

**VIRGINIA:** At a regular meeting of the Tazewell County Board of Supervisors held January 8, 2008 at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651.

**PRESENT:** William B. “Bill” Rasnick, Member  
Billy B. Wimmer, Member  
Dave R. Anderson, Member  
D. Michael Hymes, Member  
Seth R. White, Member  
Jim Spencer, County Administrator  
Eric Young, County Attorney  
Patricia Green, Assistant County Attorney  
Ruth Groseclose, Administrative Assistant  
Members of the Press: Warren Hinkle, Tazewell County Free Press; Jim Talbert, Clinch Valley News/Richlands News Press; Charles Owens, Bluefield Daily Telegraph.

**ABSENT:** None

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William B. “Bill” Rasnick called the organizational meeting to order and presided with all members in attendance.

Invocation was given by Member White which was followed by the pledge of allegiance to the US Flag.

Supervisor Rasnick then welcomed those present and introduced the new Northwestern District Board of Supervisor Member, Seth R. White. Mr. White was elected in November 2007 and will serve a four-(4) year term, effective January 1, 2008 and expiring December 31, 2011.

Supervisor Rasnick acknowledged the new County Administration Building, formally known as the Town & Country Building, 108 East Main Street. The new building will house employees associated with County Administrator’s office, Economic Development, IT & GIS Department, Emergency Services as well as Animal Control and will serve as the meeting place for the Board of Supervisors. The building’s history goes back to the early 1900’s and was once a dry-goods store, a funeral parlor as well as a law firm. It’s most recent use was a furniture store. Mr. Rasnick said that he was excited and delighted for the County to once again make use of the historic building.

AGENDA APPROVED

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 January 8, 2008 agenda format as amended.

MINUTES APPROVED

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the December 4, 2007 meeting minutes as hereby written.

ELECTION OF A CHAIRMAN

The Chairman then gave the floor to the County Administrator, Jim Spencer who called for nominations of a Chairman for the Board of Supervisors for calendar year 2008.

The name of William B. "Bill" Rasnick was placed in nomination by Supervisor Bill Wimmer. Supervisor Hymes seconded the foregoing.

The County Administrator called for further nominations for a Chairman of the Board of Supervisors. Supervisor White placed the name of Dave Anderson on the floor for Chairman of the Board of Supervisors. The motion died for a lack of a second.

Supervisor Anderson then moved to appoint Bill Wimmer as Chairman of the Board of Supervisors with Supervisor White seconding the foregoing.

The County Administrator called for a vote to close nominations, with Supervisor Hymes moving that nominations be closed, seconded by Supervisor White.

The County Administrator then called for a vote to nominate William B. Rasnick as Chairman of the Board of Supervisors for calendar year 2008. The following 3 to 1 vote, with Supervisor Anderson abstaining was recorded as set forth below and with Supervisor William B. Rasnick elected as Chairman of the Board of Supervisors for calendar year 2008 and until his successor is duly elected:

Supervisor White – Nay

Supervisor Anderson – Abstain

Supervisor Hymes – Aye

Supervisor Rasnick – Aye

Supervisor Wimmer – Aye

Supervisor Anderson, for the record, said that he felt that the Chairmanship should be rotated each year and each Supervisor given equal opportunity to serve in the capacity as Chairman of the Board of Supervisors.

ELECTION OF A VICE-CHAIRMAN

The newly elected Chairman, William B. Rasnick, proceeded with the election of a Vice Chairman of the Board of Supervisors for calendar year, 2008.

The name of Bill Wimmer was placed in nomination by Member Mike Hymes, with Supervisor William B. “Bill” Rasnick seconding the foregoing.

The County Administrator sought further nominations from the floor for a Vice-Chairman of the Board of Supervisors with Supervisor Seth White placing the name of Dave Anderson in nomination as Vice Chairman. The motion died for a lack of second and with the County Administrator seeking further nominations for Vice Chairman of the Board of Supervisors and there being none he declared nominations closed and called for the question to appoint Bill Wimmer as Vice Chairman of the Board of Supervisors for calendar year 2008 and until his successor is duly elected. The following vote is hereby recorded and adopted by a vote of 3 to 1, with Supervisor Anderson abstaining.

|                         |                               |
|-------------------------|-------------------------------|
| Supervisor White – Nay  | Supervisor Anderson – Abstain |
| Supervisor Wimmer – Aye | Supervisor Rasnick – Aye      |
| Supervisor Hymes – Aye  |                               |

#### **REGULAR MEETINGS, DATE, TIME AND PLACE**

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 none against, the Tazewell County Board of Supervisors hereby designates the 1<sup>st</sup> Tuesday of each month beginning at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651 as the regular meeting date, place, time and location for meetings of the Tazewell County Board of Supervisors.

#### **ROBERTS RULES OF ORDER ADOPTED**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby adopts Robert’s Rules of Order as the official rules of procedure for conducting meetings/business of the Tazewell County Board of Supervisors for calendar year 2008.

#### **CLERK OF THE BOARD**

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby appoints the County Administrator, Jim Spencer, as Clerk to the Board of Supervisors for calendar year 2008.

#### **DIRECTOR FOR EMERGENCY SERVICES FOR TAZEWELL COUNTY**

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 none against, the Tazewell County Board of Supervisors hereby appoints the County Administrator, Jim Spencer, as the Director of Emergency Services for Tazewell County, Virginia for calendar year 2008.

#### **LEGISLATIVE CONTACT TO WORK WITH VACO**

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 appoints William B. "Bill" Rasnick, Chairman of the Board of Supervisors to serve as Tazewell County's legislative contact to work with VACO during the upcoming 2008 General Assembly. The County Attorney will advise and assist the Chairman with this endeavor.

#### **BUDGET COMMITTEE FY2008-2009**

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 none against the same, the Tazewell County Board of Supervisors hereby appoints the following Board of Supervisor members to serve as the Tazewell County Budget Committee for Fiscal Year 2008-09 as well as alternates respectively:

- Supervisor Anderson; Supervisor Rasnick
- Alternates: Supervisor Wimmer, White & Hymes

Supervisor Anderson requested that the Budget Committee meet as soon as possible because tough decisions must be made with regard to the upcoming budget. School budget matters as well as various economic development concerns will be the upmost importance during this budget year. He encouraged direction from the Board of Supervisors and School Board members on these subjects and requested that the budget committee meet without delay.

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

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

- A-7 legal matter involving Caleb Hollow Road
- A-7 legal matter involving Airport Condemnations
- A-7 legal matter involving Cedar Bluff versus Tazewell County
- A-3 property acquisition involving lake property

- A-3 property acquisition involving property on Main Street in Tazewell
- A6-A-3 The investment of public funds, where if made public initially, the financial interest of the county may be adversely affected involving Asset Forfeiture funding relative to property acquisition
- A-5 Prospective Industry involving – Bluestone Development
- A-5 Prospective Industry involving – Pharmaceutical Company

**RETURN/CERTIFICATION**

Upon motion of Supervisor White, 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 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 meeting and lawfully permitted to be discussed under the provisions of The Virginia Freedom of Information Act that were cited in the motion to enter in the Executive/Closed meeting:

Roll Call Vote:       Supervisor Hymes – Aye  
                              Supervisor Wimmer – Aye  
                              Supervisor Rasnick – Aye  
                              Supervisor Anderson – Aye  
                              Supervisor White – Aye

Action:

There was no action to report as a result of the Executive/Closed meeting.

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**SOLID WASTE REVENUE BONDS – ON THE PROPOSED ISSUANCE BY THE COUNTY IN AN ESTIMATED PRINCIPAL AMOUNT UP TO \$2,950,000.00**

The Chairman, William B. Rasnick, called to order a public hearing which had been duly advertised according to law entitled, a public hearing “ON THE PROPOSED ISSUANCE BY THE COUNTY OF SOLID WASTE REVENUE BONDS IN THE PRINCIPAL AMOUNT UP TO \$2,900,000.00.” The purpose of the proposed bonds is to finance the construction of Phase 4A of the County’s sanitary landfill and other improvements and expansions to the County’s solid waste disposal system.

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

Supervisor Anderson said that the minutes should reflect the following language: “By approving the Bond, the County will be able to restructure or effect considerable savings by refunding all or a portion of the outstanding amount due under the “1997 Bonds.” The total amount of savings to the County over the next ten (10) years should be \$176,640.00.”

Then, 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 adopts a “RESOLUTION APPROVING THE FINAL PRICING TERMS OF TAXABLE SOLID WASTE DISPOSAL SYSTEM REVENUE BONDS OF TAZEWELL COUNTY, VIRGINIA, TO BE ISSUED AND SOLD TO THE VIRGINIA RESOURCES AUTHORITY.”

WHEREAS, the Initial Resolution provided initial authorization to issue and sell a taxable solid waste disposal system revenue bond of the County in a principal amount not to exceed \$2,950,000 (the “bond”), the proceeds of which would (a) finance the construction of Phase 4A of the County’s sanitary landfill and other improvements and expansions to the County’s solid waste disposal system and (b) refund all or a portion of the County’s \$1,180,000.00 Solid Waste Disposal System Revenue Bonds, Series 1997; and

WHEREAS, after publication of the requisite notice in accordance with Section 15.2 – 2606 of the Code of Virginia of 1950, as amended, the Board has held on the date hereof a public hearing on the proposed issuance of sale of the Bond; and

WHEREAS, the Board desires to approve the final pricing terms of the Bond and otherwise to ratify the provisions contained in the Initial Resolution. A copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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## **COMMUNITY HEALTH UPDATE**

Les Clevinger, Environmental Health Supervisor, Cumberland Plateau Health District, provided the Board with a community health update. The report focused on 2007 Cumberland Plateau Environmental Health Services, e.g. Sewage Disposal, Drinking Water, Food Services & Other inspections; Rabies, Complaints and other activities such as lead, radon, vector control, etc.

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## **PUBLIC HEARING –**

**“AN ORDINANCE TO REMOVE OR REPAIR THE DEFACEMENT OF BUILDINGS, WALLS, FENCES AND OTHER STRUCTURES, PURSUANT TO SECTION 15.2-908 OF THE CODE OF VIRGINIA, AS AMENDED”**

The Chairman, William B. Rasnick, called the public hearing to order that had been duly advertised according to law entitled “AN ORDINANCE TO REMOVE OR REPAIR THE DEFAACEMENT OF BUILDINGS, WALLS, FENCES AND OTHER STRUCTURES, PURSUANT TO SECTION 15.2-908 OF THE CODE OF VIRGINIA (1950 AS AMENDED).”

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

Mr. B.C. Fuller, Bluefield, Virginia 24605 said that he did not agree with the County tell him what building he had to tear down on his property and voiced opposition to the proposed ordinance.

Then, the County Attorney, Eric Young explained that the proposed ordinance exempts a barn or other structure used to store agricultural equipment or products, located on property which is taxed or zoned as dedicated to agricultural use and shall not be deemed a defaced building or structure.

Supervisor Wimmer said that there were several properties in his district that would be subjected to the provisions of this ordinance. He said that the County needed a remedy to protect the health and safety of County residents.

Now, upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts “AN ORDINANCE TO REMOVE OR REPAIR THE DEFAACEMENT OF BUILDINGS, WALLS, FENCES AND OTHER STRUCTURES, PURSUANT TO SECTION 15.2-908 OF THE CODE OF VIRGINIA (1950) AS AMENDED.” A copy of the ordinance in a form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

Supervisor Anderson questioned whether the County could recoup expenses incurred with regard to the removal of a defaced building or structure. Any repairs or removals performed by the County will be at the County’s expense pursuant to the ordinance as adopted this date; however, there is \$50,000.00 in the FY07-08 budget for nuisance clean-up, pursuant to the County’s Nuisance ordinance adopted several years ago.

Supervisor Hymes requested that the County Attorney investigate the collection of box trailers on property located in the Southern District. The County Attorney noted that he was familiar with the location of the trailers and he would look into the matter to see if the situation would fall under the County’s Junkyards; Automobile Graveyard Ordinance.

**CONSENT CALENDAR APPROVED**

Upon motion of Supervisor Wimmer seconded by Supervisor Hymes and

adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against 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**

### **November/December 2007**

Ordered that Warrant Nos. 126519 through 126604, and direct deposits totaling \$194,752.12 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending November 30, 2007, be approved.

Ordered that Warrant Nos. 126606 through 126694, and direct deposits totaling \$192,587.53 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 15, 2007, be approved.

Ordered that Warrant Nos. 437106 through 437236, for \$811,029.51 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of November 2007, be approved.

Ordered that Warrant Nos. 437238 through 437356, for \$15,600.00 from the General Fund covering operating expenses for the various County agencies for the month of November 2007, be approved.

Ordered that Warrant Nos. 437358 through 437378, for \$134,646.84 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending November 30, 2007, be approved

Ordered that Warrant Nos. 437380 through 437536, for \$587,812.40 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. 437538 through 437557, for \$135,039.39 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. 801182 through 801194 for \$28,619.33 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of November 2007, be approved.

#### DAMAGE CLAIM APPROVED

- Approval of \$400.00 to Timothy Woodall, 6635 Clearfork Road, Bastian, Virginia 24314 for 1 cow shot by a hunter on December 5, 2007.

#### COYOTE CLAIMS APPROVED

- \$50.00 to Larry Lambert, 401 Plymouth Hollow Road, North Tazewell, Virginia 24630 for 1 coyote killed with a gun on December 19, 2007.
- \$50.00 to Eddie Bowman, 3071 Mudfork Road, North Tazewell, Virginia 24630 for 1 coyote killed with a rifle on December 13, 2007.
- \$50.00 to Robert Wright, PO Box 737, North Tazewell, Virginia 24630 for 1 coyote killed on December 1, 2007 with a rifle.
- \$50.00 to Danny Akers, Rt. 2, Box 466-A, Bluefield, Virginia 24605 for 1 coyote killed on December 1, 2007 with a snare.
- \$50.00 to Larry Lambert, 401 Plymouth Hollow Road, North Tazewell, Virginia 24630 for 1 coyote killed with a rifle on November 11, 2007.
- \$100.00 to James Howery, Box 270, Witten Valley Road, Tazewell, Virginia 24651 for 2 coyotes killed on December 20 & December 24, 2007.
- \$50.00 to Danny Akers, Rt. 2, Box 466-A, Bluefield, Virginia 24605 for 1 coyote killed with a snare on December 25, 2007

#### TRANSFER OF FUNDS

Approved a transfer of \$14,000.00 from the Contingency Fund 01050-7023 to Account No. 32010-8109 \$12,000 (insurance claim) and to Account No. 12510-8109 \$2,000 (payment of services).

#### SHERIFF'S BUDGET

Approved a transfer of \$650.00 from Account No. 91050-7041 Contingent Grant Resource Account to the DARE Supplies Line Item No. 31060-6021- donation from Walmart.

CIRCUIT COURT CLERK'S OFFICE

Approved \$4,988.00 from Account No. 91050-7041 Contingent Grant Resource Account to the Clerk's office/Circuit Court Account No. 21060-5850 – grant from the Library of Virginia – Records Preservation Program.

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CITIZEN COMMENTS – SCHEDULED

COMCAST CABLE – STEVE POLLOCK

Steve Pollock with Comcast Cable, Johnson City, TN 37602, gave a report on the Comcast Cable's new channel lineup & price guidelines. Comcast will add high-speed upgrades to Comcast High-Speed Internet services, offer new digital packages as well as adding new sports channels and offer "Powerboost" to the Internet Service. Comcast serves 2200 customers in Tazewell County and a five percent (5%) increase was effective December 1, 2007. Supervisor Anderson questioned the rate increase as well as other cable and satellite concerns with Mr. Pollock. An eleven percent (11%) rate increase has occurred in the last two (2) years. Mr. Pollock said that customers who randomly "bounce" promotional specials cause Comcast additional costs and ultimately those costs are put back on the consumer.

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MICHELLE ANGLE – WEST MAIN STREET EROSION CONCERN

Michelle Angle, a property owner at 501 West Main Street, Tazewell, Virginia 24651 and a resident at PO Box 2, Henry, Virginia 24201 requested that the Board of Supervisors take the necessary actions to resolve the erosion concerns at 501 West Main Street. Ms. Angle alleges that the erosion issues are a result of the re-routing of the creek beside the new Jail & County Courthouse. She requested that the creek be returned to its original route to alleviate the erosion concerns on her property. Ms. Angle alleged that the problems went full force in the summer of 2003 and that the silt in the creek continues to manifest and damage the creek bank near her property on West Main Street.

The County Administrator, Jim Spencer, suggested that the situation be re-visited and that a meeting be held with the County Engineer, DCR and the CORP to discuss the erosion concern. The Town of Tazewell may need to be involved as well.

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MOON-LITE EXPRESS, INC. –

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## DWAYNE MUSICK

Dwayne Musick, Moon-lite Express, Inc. PO Box 910, Raven, Virginia 24639 was present and voiced concern with regard to the on-going legal concerns with his recycling business. Mr. Musick's said that he was only seeking direction as to what needed to be done or changed in order for his recycling business to obtain a junk dealers license from the County. The County Attorney said that he thought that he and Mr. Musick's attorney, Fred Harman, had reached a resolution with regard to the fence requirement. Mr. Musick said that his attorney had not been in contact with him. Supervisor Seth White questioned whether the County Attorney had been in contact with the property owner, regarding the easement/fence requirement. The County Attorney said that he thought that Mr. Musick's attorney would have already been in touch with Mr. Musick; however, he would contact Fred Harman once again to hopefully reach a resolution.

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## APPOINTMENTS

### Coal & Gas Road Improvement 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 no one against the same, the Tazewell County Board of Supervisors hereby appoints Seth R. White, 183 Terry Drive, Richlands, Virginia 24641 as a member of the Coal & Gas Road Improvement Advisory Board, with a term commencing immediately and expiring December 31, 2011.

### Information Technology Telecommunications (ITT) Committee –

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 D. Michael Hymes, PO Box 7, Tazewell, Virginia 24651 as a member of the Tazewell County Information Technology Telecommunications (ITT) Committee with a term commencing immediately and expiring at the will & pleasure of the Tazewell County Board of Supervisors.

### Tazewell County Planning Commission –

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 David R. Anderson, 314 Ridgeway Drive, Bluefield, Virginia 24605 as a member of the Tazewell County Planning Commission with a term commencing immediately and expiring June 30, 2011. This appointment coincides with Supervisor Anderson's elected term of office.

### Tazewell County Public Service Authority (PSA) –

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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 Jack Harry, 549 West Main Street, Tazewell, Virginia 24651 as a member of the Tazewell County Public Service Authority, with a term commencing immediately and expiring December 31, 2011.

Tazewell County Recreation & Parks Facility Authority –

One (1) appointment to the Tazewell County Recreation & Parks Facility Authority was deferred until such time as a Tourism Director for Tazewell County is hired.

Richlands Incubator and Administrative Board –

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 appoints Seth R. White, 183 Terry Drive, Richlands, Virginia 24641 as a member of the Richlands Incubator and Administrative Board with a term effective immediately and expiring at the will and pleasure of the Tazewell County Board of Supervisors.

Tazewell County Council -

It was a consensus of the Board to rotate Board of Supervisor membership on the Tazewell County Council.

Tazewell County Local Emergency Planning Commission (LEPC) –

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson 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 appoints Supervisor Bill Wimmer to serve as the Board of Supervisor representative on the Tazewell County Local Emergency Planning Commission (LEPC), with a term effective immediately and expiring at the will & pleasure of the Board of Supervisors.

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**PUMPER REPLACEMENT – ABBS VALLEY-BOISSEVAIN FIRE DEPARTMENT**

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$5,000.00 from the Northern District Fund, 91400-5650 payable to the Abbs Valley Fire Department to assist in the purchase of a Reconditioned Ford C800 KME Pumper – 1987 Model. The total price package is \$46,500.00. The amount of \$12,000.00 will be obtained from the Abbs Valley – Boissevain Fire Department escrow/ insurance monies; \$2,000 will be used from Abbs Valley –

Boissevain fire department in-house funding and the remaining balance of \$27,500.00 will be financed by the County similar to the financing of the two(2) fire trucks for Richlands.

The County Administrator is hereby authorized and directed to issue the \$5,000.00 from the Northern District Fund, payable to the Abbs Valley – Boissevain Fire Dept. 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.

Several members of the Board of Supervisors reiterated their request for a complete list of inventory of all emergency services vehicles and equipment as well as emergency calls per district. Supervisor Rasnick said that County fire & rescue departments might have equipment that they could let go based on lack of usage.

Supervisor Wimmer representative for the Emergency Services Committee reported that the Office of Emergency Medical Services awarded an 80/20 grant to purchase an ambulance for the Claypool Hill Station to Richlands Rescue. Total amount of the grant is \$99,520.00; 20% will be requested from the County (\$19,904.00). This matter will be addressed in the FY08-09 fiscal year budget process.

Supervisor Wimmer further reported that the high costs of heating fuel has depleted funding in the Abbs Valley Fire Department budget. Abbs Valley is requesting funding assistance from the County, or wanted to know if there was some kind of emergency funding the department could apply for.

Supervisor Rasnick requested that the Emergency Services Committee encourage the Baptist Valley folks to work together with regard to rescue squad concerns.

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## COUNTY ATTORNEY REPORTS

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

- APCo – Fuel Factor rate increase – the County opposes any AEP rate increase and the County Attorney and County Administrator will represent the County in Richmond during the SCC hearings.
- Mother of Christ Julinoel – Dr. Joseph Ekwearri’s– request for tax exempt status. The total real estate tax exemption request for the most recent year is \$11,859.00. The County Attorney will seek an opinion from the Commissioner of Revenue on this matter.
- Caleb Hollow Road – A settlement was reached in the Caleb Hollow road matter. It was determined to be a public road by agreed order of the Circuit Court Judge and the public must be given right of entry accordingly. With regard to the cemetery or graves located on or near the Caleb Hollow Road property, the Code of Virginia requires that all family members of deceased

persons buried there must be given right to ingress and egress to the cemetery or grave.

However, enforcement of the rights to access a public cemetery is not a public right.

- New Subdivision Street Requirements - The County is voicing opposition to the General Assembly with regard to new legislation relative to subdivision street regulations for localities. The Board of Supervisors has determined that the new requirements are too extreme for rural counties.
- Southwest Virginia Regional Health Authority – The County Attorney reported that the County could pay mileage for the County representative on the Southwest Virginia Regional Health Authority.

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## COUNTY ADMINISTRATOR REPORTS

The County Administrator, Jim Spencer, reported on the following County projects:

Roads Update – County officials continue to meet with the various towns with regard to the Revenue Sharing Projects.

T21 Walking Trail – Pocahontas, Virginia and Historic Crab Orchard Museum Project - Gary Earp, County Engineer will be the project coordinator with regard to the Walking Trail & Historic Crab Orchard Museum. Then, upon motion of Supervisor White, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and none against the same, the Tazewell County Board of Supervisors hereby appoints Mike Hymes and Bill Wimmer to work with the Museum and the County on the Historic Crab Orchard Museum T21 VDOT – Historic Crab Orchard Museum Project and upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted unanimously, the Board of Supervisors hereby further hereby appoints Bill Rasnick and Dave Anderson to work with the T21- VDOT Walking Trail Project in Pocahontas.

## TAZEWELL COUNTY LANDFILL – RETAINING WALL BID

Following presentation by Rick Chitwood, T & L Consultant, and upon motion of Supervisor Wimmer, 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 and awards the lowest responsive bid, in the amount of \$244,977.50 to Little B. Enterprises, Inc. Pound, Virginia - contingent upon approval of the County Attorney, for the Tazewell County Landfill Retaining Wall project. – T & L

Engineer Project No. 8243-04. A complete copy of the bid award is on file in the office of the County Administrator, Main Street, Tazewell, Virginia 24651.

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The County Administrator then gave a brief update on the following subjects:

- Bluestone - Infrastructure bids will begin in the spring.
- Landfill Phase 4-A – the project is on winter shut-down
- The Landfill continues to collect fees on the disposal of tires
- Upon request of Supervisor Wimmer the County Administrator gave a brief update on the Tobacco Commission grant monies and utilization of same for the Bluestone. The County Administrator further reiterated the potential development of Richlands area with help from the Richlands Incubator. He emphasized the importance of a talented workforce to meet the needs of future employers and noted the County’s commitment to growth in all areas of the County.
- Economic Development – The County had its first GED graduate at the Bluestone
- In-house Reassessment – The County Administrator voiced the need for the County to “dust off” the in-house reassessment conducted several years ago. Supervisor Rasnick reiterated the importance of an in-house assessment program for Tazewell County in order to better serve the citizens of Tazewell County.
- County Auction – the County Auction was held December 15, 2007 and brought \$24,652.00 to the County of which \$7,200 will be returned to the Sheriff’s office for 2 forfeiture vehicles sold during the auction.
- Comprehensive Plan – Each Board member was sent a comprehensive plan questionnaire and requested to forward same to the County Engineer. The questionnaire response will be given to Ms. Hollie Lesko. Supervisor Seth White volunteered to be a member of the Comprehensive Sub-committee to replace Mr. Griffith.
- Patricia Green, Assistant County Administrator gave an update on the floor sealant and septic concerns at the Animal Shelter. Both projects are being resolved. Ms. Green also mentioned that an Animal Rescue facility in Pennsylvania would be taking some of the animals at the Shelter. According to Ms. Green the facility in Pennsylvania is legitimate. A question why the County could send animals to Pennsylvania and not to the Mercer County Animal Shelter was deferred to the County Attorney. Eric Young will look at crossing state-line issues with animals and make a report to the Board accordingly. Supervisor Anderson then reiterated his request to

look at all county owned property for possible relocation of the Animal Shelter. The idea of allowing the County to completely over-see the daily operations of the Animal Shelter was also brought up.

- Tazewell County Council Legislative Meeting – the Tazewell group will travel to Richmond January 15-18, 2008.
- Pigeon Removal on Main Street/Tazewell – Supervisor Hymes will speak to the Mayor of Tazewell and report back to the Board with regard to the on-going pigeon concerns on Main Street.
- East River Chapter of Trout Unlimited – this group might be able to assist in a recreation/fishing activity for the Clinch Valley Community Action, Inc. program.
- FUNDING – PRESIDENTIAL PRIMARY

Upon motion of Supervisor Wimmer, seconded by Supervisor Anderson 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 authorizes and directs the County Attorney to draft a resolution seeking reimbursement from the State/General Assembly, with regard to costs associated with the Presidential Primary – local funding. The General Assembly will be requested to provide the additional funds to the SBE in the form of a legislative amendment to the current State Appropriations/budget.

A copy of the resolution in a form as drafted will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

The Board of Supervisors further heard from Supervisor Wimmer with regard to a request from Debbie Barrett, County Registrar seeking assistance from the County to hire a part-time assistant for the County Registrar's office. It was a consensus of the Board to consider this matter in the 2008-09 County Budget.

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Supervisor White questioned the status of the Jewell Ridge-convenience area project. The area in question is located on a former mine site. Eric Young is working with the property owner on this subject.

#### VIRGINIA CITY HYBRID ENERGY CENTER –

Upon request and motion by Supervisor White, 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, and contingent upon approval of the County Attorney, the Tazewell County Board of Supervisors hereby adopts a resolution supporting the proposed Virginia City Hybrid Energy Center. The resolution indicates that the entire State will benefit from the electricity generated from the project. A copy of the resolution once approved by the County

Attorney will be forwarded to Barbara Altizer, Virginia Coal Council, VML as well as VACo and incorporated herein and made reference thereto.

Supervisor White then announced that he would be at the V & V Restaurant in Richlands on Saturday, January 26 from 8 a.m. to 10 a.m. to meet with the public to address County issues.

Supervisor White suggested that the meetings of the Board of Supervisors be broadcast on a local public access T.V. station.

Supervisor White questioned the status of the Enterprise Zone Ordinance. The County Attorney said that the Ordinance was adopted by the Board but the County is waiting on Richmond to approve the corresponding maps associated with the Enterprise Zone Ordinance.

YOUTH FUNDS – NORTHWESTERN 72010-5609  
& WESTERN DISTRICT 72010-5608

Richlands High School Boys Varsity Basketball  
Richlands High School Project Graduation

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Northwestern District Youth Fund, payable to the Richlands High School Boys Varsity Basketball Team. Further, 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 amount of \$1,000.00 from the Northwestern District Youth Fund, payable to the Richlands High School Project Graduation 2008 mailed to attn: Mrs. Anda White, 311 Gray Drive, Richlands, Virginia 24641 and further that the amount of \$1,000.00 be approved from the Western District Youth Fund, payable to the Richlands High School Project Graduation 2008 – payable to same. Said warrants will be issued by the County Administrator and converted to negotiable checks by the Treasurer of Tazewell County, Virginia 24651.

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YOUTH FUNDS – SOUTHERN DISTRICT 72010-5607 & NORTHERN 72010-5606  
Tazewell Wrestling Club, Inc.

Upon motion of Supervisor Rasnick, 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 \$400.00 from the Southern District Youth Funds and the amount of \$400.00 from the Northern District Youth Fund, \$800.00 respectively, payable to the Tazewell Wrestling

Club, Inc. 5350 Thompson Valley Road, Tazewell, Virginia 24651. Said warrant will be issued by the County Administrator and converted to negotiable checks by the Treasurer of Tazewell County, Virginia 24651.

YOUTH FUNDS – SOUTHERN DISTRICT 72010-5607

PACK 93, TROOP 93, CREW 93

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 following amounts from the Southern District Youth Fund payable as set forth below, and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

- Pack 93 - \$500.00
- Troop 93- \$500.00
- Crew 93- \$250.00

Supervisor Hymes said that the Clinch Valley Community Action, Inc. is possibly interested in using the Falls Mills School as a transitional housing facility.

Supervisor Hymes suggested that the Planning Commission meet with the Cove Creek group(s) regarding the proposed development in the Cove Creek area.

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WESTERN DISTRICT FUNDS

Richlands High School – Wrestling Club

Upon motion of Supervisor Wimmer, 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 Western District Youth Funds, Acct. No. 72010-5608, payable to the Richlands High School Wrestling Club, Richlands, Virginia 24641. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Cedar Bluff Community Watch Group

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 \$500.00 from the Western District Funds, payable to the Cedar Bluff Community Watch Group, Cedar Bluff, Virginia 24609. 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.

Richlands High School Varsity Girls Basketball

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$457.00 from the Western District Youth Funds, payable to the Richlands High School Varsity Girls Basketball Team to assist in the purchase of basketball shoes. 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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BAILEY LOG HOUSE – RESOLUTION RATIFIED

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 ratifies a RESOLUTION supporting the efforts of the Graham Historical Society in its endeavors to restore the Bailey Log House in Bluefield, Virginia. The Board believes that this initiative will enhance the cultural of our area as well boost business and recreation opportunities and will be a vital importance in preserving the heritage of the Town of Bluefield.

A copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

Supervisor Anderson then requested that Sam Wolford and Mark Profitt work with him on the subject of Dark Fiber. It was noted that the Fairgrounds/POP information should be revisited.

Supervisor Anderson said that he recently obtained a list of property owned by the County, the IDA, the PSA as well as the Airport and requested that the County's GIS department make available a map of all County property and provide same to the Board of Supervisors.

Supervisor Anderson then requested that the County Administrator contact John Perry and obtain several dates from him to meet with County folks regarding the Bluestone.

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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 Session pursuant to Virginia Code Section 2.2-3711:

- A-5 Prospective Industry involving the Bluestone Development
- A-5 Prospective Industry involving a Pharmaceutical Company

Now, upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed meeting and hereby certifies that the Tazewell County Board of Supervisors, in the closed meeting just concluded, that nothing was discussed except that the matters specifically identified in the motion to convene in an executive/closed meeting and lawfully permitted to be discussed under the provisions of The Virginia Freedom of Information Act that were cited in the motion to enter into the Executive/Closed Meeting:

Roll Call Vote –

Supervisor Hymes – Aye

Supervisor Wimmer – Aye

Supervisor White – Aye

Supervisor Anderson – Aye

Supervisor Rasnick – Aye

#### REPORT OF ACTION

There was no action to report as a result of the Executive/Closed Session.

#### ADJOURN

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

The next meeting is scheduled for Tuesday, February 5, 2008 at 6:00 p.m.

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William B. “Bill” Rasnick, Its Chairman

By: rg

11:43 p.m.