

**VIRGINIA:** At a regular meeting of the Tazewell County Board of Supervisors held August 5, 2008 at 6:00 p.m. in the Tazewell County Administration Building, Tazewell, Virginia 24651

**PRESENT:** William B. Rasnick, Chairman  
Bill Wimmer, Vice-Chairman  
Dave R. Anderson, Member (present by remote electronic meeting attendance, pursuant to VA Code Section 2.2-3708.1 (1950) as amended)  
D. Michael Hymes, Member  
Seth R. White, Member  
James H. Spencer, III - County Administrator  
Eric Young, County Attorney  
Patricia Green, Assistant County Administrator  
Ruth Groseclose, Administrative Assistant  
Members of the Press: Jim Talbert, RNP/CVN; Charles Owens, Bluefield Daily Telegraph; Phillip Keene - The Voice

**ABSENT:** None

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The Chairman, William B. Rasnick, called the regular meeting to order and presided.

Supervisor White gave the invocation with Supervisor Wimmer leading those present in the pledge of allegiance to the US Flag.

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**SUPERVISOR ANDERSON-**

**REMOTE (ELECTRONIC) MEETING ATTENDANCE APPROVED**

Due to an emergency situation that impaired Supervisor Anderson to be physically present during this meeting due to a required monthly regional business meeting associated with his employment, the Tazewell County Board of Supervisors, upon motion of Supervisor Hymes, seconded by

Supervisor White and adopted by a vote of 4 to 0, with Supervisor Anderson abstaining, the Tazewell County Board of Supervisors hereby approves that Supervisor Dave Anderson attend the August 5, 2008 Board of Supervisors regular meeting – by remote attendance, via his cell phone during his commute from Pennsylvania, pursuant to Virginia Code, Section 2.2-3708.1 (1950) as amended. Supervisor Anderson left Pennsylvania en-route home at 5:30 p.m. on August 5, 2008.

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#### **AGENDA FORMAT APPROVED**

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the August 5, 2008 agenda format as hereby amended.

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#### **MINUTES APPROVED - JUNE 30, 2008**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the June 30, 2008 meeting minutes as hereby written.

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#### **EXECUTIVE/CLOSED SESSION**

Upon motion of Supervisor Wimmer, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby enters into an executive/closed meeting pursuant to Virginia Code Section, 2.1-3711 to address the following matters:

- A-3 Property Acquisition involving Route 747
- A-7 Legal matter involving Cedar Bluff vs. Tazewell County & Town of Richlands
- A-5 Prospective business or industry where no previous announcement has been made involving potential new development in Tazewell, Virginia.
- A-19 Courthouse Security/Courthouse Space Study

- A-6 Discussion of the investment of public funds where competition or bargaining is involved – relative to solid waste
- A-6 Contractual matter involving a networking program

### **RETURN/CERTIFICATION/REPORT OF ACTION**

Now, 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 thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Meeting and hereby certifies that the Tazewell County Board of Supervisors, in the closed meeting, just concluded, that nothing was discussed except that the matters specifically identified in the motion to convene in an executive/closed meeting and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act that were cited in the motion to enter into the Executive/Closed meeting:

#### **Roll Call Vote:**

Supervisor White – Aye

Supervisor Hymes – Aye

Supervisor Wimmer – Aye

Supervisor Rasnick – Aye

Supervisor Anderson – Aye

### **ACTION AS A RESULT OF THE EXECUTIVE/CLOSED SESSION COMCAST CABLE AGREEMENT**

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 authorizes and directs the County Administrator, on behalf of the Tazewell County Board of Supervisors to enter into an

agreement with Comcast Cable, for the purposes of providing a government access channel to Tazewell County, Virginia – subject to legal review.

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## TAZEWELL TORPEDOES SWIM TEAM

Supervisor Hymes and other Board members welcomed the Tazewell Torpedoes Swim Team and presented the following resolution. The Board applauded the team, coaches and all the volunteers for their hard work and dedication.

### RESOLUTION



### CONGRATULATING THE TAZEWELL TORPEDOES SWIM TEAM

WHEREAS, the Tazewell Torpedoes Swim Team captured the Highland Swimming Association Championship on Saturday, July 26, 2008; and

WHEREAS, this was the 35<sup>th</sup> annual Highland Swim Championship meet; and

WHEREAS, the Tazewell Torpedoes Swim Team scored 2205 points and outscored Giles at 1889, Concord at 1207 and Welch at 863; and

WHEREAS, this was the seventh straight time the Tazewell Torpedoes have won the Highland Swimming Association Championship; and

WHEREAS, the Tazewell Swim Team is recognized region-wide as a leading swim program for youth ages 6 through 18; and

WHEREAS, the Tazewell Torpedoes Swim Team program is well known for providing a positive youth experience stressing individual physical achievement, team cooperation while demonstrating and maintaining the highest ethical standards.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Tazewell County, Virginia hereby gives tribute and commends the perseverance and skill of the team, the leadership of the coaches and further recognizes all the volunteers who make the Tazewell Torpedoes Swim Team one of the truly elite youth programs in our region; and

BE IT RESOLVED FURTHER, that a copy of this resolution be presented to the Tazewell Torpedoes Swim Team in honor of their triumphant season.

ADOPTED AND PRESENTED THIS THE 5<sup>TH</sup> DAY OF AUGUST, 2008.

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**JOE ROBINSON - PLEASANT VALLEY ESTATES**

Joe Robinson, a resident of Pleasant Valley Estates, requested that the County reinstall the 911 road sign for Pleasant Valley Estates. He said that the road sign was lying in the ditch. He then mentioned the sink hole in the road at Pleasant Valley Estates and requested that the sinkhole receive immediate attention.

Mr. Robinson then reported that he emailed Richmond VDOT officials, as well as the State Attorney General's office with regard to the condition of the road in Pleasant Valley Estates. He alleged that he was told by State officials that the County was allocated monies each year for repairs to County roads and alleged that the money had been misallocated by the County. He said that he has lived in Pleasant Valley Estates for 30 years and has received no services from Tazewell County or from the State of Virginia.

Supervisor Wimmer responded to Mr. Robinson with assistance from Marty Halloway, VDOT Resident Administrator, who explained the process of the County's receipt of funds for repairs to roads within the County. He said the County received approximately \$42,000 a year for this type of road repairs; however, it would cost roughly \$2.2 million to take Pleasant Valley Estates into the State Secondary Road System. Mr. Halloway reiterated that the subdivision developer had the opportunity to develop the road to state standard contingent upon the provisions of the "Subdivision Street Requirements". Another alternative for State maintenance would be through Rural Addition monies, in which the Subdivision must be in compliance

with the County's Subdivision Ordinance, pursuant to Section 33.1-72.1 and 33.1-72.2 of the Code of Virginia.

With regard to the drain pipe issue, Supervisor Wimmer said that he would request that the County Engineer, Gary Earp, work with Mr. Robinson to determine what could be done to remedy the drain problem.

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**JACQUELINE SHELTON - DID NOT APPEAR  
LOTS 19 & 20 DIXON HEIGHTS SUBDIVISION**

Jacqueline Shelton did not appear before the Board as scheduled to address Lots 19 & 20 in the Dixon Heights Subdivision.

At the April 1, 2008 meeting of the Board of Supervisors, the Board held a public hearing relative to the abatement of defaced property (two mobile homes) on Lots 19 & 20 located in the Dixon Heights Subdivision on Baker Hollow Road, Richlands, Virginia. During the April 1, 2008 meeting the County Attorney presented a slide show that evidenced the condition of the property of the mobile homes in question. The exterior walls of the mobile homes had been removed exposing insulation and interior which posed a threat to residents, especially children; it is a haven for rodents. The Board found that the structures located on Lots 19 & 20 in the Dixon Heights Subdivision were defaced structures, but deferred action to remove or demolish the structures in order to allow time (60 days) for the property owners, Douglas M. and Peggy G. Shelton, to clean up the property in question. After the 60 days passed, the property was revisited by the County and it was determined that the property may have deteriorated such that it may now be a nuisance.

Now, upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes the County Administrator to advertise for a public hearing to be held at the September 8, 2008 meeting for the purposes

of declaring the property in question a nuisance, pursuant to Tazewell County Code, Chapter 4.

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**CITIZEN COMMENTS UNSCHEDULED -  
RICHMOND OUTREACH CENTER  
OUTREACH MINISTRY - TAZEWell COUNTY**

Marco Warner, Richlands, Virginia and on behalf of the Citizen's Concerned for Tazewell County, spoke with regard to the growing concerns about the drug and alcohol problems in Tazewell County.

Mr. Warner and a delegation of people recently attended an Outreach Program in Richmond, Virginia and met with representatives of the Richmond Outreach Center (ROC) and presented a proposal to the organization asking that they consider an outreach ministry/discipleship home in Tazewell County/Southwest Virginia. Mr. Warner said that on August 20 the ROC will be visiting Tazewell County for a tour and to discuss the possibility of the establishment of a discipleship home in Tazewell County.

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**COUNTY TREASURER - NORMAN L. COOK  
ANNUAL SETTLEMENT - TAZEWell COUNTY, VIRGINIA  
AND DELINQUENT TAX LIST**

Norman Cook, County Treasurer, presented to the Board of Supervisors the financial condition of the County of Tazewell as of June 30, 2008. He said that the County was in excellent financial condition with a balance of \$1,971,939.13 County's General Fund - Uncommitted fund category. He said that the County closed with money to spare for the year ending June 30, 2008.

Mr. Cook then presented the Tazewell County Delinquent Tax List for the last two years. He said that he is pleased to report that the County is collecting 99.2 % of delinquent taxes in Tazewell County. Mr. Cook said

that the list could not be made public at this time due to those under bankruptcy protection. He then reported that the Virginia Treasurers Association is working the Federal Government trying to get a bill passed by Congress that would allow local governments to attach federal income tax returns. Four states have been selected as a trial basis for the program and Virginia is one of the states. Mr. Cook said if this passes Congress, Tazewell County should be able to collect the other eight tenth's percent of the delinquent tax list. The Board thanked Mr. Cook and his staff for all their hard work. Mr. Cook, in response, thanked Eric Young, County Attorney for his hard work and stated that he was a great asset to the Treasurer's office, especially in the collection of delinquent taxes.

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**TOM CHILDRESS - PEEL CHESTNUT MT. ROAD  
ADDRESS CONCERN**

Tom Childress, a resident of Peel Chestnut Mt., Tazewell County, presented the following petition requesting a change of address for the residents of Peel Chestnut Mt. Road:

"We the undersigned residents of Virginia State Route 663, Peel Chestnut Road, East end of Peel Mt., Northern District, Tazewell County, Virginia, hereby request that the Tazewell County Board of Supervisors do what-ever is necessary to change our address from Peel Chestnut Road, Bluefield, Virginia 24605 to Peel Chestnut Road, Pocahontas, Virginia 24635. The residents of Peel Chestnut Road live a distance of 10 to 14 miles from Bluefield depending on our locations of the east end of Peel Chestnut Mt. We get our mail in Pocahontas and Pocahontas has always been the address for people living on the East end of Peel Chestnut Mt. It is very confusing to explain to people although we live only one to three miles depending on the location from the Town of Pocahontas we have been given a Bluefield, Virginia address."

The petition contained 11 signatures, which said petition is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651. The Board suggested that the petition, as presented, be forwarded to the appropriate County department to determine if the address could be changed back to Pocahontas, Virginia.

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**CRAIG BARBER -  
ROC - RICHMOND OUTREACH CENTER**

Craig Barber, a resident of Pounding Mill, Virginia reiterated the serious drug problem in Tazewell County and how the family structure is being affected. Mr. Barber encouraged the Board's support and attendance to the Richmond Outreach Center (ROC) program scheduled for August 20. Mr. Barber stressed the importance of having a long-term stability/structure for those who need guidance in resuming a productive citizenship in Tazewell County following an addiction. He said that the County had to do something to help our future generations and emphasized the need to build a relationship with people who are hurting and wounded.

Supervisor Wimmer emphasized how the CSA Program in Tazewell County is overwhelmed with at-risk persons and the amount of money it cost the County each year. The CSA Program provides quality, child-centered, family-focused, cost-effective, community-based services to high-risk youth and their families.

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**B.C. FULLER - BLUEFIELD, VIRGINIA**

Mr. B.C. Fuller, Bluefield, Virginia 24605 requested that the Regional Jail be cleaned up. He alleged that people are leaving the jail facility with spider bites and other illnesses.

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**CONSENT CALENDAR APPROVED**

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 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. Be it further approved that the County Administrator is hereby authorized and directed to issue said warrants in accordance with the following Consent Calendar items and which will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia 24651:

**WARRANTS APPROVED AS PAID**

**June/July 2008**

Ordered that Warrant Nos. 127810 through 127907, and direct deposits totaling \$193,013.81 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending June 30, 2008, be approved.

Ordered that Warrant Nos. 127909 through 128005, and direct deposits totaling \$203,689.06 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 15, 2008, be approved.

Ordered that Warrant Nos. 439831 through 439996, for \$1,220,402.85 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of June 2008, be approved.

Ordered that Warrant Nos. 439998 through 440018, for \$148,688.02 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending June 30, 2008, be approved

Ordered that Warrant Nos. 440020 through 440033, for \$104,690.59 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 2008, be approved.

Ordered that Warrant Nos. 440035 through 440179, for \$876,751.51 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 2008, be approved.

Ordered that Warrant Nos. 440181 through 440200, for \$137,993.76 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 15, 2008, be approved.

Ordered that Warrant Nos. 801258 through 801263 for \$225,048.18 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of June 2008, be approved.

- Approved Coyote Claims

- \$50.00 to Billy Whited, 3257 Pine Creek Drive, Swords Creek, Virginia 24649 for 1 coyote killed in Roaring Fork on May 30, 2008 with a rifle.
- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 1 coyote killed with a snare on June 19, 2008.
- \$200.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, Virginia 24651 for 4 coyotes killed with a snare on May 3, 9, 19 and June 17, 2008.

- Approved Damage Claims – Damage Stamp Fund
  - \$360.00 to Ben Barringer, 1025 Thompson Valley Road, Tazewell, Virginia 24651 for 3 yearling ewes attacked and killed by stray dogs on July 1, 2008.
- Sheriff's Budget – approved the amount of \$249.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the DARE Budget/Supplies Account No. 31060-6021. This is a donation from Consol Energy.
- Sheriff's Budget – approved the amount of \$500.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the DARE Budget/Supplies Account No. 31060-6021. This is donation from Jewell Smokeless.
- Library Budget – approved the amounts of \$200.00; \$500.00 and \$50.00 from the Contingent Grant Account to the Library Budgets, 3120 and 6012 as special gifts received.
- Approved Virginia Retirement Service (VRS) resolution
- Ratified Northwestern District Fund payment of \$250.00 to the Town of Richlands for fireworks (previously approved to Downtown Richlands, Inc.)
- Ratified Southern District Fund payment of \$500.00 to Clinch Valley Community Action, Inc.
- Thompson Valley Fire Department new vehicle purchase– approved title & insurance in name of Tazewell County

- Ratified letter of support from Board of Supervisors to Richmond Outreach Center supporting long-term care facility in Southwest Virginia

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***VDOT REPORTS -***

***MARTY HALLOWAY, RESIDENT ADMINISTRATOR***

Marty Halloway, VDOT Resident Engineer, presented the following highway projects update:

**Construction**

- Bridges on Rte. 19/460 at Pounding Mill Quarry - Fort Chiswell Construction has completed demo on the West bound bridge and is currently working on the back walls of the West Bound bridge.
- County-wide guardrail contract - work is complete.
- Rte. 460 Cedar Bluff Guardrail (Cuts) - Contractor is currently working in the area and is approximately 50% complete.
- Plant Mix Schedule - Contractor has about a 6-mile stretch from Tazewell Corporate Limits on Rte. 61 to complete.

**Maintenance**

- Rte. 696 Slide -VDOT continue's to monitor and take readings from devices that were placed in the ground to measure subsurface movement.

**Miscellaneous**

- None

**Update**

- Pre-Ad meeting was held on July 14 in Bristol to discuss Rte. 747 bridge project.

***Six Year Improvement Plan -Method of adding projects***

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the Virginia Department of Transportation's method for adding projects (roads) in the Tazewell County Secondary Six Year Improvement Plan. A copy of the method of adding road projects to the Six Year Plan is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

***Revenue Sharing Update***

Marty Halloway said that the State is redoing the Revenue Sharing (tier) Program that will make each localities application separate and will eliminate the Memo of Understanding (MOU) with the towns. Each municipality will stand alone with its application for funding; thus delaying the Revenue Sharing awards until November 2008.

***Coal & Gas Road List Approved***

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby approves the Coal Road funding/Orphan Road list as recommended for approval by the Coal & Gas Road Improvement Committee this date. Said monies for these road projects are hereby approved from the five district Coal Road Maintenance Accounts 41010-3320, 1- 5 respectively:

Western District – Hagy Street; Deer Meadow, Sage Hill

Southern District – Fox, June, Ivy Woods, Portland Road, Tacoma Road, Crystal Brooke

Northern District – Parsons Drive, Line Road, Circle Drive, Waushoper, Lester, Tyler

Northwestern District – Devin Lane, Cordle, Oak Leaf, Atmore, Forest, Redwood

Eastern District – Mount Vista Court

Supervisor Anderson said that he would be adding additional roads in the spring to his list.

**KERSEY ROAD PROJECT**

Mr. Halloway said that VDOT needed a letter from Ms. Kersey with regard to the Kersey Road Project.

**CAVITTS CREEK LAKE/PARK - REQUEST FOR SIGNAGE ON 460**

Chairman Rasnick reiterated the need for the placement of directional signs on Route 460 at the entrance of Cavitts Creek Park/Lake Jack Witten. Mr. Halloway suggested that the County visit VDOT's website for information on the procedures for the placement of camping/recreation signs.

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**EMERGENCY SERVICES REPORT -  
SUPERVISOR WIMMER**

Supervisor Bill Wimmer, on behalf of the Tazewell County Emergency Services Board, announced that the Emergency Services vehicle & equipment inventory list was complete and a copy was mailed to each Board of Supervisor member.

**UP TO \$2,500.00 FIRE-RESCUE APPRECIATION COOK-OUT  
\$500.00 FROM EACH DISTRICT FUND**

Now, upon recommendation of the Emergency Services Committee and 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 none against, the Tazewell County Board of Supervisors hereby approves an amount up to \$2,500.00, \$500.00 from each district fund respectively, to assist with expenses associated with the Fire-Rescue Appreciation cook-out. The fire-rescue committee will keep receipts and return any unspent funding to the County. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

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**JEWELL RIDGE - SOLID WASTE TRANSFER STATION  
PROPERTY - LEASE AGREEMENT**

Upon motion of Supervisor White, seconded by Supervisor Wimmer

and adopted by a vote of 4 to 0, with Supervisor Hymes abstaining from the vote, the Tazewell County Board of Supervisors hereby enters into a LEASE AGREEMENT, between Southern Region Industrial Realty, Inc. (SRIR), a corporation of Georgia, by its Agent, Pocahontas Land Corporation (Pocahontas), a corporation of Virginia, collectively Lessor, and Tazewell County Board of Supervisors (Tazewell), the governing body of a political subdivision of the Commonwealth of Virginia, with WHITEWOLF ENERGY, INC. (White Wolf), a corporation of Virginia, and JEWELL RIDGE COAL CORPORATION (Jewell Ridge), a corporation of Virginia, coal mining lessees of Lessor, for the purposes of operating and maintaining a solid waste transfer station, that certain parcel of surface land, 1.00 acres situated near Richlands in Maiden Springs Magisterial District of Tazewell County, Virginia on the waters of Big Creek of the Clinch River, and being more fully shown by red border on map attached hereto and made a part hereof and marked in the lower right-hand corner thereof "Pocahontas Land Corporation, Bluefield, West Virginia."

A copy of the lease agreement in a form as hereby adopted is attached hereto and incorporated hereby by reference thereto.

Further, upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, and with Supervisor Hymes abstaining from the vote, the Tazewell County Board of Supervisors hereby authorizes and directs that the construction on the above mentioned solid waste transfer/convenience station begin as soon as possible, from monies budgeted for this project, Acct. No. 42030-8109 and further that a part-time person(s) be employed as necessary for the operation of same.

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**REDISTRICTING COMMITTEE - 2010**

The Board of Supervisors recommended that the County Attorney, Eric Young, continue to work with the County Registrar's office with regard to the structuring of the Tazewell County Redistricting Committee in relation to the 2010 Census.

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**IDA AGREEMENT -**

**JOINT INDUSTRIAL DEVELOPMENT AUTHORITY WITH THE TOWNS OF BLUEFIELD, VIRGINIA AND RICHLANDS, VIRGINIA TO ACT AS A FISCAL AGENT AND TO SUPERVISE CONSTRUCTION OF THE BLUESTONE BUSINESS AND TECHNOLOGY PARK IN TAZEWELL COUNTY, VIRGINIA**

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 defers consideration of adopting an Ordinance/Agreement - to Establish a Joint Industrial Development Authority With The Towns of Bluefield, Virginia and Richlands, Virginia to Act as a Fiscal Agent and to Supervise Construction of the Bluestone Business and Technology Park in Tazewell County, Virginia.

The County Attorney, suggested that the ordinance/agreement be deferred to the September 8, 2008 regular meeting to give the towns involved time to hold individual public hearings and to add comments, if necessary, to be proposed agreement/ordinance.

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**SUBDIVISION ORDINANCE "SUBDIVIDE" DEFINITIONS**

The County Attorney, Eric Young advised the Board that the Planning Commission had visited a request for an amendment to the subdivision ordinance. The Commission plans to approve particular language at its August 7, 2008 meeting. He asked that the Board of Supervisors schedule a

public hearing on the proposed amendment to the Subdivision Ordinance for the September 8, 2008 meeting.

Now, 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 advertise for a joint public hearing (with the Tazewell County Planning Commission) at the September 8, 2008 meeting to consider amending the Subdivision Ordinance. Supervisor Anderson encouraged the Board of Supervisors input on this subject.

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**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES  
WITH PROCEEDS OF A BORROWING  
GENERAL OBLIGATION SCHOOL BONDS, SERIES 2008B - VPSA**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution confirming the "official intent" to borrow and utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other than debt, in an amount not currently expected to exceed \$8,700,000.00 to pay expenditures related to acquiring, constructing and equipping various capital improvements for its public school system (the "Project"). A public hearing on this subject is scheduled for September 8, 2008 at 7:30 p.m.

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

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**LUBRICANT BIDS - JUNE 30, 2008 MOTION RESCINDED**

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members voting in favor thereof and

no one against the same, the Tazewell County Board of Supervisors hereby rescinds the June 30, 2008 motion awarding the Lubricant/Petroleum (grease) bid for FY2008-2009 to Poskas Oil Supply Company, North Tazewell, Virginia 24630. The Board of Supervisors hereby further rejects all bids and re-procures the lubricants in the best interests of Tazewell County. Therefore, the County will not award a contract based on bids received in response to its advertisement.

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### **ZONING - RFP**

Jim Spencer, County Administrator, said that he gave Gary Earp, County Engineer, a copy of the draft advertisement for the Zoning RFP for review. Mr. Spencer said that he felt that the RFP would need to be somewhat expanded because it was his understanding that the consultant hired to draft the Comprehensive Plan was not too interested in helping with the Zoning Ordinance. He also said that it was his understanding that there would not be enough consulting firms in Southwest Virginia interested in the development of a Zoning Ordinance. Therefore, the County Engineer is working on an expanded ad for placement in broader areas.

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### **COMPREHENSIVE PLAN**

Jim Spencer, County Administrator, said that each Board member was provided a draft copy of the Comprehensive Plan. Once the Planning Commission receives comments on the Plan from its members as well as from members of the Board of Supervisors, it will be finalized and public hearings advertised for consideration of adoption of the Plan.

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### **IN-HOUSE PARKING STUDY**

Jim Spencer, County Administrator, reported that Gary Earp, County Engineer is working on a plan to re-design the Courthouse Parking that could enhance parking to additional 12-14 parking spaces. The plan includes

a proposal to remove the grassy areas in and around the back of the courthouse. This would maximize the courthouse parking area. He said that he was approached by the General District Court Judge seeking reserved parking for his employees. He said that a final decision on the reserved parking request would need to be made by the Board of Supervisors in the future.

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#### **NEW BUDGET FORMAT FY09-10**

The County Administrator reported that his office is working on a new budget format for all human service agencies for the upcoming budget year, FY09-10. The new plan will be based on prioritized need. A letter will be mailed to all human service agencies when the new plan is finalized. Supervisor Hymes suggested that the County contact the United Way and obtain a copy of their budget template for ideas with regard to budget prioritization.

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#### **BUSINESS TO BUSINESS SHOWCASE - OCTOBER 14-15, 2008**

The County Administrator announced that the sixth annual Business to Business Showcase will be held on October 14-15, 2008 at the SVCC - Charles R. King Community Center. The first 100 Tazewell County businesses to submit applications by October 1 will receive a 10' x 6' vendor space. He encouraged all county businesses to participate in the event.

He also announced the Lean Six Sigma Seminar scheduled for August 15, 2008 at the Richlands Business Incubator. The seminar focuses on ways to improve quality, speed and complexity in workplace environments.

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#### **TEN MINUTE RECESS**

The Chairman called for a ten (10) minute recess, after which the meeting was duly reconvened.

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**SECOND CHANCE LEARNING CENTER/LAW FIT CHALLENGE  
\$2,500.00; \$500.00 FROM EACH DISTRICT FUND**

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves \$2,500.00, \$500.00 from each district fund respectively, payable to the Law Fit Challenge/2<sup>nd</sup> Chance Learning Center, PO Box 1026, Bluefield, Virginia 24605 attn: Chief Harry Cundiff. 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 24651.

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**ETHICS HOTLINE - COUNTY EMPLOYEES**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator and County Attorney to jointly investigate the potential creation of an Ethics Hotline for County employees and to report back to the Board of Supervisors at the September 8, 2008 regular meeting with regard to the legality of such a program, as well as a cost.

Supervisor Hymes reiterated that when he ran for Board of Supervisor member his platform contained a pledge to voters to make local government more transparent to citizens and more responsive to the needs of citizens.

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### **ANIMAL SHELTER SEWER LINE, COSTS, ETC.**

Supervisor Anderson questioned the status of the sewer line project at the Tazewell County Animal Shelter, costs, etc.

The County Administrator stated that he met with the County Engineer, Gary Earp with regard to the project. Mr. Earp has brought someone in to test the soil. The project may require movement further down the hill for gravity flow. The County Administrator suggested that the Animal Shelter Board meet and review the details of the project and that a report regarding same be made to the Board of Supervisors at the next regular meeting. Supervisor Hymes suggested that the County Administrator look into the possibility of using a Busy-bee system. He said that these systems are used in “non-perking” ground areas.

Supervisor Anderson said that once these issues are behind the County, he would like for the County to implement a fund-drive/financial plan for a new Animal Shelter facility and further indicated his willingness to allocate monies in the near future to initiate the process.

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### **BLUEFIELD VIRGINIA - ARTICULATING AERIAL PLATFORM FIRE TRUCK FUNDING**

Supervisor Anderson said the he would like to reaffirm the importance of the Aerial Platform Fire Truck for Bluefield, Virginia. The truck is used throughout Tazewell County. He said that when the truck was purchased last year the County budget had been put in place and there was no available funding to assist with the requested \$45,000.00 for the next ten years. He said that he would like for the Emergency Services Committee to consider another funding proposal that the Board of Supervisors could possibly agree to. Supervisor Wimmer said that he would bring this before the Emergency Services Committee and if possible, it was suggested that Chief Hardy and Dave Anderson meet with ESC members and make a report to the Board of Supervisors regarding this subject.

Supervisor Anderson thanked the Board of Supervisors for allowing him to attend the regular meeting, via remote/electronically. He said the meeting in Pittsburg was a required job related monthly meeting and he had no choice but to attend.

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**WESTERN DISTRICT FUNDS APPROVED**

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby approves the following amounts from the Western District Fund as set forth below, contingent upon legal review and approval. Said warrants shall be issued by the County Administrator and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

- \$5,000.00 to Cedar Bluff Heritage Festival, Cedar Bluff, VA 24609
- \$ 500.00 to Cedar Bluff Business & Professional Association, Cedar Bluff, VA 24609
- \$1,000.00 to Richlands Midget League Football, Booster's Club, Richlands, Virginia 24641 (Youth funds)
- \$3,837.20 to Richlands Fire & Rescue for turn-out gear for the Claypool Hill Fire Station, Richlands, Virginia 24641
- \$1,200.00 to Richlands Fire & Rescue for telephone line installation at the Claypool Hill Fire Station, Richlands, Virginia 24641

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**PLEASANT VALLEY ESTATES**

Supervisor Wimmer again requested that Gary Earp, County Engineer work with Joe Robinson to determine a feasible solution to alleviate the drain pipe issue.

### **AIR-SHOW**

Supervisor Wimmer reported that the August 9 -Tazewell County Air-Show was a huge success. He thanked all those who made the event possible.

### **CLIFFIELD - Defaced Structure**

Supervisor Wimmer requested that the County Attorney determine the property owner of an alleged defaced structure located in Clifffield near Emma Hagy's residence, and if necessary, contact the owner of the property regarding the alleged defacement.

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### **DRAIN ISSUE**

Supervisor White said that water is coming up in the road (possibly a PSA issue) on Honey Rock Road.

Supervisor White then requested that the Virginia Department of Transportation investigate the stopped up drains in the Claypool Hill Mall Road area. The stopped up drains are causing a river of water into nearby parking lots when it rains.

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### **EDGAR BAKER - ROAD SIGNS**

Supervisor White requested that the VDOT check on road signs for Ball Diamond Road in the Stoney Ridge section. Edgar Baker is the contact person.

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### **TAMPA STREET -**

Supervisor White requested the status of road repairs for Tampa Street. The work was approved by the County for Tampa Street several meetings ago.

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## **NORTHWESTERN DISTRICT FUNDS**

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,250.00 from the Northwestern District Youth fund, payable to the Richlands Midget League Football – Booster’s Club, Richlands, Virginia 24641. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

And, upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amounts of \$10,000.00 - \$5,000.00 from the Northwestern & \$5,000.00 from the Western District respectively, payable to the Richlands High School Football – Field House Committee, Richlands, Virginia 24641, subject to legal review. Once approved by legal counsel, the Tazewell County Board of Supervisors is hereby authorized, empowered and directed to issue said warrant in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

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## **\$5,543.00 - EARMARKED FOR IDA TO PROCEED WITH RICHLANDS PROJECT**

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves and earmarks the amount of \$5,543.00 to the IDA, \$2,800.00 for a property survey conducted by Alpha Land Surveyors and \$2,743.00 for an Environmental Assessment performed by Thompson & Litton for the Richlands Project.

## **911 WEBSITE**

Supervisor White said that he had the privilege of recently attending a 911 Emergency Services meeting. He reported that the 911 Center is requesting a link on the County's Website in order to place a 911 newsletter.

The County Administrator suggested that the information be forwarded to Sam Wolford for assistance in placing the information on the County's Website. The County Administrator further said that for security purposes only authorized individuals were allowed to internally access the County's website.

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## **BLUESTONE REGIONAL BUSINESS & TECHNOLOGY CENTER**

### **RICK CHITWOOD T & L UPDATE**

Jim Spencer, County Administrator accompanied by Rick Chitwood, T & L, gave a brief update with regard to a meeting with Virginia Historic Resources and Rural Development meeting that he, County Attorney and Rick Chitwood recently attended about Phase III of the project, e.g. two potential archaeological sites that have may be determined eligible for the National Register of Historic Places. These areas will be protected during the development of the Bluestone Business & Technology Park. The small areas include the footprint of the 1780 old farm house and the campsite down by the river. Thompson & Litton has contracted with Costal Carolina Research, Inc. to perform the necessary evaluations and to expedite the work to protect the two small areas. Only a few thousand dollars will be spent opposed to major money, thus eliminating a full pledged Phase III project.

Mr. Chitwood then announced that the Virginia Tobacco Commission approved a \$250,000.00 grant to Tazewell County for the Bluestone Technology Park.

Supervisor Wimmer questioned other revenues for this project. Mr. Spencer said that the County has received, thus far, \$250,000.00 from the Shott Foundation; \$1.78 million; \$250,000; \$67,000 from the Tobacco

Commission, with additional funding applications under review by other agencies/foundations.

**THOMPSON & LITTON - AMENDMENT NO. 9**

**BLUESTONE REGIONAL BUSINESS & TECHNOLOGY - Phase I - T & L Project, No. 7488**

Now, upon motion of Supervisor Wimmer, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves Amendment No. 9 for the Bluestone Regional Business & Technology - Phase I, T & L Project, No. 7488 in the amount of \$3,481.00. in relation to close-out work to be performed by Coastal Carolina Research. These monies are hereby approved from the Bluestone Business & Technology Account No. 97010-8201. A copy of Amendment No. 9 - is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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**MISSION/LABOR OF LOVE \$5,750.00**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from District Funds, payable to the Mission/Labor of Love Program, 209 East Main Street, PO Box 30, Tazewell, Virginia 24651. Said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia 24651:

- ◆ \$1,750.00 Southern District Fund
  - ◆ \$1,750.00 Western District Fund
  - ◆ \$1,750.00 Northwestern District Fund
  - ◆ \$ 500.00 Eastern District Fund
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**SOUTHERN DISTRICT FUNDS 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 approves the following amounts from the Southern District Funds, payable as follows. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia, contingent upon approval of the County Attorney:

- ◆ \$1,000.00 Burkes Garden Fall Festival, Tazewell, Virginia 24651
- ◆ \$1,500.00 Tannersville Walking Trail Project, Tannersville Community Association, Tannersville, VA

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**SCHOOL FOR LIFE/YOUTH ON A MISSION PROGRAM \$8,500.00**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amounts from District Funds as set forth below, payable to the School for Life Program -Youth on a Mission, attn: Brad Keen, Tazewell, Virginia 24651. Said warrants shall be issued by the County Administrator and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

- ◆ \$5,000.00 Southern District; \$500.00 Northwestern District; \$500.00 Western District and \$2000.00 Northern District; \$500.00 Eastern District
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**FOUR-SEASONS YMCA -  
LEAFLETS FOR COUNTY PAYCHECKS**

Supervisor Hymes suggested that the County's payroll department contact Frank Barnes at the Four Seasons YMCA and obtain information with regard to the potential placement of a flyer/leaflet in County pay-roll that would provide information to employees concerning special membership fees, contributions, etc.

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**\$3,000.00 BANDY COMMUNITY CENTER- LABOR DAY CELEBRATION**

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$3,000.00 from the Northern District Fund, payable to the Bandy Community Center, 3290 Bandy Road, Bandy, Virginia 24602 to assist with the Labor Day Celebration events at the Bandy Community Center. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

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**TAZEWELL COMMUNITY FACILITIES BUILDING  
AMENDMENT NO. 7 - T & L PROJECT # 7532-05**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves Amendment No. 7 to T & L Project No. 7532-05, Tazewell Community Facilities Building. The amendment authorizes the extension of the Architect's time frame for providing Construction Contract Administrative Services to mirror the Contractor's contract time and T & L will complete the additional scope of work within their existing fee amount,

at no additional cost to the Owner. A copy of Amendment No. 7 - T & L Project, No. 7532-05 as hereby approved is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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### **EXECUTIVE/CLOSED MEETING**

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a unanimous vote, the Tazewell County Board of Supervisors hereby enters into an executive/closed meeting pursuant to Virginia Code Section 2.1-3711, A-19 Courthouse Security .

Then, upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a unanimous vote, the Tazewell County Board of Supervisors hereby return from the Executive Closed meeting and hereby certifies that the Tazewell County Board of Supervisors, in the closed meeting, just concluded, that nothing was discussed except that the matters specifically identified in the motion to convene in an executive/closed meeting and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act that were cited in the motion to enter into the Executive/Closed Meeting:

#### **Roll Call Vote:**

Supervisor Anderson - Aye

Supervisor Hymes - Aye

Supervisor Wimmer - Aye

Supervisor White - Aye

Supervisor Rasnick - Aye

### **ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING COURTHOUSE SECURITY - RENOVATIONS**

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to allocate up to

\$250,000.00 to the Tazewell County Industrial Development Authority (IDA), for courthouse improvements, with a separate allocation of \$15,000.00 for a dividing curtain for the Juvenile & Domestic Relations Courtroom, which will allow closed court-hearings, and further a separate allocation in the amount of \$15,000 is hereby approved for technology with regard to courthouse renovations. Said monies are hereby approved from acct. no. 23-97010-8162 County Capital Projects.

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OTHER BUSINESS

Supervisor White requested that a resolution be presented to the Richlands Big League Softball team in recognition of receiving State Championship status.

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ADJOURN

Now, there being no further business to be transacted, and upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a unanimous vote, the Tazewell County Board of Supervisor adjourns this meeting and further hereby adopts a resolution changing the September 2, 2008 regular meeting date to Monday, September 8, 2008 at 6:00 p.m. contingent upon the September 8 date meeting the Virginia Public School Authority (VPSA) fall 2008 bond schedule.

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Chairman, William B. Rasnick

By: rg

Adjourn, 10:25 p.m.

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