by district. The Board received a resignation letter from Ms. Ethel Bennett, a long-time member of the CVCA, Inc. Board of Directors. The letter stated that she felt privileged to have served as a member and would cherish the many lasting friendships that were made.

### **SVCC – Board of Directors**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor White abstaining from the vote, the Tazewell County Board of Supervisors hereby reappoints Dr. Tom Brewster, PO Box 96, Falls Mills, VA 24613 as a member of the Southwest Virginia Community College Board – with at term commencing July 1, 2009 and expiring June 30, 2013.

### **Cumberland Plateau Planning District Commission**

Upon motion of Supervisor Hymes, 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 reappoints John Biggs, 201 Tower Street, Tazewell, Virginia 24651 as a citizen member from the Town of Tazewell as a member of the Cumberland Plateau Planning Commission, with a term commencing July 1, 2009 and expiring June 30, 2010 (one-year term).

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors reappoints Doug Ratliff, 541 Plantation Drive, Richlands, Virginia 24641 as a citizen member from the Town of Richlands as a member of the Cumberland Plateau Planning District Commission with a term commencing July 1, 2009 and expiring June 30, 2010 (one year term).

One citizen member from the Town of Bluefield was deferred to the June 2, 2009 regular meeting – Todd Day’s term expires June 30, 2009.

**TODD DAY RESOLUTION - TO BE DRAFTED AND PRESENTED**

Now, upon motion of Supervisor Anderson, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that a resolution be drafted recognizing Todd Day for his services to the Town of Bluefield and to Tazewell County. Mr. Day has given notice that he will be leaving his post as Bluefield Town Manager.

**Tazewell County Fire Rescue**

Two appointments to the Tazewell County Fire Rescue Board of Directors were deferred to the June 2, 2009 regular meeting.

**Industrial Development Authority**

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints Doyle Rasnick, PO Box 556, North Tazewell, Virginia 24630 as a member of the Tazewell County Industrial Development Authority with a term commencing July 1, 2009 and expiring June 30, 2013 (4 year term) and further upon motion of Supervisor Anderson, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members

present voting in favor thereof and none against the Tazewell County Board of Supervisors hereby reappoints Kyle Hurt, 349 Brandon Drive, Bluefield, VA 24605 as a member of the Tazewell County Industrial Development Authority, with a term commencing July 1, 2009 and expiring June 30, 2013 ( Four (4) year term).

**Tazewell County Planning Commission**

One northern district and one northwestern district appointments to the Tazewell County Planning Commission were deferred to the June 2, 2009 regular meeting.

**Tazewell County Recreation and Parks Facility Authority**

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 reappoints Margie Douglass, and Jim Spencer, 108 East Main Street, Tazewell, Virginia 24651 as members of the Tazewell County Recreation and Parks Facilities Authority, with terms effective July 1, 2009 and expiring June 30, 2012 (Three (3) year term).

**Tazewell County Road Viewers**

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 reappoints the following members to the Tazewell County Road Viewers, with terms effective July 1, 2009 and expiring June 30, 2010 (One (1) year term):

- Clyde Sparks, 3850 Indian Creek Road, Cedar Bluff, VA 24605 \
- Steve Slade, Rt. 2, Box 205, North Tazewell, VA 24630
- Ray Howell, Box 1477 Rosebaum Road, Bluefield, VA 24605
- Paul Brewster, PO Box 808, North Tazewell, VA 24630
- Gratten O. Webb, 133 Jac & Mac Street, Raven, VA 24639

**Transportation Safety Commission**

Upon motion of Supervisor Brewster, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints the following members to the Tazewell County Transportation Safety Commission with a term commencing July 1, 2009 and expiring June 30, 2012 (thee (3) year term):

- Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605

- Link Smith, Rt. 1, Box 138, Cedar Bluff, VA 24609
- Jack Asbury, PO Box 139, Bluefield, VA 24605

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

One appointment to the Upper Tennessee River Round Table was deferred to the June 2, 2009 regular meeting in order to allow additional time to review the membership structure of the UTRRT.

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### **FAIRGROUNDS – DISPLAY AT CHRISTMAS-TIME**

The County Administrator, Jim Spencer, reported that he and Eric Young, County Attorney met with Donnie Yates to discuss Mr. Yates proposal for the Christmas display at the Fairgrounds. Supervisor Hymes said that the event was as good to go, but he thought someone should partner with Mr. Yates because of the enormous undertaking the event would be for one person. Supervisor Hymes further said that the Mr. Yates would be using the fairground facility this summer to raise money for the winter event and he would personally pay the rental fee requirements if he had to.

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### **DAMAGE STAMP FUND PROGRAM**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby request that a letter be prepared and sent to Delegate Dan Bowling, Delegate Annie B. Crockett-Stark and Senator Puckett asking for legislative support and funding assistance with regard to the Damage Stamp Program, with copy of same sent to the Farm Bureau Association making them aware of the situation and request their help and cooperation in this matter. The County's Damage Stamp Fund is depleted and has not collected any money since the late 1980's. The County continues to pay for damage stamp claims from other county funds.

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### **RIDGELINE PROTECTION ORDINANCE**

Supervisor Anderson stated that the Steering Committee for the Ridgeline Protection Ordinance completed their committee meetings and sent the ordinance back to the Planning Commission to be reviewed at their May 14, 2009 6:00 p.m. meeting. Supervisor Anderson said that the steering committee did have some common ground on

the language as well as being controversial with regard to boundary set-backs, heights, etc. These ranges will be reviewed by the Planning Commission who will make a decision whether to recommend the ordinance back to the Board of Supervisors for final consideration. The County Attorney stated that since substantial changes were recommended to the proposed ordinance, he suggested that the Board of Supervisors conduct another public hearing on the ordinance in the near future.

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**REQUESTED THAT THE IDA ACCEPT \$15,000 DONATION FROM  
B.P/DOMINION TO HELP FUND WIND ENERGY ECONOMIC ANALYSIS**

Upon motion of Supervisor White, seconded by Supervisor Brewster and adopted by a vote of 4 to 1, with Supervisor Anderson voting nay, the Tazewell County Board of Supervisors hereby request that the Tazewell County Industrial Development Authority (IDA) accept an offer/donation from BP & Dominion Power, in the amount of ½ of the cost of an economic impact study for a wind energy project, up to \$15,000.00 to assist the County. Additional funding or ½ the amount for this study will be approved from the FY2009-10 Contingency Fund, to be donated by the Board to the IDA, subject to legal review and approval.

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**PARKING STUDY – COURTHOUSE**

The County Administrator, Jim Spencer stated that he needed to meet with Judge Hurley and other courthouse officials to address their concerns regarding parking spaces at the county courthouse. Money has been set aside in the county budget to make improvements to the county administration and courthouse parking areas.

**BURKES GARDEN SCHOOL – BATHROOM FACILITES**

The Burkes Garden School bathroom facilities project is on-going – schematics are being circulated with regard to the project and updates will periodically be made to the Board.

**BURKES GARDEN POST OFFICE – CLOSURE UPDATE**

Chairman Anderson reported on correspondence the Board received from Congressman Boucher's office regarding the closure of the Burkes Garden Post Office. The postal service in Charleston, WV has indicated by letter to Congressman Boucher that the post office would more than likely remain closed.

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**PUMP AND HAUL PERMIT FOR BUILDING/CHURCH AT COBBLESTONE STREET – JIMMY CHARLES/PROPOSED PROPERTY OWNER**

The Board of Supervisors deferred action on the consideration of approving a permanent Pump & Haul Permit for a building/church located at Cobblestone Street (Jimmy Charles – proposed property owner). The Board requested that the County Attorney and the County Engineer determine bonding issues as well as county liabilities, if any, should this matter be approved.

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**2010 CENSUS PARTNERSHIP AGREEMENT FORM**

Upon motion of Supervisor Brewster, 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 a 2010 Census Partnership Agreement Form. This will enable the County to join forces with the U.S. Census Bureau to hopefully achieve a complete and accurate 2010 Census County in Tazewell County.

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**BETTER LIVING SHOW – COUNTY PARTICIPATION**

Chairman Anderson commented on the County's booth at the recent Better Living Show at the Brush Fork Armory. He said he was pleased with the information made available to help showcase Tazewell County. The County Administrator reported that the SW Workforce Investment Board paid for the County's booth space. He said the County had literature as well as web access to available Microsoft training at the Richlands Incubator and at the Bluestone Workforce Training Center. He said approximately 5000 or more people attended the event. He also thanked County employees who worked Friday evening and Saturday to help with the booth.

**TAZEWELL COUNTY BUDGET FY09-10 AUTHORIZED FOR ADVERTISEMENT**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise a public hearing for June 2, 2009, to hear concerns regarding the proposed Tazewell County Budget Ordinance for FY09-10.

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**PISGAH SEWER PROJECT – RESOLUTION OF SUPPORT**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution supporting the development of the Pisgah, Virginia Sewer Project, which will serve Historic Crab Orchard Museum, the Farm Heritage Center and the Pisgah Store.

A copy of the resolution in the form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, VA 24651.

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**JEWELL RIDGE SCHOOL – BATHROOM FACILITIES UPDATE**

Supervisor White questioned the status of the bathroom facilities project at the Jewell Ridge School. He said the June 09 primary election was quickly approaching and the school would be used during that time. It was suggested that the County Administrator and Supervisor White visit the school and look at the facility in question to see if they could work out a solution.

**GARBAGE COLLECTION IN TAZEWELL COUNTY, VA**

Supervisor White reported on the Northwestern District test-run garbage collection program. He said that he received good feedback on the project and hopefully by June a proposal could be ready for bid.

**TREE IN CLINCH – REMOVED**

Supervisor White thanked all those responsible for removing the large tree from the Clinch in the Raven area.

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**BUSINESS APPRECIATION CELEBRATION**

County Administrator, Jim Spencer, announced that the Tazewell County Annual Business Appreciation Celebration is scheduled for May 15 at 7:45 a.m. at SVCC and at the Bluestone Workforce Training Center at noon. Breakfast and lunch will be served showing appreciation to all businesses in Tazewell County.

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**COVE COMMUNITY CENTER - \$1,000 – SOUTHERN DISTRICT**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Southern District Fund, payable to the Cove Community Center for roof repairs. 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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**CAMP 31 – CONVENIENCE CENTER**

The County Administrator reported that he plans to meet with DOC officials in Richmond on Monday & Tuesday, May 11 & 12 to discuss a possible lease arrangement with DOC in reference to using an area of property at Camp 31 as a convenience center/garbage collection facility.

**THOMPSON VALLEY ANIMAL/DOG CONCERN**

Supervisor Hymes requested that Dave White or George Pilkins meet with one of his constituents in Thompson Valley (Hutchinson Residence) regarding a dog concern.

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**TAZEWELL HIGH SCHOOL – HALL OF FAME SCHOLARSHIP**

**\$750.00 SOUTHERN & \$750.00 NORTHERN (\$1,500.00)**

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$750.00 Southern District Fund & \$750.00 Northern District Fund, total

\$1500.00, payable to the Tazewell High School Hall of Fame Scholarship Board, PO Box 255, Tazewell, Virginia 24651 Attn: Lawrence (Debo) Johnson. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

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**ABBS VALLEY BOISSEVAIN ELEMENTARY SCHOOL – GOVERNOR’S AWARD FOR EDUCATION EXCELLENCE**

Supervisor Brewster requested that the Abbs Valley Boissevain Elementary School be recognized by the Board of Supervisors for their “Governor’s Award for Education Excellence”. The school has received this prestigious award for the last two years, 2008 and 2009.

**HISTORIC POCAHONTAS – NORTHERN DISTRICT FUND \$1,000.00**

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Northern District Fund, payable to Historic Pocahontas, Pocahontas, VA 24635 for elevator repairs. 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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**ASCUE ROAD**

With regard to the right of way concerns on Ascue Road, Supervisor Wimmer suggested lowering the right of way requirement to 20 ft. He requested that the County Engineer and County Attorney look into this matter.

**LICK BRANCH ROAD**

Supervisor Wimmer requested that the Virginia Department of Transportation be contacted and requested to investigate needed repairs to Lick Branch Road located in the Western District. The road is a state maintained highway. The contact person is Link Smith.

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**JEWELL RIDGE 4<sup>TH</sup> OF JULY CELEBRATION**

Supervisor Anderson reminded those present of the Jewell Ridge – 4<sup>th</sup> of July Celebration. Supervisor White stated the event this year was a 3 day event to commemorate homecoming. Both Supervisor White & Wimmer said that the event would be enjoyable and said that everyone was welcome.

**VA HIGHLANDS COMMUNITY COLLEGE – 2009 HIGH TECH AWARDS EVENT**

Supervisor Anderson announced the May 28, 2009 – VA Highlands Community College – High Tech Awards event from 5:00 p.m. to 7:30 p.m. Tickets are required to attend.

**BUDGET COMMITTEE MEETING REQUESTED**

Supervisor Anderson requested that a budget committee meeting be scheduled as soon as possible with the Sheriff to address 911 equipment purchases.

**NATIONAL DAY OF PRAYER – MAY 7, 2009**

Supervisor Anderson announced the May 7 – 2009 National Day of Prayer celebration. Events throughout the County will be held.

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**REGULAR MEETING TIME CHANGED TO 6:00 P.M.**

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 a resolution giving notice changing the regular meeting times of the Tazewell County Board of Supervisors from 5:30 p.m. to 6:00 p.m. on the first Tuesday of each month for the remainder of calendar year 2009.

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**RECESS TO MAY 18, 2009 – 6:00 P.M.**

Now, there being no further business to be transaction by this Board and 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 recesses this meeting to May 18, 2009 at 6:00 p.m. – contingent upon the Tazewell County School Board's acceptance of a joint meeting with the Tazewell County Board of Supervisors on said date & time.

The next regular meeting of the Tazewell County Board of Supervisors is scheduled for June 2, 2009 at 6:00 p.m.

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David R. Anderson, Chairman

By: rg

Recess time 8:43 p.m.