

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS, HELD NOVEMBER 6, 2008 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651

PRESENT: BILL RASNICK, CHAIRMAN (VIA REMOTE ATTENDANCE
– PURSUANT TO CODE OF VIRGINIA, 2.2-3708-1 (2))
BILL WIMMER, VICE-CHAIRMAN
DAVE R. ANDERSON, MEMBER
D. MICHAEL HYMES, MEMBER
SETH R. WHITE, MEMBER
ERIC YOUNG, COUNTY ATTORNEY
JIM SPENCER, III – COUNTY ADMINISTRATOR
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT
MEMBERS OF THE PRESS: WARREN HINKLE, TAZEWELL COUNTY FREE PRESS; JIM TALBERT, RICHLANDS NEWS PRESS/CLINCH VALLEY NEWS; PHILLIP KEENE, THE VOICE.

ABSENT: NONE

There were several instances during the meeting where Supervisor Rasnick did not take part in the meeting. Votes during his absences will be reflected in the minutes accordingly.

In absence of the Chairman (physically absent), Vice Chairman Wimmer called the meeting to order and presided. He welcomed all those in attendance.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Anderson and unanimously adopted, the Tazewell County Board of Supervisors hereby authorizes and approves that William B. Rasnick, Chairman of the Board of Supervisors participate in

the November 6, 2008 regular meeting of said Board, pursuant to Virginia Code, Section 2.2-3708.1 (2). The Chairman was unable to attend the meeting due to a temporary disability that prevented his physical attendance. The Chairman attended via remote telephone from 117 Bay Landing Road, Swansboro, North Carolina 28584. The voice remote participation could be heard by all persons attending the open regular meeting of the Tazewell County Board of Supervisors.

Supervisor Anderson gave the invocation, which was followed by the pledge of allegiance to the United States Flag.

AGENDA APPROVED AS AMENDED

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approves the November 6, 2008 regular meeting agenda as hereby amended.

MINUTES

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the October 7, 2008 meeting minutes as hereby written.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby enters into an executive/closed session, pursuant to Virginia Code Section 2.2-3711:

- 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 Bluestone Participation Agreement.
- 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 property at Kent’s Ridge.
- A-7 - Legal Matter/Potential Litigation– Consultation with legal counsel regarding the Regional Jail.

- A-7 Legal Matter involving the Tazewell County Health Department lease
- A-7 Legal/Contractual Matter involving Pre-trial Intervention
- A-6 The investment of public funds where competition or bargaining is involved, where is made public initially, the financial interest of the government unit would be adversely affected involving Route 747 easement & property acquisition.
- A-6 The investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the government unit would be adversely affected involving property disposition –Ben Bolt Health Dept Bldg.
- A-1 Three (3) Personnel matters: One (1) IT dept. One (1) engineering dept & One (1) county administration

CERTIFICATION OF RESOLUTION

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Session and hereby certifies that the Tazewell County Board of Supervisors, in the closed meeting just concluded, that nothing was discussed except that the matters specifically identified in the motion to convene in an executive/closed meeting and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act that were cited in the motion to enter into the Executive/Closed Meeting.

Roll Call Vote 5 to 0

Supervisor White – Aye

Supervisor Hymes – Aye

Supervisor Anderson – Aye

Supervisor Rasnick – Aye

Supervisor Wimmer – Aye

Absent from meeting – (Supervisor Rasnick attended the executive/closed meeting via teleconference, Pursuant to Code of Virginia, Section 2.2-3708.1 (2)).

Supervisor Anderson noted for the record that the Board would more than likely return to reconvene to the executive/closed session later in the meeting to continue with the executive/closed session items.

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED SESSION
TOWN OF TAZEVELL – PAYMENTS TO REGIONAL JAIL**

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 authorizes and directs the County Attorney, Eric Young to send a letter to the Town of Tazewell, Virginia, requesting that the Town of Tazewell pay any and all delinquent invoices due the Southwest Virginia Regional Jail (owed by the Town); and further that the Town of Tazewell, Virginia cease using its local ordinance and use state ordinance with regard to the collection of fees in order to avoid further charges to the Regional Jail, and pursuant to the Freedom of Information Act (FOI), the Tazewell County Board of Supervisors hereby requests that the Town of Tazewell, Virginia provide to the Board of Supervisors any and all statements of income derived from fines paid by persons charged by the Town under the Town of Tazewell Ordinance, as well as providing to the Board of Supervisors a copy of the Town of Tazewell’s Audit for the last three (3) years.

Vice Chairman Wimmer then welcomed various town officials in attendance as well as a special youth group from the Workforce Investment Act Youth program through Clinch Valley Community Action, Inc. He said the WIA youth group wanted to see their local government at work.

CONSENT CALENDAR 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 following items as “Consent Calendar” as set forth below. Be it further approved, that the County Administrator is hereby authorized and directed to issue said warrants in accordance with the following Consent Calendar items and which will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

WARRANTS APPROVED AS PAID:

September/October 2008

Ordered that Warrant Nos. 128388 through 128478, and direct deposits totaling \$206,653.75 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 30, 2008, be approved.

Ordered that Warrant Nos. 128480 through 128571, and direct deposits totaling \$202,045.30 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending October 15, 2008, be approved.

Ordered that Warrant Nos. 440911 through 441069, for \$714,216.36 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 2008, be approved.

Ordered that Warrant Nos. 441071 through 441087, for \$134,999.35 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending September 30, 2008, be approved

Ordered that Warrant Nos. 441089 through 441250, for \$1,350,542.44 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 2008, be approved.

Ordered that Warrant Nos. 441252 through 441269, for \$134,952.79 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending October 15, 2008, be approved.

Ordered that Warrant Nos. 801280 through 801291 for \$336,649.69 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of September 2008, be approved.

COYOTE CLAIMS - APPROVED THE FOLLOWING:

Archie French 207 Selina Road, North Tazewell, VA 24630 - \$50.00 for 1 coyote killed on October 5, 2008 with a snare

Ira Horne 591 Gray's Branch Road, Cedar Bluff, VA 24609 - \$50.00 for 1 coyote killed on October 11, 2008 with a trap

Lilly Lowe 5253 Clearfork Road, Bastian, VA 24314 - \$50.00 for 1 coyote killed on October 20, 2008 with a rifle

Ricky Vandyke 184 Montgomery Lane, Bandy, VA 24602 - \$50.00 for 1 coyote killed on October 20, 2008 with a rifle.

Dewey Brooks, 264 Barbaroso Lane, North Tazewell, VA 24630 - \$50.00 for 1 coyote killed on October 22, 2008 with a rifle

Danny Akers, RR2 Box 466-A, Bluefield, VA 24605 - \$50.00 for 1 coyote killed by trapping

Michael Kinder, 160 Axle Street, North Tazewell, VA 24630 - \$100.00 for 2 coyotes killed by trapping

Ira Horne, 519 Gray's Branch Road, Cedar Bluff, VA 24630, \$50.00 for 1 coyote killed with a rifle.

Donald Bradley, 113 Kelly Street, Tazewell, VA 24651, \$50.00 for 1 coyote killed with a bow.

Edward Billips, RR2, Box 321 E, Bluefield, VA 24605, \$50.00 for 1 coyote killed with a rifle.

Dewey Brooks, 264 Barbarossa Lane, North Tazewell, VA 24630, \$50.00 for 1 coyote killed with a rifle.

Frank Snapp, 2933 West End Road, Tazewell, VA 24651, \$50.00 for 1 coyote killed with a rifle.

Ratified VACo Voting Credentials form – authorized Supervisor Hymes to cast Tazewell County's vote on any issues to come before VACo's Annual Meeting Nov. 9-11, 2008.

Circuit Court Clerk's Office - transferred the amount of \$42,115.00 from the Contingent Expenditures & Grant Account – No. 91050-7041 to the Clerk's Machinery & Equipment Account – 21060-8101 for computer upgrades and equipment (flow through funding).

Approved the list of Junk Dealers and/or used Auto Parts Dealers in Tazewell County whose licenses expire December 31, 2008 as submitted by the Commissioner of the Revenue:

JUNK DEALERS

Bluefield Iron & Metal
Charles Harman
Robert Holmes & Alvin Holmes
John Rogic
James Curtis Smith

USED AUTO PARTS DEALERS

Dandees, Incorporated
Kulchar Junk Yard
Edgar & Tonya Wicks

PLEASANT VALLEY ESTATES – ROAD MATTER

JOE ROBINSON

Joe Robinson, Pleasant Valley Estates, was present and questioned the delay in road repairs to Pleasant Valley Estates.

Supervisor Wimmer indicated that the County lacked one right of way/drainage easement from a property owner and said that if County doesn't receive the drainage easement, that particular section of road could not be worked.

Mr. Robinson suggested that due to imminent cold weather and the chance of paving plants shutting down, he suggested that the County pave the section of road where easements have been obtained.

The County Administrator said that the drainage easement was crucial to the road project and said the best solution to the problem would be to allow the community group to determine a contingency plan in the event the easement is not obtained and to notify him or Gary Earp, County Engineer of their decision. Mr. Robinson agreed to this approach.

Betty Hagerman, Moose Street, did not appear to address a brush/road concern.

CITIZENS COMMENTS UNSCHEDULED

Bill Osborne, Tannersville, Virginia thanked the Board for the County's assistance with the free Rabies Clinic held Nov. 1 in various areas of Tazewell County. He said that the free clinic was a huge success.

Mr. Osborne attended the October 7, 2008 meeting of the Board of Supervisors and voiced concerns pertaining to the proposed ridgeline ordinance. He again spoke concerning the proposed Ordinance to Regulate Tall Structures on Certain Ridgelines. He said that the Board of Supervisors needed to have a full-blown public hearing on the proposed ordinance. He further said that he was totally opposed to the ordinance as written and said the ordinance needs to be clarified.

Dahmon Ball, Raven, Virginia said that he was opposed to the ordinance as written. He said that he owns property on East River Mt. and he had been contacted by a company interested in creating green energy from possible windmills on his property. He said that ordinance as written would render his property useless for this type of project.

Supervisor Hymes said that the public is just now catching on to the proposed ordinance and stated that he is beginning to receive comments with regard to the Board of Supervisors trying to restrict private property.

Supervisor White agreed that the ordinance needs to be more defined with regard to affected ridgelines.

It was a consensus of the Board of Supervisors that a list of protected areas/ridge lines be identified before the Board considers approval of the ordinance. They also agreed that citizens need to be alerted to the proposed ordinance. Supervisor Anderson said the he would address these concerns to the Planning Commission at their November 13, 2008 regular meeting.

PUBLIC HEARING

ORDINANCE GRANTING REAL ESTATE PROPERTY TAX EXEMPTION STATUS TO THE FOUR SEASON'S YMCA – LOCATED BESIDE TAZEWELL COMMUNITY HOSPITAL ON BEN BOLT AVENUE

Vice Chairman Wimmer called to order a public hearing that had been duly advertised in local newspapers accordingly to law entitled:

“ORDINANCE EXEMPTING REAL PROPERTY BY LOCAL CLASSIFICATION” for the Four Seasons Wellness Center, located in Tazewell, Virginia.

Supervisor Rasnick questioned whether the County had previously granted tax exemption status of this magnitude to any other organization in Tazewell County.

The County Attorney stated that that granted tax exemptions are normally less than \$10,000.00, and said that this particular proposed exemption was \$30,740.00. – in annual estimated cost of real estate taxes to Tazewell County.

Supervisor Hymes recommended that since Carillion had taken over Tazewell Community Hospital, the County might need to revisit the community hospital tax exemption status. Supervisor Hymes suggested that this matter be placed on the December 2, 2008 agenda as a “watch” item for discussion.

Now, upon motion of Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby adopts the following ordinance granting exemption of real property by local classification for the Four Seasons Wellness Center, located in Tazewell, Virginia, as set forth below:

WHEREAS, Four Seasons Wellness Center, (herein sometimes the “Organization”) address has applied to the Board of Supervisors of Tazewell County, Virginia for an ordinance providing it with tax exempt status from Tazewell County real property taxes; and,

WHEREAS, the Tazewell County Board of Supervisors did on November 6, 2008 hold a public hearing in accordance with notice duly and lawfully published pursuant to Section 58.1-3651B of the Code of Virginia (1950), as amended; and,

WHEREAS, after due consideration of the Organization's responses to the questions specified in said Section 58.1-3651 B of the Code, the Tazewell County Board of Supervisors determines it appropriate to adopt an Ordinance granting real property tax exemption status to said organization.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF TAZEWell COUNTY, VIRGINIA, FINDS AND ORDAINS THAT:

1. The real property of Four Seasons Wellness Center, herein "Organization", is located in Tazewell County, Virginia, being parcel number 094-B2-0007 B, located near the Town of Tazewell on Route 61 beside of Tazewell Community Hospital.
2. At a public hearing duly and lawfully held on November 6, 2008 pursuant to public notice, all in accordance with Subsection B of Section 58.1-3651 of the Code of Virginia, the Board of Supervisors of Tazewell County, Virginia, examined and considered the Organization's responses to the questions set out in said Code section.
3. The Board of Supervisors hereby finds that:
 - a) the organizations real property, together with improvements to be constructed thereon is a total of Five Million Three Hundred Thousand Dollars (\$5,300,000.00);
 - b) The real property taxes that would be paid by said Organization, amount to Thirty Thousand Seven Hundred Forty Dollars (\$30,740.00) annually.
4. The Tazewell County Board of Supervisors finds that the Four Seasons Wellness Center is a charitable organization as evinced by the United States Internal Revenue Service having designated if eligible for charitable tax exemptions pursuant to Section 501 (c) (3) of the Internal Revenue

Service. And, further that said organization serves a charitable purpose that benefits residents of the County.

5. The Tazewell County Board of Supervisors hereby ordains that Four Seasons Wellness Center's above described real property as charitable such that it shall be tax exempt and exempts Four Seasons Wellness Center from all Tazewell County real property taxes pursuant to Chapter 36 of Title 58.1-3651, of the Virginia Code, 1950, as amended.
6. The Tazewell County Board of Supervisors further classifies the said Organization's use of the subject real property as charitable/benevolent.
7. The continuance of the exemption granted hereby shall be contingent upon the continued use of the subject real property in accordance with the Organization's hereinabove classified use, and upon the Organization having no rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin.

The County Administrator for Tazewell County, Virginia, is hereby authorized, empowered and directed to forward an attested copy of this Ordinance to the Commissioner of the Revenue of Tazewell County, Virginia.

This Ordinance shall be effective as of January 1, 2009.

PUBLIC HEARING –

PROPOSED BOUNDARY LINE ADJUSTMENT AGREEMENT BETWEEN THE COUNTY OF TAZEWELL AND THE TOWN OF RICHLANDS

Vice Chairman Wimmer called to order a joint public hearing with members of the Tazewell Richlands Town Council, entitled "**PROPOSED BOUNDARY LINE ADJUSTMENT AGREEMENT BETWEEN THE COUNTY OF TAZEWELL, VIRGINIA AND THE TOWN OF RICHLANDS**". Members of the Richlands Town Council were present and joined the Tazewell County Board of Supervisors at their meeting table.

The territory to be incorporated into the Town (the "Boundary Adjustment Area" or Area) includes one tract of land containing 49.1023 acres. The Richlands Town Council is requesting that the County enter into an agreement with the Town allowing the expansion of the corporate boundaries of the Town of Richlands to include the area

surrounding and including the Gateway Shopping Center and the Richlands School Complex.

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

Velma Conner, 307 Tazewell Avenue, Richlands, Virginia 24651, and a business owner in the Gateway Shopping Center for 14 years, supported the boundary line proposal. She said that Richlands had always served her in various ways and requested that the annexation proposal go forward.

Sandy Tatum, 2476 Wardell Road, Cedar Bluff, Virginia 24609 and Assistant Principal at the Richlands Elementary School said that Richlands has a larger police force and better services and would be beneficial to the schools in emergency situations.

Shea Cook, Washington Street, Richlands, Virginia 24641, stated that as a citizen of Richlands he supported the boundary proposal. He said that right now the county is responsible for overseeing the Richlands High School and stated that the Town of Richlands has a robust police force and fire service and would provide quicker response in emergency situations. He further indicated that the majority of merchants and residents in the proposed boundary adjustment area wanted to be part of the Town of Richlands and requested that the Board of Supervisors grant the request of the citizens and merchants.

Tim Taylor, Richlands Town Manager, said that a detailed feasibility study had been preformed and a large part of the property owners had expressed a desire to become part of the Town of Richlands. Per request of Supervisor Hymes, he gave a brief summary of taxes that landowners would be paying to the town if the proposal was granted. Property owners would be paying 16 cents on \$100 and an additional 4 % food tax on prepared foods but empathized that their water & sewer monthly bills would decrease with a savings of approximately 21 to 26 percent. He also reiterated that the schools would see a substantial savings.

William Puckett, Chief of Police-Town of Richlands, said that the Town of Richlands, Town of Bluefield and the Town of Tazewell, Virginia were in the process of revamping the fire protection mutual aid agreement. The 6 man units will be expanded to 18 units.

For the record, Supervisor White requested that the names of the businesses and

individuals in favor of the proposed boundary adjustment be made part of the record. The following is a list of names of those businesses and individuals:

Karen Patton, Allstate Ins. Company

Paula Osborne, Manager, Dollar General

Ray Smith, Ray's A to Z

Marcus Boyd, Comprehensive Computing

Randy Yost, Randy's Gateway

Velma Conner, Radio Shack/Big Blue

Christy Stilwell, Potter's Hand

Ms. Deel, Express Check Advance

Darrell Addair, Gateway Realty

BB & T – Bank – name not legible

Dean Widener, 460 Supply of Virginia

Jeffrey & Stephanie Haywood, 223 East Robinhood Lane, Richlands, VA

Harold B. Short & Marilyn M. Short, Richlands, VA

Donald & Margaret Dye, Richlands, VA

Ricky Haywood, 219 East Robinhood Lane, Richlands, VA

Now, Vice Chairman Wimmer called for further comments from the floor with regard to the subject public hearing and there being none he declared the public hearing closed.

Then, upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby authorizes and directs that the Board of Supervisors hereby authorizes and directs that a joint public hearing be held with the Town of Cedar Bluff at the December 2, 2008 regular meeting of the Board of Supervisors to hear concerns with regard to the proposed Boundary Adjustment. He said that since Cedar Bluff was in such close proximity to the area in question, he felt it was only fair for the Board of Supervisors to hold a joint public hearing with the Town of Cedar Bluff.

Supervisor White reminded the Board that no one spoke in opposition to the proposal during the public hearing this evening and said that 80% of the property owners had agreed to be part of the Town of Richlands. He requested that the Board keep that in mind.

TEN MINUTE RECESS

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors called for a recess of ten minutes, after which the meeting was duly reconvened.

PICOMETRY PRESENTATION

Eddie Starr, Rochester, New York, accompanied by Mike Wallace, showed a slide presentation on the subject of Picometry, referred to as oblique aerial imagery, shot at an angle. He said that the company is a world leader in Picometry, and most people on the Board are from Bausch & Laum and Eastman Kodak.

Mr. Starr stated that photography in this manner gives a view of all four sides of a structure or land parcel and allows the measurement of length and height of any object. Mr. Starr said that he has captured imagery in 48 states and over 40 countries and has over 700 counties nationwide, which includes Russell County. He said that the Picometry program would be highly beneficial to assessors, public safety (police/crime scenes, fire, etc), planning and zoning, homeland security, road programs, as well as economic development. They would also fly, at no charge; any declared disaster within 48 hours and provide the data to the County and FEMA. The program would save time and resources for many departments. If the County is interested in the program, Mr. Starr could provide to the County an elevation dataset for the entire County with ground elevation precision and certifiable contours for the whole County. The Picometry would be updated every two years.

For further information, Mr. Starr left several brochures and business cards.

EMERGENCY SERVICES COMMITTEE REPORT

BAPTIST VALLEY FIRE DEPARTMENT

\$20,000.00 BUILDING FUND SUBJECT

The Board of Supervisors discussed the subject of the \$20,000.00 building fund allocated by the County to Baptist Valley several years ago for the purpose of building a bay as an addition to the fire station to house the Baptist Valley Rescue Squad. The Emergency Services Committee previously recommended that the Baptist Valley

Fire Department return the money to the County with interest since the project had not been completed. The Emergency Services Committee is requesting that the money be placed in an escrow account and earmarked for Tazewell County Fire/Rescue to acquire, build, or buy a building to house a rescue vehicle in the Baptist Valley Community.

Now, upon motion of Supervisor Rasnick, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby requests that representatives from the Baptist Valley Rescue Department attend the December 2, 2008 Board of Supervisors meeting and make their desires known with regard to this subject matter.

ANNUAL FIRE-RESCUE APPRECIATION DINNER AND RODEO

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to send a letter of appreciation to those individuals who helped make the Annual Fire – Rescue Appreciation event a success. The event was held on October 11, 2008 at the Tazewell County Fairgrounds.

TAZEWELL COUNTY FIRE DEPARTMENT – FIRE & RESCUE

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves a 20% match (\$4,094.00) for an 80/20 grant from the Office of Emergency Medical Service to assist in the purchase of two ambulance cots, two mount cot fasteners, and two stair chairs for the Tazewell County Fire & Rescue Department. The \$4,094.00 is hereby approved from the Rescue Squad Account, No. 32020-8109 Capital Outlay. The County Administrator is hereby authorized and directed to issue said warrant at such time as may be deemed necessary and appropriate in accordance with this action.

BLUEFIELD RESCUE SQUAD – 2008 FORD AMBULANCE

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the amount of \$18,567.98 from Account No. 32020-8109 Rescue Squad Capital Outlay with the remainder of necessary matching funds (80/20) hereby authorized from the Eastern District Fund to assist the Bluefield Rescue Squad in the purchase of a 2008 Ford Ambulance. The total cost of the ambulance with equipment is \$113,417.58. The grant

amount received was \$89,849.60, with the Bluefield Rescue Squad contributing a \$5,000 down purchase payment.

The County Administrator is hereby authorized and directed to issue said warrants in accordance herewith and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

APPOINTMENTS

Tazewell County Economic Development Authority (JEDA)

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby appoints Monte Rife, PO Box 628, Tazewell, Virginia 24651 as a member of the Tazewell County Economic Development Authority, with a term effective immediately and expiring October 31, 2010 (2 year term).

Tazewell County Planning Commission – Eastern District Deferred

One eastern district appointment to the Tazewell County Planning Commission was deferred to the December regular meeting.

Southwest Virginia ASAP'S Policy Board

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby appoints Melanie Menefee, Tazewell County Assistant Commonwealth Attorney to the Southwest Virginia ASAP'S Policy Board for a period of one (1), effective immediately and expiring December 1, 2009.

BLUEFIELD VIRGINIA ARIEL

FIRE TRUCK AGREEMENT

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to enter into negotiations with the Town of Bluefield, Virginia with regard to the Bluefield Virginia Ariel Fire Truck Agreement contingent upon review of same by the Tazewell County Emergency Services Committee.

**COUNTY ATTORNEY REPORTS -
AUDITOR OF PUBLIC ACCOUNTS –
LETTER OF COMPLIANCE**

Eric Young, County Attorney, reported that the County received a letter of compliance from the Auditor of Public Accounts, Commonwealth of Virginia, indicating that the County Sheriff, Treasurer and Commissioner of Revenue maintained accountability and complied with all state laws with regard to receipts, disbursements and custody of state funds.

**\$2,500.00 – ABBS VALLEY LITTLE LEAGUE PROGRAM
RE-DIRECTED TO TAZEWELL YOUTH LEAGUE BOARD**

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby authorizes and directs that the \$2,500.00 authorized to the Abbs Valley Little League Program at the September 8, 2008 Board of Supervisors meeting, be hereby redirected to the Tazewell Youth League Program, Tazewell, Virginia 24651, contingent upon final approval of the County Attorney. Once approved by the County Attorney, the Tazewell 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. The Abbs Valley Little League Program is not a 501C(3) organization. The Tazewell Youth League Board has agreed to accept the \$2,500.00 and earmark the money for equipment and other items that the Abbs Valley Little League may use, but not own.

**TAZEWELL COUNTY SCHOOL BOARD – SURPLUS PROPERTY
POCAHONTAS HIGH SCHOOL DEED ACCEPTED**

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby accepts a Deed of Gift – Pocahontas High School Property (SURPLUS PROPERTY) from the Tazewell County School Board, for in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) – all that certain tract of land, together with the improvements thereon and appurtenances thereunto belonging, lying partly inside the corporate limits of the Town of Pocahontas, Virginia and partly outside those limits and as further described in the

DEED OF GIFT as on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651 and as recorded in the Circuit Court Clerk's Office in Book No. 1042 Page 0033, dated November 7, 2008.

Further, upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby authorizes and approves an amount up to \$5,000.00 from the Northern District Fund, Account No. 91400-5650, for the purchase of coal and other uses for maintenance and upkeep of the Pocahontas High School. It was further directed that the money be used solely for the purposes as indicated and that the County Administrator work with community leaders to over-see the maintenance & security of the building. And finally, that the County Administrator forward a letter to the Sheriff of Tazewell County, local police & fire departments as well as officials from the Town of Pocahontas/local leaders requesting their assistance to protect the Pocahontas High School facility. Invoices for coal, maintenance upkeep, etc. shall be mailed to the County Administrator, 108 East Main Street, Tazewell, Virginia 24651. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action at such time as may be deemed necessary and appropriate.

BITUMINOUS ASPHALT BIDS (PLANT MIX)

HUNTER PAVING

Upon motion of Supervisor Anderson, seconded by Supervisor Anderson and adopted by a vote of 4 to 0, with Supervisor Rasnick absent from the vote, the Tazewell County Board of Supervisors hereby declares and awards Hunter Paving, Inc. Route 460, PO Box 349, Pounding Mill, Virginia 24637, as the lowest, responsive bidder on Lot 1, 2, 3, 4 and Add Alternate 1, 2, 4 to perform asphalt overlay/paving on various orphan roads in the County. The County Administrator is hereby authorized and directed to enter into and execute all documents relating to the bid award. A copy of the letter of acceptance as well as a copy of the bids will be placed on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

RFP – ROAD MAINTENANCE AGREEMENT

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Rasnick absent from the vote, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise

bids to solicit emergency services for equipment, operators and labor to perform various projects throughout Tazewell County on an emergency/as needed basis. The ad shall be reviewed & approved by the County Attorney and a possible tier rate included in the RFP.

COUNTY ADMINISTRATOR REPORTS

BUSINESS TO BUSINESS SHOWCASE

The County Administrator, Jim Spencer, reported that that the Sixth Annual Business to Business Showcase October 14-16 at SVCC was a huge success with 84 exhibitors participating and with 63 vendors surveyed giving the county excellent in all categories. A list of businesses will be distributed to the Board that invited the county to visit their company with regard to workforce issues.

COMPREHENSIVE PLAN STATUS

The County Administrator said that Gary Earp, County Engineer, continues to take the lead on the Comprehensive Plan. The Plan will be revamped and resubmitted to Anderson & Associates for final writing. It as a consensus of the Board to inform Anderson & Associates that the Board has concerns with the continued invoicing over the contract amount.

The Board suggested that December 2 be the deadline for revamping the Comprehensive Plan and that the Comprehensive Plan consulting costs be placed on the agenda for discussion.

PROPOSED ZONING

The County Administrator reported that Gary Earp, County Engineer has been in contact with Diane Zahm, at Virginia Tech. He is hoping that Ms. Zahm will be able to help with the proposed Zoning Ordinance. Ms. Zahm will also need a copy of the Comprehensive Plan when completed. The County Administrator reported that he has also been in touch with Maxim Engineering and one of their consultants may be interested in providing consulting services (RFP) for the proposed zoning. The County Administrator will re-procure the Zoning RFP.

CONVENIENCE AREAS – PROPOSED SITES

The County Administrator stated that the Virginia Department of Transportation continues to work with the County regarding the four possible locations to use as

Convenience Areas, Rt. 61, Rt. 16, and the 2 sites on Rt. 67. Sight distance issues are being addressed.

The County Administrator further suggested that the Board allow him to investigate the possibility of implementing a door-to-door garbage pick-up in the more populated areas of the Tazewell County. It was a consensus of the Board to allow the County Administrator to initiate such a plan and make a report to them regarding his findings.

Supervisor Hymes requested that the County Attorney send letters to the adjacent property owners at the proposed convenience area in Thompson Valley seeking their opinion with regard to the proposed location.

REGIONAL INNOVATION GRANT UPDATE

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Rasnick absent from the vote, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to explore a workforce consortium jointly with Mercer County to fundamentally look at workforce issues relative to the Regional Innovation Planning Grant.

LETTER OF CREDIT - \$700,000 BUSINESS AND TECHNOLOGY PARK

The County Administrator reported that the Department of Housing and Community Development Grant Program notified National Bank that the financial obligations of the County have been met related to the CDBG Grant – Tazewell Business and Technology Park and that a letter of credit in the amount of \$700,000 is no longer needed. He said that \$700,000 jobs quota has been met and the County had until the summer of 2009 to meet the financial obligations; over 80 jobs have been created on the seven acres at the Bluestone. The bank will notify the County when the DHCD releases the letter of credit. The board applauded this huge accomplishment.

GERTRUDE DAVIS ESTATE –

MIDSUMMER LANE & TYLER AVENUE - ALLEY WAY

- ORDINANCE OF VACATION

Pursuant to a public hearing held on October 7, 2008, and upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby adopts an **ORDINANCE OF**

VACATION OF AN ALLEY WAY – “WHICH BEGINS AT A POINT BETWEEN THE SOUTHWEST CORNER OF LOT NUMBER D7 AND THE SOUTHEAST CORNER OF LOT NUMBER D12 AND THEN NORTHEAST CORNER OF LOT NUMBER G1 AND THE NORTHWEST CORNER OF LOT NUMBER G6, AS MORE PARTICULARLY SHOWN ON A PLAT ENTITLED “GERTRUDE DAVIS ESTATE” AND RECORDED IN THE TAZEWELL COUNTY CIRCUIT COURT CLERK’S OFFICE IN PLAT BOOK NO. 4, PAGE 75, HEREBY IS VACATED PURSUANT TO SECTION 15.2-2272 OF THE CODE OF VIRGINIA, (1950), AS AMENDED.” A copy of the complete copy of the ordinance in a form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

BOARD CONCERNS

Supervisor White announced his plans to hold a public meeting at the Jewell Ridge Presbyterian Church on Monday evening, November 17, 2008 at 7:00 p.m. to hear concerns from the community on various subjects. One of the subjects will be the proposed convenience areas for Jewell Ridge.

Supervisor Hymes requested that Marco Warner and Chris Thompson be mailed a letter asking their ideas on usages of the Falls Mills School.

Supervisor Hymes suggested that the County investigate the purchase of mulching equipment for the county landfill and to explore the possibility of discontinuing burning practices at the landfill.

TAZEWELL HIGH SCHOOL COMPETITION CHEER LEADERS

\$1000.00 (\$500.00 Southern Youth & \$500.00 Northern Youth)

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, 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 (\$500.00 Southern Youth & \$500.00 Northern Youth) payable to the Tazewell High School Cheerleaders, Memo: Competition Cheerleaders, Attn: Natalie Blankenship, 117 Odum Street, Tazewell, Virginia 24651. 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.

PEAKWOOD DRIVE & MOUNT VISTA COURT – ORPHAN ROADS PROGRAM

Upon motion of Supervisor Hymes, seconded by Supervisor Anderson and adopted by a vote of 4 to 0, with Supervisor Rasnick absent from the vote, the Tazewell County Board of Supervisors hereby approves Peakwood Drive (Southern District) & Mount Vista Court (Eastern District) for inclusion in the Tazewell County Orphan Road Program, subject to legal review and approval.

RICHLANDS RECREATIONAL BASKETBALL LEAGUE

Upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the same amount as allocated last year from the Northwestern & Western District Youth Funds payable to the Richlands Recreational Basketball League.

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.

POTENTIAL NUISANCE – WEST GRAHAM

Supervisor Anderson requested that the County investigate a potential nuisance on Route 460 in the Eastern District on the main road, right hand side going into the town (West Graham). The property is described as a dilapidated yellow house with no windows.

Supervisor Anderson provided each Board member with information he obtained from the Wind to Energy Seminar at SVCC held Oct. 22.

**GRAHAM MIDDLE SCHOOL – \$1,000
EASTERN DISTRICT YOUTH FUNDS**

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Eastern District Youth Fund, payable to Graham

Middle School, # 1 Academic Circle, Bluefield, VA 24605 to assist in the purchase of a new copy machine. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

BLUEFIELD VIRGINIA BUSINESS & PROFESSIONAL ASSOCIATION

\$1,000 – EASTERN DISTRICT FUNDS

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Eastern District Youth Funds, payable to the Bluefield Virginia Business & Professional Association, PO Box 851, Bluefield, VA 24605. 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.

SOUTHWEST REGIONAL RECREATION AUTHORITY – MEETING

Supervisor Anderson reported on his recent attendance to the Southwest Regional Recreation Authority at the Oxbow Center. He said that the committee is very organized and have a unique agenda and unlimited ideas, one of which is the possibility of a horse trail in the Burkes Garden area. Walking trails, donated lands, etc. were the topics of discussion. Supervisor Anderson said that he would keep the Board apprised of on-going topics.

ANIMAL SHELTER – HOURS OF OPERATION

Supervisor Anderson requested that the Animal Shelter –operation hours be published in local newspapers.

FIRE ASSESSMENT SURVEY

Supervisor Anderson requested that County staff continue to follow up with the progress of the Fire Safety Assessment Survey. The survey is essential in receiving state funding. Dave White was present and said that the only three (3) lacking were Jewell Ridge, Cove and Baptist Valley.

OTHER

Supervisor Anderson announced the Bailey Log Home ribbon cutting ceremony on Nov. 12 at 3:30 p.m. at the log home site in Bluefield.

Supervisor Anderson announced the AEP will hold an informational meeting at the Fincastle Country Club on Nov. 17 at noon.

Supervisors Anderson announced the New River Highlands R C & D Council Luncheon on Nov. 14 at noon.

BLUE TORNADOS BASKETBALL CLUB

\$1000.00 (\$500.00 WESTERN YOUTH & \$500.00 NORTHWESTERN YOUTH)

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves \$1,000.00 (\$500.00 Western Youth & \$500.00 Northwestern Youth) payable to the Blue Tornados Basketball Club (attn: Mr. Mulkey). 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.

HISTORIC CRAB ORCHARD MUSEUM & PIONEER PARK

FRONTIER CHRISTMAS

Supervisor Wimmer invited everyone to attend the Frontier Christmas at the Crab Orchard Museum and Pioneer Park on December 5, 2008.

OTHER

Supervisor Wimmer requested continued prayers for Buford Cordle, Airport Manager. Mr. Cordle is having some health concerns but is doing better. The Board sent best wishes to Mr. Cordle for a speedy recovery.

Supervisor Wimmer requested that the 911 sign on Geranium Street on Earls Branch Road be replaced.

Supervisor Wimmer questioned the re-location of the Tazewell County 911 Center. The County Administrator stated he and several county staff met with key 911 personnel and discussed the possibility of locating the 911 Center headquarters to the old Juvenile & Domestic Courtroom facility, and even toured the facility. He said that Erwin Earnest requested that the 911 center be moved to the old Jr. High Cafeteria/Senior Citizens facility. The County Administrator reported that he told Mr. Erwin that the County would not break the lease with AASC- for this purpose. The building is used for senior citizen activities.

Supervisor Hymes requested that the Sheriff attend the December 2, 2008 meeting to address the 911 relocation concerns.

Supervisor Wimmer stated that he received a call regarding the need for water & sewer services near the old lime-kiln (potential economic development project) near the Tazewell Golf Course. The County Administrator said that there is an area in that vicinity that does not have water or sewer services. A discussion of railroad permits – right of way issues involving bridges and placement of water & sewer lines were addressed.

Supervisor Hymes requested that the Virginia Department of Transportation investigate road matters concerning a narrow primary road and the old one lane bridge on State Route 91 in Tannersville. Supervisor Hymes presented photographs and a letter from Carolyn H. Neal, a resident of Tannersville concerning these road issues. The County Administrator will forward this information to VDOT.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby enters into an executive/closed meeting, pursuant to Virginia Code Section 2.2-3711:

- 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 Bluestone Participation Agreement.
- 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 property at Kent's Ridge.
- A-6 --The investment of public funds where competition or bargaining is involved, where is made public initially, the financial interest of the government unit would be adversely affected involving Route 747 easement & property acquisition.
- A-6 --The investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the government unit would be adversely affected

involving property disposition –Ben Bolt Health Dept Bldg.

- A-1 --Three (3) Personnel matters: One (1) IT dept. One (1) engineering dept & One (1) county administration

RETURN/CERTIFICATION/REPORT OF ACTION AS A RESULT OF THE EXECUTIVE SESSION

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed meeting and hereby certifies that the Tazewell County Board of Supervisors, in the closed meeting just concluded, that nothing was discussed except that the matters specifically identified in the motion to convene in an executive/closed meeting and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act that were cited in the motion to enter into the Executive/Closed Meeting.

Roll Call Vote: 5 to 0

Supervisor White: Aye

Supervisor Hymes: Aye

Supervisor Wimmer: Aye

Supervisor Anderson: Aye

Supervisor Rasnick: Aye

Absent from meeting – Supervisor Rasnick attended the meeting via remote conference from his beach house in Swansboro, North Carolina.

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

BLUESTONE REGIONAL BUSINESS & TECHNOLOGY PARK, PHASE IA

Upon motion of Supervisor Anderson, seconded by Supervisor Rasnick and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator, James H. Spencer, III and subject to legal review, to solicit proposals for interim financing, by line of credit, not to exceed \$7,500,000.00 for the development of the Bluestone Regional and Business Technology Park, Phase IA. Be it further hereby authorized and approved that this Board duly designates a committee to

review and evaluate any proposals received and to report their findings to this Board as soon as practicable. And finally, that the Tazewell County Board of Supervisors hereby requests that the Tazewell County Industrial Development Authority apply to the U.S.D.A. Rural Development for a loan in the amount of \$4,800,000.00, for permanent financing to replace a portion of the line of credit as mentioned above.

ROUTE 747 – EASEMENTS

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby ratifies and accepts the executed deeds previously conveyed with regard to the Route 747 Pocahontas Prison Bridge Project and hereby further authorizes and approves that the County Attorney acquire two (2) easements, one from AEP and one from Verizon to relocate lines off the property acquired by the County with regard to this project.

The County Administrator is hereby authorized, empowered and directed to execute all documents, on behalf of the Board of Supervisors, in accordance with this action.

TAZEWELL COUNTY HEALTH DEPARTMENT – PROPERTY DAMAGE BY TOWN

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to write a letter to the Town of Tazewell Mayor, Town Manager, and Town Council requesting that the Town of Tazewell make repairs to the Tazewell County Health Department property to pre-damage condition. The Town has dug two large pits on the property. And further, that December 1, 2008 is hereby set as the deadline for the Town of Tazewell to make repairs to the property.

DMV – SPECIAL LICENSE PLATE PROGRAM DONATED TO PAWS

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the amount of \$255.00 to PAWS, contingent upon legal review and approval. This is funding received from the DMV --Special License Plate Program.

ADJOURN

Now, there being no further business to be transacted and upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, this meeting is hereby adjourned.

The next regular meeting will be held on December 2, 2008 at 6:00 p.m.

William B. Rasnick, Chairman

By: rg

Recess time – 12: 30 a.m.