

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD AUGUST 4, 2009 AT 6:00 P.M. IN THE TAZEWELL COUNTY BOARD OF SUPERVISORS MEETING ROOM, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651

PRESENT: DAVID R. ANDERSON, CHAIRMAN
BILL WIMMER, VICE-CHAIRMAN
SETH R. WHITE, MEMBER
D. MICHAEL HYMES, MEMBER
THOMAS BREWSTER, MEMBER
ERIC YOUNG, COUNTY ATTORNEY
JIM SPENCER, III - COUNTY ADMINISTRATOR
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT
MEMBERS OF THE PRESS: JIM TALBERT,
RICHLANDS NEWS PRESS/CLINCH VALLEY NEWS;
TAMMY WOLFORD, THE VOICE/CEDAR BLUFF REVIEW

ABSENT: NONE

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

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

AGENDA APPROVED AS AMENDED

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

President to the front of the agenda. Mr. Hart was scheduled to return to Keller, VA in Accomack County immediately following his presentation.

MINUTES APPROVED

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the June 30, 2009 meeting minutes as written.

DONALD L. HART, JR.

PRESIDENT, VIRGINIA ASSOCIATION OF COUNTIES (VACo)

Donald L. Hart, Jr., VACo's President for 2009, and was elected to the post at the November 2008 -VACo Annual Conference. Mr. Hart was elected as a member of the Accomack County Board of Supervisors in 1979 and has served as chairman three times and vice chairman four times. Mr. Hart told the Board that Tazewell County was very important to the State of Virginia and to VACo and he was much honored to be in Tazewell County. His presentation, in a nut-shell, was to support all 95 counties and their officials in the Commonwealth and to effectively promote and represent the interests of every County. Mr. Hart, as President of VACo, stated that he intends to visit every county in the Commonwealth. He urged the Board and County Administrator to stay abreast of VACo's offerings and assistance to local governments. Mr. Hart said the he would work hard to keep Tazewell County's voice heard.

EXECUTIVE/CLOSED SESSION

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 enters into the Executive/Closed Session pursuant to Virginia Code, Section 2.1-

3711 and hereby further adds an 2.1-3711, A-1 Personnel matter to the Executive/Closed Session:

- A-6 Discussion of the investment of public funds where competition or bargaining is involved – relative to zoning consultant
- A-7 Legal Consultation regarding landfill permit
- A-7 Legal Consultation regarding Cedar Bluff vs. Richlands and Tazewell County
- A-7 Legal Consultation regarding Richlands School Resource Officer Agreement
- A-3 Property Disposition involving the Falls Mills School property
- A-7 Legal Consultation regarding the Baptist Valley East Sewer Project
- 15.2-2907.D Tazewell Boundary Adjustment
- A-7 Legal matter / contractual involving the WIA One-Stop
- A-19 Plans related to public security at the County Courthouse
- A-3 Property Acquisition involving broadband services in Tannersville
- A-1 Personnel Matter involving County Administration

RETURN/CERTIFICATION/REPORT OF ACTION

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

CERTIFICATION OF RESOLUTION

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

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

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

Ayes: Five (5) Supervisor White, Hymes, Brewster, Wimmer, Anderson

Nays: None

Absent: None

Absent during vote: None

SPECIAL PRESENTATIONS

CLINCH VALLEY FARMS - RICHARD AND KAREN HUDSON

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts and presents the following resolution recognizing Richard and Karen Hudson for receiving the Green Technologies Award from Southwestern Virginia Technology County on May 28, 2009:

RESOLUTION

CONGRATULATING CLINCH RIVER FARMS FOR GREEN AWARD -
EXCELLENCE IN TECHNOLOGY BY SWVTC



WHEREAS, Richard and Karen Hudson have been residents of Tazewell County for over twenty (20) years and have owned Clinch River Farm for the past six years; and

WHEREAS, their interest, research and investment in renewable energy has resulted in recycling rain water by installing a cistern which provides water for farm animals, washing clothes, gardening, washing cars, and water for the barn; their gravity fed rain barrel systems provide water in remote areas; and

WHEREAS, Clinch Valley Farm is the first grid-tied solar system in Tazewell County producing 17 ½ KWH per day on a good sunny day with three additional 45 watt solar panels that use battery storage that operates fence gates from a remote control, provides lighting in the barn and operates high voltage electric fences, as well as having wireless internet in the barn providing daily logging from a solar inverter; and

WHEREAS, Richard and Karen Hudson were recognized as the first recipients of the Green Technologies Award from Southwestern Virginia Technology Council (SWVTC) during the 10th annual gala, tech expo, and awards ceremony held at the Virginia Highlands Community College - Higher Education Center on May 28, 2009 acknowledging their implementation and common sense use of renewable energy on their 70 acre farm.

NOW, THEREFORE BE IT RESOLVED, that the Tazewell County Board of Supervisors applaud Richard and Karen Hudson and are proud of their accomplishments and creative use of renewable energy and hereby congratulate them for their commitment to transformation.

BE IT RESOLVED FURTHER that this resolution be presented in honor of their achievements and to extend the Board of Supervisors best wishes for continued success.

CONGRATUALTIONS - JOB WELL DONE!

David R. Anderson, Chairman

Bill Wimmer, Vice Chairman

Seth R. White, Member

D. Michael Hymes, Member

Thomas Brewster, Member

James H. Spencer, III, County Administrator

RESOLUTION - RECOGNIZING - CART AT BLUEFIELD STATE COLLEGE AND FENNER DUNLOP FOR "INNNOVATION AWARD"

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 and presents the following resolution to Mick Twigger (Senior Electrical Engineer, Fenner Dunlop) and Bruce V. Mutter (BSC/CART, Inc) for receiving the "Innovations Award" at the recent Southwest Virginia Technology Council's (SWVTC) 10th annual gala, tech expo and awards ceremony held at the Virginia Highlands Community College on May 28, 2009:

RESOLUTION

RECOGNIZING

**CART AT BLUEFIELD STATE COLLEGE AND FENNER DUNLOP FOR
"INNOVATION AWARD"**

WHEREAS, Fenner Dunlop and the Center for Applied Research & Technology (CART) at Bluefield State College were named recipients of the "Innovation Award" at the recent Southwestern Virginia Technology Council's

(SWVTC) 10th annual gala, tech expo and awards ceremony held at the Virginia Highlands Community College – Higher Education Center on May 28, 2009 ; and

WHEREAS, Mick Twigger (Senior Electrical Engineer, Fenner Dunlop), Mark Myers, (Electrical Engineer, Fenner Dunlop), James Craig (Fenner Dunlop) Heather Williams (BSC/CART, Inc.) Bruce V. Mutter (BSC/CART, Inc.) John Browning (BSC/CART, Inc.), Brett Butler (BSC/CART, Inc.- Applied Research Assistant) have collaborated for several months at the Fenner Dunlop location in the Bluestone Business and Technology Park located in Bluefield, Virginia to develop the smart conveyor belt; and

WHEREAS, the technology permits belt operators to plan repairs rather than just react to failures, saving business owners a substantial amount of money by preventing unscheduled down time due to unanticipated belt breakage.

RESOLVED, that the Board of Supervisors of Tazewell County, Virginia commend and congratulate Fenner Dunlop and the Center for Applied Research & Technology (CART) for receiving the “Innovation Award” and do hereby present this resolution in recognition of a job well done and to extend the Tazewell County Board of Supervisors best wishes for continued success, admiration and support.

CONGRATULATIONS on this exceptional achievement!

This the 4th day of August 2009

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

ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING

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 a boundary adjustment agreement with the Town of Tazewell, Virginia as submitted, subject to legal review by the County Attorney and approval by the Circuit Court, and further hereby authorizes and directs the County Administrator to execute on behalf of the Board of Supervisors any and all documents as may be necessary and appropriate in accordance with this action.

Supervisor Hymes stated that the majority of the responses from citizens were in favor of the boundary adjustment. He said that approximately 500 people would be affected by the boundary adjustment as well as bringing the Tazewell Middle School and new YMCA into the Town limits. He further stated that the boundary agreement would benefit businesses in the boundary adjustment areas needing sewer service. The adjustment will bring an area into the Town of Tazewell from Ramey Chevrolet on 19-460 through Dial Rock and the area around the Middle School and Tazewell Community Hospital. A copy of the boundary adjustment agreement once executed and filed with the Circuit Court Clerk will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, VA 24651.

IMPACT TAZEWell - MARK SEXTON

Mark Sexton, 868 Cavitts Creek Road, North Tazewell, VA 24630, Youth Minister at the Tazewell Family Worship Center, stated that a Youth Crusade - Impact Tazewell, would begin August 10 at TFWC and on August 13 at 6:30 p.m. "Building 429" well-known performers of Christian music would hold a concert in the Tazewell High School Auditorium. He said that the concert would be free of charge to the public. He requested that members of the Board of Supervisors help get the word out to the communities in Tazewell County about the Crusade. Mr. Sexton said that there are a lot of young people struggling in the County and need help and support and hoped that the crusade would have a positive influence on them. Mr. Sexton said that he hopes to eventually get other

churches involved with similar crusades as well as seeking assistance from the new YMCA to allow a Lock-In or similar function.

VIRGINIA DEPARTMENT OF HEALTH – BRIAN STANLEY/COMMUNITY HEALTH UPDATE

Brian Stanley, Virginia Department of Health, presented a community health update for the Cumberland Plateau Health District. He said that there was one reported case of H1N1 (swine flu) in Russell County. A CPHD PlanFle summit was held July 15 at the Tazewell County Community Services Building.

Mr. Stanley said that there have been 82 Well Applications from January 1, 2009 to August 4, 2009 in the Cumberland Plateau Health District, with 22 in Tazewell County. There have been 445 Food Facility Inspections since January 1, 2009 in the Cumberland Plateau Region. One positive Rabies (Fox) report was made on April 1, 2009. Mr. Stanley reported on the Alternative On-site Sewage Disposal Systems, briefly explaining the new requirements for notification and recordation and discussed the Pump & Haul Requirements as well. In closing he discussed the new Smoking Ban in restaurants effective December 1, 2009.

Now, Rev. Jimmy Charles, from Honaker, Virginia was present. He proposes to buy an existing building that has been used as a Church at the top of Dryfork in the Adria area. Rev. Charles said that he and a small congregation hold church services at least twice a week there and he would like to the Board of Supervisors to approve an onsite Sewage Disposal System, which if approved, the project would be under the support and supervision of the County. The church does not have a bathroom and the church property is not suitable for a septic system. Should the pump & haul system violate any regulation the County would be responsible for the violations and corrections thereto.

Brian Stanley, VDH spoke against the approval of an onsite Sewage Disposal System- Permanent Pump & Haul. He suggested that he and Mr.

Charles meet and discuss other alternatives. Mr. Stanley suggested a composting toilet of some type.

NORMAN COOK - COUNTY TREASURER
ANNUAL FINANCIAL SETTLEMENT

Norman Cook, County Treasurer, presented the Annual Settlement for all County funds as of June 30, 2009. He presented the Board with an Annual Settlement Statement showing \$16,792,345.10 in Total Committed Funds, \$2,065,266.80 in Uncommitted Funds with \$18,857,611.90 Total All Funds. Mr. Cook said that the County of Tazewell was in good sound financial condition. He reported that the current tax collections stood at 96%. He said that people are paying their taxes in Tazewell County and the general public, especially senior citizens love the monthly payment tax program. He stated that it was a group effort by the Board and the County Administrator's office and other County departments to maintain within their budgets and it was a cooperative effort from every department in the County to keep the County financially stable.

Supervisor Hymes questioned the County's tax collections compared to other counties in the State. Mr. Cook said the County's tax rate was really good and it was hard to beat 99% collection rate and credited one factor of the high collection rate to the monthly payment program.

Supervisor Wimmer reiterated that Tazewell County has one of the lowest tax rates, ranking 8th or 9th lowest in the Commonwealth.

CITIZEN COMMENTS - UNSCHEDULED

Dave Woodard - Pocahontas, VA

Mr. Woodard read a prepared letter on the subject of the Baptist Valley Sewage Project. He said that the county had over \$5,000,000 in the project and it was a very important service to the residents of Baptist Valley and to the County as a whole. He said that jobs would be created by the project helping our local

economy. He urged the County to consider expanding the original plans of the project to cover as many residents as fiscally possible.

Supervisor Anderson stated that five firms bid on the project and the low bid came in 10% below costs. He said that the PSA hoped to get the other \$2,000,000 in stimulus money but nothing was secure at this time. He requested that Mr. Woodard work with the people in Baptist Valley and to encourage their assistance by signing the required easements. Supervisor Anderson said the County and PSA have worked multiple ways to try to get residents to sign the necessary easements/user agreements required for the project to be successful.

ALEX PAINE

Alex Paine, 392 Century Lane, Bluefield, Virginia, spoke on behalf of a group of citizens from East River Mt. He said was speaking for the citizen group acknowledging their support of the East River Wind Project.

DALLAS SPARKS

Dallas Sparks, 163 Burkes Garden Road, Burkes Garden, Virginia questioned the benefit of the Bluestone Regional Business and Technology Center to the average citizen in Tazewell County. He mentioned the proposed new conference center, the nine-hole golf course and the hiking trails. He said the County has several large facilities to use as conference centers as well as several bicycle trails and the Appalachian Trail.

Members of the Board of Supervisors invited Mr. Sparks to look at the proposed Plan for the Bluestone. Supervisor Anderson said this was a regional concept the County has worked on for years. The County Administrator said the County is working with outside hotel developers that would use their own resources to build the hotels. He said the conference centers would be capable of accommodating large events in the County. Mr. Spencer said the County is trying to attract outsiders to Tazewell County and in turn their money would be used to boost the County's economic growth. Supervisor Hymes mentioned the grants already received to assist with the project. Supervisor White referred to

the various phases of the projects, not only to fill empty buildings, but to prepare lots that would be ready to go. He said the County is running out of space for new businesses to locate in Tazewell County. He reiterated that the County is not going to build a golf course or hotels or build empty buildings. Supervisor Wimmer spoke and said that there are a lot of misinterpretations with regard to the proposed Bluestone and invited Mr. Sparks to look at the Plan. He said that the Bluestone was not about golf it was about work. Supervisor Anderson suggested that Mr. Sparks work with the County Administrator to coordinate a date & time to show the Plan to Mr. Sparks as well as to the Burkes Garden Community.

CONSENT CALENDAR APPROVED AS MODIFIED

Upon motion of Supervisor Brewster, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as Consent Calendar, with an additional \$500 added to the \$2,000 donation payable to the Tazewell High School Football Boosters for a total of \$2,500.00. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS APPROVED AS PAID

June/July 2009

Payroll

Ordered that Warrant Nos.130064 through 130153, and direct deposits totaling \$203,257.85 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending June 30, 2009, be approved.

Ordered that Warrant Nos. 130155 through 130245, and direct deposits totaling \$205,872.11 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 15, 2009, be approved.

Accounts Payable/Payroll Deductions

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

Ordered that Warrant Nos. 444227 through 444436, for \$1,471,511.45 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of June 2009, be approved.

Ordered that Warrant Nos. 444438 through 444457, for \$144,864.51 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending June 30, 2009, be approved

Ordered that Warrant Nos. 444459 through 444577, for \$1,515,542.20 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of July 2009, be approved.

Ordered that Warrant Nos. 444579 through 444597 for \$142,152.57 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 15, 2009, be approved.

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Ordered that Warrant Nos. 801364 through 801373 for \$23,743.96 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of June 2009, be approved.

- Sheriff's Budget – approved the amount of \$5000.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the DARE Budget/Supplies Account No. 31060-6021. This is a donation from Alpha Services, Abingdon, VA
- Revenue Sharing Program – approved participation in the FY2010 VDOT Revenue Sharing Program
- Authorized a letter to VDOT supporting Route 782 bridge closure for needed repairs
- Approved the Bituminous Asphalt bid for paving orphan road projects
- Approved Middle Creek Waterline Extension Project documents as submitted by CPPD
- Approved a resolution in support of the regional effort to promote areas of Southwest and Southern Virginia as a premier Virginia fishing destination
- Approved a resolution for the purpose of obtaining federal financial assistance provided by the federal Dept. of Homeland Security and sub-granted to the State of Virginia
- Ratified AEP Contract/ Agreement – for the purchase of electricity from Appalachian Power Company
- Approved \$80.00 from the Contingency Fund Acct. No. 91050-7023 payable to the Tri-County Health Clinic – donation in lieu of tax exemption status

- Southern District/Youth Funds Approved
 - \$1,000 to Tazewell Chamber for the Main Street Heritage Festival
 - \$1,000 to Tannersville Community Walking Trail
 - \$1,500 to Thompson Valley Community Center for heating system
 - \$2,500 to THS Football Boosters (Youth funds)
- Ratified a letter of support to SW VA Community Health Center, grant application to the Bureau of Primary Health Care.
- Coyote Claims Approved as Paid:
 - \$50.00 to Jack Harman, 6440 Sinking Waters Road, Bandy, VA 24602 for 1 coyote killed with a snare on July 30,2009
 - \$50.00 to Eddie Musick, 777 Myrtle Rd. Tazewell, VA 24651 for 1 coyote killed with a shotgun on May 9, 2009.

\$300.00 FUNDING APPROVED FOR THE "ROCK THE MOUNTAINS" BATTLE OF THE BANDS AT SVCC

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 none against, the Tazewell County Board of Supervisors hereby approves the amount of \$300.00 payable to the SVCC Educational Foundation, memo: "Battle of the Rock Bands" scheduled for Sept. 12 at SVCC. The amount of \$300 is approved as follows to mailing address, Terry M. Long, Admissions Counselor/Instructor, PO Box SVCC, Richlands, VA 24641. The County Administrator is hereby authorized and directed to issue said warrant and which

said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia:

- o \$100.00 from Southern District
- o \$100.00 from Northwestern District
- o \$100.00 from Western District

APPOINTMENT - TAZEWELL COUNTY FIRE & RESCUE

One (1) At-large appointment to the Tazewell County Fire & Rescue was deferred to the September 1, 2009 meeting.

FIVE MINUTE RECESS

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

COUNTY PROJECTS UPDATE

Orphan Road Guidelines - The Board agreed that Supervisor Hymes and Supervisor Anderson should meet with the County Engineer, Gary Earp to develop a draft set of guidelines and present to the full Board for consideration of approval. Supervisor White expressed the need for an appeal process as part of the guidelines.

Northwestern District Garbage Collection - Supervisor White said that he wanted everything to be in order before the proposal is considered. He and several other county people will be taking a field trip to a neighboring county to see how a similar program works for them. Supervisor White said he and the County Attorney should have something ready to present by the Sept. 1 Board of Supervisors meeting.

Thompson Valley Fire Dept. - Old Fire Truck - The County received no bids on the old 1974 F700 FMC fire truck at Thompson Valley. Supervisor

Hymes said that he would speak to Mrs. Elizabeth Bennett about the old fire truck because she inquired about the bid process earlier in the week.

Doc - Camp 31/Convenience Area - MOU Approved

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 authorizes and directs the County Administrator to enter into, on behalf of the Tazewell County Board of Supervisors, and contingent upon final approval of the County Attorney, a MEMORANDUM OF UNDERSTANDING between the Department of Corrections (DOC) and the Tazewell County Board of Supervisors, permitting the County of Tazewell, Virginia to use its property, commonly known as Camp 31, North of U.S. Route 61 in the Gratton area of Tazewell County, Virginia, for the placement of a dumpster/garbage collection center, with the dumpster/convenience box provided by the County of Tazewell, VA. A copy of the MOU as hereby approved will be forwarded to the Department of Corrections (DOC) for final execution and approval and once executed a copy will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

Supervisor Hymes made clear that the placement of the dumpster in Gratton would not eliminate the Burkes Garden dumpster/convenience area.

RFP's for Aluminum & Recycling Bins

Further, 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 authorizes and directs the County Administrator to solicit RFP's for the placement of cardboard and aluminum recycling bins at all County convenience areas and transfer stations.

Tannersville Community Water

The County Administrator reported that Tazewell County could possibly buy water from Smyth County for the Tannersville Community if the Smyth County Public Service Authority agrees to the concept. The County Administrator, per direction of the PSA, was authorized to write a letter to Smyth County making such request. This would be a joint effort and agreement between Smyth County and the Tazewell County PSA. Supervisor Hymes said he is working on another water source farther up the village of Tannersville.

Cavitts Creek - New Building Ribbon Cutting

Supervisor Anderson mentioned the new facility at the Cavitts Creek Lake/Jack Witten Park Campgrounds. The new building/bath house has shower stalls, a laundry room and other accommodations. The County Administrator said the Board would be pleased with the new building and each member would be emailed a list of tentative dates for the ceremony.

Litter Enforcement/Maintenance Code Administrator & Proposed Increase in Court fees

The County Attorney, Eric Young explained the recent clean up in the Baker Hollow area by the County noting that 120 tons of garbage was removed from the property. The matter was taken to court and the judge suspended the 180 day jail sentence if the property owners pay the money back. He said there are other sites in the County on the list for charges to be filed by the court and they would be enforced.

Supervisor Anderson questioned the status of the alleged nuisance at the yellow house in the West Graham area of Bluefield. The County Attorney said that the yellow house could not actually be defined as a nuisance but if determined to be a health hazard due to rodents or other pests, the Health Dept. would be notified and the property owners may possibly be cited accordingly.

Supervisor White stated that he could name fifteen sites in the county that would fall under maintenance code enforcement. He said that Dave White has

requested to be part of the committee to develop the maintenance enforcement procedures.

The majority of board members felt the maintenance enforcement provisions should fall under the County's Public Safety Department.

Now, upon motion of 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 authorizes and directs the County Administrator to advertise a public hearing on the subject of "AN ORDINANCE ESTABLISHING ASSESSMENT OF A THREE DOLLAR FEE FOR COURTHOUSE SECURITY IN CERTAIN CRIMINAL AND CIVIL ACTIONS AND RELOCATING FEES PREVIOUSLY ESTABLISHING FROM THE LAW LIBRARY FUND TO THE COURTHOUSE MAINTENANCE FUND." The public hearing will be held Sept. 1, 2009.

Ethics Hotline Update

The County Attorney, Eric Young stated that the cards for the Ethic Hotline had been distributed to County employees. There have been no calls received as of this date, Aug. 4, 2009. The Ethic's Hotline was effective as of July 1, 2009. Supervisor Hymes would like for the School Board to consider a similar hotline for the School System. He and Supervisor White agreed to attend the August 10 School Board meeting to address this topic.

2010 Census/Redistricting Committee

Supervisor Brewster spoke of the importance of a 2010 Census/Redistricting Committee. The Committee will be charged with the responsibility of amending the Redistricting Ordinance in compliance with the 2010 Census. The Committee will have the responsibility to review the present County districts and precincts, analyze the new census figures and prepare new district boundaries. The Board agreed to consider the redistricting committee appointments at the September 1, 2009 regular meeting.

Junkyard Ordinance Update

The County Attorney, Eric Young reported that he mailed a copy of the revisions to the Junkyard Ordinance to members of the Planning Commission and stated that a public hearing on this subject would be needed prior to adopting amendments thereto.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise for a public hearing to hear concerns from the public on the proposed amendments to the Junkyard Ordinance. The public hearing will be held Sept. 1, 2009 by the Board of Supervisors.

Coyote Bounty Meeting

Supervisor Wimmer reported that a meeting with Farm Bureau representatives, several local farmers and county officials was held last month to discuss the high volume of coyote's killed in Tazewell County. The county issued approximately \$16,000 in fiscal year FY08-09 to coyote applicants. Most of the coyotes were killed in the Southern District. The Board suggested that the County Attorney research whether the County could give real estate tax credits/incentives to property owners instead of paying the \$50.00 bounty. It was also discussed to possibly reduce the payment to \$25.00 and to only pay claims to property owners who live in Tazewell County. The County has paid several claims to people who live outside the County but owns property in Tazewell County. The County Attorney will report his findings to the Board at the Sept. 1, 2009 regular meeting.

Business to Business Showcase – 7th Annual

The County Administrator reported that the 7th Annual Business to Business Showcase would be held at SVCC October 13 & 14, 2009.

Bluestone Update

The County Administrator reported that the pre-bid conference on the Bluestone Contract 1 (Road work ROW) was held this date, Aug. 4 - Six (6) contractors attended the pre-bid conference and bids are due August 19. Contract 1 funding is money received from VDOT.

Elk Restoration

The County Administrator gave a report relative to a letter he received from Charles Yates, 9th District Representative with the VA Department of Game & Inland Fisheries on the subject of Elk Restoration in the coalfields of Southwest Virginia. Mr. Yates indicated in the letter that he felt confident about developing a smaller scale in Virginia versus what the Kentucky Wildlife Agency has accomplished. Mr. Yates stated that he would encourage the Board of Game & Inland Fisheries to move forward with the program only if the local governments from Southwest Virginia supported the initiative. Following discussion of both pros & cons, the Board of Supervisors requested that the County Administrator invite Charles Yates to Tazewell County and address the matter with the Board of Supervisors. Supervisor White also requested that the County Administrator reach out to hunting organizations and members of the Farm Bureau seeking their input as well on this subject.

BOARD CONCERNS

Bill Dudley Resolution

Upon request and 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 for presentation to "Bullet Bill" Dudley for in honor of his achievements and Pro Football Hall of Fame accomplishment. Mr. Dudley will be in Bluefield mid August and he will be presented the

resolution during a reception August 18, 2009 at the Bluefield Virginia Town Hall.

Fuel/Heating Assistance Programs

Supervisor Anderson presented each member of the Board of Supervisors with a list of agencies/organizations with regard to heating & cooling assistance programs available to residents of Tazewell County.

Comcast @ Falls Mills

Upon request and 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 no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to write a letter of support to Comcast Cable for Internet/Broadband services for the Falls Mill area.

Sewage Project at Boissevain

Supervisor Anderson stated that the Recreation Authority met and discussed the old Union Hall Building at Boissevain and talked about ways to utilize the old building as well as ways to enhance the Boissevain community with a sewer project. The cost to get an elaborate on-site sewer system for the old union hall building would be approximately \$50,000. The County Administrator said instead of spending this kind of money on for an on-site system, the Recreation Authority voted to work with the PSA and to put the \$50,000 towards the implementation of a sewer system for the Boissevain community.

SOG for Fire Response to Structures

Supervisor Anderson requested that the Emergency Services Committee discuss the ISO Protection Class Information for local fire departments. He explained that there are several home-owners in the County that need a letter from their local fire department for their insurance company stating that they are covered by an automatic aid assistance, automatically dispatched between fire

departments. Some insurance companies are cancelling fire coverage protection on people's homes because the property owner(s) cannot provide this type of letter. Supervisor Wimmer stated that he would address this matter at the next Emergency Services Committee meeting. Ms. Dee Phillips with the Public Safety Department will work with the County Attorney and draft a sample letter/guidelines to be considered for approval by the ESC & the Tazewell County Board of Supervisors.

Bluefield College East River Hall - Ribbon Cutting

Supervisor Anderson announced the Ribbon Cutting ceremony for the new East River Hall at Bluefield College. The ribbon cutting will take place on site, August 7, 2009 at 11:30 a.m.

Local Preference Procurement Program

Supervisor Hymes stated that he would like for the County to have a policy with regard to a Local Preference Procurement Program in reference to awarding contracts to local vendors versus out of state vendors. The County Attorney explained the County's Small Purchases Procedure. There is policy/guidelines in place that allows the County to obtain goods or services using an informal RFP and there are guidelines/a bid price percentage list with regard to awarding contracts/bids to out-of-state vendors. The Board requested that the County Attorney review the Code of Virginia and if necessary to update the County's Small Purchases Procedure Policy and to report his findings to the Board of Supervisors accordingly. A report will be forthcoming.

Tacoma Road Water Project

Supervisor Hymes stated the PSA sent a letter to residents of the Tacoma Road area seeking input with regard to a proposed water project for Tacoma Road (Rt. 61) area. Supervisor Hymes said that 7 out of the 13 letters mailed objected to the water project. The County Attorney plans to write a letter to all the residents in response to the recent water survey.

Burkes Garden Bathroom

Supervisor Hymes stated that the Burkes Garden Community Center bathroom project is nearing completion. The installation of the bathroom stalls are the holdup. The project should be completed for the festival.

\$1,000 TO BURKES GARDEN COMMUNITY CENTER -
SECURITY CAMERAS - SOUTHERN DISTRICT FUND

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 authorizes and approves the amount of \$1,000 from the Southern District Fund, payable to the Burkes Garden Center, Attn: Fred Lawless, R3 Box 773, Tazewell, VA 24651 Memo: Security Cameras. The County Administrator is hereby authorized and directed to issue said warrant as hereby authorized and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

“STUFF THE BUS” PROGRAM

\$500.00 (\$100 FROM EACH DISTRICT FUND)

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 (\$100.00 from each district fund) payable to the LABOR OF LOVE “STUFF THE BUS” PROGRAM, ATTN: Spot Steele, PO Box 386, North Tazewell, VA 24630. 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.

EXECUTIVE CLOSED SESSION

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

- A-6 Discussion of the investment of public funds where competition or bargaining is involved – relative to zoning consultant
- A-7 Legal Consultation regarding landfill permit
- A-7 Legal Consultation regarding Cedar Bluff vs. Richlands and Tazewell County
- A-7 Legal Consultation regarding Richlands School Resource Officer Agreement
- A-3 Property Disposition involving the Falls Mills School property
- A- 7 Legal Consultation regarding the Baptist Valley East Sewer Project

- A-7 Legal matter / contractual involving the WIA One-Stop
- A-19 Plans related to public security at the County Courthouse
- A-3 Property Acquisition involving broadband services in Tannersville
- A-1 Personnel matter relating to County Administration

RETURN/CERTIFICATION/REPORT OF ACTION

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 returns from the Executive/Closed meeting and adopts the following certificate of resolution:

RESOLUTION

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

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

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

Ayes: Supervisor Hymes, White, Wimmer, Brewster & 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.

CASEY SHORTT VFW POST 9640 \$1,000.00

\$500.00 WESTERN DISTRICT

\$500.00 NORTHWESTERN DISTRICT

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1000.00 (\$500 from Western District & \$500 from Northwestern) payable to the Casey Shortt VFW POST 9640, ATTN: James Pruitt, 1533 Red Root Ridge Road, Raven, VA 24639 to assist with Relief Fund. 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.

NORTHERN DISTRICT YOUTH FUND \$1,700.00

TAZEWELL HIGH SCHOOL - FOOTBALL BOOSTERS (See consent Calendar for Mike's Share)

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,700.00 from the Northern District Youth Funds, payable to the Tazewell High School Football Boosters, Attn. Mark Sexton, 868 Cavitts Creek Road, Tazewell, VA 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.

RICHLANDS HIGH SCHOOL BAND

\$1,080.00 - INSTRUMENT REPAIR

Upon motion of Supervisor White, 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 approves the amount of \$1,080.00 (\$540.00 from Northwestern \$540.00 from Western) payable to the Richlands High School Blue Tornado Band, PO Box 88, Richlands, VA 24641 for repairs to instruments damaged by flood water. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action to Richlands High School Blue Tornado Band, PO Box 88, Richlands, Virginia 24641 memo: Repairs for damaged instruments by flood water. Said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

Supervisor Wimmer requested that a resolution be drafted honoring the Richlands Softball Girls 11 & 12 year old for their recent Quarterfinal Achievements.

Supervisor Wimmer reminded those present about the Tazewell County Airport Air Show scheduled for August 8, 2009 at the Airport.

Supervisor Brewster acknowledged the participants of the "Unplugged" Vo-tech GED program. The County Administrator mentioned as well two elderly ladies with no previous computer experience, and who were recently trained at the Bluestone Workforce Center. He said the two ladies would more than likely show the Board a computer/power point presentation at the next regular board meeting. He acknowledged Pam Necessary for her expertise and achievements in her computer training classes at the Bluestone Workforce Center.

Sam Church, Former UMWA President - Resolution be drafted

Upon request and 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 authorize and direct that a resolution be drafted celebrating the life of the late Sam Church, former UMWA President.

VDOT Resolution/Safety Study - Double lines at Conn's Service Center

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution requesting the Virginia Department of Transportation to consider painting/placement of double lines in front of Conn's Service Center, located in Tazewell, Virginia.

Camelot Road - Stop Sign

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the placement of a STOP/Signal sign on Camelot Road located in the Eastern District.

Richlands Coal Miners Museum

Supervisor White reported that the recent event at the Richlands Coal Miners Museum was excellent and commended all those involved in making the event a success.

ADJOURN

Now, there being no further business to be transacted, and upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, and with all members present and voting in favor thereof, this meeting stands adjourned.

The next meeting is scheduled for Tuesday, September 1, 2009 at 6:00 p.m.

David R. Anderson, Chairman

12:45 a.m.

By: rg

8/12/2009

DRAFT