

VIRGINIA: At a Special Called Meeting of the Tazewell County Board of Supervisors held July 19, 2007 at 7:00 p.m. at the Tazewell County Public Service Authority Building, Tazewell, Virginia 24651.

**PRESENT: William B. "Bill" Ransick, Chairman
Bill B. Wimmer, Vice Chairman
Earl W. Griffith, Member
Dave Anderson, Member
D. Michael Hymes, Member
Jim Spencer, County Administrator
Eric Young, County Attorney
Members of the Press: Warren Hinkle, Tazewell County
Free Press**

ABSENT: None

**MINUTES-
SPECIAL CALLED MEETING**

The Chairman, William B. Ransick, called the Special Meeting to order and presided with all members in attendance. The Special Meeting was called in order that the Board of Supervisors could discuss and possibly act upon the following matters:

- o Clarification of an earlier resolution regarding the School Board's construction of a field house for Richlands High School.
 - o Approval of Coal Severance Roads for FY08
- Executive Session:
- o One matter regarding revenue sharing agreements for the Bluestone Regional Business and Technology Center, pursuant to Section 2.2-3711 (A) (6);
 - o One matter regarding revenue sharing agreements for the Bluestone Regional Business and Technology Center, pursuant to Section 2.2-3711 (A) (6);
 - o One matter regarding the negotiation of syndication of tax credits for the Town & County Building, pursuant to Section 2.2-3711 (A) (6)

And, to address other matters as may properly come before the Board of Supervisors. All those required to be notified of the special called meeting in accordance with The Virginia Freedom of Information Act were so informed. A copy of the Request for the Special Called Meeting as well as a copy of the Waiver of the Special Called Meeting Notice in accordance with Virginia Code Section 15.2-1417 and 15.2-1481 and 2.2-3707 paragraphs, A, C, D & E is attached to these minutes and incorporated herein by reference thereto.

Supervisor Anderson gave the invocation with Supervisor Griffith leading those present in the Pledge of Allegiance.

**AGENDA -
ADDITIONS/DELETIONS TO AGENDA
APPROVAL OF FORMAT**

Now, upon motion of Supervisor Griffith, seconded by Supervisor Hymes and adopted by a roll call 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 amends the Special Called Meeting Agenda format to include the following matters in accordance with the Waiver of Special Meeting Notice executed by all five (5) members of the Tazewell County Board of Supervisors prior to the meeting being called to order on this date:

- o Resolution authorizing the County Administrator to sign Revenue Sharing documents and/or agreements
- o Executive Session - one matter involving the County Landfill - Phase 4A development, pursuant to Virginia Code Section 2.2-3711 A (6).

The following roll call vote was recorded in accordance with this action:

Supervisor Hymes -	Aye
Supervisor Wimmer -	Aye
Supervisor Griffith-	Aye
Supervisor Ransick-	Aye
Supervisor Anderson -	Aye

**RICHLANDS HIGH SCHOOL
FIELD HOUSE PROJECT -
CLARIFICATION OF JUNE 5, 2007 ACTION**

Upon motion of Supervisor Griffith, 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 amends and approves its resolution of June 5, 2007 to specifically authorize a temporary loan in the amount of \$350,000.00 pursuant to 22.1-110 of the Code of Virginia – this money is to be obtained by the Tazewell County School Board through Interim Financing and will reduce the Tazewell County School Board’s line item for the Richlands Field House project in its facilities plan, as approved by the Tazewell County School Board on June 4, 2007, from \$1,160,000.00 to \$350,000.00.

Supervisor Wimmer stated that he remains firm with regard to his second to the June 5, 2007 Board of Supervisors motion regarding the Richlands Field House. He said that it was his understanding that his second to the motion was to allocate an additional \$350,000.00 to the School System for fiscal year 07-08, not from Interim Financing, so that the field house project could be constructed as soon as possible.

ORPHAN ROAD LIST APPROVED FOR BID

Upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the 2007 – 2008 Orphan Road List as recommended for approval by the Tazewell County Coal & Gas Road Improvement Committee at a meeting held this date.

The following road list will be put out for competitive bid in accordance with the County’s Public Procurement Ordinance, Section 2-110 of the Tazewell County Code as well as Chapter 7 of Title 11 of the Code of Virginia, known as the Public Procurement Act:

Eastern District

Road Name	Mileage
Fincastle Farms	0.90
Bluebird Lane	0.04

Western District

Grace Street	0.50
Estates Drive	0.40

Northern District

Yards Road	0.31
Repair Street	0.25
Barbarosa	0.09
Game Bird	0.10
Road West of Parsons	0.02
Jimmy Crouse St.	0.05
Ball Street	0.08
Barbour Street	0.10
Radio Hill	0.15

Southern District

Blackhorse Road	0.70
Valley Loop Road	0.65

**Northwestern
District**

Jackson Street	0.22
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**REVENUE SHARING RESOLUTION -
AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN
DOCUMENTS OR AGREEMENTS**

Upon motion of Supervisor Griffith, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes, empowers and directs the County Administrator to execute, on behalf of the Tazewell County Board of Supervisors, any and all documents/agreements relating to the administering of road projects in relation to the Virginia Department of Transportation's - Road Revenue Sharing Program.

EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed session, pursuant to the following matters, pursuant to Virginia Code Section 2.2-3711:

- o One matter involving the County Landfill - Phase 4-A development pursuant to Section 2.2-3711 A (6).
- o One matter regarding a contract with the Town of Richlands to provide fire protection services and equipment, pursuant to Section 2.2-3711 A (6).
- o One matter regarding revenue sharing agreements for the Bluestone Regional Business and Technology Center, pursuant to Section 2.2-3711 A (6).
- o One matter regarding the negotiation of syndication of tax credits for the Town & Country Building, pursuant to Section 2.2-3711 A (6).

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Griffith, 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 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 and 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 Rasnick-	Aye
Supervisor Griffith -	Aye
Supervisor Anderson-	Aye

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

LANDFILL - PHASE 4A DEVELOPMENT

Upon motion of Supervisor Griffith, 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 Probable Project Cost Budget with regard to the Landfill Phase IV-A/V Development Improvements, in the amount of \$2,710,786.00.

**LANDFILL - MEMORANDUM OF UNDERSTANDING # 4 - TO THOMPSON & LITTON'S
AGREEMENT FOR NECESSARY**

CONSTRUCTION PHASE SERVICES

Upon motion of Supervisor Griffith, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a Memorandum of Understanding # 4 to Thompson & Litton's

Agreement for necessary construction phase services contingent upon Legal Counsel's review and within the Probable Project Cost Budget amounts reflected.

LANDFILL PHASE IV-A DEVELOPMENT

-A & A ENERGY, INC.

Upon motion of Supervisor Wimmer, seconded by Supervisor Griffith and adopted by a vote of 3 to 2, with Supervisor Hymes and Anderson voting nay, the Tazewell County Board of Supervisors hereby awards A & A Energy, Inc. for a not-to-exceed fee of \$926,035.00 contingent upon Legal Counsel's review and subject to settlement with regard to A & A Energy's contract with the Tazewell County Airport.

LANDFILL PHASE IV - A DEVELOPMENT

VRA - FINANCING RESOLUTION -

NOT TO EXCEED \$2,710,786.00

Upon motion of Supervisor Griffith, 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 authorizes and directs the County of Tazewell to file an application with the Virginia Resources Authority (VRA) ([2007 fall-pool cycle] for an amount not to exceed the amount of \$2,710,786.00 with regard to the costs associated with the completion of the Landfill Phase IV -A Development.

RESOLUTION APPROVING AMENDMENTS TO A FIRE PROTECTION AGREEMENT WITH THE TOWN OF RICHLANDS

Upon motion of Supervisor Wimmer, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a RESOLUTION APPROVING AMENDMENTS TO A FIRE PROTECTION AGREEMENT WITH THE TOWN OF RICHLANDS, dated June 5, 2007:

- o The term of the agreement shall be twenty (20) years or until July 2, 2027.
- o The fee paid by the County to the Town shall be increased by \$55,363.43 per year beginning in Fiscal Year 2008 for equipment upgrades. The fee increase shall be for ten (10) years. Thereafter the fee paid by the County to the Town shall be renegotiated.
- o The Town shall station such equipment as is necessary to fulfill its obligations under the Contract at the Claypool Hill Fire Station. Such equipment shall include but not be limited to the Pierce KW Pumper Truck and a Pierce DX Tanker Truck, described in schedule A, along with accompanying equipment.
- o At the conclusion of the ten year period for fiscal year 2008 to fiscal year 2017 the Town shall convey title to the two above described trucks to the County. Thereafter, the County shall lease the trucks to the Town for \$1.00 per year for so long as the Town fulfills its obligations under the Agreement.
- o For each of the first ten years of the Agreement the Town shall provide proof that the vehicles are in good working order, proof of insurance and proof that the Town has made all payments due toward any financing of the vehicles' purchase.
- o That should the Town terminate the Agreement or fail to perform pursuant to the Agreement the Town the County shall have the right to have the Town convey to the County all its interests in said vehicles and assume any remaining debt thereto related. The Town shall give the County a second lien on the vehicles as security for this obligation.
- o Should the County terminate the Agreement or otherwise fail to perform pursuant to the Agreement, the County shall nevertheless consider itself morally obligated to assume liability for any unpaid balance on the debt incurred by the Town to purchase the trucks.

IT IS FURTHER RESOLVED that the aforesaid terms shall be embodied in an Amendment to the earlier Agreement herein referenced and executed by the County Administrator on behalf of the County upon legal approval by the County Attorney.

IT IS SO RESOLVED THIS THE 19TH DAY OF JULY, 2007.

ADJOURN

Now, there being no further business to come before the Board of Supervisors, and upon motion of Supervisor Griffith, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, this Special Meeting is hereby adjourned.

The next regular meeting will be held on August 7, 2007 at 6:00 p.m.

Chairman, William B. "Bill" Rasnick

By: rg

Time 8:45 p.m.