

**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

The Chairman, David R. Anderson called the regular meeting to order and presided with all members in attendance. William B. Rasnick was present and gave the invocation which was followed by the pledge of the allegiance to the US flag lead by Member Thomas Brewster.

Chairman Anderson then welcomed those in attendance and then acknowledged and welcomed Thomas Brewster, who was appointed by the Tazewell County Board of Supervisors at a meeting held February 13 to serve as the Northern District representative of the Board of Supervisors and until the November 2009 election.

Supervisor Brewster thanked the Board for their support and for allowing him the opportunity to serve the citizens of Tazewell County in this capacity. Mr. Brewster then acknowledged Bill Rasnick, previous Board of Supervisor member. He mentioned his acquaintance with Mr. Rasnick following his college graduation. He said that Mr. Rasnick was a mentor to him during his early years as a teacher and assistant principal with the Tazewell County School System. Supervisor Brewster personally thanked Mr. Rasnick for his support and encouragement as well as his guidance and wished him only the best during his retirement.

AGENDA 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 March 3, 2009 agenda format as amended.

MINUTES APPROVED

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 approves the February 3, 2009 meeting minutes as hereby written.

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 February 11, 2009 meeting minutes as hereby written.

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-3 Property Disposition involving Pocahontas High School
- A-6 Discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the County would be adversely affected involving Richlands Fire Protection

- A-6 Discussion or consideration of investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the County would be adversely affected involving Baptist Valley Sewer Agreement
- A-7 Legal matter involving Wiley & Wilson Space Needs Study

RETURN/CERTIFICATION/REPORT OF ACTION

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 returns from the Executive/Closed Session.

**CERTIFICATION
OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: Supervisor White, Hymes, Brewster, Wimmer and Anderson

Nays: None

Action: None

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

Chairman Anderson noted for the record that the Board of Supervisors would need to reconvene the executive/closed meeting before the close of this meeting.

**RESOLUTION RECOGNIZING -
WILLIAM B. RASNICK**

The Chairman, Dave R. Anderson presented William B. Rasnick, previous Northern District Board of Supervisor member with a resolution acknowledging his many years of service to Tazewell County.

Now, 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 adopts the following resolution:

**RESOLUTION
HONORING WILLIAM B. "BILL" RASNICK**



WHEREAS, William B. "Bill" Rasnick, has served the citizens of Tazewell County, Virginia for over forty (40) years, and

WHEREAS, Mr. Rasnick is a native of Tazewell County, attending elementary school in Baptist Valley and North Tazewell. He graduated from Tazewell High School and graduated from Bluefield State College entering the field of education, with a Social Studies/Social Science major and a minor in English, as well as pursuing and completing a Masters degree in Administration; and

WHEREAS, Mr. Rasnick has been a mentor; teaching four (4) years in the county's high schools and in vocational education. He served as assistant principal for five (5) years and principal for six (6) years at the Tazewell County Career and Technical Center, later transferring to the Central Office as the Director of Vocational and Adult Education and retiring as Assistant School Superintendent of Tazewell County Public Schools.

WHEREAS, his service to Tazewell County did not stop following his retirement from the School System. He campaigned for public office and was elected by the people to the office of Board of Supervisor representative for the Northern District of Tazewell County, with a term commencing January 1, 2000. He was re-elected twice to said office, serving the citizens of Tazewell County in that capacity until his resignation in January 2009. Through his tenure, he was a successful leader serving as Chairman of the Tazewell County Board of Supervisors in 2001, 2006, 2007 and 2008;

WHEREAS, he was also appointed to serve as a member of the Tazewell County Public Service Authority and continued to serve in that position until December 2008. He was elected as PSA Secretary/Treasurer, PSA Chairman, as well as Vice-Chairman and also appointed to the Greater Tazewell Regional Water Authority Committee; and

WHEREAS, through his tenure, Mr. Rasnick has accomplished and has played an important role in several major projects in Tazewell County. This includes the launching of the Bluestone Regional Business & Technology Park, with job expansion expected at 1,200 jobs at the Bluestone development alone. He was an enthusiast for the construction and completion of the Pocahontas State Correctional Center in Pocahontas, Virginia which brought three-hundred (300) plus new jobs to Tazewell County. He was instrumental for bringing potable safe drinking water to the areas of Bandy, Sinking Waters, Dryfork, DixCreek and Abbs Valley, as well as witnessing the completion of the Amonate Sewer Project and after working through many obstacles the completion of the new Pocahontas/Northern Tazewell County Regional Sewer System facility between Boissevain and Pocahontas. Also, during his tenure the Board built the Community Facilities Building, housing the Department of Social Services and the Health Department, renovated the Town and Country Building, housing County Administration Offices, expanded the County Landfill to extend its life an additional twelve years, and began renovation of the County's Public Schools; and

NOW, THEREFORE, IN CONSIDERATION OF WHICH, BE IT RESOLVED, that the Board of Supervisors of Tazewell County, Virginia hereby commends and thanks William B. "Bill" Rasnick for his illustrious service and for his dedication to his career and for bringing the highest standards of professionalism to county government – and his accomplishments of his distinguished career are evidence of his genuine concern for the welfare of the citizens of Tazewell County; and

BE IT FURTHER RESOLVED, THAT – William B. "Bill" Rasnick has exemplified the true spirit of public service; and

THEREFORE, BE IT FINALLY RESOLVED that the Tazewell County Board of Supervisors and the Tazewell County Public Service Authority (PSA), on behalf of the entire County, hereby present this resolution to William B. "Bill" Rasnick, as an expression of gratitude for his meritorious services and best wishes for a joyful, healthy and well-earned retirement. Thank you and may God Bless you always. This the 3rd day of March, 2009

RESOLUTION COMMEMORATING THE LATE

TOM COLLEY

Mrs. Frances Colley and family were in attendance to accept a resolution commemorating the late Tom Colley, Executive Editor of the Bluefield Daily Telegraph. Now, 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 adopted the following resolution:

RESOLUTION

IN MEMORY OF THOMAS A. "TOM" COLLEY



WHEREAS, Thomas A. "Tom" Colley, 67 of Longview Avenue, Bluefield, West Virginia died Saturday, January 10, 2009 at Roanoke Memorial Hospital following a brief illness. He leaves to cherish his memory a loving wife, of 39 years, Frances and two sons, Kevin and Eric, as well as his special grandchildren, Zoe and Erika, and a host of family and many, many friends and associates; and

WHEREAS, Tom Colley was born in Richlands, Virginia and grew up in Keen Mountain a small community in Buchanan County, Virginia. He attended Buchanan County public schools and graduated from Garden High School in 1959, and then joined the U.S. Air Force advancing to the rank of airman first class before receiving an honorable discharge in 1964; and

WHEREAS, he attended San Antonio Jr. College and the University of Maryland where he majored in English and began his career in newspaper with the Auburn Evening Star in Auburn, Indiana and in the late 1960's he returned home to work at the Sunset News-Observer in Bluefield and the Tazewell County Free Press in Richlands, Virginia. He accepted a job as copy editor with the Bluefield Daily Telegraph in 1974, and soon advanced to the position of managing editor. He left Bluefield in 1979 for an editor's position at the News Courier in Charleston, South Carolina, where he worked until 1985 when he decided to return home and accepted the position of executive editor; and

WHEREAS, during his tenure as Executive Editor, he was instrumental in the success of several community service initiatives including services as chairman of the Community Christmas Tree, also known as the "Little Jimmie" party, to make certain that thousands of needy children had a joyous Christmas;

WHEREAS, he was a life-long advocate for literacy. One of his greatest passions in life was promoting a love of reading among children in the region. It was that passion that led to the creation of the highly successful “Reading Bee” program in Mercer and Tazewell Counties through the Literacy Committee he chaired for the Greater Bluefield Chamber of Commerce; and

WHEREAS, he was serving as chairman of the Center for International Understanding’s – board of directors at the time of his death, and worked to establish the CIU Youth Outreach Program. He was also serving as a member of the original Southern Coalfields Delegation of America’s Promise, which help lay the groundwork in 1996 for what would later become the unique Top 100 Communities for Youth designation for Mercer County; and

WHEREAS, he was an active member of the Bluefield Rotary Club, and was a Paul Harris Fellow and last year was named a Distinguished West Virginian by Governor Manchin – the highest honor a resident of West Virginia can receive; and

WHEREAS, in recent years, Tom used his devoted energy and considerable talent to promote regional cooperation between the states of Virginia and West Virginia, and specifically Mercer and Tazewell Counties. He believed in uniting the region and worked hard to bring Governor Joe Manchin and Virginia Governor Timothy M. Kaine to the table together in Bluefield, where the two governors, at Tom’s urging, dedicating themselves to projects aimed at uniting southern West Virginia and Southwest Virginia through the mutual betterment of the entire region; and

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby mourns the untimely passing of a valued citizen, husband, father, grandfather, brother, uncle, friend and associate, and hereby presents this resolution to the family of Thomas A. “Tom” Colley as an expression of high esteem in which his memory is held by the Board of Supervisors of Tazewell County, Virginia.

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:

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.

Mr. Michael Sheets, Tazewell, Virginia stated that he owned a tract of land on BF Buchanan Highway, 2735, Thompson Valley, VA. He requested that he be granted a license to place a Used Auto Parts Dealer/Salvage Yard on the tract of land. Mr. Sheets and his wife were in attendance. Mr. Sheets said that there have been comments and concerns voiced about possible environmental issues in the area if the license was granted. Mr. Sheets stated that the premises would be up to environmental codes and he was familiar with all the rules and regulations. A barrier/fence will be built as well pursuant to County Code to conceal the salvage yard/used auto parts dealer from the main highway and neighboring property owners.

Jody Harris, 135 Quarterhouse Circle, Tazewell, Virginia 24651 voiced opposition to the salvage yard. He said the salvage yard would drive down property values and there would be noise pollution as well as possible EPA concerns.

John Blankenship, 142 Meredith Lane, Tazewell, Virginia 24651, presented the Board with a list of concerns opposing the salvage lot locating in the Thompson Valley area. Mr. Blankenship said that the site for Mr. Sheets' business would be directly in front of his home and he did not want to see the peaceful neighborhood turned into an Industrial Park, with 24-7 noise as well as unsightly busted windshields, smashed multi-colored hoods, fenders, and flat tires from the junked cars, as well as environmental impacts. He spoke about the beauty of Thompson Valley and the efforts county citizens have put forth to promote the area.

Eric Young, County Attorney, reminded the Board that as long as the used auto/salvage yard complies with all State & County Codes the County has no recourse but to approve the license.

Supervisor Hymes suggested that the Board of Supervisors be given more time to review the request from a legal aspect as well as responding to the questions raised tonight. He requested that the matter be postponed to the April 7, 2009 regular meeting.

Prior to the close of this subject matter, the Chairman requested that the individuals in attendance opposed to the Used Auto Parts License for Sheets Towing sign their name and address for the record. Twenty-one people signed the sheet in opposition to the salvage yard, with the list on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

This matter will be placed on the April 7, 2009 agenda for discussion.

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.

JOINT PUBLIC HEARING –

BOUNDARY LINE ADJUSTMENT AGREEMENT BETWEEN THE COUNTY OF TAZEWELL AND THE TOWN OF TAZEWELL, VIRGINIA

The Chairman of the Tazewell County Board of Supervisors called the joint public hearing to order, which had been duly advertised according to law entitled, a “Joint Public Hearing with the Tazewell Town Council to hear concerns regarding A BOUNDARY LINE ADJUSTMENT AGREEMENT BETWEEN THE COUNTY OF TAZEWELL, VIRGINIA AND THE TOWN OF TAZEWELL” – the agreement is authorized by Section 15.2-3106, et seq. of the Code of Virginia of 1950, as amended, and provides that the boundary line between the County and the Town will be relocated by incorporating into the Town of Tazewell certain territory which is presently located within the unincorporated portions of the County as follows. Members of the Tazewell Town Council joined the board of supervisors at their meeting table for the joint public hearing.

The territory that will be incorporated within the Town lies generally to the east of the current Town limits. The new boundary will depart from the current northeastern corner of the Town at the intersection of Market Street and the eastbound lane of U.S. 460, including the property on the south side of U. S. 460, to and including Ramey’s Chevrolet; then south behind Ramey’s to include property owned by B & R Enterprises; then continuing west on the south side of property owned by Munsey and Addair to the intersection of Fincastle Turnpike and the Norfolk Southern right of way; thence north along said Turnpike to the point of its intersection with U.S. 460; then south through the Proffitt tract to the northern boundary of the Tazewell Moose Lodge property; then east to include the Moose Lodge property; then south along the western boundary of Wall, to Dial Rock Road; then east along Dial Rock Road to the corner of Dial Rock Road and Alpine Avenue; then along the eastern boundary of Glavaris; then along the eastern boundary of a tract owned by McAnn; then west along the southern boundaries of Mundy Turpin, and Calo to the eastern line of Buckhorn Street; then continuing west along the northern boundary of properties owned by Charles White to the southwest corner of National Bank of Blacksburg; then continuing in a southerly direction to the southeast corner of Belcher; then in a westerly direction along the southern boundary lines of Belcher to the southeast corner of Blankenship; then in a northerly direction through the properties of Belcher, and crossing over Harman Street, Dillow and Nelson and continuing along the western lines of MacKey, Rinehart, and Black to the intersection of North Street; then continuing in a northerly direction through the property owned by Dillon and crossing Texas Street to the southeast corner of Riley; then continuing along Texas Street in an easterly direction to the intersection of Texas Street and Bland Street; then in a northerly direction through the property of Freeman and Watson, crossing Dial Rock Road and continuing along King Street to the northeast corner of Alford; then continuing in a westerly direction along the northern line of Alford and through the property of Wearmouth and continuing west to a point in the northern line of Jackson; then in a northerly direction through the lands of Cline, Miller and Linkous to the southern line of Addair; then continuing along the southern line of Addair and going through the lands of Payne and crossing Fincastle Turnpike in a westerly direction through the lands of White and continuing north through White and crossing the railroad to Market Street; then north on Market Street and through the lands of Parks and crossing Cox Street and continuing north through Parks, Mitchell and Ratliff and continuing in a northerly direction through the lands of Childress and crossing Colfax Drive and continuing through the property of Griffith and Harman to the intersection of Market Street and the eastbound lane of U.S. 460; and

Beginning at a point in the County Farm Road and continuing along the southern lines of Nicholas, Flanner, Keen, and Appalachian Mine Sales, Inc.; then leaving the County Farm Road and continuing in a northerly direction along the eastern

lines of Appalachian Mine Sales, Inc., and Street; then continuing in a westerly direction through the lands of Street and Sage; then continuing in a southerly direction through the lands of Sage and Deskins and along the western line of Nicholas to the above-mentioned point in the County Farm Road; and

Beginning at a point in the line of Heritage Land X, LLC and continuing in an easterly direction along the southern line of Heritage Land X, LLC and Tazewell Community Hospital; then continuing along the eastern line of Tazewell Community Hospital to a point in Route 61; then continuing west along Route 61 and through the lands of Tazewell County, Tazewell Community Hospital, Holston Corporation and Candlewax Smokeless Fuel Company; then in a southerly direction through the lands of Candlewax Smokeless Fuel Company and Heritage Land X, LLC to the above-mentioned point in the line of Heritage Land X, LLC; and

Beginning in the line of Isaac Dailey and continuing in a northerly direction; then in an easterly direction through Dailey's land and continuing through the lands of B & R Enterprises and the Tazewell Middle School property to the northeast corner of the Middle School property; then with the easterly line of the Middle School property to the southeast corner of the Middle School property; then westerly with the southern line of the Middle School property to a point; then northerly through the Middle School property and through the line of Dailey to the above-mentioned point in the line of Isaac Dailey.

The Chairman then called for comments from the floor with regard to the joint public hearing.

Jerry Wood, Town Manager gave the Board of Supervisors a copy of a report of the proposed Boundary Adjustment, with regard to the 19 questions that the Board of Supervisors requested in February relative to the subject boundary adjustment. The report included the projected revenue from the proposed annexation areas as well as the projected revenue loss from reduced water and sewer rates in the annexation areas; a list of current services to the proposed annexation areas, e.g. water, sewer and garbage pick-up. Additional services will include police and fire protection; street lights; paving; snow removal and weekly garbage pick-up. Other information provided was a list of utilities or infrastructure owned by the town in the proposed annexation areas of Dunford Town, i.e. water & sewer lines and the town intends to purchase water lines and customers from the Tazewell County PSA with negotiations in process and lines and customers appraised in the Drytown area. Included as well was a list of fire and rescue equipment owned by the town with 25 firefighters/volunteers committed to providing fire protection to the annexation areas and the list of Police Department Equipment owned by the Town as well as the number of sworn officers that would provide services to the proposed annexation areas. Proposed capital improvements would also be available, i.e. street lights, sewer lines for County Farm road and Drytown/Ramey Sewer, paving, mowing and other town services.

Mr. Will Adams, Dial Rock Road, North Tazewell, VA – spoke and stated that he was opposed to the annexation plan. His land adjoins Ramey Chevrolet. He said that he could see no justification why the Town of Tazewell needed go beyond the north-south line of the R.R.Wall property and stated that he thought the town would be better off concentrating on the many vacant buildings on Main Street and the deterioration of the former Cumberland Plaza area. He said he feels the town should not move out into undeveloped land.

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

Supervisor Hymes suggested that the Board of Supervisors be given time to review the town's responses to the series of questions and further recommended that a committee be appointed to review and discuss the 19 questions. The Committee will consist of the following individuals: Town Council members, Mr. Buchanan and Dr. Grindstaff and Board of Supervisor members, Mike Hymes and Tom Brewster. A report of this subject will be given at the April 7, 2009 regular meeting.

There was no action taken on the boundary adjustment agreement at this time.

FAIRGROUNDS – CHRISTMAS DISPLAY PROPOSAL

Donnie Yates, 601 Fairgrounds Road, Tazewell, Virginia 24651 presented a plan that would utilize the County fairgrounds at Christmas time. The plan would include the erection of lighted displays throughout the fairgrounds property, similar to the display at Bluefield City Park, as well as inviting church groups and other groups to perform at Nuckolls Hall when not rented by other individuals. Mr. Yates's plan would utilize student talent from the Career & Technical Center to help build and put up the displays.

Instead of having a cover charge a donation of canned food for area food banks would be required.

Supervisor Hymes commended Mr. Yates on the proposal and suggested that he seek input from Viola Asbury with the County Fair Association as well as contacting the Bluefield City Park agencies to see what ideas they might have. County staff will also need to review county insurance coverage as well as other obstacles that could possibly arise as a result of the proposal. This matter will be placed on the April 7, 2009 agenda for further discussion.

The Chairman then suspended Robert's Rules of Order with regard to the agenda format for the purpose of allowing a slide show presentation by Sam Wolford.

TOURISM PRESENTATION

Sam Wolford, Director of Public Safety and Technology, gave a ten-minute slide show on Tazewell County Tourism that was presented in Richmond during the 2009 Legislative Meeting. The video/slide-show as presented showed picturesque snapshots of Tazewell County – "Live the Adventure".

Chairman Anderson thanked and commended Mr. Wolford on the exceptional presentation.

APPOINTMENTS

Airport Authority –

Upon motion of Supervisor Brewster, 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 Steven Rebkovich, 195 Mico Road, Bluefield, Virginia 24605 as a member of the Tazewell County Airport Authority, with a term commencing immediately and expiring December 31, 2010. This appointment fills the unexpired term of Don Payne who resigned.

Disability Services Board –

Deferred one at-large appointment to the Disability Services Board - the term of Penny Altizer expired December 31, 2008.

Emergency Services Board –

Upon motion of Supervisor White, 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 Tim Owens, 111 Central Avenue, Richlands, Virginia 24641 as a member of the Tazewell County Emergency Services & Tazewell County Citizens-Corps Council, with a term commencing immediately and expiring at the will and pleasure of the Board of Supervisors. This appointment replaces Darrell Addison who resigned.

Tazewell County Recreation and Parks Facility Authority –

Deferred one appointment to the Tazewell County Recreation and Parks Facility Authority to fill the unexpired term of Bill Rasnick who resigned.

Tazewell County Planning Commission –

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 appoints Seth R. White, 183 Terry Drive, Richlands, Virginia 24641 as the Board of Supervisor representative on the Tazewell County Planning Commission, with a term effective immediately and expiring December 31, 2011. This appointment coincides with Mr. White's elected term of office and fills the unexpired term of Dave R. Anderson who resigned.

TAZEWELL EDUCATION ASSOCIATION (TEA)

LOIS MULLINS, PRESIDENT

Lois Mullins, President, Tazewell Education Association (TEA), presented a salary and benefits proposal to the Board of Supervisors. She said that the Tazewell County Public Schools was hoping that the Board of Supervisors would provide the school system with a minimum of "level funding" for the 2009-10 budget year and hoped the Board would allow the school system to keep the funds saved for the 2009-10 budget year. Mrs. Mullins also stated due to the current economic conditions the TEA doesn't feel that asking for a salary increase is appropriate and if no salary increase is possible the TEA would prefer a salary freeze, but not a step freeze. She also said that they have been told that salary reductions may even be necessary, and ask that if so, that it be done fair and across the board. She reminded the Board that if staff reductions were made the class rooms would be increased and this was never good for teachers, especially not for the students. Mrs. Mullins also said that the TEA has requested that the School System continue to assist employees with health care costs so that the salaries do not decrease further.

Supervisor Hymes stated that he and Supervisor Anderson serve as members of the Budget Committee and have met with School System officials one time this year with regard to budget matters. He said that during the meeting, he reiterated the importance of keeping people employed and stated that the School System was the largest employer in the County and it was important to keep people working so they could pay their bills as well as their taxes.

VDOT – HIGHWAY/ROADS UPDATE

Marty Halloway, VDOT Resident Administrator presented the

Board with an update on various highway/road projects taking place in the County – copy of same as set forth below:

Construction

- Bridges on Rte. 19/460 at Pounding Mill Quarry - Fort Chiswell Construction has started placing concrete deck. Estimated completion date is now September 30, 2009 due to the delay in the steel delivery.

Maintenance

- Rte. 696 Slide –VDOT continues to monitor and take readings from devices that have been placed in the ground to measure subsurface movement.

Miscellaneous

- None

Update

- A public hearing for the Rte. 91 bridge replacement project in Tannersville was held March 2, 2009 from 4:00 – 6:00 pm at the Tannersville Community Center.
- VDOT will hold a public hearing on residency consolidations and maintenance and operations service levels at the Southwest Virginia Community College on March 25, 2009 starting at 6:00 pm. Link to purposed service levels is http://www.virginiadot.org/news/statewide/2009/vdot_cuts_450_hourly38803.asp

Now, the Board of Supervisors discussed the proposed residency consolidations and maintenance and operations proposed closures. Mr. Halloway informed the Board that the Tazewell Residency would be one of the closed facilities under the VDOT Operations Plan with Board members voicing concerns with regard to the detrimental effects the closure would have on Tazewell County. Under the plan, 1000 full time positions and 450 part time jobs in the construction, field operations and administrative areas would be eliminated, with 15 residencies, and 36 equipment repair shops closed state-wide.

Mr. Halloway then reported that the Commonwealth Transportation Board has approved the Secondary Six-Year Road Plan and stated that for FY09 the County would receive \$1.2 million dollars and after FY09, the County would receive zero (0) dollars in State funding. The County will receive federal funding in the amount of \$630,000 each year for the remaining six years. He said with the assistance of the Coal Road & Gas Severance money the County should be able to shift some money around to help make some projects happen.

Supervisor Seth White reiterated the importance of the upcoming public hearing on March 25 at SVCC regarding the proposed residency consolidations and closures. He urged public as well as board members and other county official attendance. The County Administrator and County Attorney were also requested to speak at the hearing on behalf of the Board of Supervisors.

Now, upon motion of Supervisor Brewster, 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 adopts a resolution opposing closure of the Tazewell Residency and the corresponding evisceration of transportation services for the more than 44,000 residents of Tazewell County. A copy of the resolution in a form as executed will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

A copy of the resolution once executed shall be forwarded to local legislative representatives and to all members of the Commonwealth Transportation Board.

Mr. Halloway said the Board of Supervisors could go to Senate Bill 850 and House Bill 1600 to review legislative action as well as votes on the VDOT budget.

Other road requests –

Supervisor Wimmer questioned whether VDOT could do away with the wide spot/pull-off location on Pounding Mill Branch, two (2) miles from the Claypool Hill end on left. Supervisor Wimmer voiced concerns about the large amounts of garbage on the road side. Mr. Halloway stated that he would have his staff investigate this matter.

**SHEA COOK – TAZEWELL COUNTY JOINT
ECONOMIC DEVELOPMENT AUTHORITY (JEDA)**

Shea Cook, Washington Square, Richlands, Virginia, requested the meeting status of the Tazewell County Joint Economic Development Authority and the organization of same. He stated that he was sworn in as a member in October 2008 and since that time the Authority has never met. Mr. Cook said that he has read various articles in the newspapers regarding the County's receipts of grants etc. for the Bluestone and questioned the purpose of the Authority, as well as asking if the Authority had been rescinded. He further said that the Authority was set out for a purpose by ordinance adopted this Board and questioned why the Authority was not being involved in the grant procedures/awards, etc. and other pertinent Bluestone functions.

Chairman Anderson explained that the Bluestone was initially intended as a regional concept. He said the County went across state lines, etc. in order to recruit businesses/industry and the County was required at that time to have an Authority Board. He said that it was the Board of Supervisors intent to utilize the Authority once projects start moving forward, etc.

Mr. Cook said that if the Authority wasn't going to be utilized and functional, the Board might want to reconsider its continuation.

BOBBY MCCALL - \$20,000 BUILDING FUND FOR BAPTIST VALLEY

The County Administrator, Jim Spencer stated that he mailed a certified letter to Mr. McCall, Rhudy Keith and Harold Rose asking for verification of the \$20,000 in funding that was allocated and earmarked for the construction of a sub-station for the Baptist Valley Rescue Organization, and as of this date, no one responded to the letter. The letter requested that the money be returned to the County with interest.

Bobby McCall was present and handed out a copy of a bank statement for the Baptist Valley Fire & Rescue building fund. The fund showed the amount of \$25,950.96. Mr. McCall stated that if the \$20,000.00 had to be returned to the County he thought that the Baptist Valley Fire Station should be allowed to retain the amount of \$2,000.00 that was deposited by the fire station in October 2003.

Mr. Harold Rose was present and said that the \$20,000.00 was originally given to Baptist Valley fire department to be used for a sub-station or to buy a new vehicle.

Following discussion, the Board of Supervisors deferred this matter to the Emergency Services Committee meeting scheduled for March 16, 2009. The Emergency Services Committee previously requested that when the Board of Supervisors verified the \$20,000.00 that it be returned to the County with interest and earmarked "building fund" for Baptist Valley.

The Board further requested that they receive a copy of the original action taken by the Board of Supervisors allocating the money to Jeffersonville Rescue Organization/Baptist Valley Unit. Jim Spencer said that this happened before he became County Administrator, but he would have his staff copy the old minutes and send accordingly.

This matter will be discussed by the Board once the Emergency Services Committee makes a recommendation regarding same.

CITIZEN COMMENTS

Mr. B.C. Fuller, Triangle Road, Bluefield, Virginia 24605 requested that the coyote claims continue to be individually listed on the agenda and that VDOT continue state maintenance on the old Route 744 Bridge.

Mr. Wayne Thompson, Cedar Bluff, Virginia 24609 requested that the County check into the old wood, boxes, and other debris laying around at the Lumber Mill/Clinch River Forest Products. He said the area is an eye sore and needs to be cleaned up.

The County Administrator thanked Mr. Thompson for his interest in the January 2009 Legislative Meeting in Richmond. Mr. Thompson attended the Richmond trip for the first time on behalf of the Airport Authority. Mr. Thompson said that he enjoyed the meeting that it very interesting and informative.

In other comments, Mr. Thompson said that the Airport property needed to be considered as a tourist attraction in the County because of its majestic beauty.

Will Adams, Dial Rock Road, North Tazewell, VA 24630 spoke and requested that farmers be involved in the Tourism Committee and other tourism issues in the County. He said that the County has several potential tourism sites in the County that farmers have knowledge of that perhaps could be tourist attractions for Tazewell County.

TAZEWELL COUNTY FIRE & RESCUE – REQUEST TO BE GRANTED PERMISSION TO RUN OUT OF AREA EMERGENCY TRANSPORTS

Supervisor Bill Wimmer, Emergency Services representative, said that Bill Allison with the Tazewell County Fire Rescue, Inc. requested that their ambulance service be allowed to transport emergency patients to facilities outside of our service area when paid service is not available. It was the consensus of the Board to defer this matter back to the Emergency Services Committee and protocol be established accordingly and that this subject be discussed again at the April 7, 2009 Board of Supervisors meeting.

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.

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.

APPALACHIAN AGENCY FOR SENIOR CITIZENS

- RESOLUTION PROCLAIMING OLDER AMERICANS MONTH

Joe Ratliff, Appalachian Agency for Senior Citizens (AASC) requested that the Board of Supervisors adopt a resolution proclaiming May 2009 as Older Americans Month in Tazewell County, Virginia.

Now, 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 adopts a resolution proclaiming May 2009 as Older Americans Month in Tazewell, County, Virginia. A copy of same is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

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 NACo. 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 of priority:
 - 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 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.

EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Brewster, 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 executive/closed session, pursuant to Virginia Code Section, pursuant to Virginia Code Section, 2.2-3711:

- A-3 Property Disposition involving Pocahontas High School
- A-6 Discussion or consideration of investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the County would be adversely affected involving Baptist Valley Sewer Agreement
- A-7 Legal matter involving Wiley & Wilson Space Needs Study
- A-7 Legal matter involving a Junk Yard.

Supervisor Hymes left the Executive/Closed Session, as well as the regular meeting because of a prior engagement.

RETURN FROM THE EXECUTIVE/CLOSED SESSION

Now, upon motion of Supervisor Wimmer, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Hymes absent from the meeting, and 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:

CERTIFICATION OF EXECUTIVE/CLOSED MEETING

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

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

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

Ayes: Supervisor White, Supervisor Brewster, Supervisor Wimmer and Supervisor Anderson

Nays: None

Absent: None

Absent during vote: Supervisor Hymes

ACTION AS A RESULT OF 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.

TREE IN CLINCH – STATUS QUESTIONED

Supervisor White questioned the status of the removal of the tree in the Clinch River in the Northwestern District. The County Attorney, Eric Young said that the right of entry has been drafted and signatures will be obtained from property owners before the County pursues the removal of the tree.

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.

Supervisor Brewster stated that he did not know what impact the stimulus money would have or where the money would be earmarked. He said even though the state budget this year was much better than expected, it is recognized that in the next few years the impact would be deeper than what was predicted for this year. He further said that in the next few years the budget crisis would become more crucial and the County would have to decide how to handle the shortfall as well as having to factor in the stimulus money. Supervisor Brewster reiterated that right now the stimulus money was the great unknown with regard to where the money would go and how much would be included in the budget. He said that more than likely the money would be earmarked for Special Education, Title 1, etc.

Supervisor Brewster announced that a Pocahontas High School – community committee meeting to address the usages of the school building is scheduled for March 12, 2009 at 7:00 p.m. I.D.A. representatives and other County officials will be in attendance.

ADJOURN –

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 4 to 0, with Member Hymes absent from the meeting, the Tazewell County Board of Supervisors hereby adjourns this meeting.

The next meeting is scheduled for April 7, 2009 at 5:30 p.m.

David R. Anderson, Chairman

By: rg

Recess time: 10:45 p.m.