

**VIRGINIA: AT A RECESSED MEETING OF THE TAZEWELL COUNTY
BOARD OF SUPERVISORS HELD FEBRUARY 11, 2009 AT 3:00
P.M. IN THE TAZEWELL COUNTY ADMINISTRATION
BUILDING, 108 EAST MAIN STREET, TAZEWEL, VIRGINIA
24651**

**PRESENT: DAVID R. ANDERSON, CHAIRMAN
BILL WIMMER, VICE-CHAIRMAN
MIKE 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, CLINCH VALLEY
NEWS/RICHLANDS NEWS PRESS; CHARLES OWENS,
BLUEFIELD DAILY TELEGRAPH**

ABSENT: NONE

DRAFT COPY

The Chairman, David R. Anderson called the recessed meeting to order and presided, with all members in attendance. Supervisor Wimmer gave the invocation with Supervisor Hymes leading those present in the pledge of allegiance.

AGENDA APPROVED AS AMENDED

Upon motion of Supervisor Hymes, 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, the Tazewell County Board of Supervisors hereby approves the February 11, 2009 meeting agenda as amended. Amendments included the deferral of Item 4-B, Consider of approving a license for Used Auto Parts Dealer – Michael Sheets, Sheets Towing to the March 3, 2009 regular meeting and moving Item # 6 Discussion regarding the proposed ordinance to regulate construction of tall structures on certain ridgelines in Tazewell County and confirmation of steering committee moved prior to the executive/closed meeting.

SCHOOL BUDGET –SAVINGS FROM FISCAL YEAR BUDGET DISCUSSION

Chairman Anderson reiterated that he knew the school board was struggling with their budget and stated that he had spoken to the other supervisors as well as to Dr. Lawson concerning the carry –over request. He said that the Board could make no promises at this time. The school board has requested that their savings from fiscal year budget revert back to the school budget to be used to offset debt services and operational expenses.

Supervisor Hymes spoke of the importance of keeping everyone working. He said that people must have jobs to stay afloat, to pay their bills and to buy essentials as well as their taxes. He reiterated that most people’s jobs are their life and they can’t do anything if unemployed.

Supervisor Wimmer stated that he had been approached by several, questioning why they didn’t receive the pay raise given to teachers and why another bus couldn’t be purchased for the safety of children and various other questions. He reiterated that the cuts being made were state mandated and that this Board would do the best they could during the upcoming fiscal year, but this was not the board to discuss the 3.5 million funding loss with.

Supervisor White encouraged the county’s budget committee to move forward as quickly as possible in order to substantiate the challenging tasks that await them.

PROPOSED ORDINANCE TO REGULATE CONSTRUCTION OF TALL
STRUCTURES ON CERTAIN RIDGELINES IN TAZEWELL COUNTY, VA AND
CONFIRMATION OF STEERING COMMITTEE

The Chairman, David R. Anderson, brought to discussion the proposed establishment of a steering committee with regard to an ordinance to regulate construction of tall structures on certain ridgelines in Tazewell County. He said that several names had been submitted to him from various board members to serve on the committee. It was decided that the committee should be made up with two (2) members of the Planning Commission and two (2) members of the Board of Supervisors as well as landowners, individuals involved in industry, representatives from Mt. Preservation Association, Farm Bureau representatives, Burkes Garden, as well as the Town of Bluefield, etc.

Supervisor Wimmer encouraged the committee to be comprised from a broad spectrum in order for the committee to work, similar to the committee established for the methadone clinic. He recommended the name of Fred Lawless from Burkes Garden. Supervisor White encouraged a representative from his district even though the ordinance did not greatly influence his district. Supervisor Hymes recommended Emily Edmondson, a formal planner, as well as an individual from Burkes Garden that was knowledgeable of planning. Supervisor Hymes said that it was very encouraging to hear from so many people wanting to be part of the committee and reiterated the importance of having skilled individuals to provide input on this subject. Supervisor Anderson said that he would present these recommendations to the Planning Commission during their February 12, 2009 regular meeting.

APPOINTMENTS

The following appointments were deferred to the March 3, 2009 regular meeting:

- Airport Authority – one member to replace Don Payne who resigned
- Disability Services Board – one member at – large
- Emergency Services Committee – one NW district member

CPMT APPOINTMENT

Now, upon motion of Supervisor Hymes, 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, the Tazewell County Board of Supervisors hereby appoints Barbara Smeltzer, 604 Kiser Road, Tazewell, VA 24651 to serve as the Parent Representative as a member of the Community Policy Management Team (CPMT) – at the will and pleasure of the Board of Supervisors.

ELDERLY TAX EXEMPTION THRESHOLD – TO BE CONSIDERED FOR AMENDMENT PER STATE CODE

Eric Young, County Attorney stated that he had researched Virginia Code and County Code with regard to guidelines for increasing the real estate exemption threshold for elderly residents of Tazewell County 65 and over. He explained the county's exemption threshold guidelines now in place, which is \$25,000 net combined income from all sources and a net combined financial worth of \$75,000, with \$4,000 income exclusion if a relative who's not the spouse or owner lives in the same dwelling. He said that the State Code maximum is now \$50,000 net combined income with \$200,000 net worth criteria. Mr. Young said that this would allow room for the County to adjust its present guidelines. However, the difficulty lies with what the adjustment might cost the County. Persons claiming an exemption must file an affidavit annually and qualify in order to receive a tax exemption. The Board suggested that the County Attorney forward Mrs. Hagy a letter seeking input on this subject and requesting that she provide the number of individuals who are currently qualified for the tax exemption as well as other statistics. This information should be available after March 1. Once the information is obtained, the Board further suggested that this matter be deferred to the County's budget committee for study as well as to address the financial impact of increasing the threshold.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 4 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-1 Personnel – Interviews involving the Northern District – BOS appointee
- A-3 Property disposition involving County building relating to the 911 Department.

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed meeting and hereby certifies that, to the best of each member's knowledge, (i) that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive/closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Tazewell County Board of Supervisors.

Ayes: Supervisor White, Hymes, Wimmer and Anderson

Nays: None

ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING

Supervisor Wimmer moved to submit the name of Thomas Brewster, 172 Angel Lane, Falls Mills, Virginia 24613, to the Circuit Court Judge as the Northern District Supervisor to fill the vacancy as a result of William B. Rasnick's resignation as the Northern District Board of Supervisor member and until the November 2009 election.

The Chairman called for further nominations.

Supervisor White moved to submit the name of James T. Campbell, Jr. 205 Blake Lane, North Tazewell, Virginia 24630 to the Circuit Court Judge as the Northern District Supervisor to fill the vacancy as a result of William B. Rasnick's resignation as the Northern District Board of Supervisor member and until the November 2009 election. The motion died for a lack of a second.

The Chairman called for a motion to close nominations. Supervisor Wimmer moved to close nominations with Supervisor Hymes seconding the foregoing. The motion carried by a vote of 3 to 0, with Supervisor White abstaining.

Now, the Chairman called for a roll call vote to appoint Thomas Brewster, 172 Angel Lane, Falls Mills, Virginia 24613 as a the Northern District Supervisor to fill the vacancy as a result of William B. Rasnick's resignation as the Northern District Board of Supervisor member and until the November 2009 election. The motion was approved by a vote of 3 to 1, with the following roll call vote as hereby recorded:

Supervisor White – Nay

Supervisor Hymes – Aye

Supervisor Anderson – Aye

Supervisor Wimmer – Aye

**RESOLUTION APPOINTING BOARD MEMBER
TO FILL A VACANCY IN THE NORTHERN DISTRICT**

WHEREAS William B. Rasnick, Chairman and member from the Northern District has tendered his resignation to the Clerk of the Board to be effective as of the 6th day of January, 2009;

WHEREAS pursuant to Section 24.2-228 of the Code of Virginia, the Board is authorized to fill a vacancy on the Board by majority vote of the remaining members;

WHEREAS the Board desires to exercise such authority;

NOW THEREFORE, be it RESOLVED, that the Board hereby does appoint THOMAS M. BREWSTER a qualified voter in the Northern District of Tazewell County, whose address is 172 Angel Lane, Falls Mills, Virginia 24613 to serve as Supervisor for the Northern District beginning upon his qualification and continuing until his duly elected successor qualifies, subsequent to the special election previously order by the Circuit Court pursuant to Section 24.2-226;

It is also RESOLVED, that this Resolution be reduced to writing, that the letter of resignation of Mr. William B. Rasnick be incorporated into this resolution and attached to the written form, and that the Clerk of the Board forward the Resolution together with the resignation letter to the Chief Judge of the Twenty-Ninth Judicial Circuit, the Circuit Court Judge sitting in the County of Tazewell, and the Tazewell County Circuit Court Clerk;

Be it further resolved, that the Board of Supervisors of Tazewell County, Virginia hereby finds that the same, THOMAS M. BREWSTER, is a qualified voter of the Northern District of Tazewell County, Virginia and complies with all other rules and requirements with regard to the interim appointment, pursuant to Virginia Code Section 24.2-228.

Now, the Chairman congratulated Mr. Brewster on his appointment and requested that the County Attorney brief the Board on the selection process.

The County Attorney, Eric Young stated that he would submit a petition to the Circuit Court Judge on February 12, 2009 acknowledging that the Board of Supervisors voted to appoint Mr. Brewster to this position. The Circuit Court Judge should have an official order in place in a few days and in time for Mr. Brewster to attend the March 3, 2009 regular meeting.

The Chairman then acknowledged Mr. Campbell, a contender for the position of Northern District Supervisor and thanked him for his cooperation during this process. He invited Mr. Campbell to consider serving on other committees in the County. Mr. Campbell thanked the Board for their consideration and said that he would be happy to serve as a representative on other boards and commissions if the opportunity is given him. The other board members expressed their appreciation to Mr. Campbell and applauded him for his interest in county government and suggested that he talk with Mr. Brewster about the possibility of serving on a committee that Mr. Brewster has knowledge of. Mr. Campbell then congratulated Mr. Brewster and wished him well in his upcoming position. Mr. Brewster then spoke and thanked the Board for selecting him and stated that he would work hard for the citizens of Tazewell County in this capacity.

ZONING RFP

Supervisor Hymes announced that he and Supervisor White is presently serving on the interview committee to review the RFP's for the Zoning Consultant. Two firms were interviewed with both firms proving to be highly capable. Supervisor Hymes said that the committee would further study and review the firms and hopefully have a recommendation at the March 3, 2009 regular meeting.

COAL & GAS SEVERANCE TAX – SUPPORT RUSSELL COUNTY’S REQUEST TO INCREASE TAX FROM 1% TO 2%

The County Administrator, Jim Spencer, stated that he received a request from Russell County asking Tazewell County to support their request that the General Assembly amend Section 58.1-3713 to increase the coal & severance tax from 1% to 2%. Mr. Spencer said that he did not have time today to check on the status of the bill and acknowledged that today was the first day for carry-over bills for the General Assembly. He said that he did not know whether the bill made it out of committee. There are also proposed changes in how the coal & severance tax can be spent. Supervisor Hymes suggested that the County inquire about the possible implementation of wind-energy severance taxes.

Now, 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, the Tazewell County Board of Supervisors hereby supports Russell County’s endeavors with regard to requesting that the 2009 Session of the General Assembly amend Section 58.1-3713 of the Code of Virginia, 1950, to increase the coal and severance tax in that section from one (1%) percent to two (2%) percent, contingent upon legislative approval.

TAZEWELL COUNTY EMERGENCY OPERATIONS CENTER – GRANT

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby ratifies Tazewell County’s application of a \$1,050,000.00 Emergency Operations Grant for Tazewell County, Virginia. The grant money will assist the County in acquiring/constructing a 911 facility – emergency services/EOC operations, i.e. E-911 communications facility, conference/ media, training, etc.

The County Administrator is hereby further authorized and directed to carry out the grant application process and to enter into and execute all documents relating to the grant procedure.

A copy of the grant application in a form as submitted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

VRA – MORAL OBLIGATION – TALKING POINTS

The County Administrator, Jim Spencer, explained a recent bill that would increase VRA's Moral Obligations capacity from \$900 million to \$1.5 billion. He said that this was a very worthwhile bill and the County has utilized the program for landfill development and other capital projects. He said that the bill did cross-over and was now in the House.

Now, upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and approves a resolution of support with regard to a recent bill that would increase VRA's Moral Obligations capacity from \$900 million to \$1.5 billion and that the resolution be forwarded to legislative officials urging the General Assembly's approval of same.

BOARD CONCERNS

\$3,000.00 (\$1,500 Northwestern District & \$1,500 Western District Recreation)

RICHLANDS LITTLE LEAGUE, EARMARKED FOR THE CONSTRUCTION OF A BATTING CAGE – WILLIAM'S FIELD

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,500.00 from the Northwestern District & \$1,500.00 from the Western District Recreation Fund, payable to the Richlands Little League, Richlands, Virginia and earmarked for the construction of a batting cage at Williams Field. The County Administrator is hereby authorized, empowered 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.

TREE IN CLINCH – RAVEN AREA

Supervisor White questioned the status of the tree in the Clinch River in the Raven area. The County Attorney, Eric Young said that he felt that the tree was a nuisance and could be a potential flood issue. He is continuing to check the deeds and other records to determine the property owners and those who might be affected by the alleged nuisance. He has also spoken to Sam Wolford who will be the person in charge to assist in the possible removal of the tree from the river. Mr. Wolford was in charge of a similar tree removal situation in the Bluestone River several years ago.

SOUTHERN DISTRICT DONATION -TAZEWELL LITTLE LEAGUE BASEBALL

- CONTACT JOHN BOOTH JR.

Upon motion of Supervisor Hymes, 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, the Tazewell County Board of Supervisors hereby authorizes the same funding amount as allocated last year from the Southern District Youth Account, payable to the Tazewell Little League Baseball – Tazewell, Virginia, 24651 contact person: John Booth, Jr. 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.

GARBAGE ISSUE – ROUTE 609 KENTS RIDGE AREA FROM SVCC TO CLAYPOOL HILL

Supervisor Wimmer voiced alarm with regard to the amount of garbage that has accumulated along the highways on Route 609 – Kent’s Ridge Section from the intersection to Richlands Town limits as well as from SVCC to Claypool Hill and even into the Southern District. He questioned the status of working with the probationers in order to clean up the roadsides. The County Administrator stated that he recently met with the Sheriff and Judge Chafin with regard to the possibility of the Sheriff’s office taking over the Assign a-highway program. The budget committee discussed this matter with the Sheriff with regard to using county staff etc. to over-see the program. In the

mean time, the County Administrator said that he would work with the Regional Jail with regard to this endeavor.

Now, upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to negotiate with the Regional Jail Authority to expedite the removal of garbage in the County, subject to legal review. Once negotiations are complete, the County Attorney/County Administrator will bring this matter to the Board for discussion and consideration of approval.

EMERGENCY SERVICES COMMITTEE

Supervisor Wimmer requested that the County Attorney review the February meeting Emergency Services request regarding emergency operations by a local fire/rescue department in Tazewell County. The County Attorney will place this matter on the March 3, 2009 meeting for discussion.

The Chairman mentioned the following events – Tazewell Chamber invitation at Tazewell Town Hall on Feb. 12, and the recent announcement regarding local farms in the county pertaining to the disaster declaration by the Governor due to the severe drought conditions in 2008.

\$599,686.55 APPROPRIATION APPROVED FOR SHERIFF – FY09 FEDERAL FORFEITURE MONIES

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves an appropriation in the amount of \$599,686.55 for the Sheriff's office. These are federal forfeiture monies received by the Sheriff of Tazewell County, Virginia.

OTHER BUSINESS

COMCAST CABLE RATES – LETTER PROTESTING RATES

The Chairman, David R. Anderson questioned the status of the letter/resolution to Comcast authorized at the January 6, 2009 meeting in opposition to the rate increases. The County Attorney said that he would check on the status of the letter.

BOUCHER LETTER – LOCAL D.T.V. TRANSMISSION ISSUES

Upon motion of Supervisor Anderson, 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, the Tazewell County Board of Supervisors hereby authorizes the County Administrator to forward a letter to Congressman Boucher regarding the lack of D.T.V. local transmission services in Tazewell County. Citizens in certain areas of the County are unable to receive local TV transmission, such a local weather, school closings, etc.

Supervisor White left the meeting due to a prior engagement.

Supervisor Anderson questioned the status of the Bluefield Virginia fire contact. The County Attorney stated that he continues to work with Attorney Steve Arey on this subject and the contract should be ready by the March 3, 2009 regular meeting.

Supervisor Anderson announced that the Annual AEP Financial Report was available in the County Administrator's office for review if anyone was interested.

Supervisor Anderson announced that he received and forwarded Ms. Patricia Green various articles regarding the upcoming Census. The County Administrator reported that the Census Bureau has a representative one day a week at the Bluestone and one day a week at the Incubator. Anyone interested in applying for a temporary job are encouraged to do so.

Supervisor Anderson requested that the Coal & Gas Road Improvement Committee meet as soon as possible to discuss several urgent topics.

Supervisor Anderson spoke of an interest in the Falls Mills School that needs community input.

Supervisor Anderson requested that the Camp Joy issue be placed on the March 3, 2009 agenda for discussion.

ADJOURN

Now, there being no further business to be transacted and upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 3 to 0, with Supervisor White absent, this meeting stands adjourned.

The next regular meeting is scheduled for March 3, 2009 at 5:30 p.m.

David R Anderson, Chairman

By: rg

Recess time: 7:35 p.m.