

**VIRGINIA:** At a regular meeting of the Tazewell County Board of Supervisors held February 5, 2008 at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

**PRESENT:** William B. "Bill" Rasnick, Chairman  
Bill Wimmer, Vice-Chairman  
Dave R. Anderson, Member  
D. Michael Hymes, Member  
Seth R. White, Member  
Jim Spencer, 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

**ABSENT:** None

The Chairman, William B. Rasnick called the regular meeting to order and presided with all members in attendance.

Supervisor White gave the invocation which was followed by the pledge of allegiance to the US Flag.

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**AGENDA APPROVED AS AMENDED**

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 approves the February 5, 2008 meeting agenda as hereby amended.

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## MEETING MINUTES APPROVED

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 approves the January 8, 2008 meeting minutes as hereby written.

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## EXECUTIVE/CLOSED SESSION

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 enters into an executive/closed meeting pursuant to Virginia Code Section 2.2-3711:

- A-7 Legal matter involving Airport Condemnation
- A-7 Legal matter involving Moonlite Recycling
- A-7 Legal matter involving a potential nuisance at 111 Town Hollow Road
- A-5 Prospective Industry or business where no previous announcement has been made publicly.
- A-3 Property Acquisition involving property on Main Street in Tazewell
- A-3 Property Acquisition involving lake property in Tazewell County
- A-6/A-3 Property Acquisition - 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 Asset Forfeiture Funding relative to property acquisition.
- A-6 Contract Negotiations/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 Tazewell County Animal Shelter, Inc.

- A-3 Property Disposition – involving potential disposition of publicly held real property.

### **RETURN/CERTIFICATION OF EXECUTIVE/CLOSED SESSION**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Session 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 session 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 White – Aye  
                                 Supervisor Hymes – Aye  
                                 Supervisor Wimmer – Aye  
                                 Supervisor Anderson – Aye  
                                 Supervisor Rasnick – Aye

### **REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING**

#### **APPALACHIAN POWER COMPANY**

#### **BLUESTONE REGIONAL BUSINESS AND TECHNOLOGY PARK**

Upon motion of Supervisor Anderson 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 \$76,600.00 from the FY2007-2008 Contingency Fund, to the Industrial Development Authority, and hereby authorizes and directs the County Administrator to enter into an agreement with AEP-Appalachian Power, with regard to the three-phase, 12kV Electrical

facilities to the Bluestone Regional Business and Technology Park. A copy of the agreement in a form as hereby approved is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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**CONSENT CALENDAR APPROVED**

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and 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 AS PAID**

**December 2007/January 2008**

Ordered that Warrant Nos. 126696 through 126787, and direct deposits totaling \$190,358.08 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 31, 2007, be approved.

Ordered that Warrant Nos. 126789 through 126876, and direct deposits totaling \$195,194.24 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending January 15, 2007, be approved.

Ordered that Warrant Nos. 437559 through 437703, for \$773,504.26 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 2007, be approved.

Ordered that Warrant Nos. 437705 through 437722, for \$133,772.59 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending December 31, 2007, be approved

Ordered that Warrant Nos. 437724 through 437861, for \$1,432,829.07 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 2007, be approved.

Ordered that Warrant Nos. 437863 through 437887, for \$137,481.65 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending December 15, 2007, be approved.

Ordered that Warrant Nos. 801195 through 801206 for \$ from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of November 2007, be approved.

Other:

- Tazewell County Library – Transfer funds in the amount of \$2,678.93 from Acct. No. 91050-7041 Contingent Grant Resource Acct. to various Library Accts. to cover special funds (donations received)
- Coyote Claims approved:
  - \$50.00 to Eddie Bowman, 3071 Mudfork Road, North Tazewell, Virginia 24630 for 1 coyote killed on Jan. 18, 2008 with a rifle.
  - \$50.00 to Eddie Bowman, 3071 Mudfork Road, North Tazewell, Virginia 24630 for 1 coyote killed on Jan. 3, 2008 with a rifle.

- \$50.00 to Pat Brown, 507 Butt Street, Abingdon, Virginia 24210, for 1 coyote killed on Dec. 12, 2007 with a rifle.
- \$50.00 to Jack Howery, Jr. 230 Ferndale, Cedar Bluff, Virginia 24609 for 1 coyote killed on Jan. 22, 2008 with a snare.
- \$50.00 to Ronald Halloway, 501 E. Fincastle, Tazewell, Virginia 24651 for 1 coyote killed on Jan. 15, 2008 with a snare.
- \$50.00 to Jim Campbell, 6667 Baptist Valley Road, North Tazewell, Virginia 24630 for 1 coyote killed on Dec. 29, 2007 with a rifle.
- \$50.00 to David Fielder, 141 Hickory Ridge Dr. Tazewell, Virginia 24651 for 1 coyote killed with a rifle on Jan. 15, 2008.
- \$150.00 to Ray Howell, 1477 Rosenbaum Rd., Bluefield, Virginia 24605 for 3 coyotes killed by trap on Jan. 14, 2008.
- \$150.00 to Ray Howell, 1477 Rosenbaum Rd., Bluefield, Virginia 24605 for 3 coyotes killed by trap on Dec. 23, 2007.
- \$100.00 to Ray Howell, 1477 Rosenbaum Rd., Bluefield, Virginia 24605 for 2 coyotes killed by snare on Dec. 11, 2007.
- \$100.00 to John Keen, Jr. PO Box 1360 for 2 coyotes killed on Dec. 24, 2007 with a rifle.
- \$50.00 to Clarence Sparks, 102 Conifer Street, North Tazewell, Virginia 24630 for 1 coyote killed on Jan. 1, 2008 with a rifle.

- \$100.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, Virginia 24651 for 2 coyotes killed on Jan. 7, 2008 with a snare.
- \$100.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, Virginia 24651 for 2 coyotes killed on Dec. 22, 2007 with a snare.
- \$50.00 to Doug Dye, 220 Tazewell Avenue, Richlands, Virginia 24641 for 1 coyote killed on Dec. 18, 2007 with a trap.
- \$50.00 to Danny Akers, Route 1, Box 466 A, Bluefield, Virginia 24605 for 1 coyote killed with a snare on January 4, 2008.
- \$50.00 to Darrell Wess, 4956 Pounding Mill Branch Road, Pounding Mill, Virginia 24637 for 1 coyote killed on December 27, 2007 with a rifle.
- \$50.00 to Ronald Halloway, 501 E. Fincastle, Tazewell, Virginia 24651 for 1 coyote killed on January 25, 2008 with a snare.
- \$50.00 to Dean Matney, PO Box 832, Tazewell, Virginia 24651 for 1 coyote killed on December 28, 2007 with a snare.
- \$50.00 to Shannon Layne, 994 Carter Hill Road, North Tazewell, Virginia 24630 for 1 coyote killed with a snare on January 26, 2008.
- \$300.00 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 6 coyotes killed with snare on January 28, 2008.
- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 1 coyote killed on December 31, 2007 with snare.

- \$100.00 to Jess Sparks, PO Box 1084, Cedar Bluff, Virginia 24609 for 2 coyotes killed on January 29, 2008 with snare.
- \$100.00 to Joey Rash, PO Box 592, Pocahontas, Virginia 24635 for 2 coyotes killed with a rifle on January 7, 2008.
- \$100.00 to Joey Rash, PO Box 592, Pocahontas, Virginia 24635 for 2 coyotes killed on December 12, 2007 with a rifle.
- \$50.00 to Ronald Holloway, 501 East Fincastle, Tazewell, Virginia 24651 for 1 coyote killed on January 29, 2008 with a snare.
- DAMAGE CLAIM FUND
  - Approved the amount of \$328.00 to George Miller, 348 Midnight Farm Road, North Tazewell, Virginia 24630 for 13 goats & 4 ducks killed by stray dogs.
  - The amount of \$270.00 to Clinton Bell, 1987 Cove Road, for 3 year old ewe, 2 month old lamb and 1 bred ewe killed on February 4, 2008 by hunter.
- Western District Fund:
  - Transferred \$5,449.83 from Acct. No. 91400-5680 to 41010-3310 \$5,392.82 Western Road Maintenance Acct. & \$57.00 to Acct. 72010-5608 Western Youth Funds (to cover deficient funding)
  - Ratified RHS Boy's Basketball payment (Northwestern district) to Blue's Basketball Parents Club, Attn: Peter Mulkey, 686 Grace St. Pounding Mill, VA 24637.
- Northern District Youth Fund

- Approved the amount of \$1,000.00 from the Northern District Youth Fund to Pocahontas High School Academic Athletic Association.

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**FOUR SEASONS RETIREMENT TASK FORCE -  
SHOTT FOUNDATION GRANT**

Mark Meachum, Greater Bluefield Chamber of Commerce and Sharon Borich, Four Seasons Retirement Task Force - requested that the Board of Supervisors provide funding in the amount of \$38,900.00 to help with funds for a \$100,000.00 grant from the Shott Foundation. The Shott Foundation will match every dollar raised up to \$100,000.00. The matter will be placed under advisement by the Tazewell County Budget Committee.

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**WILEY & WILSON, TAZEWELL COUNTY HVAC STUDY  
TAZEWELL COUNTY COURTHOUSE**

Chris Beverly, Wiley & Wilson, Inc. provided a report on the recent survey of the current operating HVAC conditions at the Tazewell County Courthouse. The purpose of the survey was to document the HVAC operating conditions including several perceived operational deficiencies within the building, which have resulted in uncontrolled temperatures within the occupied spaces of the Tazewell County Courthouse. Options and costs for correcting the HVAC deficiencies were presented as follows:

- Ductwork Corrections - \$95,000.00
- Replace existing VAV box controls with DDC retrofit kits (not including the ductwork changes) - \$265,000.00
- New VAV boxes installed and calibrated DDC controls to replace existing VAV boxes. - Changing VAV boxes - \$550,000.00

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 Supervisor Hymes & Supervisor White to work with Gary Earp, County Engineer, on this matter and to bring to the Board of Supervisors a report and recommendation with regard to the options and costs as presented by Mr. Beverly.

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THE AMERICAN LEGION POSTS 164- JOHN RATLIFF

\$1000.00 (\$200.00 from each district fund)

Upon request of Mack Horn, John Ratliff Post 164, Grundy, Virginia 24641 and Anthony Holmes, American Legion/Ladies Auxiliary, 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 \$200.00 from each District Fund for a total of \$1000.00 payable to the American Legion, John Ratliff Post 164, PO Box 602, Grundy, Virginia 24614 to assist with the purchase of telephone cards for local US servicemen in Afghanistan and Iraq. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant shall be converted to negotiable check by the Treasurer of Tazewell County.

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**MARTY HALLOWAY, VDOT REPORTS**

Marty Halloway, Resident Engineer, Tazewell Residency, provided the Board of Supervisors with a list of highway activities currently taking place as follows:

- Construction
  - Bridges on Route 19/460 at Pounding Mill Quarry was bid and the award process to Fort Chiswell Construction. A pre-construction meeting is scheduled for February 28, 2008.
- Maintenance

- Route 696 Slide – working on clearing slide. Negotiations are taking place with property owners near the slide with regard to ROW and cattle pass concerns.
- Miscellaneous
  - VDOT officials met with town & county officials last week to address Revenue Sharing. The next meeting is scheduled for Feb. 18, 2008 to determine projects and estimates.

The following VDOT and other road concerns were addressed:

- Six – 6 Year Plan hearing set for April 1, 2008. There will be 17% reduction.
- Bandy underpass – concerns addressed about the narrow underpass. This is a Northfolk Southern Structure.
- Cove Creek Development – Developer & County officials need to meet with VDOT
- Bill Wimmer – guardrails needed on Route 603; drop off concern on Route 609 near stream at Midway Grocery; major logging project is tearing up roads on Route 1245.
- Bill Rasnick – requested VDOT investigate a drain pipe hole issue in Mundytown
- Mike Hymes – requested the status of a speed study on Upper Valley Road, Route 604
- Mike Hymes – guardrail request at 3519 Beartown Road (Anna Marie Miller is the contact person).
- Mike Hymes – requested additional tractor signs for various farming communities, especially in the Clearfork area.
- Seth White – will email VDOT northwestern district guardrail concerns.

- 527 Manual addressed and requested that the manual be reduced and lay term made available. Mr. Halloway announced that several meetings/training sessions on this subject are scheduled this spring at SVCC.
- Cove Creek – Mr. Halloway said that general maintenance is taking place on this road. Should the County approve the proposed development in the Cove Creek area, Mr. Halloway requested that right-of-ways be given up-front or the Homes Owners Association(s) be mandated to make regular repairs to the roadways. Mr. Halloway warned the Board of future potential headaches should the State have to change the six-year plan. He said that the Plan would have to be revamped and current projects would have to be removed from the Plan. Mr. Halloway said that he wasn't against development in the County, but he believed in doing things right the first time.
- Subdivision Proposed State Changes – the final ruling on the new changes will be made by the Commonwealth Transportation Board.

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**CITIZEN COMMENTS UNSCHEDULED**  
**SCHOOL FACILITIES - MIKE DENNIS**

Mike Dennis, Chairman of the Tazewell County School Board, stated that the School Board held a special meeting on January 31 and the OWPR – Facilities Improvement Study was reviewed. The report was presented to the School Board and approved during the special meeting. Mr. Dennis said that copies of the report were sent to two members of the Board of Supervisors and the County Administrator. The School Board, during the Special Called Meeting, requested that a joint meeting be held between the Board of Supervisors and the

School Board to discuss financing and the different options as well as funding opportunities that the County could pursue relative to the study. School and County officials will meet with Morgan Keegan, the County Financial Advisor on February 7 in Richmond and the Executive Committee will be held on February 13, at 5:00 p.m. at the School Board office with regard to the OWPR.

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#### **CITIZEN COMMENTS UNSCHEDULED**

Wayne Thompson, a resident of Cedar Bluff, questioned the low level of several of the County's drinking water sources. He wanted to know if the present water levels would handle the new building developments in the County. Several members of the Board of Supervisors addressed the low water tables in the County, especially in the Cove and Thompson Valley sections. Supervisor Hymes mentioned that many residents in his district are digging new wells because of the low water situation. The County Administrator said that the County is participating in a regional study with Cumberland Plateau on this subject and further stated that the western end of the County is a lot better off than folks in the eastern district with regard to water, but the County continues to work on the many challenges in the County with regard to water resources. Chairman Rasnick said that the County's PSA has held many lengthy discussions on the water tables and the County is working to hopefully implement a method to pump water from one end of the County to the other.

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#### **EMERGENCY SERVICES REPORT**

Supervisor Bill Wimmer reported the Emergency Services Committee met February 4, 2007 and recommended the following emergency services concerns with the following action approved by the Board of Supervisors:

**\$400.00 FROM THE NORTHERN DISTRICT FUND PAYABLE TO ABBS VALLEY FIRE DEPARTMENT FOR FIRE ATTACK ESSENTIALS TRAINING**

Upon motion of Supervisor Rasnick, 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 approves the amount of \$400.00 from the Northern District Fund, payable to the Abbs Valley Fire Department for 10 members attendance to the Fire Attack Essentials Training seminar. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

**\$100.00 FROM THE SOUTHERN DISTRICT FUND**

**PAYABLE TO RESCUE 7**

Upon motion of Supervisor Hymes, seconded by 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 \$100.00 from the Southern District Fund, payable to Rescue 7, 213 Tacoma Road, Tazewell, Virginia 24651 attn: Tony Stilwell. This is a reimbursement of funding to Rescue 7 for the \$100.00 charged by the County for use of Nuckolls Hall in January 2008. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

**BURKES GARDEN FIRE DEPARTMENT - \$7,500.00**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$7,500.00 from the Fire Capital Outlay Account, payable to the Burkes Garden Fire Department as matching funds for a USDA Rural Development Grant 55/45 to purchase a fire truck to replace the 1974 GMC 1000 gallon tanker truck. The total cost of the vehicle is \$31,500.00. The grant is \$17,500.00. Burkes Garden Fire Department will provide \$6,500.00 with the \$7,500.00 local funding as hereby approved. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this

action at such time as deemed necessary and appropriate and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

**VRA - SEEK LOAN FOR VARIOUS EMERGENCY VEHICLES**

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to seek VRA Loan funding for the following emergency fire/rescue vehicles:

- \$35,000.00 for a 1986 Pumper – Tazewell County Fire Rescue
- \$37,500.00 for a Platform Truck – Bluefield, Virginia Fire Department
- \$27,500.00 to assist in the purchase of a Reconditioned Ford C800 KME, 1987 Pumper for the Abbs Valley Fire Department

And further, that the County Administrator, on behalf of the Board of Supervisors, is hereby further authorized and directed to forward a letter of intent to provide funding in the amount of \$19,904.00, 20% matching grant funds, for the purchase of an ambulance for the Claypool Hill Station to Richlands Rescue. This matter will be addressed in the FY08-09 fiscal year budget.

Then, upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the Emergency Services Committee to develop a five (5) year emergency plan with regard to the purchase of vehicles and related emergency equipment/apparatus needs.

Finally, upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves that the four-for-life and fire premium monies be equally divided among the emergency agencies. It was stated that the funds

will assist the agencies with purchases for needed equipment and supplies and to help cover training costs. The funds will not be divided based on the number of calls because it would be unfair to those who do not receive a large amount of call-outs.

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APPOINTMENTS

Tourism Committee

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 none against, the Tazewell County Board of Supervisors hereby appoints Dr. Don Scott, 304 Valley Dale Street, Bluefield, VA 24605 to the Tazewell County Tourism and Recreation Committee for a term effective immediately and expiring at the will and pleasure of the Tazewell County Board of Supervisors.

Regional Jail Committee

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby appoints Supervisor Bill Wimmer to serve as a member of the Regional Jail Authority.

Appalachian Juvenile Detention Center

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Ms. Patricia Green, Assistant County Administrator to serve as a member of the Appalachian Juvenile Detention Authority.

Library Board of Trustees

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of

Supervisors hereby reappoints Katsy Lawson, 507 Lake Park Drive, Richlands, Virginia 24641 as a member of the Tazewell County Library Board of Trustees with a term effective February 1, 2008 and expiring January 31, 2011 (four year term).

Tazewell County Animal Shelter

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby appoints Lynna M. Mitchell, PO Box 1205, Richlands, Virginia 24641, to serve as a member of the Tazewell County Animal Shelter, with a term commencing immediately and expiring June 30, 2010. This appointment fills the unexpired term of Robert "Spot" Steele who resigned.

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The County Attorney, Eric Young, gave an update on the following legal matters:

- Box Trailers - Southern District - the box trailers have determined to be old storage bins and not "inoperable vehicles." Therefore, the County cannot enforce this concern pursuant to the County's Junk Yard Ordinance. He said that he was going to see if the Special Police would revisit the site to see if there were any littering issues on the site that could be enforced by the County.
- Animal Rescue - The County can transfer animals individually across state lines as long as the animals have been properly vaccinated.
- Ms. Lori Sayers, Director of Paws spoke and stated that it was perfectly legal to transfer animals from one agency to another. She said that adoption and transfer regulations were totally different.
- Presidential Primary - a resolution was drafted by the County Attorney requesting that the General Assembly appropriate funds to reimburse the County for expenses incurred with regard to the

February 12, 2008 Presidential Primary. The resolution once signed will be sent to the State accordingly.

- Jewell Ridge Convenience Station – This property is owned by a mining company and the County Attorney continues to work with the land owners.
- Map of Real Property Owned by County – The County Attorney is working with the County’s GIS Department to produce a County map that shows all real property owned by the County, the IDA, PSA as well as the School Board. The Board agreed that this was a good start in identifying all County owned property as well as parcel size, etc.
- Tourism Committee by-laws adopted – Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts amendments to the Tazewell County Tourism by-laws. The amendment extends the term limitations of the current officers by 6 months.
- Checks returned to County – The Board requested that the County Attorney work with the Treasurer of Tazewell County with regard to the check discharge/insufficient fund list as presented to the Board by the County Treasurer, Norman Cook.

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The County Administrator, Jim Spencer, reported on the following county matters:

- Roads Update – County officials continue to discuss road and guardrail projects that can be worked with Coal and Gas Severance funding as well with other revenue.

- Supervisor Anderson requested that the County Orphan Road Department investigate damages to the Fincastle Farm Road (curves breaking up) and questioned the status of the Kersey deeds.
- Richmond Legislative meeting, January 16, 17, 2008 - Each Board of Supervisor member who attended the Legislative meeting said that the regional concept was a great idea and was extremely beneficial. Each enjoyed their visit with Governor Kaine and congregating with officials from other counties.
- Heart of Appalachia payments \$34,186.00 - Because of the on-going investigation of the HOA, the County Administrator recommended that the Board not take any action with regard to reimbursing Wise County for its losses of approximately \$162,000 as a result of Wise County not being reimbursed by the Heart of Appalachia over the past several years.
- Regional Multi-Use Trail System - Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby supports the recommendation of area Virginia legislators to have a feasibility study prepared and reviewed to ensure the development of a Regional Multi-Use Trail System in Southwest Virginia, which would accommodate, but not be limited to motorized all-terrain vehicles. A letter of support and a resolution will be forwarded to the Virginia Coalfield Coalition with regard to this endeavor.

TOBACCO COMMISSION GRANT NO. 1349

BLUESTONE REGIONAL BUSINESS & TECHNOLOGY CENTER PHASE I

Upon motion of Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby appoints the County Administrator, James H. Spencer III, Assistant County Administrator, Patricia Green, Chairman, Bill Rasnick and Vice Chairman Bill Wimmer as the individuals authorized to make disbursement requests from the Tobacco Commission Grant No. 1349 with regard to the Bluestone Regional Business and Technology Center Phase 1A.

PHASE II - BLUESTONE - CHANGE ORDER APPROVED

\$79,016.00

Upon explanation and recommendation of Rick Chitwood, consultant with T & L, and 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 approves THOMPSON & LITTON AMENDMENT NO. 8 TO MEMORANDUM OF UNDERSTANDING NUMBER 1 BETWEEN TAZEWEEL COUNTY BOARD OF SUPERVISORS (OWNER) AND THOMPSON & LITTON, INC. (ENGINEER) - DATED AUGUST 19, 2003- for the BLUESTONE REGIONAL BUSINESS & TECHNOLOGY (BRBTC) - T & L PROJECT NO. 7488-20. IN AN AMOUNT NOT TO EXCEED \$79,106.00 - Coastal Carolina Research, Inc. dated January 18, 2008.

IN-HOUSE STUDY - COUNTY REASSESSMENT

COMMITTEE APPOINTED

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby creates a County Reassessment Committee to study the in-house reassessment for Tazewell County, i.e. Two (2) BOS members, County Treasurer,

Commissioner of Revenue, Citizen member and one member of the Equalization Committee.

Then, upon Supervisor Anderson, 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 appoints Supervisor Seth White and Supervisor Mike Hymes to serve as the Board of Supervisor representatives on the County Reassessment Committee and further hereby appoints Chairman Bill Rasnick to serve as the alternate member.

#### COMPREHENSIVE PLAN AND PROPOSED ZONING

The County Administrator reported that Gary Earp, County Engineer is planning a meeting in late February with the Comprehensive Plan Committee to address the on-going development of the Plan. The County Attorney, Eric Young is revisiting the previous proposed Zoning Ordinance and would like to meet with each Board member on an individual basis to discuss the draft Zoning Plan.

#### FAIR HOUSING RESOLUTION

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes 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 adopts a FAIR HOUSING RESOLUTION for Tazewell County, Virginia in order to be eligible for Community Development Block Grant (CDBG) funding. Each year the County has to participate in a Fair Housing Activity for CDBG funds. The resolution as adopted will be published in a local newspaper notifying owners of real estate, developers and builders of their responsibilities under the Federal Fair Housing laws as well as State and local laws and ordinances. A copy of the resolution in a form as hereby adopted will be forwarded to Cumberland Plateau Planning District and a copy is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

SUPERIOR WELL SERVICE - AIR QUALITY PERMIT

Superior Well Service, Inc. is applying for and air quality permit from the State of Virginia for its sand storage facility at 4581 Old Kentucky Turnpike Road outside Raven, Virginia. Since the County has no local ordinances (zoning) regulating same, it was the consensus of the Board of Supervisors to allow the County Administrator to execute the Local Governing Body Certification Form on behalf of the Board of Supervisors of Tazewell County, Virginia.

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EXECUTIVE/CLOSED SESSION

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

- A-3 Property Acquisition – involving property on Main Street in Tazewell
- A-3 Property Acquisition – involving lake property in Tazewell County
- A-6 Contract Negotiations – 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 Tazewell County Animal Shelter, Inc.
- A-5 Property Disposition – involving potential disposition of publicly held real estate located at the Jumps.

RETURN/CERTIFICATION/REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby

returns from the Executive/Closed meeting and hereby certifies that the Tazewell County Board of Supervisors, in the closed meeting just concluded, that nothing was discussed except the matters specifically identified in the motion to convene in an executive/closed meeting and lawfully permitted to be discussed under the provisions of The Virginia Freedom of Information Act that were cited in the motion to enter into the Executive/Closed Meeting:

Roll Call Vote:

Supervisor Hymes - Aye

Supervisor Wimmer - Aye

Supervisor White - Aye

Supervisor Anderson - Aye

Supervisor Rasnick - Aye

Absent - None

REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING  
ANIMAL IMPOUNDMENT MANAGEMENT AGREEMENT

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 enters into an ANIMAL IMPOUNDMENT MANAGEMENT AGREEMENT, BY AND BETWEEN THE TAZEWELL COUNTY ANIMAL SHELTER, INC. AND THE TAZEWEL COUNTY BOARD OF SUPERVISORS and hereby further authorizes the Assistant County Administrator to execute the agreement on behalf of the Tazewell County Board of Supervisors.

A copy of the complete agreement in a form as hereby adopted and as executed by the Assistant County Administrator, on behalf of the Tazewell County Board of Supervisors and the Tazewell County Animal Shelter, Inc. Authorized Representative is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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PUBLIC HEARING – PROPERTY DISPOSITION

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to investigate the sale of the old county dump property located at the Jumps, and further hereby authorizes the County Administrator to advertise for a public hearing to consider the disposition of County owned property (old dump) located at the Jumps.

BUILDING IMPROVEMENTS FORESTRY OFFICE

- NOT TO EXCEED \$5,000.00

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves an amount not to exceed \$5,000.00 from the FY2007-08 Contingency Fund to the County Maintenance Account to assist with improvements to County Buildings/Forestry Department. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action at such time as may be deemed necessary and appropriate by him.

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BOARD CONCERNS

Supervisor White stated that he would be at the V & V Restaurant in Richlands on Saturday, February 23 from 8:00 a.m. to 9:00 a.m. to talk with citizens concerning county issues.

Supervisor White requested that county officials set a time to visit the old Baker Hollow nuisance situation. Elmore Compton is the community contact regarding this matter. He then questioned the monies in the County budget for nuisance complaints, and suggested that the budget committee discuss the possibility of dividing the nuisance monies equally among districts, as well as revisiting the amount of \$50,000.00 to a higher amount in the upcoming budget year.

Supervisor White stated that he talked to Katsy Lawson, Library Board of Trustee member, concerning the possibility of finding a new location for the Richlands Library. Ideas concerning this matter should be given to Supervisor Wimmer, Library Board of Trustee member.

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\$200.00 TO SOUTHERN DISTRICT FUND TO SOUTHERN ROAD FUND

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the transfer to \$200.00 from the Southern District Fund to the Southern District Road Fund to cover a deficient balance. The County Administrator is hereby authorized and directed to transfer said funds in accordance with this action.]

BUDGET MEETING – FEB. 25, 6:00 P.M.

Supervisor Hymes suggested that the Board of Supervisors recess the meeting to February 25, 2008 at 6:00 p.m. to conduct an advanced planning budget/session to address the many on-going budget and other major projects/activities taking place in the County.

FIRE DEPT. BUILDING LEAK

Supervisor Hymes requested that the Assistant County Administrator have the county's maintenance department investigate the on-going leaks at the Tazewell County Fire Department Building.

TAZEWELL HIGH SCHOOL PROJECT GRADUATION

\$2,000.00 (\$1,000 Southern, \$1,000 Northern)

Upon motion of Supervisor Hymes, seconded by Supervisor Rasnick 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 Southern District Youth Fund and the amount of \$1,000.00 from the Northern District Youth Fund payable to Tazewell High School Project Gradation. The County Administrator is hereby authorized

and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

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Supervisor Wimmer requested that the County investigate the on-going nuisance concerns at Wardell - the old dilapidated trailers that are falling down (Watson property). Supervisor Wimmer suggested that Dave White, Emergency Services Director go look at the property in question and bring back an estimate with regard to costs associated with the clean-up of same.

Supervisor Wimmer requested that the County post a speed limit sign on Caleb Hollow Road. The County Engineer and County Attorney will work together to determine guidelines for posting speed limits on County roads.

Supervisor Wimmer requested that the County Attorney review the disabled veterans' tax relief laws, county ordinances, etc. and report same to Supervisor Wimmer. Supervisor Wimmer said he has received numerous questions concerning tax exemptions for disabled veterans.

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GRAHAM MIDDLE SCHOOL \$1,500.00 COPIER PURCHASE  
EASTERN DISTRICT FUNDS

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 approves the amount of \$1,500.00 from the Eastern District Youth Funds, payable to Graham Middle School, Bluefield, Virginia 24605 to assist in the purchase of a copier. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

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Blue Ridge Wood Products - The County Attorney, Eric Young, upon request of Supervisor Anderson, gave an update of the on-going bankruptcy proceedings of Blue Ridge Wood Products. The County Attorney explained the way the property would be sold and how the proceeds of same would be disbursed as well as recouping County owed taxes on the property.

Tourism Director - Supervisor Anderson wanted to know the Tourism Committee's status of hiring a Tourism Director for Tazewell County. The Board wanted to know what direction the Tourism Committee needed from the Board with regard to hiring a Tourism Director. It was stated that the Committee wanted clarification on the definition of duties/criteria for the tourism director. He suggested that the County Administrator work with the Tourism Committee on the hiring of a Tourism Director. Supervisor Rasnick said that he was part of the first interview committee and he was satisfied with the qualifications of one of the candidates and felt the individual would have been an excellent choice for the tourism position.

Old Lowes Building - Supervisor Anderson wanted to know what direction the Economic Development Director needed from the Board with regard to marketing the old Lowe's Building at Claypool Hill.

PAWS - ANIMAL RESCUE CENTER (GAS) \$850.00

Upon motion of Supervisor Anderson, seconded by Supervisor Rasnick and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from District Funds, payable to PAWS - Animal Rescue Center to assist with the purchase of gas for vehicles that transport the animals to and from the center to be spayed & neutered. 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.

- \$150.00 Western
- \$150.00 Northwestern

- \$200.00 Southern
- \$200.00 Northern
- \$150.00 Eastern

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BLUEFIELD VIRGINIA LITTLE LEAGUE \$1,000 - EASTERN DISTRICT FUND

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 approves the amount of \$1,000.00 from the Eastern District Youth Fund, payable to Bluefield Virginia Little League Program, 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.

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Supervisor Anderson requested that the new Regional Jail member, Bill Wimmer, County Attorney, Commonwealth's Attorney, County Administrator, and BOS Representative, Dave Anderson, work with the Commonwealth's Attorney and Judges with regard to addressing the regional jail costs/drug court issues, etc, as well as over-crowding. The main concern is providing suggestions on ways to expedite a quicker turn-a-round for getting inmates into the state or federal systems. Supervisor Anderson expressed concerns pertaining to the huge affect the Regional Jail costs would have on the up-coming budget process.

Supervisor Anderson requested that Larry Carr, CPPD, and Jim Kelly, Bristol Utilities, meet with the County Administrator and provide information to the County with regard to Dark Fiber projects in the County and Broadband for the Bluestone and other areas of the Eastern District.

Supervisor Anderson said that he would provide copies of the CDB grant information to the Board of Supervisors regarding the Baptist Valley sewer project & town revitalization projects.

Supervisor Anderson then questioned the status of a plan to utilize the County Administration Building, board and conference room, for public meetings and other events. The Assistant County Administrator, Patricia Green, reported that a policy is currently being implemented and a copy of same would be provided to the Board of Supervisors in the near future for review and comment.

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Chairman Rasnick spoke about the on-going lengthy meetings and apologized for keeping everyone out so late. Members discussed ways to possibly shorten the meetings and with this in mind, it was suggested that the County Administrator and County Attorney Reports be taken off the agenda and that written reports be sent to the each board member prior to each meeting. Should the Board of Supervisors have questions or concerns about the reports the Board will address them during Board Concerns. Also, it was again recommended that once the monthly meeting agenda is sent out that no additional matters be added to the agenda format.

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RECESS

Now, there being no further business to be transacted and upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby recesses this meeting to February 25, 2008 at 6:00 p.m. for the purposes of conducting a county budget planning session and to discuss other county projects as well as the possibility of discussing the OWPR - School facilities proposal.

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William B. "Bill" Rasnick, Chairman

By: rg

11:46 p.m.