

**VIRGINIA:** At a regular meeting of the Tazewell County Board of Supervisors held December 1, 2009 at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

**PRESENT:** David R. Anderson, Chairman  
Bill Wimmer, Vice-Chairman  
D. Michael Hymes, Member  
Seth R. White, Member  
Jim Campbell, Member  
James H. Spencer, III – County Administrator  
C. Eric Young, County Attorney  
Patricia Green, Assistant County Administrator  
Ruth Groseclose, Administrative Assistant  
Members of the Press: Greg Jordon, Bluefield Daily Telegraph; Jim Talbert, Clinch Valley News/Richlands News Press; Sandra Ehlers, The Voice

**OTHERS**

**PRESENT:** John Absher, Board of Supervisor Elect

**ABSENT:** None

The Chairman of the Board of Supervisors, David R. Anderson, called the regular meeting to order and presided, with all members of the Board of Supervisors in attendance.

Supervisor Wimmer gave the Invocation with Supervisors Hymes leading those present in the Pledge of Allegiance to the United States Flag.

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**AGENDA APPROVED AS AMENDED**

Upon motion of Supervisors White seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the December 1, 2009 agenda as amended.

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**MINUTES – NOVEMBER 17, 2009**

The November 17, 2009 regular meeting minutes will be considered for approval at the January 2010 Organizational Meeting.

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**EXECUTIVE/CLOSED MEETING**

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

- A-5 One (1) Prospective Business or Industry or the expansion of an existing business in the County where no previous announcement has been made involving the Idea Park
- A-7 Two (2) Legal matters involving consultation with legal counsel involving easements for the Baptist Valley East Sewer Project
- A-6 One (1) Discussion where bargaining is involved which if made public would detrimentally affect the bargaining position of the County regarding Recreational Trails in Pocahontas and the Design Contract with WMTH.

Now, 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 returns from the Executive/Closed meeting and hereby certifies that in the closed meeting just concluded, nothing was discussed except the matters (i) specifically identified in the motion to convene in a closed meeting and (ii) lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act, cited in that motion:

Roll Call Vote –

Ayes: Supervisors White, Hymes, Campbell, Wimmer and Anderson

Nays: None

Absent during vote: None

**ACTION AS A RESULT OF THE EXECUTIVE/CLOSED SESSION**

**PROSPECTIVE BUILD-OUT IDEA PARK – LOAN UP TO \$25,000 TO THE IDA**

Upon motion of Supervisor White, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approve a loan up to \$25,000 (from Capital Contingency) to the Tazewell County Industrial Development Authority in reference to a prospective build out in the Idea Park.

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**SPECIAL PRESENTATIONS**

The Board of Supervisors recognized and adopted resolutions honoring the following people/organizations for their contributions and dedication to the people of Tazewell County:

- Detective Eric Mullins – Tazewell County Sheriff’s office for receiving the 2009 Deputy of the Year in Virginia
- Greater Bluefield Chamber of Commerce: Marc Meachum, President & CEO; Charles Peters and Lisa Huff as well as all the volunteers who worked diligently to make the 2009 Bluefield Coal Show a huge success
- Supervisor Bill Wimmer – for his dedication and services to Tazewell County as a member of the Tazewell County Board of Supervisors January 6, 2006-December 31, 2009

The Tazewell Jail Administrator, J.R. Stanley and Superintendent Stephen Clear were present and presented Supervisor Bill Wimmer a plaque for his service as a member of the Southwest Virginia Regional Jail Authority.

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**CONSENT CALENDAR APPROVED**

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

**Coyote Claims Approved**

- \$100.00 to Timothy Gillespie, 405 Surface Drive, Tazewell, Virginia 24651 for 2 coyotes killed with a rifle on November 14, 2009
- \$50.00 to Dewey Quesenberry, Box 24, Amonate, Virginia 24601 for 1 coyote killed with a rifle on November 17, 2009
- \$50.00 to Hank Stover, PO Box 1382 for 1 coyote killed with a shotgun on October 16, 2009

**AV Brush Truck**

Approved the amount of \$6,000.00 from the Contingent Expenditures & Grants Account No. 91050-7041 to the Fire Department Capital (32010-8109) for a check received from Abbs Valley Fire Department to purchase a brush truck form the Department of General Services.

**Annual Employee Christmas Party**

Approved to close County Offices on Thursday, December 17, 2009 from 11:30 to 1:30 p.m. for the Annual Employee Christmas Luncheon at Nuckolls Hall.

**Fish Virginia First Program**

Approved the transfer of \$500.00 from the Contingent Expenditures & Grants Account No. 91050-7041 to the Tazewell County Tourism Committee Budget Account No 12060-3600 Advertising

**Landfill Groundwater Monitoring – Public Hearing**

Authorized a public hearing on January 5, 2010 @ approximately 7:15 p.m. on the subject of Landfill Ground Water Monitoring.

In lieu of Fiscal Year 2010 annual cost of living adjustment, which was deleted from the FY10 Budget, approve onetime payment of five hundred dollars(\$500) per full time employee and one hundred (\$100) per part time employee from Department Compensation Accounts.

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**CITIZEN COMMENTS**

Marty Halloway, Virginia Department of Transportation, Resident Engineer, presented the Board with a list of highway road projects occurring since the November 17, 2009 Board of Supervisors meeting:

### **Construction**

- RTE 782 – Bridge Project – Falls Mills Area – Contractor continues to work on forming Deck for concrete.
- RTE 747 – Bridge Project – Contractor continues to work on finishing the roadway portion of the project.
- 460 Bluestone Project – Construction of the turn lanes has been started.
- Third Street Extension (Rural Addition) in the Pounding Mill area is complete.
- Peakwood Extension (Rural Addition) in the Tazewell area has started. Crews are placing asphalt.

### **Project Development**

- Guardrail Contract – This contract has been submitted and is scheduled for a January advertisement.
- RTE 696 – Planning a scoping meeting.

### **Miscellaneous**

- Revenue Sharing – VDOT working on getting all RTA's signed and approved.
- RTE 67 – Leaning Wall – Shelby Harrison – VDOT has met with Ms. Harrison on 10/8/09 to discuss repair possibilities. VDOT has scheduled the repair work.
- Guardrail has been placed on Rte. 724 (Damon Ball Residence)
- Shoulder repair was completed on Rte. 19/460 near the McKenny residents.
- Need Resolution for Third Street Extension (Rural Addition)

### **THIRD STREET RESOLUTION ADOPTED**

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 a resolution requesting the Virginia Department of Transportation to improve Third Street located in the Green Acres Subdivision – for inclusion in the Secondary System of State Highways, pursuant to Section 33.1-72.1 (D):  
R5 Rural Addition per 33.1-71 (D) – No Speculative Interest Involved

The Board of Supervisors of Tazewell County, Virginia, in regular meeting on the 1<sup>st</sup> day of December 2009 adopted the following:

**RESOLUTION**

WHEREAS, the street described below was established June 12, 1976 and currently serves at least three (3) families per mile, and

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-72. 1 of the Code of Virginia; and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist; and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to Section 33.1-72.1 (D), Code of Virginia:

Name of Subdivision: Green Acres

Name of Street: Third Street

From: 1.00 miles west of Int. Rte. 699

To: 1.93 miles west of Int. Rte. 699 Length: 0.93 miles

Guaranteed Right of Way Width: 50 feet

Plat Recorded Date \_\_\_\_\_ Deed Book: 416 Page: 202

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and;

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to 33.1-72.1 (D), Code of Virginia; and

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

Recorded Vote: 5 to 0: All Ayes: Supervisors White, Hymes, Campbell; Wimmer and Anderson

**OTHER ROAD CONCERNS**

Mr. Halloway stated that he needed to meet with the County Attorney on the Route 696 – Johnson property.

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**DONNIE YATES – COMMUNITY CHRISTMAS VILLAGE, TAZEWELL COUNTY, VIRGINIA**

Donnie Yates, organizer of the Community Christmas Village at the County Fairgrounds, updated the Christmas display and reported his intent to work with SATRIA for use of their 30 ft. screen T.V. to show Christmas movies and to balance all other scheduled events at the County Fairgrounds during the holidays. He also reported that community Christmas parties are being planned for Nuckolls Hall and possibly at Tazewell High School.

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**F.W. GRUVER, SR. BANDY RESIDENT**

**FIRE HYDRANT CONCERNS**

F.W. Gruver, Sr. 3873 Ravens Nest Branch, Bandy, Virginia, telephone 202-3371, presented a letter he mailed to Congressman Boucher concerning the lack of fire hydrants in the Bandy Community. Mr. Gruver voiced concerns that when the water lines were placed in Bandy the community was left without fire hydrants.

The Board of Supervisors requested that the County Administrator forward Mr. Gruver’s letter for placement and discussion on the next PSA agenda.

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**APPOINTMENTS**

**Clinch Valley Community Action, Inc.**

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 appoints Frances Meadows, Richlands,

Virginia 24641 as a member of the Clinch Valley Community Action, Inc. – Board of Directors, with a term commencing immediately and expiring June 30,2010. This appointment is contingent upon Mrs. Meadow’s accepting this position.

**Redistricting Committee – Census 2010**

Upon motion of Supervisor Campbell, seconded by Supervisor Wimmer and adopted by a vote of 4 to 1, with Supervisor Hymes voting nay, the Tazewell County Board of Supervisors hereby rescinds the appointment of Greg Cruvey as a member of the Tazewell County Redistricting Committee, Census 2010 and in his place appoints Patrick Boyd, PO Box 47, Bishop, Virginia 24604. Chairman Anderson requested that Mr. Cruvey be sent a letter of explanation with regard to this action as well as thanking him for his time and services as a member of this committee.

**Disabilities Services Board – DSB**

Upon motion of Supervisor Anderson, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints Carla Lewis, 202 Hill Avenue, Bluefield, VA 24605 as a member of the Tazewell County Disability Services Board with a term commencing January 1, 2010 and expiring December 31, 2012 (3 year term).

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 reappoints Irma Mitchell, 166 Scranton Avenue, North Tazewell, Virginia 24630 as a member of the Disabilities Services Board with a term commencing January 1, 2010 and expiring December 31, 2012 (3 year term).

One northwestern and one northern district as well as one at-large appointment to the Disability Services Board (DSB) was deferred to the next regular meeting.

**CMPT – Community Policy and Management Team**

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 appoints John Absher, PO Box 1516, Cedar Bluff, Virginia 24609 as a Board of Supervisor representative of the Community Policy and Management Team (CMPT) effective January 1, 2010. This appointment fills the expiring term of Supervisor Bill Wimmer, effective December 31, 2009.

**Emergency Services Committee & Tazewell County Citizens Corps Council (ESC)**

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 appoint Supervisors Mike Hymes and Jim Campbell to serve as the Board of Supervisor representatives of the Tazewell County Emergency Services Committee and Tazewell County Citizens Corps Council, with terms effective January 1, 2010 and expiring at the will and pleasure of the Board of Supervisors.

**Cumberland Mountain Community Services Board – CMCS**

Two (2) appointments to the Cumberland Mt. Community Services Board were deferred to the January 5, 2010 organizational meeting.

**Public Service Authority (PSA)**

One (1) Northwestern District appointment was deferred to the January 5, 2010 organizational meeting.

**Richlands Business Incubator (RBI)**

Upon motion of Member Wimmer, seconded by Member 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 appoints John Absher, PO Box 1516 Cedar Bluff, VA 24609, as a member of the Richlands Incubator and Administrative Board (RBI), with a term effective January 1, 2010. This appointment fills the expiring term of Supervisor Bill Wimmer effective December 31, 2009.

**Southwest Virginia Regional Jail Authority**

Upon motion of Member Wimmer, seconded by Member 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 appoints Jim Campbell, 205 Blake Lane, North Tazewell, Virginia 24630 as a member of the Southwest Virginia Regional Jail Authority. This appointment fills the vacancy left by Supervisor Bill Wimmer effective December 31, 2009.

**Tazewell County Social Services Board**

The Board of Supervisors deferred action for one (1) Northern District appointment to the Tazewell County Social Services Board to fill the expiring term of Bill Stone. Mr. Stone is ineligible to serve another term because he has already served two (2) consecutive terms as a member of the Social Services Board. The Board further requested that Mr. Stone be recognized for his service as a member of the Social Services Board.

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**RECYCLING PROGRAM**

The County Administrator, Jim Spencer and Supervisor Seth White will meet with Dr. Lawson, School Division Superintendent on Thursday December 3, 2009 @ 1:00 p.m. to address the recycling options for Tazewell County. Supervisor White suggested that a committee be implemented to include various citizens as well as representatives from the various towns & county to address recycling ideas.

**CAMP 31 – CONVENIENCE CENTER**

The Assistant County Administrator, Ms. Green, stated that the Camp 31 Convenience Center is almost complete. The County is waiting on AEP to install the electricity for operation of the convenience center.

**ADRIA AREA CONVENIENCE CENTER (THE NEED FOR)**

Supervisor Jim Campbell voiced the need for a dumpster in the Adria area, Northern District. The County Administrator and appropriate staff will meet with Mr. Campbell to address this.

**NORTHWESTERN DISTRICT GARBAGE COLLECTION PROGRAM (PROPOSED)**

Supervisor White said that he plans to revisit the Jewell Ridge area to determine a suitable location for a proposed convenience center. He said a convenience center in the Northwestern District might be the best solution. A report on the proposed project will be forthcoming.

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**VA DEPT. OF HEALTH - \$82,667.68**

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 none against, the Tazewell County Board of Supervisors hereby approves the Virginia Department of Health's request to carry over \$82,667.68 to the FY2010 budget, contingent upon the County Budget Committee that includes two (2) Board of Supervisor members, meeting with John Willis & Dr. Dreyzehner explaining the County's concerns with the carry-over. A meeting was tentatively scheduled for Thursday, Dec 3, 2009 to discuss this subject. The Board's main concern is the replacement of the Health Dept. Inspector at the Tazewell Health Dept. facility to help expedite building issues, such as sewer systems and those types of projects.

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**SWVA – WATERSHED PROJECT FUNDING – MT. HERITAGE FUNDING REQUEST**

The Board of Supervisors deferred to the County's budget committee, a \$20,000 funding request from Mountain Heritage, Inc. to hire a consultant(s) to write and design a book on the subject of the Upper Tennessee River watershed.

**PSA – RESOLUTIONS ADOPTED**

**CEDAR LAND FARMS WATER PROJECT & THE GREATER TAZEWELL AREA REGIONAL WATER TREATMENT PLANT PROJECT MORAL OBLIGATION AGREEMENT - ISSUANCE OF BONDS**

Upon motion of Supervisor Wimmer 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 adopts the following resolutions with regard to the Cedar Land Farms Water Project and 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, and The Greater Tazewell Area Regional Water Treatment Plant Project. The Tazewell County Board of Supervisors hereby further authorizes and directs the County Administrator and the Chairman of the Board of Supervisors to enter into and execute the support agreements with the Virginia Resources Authority (VRA) with respect to the Bond, setting forth the County’s concurrence to undertake such non-binding obligations with regard to these Projects. Copies of the “RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING OBLIGATION OF TAZEWELL COUNTY, VIRGINIA, TO CONSIDER CERTAIN APPROPRIATIONS TO THE TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY, AND AGREEING TO CERTAIN MATTERS RELATING TO THE ISSUANCE AND SALE BY THE AUTHORITY OF REVENUE BONDS FOR THE CEDAR LAND FARMS WATER PROJECT; and a “RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD BY TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY OF A WATER AND SEWER SYSTEM REVENUE BOND (CEDAR LAND FARMS WATER PROJECT) SERIES OF 2009C, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$705,365.00 AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF” and a “RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING OBLIGATION OF THE COUNTY TO CONSIDER CERTAIN APPROPRIATIONS TO THE TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY, AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE BY THE TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY OF REVENUE BONDS FOR THE GREATER TAZEWELL AREA REGIONAL WATER TREATMENT PLANT PROJECT” and finally that

a “RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD BY TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY OF A WATER AND SEWER SYSTEM REVENUE BOND (GREATER TAZEWELL AREA REGIONAL WATER TREATMENT PLANT PROJECT), SERIES OF 2009d, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,164,267, and PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF” are attached hereto and incorporated herein by reference and on file in the office of the County Attorney and County Administrator, 108 East Main Street, Tazewell, Virginia.

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**PSA UPDATE TO BE PRESENTED TO BOARD OF SUPERVISORS – WRITTEN MEMORANDUM**

Supervisor White requested that the Tazewell County Public Service Authority (PSA) begin sending the Board of Supervisors a written memorandum highlighting PSA projects.

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**MAINTENANCE CONTRACT AS NEED BASIS - SOLICIT RFP’S**

The Board of Supervisors agreed to allow the County Administrator to solicit Request for Proposals (RFP’s) for a Maintenance Contract on an as needed basis.

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**GREENHOUSE GAS INVENTORY (GHG)**

**US EPA MANDATORY GHG REPORTING RULE (MRR)**

The County Administrator stated that he and Gary Earp met with Marshall Miller and Associates today on the proposed Greenhouse Gas Inventory (GHG) and the EPA Mandatory GHG Reporting Rules/guidelines. He gave a brief summary of the mandates that included a requirement for a completed QA/QC Monitoring Plan by April 1, 2010 for inspection by the EPA.

Attorney, Shea Cook, Richlands, Virginia, stated that this was a clear example of an unfunded federal mandate. He said the EPA expects the county government to come up with resources and conduct inventories and requested that the County invite an EPA representative to Tazewell County giving the Board details of their exact intent with regard to these guidelines and to offer suggestions with regard to how the County might pay for the new mandates.

Now, with regard to the new Greenhouse Gas Inventory (GHG) US EPA Mandatory GHG Reporting Rules (MRR), and upon motion of Supervisor Campbell seconded by Supervisor

White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to write a letter to the EPA, on behalf of the Board of Supervisors, inviting an EPA representative to attend the January 5, 2010 TCBOS meeting to give insight on the upcoming mandates as well as advising the County as to what steps to take to meet the mandates as well as where the funding might come from to fulfill the obligations. The County Administrator was also requested to invite Scott Carpenter from Marshall & Miller to meet with the towns & county officials on this subject for an update.

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**SVCC – FESTIVAL OF THE ARTS**

**MONIES APPROVED \$1,500**

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 funds from the district accounts as set forth below payable to the Southwest VA Community College, Educational Foundation, Inc. PO Box SVCC, Richlands, Virginia 24641. The Board requested that Ms. Lawson continue to go through the same budget funding process as last year i.e. make FY10 -11 request to the Tazewell County Budget Committee. 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:

- Western District \$500; Southern District \$500 & Northwestern District \$500

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**TAZEWELL HIGH SCHOOL – MODEL GENERAL ASSEMBLY**

**YOUTH MONIES APPROVED \$1,500**

Upon motion of Member Hymes, seconded by Member 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 monies from District Youth Funds payable to the Tazewell High School – Model General Assembly. 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:

- Southern Youth Funds \$500; Western Youth Funds \$500 and Northern Youth Funds \$500

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**EXECUTIVE/CLOSED SESSION**

Upon motion of Supervisor Wimmer, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed session, pursuant to Virginia Code, Section 2.2-3711, A-6 One matter relative to Zoning Ordinance Consultant – where bargaining is involved which if made public would detrimentally affect the bargaining position of the County.

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 in the closed meeting just concluded, nothing was discussed except the matters (i) specifically identified in the motion to convene in a closed meeting and (ii) lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act, cited in that motion.

Roll Call Vote –

Ayes: Supervisors White, Hymes, Campbell, Wimmer and Anderson

Nays: None

Absent during vote: None

Report of Action: There was no action to report as a result of the Executive/Closed Meeting:

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**COUNTY- WIDE WELCOME SIGNS-  
TO BE PLACED AT KEY ENTRANCE POINTS**

The County Administrator presented a County map to the Board showing the various entrance points into Tazewell County. The Board agreed to place no more than two (2) welcome signs in each district of the County and only at key entrance points into the County. They further agreed to communicate with VDOT with regard to right of way issues and to further work out the logistics with the Tourism Committee with the Tourism Committee requested to present a

sample sign to the BOS and to further pay for the signs from respective district funding. Finally, the Board suggested that a “catch phrase” be used on the signs to promote Tazewell County.

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**BOARD CONCERNS**

Supervisor White stated that he appreciated Supervisor Wimmer’s work and leadership as a member of the Tazewell County Board of Supervisors. He stated that he enjoyed working with him further thanked him for helping BOS elect member John Absher with regard to answering questions on various county topics. Mr. Absher was present and thanked Mr. Wimmer as well for running a clean and honest campaign. He said that he looked forward to the many challenges ahead as a member of the Board of Supervisors.

**HEALTH CONCERNS – CANCER CASES**

Supervisor Campbell voiced concerns about the number of cancer cases in the County especially among youth. He then moved that Delegate Elect Moorefield as well as federal and state officials be sent a letter from the County seeking a break down – per capita of cancer statistics/patients in our area versus other areas in the state. He suggested that medical students from various large medical institutions assist in compiling this data. The County Administrator suggested that Dr. Dreyzehner be the sounding block in drafting the letter. It was further suggested that this matter be addressed at the December 3 meeting with Dr. Dreyzehner as well. Supervisor Hymes seconded the foregoing, and was unanimously approved by a vote of 5 to 0.

Supervisor Campbell also thanked Mr. Wimmer for his leadership and positive contributions as a member of the Board of Supervisors. He said although he looked forward to having Mr. Absher on the Board, Mr. Wimmer would be missed.

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**OLD HEALTH DEPARTMENT BUILDING**

Supervisor Hymes requested the status of the old County Health Department building in Tazewell. The building is not being used by the county and has not been sold. The County Administrator, Jim Spencer, said that he would obtain a recommendation from the Industrial Development Authority (IDA) on the buildings possible usage or disposal.

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Supervisor Hymes questioned the status of the old Jr. High Building to use as storage for the Sheriff's office/DARE materials. The County Administrator stated that the Assistant County Administrator recently showed DARE Officer Horne the space and he seemed pleased with the location.

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**CODE ENFORCEMENT – PROPERTY MAINTENANCE ORDINANCE**

Supervisor Hymes requested that two (2) properties in his district be investigated as part of the recently adopted Property Maintenance Code. With regard to this subject, the County Administrator stated that he believed in accountability and he would like to have a tracking system in place showing a log of all calls as well as the status. The Board agreed to investigate the possibility of having a Code Enforcement Department as well as finding out if Dave White, Special Police could legally be the County Code Enforcement Director. This matter will be placed on the January 5, 2010 agenda for discussion.

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**CRYSTAL BROOK ROAD –  
CONSIDERATION OF VACATING RIGHT OF WAY  
MOTION FAILED**

Supervisor Hymes moved to vacate a public right of way on Crystal Brook Road, located in Thompson Valley near Bear Town adjacent to State Route 602, and being one mile East of the intersection of State Route 16 and State Routes 604/602, contingent upon Mrs. Yates (property owner) giving a right of entry to maintain the road and to repay the funds paid to her by the County for condemnation proceedings. Supervisor Wimmer seconded the foregoing and which motion failed by a vote of 2 to 3 with Supervisors White, Campbell and Anderson voting nay.

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**CLINCH VALLEY COMMUNITY ACTION INC. – PROJECT DISCOVERY  
\$3,500.00 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 monies from district funds as set forth below payable to the Project Discovery, Clinch Valley Community Action, Inc. 200 East Riverside Drive, PO Box 188, North Tazewell, VA 24630 – 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:

- \$1000 Western; \$1,000 Eastern; \$500 Southern; \$500 Northwestern & \$500 Northern

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**CRAB ORCHARD MUSEUM – HVAC SYSTEM**

**\$1,500 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 monies from district funds as set forth below payable to the Crab Orchard Museum and Pioneer Park to assist with repairs to the HVAC System at the Museum. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

- \$1,000 Western District and \$500 Southern District

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**RETURN TO ROOTS - \$500 WESTERN DISTRICT FUNDS**

**APPROVED**

Upon motion of Supervisor Wimmer seconded by Supervisor White and adopted by 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 from the Western District Fund to the Richlands Chamber of Commerce, Richlands, VA 24641 for the Town of Richlands, Return to Roots Project, subject to legal review and approval. Once approved, the County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Tazewell of Tazewell County, Virginia.

**RICHLANDS HIGH SCHOOL – VARSITY BOY’S BASKETBALL \$1,000 TOTAL  
\$500 WESTERN YOUTH & \$500 NORTHWESTERN YOUTH**

Upon motion of Member Wimmer, seconded by Member 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 amount of \$500 from the Western District Youth funds and the amount of \$500 from the Northwestern District Youth funds payable to the Richlands High School – Boy’s Varsity Basketball Program, Richlands, Virginia 24641. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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Supervisor Anderson requested that an old burned structure located on 148 Grant Street, Bluefield, Virginia located in the Eastern District be considered under the Property Maintenance Code.

Supervisor White requested that the structure on Waited Road as previously discussed with the County Administrator be investigated as well under the Property Maintenance Code.

Supervisor Anderson announced Saturday December 5 as the date for the Bluefield Virginia Christmas Parade.

With regard to proposed zoning, Supervisor Anderson mentioned that Tazewell County is one of the few counties in the state not zoned and requested that the County take the necessary measures to move the zoning proposal forward, without delay.

Supervisor Wimmer again thanked the Board and County Staff for their hard work and dedication to the county. He said that the Board of Supervisors and staff have tough jobs and he would continue to pray for everyone.

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, the meeting was adjourned.

The organizational meeting is scheduled for January 5, 2010 at 6:00 p.m.

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David R. Anderson, Chairman

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9:55 p.m.