

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD OCTOBER 5, 2010 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651

**PRESENT: SETH R. WHITE, CHAIRMAN
DAVE R. ANDERSON, VICE-CHAIRMAN
D. MICHAEL HYMES, MEMBER
JIM CAMPBELL, MEMBER
JOHN ABSHER, MEMBER
JIM SPENCER, COUNTY ADMINISTRATOR
C. ERIC YOUNG, COUNTY ATTORNEY
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT**

OTHERS PRESENT:

MEMBERS OF THE PRESS:

**WARREN HINKLE, TAZEWELL COUNTY FREE PRESS; JIM TALBERT, RICHLANDS NEWS PRESS
CHARLES OWENS, BLUEFIELD DAILY TELEGRAPH**

ABSENT: NONE

The Chairman, Seth R. White, called the regular meeting to order and presided with all members in attendance. Supervisor Anderson gave the invocation, which was followed by the pledge of allegiance.

The Chairman then welcomed all guests.

AGENDA APPROVED AS AMENDED

Upon motion of Supervisor Campbell, 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 approves the October 5, 2010 meeting agenda as amended.

MINUTES APPROVED

Upon motion of Supervisor Anderson, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the September 7, 2010 meeting minutes as written.

EXECUTIVE/CLOSED SESSION

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 enters into an Executive/Closed meeting pursuant to Virginia Code Section 2.2-3711:

- 2.2-3711 A (29) Discussion regarding the Modification of Existing Agreement, where discussion in open session would adversely affect the bargaining position or negotiation strategy involving “Assignment of Tobacco Commission Grants for the Bluestone to the IDA.”
- 2.2-3711 A (1) Two (2) Personnel involving County Administrator and County Attorney department
- 2.2-3711 A(7) Two (2) Legal matters – one (1) contract negotiations involving the Comprehensive One Stop and one (1) legal matter requiring the advice of counsel regarding Caleb Hollow Road.
- 2.2-3711 A-6/A-29 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 and Discussion of the award of a public contract involving the expenditure of public funds, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body involving Solid Waste Disposal at the County Landfill.

RETURN FROM THE EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Absher, 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 adopts 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: Supervisor Absher, Campbell, Hymes, White and Anderson

Nays: None

Absent: None

Absent during vote: None

EXECUTIVE/CLOSED SESSION

ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING

BLUESTONE

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 assign Tobacco Commission Grants, No.

1349, 1629, 1362 to the Industrial Development Authority on the condition that the Joint Bluestone Committee approve all change orders over \$37,500.00 before approval by the Tazewell County Industrial Development Authority. The Board of Supervisors further hereby appoints Supervisor Anderson and Supervisor Campbell as the Board of Supervisors' representatives on the Joint Bluestone Committee.

COMPREHENSIVE ONE STOP/RBI – TEN (10) YEAR LEASE AGREEMENT

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 enters into a ten (10)- year lease agreement with the Comprehensive One Stop at the Richlands Business Incubator, subject to approval by the Cumberland Plateau Planning District and legal review.

CONSOL ENERGY, INC.

Upon motion 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 accepts a contract with Consol Energy Inc. for \$35.00 per ton for a sludge product, as described in Schedule A, that is incorporated into the minutes, and which sludge product shall be transported into the Tazewell County Landfill by Consol Energy, Inc, subject to legal review and approval. The County Administrator reported that the subject material to be transported has been permitted through the State/DEQ and is a non-toxic product.

CALEB HOLLOW ROAD – AUTHORIZATION TO FILE SUIT

Upon motion of Supervisor Absher, 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 County Attorney to file suit to enjoin obstruction of Caleb Hollow Road.

SPECIAL PRESENTATIONS

In Memory of Sergeant Shawn Hess

Chairman White welcomed Mrs. Queenie Hess to the meeting with Supervisor Campbell reading and presenting a resolution to Mrs. Hess honoring her son, the late Sgt. Shawn Hess for his service to Tazewell County. Sgt. Hess was killed in a vehicle accident in the early morning hours of July 23, 2010 while on duty with the Tazewell County Sheriff's office. The resolution was adopted as an expression of the Board's heartfelt sympathy. A copy of the resolution in a form as hereby adopted is attached hereto and incorporated herein by reference thereto.

Sheriff H. S. Caudill then presented Mrs. Hess with a plaque mounted with a license plate, listing Sgt. Hess as a hero – the license plate stated, "Hero's live forever" and included license plate No. 22; an authentic Virginia tag. Several members of the Sheriff's join Sheriff Caudill in presenting the plaque.

Resolution on the Retirement of Andrew Chafin

Supervisor Anderson mentioned the retirement of Andrew Chafin, the first Executive Director of the Cumberland Plateau Planning District Commission and his latest post as Chief Executive Officer of the not-for-profit sister organization, the Cumberland Plateau Planning Company. Mr. Chafin has served the Commonwealth for over 42 years. Mr. Chafin could not be present to accept the resolution.

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 adopts a resolution on the retirement of Andrew Chafin.

Supervisor Anderson stated he would present the resolution to Mr. Chafin at the next meeting of the Cumberland Plateau Planning District.

Proclamation – NATIONAL 4-H WEEK

Supervisor Hymes welcomed John Blankenship, ANR Extension Agent/Unit Coordinator and 4-H youth members. The Tazewell County 4-H program has 2,050 members and 212 volunteers. The Board thanked Mr. Blankenship and members of the 4-H group for taking part and for their awareness in the special programs offered by the Virginia Cooperative Extensions Program.

Now, 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 adopts a Proclamation – proclaiming October 3 -9, 2010, as National 4-H Week in Tazewell County, Virginia.

A copy of the proclamation in a form as hereby adopted is on file in office of the County Administrator, 108 East Main Street, Tazewell, Virginia and incorporated herein by reference thereto.

**PSA - 2009 VIRGINIA EXCELLENCE IN GRANULAR MEDIA WATER
TREATMENT PLANT PERFORMANCE AWARDS BACKGROUND**

Scott Kay & Mike Dowdy – PSA Employees

The County Administrator, Jim Spencer, introduced and welcomed PSA employee's Scott Kay and Mike Dowdy. The County PSA recently received awards in Excellence in Granular Media Water Treatment Plant Performance Awards, more particularly, water treatment plants that have voluntarily produced water with a quality that exceeds minimum regulatory standards i.e. at least three times cleaner that required and which operate in an excellent manner. The PSA's Greater Tazewell Water Plant received the 2009 BRONZE Award and the Claypool Hill WTP received the 2009 GOLD Award from the Virginia Department of Health – Office of Drinking Water. The Board congratulated Mr. Kay and Mr. Dowdy for their accomplishments- job well done!

CONSENT CALENDAR

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

August/September 2010

Payroll

Ordered that Warrant Nos. 132590 through 132678, and direct deposits totaling \$237,005.25 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 31, 2010, be approved.

Ordered that Warrant Nos. 132680 through 132770 and direct deposits totaling \$209,049.43 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 15, 2010 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 449267 through 449429, for \$406,648.44 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of August, 2010, be approved.

Ordered that Warrant Nos. 449431 through 449450, for \$156,678.50 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 31, 2010, be approved

Ordered that Warrant Nos. 449452 through 449574, for \$872,002.28 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of September 2010, be approved.

Ordered that Warrant Nos. 449576 through 449525 for \$148,311.56 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending September 15, 2010, be approved.

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Ordered that Warrant Nos. 801491 through 801503 for \$1,005,736.44 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of August 2010, be approved.

■ Approval of Coyote Claims:

- \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, Virginia 24605 for 1 coyote killed with a snare on September 12, 2010
- \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, Virginia 24605 for 1 coyote killed with a snare on July 3, 2010 with a snare
- \$50.00 to James Kinder, 1410 Stone Road, Jewell Ridge, VA 24622 for 1 coyote killed on September 8, 2010 with a rifle
- \$50.00 to Bobby Addison, 2500 Pursell Road, Richlands, Virginia 24641 for 1 coyote killed with a shotgun on September 23, 2010
- \$50.00 to Darnell Carlos Baker, PO Box 394, Tazewell, Virginia 24651 for 1 coyote killed on September 29, 2010 – hit with vehicle
- \$50.00 to Matthew Keene, PO Box 272, Bishop, Virginia 24604 for 1 coyote killed on September 29, 2010 – hit with vehicle

■ Damage Claim:

- Approved the amount of \$150.00 from the Animal Control Account/Bounties & Claims payable to Michael Able, PO Box 1133 North Tazewell, Virginia 24630 for 15 chickens killed by stray dogs on September 13, 2010

■ Library Account:

- Approved the amount of \$113.00 from the Contingent Expenditures and Grant Account 91050-7041 to the Library Account No. 7301-6012 in the amount of \$113.00 as State Aid/Final Award, 2010-11.
- Approved the amount of \$50.00 from the Contingent Expenditures and Grant Account 91050-7041 to the Library Account No. 7301-3099 – donation from Martha Butt.

■ VACo Insurance Check – Abbs Valley Fire Department

- Transferred \$956.15 from the Contingent Expenditures & Grants (91050-7041) to the Fire Department Capital Outlay (32010-8109) for check received from VACo insurance for door repairs. The County Administrator will issue a check in said amount to Abbs Valley Fire Department for the necessary repairs.
- Northwestern District – Richlands High School Football Team – additional money for football cleats – approved an additional \$180.50 from the Northwestern District for RHS football team cleats and ratified payment of \$2,180.50 (the actual invoice was \$2,180.50 – the BOS approved up to \$2,000 at its Sept. 7 reg. meeting)
- Sheriff’s Department – Transferred \$11,525.00 from the Contingent Expenditures & Grants (91050-7041) to the Sheriff’s Depart. Automobiles (31020-8105) for a check received from VACo insurance as a result of a vehicle totaled in an accident.
- Approved \$3,000.00 to Clinch Valley Community Action for previous allocations payable to:
 - \$ 500.00 for Abbs Valley -Pocahontas Little League (Northern District funds)
 - \$1,500.00 for Falls Mills Fish Club (\$500 Northern, \$500 Eastern, \$500 Southern)
 - \$1,000.00 for Graham Youth League Football (Eastern District Recreation)
- Approved SVCC College and Public Transportation Contract, FY10-11 as submitted by AASC – Four County Transit
 - Proclaimed the week of October 3-9, 2010 as National Long-Term Care Residents’ Rights Week as submitted by AASC.
 - Approved a total of \$2,000.00 for Richlands Youth Baseball Club (\$1,000 Western Recreation and \$1,000 Northwestern Recreation)

- Approved a total of \$1,000 to Richlands Boosters Club for Richlands Volley Ball (\$500 Western Recreation \$500 Northwestern Recreation)

JACK ASBURY – UPDATE

NEW RIVER HIGHLANDS RC & D COUNCIL

Jack Asbury, member of the New River Highlands RC & D Council, highlighted the board on the recent activities of the RC&D Council and gave each member a pamphlet outlining ongoing projects. Mr. Asbury stated the he recently visited Mississippi and toured areas of New Orleans including the Ninth Ward. He said he also had the opportunity to visit other RC & D projects in other areas of the United States.

In other news, he said that a Wall of Fame was being constructed in Wytheville and Mr. Clyde Bowling's name would be first on the wall. He invited the Board to attend an upcoming Awards Banquet with regard to this occasion and stated he would forward information about the event to the Board. In closing, he mentioned the completion of one of RC & D's stream-bank restoration projects in Bluefield near Swift Mart on Whitney Branch. He encouraged the Board to visit the site. The Board thanked Mr. Asbury for the update and said they appreciated his hard work and dedication as a member of the RC & D Council.

PUBLIC HEARING -- TAZEWELL COUNTY

ENTERPRISE ZONE

The Chairman of the Board of Supervisors, Seth R. White, called to order a public hearing that had been duly advertised in a local newspaper having general circulation throughout Tazewell County, VA, more particularly, Clinch Valley News/Richlands News Press in the September 22, 2010 and September 29, 2010 editions, entitled "AN ORDINANCE TO ADJUST THE BOUNDARIES OF THE ENTERPRISE ZONE FOR TAZEWELL COUNTY, VIRGINIA." A copy of the proposed map showing the properties to be excluded from the Enterprise Zone as well as those properties to be newly included was available for public review. Copies of the qualifications of incentives were also on hand. Qualifications for incentives is based on the calendar year and administered annually. All applicants (business and real properties) must be located within an enterprise zone. The County Administrator said the county

is only allowed to have 3800 acres in the Enterprise Zone and can only adjust the zones every 366 days (calendar year).

Now, the Chairman called for public comments from the floor. The following individuals spoke during the subject public hearing. The board allowed two (2) minutes per speaker.

1. Frank St.Clair, 1700 Hock man Pike, Bluefield, Virginia 24605 – informed the Board that one (1) parcel of property proposed for removal in the proposed Enterprise was not residential. He said the property was within town limits and immediately adjacent to an AEP Substation, beside Corte Construction and the area behind the property was used as a storage lot for Corte Construction. He requested that the property not be removed from the Enterprise Zone.
2. Rajeev Chopra, 670 Tanager Drive, Bluefield, Virginia 24605 – Stated he owned the property known as Fincastle Crossing property across from the Fincastle Country Club, Bluefield, Virginia 24605. Mr. Chopra indicated that the property would be developed as a multi-family development and he questioned whether the real estate investment definition of multi-family development would qualify. The Chairman stated he felt the investment had to be “Mixed Use” to qualify.
3. Dianne Collins, 110 Collins Court, Cedar Bluff, Virginia 24609 – stated she received six (6) letters with one (1) of the letters indicating that her business would be removed. The other five (5) letters pertained to residential property she owns. The Chairman informed Ms. Collins that the maps have been corrected accordingly. He assured her that her business would not be affected.
4. Sharon Thomas, 405 Park Street, Tazewell, Virginia 24651 (Town of Tazewell) – stated that she looked at the maps on the Internet and said she was not sure about the acreage involved in the Enterprise Zone. The County Administrator reviewed with her the maps showing the areas proposed for inclusion in the Enterprise Zone.
5. Tommy Shortt, Town Hollow Road - Wanted to clarify that his mobile home park on Town Hollow Road would not benefit from the proposal. The Chairman stated there were no benefits that he could apply for.

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

ENTERPRISE ZONE ORDINANCE

ADOPTED

Then, 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 adopts AN ORDINANCE TO ADJUST THE BOUNDARIES OF THE ENTERPRISE ZONE FOR TAZEWELL COUNTY AS HEREBY AMENDED, conditioned upon the continued inclusion of parcels owned by Mr. Frank St. Clair adjacent to Corte Construction and Parcel No. 14203-002,002V owned by L.Dianna Collins.

“AN ORDINANCE TO ADJUST THE BOUNDARIES OF THE ENTERPRISE ZONE FOR TAZEWELL COUNTY”

WHEREAS the Board has established by previous ordinance an Enterprise Zone for Tazewell County with all the rights and privileges thereunto appertaining;

WHEREAS to further encourage the economic development of the County the Board desires to expand and modify the Boundaries of the Enterprise Zone to include certain real property as shown on the attached map and to remove certain other properties also as shown on the attached map which either have not developed or have developed into other uses;

NOW THEREFORE, BE IT ORDAINED, that in accordance with Section 59.1-538 *et seq* of the Code of Virginia (1950) as amended and Section 15-64 of the Code of Tazewell County, Virginia, that the Board of Supervisors for Tazewell County, Virginia (Board) approves the relocation and adjustment of the Enterprise Zone as shown on the attached map herein incorporated.

BE IT FURTHER ORDAINED that the Map hereto attached shall supersede the map previously incorporated into Section 15-64 of the Code of Tazewell County.

PUBLIC HEARING -

FIRE ARMS IN COUNTY PARKS AND RECREATION PARKS

The Chairman, Seth R. White called to order a public hearing that was duly advertised according to law, entitled “AN ORDINANCE TO ALLOW PERSONS WITH A

CONCEALED WEAPONS PERMIT TO CARRY A FIRE ARM IN COUNTY PARKS AND RECREATION AREAS.”

As a matter of record, Chairman White stated that he was the one that requested that the ordinance be introduced. He said his family was camping at the Lake Jack Witten/Cavitts Creek Parks and he noticed the no firearms symbol at the entrance of the Park. Supervisor White said anytime he sees that sign he feels as though his Second Amendment Right is being restricted.

Eric Young, County Attorney, stated that he reviewed the Code of Virginia on this subject and found a change in the 2004 legislation that prohibits counties and towns from regulating firearms, pursuant to Virginia Code 15.2-915.

Mr. B.C. Fuller, Triangle Rd. Bluefield, Virginia 24605 – stated that he lived near a shooting range and said that even though people using the range were nice people he did not believe in allowing citizens to carry firearms in public parks.

John Blankenship, Tazewell, Virginia 24651 – wanted to know if the proposal would affect law enforcement officers from having firearms in parks. He also stated he hoped that citizens would not open fire in county parks.

Now, due to Virginia Code 15.2-915, the Board of Supervisors took no action on the ordinance. The County’s present ordinance is now obsolete and no vote is required on the proposed ordinance since Virginia Code prohibits such action.

Chairman White requested that the “no firearms signs” be removed from Lake Jack Witten/Cavitts Creek Park and other County parks as applicable.

TOWN OF TAZEWELL – CITIZEN COMMENTS

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 amends the October 5, 2010 agenda format to allow the Town of Tazewell additional time to speak to the Board of Supervisors during “Scheduled Citizen Comments.”

Dr. Charles Grindstaff, Mayor of the Town of Tazewell, Virginia spoke to the Board of Supervisors concerning the Tax Recoupment Recovery funding. Dr. Grindstaff stated that the Town of Tazewell would like to work with the County and requested that the County consider dividing the returned money and use it for various projects such as recreation or for volunteer

fire and rescue needs. He suggested that the county do what is best for county residents and especially the towns.

RECOUPMENT OF SALES TAX MONEY TO BE DIVIDED EQUALLY BETWEEN DISTRICTS

Now, 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 authorizes and directs that the Sales Tax Recoupment Money, more particularly, the repayment of certain sales tax proceeds erroneously paid to the Towns between August 2008 and April 2009, be divided equally between the five (5) County District Funds, and to be used for various district projects at the discretion of each County Supervisor. Further, that the additional money due the Town of Pocahontas shall be paid to the Town of Pocahontas from the first receipt of sales tax recoupment monies.

FRED LAWLESS – BURKES GARDEN SCHOOL FENCE PROJECT

Mr. Fred Lawless, on behalf of the Burkes Garden Community Center Association, requested that the County considered paying two-thirds (2/3) share of a fencing repair invoice for the former Burkes Garden School currently owned by the County. The fence bill was estimated at \$3,600.00 and the County's share of the bill would be approximately \$2,400.00. Before the Board agreed to pay the County's share, the Supervisors requested that the quote be determined reasonable. This matter was deferred to the October 25, 2010 meeting.

ABBS VALLEY FIRE DEPARTMENT – REQUEST FOR NEW FIRE TRUCK

Supervisor Hymes reported that the Abbs Valley Fire Department is seeking funding to purchase a new fire truck to replace the one lost as a result of an accident in July 2010. The cost of a new fire truck would be about \$172,000.00. Abbs Valley Fire Department is requesting that the County apply for a USDA or FEMA grant to purchase a new tanker. The fire department has no funds to help with the matching grant funds. However, the fire department will receive approximately \$17,500.00 from the insurance company for the lost vehicle, which possibly could be used toward the matching grant funds. The Board of Supervisors felt that the \$17,500.00 insurance recovery was a low amount considering the fire department paid nearly \$46,000.00 for the 1987 fire truck when purchased. The Board felt that all fire departments should be more

vigilant when purchasing fire department vehicles and to obtain quotes as well as getting prices from Bluebook, if applicable. Supervisor Campbell recommended that before the spring 2011, 95/5 grant deadline, a study committee look at the combination of needs from all fire departments and then apply for the funding. Supervisor Hymes stressed the need for a temporary solution for the Abbs Valley Fire Department. Supervisor Campbell suggested that the County look into the possibility of getting a primary pumper from another fire station that has two pumpers – one that could be loaned to Abbs Valley. Supervisor Campbell said he would discuss this matter with Dave White, Emergency Services Coordinator.

The matter was referred back to the ESC Study Committee. The County Attorney, Eric Young, stated that he would follow up with the insurance company with regard to the low amount received for the wrecked vehicle. The Board suggested that the County Attorney inquire about additional insurance money for the vehicle. A report on this matter will be forthcoming.

APPOINTMENTS

- **Tazewell County Airport Authority**

One appointment to the Tazewell County Airport Authority was deferred to the Oct. 25 recessed meeting

- **Tazewell County Recycling Committee**

Upon motion of Supervisor Absher, 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 ratifies the appointment of Crystal Richardson as a member of the Tazewell County Recycling Committee.

- **Jeffersonville Volunteer Rescue Squad Board of Directors**

One appointment to the Jeffersonville Volunteer Rescue Squad Board of Directors was deferred to the next regular meeting.

- **Redistricting Committee**

Appointments to the Tazewell County Redistricting Committee was deferred to the next regular meeting – one Town of Pocahontas and one Town of Richlands

- **Zoning Committee (Stakeholders)**

Upon motions made, seconded and duly adopted the following appointments were recommended for the Tazewell County Zoning Committee (Stakeholders):

► Todd Day; Jim Ribble; Marcus Gilbert; Thompson Neal

Chairman White stated that he would meet with Gary Earp and revamp the Zoning schedule and report same to the Board of Supervisors

▪ **Local Emergency Planning Commission (LEPC)**

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Derrick Ruble, Tazewell County 911 Director, as a member of the Tazewell County Local Emergency Planning Commission (LEPC) – to serve at the will and pleasure of the Board of Supervisors.

▪ **Richlands Incubator (RBI) – IDA Representative**

The Board of Supervisors requested that the IDA recommend a representative from the IDA to the Richland Incubator (RBI).

▪ **Wireless Authority**

Supervisor John Absher stated that he was working to replace his appointment on the Tazewell County Wireless Authority – (possibly Marco Warner)

GIS PRESENTATION – ECONOMIC DEVELOPMENT

The County Administrator, Jim Spencer, showed a GIS presentation on Economic Development. He said other counties in the State are using GIS programs to advance Economic Growth, i.e. attract new business, retain and grow existing businesses, helps stakeholders assess properties as well as assist in promoting long-range planning. GIS for Economic Development can identify key properties/land and building characteristics, as well as site suitability, including transportation, workforce, education within a defined distance from a particular site. The County Administrator expressed the need for the County to have in place some type of GIS system, especially with the upcoming Census/Redistricting and other projects. He suggested that the County advertise an RFP for a GIS Consultant/qualified firm, on an as needed basis.

The board agreed to this concept.

**HEALTH DEPARTMENT'S REQUEST TO CARRY FORWARD
FY10 FUNDING DEFERRED**

A request from the Virginia Department of Health to carry forward FY10 funding in the amount of \$56,090.77 to the current fiscal year, FY10-11 was deferred to the next regular meeting. The Board suggested that a representative from the Health Department attend the next meeting of the Board of Supervisors to explain the request.

**RABIES CLINICS SCHEDULED –
November 6, 2010**

The County Administrator reported that rabies clinics would be held in various locations of the County on Saturday, Nov. 6, 2010 (tentative date) in cooperation with the Tazewell County Health Department and local veterinarians.

SCHOOL BOARD FUEL TANKS – APPENDIX G

Consideration of approving “APPENDIX G – Local Government Guarantee without Standby Trust – Made by Local Government” with regard to underground storage tank(s) owned by the Tazewell County School Board was deferred to the next regular meeting of the Board of Supervisors. The Board of Supervisors requested that the County Attorney validate whether the tanks comply with the Department of Agriculture’s – State Inspection requirements.

**PROPOSED CONVENIENCE AREAS FOR
ADRIA AND JEWELL RIDGE**

The County Administrator stated that he is working with the County Engineer, searching for an appropriate location for a proposed convenience area in the Adria community. Supervisor White also requested that they continue to work on a suitable location for a convenience area in the Jewell Ridge community.

BUSINESS TO BUSINESS SHOWCASE – OCTOBER 14 & 15, 2010

The County Administrator stated the annual Business-to-Business Showcase is scheduled for October 14 and October 15, 2010 at the SVCC. He hopes to have a speaker from the State discuss the Enterprise Zone topic; 71 businesses have currently signed up to participate in the Showcase.

BLUESTONE PROJECT

The County Administrator stated that the contractor at the Bluestone is now in compliance with local E & S requirements and is moving forward. Updates on the project will be given to the Board as required.

**SALES AGREEMENT RATIFIED BETWEEN
WIRELESS COMMUNICATIONS, INC. AND
TAZEWELL COUNTY 9-1-1 CENTER**

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 ratifies and approves a SALES AGREEMENT BETWEEN WIRELESS COMMUNICATIONS, INC. OF 4800 REAGAN DRIVE, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA AND TAZEWELL COUNTY, VIRGINIA – A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, d/b/a EMERGENCY COMMUNICATIONS, 9-1-1 CENTER...for the purchase of Wireless Communication Equipment for Patriot VoIP system/network, work stations, hardware, software, and related equipment and materials for the Tazewell County Emergency Communications/9-1-1 Center. A copy of the Sales Agreement in a form as approved and as executed is on file in the office of the County Attorney, 108 East Main Street, Tazewell, Virginia.

Surplus Equipment be Utilized by County if Applicable

The County Administrator requested that before any old 9-1-1 equipment is disposed of that he or other county staff as may be appropriate, meet with the 9-1-1 Director to address the County's potential use of the 9-1-1 surplus equipment.

VDOT RESOLUTION – ROUTE 747

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 adopts the following resolution:

WHEREAS, the Virginia Department of Transportation has constructed Route 747 on a new alignment under Project 0747-092-585, C501, B644 (UPC 75316), and

WHEREAS, the project sketch and VDOT Form(s) AM4.3, attached and incorporated herein as a part of this resolution, defines adjustments required in the secondary system of state highways as a result of that construction, and

WHEREAS, the new road serves the same citizens as served by those portions of old road identified in the project sketch to be abandoned, which portions no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board hereby abandons segment(s) C-E from the secondary system of state highways, pursuant to §33.1-155 of the Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add segment(s) B-D and D-E to the secondary system of state highways, pursuant to §33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills and drainage, and

BE IT FINALLY RESOLVED, this Board orders that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

EXECUTIVE/CLOSED SESSION

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

- A-1 – Two (2) Personnel Matters, one (1) County Administrator and one (1) County Attorney

- ▶ A-7 – One (1) Legal Matter/potential liability requiring the advice of legal counsel involving a fire truck accident

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Absher, 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, with the following resolution read by Supervisor Hymes:

CERTIFICATION

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: Absher, Campbell, Hymes, White and Anderson

Nays: None

Absent: None

Absent during vote: None

Report of Action:

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

BOARD CONCERNS

Supervisor Campbell – Cancer Statistics

Supervisor Campbell questioned whether the letters were mailed seeking State and Federal support of obtaining a cancer study for Tazewell County. Supervisor Campbell requested that his project move forward and the statistics on the cancer research be available to the Board of Supervisors as soon as possible. The Board suggested that Dr. John Dreyzehner be invited to the next Board of Supervisors meeting and give an update on the cancer research project.

Supervisor Absher - City on the Hill / Barry Absher Church

Supervisor Absher announced that his brother, Barry Absher, was the minister at the new church on Main Street in Tazewell, City on the Hill/Freedom Ministries. He commended his brother and wished him well in his endeavors. Services are held every Tuesday night.

In a teasing manner, he commended the Blue Tornados for their recent win against the Bulldogs.

Supervisor Hymes

AGRICULTURE TOUR FUNDING \$1,350.00

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from District Funds as set forth below, totaling \$1,350.00 payable to the Tazewell County Extension Office, PO Box 229, Tazewell, Virginia 24651 to assist in the Agriculture Tour to Georgia on October 19-21. 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:

- \$500.00 Southern District
- \$100.00 Eastern District
- \$250.00 Northwestern District
- \$250.00 Western District
- \$250.00 Northern District
- \$ 1,350.00 Total

REGIONAL JAIL & CAMP 31

Supervisor Hymes expressed concerns about the \$1.9 spent at the Regional Jail and expressed the overcrowding concerns there as well. He suggested that the County Administrator contact the Department of Corrections and determine the feasibility of using the former Camp 31/DOC facility in a positive way for inmates.

BACK PACK PROGRAM

WHITE CHRISTMAS \$2,100.00

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a total of \$2,100.00, \$500.00 (Southern); \$100.00 (Eastern-White Christmas only); \$500.00 (Northern); \$500.00 (Northwestern) \$500 (Western) from district funds respectively, payable to the Labor of Love Mission, 200 East Riverside Drive, North Tazewell, Virginia 24630 memo: Back Pack Program and White Christmas Program. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia:

- \$500.00 Southern
- \$100.00 Eastern (for: White Christmas only)
- \$500.00 Northwestern
- \$500.00 Western
- \$500.00 Northern
- \$ 2,100.00 Total

DOMESTIC VIOLENCE TASK FORCE

\$200.00 FROM SOUTHERN DISTRICT FUND –

WEBSITE ASSISTANCE

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 amount of \$200.00 from the Southern District Fund, payable to the Tazewell County Domestic Violence Task Force, to assist with the development of a Domestic Violence Task Force Website. The Task Force is a

coalition of different agencies serving Tazewell County to address the prevention of domestic violence or to help victims. 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 check by the Treasurer of Tazewell County, Virginia.

\$500.00 (\$100.00 FROM EACH DISTRICT FUND) PAYABLE TO THE TAZEWELL COUNTY FAIR ASSOCIATION – SCRIPPS NATIONAL SPELLING BEE – REGIONAL BEE PROGRAM

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00, \$100 from each District Fund respectively, payable to the Tazewell County Fair Association for the Scripps National Spelling Bee, Regional Bee Program, 515 Fairground Road, Tazewell, Virginia 24651. 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.

VOLLEY BALL CURE – SUSAN B. KOMEN BREAST CANCER AWARENESS /TAZEWELL –RICHLANDS AREA

\$400.00 (\$100 FROM SOUTHERN, NORTHERN, NORTHWESTERN, WESTERN)

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 \$400.00, (\$100 from the Southern, Northern, Northwestern & Western District Funds) to assist with the “Volleyball for Cure” to benefit the Susan G. Komen, Breast Cancer Foundation, breast cancer awareness event, scheduled for Thursday, October 14, 2010, payable to the Richlands High School – Volleyball for Cure, c/o Ronnie Sparks, Tornado Alley, Richlands, Virginia 24641. 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.

**CLEARFORK VOLUNTEER FIRE DEPARTMENT –
\$959.00 FROM SOUTHERN DISTRICT FUNDS
FOR FORESTRY MATCHING GRANT**

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$959.00 from the Southern District Fund, payable to the Clearfork Volunteer Fire Department, as matching funds for a Forestry Grant to purchase equipment for the fire department. According to Russell Stowers, Chief, the grant has been approved. 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.

**CLEARFORK VOLUNTEER FIRE DEPARTMENT – LETTER OF SUPPORT/ GRANT
FUNDS FROM THE RURAL DEVELOPMENT AUTHORITY**

Further, 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 authorizes and approves a letter of support for a matching grant from the Rural Development Authority for a tanker truck for the Clearfork Volunteer Fire Department. The grant, if approved, will be awarded in October 2011. The letter must state that the County pledges its support of \$30,000 as part of the matching funds.

DAVE WHITE COMMENDED

Supervisor Hymes expressed appreciation and commended county employee, Dave White, Emergency Services Coordinator/Litter Control, for his efforts in cleaning up the area at the old Lighthouse Restaurant at Frog Level. He said Mr. White did an excellent job in clearing the old trash and debris there and he should be commended. Job well done!

TAZEWELL CARILLION HOSPITAL STATUS

Supervisor Hymes requested an update on the status of Tazewell Carillion Hospital. A consensus of the Board was to allow the County Administrator to write a letter seeking an update as well as inviting hospital officials to the October 25, 2010 meeting regarding same. The County Administrator said he would write the letter and let the board review it before mailing.

SCHOOL BOARD/TCBOS JOINT MEETING AGENDA

Supervisor Hymes requested that the Schools Board's \$1.65 M stimulus money be placed as a topic on the joint meeting agenda with the Tazewell County scheduled for Oct. 25 at 5:30 p.m.

PAINT LICK TOUR

Supervisor Hymes announced the upcoming Paint Lick Indian Painting Tour scheduled for October 17, 2010 @ 1:00 p.m. The tour will begin at the Cove Community Center.

BURKES GARDEN FENCE

Supervisor Hymes stressed the importance of resolving the Burkes Garden fence issue. He requested that the matter be placed on the Oct. 25 agenda.

SUPERVISOR ANDERSON

CAMP JOY – METAL ROOF /EASTERN DISTRICT \$5,790.00

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$5,790.00 from the Eastern District Fund, payable to the Clinch Valley Community Action, Camp Joy Metal Roof Project, P.O. Box 188, North Tazewell, Virginia 24630 as additional monies needed for the metal roof project at Camp Joy. 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.

MOUNT VISTA COURT – VACATION OF PROPERTY

PUBLIC HEARING AUTHORIZED

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 authorizes the County Administrator to advertise for a public hearing to consider the "Vacation of Property" within the fence at Mount Vista Court, located in the Eastern District, and hereby further directs the County Attorney to notify all property owners to be affected by the proposed vacation.

911 CENTER UPDATE

Supervisor Anderson requested a brief update on the relocation of the County's 911 Center. Brian Hieatt, Operations Manager, Tazewell County Sheriff's Office, gave a brief update on the relocation of the County 911 Center. The relocation process is on schedule and moving forward as planned.

CHAMBER OF COMMERCE DINNER

– FORMER GOVERNOR & SENATOR GEORGE ALLEN

Supervisor Anderson announced the Greater Bluefield Chamber of Commerce's Annual Dinner scheduled for Oct. 19 at David's at the Club. Former Governor and Senator George Allen will be the guest speaker at the event.

\$9,124.00 ADMINISTRATIVE COSTS FOR LAW ENFORCEMENT PREVENTION PROGRAM GRANT – AUTHORIZED TO BE RETURNED TO THE TOWN OF RICHLANDS

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 authorizes and directs that the amount of \$9,124.00 identified as Administrative Costs associated with Grant No. 09-A5931HS07, LAW ENFORCEMENT PREVENTION PROGRAM be returned as a donation to be used as matching funds for the Regional Crime Information Project in association with Department of Criminal Justice Services and the Roanoke Valley Criminal Information Networking Project. 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.

COUNTY ADMINISTRATOR TO RESPOND TO "ECOLOGICAL DISASTER" EMAIL

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 authorizes and directs the County Administrator to respond an email received from Roger Angles regarding alleged "ecological disaster."

The Board of Supervisors and the County Administrator received an email from Robert Angles regarding the County's acceptance of a water treatment/solid waste at the Tazewell

County Landfill from a treatment plant in Buchanan County. Mr. Angles referred to the solid waste as sludge as well as a “ecological disaster”; alleging that the coal sludge from Buchanan County’s Consolidation Coal Company into the County’s landfill would pollute and impair water quality, contaminate drinking water and cause toxic levels of lead, mercury, nickel, tin, cadmium, antimony, and arsenic as well as radio isotopes of thorium and strontium, in addition to acid.” The County Administrator said the agreement reached with Consol Energy was not coal sludge or even coal-related, it was mostly soda ash. He said it was a water product and DEQ approved the substance. Supervisor Hymes reiterated that Buchanan County was below sea level and they have a large amount of salt products that must be removed. Supervisor White said anything accepted into the County’s Landfill is cleared first with all appropriate officials.

SUPERVISOR WHITE

**\$2,500.00 TO THE RICHLANDS RECREATIONAL YOUTH BASKETBALL
(\$1,250 NORTHWESTERN & \$1,250 WESTERN DISTRICT) – SUBJECT TO
LEGAL REVIEW**

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, subject to legal review and approval, the amount of \$2,500.00 (\$1,250 from the Northwestern District and \$1,250 from the Western District) payable to the Richlands Recreational Youth Basketball 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.

ORPHAN ROAD POLICY/ORDINANCE

Supervisor White requested that the County Attorney provide each member a copy of the proposed Orphan Road Policy/Ordinance, as well as allowing input by the County Engineer, Gary Earp and members of the Planning Commission. He further requested that a final version be ready for Board of Supervisors review and consideration at the October 25, 2010 recessed meeting.

NOVEMBER 2, 2010 REGULAR MEETING CANCELLED

– ITEMS MOVED TO OCTOBER 25, 2010 RECESSED AGENDA

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby cancel the November 2, 2010 regular meeting and place the November regular agenda items on the October 25, 2010 recessed meeting agenda.

RECESS

Now, there being no further business to be transacted and upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby recesses this meeting to October 25, 2010 at 5:30 p.m. – 108 East Main Street, Tazewell, Virginia.

Seth R. White, Chairman

By: rg

11:20 p.m.

We have so much to be thankful for. We need to celebrate!