

**VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD NOVEMBER 17, 2009 AT 5:00 P.M. AT THE TAZEWELL MIDDLE SCHOOL AUDITORIUM, TAZEWELL, VIRGINIA 24651**

**PRESENT: DAVE R. ANDERSON, CHAIRMAN  
BILL WIMMER, VICE-CHAIRMAN  
D. MICHAEL HYMES, MEMBER  
SETH R. WHITE - MEMBER  
JIM CAMPBELL, JR. – MEMBER  
C. ERIC YOUNG, COUNTY ATTORNEY  
JIM SPENCER, III. – COUNTY ADMINISTRATOR  
PATRICIA GREEN – ASSISTANT COUNTY ADMINISTRATOR  
RUTH GROSECLOSE – ADMINISTRATIVE ASSISTANT  
MEMBERS OF THE PRESS – BLUEFIELD DAILY TELEGRAPH;  
CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS;  
TAZEWELL COUNTY FREE PRESS & WVVA TV**

**ABSENT: NONE (Supervisor White arrived a few minutes late)**

The Chairman, David R. Anderson, called the regular meeting to order and presided. Supervisor White was running a few minutes late.

Supervisor Bill Wimmer gave the invocation, which was followed by the Pledge of Allegiance to the United States Flag.

The Chairman then welcomed Jim Campbell, newly elected member of the Tazewell County Board of Supervisors – Northern District.

Mr. Campbell stated that he was honored and privileged to represent the citizens of Tazewell County in this capacity and grateful to the citizens of the Northern District for electing him to this position. He said that he was looking forward to working with such great group of men and was anxious and excited about the opportunities that await him serving in this capacity.

**AGENDA APPROVED AS AMENDED**

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor White absent from the vote, and with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approve the November 17, 2009 agenda as amended.

**MINUTES APPROVED AS WRITTEN**

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by vote of 3 to 0, with Supervisor Campbell abstaining and with Supervisor White absent from the vote, the Tazewell County Board of Supervisors hereby approves the October 6, 2009 Board of Supervisors meeting minutes as written.

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 3 to 0, with Supervisor Campbell abstaining and with Supervisor White absent from the vote, the Tazewell County Board of Supervisors hereby approves the October 19, 2009 Board of Supervisors meeting minutes as written.

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**EXECUTIVE/CLOSED MEETING**

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

- A-6 –Two (2) matters: The investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected involving landfill leachate.
- A-6 – The investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected involving Camp 31
- A-6 – The investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected involving the RBI Lease and the Comprehensive One Stop

- A-7 - Legal Matter/Consultation with legal counsel regarding the Ridgeline Ordinance
- Other

### **RETURN/CERTIFICATION/REPORT OF ACTION**

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Meeting and adopts the following resolution:

#### **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: Five (5) Supervisor White, Hymes, Wimmer Anderson and Campbell**

**Nays: None (0)**

**Absent: None (0)**

**Absent during vote: None (0)**

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

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**CONSENT CALENDAR APPROVED**

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as CONSENT CALENDAR. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable check by the Treasurer of Tazewell County, Virginia:

**Approval of the warrants for the month of October & November 2009**

**WARRANTS APPROVED:**

**September/October 2009**

**Payroll**

Ordered that Warrant Nos. 130612 through 130703, and direct deposits totaling \$209,624.80 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 30, 2009, be approved.

Ordered that Warrant Nos. 130705 through 130793, and direct deposits totaling \$209,352.65 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending October 15, 2009, be approved.

**Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 445285 through 445442, for \$932,797.54 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of September 2009, be approved.

Ordered that Warrant Nos. 445444 through 445460, for \$139,360.25 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending September 30, 2009, be approved

Ordered that Warrant Nos. 445462 through 445597, for \$756,098.90 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of October 2009, be approved.

Ordered that Warrant Nos. 445599 through 445616 for \$141,260.27 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending October 15, 2009, be approved.

**Handwritten**

Ordered that Warrant Nos. 801384 through 801392 for \$19,189.25 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of September 2009, be approved.

▪ Coyote Claims

- \$50.00 to Douglas Boothe, 249 Santana Road, Bluefield, VA 24605 for 1 coyote killed with a trap on October 2, 2009
- \$50.00 to Charles Ashworth, 294 Ashworth Lane, Bluefield, VA 24605 for 1 coyote killed with a bow on October 17, 2009
- \$50.00 to Jonathan Rose, PO Box 382, North Tazewell, VA 24630 for 1 coyote killed with a gun on November 4, 2009
- \$50.00 to James Kinder, 1410 Stone Road, Jewell Ridge, VA 24622 for 1 coyote killed with a rifle on November 3, 2009
- \$50.00 to Danny White, 1754 Gose Mill Road, Tazewell, Virginia 24651 for 1 coyote killed with a rifle on November 9, 2009
- \$50.00 to Donald Howard, 375 Dairy Barn Road, Bluefield, Virginia 24605 for 1 coyote killed with a muzzleloader on Nov. 11, 2009.
- \$50.00 to Ryan Stevenson, PO Box 796-1315 Goose Creek Rd. North Tazewell, Virginia 24630 for 1 coyote killed with rifle on November 4, 2009
- \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, Virginia 24651 for 1 coyote killed on October 22, 2009 with a rifle

- \$100.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, Virginia 24605 for 2 coyotes killed with a snare on November 9, 2009
- \$50.00 to Ronnie Hayes, 176 Empire Drive, North Tazewell, Virginia 24630 for 1 coyote killed on November 9, 2009 with dogs
- Library Account
  - Transferred the amount of \$100.00 & \$1000.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Library Account 7301-6012 (donations received)
- Sheriff's Account
  - Transferred the amount of \$500.00 from the Contingent Expenditures & Grant Account No. 91050-7041 to the Sheriff's Dare Supplies Account No. 31060-6021 as a donation received from Jewell Smokeless Coal Corp
- District Funds
  - \$200.00 from each district fund (\$1,000.00) payable to the Tazewell Soil & Water Conservation District Area IV Envirothon Competition
  - \$1,700.00 from the Northern District Fund payable to the Labor of Love Mission/Back-pack program
  - \$1,000.00 from the Northern District Fund payable to the Center for Christian Action for computer hardware and software (Supervisor Campbell will deliver checks)...
- Declared Surplus - 1986 Chevrolet (old Sheriff's car) located at the Bluefield Virginia Fire Department -donate same and give title to the Bluefield Virginia Fire Department for training purposes.

- Declared Surplus – old Sheriff Department Uniforms and grant permission for the Sheriff to relinquish the old uniforms to other Sheriff Departments
- Ratified participation in the Cumberland Plateau Regional Hazard Mitigation Plan as well as providing \$1,225 In-Kind cash match
- Transferred the amount of \$4,850.00 from the Contingent Expenditures & Grant Account 91050-7041 to the Tazewell County Tourism Committee Budget Account 12060-3600 (grant award for Virginia Tourism Corporation to develop a tourism-dedicated website)
- Approved the amount of \$75.00 (Fuller Peery Rental Fee) from the Southern District Fund for Tazewell Area Chamber of Commerce – Christmas Party After Parade
- Accepted a bid of \$500.00 from Daniel Jones, 125 Old Andy's Road, Tazewell, VA 24651 for the old 1974 700 FMC High Pressure Fire Engine (Thompson Valley)
- Approved \$1000.00 from District Recreation Funding (Southern & Northern \$500.00 each to Tazewell High School – THS Cheerleading Team – State Competition funding assistance.
- Department of Historic Resources, Virginia's Historic Preservation Office - Supported the Town of Richlands, Virginia's – Tazewell Avenue Historic District's nomination to the Virginia State Review Board and the Virginia Board of Historic Resources for recommendation to the National Register of Historic Places and for inclusion in the Virginia Landmarks Register.
- Transferred the amount of \$104,744 from the Contingency Account (91050-7023) to various department compensation accounts

- Approved a resolution of support for The Great Eastern Trail
- Approved the 911 GEOComm, Inc. Contract, 601 West Saint Germain St. Saint Cloud, MN 56301-3665 for Tazewell County Information Technology Software Services – Period of Contract September 1, 2006 to August 31, 2011 – authorized the County Administrator to enter into and execute the contract contingent upon final approval of the County Attorney.

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**EMERGENCY SERVICES COMMITTEE**

Supervisor Wimmer, representing the Emergency Services Committee, stated that the Committee considered a request by the Abbs Valley Fire Department for \$20,000 to purchase a response vehicle for the department. He said that the ESC did not make a recommendation because of the lack of funding in the County’s budget. However, he noted that Dave White, County Emergency Services Coordinator, was assisting the Abbs Valley Fire Department by looking for a cheaper truck that would meet the needs of the Department.

Supervisor Campbell indicated that Garland Roberts possibly found another vehicle sufficient for the department.

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**PUBLIC HEARING**

**ORDINANCE ADOPTED**

**UNIFORM PROPERTY MAINTENANCE CODE**

The Chairman, David R. Anderson, called to order a public hearing that was duly advertised according to law entitled:

PUBLIC HEARING – With intent to adopt, as part of the County’s Building Code, selective provisions of the Uniform Property Maintenance Code, as Section 4-27.1 of the Code of Tazewell County, Virginia relating to the Uniform Statewide Building Code known as The 2006 Virginia Maintenance Code, to wit: 1). All of Section 105, regarding unsafe structures 2). Section 302.5, regarding rodent harborage

3). Section 308.1 regarding infestations. A copy of the ordinance in a form as hereby proposed for adoption is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651 and posted at the front door of the County Courthouse on Main Street, Tazewell, Virginia 24651.

Now, the Chairman of the Board of Supervisors called for public comment from the floor with regard to this subject public hearing:

Following the inclusion of proper Virginia Code Sections in Section 4-27.1 and 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 adopts the following ordinance and further to incorporate Code "Section 36-105(3)" in Section 4.27.1 of said ordinance. The Code Section was inadvertently left out of the ordinance when drafted:

**WHEREAS**, the Board finds that many properties in the County have been so poorly maintained that they constitute a threat to the health and safety of the occupants and the public at large;

**WHEREAS**, the Board desires to protect the health and safety of County residents;

**WHEREAS**, the Code of Virginia permits the County to adopt as part of the County's building Code selective provisions of the Uniform Property Maintenance Code,

**WHEREAS**, the Uniform Property Maintenance Code provides that failure to maintain one's property according to the standards adopted by the locality is a misdemeanor;

**NOW THEREFORE be it ORDAINED**, pursuant to Section 36-105(C) of the Code of Virginia (1950) as amended that the County hereby adopts as Section 4-27.1 of the Code of Tazewell County relating to the Uniform Statewide Building Code the following:

**Sec. 4-27.1.**

In addition to the Uniform Statewide Building Code herein previously adopted, Tazewell County hereby, pursuant to Section 36-105(C) of the Code of Virginia (1950) as amended, further adopts the following provisions of Part III of the Uniform Statewide Building Code known as The 2006 Virginia Maintenance Code:

- (1) All of Section 105, regarding unsafe structures.
- (2) Section 302.5, regarding rodent harborage.
- (3) Section 308.1, regarding infestations.

These provisions of the 2006 Virginia Maintenance Code shall be enforced as a part of the Building Code in accordance with the provisions of this Chapter. Except, however, that the above cited Sections of the Virginia Property Maintenance Code shall not apply to structures, which are not intended for human habitation, erected for agricultural purposes, on property taxed as agricultural land or designated as agricultural by the Comprehensive Plan or any Zoning Ordinance. This exception shall be in addition to any other exceptions set forth in the Code of Tazewell County or the Uniform Statewide Building Code.

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**ABBS VALLEY FIRE DEPARTMENT –**

**BRUSH TRUCK \$3,200 APPROVED**

Now, following a presentation and request by Garland Roberts, President of the Abbs Valley – Boissevain Volunteer Fire Department the following action was approved by the Tazewell County Board of Supervisors:

**ABBS VALLEY FIRE DEPARTMENT – 2000 SILVERADO**

**4- WHEEL DRIVE \$3,200 APPROVED FROM FIRE DEPARTMENT CAPITAL OUTLAY**

Upon motion of Supervisor Campbell seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$3,200.00 from the Fire Dept. Account No. 32010-8109 – Capital Outlay to assist the Abbs Valley Fire Department with the purchase of a 2000 Silverado 4-Wheel Drive Truck. The request for funding for a skid poly tank & other equipment will be reviewed by the ESC and the Board of Supervisors later.

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.

Mr. Roberts pledged that the Abbs Valley-Boissevain VFD would turn the \$6,000 over to the County that they received from the State for their share of fire monies. The \$9,200 should be sufficient to purchase the 2000 Silverado 4-Wheel Drive truck from the Department of General Services.

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**PUBLIC HEARING –**

**VACATION OF PUBLIC RIGHT OF WAY LOCATED IN THOMPSON VALLEY, VA NEAR BEAR TOWN**

The Chairman, David R. Anderson, called to order a public hearing that was duly advertised according to law entitled:

PUBLIC HEARING – With intent to adopt an Ordinance of Vacation of a Public Right of Way Located in Thompson Valley near Bear Town Adjacent to State Route 602, and Being One Mile East of the Intersection of State Route 16 and State Routes 604/602 in the Southern District of Tazewell County, Virginia. A copy of the complete ordinance is on file in the office of the County Administrator and posted at the front door of the County Courthouse on Main Street in Tazewell, Virginia.

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

Dahmon Ball, Raven, Virginia questioned the location of the proposed vacation.

The County Attorney, Eric Young, stated that the location was one mile east of the intersection of State Route 16 and State Route 604/602.

Now, the Chairman called for further comments from the floor three (3) times and there being none, he declared the public hearing closed.

No action was taken on the consideration of adopting the Proposed Vacation of Public Right of Way. The matter was deferred to the December 1, 2009 regular meeting. The adoption process is subject to An Appeal Process, which said ordinance if approved, would be posted in the office of the Circuit Court for 60 days prior to the recordation of same.

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## **APPOINTMENTS**

### **Clinch Valley Community Action, Inc.**

One (1) at – large appointment was deferred to the next regular meeting.

### **Census 2010 – Redistricting Committee**

Upon motion of Supervisor Anderson, 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 appoints Don Harris, Mayor of Bluefield, Virginia as a member of the Tazewell County Redistricting Committee.

### **VASAP – SW Virginia Alcohol Safety Action Program**

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Melonie Menefee, Assistant Commonwealth Attorney, PO Box 946, Tazewell, Virginia 24651 to serve as a member of the Policy Board governing Southwest Virginia Alcohol Safety Action Program (VASAP) for a term of two (2) years effective December 1, 2009 to December 1, 2011.

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## **DMV -ANIMAL FRIENDLY PLATE FUNDS**

### **\$255.00 TO PAWS (Protecting Animals with Sterilization)**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Campbell abstaining because of his employment with DMV, the Tazewell County Board of Supervisors hereby approves the amount of

\$255.00 from Account No. 91050-7041 Contingent Expenditures & Grant Resource Account as monies received from the Department of Motor Vehicles – Animal Friendly License Plate Program, payable to PAWS (Protecting Animals with Sterilization), attn: Lori Sayers, North Tazewell, VA 24630 (Phone No. 326-2905). PAWS is a 501-C3 Organization. The County Administrator is hereby authorized, empowered and directed to issue said warrant to PAWS in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**FALLS MILLS SCHOOL PROPERTY TO CLINCH VALLEY COMMUNITY ACTION, INC. DEED OF BARGAIN & SALE**

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell 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 conveys the Falls Mills School Property, Tax Map 014-03-0031-0044-0047 as hereby proposed, to the Clinch Valley Community Action, Inc. contingent upon the Clinch Valley Community Action, Inc. accepting or rejecting the conveyance within 60 days of this action.

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**BACK PACK PROGRAM –  
\$1,000 SOUTHERN DISTRICT  
\$1,000 NORTHWESTERN DISTRICT**

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 following amounts from District funds as set forth payable to the Labor of Love Mission–Back Pack Program, North Tazewell, Virginia 24630. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

- Southern District \$1,000.00
- Northwestern District \$1,000.00

(See the consent calendar for Northern District contributions to the Back Pack Program)

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**BOARD CONCERNS**

**Slade Road Defacements**

Supervisor Anderson requested that the Slade Road, Eastern District defacement issue be considered for remedy as part of the County's Property Maintenance Code Ordinance as duly adopted this date.

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**RAIL ROAD CROSSINGS**

Supervisor White reported that over the last few months he has received calls from various people about various railroad crossings in the Northwestern District. Supervisor White has spoken to Norfolk Southern officials who assured him that the railroad crossing issues would be taken care of as soon as possible. Cars are bottoming out on the crossings in the Raven & Jewell Ridge area.

**RICHLANDS CHAMBER OF COMMERCE**

**RETURN TO ROOTS PROGRAM**

**\$750.00 FROM NORTHWESTERN DISTRICT FUNDS**

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$750.00 from the Northwestern District Fund, payable to the Richlands Chamber of Commerce, Richlands, Virginia 24641 for the Town of Richlands, Return to Roots Project, subject to legal review and approval. Once approved, 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.

**TRINITY TABERNACLE CHURCH OF GOD**

**VACATION OF ALLEY-RIGHT OF WAY**

**- PUBLIC HEARING AUTHORIZED FOR JANUARY 2010**

Upon motion of Supervisor White, seconded by 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 authorized and direct the County Administrator to advertise for a public hearing in January 2010 to consider the Vacation

of an alley-way/right-of-way located near the Trinity Tabernacle Church of God located in the East Raven area, Northwestern District.

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**TAZEWELL COUNTY FIRE & RESCUE**

**DRAIN ISSUE – MONIES APPROVED \$2,500.00**

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 authorizes the amount of \$2,500.00 from the Rescue Squad Account No. 32020-8109, to correct a drainage problem at the Tazewell County Fire & Rescue facility – subject to legal review and approval. The County Administrator stated that the County would be doing the labor on this project since the property in question is County owned.

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**EXPENDITURES TOTALING \$1,000 --**

**TO BE POSTED ON COUNTY WEBSITE**

In keeping with his theme of open and honest and transparent government, Supervisor Hymes moved and Supervisor Campbell seconded and which motion passed unanimously by a vote of 5 to 0, the following motion was adopted: At the end of each quarter of each year a list of all payments totaling \$1,000 or more to any vendor of record, by any Board Member, Board of Authority or Department of the County, who did business with the County during the preceding quarter be posted on the County's website. This action is subject to legal review and approval.

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**ELECTION – WESTERN DISTRICT**

Supervisor Bill Wimmer thanked John Absher and Bob Wade for running a clean and honest election. And as a result of the recent election, Supervisor Wimmer congratulated John Absher and said he appreciated him as a friend and as a colleague.

With regard to the proposed wind-turbine “ordinance regulating tall structures” in the County, Supervisor Wimmer said that the future board has a great weight on their shoulders and stated that he did not want to prolong the process, but said he could count on both hands the calls and communications made to him with regard to the proposed ordinance. He said that the western district citizenry had spoken, and pointed out it was

the citizens who selected a new representative, and with this in mind, Supervisor Wimmer moved that the December 1, 2009 public hearing be postponed on the subject of “AN ORDINANCE TO REGULATE CONSTRUCTION OF TALL STRUCTURES ON CERTAIN RIDGELINES IN TAZEWELL COUNTY, VIRGINIA” and that the public hearing be held after the first of the year 2010. Supervisor Campbell seconded the foregoing and which motion passed by a vote of 4 to 0, with Supervisor Anderson abstaining. Supervisor Anderson said that he did not want to delay the public hearing and said right or wrong, the Board of Supervisors needed to make a decision, further stating that he did not want it to appear that the Board of Supervisors were dragging their feet with regard to this issue. Supervisor Wimmer said that if a vote is not taken by December 31, 2009 the ordinance would expire, further stating that he would have to abstain from the vote if the ordinance was put to vote before he left office.

Supervisor Campbell said he wanted to be well informed and make the best decision possible.

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#### **FIVE (5) MINUTE RECESS**

The Chairman, David R. Anderson, called for a recess of five (5) minutes after which the meeting was duly reconvened.

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#### **ROAD MATTERS - SUPERVISOR WIMMER**

Supervisor Wimmer requested that Gary Earp, County Road Engineer determine if *Moose Street* and *Granny Road* could be considered for road repairs before winter approaches.

#### **CEDAR BLUFF HERITAGE FESTIVAL DONATION**

Supervisor Wimmer then clarified for the record that he did authorize \$5,000 from his district funds to the Cedar Bluff Heritage Festival and the donation was recently given to the festival. He said that the accounting department inadvertently missed the order for the check to be written.

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#### **CITIZEN COMMENTS**

The Chairman, David R. Anderson, called for citizen comments from the floor and requested that citizens speaking limit their communication to two (2) minutes per

speaker. The following individuals spoke on the subject of the proposed Ordinance to Regulate Construction of Tall Structures on Certain Ridgelines in Tazewell County, Virginia:

1. Norma Jean Rupley, 208 Harman Hills Drive (Burkes Garden), Tazewell, Virginia – voiced opposition to the wind-turbine project
2. Mark Tyson – Thompson Valley, Tazewell, Virginia – opposed to wind-turbines in Tazewell County
3. Ann Robinson, Falls Mills, Virginia – opposed to wind-turbines in Tazewell County
4. Donna Kelly, Bluefield, Virginia – opposed to wind-turbines in Tazewell County
5. Alex Payne, 392 Century Lane, Bluefield, Virginia – in favor of wind-turbines in Tazewell County
6. Charlie Cole, 109 Titleist Drive, Bluefield, Virginia – opposed to wind-turbines in Tazewell County
7. Bob Johnston, 619 Fairway St. Bluefield, Virginia – opposed to wind-turbines in Tazewell County
8. Joyce Johnston, 619 Fairway St. Bluefield, Virginia – opposed to wind-turbines in Tazewell County
9. Bruce Remines, 327 Gulf Port Drive, Bluefield, Virginia – in favor of wind-turbines in Tazewell County
10. Dallas Sparks – 163 Blackberry Lane, Burkes Garden, Virginia – opposed to wind-turbines in Tazewell County

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**SPRINGSTED STUDY –**

**JOHN ANZIVINO, SR. VICE PRESIDENT**

The Chairman, David R. Anderson introduced and welcomed John Anzivino, and Nick R. Dragisich and gave a brief history of each, noting their qualifications to perform the Economic Impact Study on the Proposed Wind Farm development in Tazewell County.

John Anzivino, Sr. Vice President – Springstead Incorporated, Richmond VA office, accompanied by Nick R. Dragisich from 380 Jackson Street, Saint Paul, MN

55101, discussed and presented the findings of the study that were contracted to conduct for Tazewell County. He said both worked for the public sector and did not work for the private sector or Dominion Power & BP Energy.

Springstead, Inc. presented a power-point presentation regarding the Economic Impact Study on the Proposed Wind Farm development in Tazewell County.

Briefly, Dominion Power and BP Energy are proposing to develop a wind farm within Tazewell County along the ridgelines of East River Mt. between the Town of Bluefield and Tazewell. The Study is intended to help the County and the Tazewell County IDA with evaluating the proposed development and to understand and forecast the economic impact on the County to include local revenue, property values, tourism, job creation, annual wages of each job created, loss of property value and the effect on the Bluestone Regional Business and Technology Center.

The study calls for approximately 30-40 turbines with an average of 10-15 jobs created. The construction year should begin in 2012 and in operation by 2013. The developers have purchased over 2,500 acres for the project and should generate \$8,831 in property taxes. The total project cost is estimated at \$200 million is anticipated to consist of approximately 60 MW of turbines. The taxable investment is estimated at \$121.5 million with the wind turbines investment at \$90 million. The study as proposed assumes the turbines will be treated as real property and taxed at the county's current tax rate of .58 cents per \$100 with the a 12 year straight line depreciation for the turbines. Several members of the Planning Commission and Board said they originally were told that the turbines would be taxed at the County's personal property tax rate of \$2.00 per \$100 of the value. The study further indicated that the project would produce \$9,193 in sales tax from 2013 to 2017, with the amount increasing to \$37,336 per year for the period 2018 to 2032 and over a 20-year period, the project could possibly generate \$8,519,032 in property tax using the current tax rate of \$.58 cents per \$100 figure. The study also calculated potential impact of a 5% reduction in property values and showed limited effects, if any, on the Bluestone Technology Park. The Study concluded that the overall dollar benefit to the County would be approximately \$6,021,512.00.

Mr. Anzivinio, stated that Springsted would be happy to answer any written questions with regard to the study.

A complete copy of the power point presentation as presented as well as a complete copy of the Study is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia, with a copy posted on the County's website at [www.tazewellcounty.org](http://www.tazewellcounty.org).

The Chairman of the Board then called for a five (5) minute recess to give the Tazewell County Planning Commission time to conduct a brief meeting – after which the Board of Supervisor meeting was duly reconvened.

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### **2010 – TCBOS ORGANIZATIONAL MEETING SLATED**

Upon motion of Member Campbell, seconded by Member 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 sets the Board of Supervisors Organizational Meeting for January 5, 2010 at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia.

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### **PUBLIC HEARING RESCHEDULED – REGULATING CONSTRUCTION OF TALL STRUCTURES ON CERTAIN RIDGELINES IN TAZEWELL COUNTY, VIRGINIA**

Upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer abstaining from the vote, the Tazewell County Board of Supervisors hereby reschedules the Public Hearing to hear concerns from the public on a “Proposed Ordinance regulating construction of Tall Structures on Certain Ridgelines in Tazewell County, Virginia” to January 12, 2010 at 6:15 p.m. at the Tazewell Middle School, subject to the availability of the school. The location will be formally announced once confirmed. If the Middle School is not available, the hearing will be held at Tazewell High School.

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### **\$1,000 FROM NORTHERN DISTRICT FUNDS TO NORTHERN DISTRICT RECREATION ACCOUNT TO COVER DEFICIENT FUNDING**

Upon motion of Supervisor Campbell, 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

transfer of \$1,000.00 from the Northern District Fund Account to the Northern District Youth Activities Account No 72010-5606 to cover deficient funding is the Northern District Youth Account.

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### **SPEARHEAD TRAILS UPDATE**

The County Administrator, Jim Spencer stated that he participated in a Spearhead trial – ATV meeting held Thursday, Nov. 12 in Norton, Virginia. He stated that the County has received two proposals from consultants to help the County with the Pocahontas ATV Trails Project. He further said that Supervisor Anderson appointed a committee consisting of Sam Wolford, Margie Douglass and Jerry Gravely (non-voting member). The committee will conduct a telephone interview with the consultants on Friday, Nov. 20 and will present a recommendation to the Tazewell County Recreation Development Authority on Monday, Nov. 23 that will help the County move forward with the development of the ATV Trail.

Supervisor Campbell said that he attended a Pocahontas Town Council Meeting Monday Nov. 16 with the council doing a great job and being very proactive with regard to promoting the ATV Trail project.

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### **BOARD CONCERNS**

#### **REASSESSMENT**

Supervisor Anderson mentioned the upcoming County Tax Reassessment process that would begin in May 2010 and which would be made part of the 2011-12 County Budget. He said the last reassessment cost the County \$400,000+.

Supervisor White stated that he would like to see the reassessment conducted different this time, suggesting that the reassessment be preformed locally. The subject of conducting the reassessment in conjunction with another County was discussed as well. The County Administrator, Jim Spencer, stated he would share the previous in-house reassessment information with the Board. Instead of contracting with an out-side firm, Supervisor White stated that he would like to keep the monies in the County as well as possibly creating part-time, temporary jobs with the savings, with the County Administrator reiterating quality control.

Supervisor Anderson requested that the reassessment topic be on-going discussion and included on the upcoming budget agendas when necessary.

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### **SVCC FAMILY DAY**

Supervisor Anderson announced that SVCC would be holding a Family Day on November 21, 2009.

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### **COMPREHENSIVE PLAN PUBLIC HEARING CHANGED TO JANUARY 12, 2010**

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer abstaining from the vote, the Tazewell County Board of Supervisors hereby changes the date of the public hearing on the subject of proposed amendments to the Tazewell County Comprehensive Plan to January 12, 2010 to 6:05 p.m. The public hearing will be a joint hearing with the Tazewell County Planning Commission.

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### **ZONING –PROPOSED**

Supervisor Anderson requested that the Supervisor Campbell and BOS Elect Member, John Absher be given a copy of the Proposed Zoning information for their review and comment.

Supervisor White stated that the proposed zoning topic would be placed on the January 2010 Board of Supervisors agenda for discussion.

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### **TAZEWELL COUNTY SIGNS FOR COUNTY-WIDE ENTRANCE POINTS**

Supervisor White reiterated the Planning Commission's recommendation to place Tazewell County signs at key entrances into the County. He said the County Administrator had some ideas for the signs and suggested that each member of the Board of Supervisors work with Mr. Spencer and the Tourism Committee in this endeavor and to fund the signs from various district funding. The County Administrator suggested that a map be available at the December 1, 2009 meeting in order for the Board to look at the key entrances points into the County. Supervisor Hymes suggested that a budget be set for the project.

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**COMMUNITY FACILITIES BUILDING – ACCESS ROAD**

**CONVEYED TO IDA AND IDA TO CONVEY TO THE TOWN OF TAZEWELL, VA**

Upon recommendation of the County Attorney, Eric Young and 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 conveys the access road property to the Tazewell County Community Facilities Building to the Tazewell County Industrial Development Authority, with the stipulation that the IDA convey the property to the Town of Tazewell, Virginia.

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**LOCATION & TIME TCBOS MEETING CHANGE -**

**DECEMBER 1, 2009 6:00 P.M.**

Upon motion of Supervisor Campbell, 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 gives notice changing December 1, 2009 meeting from the Tazewell High School Auditorium to its regular meeting location, 108 East Main Street, Tazewell, Virginia 24651.

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**ADJOURN**

Now, upon motion of Supervisor Wimmer, seconded by Supervisor Campbell 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 meeting is hereby adjourned.

The next regular meeting is scheduled for December 1, 2009 at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651.

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David R. Anderson, Chairman

by: rg

Recess time – 9:49 p.m.