

**VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY
BOARD OF SUPERVISORS HELD FEBRUARY 3, 2009 AT 5:30
P.M. IN THE TAZEWELL COUNTY ADMINISTRATION
BUILDING, TAZEWELL, VIRGINIA 24651**

**PRESENT: DAVE R. ANDERSON, CHAIRMAN
BILLY B. WIMMER, VICE CHAIRMAN (ATTENDED THE
EXECUTIVE SESSION AND THE FIRST 30 MINUTES OF THE
MEETING VIA TELE- REMOTE ATTENDANCE FROM HIS
AUTOMOBILE EN ROUTE TO THE MEETING FROM HIS
HOME DUE TO INCLEMENT WEATHER – PURSUANT TO
VIRGINIA CODE SECTION 2.2-3708.1(2)).
D. MICHAEL HYMES, MEMBER
SETH R. WHITE, MEMBER
C. ERIC YOUNG, COUNTY ATTORNEY
JIM SPENCER, COUNTY ADMINISTRATOR
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT
MEMBERS OF THE PRESS – JIM TALBERT, CLINCH VALLEY
NEWS; CBS – 59 NEWS; WVVA – TV6; WILLIAM PAINE,
ADVENTURE RADIO**

David R. Anderson, Chairman of the Tazewell County Board of Supervisors called the regular meeting to order and presided.

Supervisor White gave the invocation with Supervisor Hymes leading those present to the Pledge of Allegiance to the US Flag.

Due to the inclement weather, a winter storm warning, Vice Chairman Bill Wimmer was traveling east towards Tazewell on US 460 and his physical attendance to the regularly scheduled meeting was delayed for approximately 35 minutes due to the snow storm. Now, upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 3 to 0, the Tazewell County Board of Supervisors hereby

authorizes and approves that Bill Wimmer, Vice Chairman of the Tazewell County Board of Supervisors participate in the February 3, 2009 regular meeting of said Board, pursuant to Virginia Code, Section 2.2-3708 .1(2) – via tele- remote until his arrival to the meeting. Vice Chairman used his cell phone from his personal vehicle to participate in the meeting. The voice remote participation could be heard by all members present and by all persons attending the open session of the Tazewell County Board of Supervisors.

AGENDA APPROVED AS AMENDED

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 February 3, 2009 agenda as hereby amended. The Board approved to add one (1) A-6 to the executive/closed session - discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the government unit would be adversely affected involving Workforce Investment.

JANUARY 6, 2009 MINUTES APPROVED

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 approves the January 6, 2009 meeting minutes as hereby written.

TAZEWELL COUNTY AUDIT PRESENTED -YEAR ENDING JUNE 2008

Deanna Cox, Robinson, Farmer, Cox Associates, Certified Public Accountants, Christiansburg, Virginia, presented the Annual Financial Report/Audit for Tazewell County, Virginia for fiscal year ending – June 30, 2008. The Audit was conducted in accordance with auditing standards generally accepted in the United States of America, as well as the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and the Specifications

for Audits of Counties, Cities and Towns, issued by the Auditor of the Public Accounts of the Commonwealth of Virginia.

Ms. Cox presented a narrative overview and analysis of the financial activities of the County for fiscal year ending 2008. The assets of the County exceeded its liabilities at the close of fiscal year by \$24,624,494 (net assets). Of this amount, \$10,812,788.00 was considered unrestricted. At the end of the current fiscal year, the County's government funds reported combined ending fund balances of \$19,622,379.00. Approximately 46% of this total amount, \$9,031,071.00 constitutes reserved fund balance, which is not available for current spending since it has been reserved for capital projects and \$10,590,308.00 or 54% is available for spending at the County's discretion.

Ms. Cox then noted certain matters involving the internal control structures and other operational matters relative to Risk Assessment findings in the County Administration Department, Social Services, Capital Assets, County Accrued Leave Policies, School Board, Statement of Economic Interest and Forfeited Asset Funds. All comments and recommendations have been discussed with appropriate members of management in order to improve the internal control structures of the County. Page 101 of the Audit was also addressed regarding the County's capital asset listing which required significant adjustments by the auditors. It was recommended the listing be reviewed annually for retired assets and assets that fall below the County's capitalization threshold.

In closing, Ms. Cox said that Tazewell County, compared to other counties in the state, due to the Commonwealth's budget shortfall, was in overall pretty-good financial status.

Chairman Anderson thanked Ms. Cox for her presentation. He requested that in the future that the Board of Supervisors receive copies of the audit and all addendums prior to its presentation. He said that this would allow the Board time to review and study the audit in more detail. Other board members concurred with the Chairman's remarks.

The County Administrator, Jim Spencer, stated that the firm of Robinson, Farmer, Cox Associates also audited the PSA records. Ms. Cox said that no significant issues were found with the PSA finances or other book-keeping procedures.

EXECUTIVE/CLOSED MEETING

Now, upon motion of Supervisor White, 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 enter into an executive/closed session pursuant to Virginia Code Section 2.2-3711:

- A-3 Property Disposition involving the health department
- A-3 Property Disposition involving Pocahontas High School
- A-1 Two (2) personnel matters involving County Administration
- A-7 Legal matter involving Landfill Phase 4-A Contract
- A-6 Consideration of the investment of public funds where competition of bargaining is involved, where, if made public initially, the financial interest of the government unit would be adversely affected involving Workforce Investment.

RETURN, CERTIFICATION, REPORT OF ACTION

Now, upon motion of Supervisor Hymes, 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 returns from the Executive/Closed Meeting.

CERTIFICATION OF EXECUTIVE/CLOSED MEETING

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

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

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

convening the closed meeting were heard, discussed or considered by the Tazewell County Board of Supervisors.

Ayes: Supervisor White, Hymes, Wimmer and Anderson

Nays: None

Absent: None

REPORT OF

ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING

HEALTH DEPARTMENT BUILDING – TO IDA

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Wimmer attending the first part of the meeting, via remote conference, the Tazewell County Board of Supervisors hereby authorizes and directs that the Tazewell County Health Department Building property owned by Tazewell County, located at Ben Bolt Avenue, Tazewell, Virginia be hereby conveyed to the Tazewell County Industrial Development Authority (IDA) for proper sale/disposal of same.

PHASE 4 A DEVELOPMENT – TAZEWELL COUNTY LANDFILL

T & L CHANGE ORDER NO. 4

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer attending the first part of the meeting, via remote conference, with all members present and voting in favor thereof and none against the same, the Tazewell County Board of Supervisors hereby authorizes and approves PHASE 4 A DEVELOPMENT FOR THE TAZEWELL COUNTY SANITARY LANDFILL, Change Order No. 4 – Contract 1 – A & A Energy, Inc. T & L Project, No. 8243-05. This change order represents changes to Item's # 4, 5, 17, 19, 22 & 33 as presented and recommended by T & L. A copy of the change order in a form as hereby approved is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

COUNTY ADMINISTRATOR – EMPLOYMENT CONTRACT APPROVED

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Wimmer attending this portion of the meeting, via remote conference, with all members present and voting in favor there of none against the same, the Tazewell County Board of Supervisors hereby authorizes, approves and accepts

the employment contract for the County Administrator, Jim Spencer, as discussed and negotiated by both the Board and Mr. Spencer, and as reviewed by the County Attorney and Phyllis Katz (Virginia employment – legal counsel) and with a copy of same as hereby approved on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

COUNTY ATTORNEY – EMPLOYMENT CONTRACT APPROVED

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer attending this portion of the meeting, via remote conference, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes, approves and accepts the employment contract for Tazewell County Attorney, Eric Young, and as discussed and negotiated by the Board and Mr. Young, and as reviewed by legal counsel, Phyllis Katz (Virginia employment – legal counsel) and with a copy of same as hereby approved on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Wimmer attending this portion of the meeting, via remote conference, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as Consent Calendar, as set forth below, except that that items i.e. “consideration of approving the \$599,686.55 appropriation FY09-Federal Forfeiture monies received by the Sheriff” and the “consideration of approving the Used Auto Parts Dealer – Michael Sheets, Sheets Towing, 351 Cherry Hills Drive, Tazewell, VA 24651” be deleted for further review and consideration. These two (2) matters will be considered by the Board at their February 11, 2009 recessed meeting.

WARRANTS APPROVED AS PAID

December 2008/January 2009

Ordered that Warrant Nos.128943 through 129034, and direct deposits totaling \$212,292.24 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 31, 2008, be approved.

Ordered that Warrant Nos. 129036 through 129126, and direct deposits totaling \$218,731.99 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending January 15, 2009, be approved.

Ordered that Warrant Nos. 442105 through 442212, for \$361,024.03 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of December, 2008, be approved.

Ordered that Warrant Nos. 442214 through 442230, for \$140,257.26 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending December 31, 2008, be approved

Ordered that Warrant Nos. 442232 through 442368, for \$1,542,321.87 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of January 2009, be approved.

Ordered that Warrant Nos. 442370 through 442388, for \$140,729.02 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending January 15, 2009, be approved.

Ordered that Warrant Nos. 801319 through 801332 for \$45,760.15 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of December 2008, be approved.

- Coyote Claims Approved
 - ◆ \$50.00 to Gregory Rasnick, 206 Rasnake Rd. North Tazewell, VA 24630 for 1 coyote killed with snare on January 4, 2009

- ◆ \$50.00 to Shannon Lawson, PO Box 486, Tazewell, VA 24651 for 1 coyote killed with snare on December 26, 2008
- ◆ \$150.00 to Mike Davis, 762 Freestone Valley Road, Broadford, VA 24316 for 3 coyotes killed on January 10, 2009
- ◆ \$50.00 to Mike Davis , 762 Freestone Valley Road, Broadford, VA 24316 for 1 coyote killed on November 24, 2008 with a rifle
- ◆ \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 1 coyote killed on January 15, 2009 with trap
- ◆ \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 1 coyote killed on January 12, 2009 with snare
- ◆ \$150.00 to Jack Harman, 6440 Sinking Waters Road, Bandy, VA 24602 for 3 coyotes killed on January 21, 2009 with a snare
- ◆ \$50.00 to Steve Short, PO Box 698 Steels Lane, Tazewell, VA 24651 for 1 coyote killed on January 19, 2009 with a snare
- ◆ \$50.00 to Bradley Kittle, Box 214, Horsepen, VA 24619 for 1 coyote killed on January 16, 2009 with a rifle
- ◆ \$50.00 to Ronald Holloway, 501 East Fincastle, Tazewell, VA 24651 for 1 coyote killed on January 16, 2009 with a snare
- ◆ \$50.00 to Kerry Johnson, 300 Maple Wood Lane, Tazewell, VA 24651 for 1 coyote killed on November 4, 2008 with a gun.

- ◆ \$150.00 to Larry Lambert, Sr. 401 Plymouth Hollow Road, North Tazewell, Virginia 24630 for 3 coyotes killed with a rifle.
- Library transfers approved - transferred the following amounts from 91050-7041 Contingent Grant Resource Accounts to the Library Accounts as donations received: \$82.81 from Demco to Account No. 6001 Supplies; \$100.00 from M/M William Palmer to 6012 Books; \$200.00 from Jeffersonville Woman's Club to 3120 Contractual; \$500.00 from Stelio & Betty Corte Charitable Foundation to 8101 Equipment; \$2000.00 from George M. Cruise Foundation to 6012 Books.
- Southern District Funds approved - \$500.00 to Cub Scouts Pack 93; \$500.00 to Boy Scouts Troop 93; \$300.00 to Venture Crew 93
- Approved a \$3,000 loan from the Eastern District Fund to the Western District Fund with repayment of funds in the FY2009-10 budget.

CITIZEN COMMENTS

Grey Cruvey, 1732 Mundy Town Road, North Tazewell, Virginia, spoke on behalf of the Tazewell County Democratic Party regarding the Board of Supervisor's selection of a Northern District Board of Supervisor member. Mr. Cruvey requested that the interview process and selection of a member thereof be held in open session. He further said that the Northern District Democratic Committee recently met and recommended that the Board of Supervisors select either Dr. Tom Brewster or Thomas B. Childress to fill the vacancy left by the resignation of Northern District Board of Supervisor member, William B. Rasnick. He said both men were qualified to fill the vacancy and would serve the Northern District well.

EMERGENCY SERVICES REPORT

The Emergency Services Report was deferred to the March 3, 2009 regular meeting of the Tazewell County Board of Supervisors.

APPOINTMENTS

The following appointments were deferred to the next available meeting:

- Airport Authority – 1 appointment deferred (to fill vacancy left by Don Payne’s resignation)
- Disability Services Board – 1 at large
- CPMT – 1 parent representative
- Emergency Services Committee – 1 NW District appointee

Now, upon motion Supervisor White, 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 authorizes and directs the County Administrator to contact the towns in the County that need to appoint a town representative on the Airport Authority, as well as contacting Buchanan County advising them that they need to appoint a new representative or reappoint Steve Cole to serve in this capacity.

AIRPORT AUTHORITY APPOINTMENT

Upon motion of Supervisor Hymes, 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 reappoints Jerry McReynolds, 616 West Riverside Drive, North Tazewell, Virginia 24630 to serve as a member of the Tazewell County Airport with a term commencing immediately and expiring December 31, 2011 (three (3) year term).

JEFFERSONVILLE BOARD OF DIRECTORS

Upon motion of Supervisor Hymes, 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 appoints Teresa White, 109 Bishop Street, North Tazewell, Virginia 24630 to fill the unexpired term of Michael D. Turner, Jr. who resigned as a member of the Jeffersonville Rescue Squad

Board of Directors. Ms. White's term will commence immediately and expire June 30, 2009.

UPDATE ON FILLING THE VACANCY OF THE NORTHERN DISTRICT SUPERVISORS

Chairman David R. Anderson named the seven (7) individuals who responded and sent resumes indicating their desires to be considered as a candidate for the Northern District Supervisor that has occurred due to the resignation of William B. Rasnick:

1. James Campbell, Jr.
2. Edgar Baker, Jr.
3. Kenneth Franklin
4. Barnes Kidd
5. Tom Childress
6. Rene Steele
7. Tom Brewster.

Supervisor Anderson announced that all seven (7) candidates would be interviewed by the Board of Supervisors at a recessed meeting prior to the Feb. 20 deadline. He said that an appointment should be ready by the deadline. Supervisor Anderson said that he had challenged both parties democratic and republican alike to submit names of individuals that might be interested as a contender in filling the vacancy as a result of Mr. Rasnick's resignation. The appointee should be prepared to attend the March 3, 2009 regular meeting of the Board of Supervisors.

County Administrator Jim Spencer stated that he did not want to overstep his boundaries, but remarked on Mr. Cruvey's request that the interview process be held in open meeting. He said that if this happened the last candidate interviewed would have an advantage over the first candidate with regard to the questions that might be raised during the interview process.

ZONING RFP COMMITTEE – FEB. 11, 2009

Supervisor Hymes announced that the Zoning RFP Committee is scheduled to meet February 11, 2009 at 1:00 p.m. to review the two (2) zoning consultant proposals submitted.

TAZEWELL COUNTY SCHOOL BOARD – FUNDING REQUEST

The Tazewell County School Board sent a letter to the Chairman of the Board of Supervisors requesting that the savings from fiscal year budget revert back to the school budget to be used to offset debt service and operational expenses.

Chairman Anderson reported that he and Supervisor Hymes as well as several county employees met with members of the school board and discussed the request and other budget concerns. He said the school board was looking at 3.5 million shortfall for the upcoming budget year, FY09-10. He reiterated that the Board of Supervisors could not commit to any funding requests at this time because the budget committee is in preliminary budget discussions. He said that the Board would work with the school system anyway possible. Supervisor Hymes echoed the Chairman's comments and said that he wanted to do everything possible to keep every agency funded and to keep every employee employed. With this in mind, Supervisor White encouraged the budget committee to meet as soon as possible to begin the budget process.

LEGISLATIVE MEETING UPDATE

Supervisor White said that he sincerely enjoyed the Legislative meeting in Richmond and felt that a lot of accomplishments were made. He said that the meeting(s) concept were good and he was pleased with the outcome. He reiterated the importance of meeting with top officials from various state agencies and said the method of communication was important. Supervisor White said that all the agencies he talked with showed appreciation to the County for visiting with them and showing Tazewell County's interest in legislative issues. Supervisor Hymes echoed Supervisor White's remarks and spoke of the importance of having the opportunity to meet with the Governor on a personal basis. He said he felt good about the economic development discussions as well as Camp 31 concerns.

Supervisor Anderson remarked on the excellent tourism presentation given by the County at the Legislative Meeting and requested that Sam Wolford present the tourism video during the March 3, 2009 Board of Supervisors regular meeting.

TREE IN CLINCH (NORTHWESTERN DISTRICT)

- DECLARE NUISANCE

Supervisor Wimmer arrived at the meeting at approximately 6:35 p.m.

Supervisor White reported that there is a huge tree in the Clinch River (Northwestern District). He said that Travis Hackworth and Jerry Plaster from Richlands contacted him voicing concerns about the tree and the potential cause for flooding, etc.

Now, upon motion of Supervisor White, 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, and contingent upon legal review and approval, to take the necessary actions as may be appropriate with regard the removal of the alleged nuisance – huge tree in the Clinch. The Board further requested that the County GIS department assist by determining the exact location of the tree as well as property owners that may be affected by the alleged nuisance.

SVCC – FESTIVAL OF THE ARTS

\$500.00 FROM EACH DISTRICT (\$2,500.00)

Upon motion of Supervisor Hymes, 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 approves \$2,500.00 (\$500.00 from each district fund respectively) payable to the Southwest Virginia Community College – Festival of the Arts, PO Box SVCC, Richlands, Virginia 24641, and further be it authorized and approved that Ms. Mary Lawson, Executive Director, Festival of the Arts, be notified that she must submit a budget request to the Tazewell County Budget Committee in order to be considered for future funding by the Board of Supervisors.

The County Administrator is hereby authorized, empowered and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

USE OF FAIRGROUNDS AT CHRISTMAS – PROPOSAL

Member Mike Hymes presented a Christmas light proposal as suggested by a Tazewell resident, Donnie Yates. He said that Mr. Yates contacted him with a proposal for the Tazewell County Fairgrounds at Christmas time. Mr. Yates proposed that there be a display of lights at the fairgrounds, similar to the display at Bluefield City Park.

Member Hymes stated that Mr. Yates will present a formal lay-out and proposal to the Board of Supervisors in the next few months. He said that instead of having a cover fee charge, visitors could contribute a can of food or other non-perishable commodity for local food pantries.

**ELDERLY – TAX EXEMPTION THRESHOLD CONSIDERED FOR INCREASE
–AS PER STATE STATUTE**

Supervisor Wimmer requested that the County Attorney research Virginia Code and the County ordinances with regard to the possible increase in the net combined financial worth for the elderly to be eligible for real estate tax exemptions. The County Attorney said that the Board of Supervisors might wish to adopt state code guidelines with regard to the tax exemption thresholds. He said that this would allow Tazewell County to follow exemption/threshold increases as legislative changes are made. He noted that this method would keep the County in line with state code and would eliminate the need to change/amend the County ordinance every time VA Code changes. The Board agreed to this concept and requested that the County Attorney provide them with a proposed ordinance accordingly. The current threshold is \$75,000.00.

PERSONAL PROPERTY (VEHICLE – HIGH MILEAGE ALLOWANCE)

Supervisor White requested that the County Attorney investigate Virginia Code with regard to the high mileage allowance for vehicles/personal property taxes.

**NORTHERN DISTRICT FUNDS - \$5,000.00
FOR POCAHONTAS HIGH SCHOOL (COAL NEEDS)**

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 against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$5,000.00 from the Northern District Fund, to use to assist in the purchase of coal or other maintenance needs for Pocahontas High School. 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.

Chairman David R. Anderson called for a recess of twenty (20) minutes for the purpose of allowing the Board of Supervisors to convene the meeting to the Tazewell Middle School Auditorium, Tazewell, Virginia to hold two-(2) joint public hearings with the Tazewell County Planning Commission, i.e. The Tazewell County Comprehensive Plan and the Proposed Ordinance to Regulate Construction of Tall Structures on Certain Ridgelines in Tazewell County, Virginia.

Supervisor Anderson then called the regularly scheduled meeting to order. He gave the invocation which was followed by the pledge of allegiance to the United States Flag.

Now, the Chairman announced the public hearing procedures for the two (2) public hearings. Each person was given two minutes to speak and was requested to give their name and address for the record.

Then, the Tazewell County Planning Commission approved authority for both public hearings to be conducted by the Chairman of the Board of Supervisors, David R. Anderson.

Now, the Chairman of the Board of Supervisors called to order a joint public hearing with the Tazewell County Planning Commission, entitled “JOINT PUBLIC HEARING BETWEEN THE TAZEWELL COUNTY BOARD OF SUPERVISORS AND THE TAZEWELL COUNTY PLANNING COMMISSION – TO HEAR CONCERNS ON THE PROPOSED TAZEWELL COUNTY COMPREHENSIVE PLAN.”

The following persons spoke either in favor or in opposition to the subject public hearing:

1. Ann Robinson, PO Box 11, Falls Mills, VA - in favor
2. Frazier Miller, 211 Windwood Drive, Bluefield, VA – in favor
3. Donna Bell, PO Box 442, Burkes Garden, VA - in favor
4. Will Adams, Rt. 7, Box 435, North Tazewell, VA - signed up by mistake, wrong hearing
5. Fred Cox, Tazewell, VA – wrong hearing

Now, the Chairman of the Board of Supervisors called for public comments

from the floor three (3) times with regard to the subject public hearing three times and there being none, he declared the public hearing closed.

TAZEWELL COUNTY COMPREHENSIVE PLAN ADOPTED

Then, following a recommendation from the Tazewell County Planning Commission that the Board of Supervisors adopt the Tazewell County Comprehensive Plan as hereby presented, and 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 approves the Tazewell County Comprehensive Plan as hereby presented. A copy of the Comprehensive Plan in a form as hereby adopted is on file in the office of the County Engineer and the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

Due to a few minutes available prior to the next scheduled public, the Chairman of the Board of Supervisors announced that the County of Tazewell received notification that the County was eligible to receive \$2,000,000.00 in grant funding from the Tobacco Indemnification and Community Revitalization Commission for the Bluestone Regional Business & Technology Center. He said that this was great news for the County.

**BLUESTONE REGIONAL BUSINESS & TECHNOLOGY CENTER, PHASE 1-B
GRANT NO. 1362**

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 authorizes and directs the County Administrator, subject to legal review & approval, to enter into a LETTER OF AGREEMENT, - GRANT FUNDS IN THE AMOUNT OF \$2,000,000.00 from the Tobacco Indemnification and Community Revitalization Commission for the project entitled "BLUESTONE REGIONAL BUSINESS & TECHNOLOGY CENTER, PHASE 1B." Once approved by the County Attorney, the County Administrator is hereby authorized, empowered and directed to enter into the LETTER OF AGREEMENT, on behalf of the Board of Supervisors of Tazewell County, Virginia. A copy of same, once approved and executed by all parties, will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

**TAZEWELL COUNTY'S RIDGELINE PROTECTION ORDINANCE
POWER POINT PRESENTATION**

The County Attorney, Eric Young, presented a power-point presentation that explained the Ridgeline Protection Ordinance. He explained the “protected mountain ridge” – a ridge with (1) an elevation of 2,000 feet or more and (2) an elevation of 500 feet above the valley floor and the “Crest” – the uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations, “Ridge” – the elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest. “Protected Mountain Ridgeline Area” – means areas above 3200 feet in elevation property designated on the protected mountain ridgeline area map. The County Attorney then explained other definitions of the ordinance including construction, elevation, tall buildings and/ or structures.

A map showing the proposed protected ridgeline areas was displayed on stage in the auditorium. Sam Wolford, Director of Public Safety used push pins to identify where the speaker lived in the County that spoke during the proposed Ridgeline Protection Ordinance.

Now, the Chairman of the Board of Supervisors called to order a JOINT PUBLIC HEARING BETWEEN THE TAZEWELL COUNTY BOARD OF SUPERVISORS AND THE TAZEWELL COUNTY PLANNING COMMISSION – entitled “A PUBLIC HEARING ON THE PROPOSED ORDINANCE TO REGULATE CONSTRUCTION OF TALL STRUCTURES ON CERTAIN RIDGELINES IN TAZEWELL COUNTY, VIRGINIA.” He then called for public comment from the floor and gave each speaker two minutes to address the Board of Supervisors. The following persons spoke during the subject public hearing:

1. Carl Gillespie, Jr. 620 Fairway Drive, Bluefield, VA - in favor of ordinance
2. Alex Payne, 392 Century Lane, Bluefield, VA – opposed
3. Jennifer Payne, 392 Century Lane, Bluefield, VA – opposed
4. James Payne, 496 Century Lane, Bluefield, VA – opposed
5. Dahmon Ball, 310 Bottom Road, Raven, VA – opposed

6. Steve Muncy, 263 Montclair Circle, North Tazewell, VA – in favor of ordinance
7. Jack Thompson, 159 Foxbrough St. North Tazewell, VA – opposed
8. Jack Zain Thompson, 905 Valley Rd. Bastian, VA – opposed
9. Robert Hayes, 731 Clearfork Creek Road, 107 Maple Street, Tazewell, VA – in favor of ordinance
10. Billy Jones, 114 Vernon Ave. Tazewell, VA - opposed
11. Randall Rose, 305 Canterbury Road, Bluefield, VA – opposed as written
12. Stacy Rose, 305 Canterbury Road, Bluefield, VA - opposed as written
13. Zachary Rose, 305 Canterbury Road, Bluefield, VA – opposed as written
14. Lois Mullins, 985 Fincastle Farms Road, Bluefield, VA – in favor of ordinance
15. Betty Vandyke, Pine Street, PO Box 265, Tazewell, VA – opposed to ordinance
16. Will Czarnik, 1152 Triangle Road, Bluefield, VA – in favor of ordinance
17. Dr. Teresa Paine, 1152 Triangle Road, Bluefield, VA – in favor of ordinance
18. Gina Paine, 107 Academy Dr. Bluefield, VA - in favor of ordinance
19. Donna Kelly, 644 Sedge wren Dr. Bluefield, VA – in favor of ordinance
20. Mike Bell, 3171 West End Rd. PO Box 442, Burkes Garden, VA – in favor of ordinance
21. Donna Bell, 3171 West End Rd. PO Box 442, Burkes Garden, VA – in favor of ordinance
22. Don Rupley, 207 Harmony Hills Dr. Burkes Garden, VA – in favor of ordinance
23. Jean Rupley, 207 Harmony Hills Dr. Burkes Garden, VA – in favor of ordinance
24. Rebecca Hubbard, 840 Banks Ridge Road, Burkes Garden, VA – in favor of ordinance
25. Elizabeth (Betty) Melvin, 667 Rabbit Patch Road, Tazewell, VA - in favor of ordinance
26. Naomi Levison, 205 Greever Ridge Road, Tazewell, VA - in favor of ordinance

27. Fred Lawless, 4230 Gose Mill Road, Tazewell, VA - in favor of ordinance
28. Lloyd Sargent, Jr. 992 Burkes Garden Road, Tazewell, VA – in favor of ordinance
29. Joe Hart, 663 Tanager Drive, Bluefield, VA - in favor of ordinance
30. Jerri St. Louis, 345 Hunter Lane, Falls Mills, VA – in favor of ordinance
31. Ann Robinson, PO Box 11, Falls Mills, VA – in favor of ordinance
32. Deborah Hart, 663 Tanager Drive, Bluefield, VA – in favor of ordinance
33. Frazier Miller, 211 Windwood Drive, Bluefield, VA - in favor of ordinance
34. Rufus Miller, 211 Windwood Drive, Bluefield, VA – in favor of ordinance
35. Danny Robinson, 486 Hunter Lane, Falls Mills, VA – in favor of ordinance
36. Jim Hanes, Box 457, Burkes Garden, VA – Neutral
37. John Rhudy, 448 MBC Ranch Road, Tazewell, VA – in favor of ordinance
38. Ron Hite, 3315 West End Road, Tazewell, VA – in favor of ordinance
39. Greg Cruvey, 1732 Mundy Town Road, North Tazewell, VA – in favor of ordinance
40. Norma Smith, 144 Sable Lane, North Tazewell, VA – in favor of ordinance
41. Robert B. Brittain, 508 Marian Ave., North Tazewell, VA – opposed to ordinance
42. Marsha Munsey, 263 Montclair Circle, North Tazewell, VA – in favor of ordinance
43. H.R. Cook, 200 Peery St. Tazewell, VA – opposed to ordinance
44. Frances Lester, 423 Marion Ave, Tazewell, VA – in favor of ordinance
45. Kristen Cowling, 144 Fox Hunt Dr., Mooresville, N.C. – in favor of ordinance
46. Mike Cowling, 144 Fox Hunt Dr., Mooresville, N.C. – in favor of ordinance
47. Frank St. Clair, 1700 Hockman Pike Rd. Blfd, VA – in favor of ordinance
48. John Blankenship, Jr. 150 Dessert Road, Tazewell, VA – opposed to ordinance
49. Gerald Waddell, 2002 Murdock Road, Richmond, VA – in favor of ordinance
50. Garland Hancock, 4076 Burkes Garden Road, Bluefield, VA – in favor of ordinance
51. Ellen Miller, 621 Fairway St. Bluefield, VA - in favor of ordinance
52. Ron McCall, # 7 Fairlane Dr. Bluefield, VA - in favor of ordinance

53. Keith Able, 208 Winter Creek Dr. Bluefield, VA – in favor of ordinance
54. Connie Sanders, 37 College Dr. Bluefield, VA – in favor of ordinance
55. David Skidmore, 712 Mt. Lane, Bluefield, VA – in favor of ordinance
56. Wayne Evans, 45 College Drive, Bluefield, VA – in favor of ordinance (be more specific need a wind turbine ordinance)
57. Lloyd Evans, 45 College Drive, Bluefield, VA – in favor of ordinance
58. Jay Shott, 627 Fairway Drive, Bluefield, VA – in favor of ordinance
59. Will Adams, Rt. 7, Box 435, North Tazewell, VA – in favor of ordinance
60. Kyle Gearhart, 117 Pleasant View Drive, Bluefield, VA – in favor of ordinance
61. J.C. Higginbotham, 636 Sedge---, Bluefield, VA - in favor of ordinance
62. Emily Edmondson, 2183 Maiden Spring Road, Tazewell, VA – opposed to ordinance
63. F.W. “Fred” Harman, 201 Main Street, Tazewell, VA – opposed to ordinance
64. Shea Cook, 216 Washington Square, Richlands, VA – opposed to ordinance
65. Flo Ratliff, BF Buchanan Highway, Tazewell, VA - in favor of ordinance
66. Charlie Stacy, 518 Stable Lane, Bluefield, VA – in favor of ordinance
67. John Stacy, 660 Ashley Way, Bluefield, VA – in favor of ordinance
68. Steve Danko, 625 Quail Drive, Bluefield, VA – in favor of ordinance
69. Scott Matney, Strategic Consulting & Export – PO Box 829, North Tazewell, VA – opposed to ordinance
70. Dr. Y. Chand, 812 Camp Joy Road, Bluefield, VA – in favor of ordinance
71. David Smith, 648 Albemarle St. Bluefield, WV – in favor of ordinance
72. David Asbury, 4798 Burkes Garden Road, Bluefield, VA – in favor of ordinance
73. Joyce Johnson, 619 Fairway Street, Bluefield, VA – in favor of the ordinance
74. Dustin Bergman, 1213 Vintage Road, Grundy, VA – opposed to the ordinance
75. Jason Shortridge, 107 Gene Street, Grundy, VA – neutral (hold off until more information is obtained)
76. Bill Osborne, 328 Little Tumbling Road, Tannersville, VA – opposed to ordinance

77. Charles Bauguess, 175 Monte Vista Lane, Bluefield, VA – in favor of ordinance

The following people left the meeting due to the inclement weather and requested that their opinion on the ordinance be recorded:

78. Brice Bovenizer, 649 Tanager Drive, Bluefield, VA – in favor of the ordinance

79. Beth Bovenizer, 662 Tanager Drive, Bluefield, VA – in favor of the ordinance

80. Vickie Mays, 100 Windsor Drive, Bluefield, VA – in favor of the ordinance

81. Watt Mays, 100 Windsor Drive, Bluefield, VA – in favor of the ordinance

82. Jerry Foster, 775 Montclair Circle, North Tazewell, VA – in favor of the ordinance

83. Ruth Ann Foster, 775 Montclair Circle, North Tazewell, VA – in favor of the ordinance

The following people mailed letters to the Chairman of the Board voicing opinions with regard to the proposed ordinance as follows:

84. Janet O. Greever, Albert L. Greever – 200 Narnia Trail, Tazewell, VA – in favor of the ordinance

85. Sammy Ray, truck driver, opposed to ordinance

86. Wanda & Gerald Barber, 1616 Grove Avenue, Radford, VA – opposed to ordinance

87. Roger Mullins, Tazewell, VA – in favor of ordinance

88. Mary Litz, 663 Ashley Way, Bluefield, VA – in favor of ordinance

89. Ann Robinson, 486 Hunter Lane, PO Box 11, Falls Mills, VA – in favor of ordinance

90. Vanessa A. Wolford, 1605 Bailey Switch Road, North Tazewell, VA – opposed to ordinance

91. John & Gerda Carney, 308 Bierwood Drive, Bluefield, VA – need more information on the effects of windmills (Neutral)

92. Norma Mahood – Bay, 1 Windsor Circle, Bluefield, VA – in favor of ordinance

93. Herbert Wilson, 407 Mulholland Park, Palatka, FL - in favor of ordinance

94. Steve Munsey & Marsha Munsey – 263 Montclair Circle, North Tazewell,
VA – in favor of ordinance

Now, the Chairman, David R. Anderson, called for further comments from the floor three times and there being none, he declared the public hearing closed.

The Chairman thanked everyone in attendance and commended them on the success of the hearing. He mentioned the cooperativeness given by individuals present and those who spoke during the public hearings.

NAMES & ADDRESSED ENTERED INTO RECORD

Upon motion of Supervisor Anderson, 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 authorizes that the names and addresses of those who spoke during the public hearings held this date be recorded in the official record/minutes of this meeting.

Now, at this time, the Chairman asked if members of the Planning Commission had a recommendation on the proposed ordinance. The Planning Commission recommended that a steering committee be established to review the proposed ordinance and to make necessary changes in response to comments received during the public hearing held this date. The steering committee should be made up of two (2) members of the Planning Commission and two (2) members of the Board of Supervisors and perhaps a representative of the landowners and a representative(s) of wind development.

With this in mind, it was a consensus of the Board of Supervisors to establish such a steering committee, comprised of members as mentioned above and to include other members as may be appropriate and necessary. The Chairman then questioned whether the Board was ready to make appointments to the steering committee. The names of Mike Anderson and David R. Anderson were suggested, as well as the name of Ellis Cole, who is a member of the Planning Commission.

The Chairman stated that the discussion of the steering committee would be placed on the next recessed meeting of the Board of Supervisors, scheduled for February 11, 2009.

BP & DOMINION POWER –

PUBLIC MEETING ANNOUNCEMENTS

It was announced that British Petroleum (BP) & Dominion Power would hold public meetings on the following dates on the subject of proposed windmill projects in Tazewell County:

February 19, 2009 -- 5:00 p.m. to 8:00 p.m. – Tazewell High School

February 24, 2009 – 3:00 p.m. to 6:00 p.m. – Graham High School

OTHER ANNOUNCEMENTS

Supervisor Anderson announced that the Soil & Water Conservation Service - Children's Fair would be held at the Tazewell County Fairgrounds on February 4 & 5. He then announced VDOT's public hearing on the Route 91 Bridge Replacement Project in Tannersville set for March 2, 2009 beginning at 4:00 p.m. in the Tannersville Community Center.

RECESS

There being no further business to be transacted, and 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, the Tazewell County Board of Supervisors hereby recess this meeting to February 11, 2009 at 3:00 p.m.

David R. Anderson, Chairman

By:rg

Recess time 11:28 p.m.