

**VIRGINIA:** At a regular meeting of the Tazewell County Board of Supervisors held December 4, 2007 at 6:00 p.m. in the Tazewell County Public Service Authority Building, Tazewell, Virginia 24651

**PRESENT:** William B. "Bill" Rasnick, Chairman  
Bill Wimmer, Vice-Chairman  
Earl W. Griffith, Member  
Dave Anderson, Member  
Mike Hymes, Member  
Jim Spencer, III - County Administrator  
Eric Young, County Attorney  
Patricia Green, Assistant County Administrator  
Ruth Groseclose, Administrative Assistant  
Members of the Press: Warren Hinkle, Tazewell County  
Free Press; Jim Talbert, Clinch Valley News/Richlands  
News Press; Charles Owens, Bluefield Daily Telegraph

**ABSENT:** None

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The Chairman, William B. Rasnick called the regular meeting to order and presided with all members in attendance. Supervisor Griffith gave the invocation with Supervisor Wimmer leading those present in the pledge of allegiance.

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#### **AGENDA FORMAT APPROVED**

Upon motion of Supervisor Griffith, 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 December 4, 2007 agenda format as hereby amended.

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#### **MINUTES APPROVED AS WRITTEN**

Upon motion of Supervisor Griffith, 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 minutes of the November 8, 2007 Special Meeting and the November 8, 2007 Regular Meeting as hereby written.

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

Upon motion of Supervisor Griffith, 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 enters into an EXECUTIVE/CLOSED SESSION, PURSUANT TO VIRGINIA CODE SECTION, 2.2-3711:

- A-7 - Legal Matter involving Airport Condemnation
  - A-7- Litigation involving Cedar Bluff vs. Tazewell County
  - A-3- Property Acquisition involving lake property in Tazewell County
  - A-6- The investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the County may be adversely affected involving the old Jr. High School Cafeteria.
  - A-6 - The investment of public funds where if made public initially, the financial interest of the County may be adversely affected involving tax credits.
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**RETURN, REPORT OF ACTION - EXECUTIVE/CLOSED MEETING**

Upon motion of Supervisor Hymes seconded by Supervisor Griffith 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 in the Executive/Closed meeting:

Roll Call Vote:

Supervisor Hymes -	Aye
Supervisor Wimmer-	Aye
Supervisor Griffith-	Aye
Supervisor Anderson-	Aye
Supervisor Rasnick-	Aye

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**ACTION -**

The County Attorney, Eric Young, reported that the Executive/Closed Session/report of action would be recommended for approval during the County Attorney Reports portion of the meeting.

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**CONSENT CALENDAR APPROVED**

Upon motion of Supervisor Wimmer seconded by Supervisor Griffith 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". Be it further approved, that 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**

**October/November 2007**

Ordered that Warrant Nos. 126342 through 126428, and direct deposits totaling \$191,258.10 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending October 31, 2007, be approved.

Ordered that Warrant Nos. 126430 through 126517, and direct deposits totaling \$192,044.66 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending November 15, 2007, be approved.

Ordered that Warrant Nos. 436788 through 436944, for \$758,633.77 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of October 2007, be approved.

Ordered that Warrant Nos. 436945 through 436963, for \$130,699.88 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending October 31, 2007, be approved

Ordered that Warrant Nos. 436965 through 437082, for \$405,963.72 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 Funds, covering operating expenses for the various County agencies for the month of October 2007, be approved.

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Ordered that Warrant Nos. 437084 through 437104, for \$134,703.48 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending November 15, 2007, be approved.

Ordered that Warrant Nos. 801168 through 801181 for \$88,532.51 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of October 2007, be approved.

#### BUILDING AND GROUNDS BUDGET

- Approved an additional \$2,200 from Account No. 91050-7023 to the Building & Grounds Budget for repairs to County Buildings.

#### FULLER PEERY - RENTAL FEE APPROVED

- Approved \$15.00 from each district fund, \$75.00 total, payable to the Treasurer of Tazewell County - rental fee for Fuller Peery Building.

#### COAL SEVERANCE FUND

- Approved an additional appropriation to the Coal Severance fund in the amount of \$352,000.00 (Revenue Sharing matching funds [Bluefield, Richlands and Tazewell]).

#### COYOTE CLAIMS APPROVED:

- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 1 coyote killed with a snare on October 31, 2007.
  - \$50.00 to Johnny Coleman, Selina Road, North Tazewell, Virginia 24630 for 1 coyote killed with a rifle on November 7, 2007.
  - \$50.00 to Doug Shepherd, 164 Raven Circle, Raven, Virginia 24639 for 1 coyote killed with a rifle on November 11, 2007.
  - \$50.00 to Eddie Bowman, 3071 Mudfork Road, North Tazewell, Virginia 24630 for 1 coyote killed with a muzzle loader on November 10, 2007.
  - \$50.00 to Wade H. Whitt, 3692 Baptist Valley Road, Cedar Bluff, Virginia 24609 for 1 coyote killed on November 16, 2007 with a rifle.
  - \$50.00 to Anthony Stilwell, 1645 Pounding Mill Branch Road, Pounding Mill, Virginia 24637 for 1 coyote killed on November 16, 2007 with a muzzle loader.
  - \$50.00 to Ralph Childress, 323 Williams Street, Bluefield, Virginia 24605 for 1 coyote killed with a rifle on November 23, 2007.
  - \$50.00 to Danny Akers, Route 2, Box 466A, Bluefield, Virginia 24605 for 1 coyote killed with a snare on November 14, 2007.
  - \$50.00 to Danny Akers, Route 2, Box 466A, Bluefield, Virginia 24605 for 1 coyote killed with a snare on November 26, 2007.
  - \$50.00 to Charles Barrett, PO Box 1877, Cedar Bluff, VA 24609 for 1 coyote killed with a rifle on November 24, 2007.
  - \$200.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, Virginia 24651 for 4 coyotes killed with a snare on November 23, 2007.
  - \$50.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, Virginia 24651 for 1 coyote killed with a snare on November 5, 2007.
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- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 1 coyote killed with a snare on November 10, 2007.
  - \$100.00 to Chris Hinkle, 3850 Abbs Valley Road, Bluefield, Virginia 24605 for 2 coyotes killed with a rifle on November 25, 2007.
  - \$50.00 to Rodney Neel, 597 Meadowview Ln. Tazewell, Virginia 24651 for 1 coyote killed with a rifle on November 30, 2007.
  - \$100.00 to Darrell Wess, 4956 Pounding Mill Branch, Pounding Mill, VA 24637 for 2 coyotes killed on December 3, 2007 with a rifle.
  - DAMAGE CLAIMS APPROVED
    - The amount of \$1,077.73 to Jack Cunningham, II, PO Box 490 Pounding Mill, Virginia 24637 for 1 dead sheep and 5 seriously injured sheep - veterinary invoice attached.
  - - The amount of \$400.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, Virginia 24651 for 4 lambs killed by stray dogs.
  - ANIMAL FRIENDLY LICENSE PLATE FUNDS
    - Approved the amount of \$195.00 to the Pet Haven, Falls Mills, VA - funds received from the DMV Special License Plate Program.
  - ANNUAL EMPLOYEE CHRISTMAS PARTY
    - Approved to close County Offices on December 18, 2007 from 11:30 to 1:30 p.m. for the Annual Employee Christmas Luncheon at Nuckolls Hall.
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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 adopts the following resolution commending Supervisor Earl W. Griffith for his eight years of service as a member of the Tazewell County Board of Supervisors:

SPECIAL PRESENTATION -

COMMENDING EARL W. GRIFFITH

**RESOLUTION  
Commending  
Earl W. Griffith**



**WHEREAS**, from January 1, 2000 to December 31, 2007, Earl W. Griffith has served the people of Tazewell County, Virginia as a member of the Tazewell County Board of Supervisors; and

**WHEREAS**, Mr. Griffith served as Chairman of the Board of Supervisors for the years 2002 and 2004 respectively; and performed during that time with exemplary competence, resilience and loyalty far beyond that required by the Board of Supervisors; and

**WHEREAS**, this Board has considered Mr. Griffith to be one of the most able members of the Board of Supervisors for many years; and

**WHEREAS**, throughout his tenure of service as a member of the Board of Supervisors, Mr. Griffith never failed to exhibit a selfless devotion to duty; to continue his commitment to excellence; to remain always receptive to new ideas; to apply his intuition and abundant practical common

sense; and to perform under all circumstances with optimism and a sense of humor that made working with him as enjoyable as it was productive; and

**WHEREAS**, the Tazewell County Board of Supervisors and the people of Tazewell County are hereby honored and indeed fortunate to have had the services of Mr. Griffith for the past eight years and are further fortunate to enjoy the fruits of his efforts for many years to come.

**NOW, THEREFORE BE IT RESOLVED**, that the Tazewell County Board of Supervisors, on behalf of the people of Tazewell County, Virginia hereby acknowledge the dedicated services that Mr. Griffith has given to this governing body since January 2000 and hereby extends a unanimous vote of thanks and appreciation for his dedication and expertise provided.

**FINALLY BE IT RESOLVED**, that a copy of this resolution be included in the records of said Board and that the original of this resolution be presented to Mr. Griffith on this the 4<sup>th</sup> day of December, 2007.

“God Bless America!”

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#### **PUBLIC HEARING - BURNING BAN IN TAZEWELL COUNTY**

The Chairman, William B. “Bill” Rasnick, called the public hearing to order that was duly advertised according to law entitled “PUBLIC HEARING REGARDING BURNING BAN BY THE TAZEWELL COUNTY BOARD OF SUPERVISORS.” It was so ordained on the 2<sup>nd</sup> day of October, 2007 that an emergency existed and that outdoor burning threatened the health safety of the residents of Tazewell County, Virginia. The Tazewell County Board of Supervisors did at that time order a County-wide burning ban and the Governor of Virginia ordered a State-wide burning ban; and the Governor’s State-wide burning ban may be lifted, while Tazewell County may remain endangered. The Tazewell County Board of Supervisors finds that conditions remain such that outdoor burning would threaten the health and safety of the residents of Tazewell County, Virginia. Therefore, on December 4, 2007, at 7:15 p.m. in the Tazewell County Public Service Authority Building, Conference Room thereof, Tazewell, Virginia, the Tazewell County Board of Supervisors will conduct a public hearing to determine 1) whether the burning ban should be extended; 2) how long should the ban remain in effect; and 3) what penalty should be imposed for violating the ban.

Now, the Chairman called for public comments from the floor with regard to the subject public hearing.

It was the consensus of the Board of Supervisors to lift the burning ban since drought conditions in Tazewell County have improved to some degree. Several Board members indicated that county citizens would like to burn debris as a result from fall clean-up on their property.

The County Attorney, Eric Young, told the Board that if conditions changed, they could put the burn back in place.

Now, upon motion of Supervisor Griffith, 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 lifts the burning ban in Tazewell County, effective immediately, with the understanding that the burning ban ordinance can be reenacted by the Board of Supervisors should drought conditions should worsen in Tazewell County.

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#### **TAZEWELL COUNTY TOURISM STRATEGIC PLAN- GINGER BRANTON, MARGIE DOUGLASS AND RANDY ROSE**

Margie Douglass, Tazewell County Economic Development & Tourism Coordinator, Ginger Branton, Chairperson of the County Tourism Committee and Randy Rose, Tourism Development Specialist, Virginia Tourism Corporation, presented to the Board of Supervisors a copy of the Tourism Strategic Plan for Tazewell County, Virginia 2008. The development of the Plan started last April by the local tourism committee, local chamber of commerce, various people in the tourism business and Randy Rose, with the Virginia Tourism Corporation. The plan gives the County’s primary tourism resources and emphasizes the county’s rank of 3<sup>rd</sup> in State tourism spending for 2006. The plan outlines goals for the County’s tourism

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program as well as the need to hire a full-time tourism director, visitors' center manager and the importance of completing the County's Comprehensive Plan. The County Administrator suggested that a copy of the Plan as presented be given to the county tourism director applicants and request their input and thoughts on the proposed plan.

Now, upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts the Tazewell County Tourism Strategic Plan as hereby presented. A copy of the plan in a form as adopted is on file in the office of the County Administrator, Main Street, Tazewell, Virginia 24651 and incorporated hereto by reference thereto.

Supervisor Anderson questioned the rumor circulating regarding the moving of The Sanders House Visitors Center in Bluefield. Ms. Branton told Supervisor Anderson that the talk was only rumor; in fact, she suggested that the Board of Supervisors consider the placement of another Visitor's Center in the County.

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#### HISTORIC CRAB ORCHARD MUSEUM

#### \$5,528 APPROVED FROM CONTINGENCY FOR REPAIRS TO FACILITY

Following presentation and request by Charlotte G. Whitted, Executive Director, Historic Crab Orchard Museum & Pioneer Park, Inc. and 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 amount of \$5,528 from the FY07-08 Contingency Fund, Acct. No. 91050-7023, contingent upon available funding, payable to the Historic Crab Orchard Museum and Pioneer Park, 3663 Crab Orchard Rd. Tazewell, Virginia 24651. Once available funding is determine, 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. Supervisor Anderson recommended that the Transient Occupancy Tax revenues continue to be earmarked for projects such as this. He further noted the recent increase of tourism in the County by thirteen percent (13%), according to State information.

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#### SCHOOL FOR LIFE - YOUTH ON A MISSION FUNDING REQUEST

Brad Keen, School for Life-Youth on a Mission, 213 Lyons Avenue, Tazewell, Virginia reported that the organization received Federal income tax exemption status - 501 © (3). Mr. Keen requested that the Board of Supervisor allocated funding for the School for Life program. The program offers activities for the youth in the Tazewell and surrounding areas with a focus on youth who are troubled especially those who have problems with drugs and other addictions. The Board thanked Mr. Keen for his work and commitment to those in need.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all those present voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby approves the following monies from Youth Funds (\$5,500) as set forth below:

- Southern Youth Acct. No. 72010-5607      \$2,500
- Western Youth Acct. No. 72010-5608      500
- Northwestern Youth Acct. No. 72010-5609      1,000
- Eastern Youth Acct. No. 72010-5605      500
- Northern Youth Acct. No. 72010-5606      1,000

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 or Tazewell County, Virginia.

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JOSEPH EKWEARIR, MOTHER OF CHRIST JULINOEL,

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#### TAX EXEMPT STATUS REQUEST-

Following an appeal from Dr. Joseph Ekwearri, Mother of Christ Julinoel regarding a tax exemption status request, the Board of Supervisors requested that the County Attorney, Eric Young, seek an opinion from Emma Hagy Commissioner of Revenue regarding Dr. Ekwearri's request. The total real estate tax exemption request for the most recent year was reported at \$11,859.00. The Mother of Christ Julinoel is located on 520 Dogwood Road, Tazewell, Virginia and is an assisted living facility providing care to the disadvantage of the community with preferential option to the elderly. The facility previously operated as a business in the name of Dogwood Estates Assisted Living. The name was changed in December 2006 to the Mother of Christ Julinoel.

A report on this matter will be given to the Board of Supervisors by the County Attorney at a later date.

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#### STEVEN COLE'S REQUEST TO APPEAL THE TAZEWELL COUNTY PLANNING COMMISSION'S DENIAL FOR A VARIANCE FROM THE SUBDIVISION ORDINANCES LOT SIZE AT MAID STREET IN CEDAR LAND FARM SUBDIVISION LOTS 2 & 3 BLK 3, SECTION 2.

Jim Ribble, Alpha Land Surveyors, presented on behalf of Mr. Steven Cole, a request for the Board of Supervisors to grant Mr. Cole a variance for the division of PLAT Showing Survey for Andrew Whited at Maid Street, Being Lots 2 & 3, Blk 3 Section 2-Cedar Land Farms. The proposal of the division into 2 lots, with each lot size totaling approximately 88 x 100 does not meet the County's Subdivision Ordinance. The Tazewell County Planning Commission denied Mr. Cole's request for a variance.

Mr. Ribble showed a Plat to the Board of Supervisors regarding such request. Mr. Cole believes the lot should be divided into two lots because there would be an 87' x 6" wide frontage on state maintained road which is over the 80 ft. requirement. Also, Mr. Cole stated in letter to the County Attorney that the variance should be granted because the subdivision is approximately 40 years old and there are houses on lots in the subdivision that does not meet the ten thousand square feet requirement.

Mr. Bill Gillespie, a member of the Tazewell County Planning Commission was present and said the Planning Commission denied the request because the Plat did not meet the requirements of the Subdivision Ordinance.

#### MR. COLE'S REQUEST DENIED BY BOARD OF SUPERVISORS

Now, upon motion of Supervisor Wimmer, seconded by Supervisor Griffith 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 denies Mr. Steven Cole's request for a variance from the Subdivision Ordinances lot size at Maid Street, in Cedar Land Farm subdivision lots 2 & 3 Blk. 3, Section 2.

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#### VDOT REPORTS - MARTY HALLOWAY

Marty Halloway, Virginia Department of Transportation, Resident Administrator, presented to the Board a list of highway activities since the last Board of Supervisors meeting. Mr. Halloway also introduced Jim Jones. Mr. Jones was recently hired by VDOT to fill the vacancy of previous VDOT employee, Gary Earp. Mr. Earp was hired in the spring 2007 by the County for the position of County Engineer.

- Paving schedule has been completed in Tazewell County including the snow plow markers on Route 623.
  - Begin placing asphalt on Rte. 617 in Red Root Ridge (Rural Rustic) on November 28, 2007.
  - Received the approval on the land conveyance for Frank Kersey on Kersey Road. (One part is cleared up - the other part is being worked on).
  - The County office needs to schedule a Coal & Gas Road Meeting
  - A resolution is needed from the County to VDOT to discontinue maintenance on the Convenience area on Route 61 for the County.
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- A revenue sharing meeting was held December 3, 2007 with the towns and county to address potential projects for the 2008 Revenue Sharing money and addressed a follow-up meeting is scheduled for February 1, 2007 at the Town Hall in Richlands.
- Gave the Board of Supervisors an update on the new Sub-division Street Requirements affecting localities in Virginia. The link is [Virginiadot.org/projects/ssar/default.asp](http://Virginiadot.org/projects/ssar/default.asp)
- Thanked the Board of Supervisors for the contributions and use of the Fuller Peery Building at the Fairgrounds on December 14 for VDOT's annual Turkey Fry.

#### DISCONTINUE OF VDOT MAINTENANCE - OLD SECTION OF ROUTE 61/GRATTON AREA

Upon motion of Supervisor Hymes, seconded by Supervisor Hymes 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 adopts a resolution discontinuing VDOT maintenance of the old section of Route 61/Gratton area (where the dumpster will be placed). VDOT will continue to mow and maintain the area in question on VDOT's right-of-way.

#### NEW SUBDIVISION STREET REQUIREMENTS

The Board of Supervisors questioned the new subdivision street requirements and following objection to same, and upon motion of Supervisor Anderson, seconded by Supervisor Griffith 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 authorizes and directs the County Attorney, Eric Young to send a letter/resolution to the General Assembly, the Virginia Association of Counties (VACo) and the State Transportation Board voicing objection to the new subdivision street regulations for localities. The Board felt the new requirements were too extreme for rural counties. Chapter 382 of the 2007 Acts of Assembly (SB1181) added 33.1-70.3 to the Code of Virginia. The new legislation will require the CTB to develop Secondary Street Acceptance Requirements which must be met prior to acceptance into the State Secondary System for maintenance by the Virginia Department of Transportation.

#### OTHER ROAD CONCERNS

Supervisor Wimmer questioned whether Clinch Street, beside K-mart in the Claypool section of the County, was in the State System or in the County's road system. The road in question needs stop signs and other repairs. If the road is not in the state system, it was requested that the road be considered for inclusion in the State system. Bill Dillon, County Road Consultant said that there might be some drainage issues with the road.

Supervisor Anderson requested that the Falls Mills/underpass area at Woodtech be cleaned up as well as placing no parking and no littering signs in the vicinity. It has been alleged that the road in question is being used as an area for illegal activities. Mr. Halloway will look into this matter. He said that he has heard numerous complaints about this particular area.

Supervisor Anderson then questioned if there has been any new updates regarding the design of the Lakeview & Camp Joy intersections. Mr. Halloway reported that the areas in question might be candidates for revenue sharing money.

Chairman Rasnick requested that Marty Halloway with VDOT be placed on the agenda as a separate item prior to Citizen Comments Scheduled.

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#### EMERGENCY SERVICES COMMITTEE - RECOMMENDATION & APPROVAL

Upon recommendation of the Tazewell County Emergency Services Committee as presented and upon motion of Supervisor Griffith, 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 Jewell Ridge Fire Department's request that the old Richlands Fire

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Department tanker located at the Claypool Hill Sub-division be hereby assigned to and utilized by the Jewell Ridge Fire Department.

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#### APPOINTMENTS

##### Emergency Services Committee-

Upon motion of Supervisor Rasnick, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Earl W. Griffith, 5820 Stinson Ridge Road, Jewell Ridge, Virginia 24622 as a member of the Tazewell County Emergency Services Committee, commencing immediately. This is an At-large appointment and serves at the will and pleasure of the Board of Supervisors.

##### Public Service Authority - PSA

Upon motion of Supervisor Wimmer, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints Aaron Roberts, 257 Richardson Road, Cedar Bluff, Virginia 24609 as a member of the Tazewell County Public Service Authority, with a term commencing January 1, 2008 and expiring December 31, 2011 (four (4) year term).

One (1) Southern appointment to the PSA Board was deferred to the January 8, 2008 meeting.

##### Southwest Virginia Health Authority

Upon motion of Supervisors hereby appoints Eli Jones, PO Box 411, Tazewell, Virginia 24651 as a member of the Southwest Virginia Health Authority. Gary Crum, Ph. D. Executive Director, is the contact person, 276-328 – 0249. The Board of Supervisors hereby further authorizes and approves County mileage reimbursement rate for Mr. Jones when attending the SVHA meetings, subject to legal review and approval.

##### Airport Authority

Upon motion of Supervisor Wimmer, seconded by Supervisor Griffith 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 the Wayne Thompson, 163 Katelyn Drive, Cedar Bluff, Virginia 24609 to serve as a member of the Tazewell County Airport Authority for a term commencing July 1, 2008 and expiring December 31, 2010.

##### Airport Authority

Upon motion of Supervisor Rasnick, seconded by Supervisor Griffith 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 Don Payne, 5260 Abbs Valley Road, Bluefield, Virginia 24605 to serve as a member of the Tazewell County Airport Authority, 5260 Abbs Valley Road, Bluefield, Virginia 24605 with a term effective January 1, 2008 and expiring December 31, 2010 (three-year term).

##### Disability Services Board

Upon motion of Supervisor Hymes, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints the following individuals to serve as members of the Tazewell County Disability Services Board and with terms as set forth below:

- Carla Lewis, 202 Hill Avenue, Bluefield, Virginia 24605 with a term commencing January 1, 2008 and expiring December 31, 2009 – 2 year term.
- Patricia Green, 106 East Main Street, Tazewell, Virginia 24651 with a term commencing January 1, 2008 and expiring December 31, 2008.
- William Cole, PO Box 110, Doran, Virginia 24612 with a term commencing January 1, 2008 and expiring December 31, 2009 – 2 year term.

#### CUMBERLAND PLATEAU PLANNING COMMISSION

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Upon motion of Supervisor Hymes, seconded by Supervisor Griffith 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 the following persons to serve as members of the Cumberland Plateau Planning Commission and with terms as set forth below:

- Dave Anderson, 314 Ridgeway Drive, Bluefield, VA 24605 with a term commencing January 1, 2008 and expiring December 31, 2011.
- Billy B. Wimmer, 175 Addison Road, Cedar Bluff, VA 24609 with a term commencing January 1, 2008 and expiring December 31, 2009. This appointment fills the expiring term of Earl Griffith.

#### SOCIAL SERVICES BOARD

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 Dr. Charles S. Thomason, Rt. 2, Box 153, Bluefield, Virginia 24605 as a member of the Tazewell County Social Services Board, with a term commencing January 1, 2008 and expiring December 31, 2011 (four(4) year term). Now, upon motion of Supervisor Wimmer, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Earl W. Griffith, 5820 Stinson Ridge Road, Jewell Ridge, Virginia 24622 to serve as a member of the Tazewell County Social Services Board, with a term commencing immediately and expiring December 31, 2008.

#### SOUTHWEST VIRGINIA EMERGENCY COUNCIL, INC.

Upon motion of Supervisor Griffith, 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 Rudy Keith, Route 4, Box 562, North Tazewell, Virginia 24630 to serve as a member of the Southwest Virginia Emergency Council, Inc. Board of Directors, with a term commencing January 1, 2008 and expiring December 31, 2010.

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#### COUNTY ATTORNEY REPORTS

Eric Young, County Attorney, reported the following legal matters:

- Deaton Street, Bluefield, Virginia - The alleyway has been cleared except for one post. The post will be removed with in-house workforce and an hourly invoice will be given to Ms. Rosa Austin for the labor involved. The County Attorney will request that the courts reduce the matter to a judgment so the monies can be collected more quickly.
- Nuisances & Blight update - 111 Town Hollow Road - The Task Force Committee has held several meetings with regard to the potential drug blight. A procedure has been outlined by the Committee to determine whether there is enough evidence and facts to declare the area as a drug blight. A full report to the Board will be given at a later date.
- Caleb Hollow Road, Legal matter - A trial on this subject will be held December 14 in the Circuit Court of Tazewell County. Supervisor Wimmer reported that he has received several complaints concerning the cemetery gate being locked in this particular area. He requested that the cemetery gate matter be investigated.
- Kersey Road - the deeds have been drafted and the Kersey's have reviewed the documents. VDOT is reviewing the deeds to ascertain appropriate right-of-ways.
- SECOND CHANCE LEARNING CENTER

\$60.00 FROM EACH DISTRICT FUND (\$300.00)

The County Administrator received a letter of request from Erik Robinson, Executive Director, Second Chance Learning Center, seeking the Board of Supervisors approval to provide personal property tax exempt status for the Second Chance Learning Center. The organization is seeking tax relief in the

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amount of \$297.00 for a 2003 Ford. The Board of Supervisors felt that the best solution to the request would be to donate \$60.00 from each of the five (5) districts instead of authorizing a public hearing for the tax exempt status request. The County Attorney, Eric Young, said that the Second Chance Learning Center would be charged advertising costs for the public hearing and the costs for same would exceed the tax amount owed to the Treasurer.

Now, upon motion of Supervisor Anderson, seconded by Supervisor Griffith 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 \$300.00 - \$60.00 from each District Fund respectively, payable to the Second Chance Learning Center, 14 Westwood Medical Center, Bluefield, Virginia 24605. 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.

- MOON LITE JUNK YARD

Eric Young, County Attorney, stated that he is working with Attorney, Fred Harman with regard to several matters concerning the Moon-Lite Junk Yard. A fence/barrier will be constructed to keep the junk from public view and at the same time a temporary easement will be given to the County for a flood evacuation route.

- APPALACHIAN AGENCY FOR SENIOR CITIZENS -  
LEASE FOR OLD JR. HIGH SCHOOL CAFETERIA, TAZEWEEL, VIRGINIA

Upon recommendation of the County Attorney, Eric Young and upon motion of Supervisor Griffith, 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 enters into a LEASE RENEWAL, by and between the Tazewell County Board of Supervisors and the APPALACHIAN AGENCY FOR SENIOR CITIZENS, with regard to the TAZEWEEL COUNTY SENIOR CITIZENS' CENTER (formerly the Tazewell Junior High School Cafeteria), located adjacent to the Tazewell County Administration Building, in the Town of Tazewell, Virginia; and FURTHER THAT THE LEASE AGREEMENT IS FOR A ONE (1) YEAR TERM - AND for and in consideration of a sum of one dollar (\$1.00), cash in hand paid by the Agency (AASC) to the County, the parties further hereby acknowledge their agreement to renew the Lease Agreement, dated the fourth (4) day of December, 2007, and upon the same terms and conditions of the original LEASE AGREEMENT DATED, NOVEMBER 12, 1987. A copy of the lease renewal as well as the original lease agreement is attached hereto and incorporated herein by reference thereto.

- INDEMNITY AGREEMENT - STATE TAX CREDIT  
TOWN & COUNTRY BUILDING

Upon recommendation of the County Attorney, Eric Young, and upon motion of Supervisor Griffith, 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 enters into an INDEMNITY AGREEMENT BY THE UNDERSIGNED ("the "Guarantor"), for the benefit of Foss Virginia 2007 Fund, I, LLC a Delaware limited liability company (the "State Tax Credit Limited Partner"), as the State Tax Credit Limited Partner in Town & Country Partners, LP, a Virginia limited partnership (the "Partnership").

A copy of the Indemnity Agreement in a form as hereby adopted is on file in the office of the County Administrator, located on Main Street in Tazewell, Virginia 24651.

#### JANUARY 8, 2008 BOARD OF SUPERVISORS ORGANIZATIONAL MEETING

Upon motion of Supervisor Griffith, 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 that the Annual/Organizational Meeting of the Board of

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Supervisors be held in the new Town & Country Building, 108 East Main Street. An open house will be held the same day.

#### COUNTY ADMINISTRATOR REPORTS

The County Administrator, Jim Spencer, updated the Board of Supervisors with regard to the following matters:

- Roads Update and road paving projects report - the road paving projects are almost complete
- Landfill -4A - the project is on winter shut down
- Comprehensive Plan and Zoning status - Ms. Holly Lesko continues to work with the Comprehensive Plan Task Force on this subject. Gary Earp is waiting response with regard to the Comprehensive Plan Development Plan Survey. A map is being created for BOS input to help develop a future land use map. This will be the first stage of zoning and help with the progression of the comprehensive plan.
- T-21 VDOT ENHANCEMENT PROJECTS; HISTORIC CRAB ORCHARD MUSEUM AND POCAHONTAS TRAIL - PROJECT ADMINISTRATOR

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 3 to 1, with Supervisor Anderson voting nay and with Supervisor Griffith absent from the vote, the Tazewell County Board of Supervisors hereby rescinds the action of November 6, 2006, with regard to the Board of Supervisors desires to have the Town Manager of the Town of Tazewell, Virginia serve as The Project Coordinator to administer the Virginia Department of Transportation - T-21 Enhancement Projects relating to the Historic Crab Orchard Museum and the Pocahontas Trail. And, hereby further transfers the duties of the Project Coordinator to the Tazewell County Engineer, Gary Earp. The enhancement projects consist of landscaping and parking improvements at the Museum, and the design of a trail from Bluestone Junction to Pocahontas adjacent to the abandoned rail line in Pocahontas. Supervisor Anderson voted no because he said that he would like to see Gary Earp keep his focus on the development of the comprehensive plan and proposed zoning.

- VIRGINIA SOUTHERN RIVERS WATERSHED ENHANCEMENT PROGRAM - \$1,000,000.00

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 adopts a resolution authoring the submission of a grant application for Virginia Southern Rivers Watershed Enhancement Program (SRWEP) funds in the 2007-2008 funding cycle in the amount of \$1,000,000.00 for the Bluefield to the Divides Sewer Extension Phases IB & II Project and hereby further designates the County Administrator, Jim Spencer, as its representative to sign all documents pertaining thereto.

A copy of the resolution of in the form as hereby adopted is attached hereto and incorporated herein by reference.

- ISLE OF WRIGHT - PLASTIC BAG PROPOSAL

There was nothing new to report with regard to the plastic bag proposal from Isle of Wright.

- RECREATION FACILITIES AUTHORITY

The Recreation Facilities Authority met this date to address various topics. Interviews for a new Director of Tourism are being scheduled.

- COUNTY AUCTION

A County auction for surplus vehicles, office equipment and other surplus items will be held December 15, 2007 at the Landfill Maintenance Shop area.

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Chairman Rasnick suggested that the County look into marketing the county's surplus items on the internet in the future. He learned about this type of marketing proposal during the November VACo Conference.

- ECONOMIC DEVELOPMENT REPORT

The County Administrator reported the need to develop a web-page for the Bluestone and suggested that the County procure professional services to help develop same as well as revamping the County Website in its entirety. The Board did not object to this undertaking.

- RICHLANDS INCUBATOR & BLUEFIELD WORKFORCE

The County Administrator commended Pam Necessary, Richlands Incubator Assistant for her exceptional work in developing a brochure offering Grantsmanship Training at the Richlands Incubator September 15-19, 2008. The training program is a nationwide training seminar and for the seminar to be held in Richlands is an excellent way to market Tazewell County. The County Administrator said that this was a great accomplishment. Ms. Necessary will be coalescing her duties at the Richlands Incubator with the Workforce Center in Bluefield.

#### WORKFORCE INVESTMENT BOARD - CHIEF LOCAL ELECTED OFFICIAL

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 appoints D. Michael Hymes, PO Box 7, Tazewell Virginia 24651 to serve as a member of the Workforce Investment Board - CLEO (Chief Local Elected Official). This appointment fills the expiring term of Earl W. Griffith, effective January 1, 2008.

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#### BOARD CONCERNS

Supervisor Hymes questioned the landfill tipping fees and wanted to know what individuals were charged. Ms. Green said that contractors were the only people charged tipping fees.

Supervisor Hymes wanted to know what the County was going to do with the Falls Mills School. He said that the County should decide what avenues to take with regard to utilization the property.

Supervisor Hymes questioned whether the County could make a second application for the WIRED Grant.

Supervisor Hymes requested that Rick Fisher with the Higginbotham Museum be placed on the January 8, 2008 Board of Supervisors agenda to address a proposal for the museum.

Supervisor Wimmer mentioned the on-going nuisance on Route 609 involving two (2) abandoned trailers. The County Attorney advised that the County could consider the adoption of an ordinance pertaining to "defacement of property". The Board concurred that the County should hold a public hearing to receive comment on this subject.

#### RICHLANDS FIRE DEPARTMENT - MONIES APPROVED TO ASSIST WITH RADIO SYSTEM EQUIPMENT FOR TWO (2) NEW FIRE TRUCKS

Upon motion of Supervisor Wimmer, seconded by Supervisor Griffith 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 \$3,658.20 from the Western District Fund, Acct. No. 91400-5680 payable to the Richlands Fire Department to assist in the purchase of a new radio system for the new fire truck recently purchased.

And, further, upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$3,658.20 from the Northwestern District Fund, Acct. No. 91400-5660 payable to the Richlands Fire Department to assist in the purchase of a new radio system for placement in the second new fire truck recently purchased for the Richlands Fire Department.

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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.

Supervisor Wimmer then reported the following concerns:

- o Requested that the County obtain a paving estimate on Post Street in Pounding Mill.
- o Reiterated the need for some type of zoning ordinance in the County for the protection of landowners.
- o Applauded the Jennmar Corporation for its growth and encouraged other Board members to publicize their company and to send customers their way.
- o Thanked Supervisor Griffith for being a mentor and wished him the best in his future endeavors.

Supervisor Rasnick addressed the following concerns:

- o Voiced concern that the School Board and Board of Supervisors continue to be on different pages with regard to the School facilities projects.
- o Reiterated the need to market the Bluestone
- o Requested that the County reconsider an annual in-house reassessment. He said that this method would be less expensive and would be fairer to the taxpayers.

Supervisor Hymes said that alternate revenue for the County needs to be found other than relying on tax dollars.

The County Administrator said that the County conducted a study on an in-house reassessment and that the report could be revisited.

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ORDINANCE OF VACATION – ORCHARD STREET AND CLIFF AVENUE LOCATED EAST OF TAZEWELL, TAZEWELL COUNTY VIRGINIA

Following recommendation by the County Attorney, Eric Young, and upon motion of Supervisor Anderson, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, BE IT ORDAINED THAT “Harman Avenue as shown on a map attached to a deed dated June 11, 1947 from Charles A. Harman and wife to Grace Cecil entitled “Harman Addition to the Town of Tip Top” and heretofore recorded in the Tazewell County Circuit Court Clerk’s office in Deed Book 176, page 133 hereby is vacated pursuant to Section 15.2-2272 of the Code of Virginia, (1950), as amended. Further, pursuant to Section 15.2 – 2006 of the Code of Virginia (1950) as amended, this vacation shall not be effective unless and until said lot 37, as shown on the aforesaid plat, is conveyed in fee to Joseph Melvin, the current owner of lots forty (40) through thirty eight (38) by deed recorded in the Tazewell County Circuit Court Clerk’s Office;

And this Ordinance shall be recorded in the aforesaid Clerk’s Office, but only after said conveyance to Joseph Melvin is recorded as above described.

It is so ORDAINED by the Board on this 4<sup>th</sup> day of December, 2007.

An, further that a copy of the Ted Alan Puckett & Hilda Puckett be incorporated as follows, “Dear Board Member, “We do not oppose the closing of the right of way known as Harman Avenue shown on the attached map. We have lived here on lots 24, 25, and 26 for 41 years and the Avenue has never been opened. We have no objections to the closing. Sincerely, Ted Alan Puckett and Hilda Puckett. “

A copy of the complete ordinance in the form as hereby adopted is on file in the office of the County Administrator, on Main Street, Tazewell, Virginia 24651.

RICHLANDS HIGH SCHOOL –  
GIRLS VARSITY BASKETBALL TEAM  
\$400.00

Upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$400.00 from the Northwestern District Youth Fund, Acct. No. 72010-5609, payable to the Richlands High School -Girls Varsity Basketball Team, 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 addressed the following matters during board concerns:

- o Requested that a representative from Comcast Cable attend the January 8, 2008 meeting to answer questions regarding the increase in cable rates and other cable concerns.
- o Animal Shelter floor sealant concern & Animal Shelter Septic System- Requested that Gary Earp look at the problem and report his ideas and a possible solution.
- o The County Administrator reported on the meeting recently held with Grayson County officials concerning the construction of a prison site in Grayson County. The group had a breakfast meeting in Bluefield and visited the Pocahontas Prison site and discussed ways to capitalize from prison construction.
- o Requested that a list of tax-exempt properties be obtained from Emma Hagy - Commissioner of Revenue
- o Requested an update on upcoming Coal Severance funding and projects
- o SATIRA meeting update - Pat Green reported that the most recent meeting went well with approximately 35 or 40 people in attendance
- o Reiterated the importance of returning the Comprehensive Plan Survey questionnaire to Gary Earp and questioned when another Comprehensive Plan sub-committee would be scheduled. The County Administrator reported that a meeting would be scheduled in January 2008 with hopes to have a draft plan to disseminate within the next few months.

#### BLUEFIELD VIRGINIA BUSINESS AND PROFESSIONAL ASSOCIATION

\$1,000.00

Upon motion of Supervisor Anderson, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Eastern District Fund, Account No. 91400-5640 payable to the Bluefield Virginia Business and Professional Association, PO Box 851, Bluefield, Virginia 24605.

This action is contingent upon the Association being determined 501 © 3 status by the IRS and contingent upon the Association providing the County with a copy of its financial report for the most recent year.

The County Administrator is further 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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#### TAZEWELL COUNTY PUBLIC SCHOOLS -

\$41,700.00 - MOUNTAIN KIDS, INC. TRANSFER OF FUNDING

Upon motion of Supervisor Anderson, seconded by Supervisor Griffith 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 appropriates the amount of \$41,700.00 from the General Fund to the School Fund, FY07-08. This is flow-through funding from Mountain Kids, Inc. and will provide part-time school health

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assistants in each elementary school in the County. The Treasurer of Tazewell County is hereby authorized and directed to transfer these funds in accordance with this action.

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WESTERN DISTRICT FUNDS -

\$9,400.00 TO PSA FOR ROUTE 699 - SEWER PROJECT

Upon motion of Supervisor Wimmer, seconded by Supervisor Griffith 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 \$9,400.00 from the Western District Fund, Account No. 91400-5680, and checked issued to the Tazewell County Public Service Authority to assist with modifications, etc. to the Route 699- Little Smith Ridge/Sewer line project. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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The Board of Supervisors again commended Supervisor Griffith for his dedication and service to the people of Tazewell County and wished him good luck in future endeavors.

ADJOURN

Now, there being no further business to be transacted and upon motion of Supervisor Wimmer, seconded by Supervisor Griffith 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 adjourns this meeting.

The Organization/ Annual meeting will be held January 8, 2008 at 6:00 p.m. in the new County Administration Building (Town & Country Building) 108 East Main Street, Tazewell, Virginia 24651.

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Chairman William B. Rasnick

Adjourn time: 10:30 p.m. -

By: rg

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