

**VIRGINIA: At a Regular Meeting of the Tazewell County
Board of Supervisors held March 3, 2009 at 6:00 p.m.
in the Tazewell County Administration Building,
Tazewell, Virginia 24651**

**PRESENT: David R. Anderson, Chairman
Bill Wimmer, Vice Chairman
Seth R. White, Member
D. Michael Hymes, Member
Thomas Brewster, Member
Jim Spencer, III- County Administrator
Eric Young, County Attorney
Patricia Green, Assistant County Administrator
Ruth Groseclose, Administrative Assistant
Members of the Press: Charles Owens, Bluefield Daily Telegraph;
Jim Talbert, Clinch Valley News/Richlands News Press &
John Bolt, Photographer, Bluefield Daily Telegraph**

ABSENT: None

CONSENT CALENDAR 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 approved the following items as Consent Calendar as set forth below. The County Administrator is hereby further 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 24651:

WARRANTS APPROVED AS PAID

January/February 2009

Payroll

Ordered that Warrant Nos. 129128 through 129218, and direct deposits totaling \$203,352.62 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending January 31, 2009, be approved.

Ordered that Warrant Nos. 129220 through 129311, and direct deposits totaling \$199,704.83 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending February 15, 2009, be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 442390 through 442520, for \$174,934.76 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of January 2009, be approved.

Ordered that Warrant Nos. 442522 through 442539, for \$139,887.60 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending January 31, 2009, be approved

Ordered that Warrant Nos. 442541 through 442682, for \$508,661.62 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of February 2009, be approved.

Ordered that Warrant Nos. 442684 through 442702, for \$140,474.12 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending February 15, 2009, be approved.

Handwritten

Ordered that Warrant Nos. 801333 through 801336 for \$738.73 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of January 2009, be approved.

Amendment for Handwritten Warrants in Feb. 2009 Agenda (Correction Highlighted)

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

COYOTE CLAIMS APPROVED

- \$350.00 to Jess Sparks, PO Box 1084, Cedar Bluff, VA 24609 for 7 coyotes killed on February 11, 2009 with a trap
- \$50.00 to Jerry Lee Jackson, 2317 Crab Orchard Road, Tazewell, VA 24651 for 1 coyote killed on February 16, 2009 with a snare
- \$50.00 to Earl White, 166 Comstock Lane, Bluefield, VA 24605 for 1 coyote killed on February 17, 2009 with a rifle
- \$50.00 to Eddie Bowman, 3071 Mudfork Road, North Tazewell, VA 24630 for 1 coyote killed on February 17, 2009 with a rifle
- \$50.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24651 for 1 coyote killed on December 27, 2008 with a snare
- \$200.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24651 for 4 coyotes killed on January 9, 2009 with a snare
- \$200.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24651 for 4 coyotes killed on January 17, 2009 with a snare
- \$200.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24651 for 4 coyotes killed on February 2, 2009 with a snare

- \$150.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24651 for 3 coyotes killed on February 11, 2009 with a snare
- \$50.00 to Chris Hurley, 5563 Witten Valley Road, Tazewell, VA 24651 for 1 coyote killed on February 9, 2009 with a rifle
- \$100.00 to William T. Bandy, 231 Gillespie Road, Pounding Mill, VA 24637 for 2 coyotes killed on January 10, 2009 with a snare
- \$100.00 to Larry Hagy, 227 Lincoln Street, Pounding Mill, VA 24637 for 2 coyotes killed on January 29, 2009 with a rifle
- \$100.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 2 coyotes killed on February 13, 2009 with a snare
- \$50.00 to Steven Short, PO Box 698 Steeles Lane, Tazewell, VA 24651 for 1 coyote killed on February 3, 2009 with a snare
- \$100.00 to Bill Lowe, 1598 Mundy Town Road, North Tazewell, VA 24630 for 2 coyotes killed on February 8, 2009 with a snare
- \$250.00 to William Daugherty, PO Box 1227, Grundy, VA 24614 (owns property in Tazewell County) for 5 coyotes killed on January 31, 2009 with a rifle
- \$50.00 to Jerry Jackson, 2317 Crab Orchard Road, Tazewell, VA 24651 for 1 coyote killed on January 31, 2009 with a snare
- \$50.00 to Danny Shrader, 287 Mundytown Road, North Tazewell, VA 24630 for 1 coyote killed on November 26, 2008 with a rifle
- \$50.00 to Ronnie Shrader, 287 Mundytown Road, North Tazewell, VA 24630 for 1 coyote killed on January 20, 2009 with a rifle
- \$50.00 to Bradley Childress, 1190 Indian Creek Road, Apt. # 3, Cedar Bluff, VA 24609 for 1 coyote killed on February 1, 2009 vehicle (state highway)
- \$50.00 to Kenny Fields, 176 Emma Lane, North Tazewell, VA 24630 for 1 coyote killed on January 9, 2009 with a rifle
- \$200.00 to Larry Hagy, Rt. 1, Box 439, Pounding Mill, VA 24637 for 4 coyotes killed on January 20, 2009 with snare & rifle
- \$450.00 to Alfred Webb, 244 Beechwood Lane, Tazewell, VA 24651 for 9 coyotes killed on January 12- 16, 2009 with a snare

- \$50.00 to Anthony Quesenberry, PO Box 24, Amonate, VA 24601 for 1 coyote killed with a trap on January 27, 2009

DAMAGE CLAIM FOR LIVESTOCK

- \$800.00 TO Frank Nolley, 550 Williams Street, Bluefield, VA 24605 for two (2) horses shot on November 6, 2008

SHERIFF DEPT. – BEAU DUKE K-9

- Declared K9 Beau Duke as surplus and allows the Sheriff to dispose/donate at his discretion.

SHERIFF VEHICLE – LAST 4 VIN # 6450 – 2004 CROWN VIC

- Declared surplus Sheriff Vehicle – 2004 Crown Vic, last 4 VIN# 6450 and authorized same to the Southwest Virginia Regional Jail.

LANDFILL TIPPING FEES WAIVED

- Declared waiving landfill tipping fees for Town of Richlands Project – house(s) demolition project

SHERIFF VEHICLES DECLARED SURPLUS TO TOWN OF TAZEWELL

- Declared vehicles surplus and authorized a donation of same from the Sheriff's Dept. - Vehicle No. 519, 510 & 563 to the Town of Tazewell Police Department

LABOR OF LOVE MISSION – BACK PACK PROGRAM

- Approved \$1000.00 from the Northern District Fund payable to the Labor of Love Mission – Back Pack Program

USED AUTO PARTS DEALER – MICHAEL SHEETS,
SHEETS TOWING

Consideration of approving a license for Used Auto Parts Deal, Michael Sheets, Sheets Towing, Tazewell, Virginia (Thompson Valley area) was deferred to the April 2009 regular meeting.

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, PHASE 1 BAPTIST VALLEY EAST SEWER PROJECT

The Chairman, David R. Anderson called to order a public hearing that had been duly advertised according to law, entitled, “COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, (CDBG), - Baptist Valley East Sewer Project, Phase I – and called for public comments from the floor.

Debbie McReynolds, MBA – Planner for Cumberland Plateau Planning District, presented a fact sheet with the regard to the application of funding for the 2009 cycle. from Virginia Community Development Block Grant funds in the amount of \$1,000,000 for the Baptist Valley East Sewer Project, Phase I. The County of Tazewell has obtained additional funding or will apply for funding in the amount of \$2,165,170 through DEQ (\$1,115,175) SRWEP (\$1,000,000 – committed), SWVA W/WW (\$100,000 – committed) and (\$140,000 – committed) in local funding. There will be 226 households representing 182 Low to Moderate Income (LMI) persons served by the project.

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

Then, upon motion of Supervisor Brewster, 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 adopts a the following resolution with regard to the Baptist Valley East Sewer Project, Phase I:

RESOLUTION

WHEREAS, Tazewell County, Virginia has as a primary objective the provision of adequate sewer facilities; and

WHEREAS, the County wishes to apply for Virginia Community Development Block Grant funds in the 2009 funding cycle; and

WHEREAS, the title of the County’s grant project is the Baptist Valley East Sewer Project, Phase I; and

WHEREAS, the County is requesting \$1,000,000 Virginia Community Development Block Grant Funds; and

WHEREAS, the County has obtained additional funding or will apply for funding in the amount of \$2,165,170 for this project through DEQ for (\$1,115,175), SRWEP (\$1,000,000 – committed), SWVA W/WW (\$100,000 – committed) and (\$140,000 – committed) in local funds; and

WHEREAS, 266 households representing 182 Low to Moderate Income (LMI) persons will be served; and

WHEREAS, two public hearings have been advertised and properly conducted and one other form of public notice and necessary assurances executed; and

NOW, THEREFORE BE IT RESOLVED, that the Tazewell County Board of Supervisors authorizes the submission of this grant proposal in the amount of to the Virginia Department of Housing and Community Development for the Baptist Valley East Sewer Project, Phase I, and designates the County Administrator as its representative to sign all documents pertaining thereto.

**BLUEFIELD VIRGINIA FIRE PROTECTION EQUIPMENT
AGREEMENT/CONTRACT**

Following presentation by the County Attorney, Eric Young, and upon motion of Supervisor White, seconded by Supervisor Brewster 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 FIRE PROTECTION EQUIPMENT AGREEMENT by and between the County of Tazewell, Virginia and the Town of Bluefield, Virginia for the purchase of fire equipment by the Town which fire equipment may be used outside the boundaries of the Town of Bluefield, Virginia, upon request by the County of Tazewell, Virginia. A copy of the agreement in a form as hereby adopted is on file in the office of the County Administrator/County Attorney, 108 East Main Street, Tazewell, Virginia 24651.

**STEERING COMMITTEE /WIND DEVELOPER REPRESENTATIVE REINSTATED
PROPOSED ORDINANCE TO REGULATE CONSTRUCTION OF TALL
STRUCTURES ON CERTAIN RIDGELINES IN TAZEWell COUNTY, VIRGINIA**

Upon motion of Supervisor Brewster, 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 that a representative(s) from the wind energy sector be reinstated as a member of the Steering Committee established to oversee/evaluate the Ridgeline Protection Ordinance.

WIND ENERGY ECONOMIC ANALYSIS

Upon presentation by the County Administrator, Jim Spencer, and upon motion of Supervisor Hymes, 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 request that the Steering Committee established to oversee/evaluate the Ridgeline Protection Ordinance assist the County Administrator/Board of Supervisors by recommending a process and the procurement and the selection of individuals/firms to perform a Wind Energy Economic Analysis and/or environmental analysis as well to development the individual scope, subject to legal counsel review and approval. The Steering Committee is scheduled to meet March 9, 2009. The objective of this action is to obtain a sound/qualified consultant /individual to perform the study in a timely manner.

ETHICS HOTLINE

It was the consensus of the Tazewell County Board of Supervisors to allow the Ethics Hotline personnel committee to study and determine the availability/feasibility of a do-it-yourself / call you back service from the already procured services of VACo. The County Attorney will give the committee an answer on this question. The County Attorney was further requested to forward a letter to the Tazewell County Constitutional Officers and the Tazewell County School Board requesting participation in this program for their employees.

INFORMATION TECHNOLOGY COMMITTEE TO BE REINSTATED

It was the consensus of the Tazewell County Board of Supervisors to reinstate the Tazewell County Information Technology Committee (IT) in order to find ways to utilize and enhance the use of technology in the County.

Supervisor Brewster encouraged a return-to-roots type of technology in order to reach out to individuals who have moved away from the County, but would like to know what is going on in their home-towns.

The Board selected Tom Brewster and Bill Wimmer to represent the Board of Supervisors on the IT committee as well as the County Administrator and County staff

and other individuals as may be necessary and appropriate in order to move forward with this endeavor.

COAL & GAS ROAD IMPROVEMENT – ROAD PROJECTS ENDORSED BY BOARD OF SUPERVISORS

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 accepts the Tazewell County Coal & Gas Road Improvement Committee's recommendation with regard to the use of Coal & Gas Road Improvement Funding and District Funds for various road & PSA projects as follows, for remaining FY09:

- \$130,000.00 to the PSA
- \$200,000.00 for orphan roads - \$40,000.00 of which would come from the Eastern District Fund & allocated to the PSA
- \$141,000.00 carried over to FY10 for summer projects
PSA Projects as approved included:
- St. Clair Heights - any funds remaining shall be allocated for PSA projects in the following order:
 - Ponderosa Heights
 - Fincastle Farms
 - Claypool Hill/Water Treatment Plant

The Coal & Gas Road Improvement will meet again in the next few weeks to prioritize projects for the remaining funding/revenues anticipated for FY09-10, July to December.

**CAMP JOY – SUMMER CAMP PROGRAM
ALLOCATED**

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 following monies are hereby approved from district funds as may be applicable, payable to Clinch Valley Community Action, Inc. – Summer Camp Program.

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

- Eastern - \$2,000; Southern \$2,000; Northwestern \$500; Northern \$500 & Western \$500

DAYTON ROAD/SOUTHERN DISTRICT-
INCLUSION INTO COUNTY'S ORPHAN ROAD PROGRAM – SUBJECT TO
LEGAL REVIEW AND APPROVAL

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster 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, subject to legal review and approval, that Dayton Road, Gratton area, Southern District be included in the County's Orphan Road Program.

ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING

Supervisor Hymes left the meeting following discussion of the first matter in the executive/closed meeting.

EXPAND SPACE STUDY NEEDS – WILEY WILSON FOR
OLD JR. HIGH SCHOOL BUILDING, NOT TO EXCEED \$23,000.00

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 3 to 1, with Supervisor Anderson voting nay, and with Supervisor Hymes absent from the meeting, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to accept Wiley/Wilson Consultants, for the space study needs assessment and concept design for the old Jr. High School building recently vacated by the Social Services, not to exceed the amount of \$23,000.00. This is expanding the scope of the previous space study of the courthouse as preformed by Wiley/Wilson. Said monies are hereby approved from the FY2008-2009 Contingency Account, No. 91050-7023. The County Administrator is hereby authorized, empowered

and directed to enter into and execute the letter of proposal in accordance with this action, contingent upon legal review and approval.

**RICHLANDS HIGH SCHOOL – VARSITY BASEBALL – SCOREBOARD FOR
FIELD AT SVCC \$1,500**

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor Hymes absent, and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Northwestern District funds and \$500.00 from the Western District Recreation funds, to assist the Richlands High School Varsity Baseball Boosters with the purchase of a scoreboard for the baseball field at SVCC. Should the RHS baseball team cease use of the field; the scoreboard will become the property of SVCC. The contact person is Mary Ann Strong, telephone number, 964-2573. 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 D.E.C.A. PROGRAM \$1,000.00 [(\$500.00 N.W. &
\$500.00 WESTERN FUNDS)]**

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor Hymes absent, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Northwestern District Fund and the amount of \$500.00 from the Western District fund payable to the Richlands High School D.E.C.A Program, for the upcoming competition (district/region/state, etc.) 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.

WESTERN DISTRICT ROAD – ASCUE ROAD

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Hymes absent from the meeting, the Tazewell County

Board of Supervisors hereby accepts Ascue Road into the County's Orphan Road Program, contingent upon the property owner (Keen's) dedication of right-of-entry to the County, and subject to legal review and approval.

TAZEWELL COUNTY CAREER AND TECHNICAL CENTER

\$1,500.00 SKILLS USA CONTEST – CONTACT, CHRIS STACEY

Upon motion of Supervisor Brewster, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor Hymes absent from the meeting, the Tazewell County Board of Supervisors hereby approves the amount of \$1500.00 payable to the Tazewell County Career and Technical Center, 100 Advantage Drive, Tazewell, VA 24651 Check Memo - Skills USA. The \$1500.00 is hereby approved from district funds as set forth below, and issued by the County Administrator and converted to negotiable check by the Treasurer of Tazewell County, Virginia:

- \$750.00 Northern; \$250.00 Southern; \$250.00 Northwestern & \$250.00 Western
-

KIDS FISH DAY – FALLS MILLS FISH CLUB \$2,000.00

Upon motion of Supervisor Brewster, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor Hymes absent from the meeting, the Tazewell County Board of Supervisors hereby approves the amount of \$2,000.00 from funds as set forth below, payable to the Falls Mills Fish Club, Check Memo - Kids Fish Day Event. Mr. Sam Kinser, 202-9498, will pick up the check and deliver to the Falls Mills Fish Club/Secretary Treasurer. Said warrant will be issued by the County Administrator and converted to negotiable check by the Treasurer of Tazewell County, Virginia:

- \$500.00 – Northern District; \$500.00 Eastern District; \$500.00 Northwestern District; \$500.00 – Southern District
-

DUDLEY PRIMARY & GRAHAM INTERMEDIATE SCHOOL

\$1,395.00 FOR OUTDOOR/INDOOR MOVIE SCREEN

Upon motion of Supervisor Anderson, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor Hymes absent from the meeting, the

Tazewell County Board of Supervisors hereby approves the amount of \$1,395.00 from the Eastern District Fund, to assist in the purchase of an outdoor/indoor movie screen for use with a Wii Video Game for the Physical Education Programs to be used by both the Dudley Primary & Graham Intermediate Schools. The County Administrator is hereby authorized and directed to issue said warrant to Graham Intermediate School, 808 Greever Avenue, Bluefield, VA 24605 Memo – Dudley Primary & Graham Intermediate Outdoor/Indoor Movie Screen. Said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

2ND PHASE DIVIDES SEWER PROJECT –
PPEA / ADVERTISEMENT FROM EASTERN DISTRICT FUNDS

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Hymes absent from the meeting, the Tazewell County Board of Supervisors hereby authorizes and directs the advertisement of an engineering firm and contractor for design/build - pursuant to PPEA guidelines, for the 2nd Phase Divides Sewer Project. The advertisement costs/ legal ad for the RFP are hereby approved from the Eastern District Funds. The County Administrator is hereby authorized and directed to take the necessary actions in accordance herewith.

a copy teste:

James H. Spencer, III
County Administrator

cc: Arlene Matney, Norman Cook