

VIRGINIA: At a regular meeting of the Tazewell County Board of Supervisors held October 7, 2008 at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

PRESENT: William B. "Bill" Rasnick, Chairman  
D. Michael Hymes, Member  
Seth R. White, Member

OTHERS

PRESENT:

James H. Spencer, III - County Administrator  
Eric Young, County Attorney  
Pat Green, Assistant County Administrator  
Ruth Groseclose, Administrative Assistant  
Members of the Press: Jim Talbert, Clinch Valley News/Richlands News Press; Warren Hinkle, Tazewell County Free Press; Phillip Keene, The Voice

ABSENT: Dave R. Anderson, Member  
Bill Wimmer, Member

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The Chairman, William B. Rasnick, called the regular meeting to order and presided. He then welcomed all those present.

Supervisor Anderson and Supervisor Wimmer were absent from the meeting. They were both attending a National Association of Counties business meeting.

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

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#### EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisor Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby enters into an executive/closed session, pursuant to Virginia Code Section 2.2-3711:

- ♦ A-7 Legal Matter - involving the Tazewell County Landfill, Phase 4-A
- ♦ A-6 Investment of Public Funds where bargaining is involved with regard to the Health Department

#### RETURN, CERTIFICATION, REPORT OF ACTION

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisor Anderson and Wimmer absent from the meeting, 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 matter 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 3 to 0

Supervisor White - Aye

Supervisor Hymes - Aye

Supervisor Rasnick - Aye

Absent from meeting - Supervisor Anderson & Supervisor Wimmer

ACTION:

LANDFILL PHASE 4-A

ACTION RESCINDED

Upon motion of Supervisor Hymes, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with Supervisor Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby rescinds their September 8, 2008 action "approving a MEMO OF UNDERSTANDING NO. 7 TO RETAINER AGREEMENT BETWEEN TAZEWELL COUNTY BOARD OF SUPERVISORS AND THOMPSON & LITTON, DATED MARCH 10, 2006, in the amount of \$110,060.00 from the Landfill Account No. 42050-8167 Phase IV - A Construction as additional funding necessary for groundwater monitoring wells at the Tazewell County Landfill & work by Marshall Miller & Associates."

Further, upon motion of Supervisor Hymes, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with Supervisor Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby rescinds their September 8, 2008 action "approving CHANGE ORDER NO. 2, T & L PROJECT NO. 8243-15, TAZEWELL COUNTY SANITARY LANDFILL, CONVENIENCE CENTER, LITTLE B. ENTERPRISES, INC. - dated September 8, 2008, in the amount of \$97,200.00 from the Landfill Account No. 42050-8167 - Phase IV-A Construction" for pipe, removal of additional buried garbage & to reroute leachate.

LITTLE B. ENTERPRISES, INC. - REVISED CHANGE ORDER APPROVED  
\$67,200.00

Upon motion of Supervisor White, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with Supervisor Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby approves a REVISED CHANGE ORDER No. 2 - Little B. Enterprises, Inc. T & L Project # 8243-14 Dated October 3, 2008 in the amount of \$67,200.00 to perform work on the Convenience Center at the Tazewell County Landfill, from Landfill Account

No. 42050-8167 Phase IV-A Construction. This action is contingent upon approval by legal counsel.

MOU--NO. 7 -

**RETAINER AGREEMENT BETWEEN TAZEWELL COUNTY BOARD OF SUPERVISORS AND THOMPSON & LITTON, INC. - \$198,691.01**

Upon motion of Supervisor White, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with Supervisor Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby approves a MEMORANDUM OF UNDERSTANDING # 7 TO RETAINER AGREEMENT BETWEEN TAZEWELL COUNTY BOARD OF SUPERVISORS AND THOMPSON & LITTON, INC. (ENGINEER) DATED MARCH 10, 2006 - in the amount of \$198,691.01 from Landfill Account No. 42050-8167 Phase IV -A Construction, with regard to the administration of Phase 4-A Construction & Environmental Inspection at the County Landfill. This action is contingent upon review and final approval by legal counsel.

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**BICENTENNIAL QUILT - PRESENTED BY SECOND TUESDAY QUILT GUILD**

Members of the Tazewell Second Tuesday Quilt Guild presented to the Board of Supervisors a hand-made bicentennial quilt. Member, Ruth Brewster, introduced, Sharon Rhudy, Ms. Counts, Margaret Booth, Vivian Cromer and Peggy Bowman. All of the women present worked on the quilt as presented. Mrs. Brewster said that in 1999 the Historical Society approached the Group and requested that a quilt be created for the County's Bicentennial. The group made two quilts. One was presented to the Historical Society and it hangs in their quarters on Main Street. The quilt as presented to the Board of Supervisors has sites from all over the County; the Historical Society picked the sites for the quilt. Ladies from Richlands, Bluefield & Tazewell all contributed to the making of the

quilt as presented. Mrs. Brewster stated that the Second Tuesday Quilt Guild was very honored and happy to make this presentation to the Board of Supervisors. The quilt will hang in the Board of Supervisors new meeting room.

The Board of Supervisors applauded the group's efforts and praised their work and magnificent creativity. Each person who worked on the quilt will have their name placed on a plaque which will be displayed at the side of the quilt. All three Board of Supervisor members present agreed to pay for a protective casing for the quilts exhibit.

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### **CONSENT CALENDAR APPROVED**

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 3 to 0, with all Supervisor Anderson and Wimmer absent from the meeting, 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**

#### **August/September 2008**

Ordered that Warrant Nos. 128199 through 128293, and direct deposits totaling \$202,565.20 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 31, 2008, be approved.

Ordered that Warrant Nos. 128295 through 128386, and direct deposits totaling \$203,895.52 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 15, 2008, be approved.

Ordered that Warrant Nos. 440553 through 440709, for \$1,554,111.51 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of August 2008, be approved.

Ordered that Warrant Nos. 440711 through 440729, for \$136,853.67 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 31, 2008, be approved

Ordered that Warrant Nos. 440731 through 440890, for \$262,856.44 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of September 2008, be approved.

Ordered that Warrant Nos. 440892 through 440909, for \$136,449.18 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending September 15, 2008, be approved.

Ordered that Warrant Nos. 801275 through 801279 for \$103,875.95 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of August 2008, be approved.

- Approved the warrants as paid
- Approved the following Coyote Claims:
  - \$100.00 to Doy Matney, 202 Riveredge Drive, Tazewell, Virginia 24651 for 2 coyotes killed on September 13 & September 29, 2008 & with a rifle.

- \$50.00 to Roy Harman, 134 Coral Drive, North Tazewell, Virginia 24630 for 1 coyote killed on September 15, 2008 with a vehicle.
- \$50.00 to Debra Lockhart, 3498 Daw Road, Cedar Bluff, Virginia 24609 for 1 coyote killed with a shotgun on September 2, 2008.
- Sheriff's Department:
  - Authorized the Treasurer of Tazewell County to issue a check in the amount of \$7,200.00 from the general fund to the Federal Forfeiture Account. This is for the two seized vehicles that were sold at the County Auction last year.
  - Approved \$614.00 from the Contingent Expenditures and Grant Account 91050-7041 to Account No. 31020-5510 Travel & Training - Meal Reimbursement
- Library Account:
  - Approved a transfer in the amount of \$12,721.96 from the Library Emma Yates Library Contribution Account No. 7301-5604 to the Compensation Account No. 7301-1150-01: \$10,590.72 Account No. 7301-2100-01; \$810.24 and Account No. 7301270-1 in the amount of \$1,321.0. These monies will cover the salary of an employee at the Emma Yates Memorial Library.
  - Approved the following Library Account transfers (donations received) from the

Contingent Expenditures and Grant

Account 91050-704 to:

- \$30.00 to Books Account No. 6012
  - \$200.00 to Friends of the Russell  
County Library - Contractual  
Services Account No. 3120
  - Landfill - granted VDOT permission to dispose of  
debris in the County Landfill at rate of \$33 per ton  
(VDOT project in Buchanan County).
  - IT Budget - transferred monies from the IT Capital  
Account to the Compensation Account as  
additional monies needed for personnel.
  - Anderson & Associates, Inc. - Approved \$2,290.90  
- Comprehensive Plan Professional Services, Aug.  
1-Aug. 31, 2008.
  - Approved \$2,000.00 to Bluefield Virginia Charger  
Football from Eastern District Youth funds - 2  
separate checks ( \$1,500.00 & \$500.00 for  
equipment)
  - Approved \$25,000.00 from the Contingent  
Expenditures and Grant Account to the  
Commonwealth's Attorney Budget,  
Compensation Account(s) as flow through  
funding for a SATIRA Program position.
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VDOT REPORT-

MARTY HALLOWAY

Marty Halloway, VDOT, Resident Administrator, presented the following road/highway projects update:

**Construction**

- Bridges on Rte. 19/460 at Pounding Mill Quarry - Fort Chiswell Construction is currently working on the back walls of the west bound bridge.
- Plant Mix Schedule - Contractor is complete with all work.

**Maintenance**

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

**Miscellaneous**

- None

**Update**

- Kersey Road - VDOT is working with Attorney General Office.
- Rte. 747 Project - Utility relocation will begin shortly.
- Rte. 695 (Dairy Barn Road) Speed Study Results - Will be posted at 25 MPH and Watch for Children.
- Rte. 1244 (Arrow Street) Speed Study Results- Will be posted at 25 MPH and Watch for Children

**Other:**

- 460 area at Raven - dip was determined uncorrectable by standard means, but a specialized team was brought in and a plan was put together to repair the dip for life. VDOT was assured that the dip would never sink again. The project should be completed by the end of Oct. 2008
- Supervisor White questioned the criteria needed for the speed study and watch for children signs in the Jewell Ridge Camp area. A resolution will be drawn requesting the safety studies.
- Supervisor White stated that he would obtain the necessary mileage for the section of guardrail earlier discussed and be in touch with VDOT.
- Board members questioned the proposed sites for the convenience areas in Thompson Valley, Jewell Ridge & Gratton. County officials are continuing to work with VDOT with regard to the proposed projects.

SPEED STUDY RESOLUTION, ROUTE 621  
& WATCH FOR CHILDREN SIGN RESOLUTION

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 3 to 0, with Supervisors Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby request that the Virginia Department of Transportation conduct a speed study for Route 621 on Stinson Ridge Road, Jewell Ridge, Virginia.

Further, upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 3 to 0, with Supervisors Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby requests that the Virginia Department of Transportation place "Watch for Children" signs on the main road in Jewell Ridge, Virginia, from VDOT charge cost center, 1204007, Activity 501, County 092.

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RESOLUTION - \$8,700,000

GENERAL OBLIGATION SCHOOL BONDS, SERIES 2008B

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 3 to 0, with Supervisor Anderson & Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby ratifies the approval of a RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS, SERIES 2008B, OF THE COUNTY OF TAZEWELL, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$8,700,000 TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF. The Board of Supervisors hereby determines that it is advisable to contact a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$8,700,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. A copy of the resolution in a form as hereby

adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

Due to the current economic crisis the Country is facing, Supervisor Hymes requested that the County Attorney assure the public where the County stands with regard to the bonds and what the County is being told by Bond Counsel.

The County Attorney, Eric Young, stated that the State would issue \$296,000,000 in bonds. The State will take the proceeds and actually buy the \$8,700,000 in Bonds from the County (the amount the County has agreed to). He further said that the interest rate that the State was paying increased this day by one percent (1%), now 6.5%. They will have to wait approximately one week before closing on the Bonds. The County will receive the payment and proceeds promised and the difference of the amount between the 5.5% & the 6.5% will be subsidized by the State.

Supervisor White questioned if all five (5) projects would be built simultaneously. Dr. Brenda Lawson, School Superintendent was present and answered yes. She said the projected date for completion was June 2009, and that all projects should be ready in time for the fall 2009 school year.

Supervisor Hymes, in closing, requested that the school board to please consider not replacing the coal fire boilers in the schools if it could save the County ½ million dollars.

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#### COUNTY ETHICS HOTLINE - REQUEST FOR PROPOSALS

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisors Anderson & Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to solicit proposals (RFP) from an outside 3<sup>rd</sup> party with regard to obtaining services of a company/group to take and deliver

calls/complaints to the County Attorney pertaining to the proposed County Ethics Hotline.

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#### JOINT ECONOMIC DEVELOPMENT AUTHORITY

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisors Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby appoints the following individuals to serve as members of the Tazewell County Economic Development Authority of Tazewell County, with initial terms of 2, 3 & 4 year term respectively, and thereafter, each member or their successor shall serve a term of 4 years:

- Shea Cook, Esq. 215 Washington Square, Richlands, Virginia 24641  
– 2 year term commencing immediately and expiring October 31, 2010
- Rod Moore, 960 McGuire Valley Road, Cedar Bluff, Virginia 24609  
– 3 year term commencing immediately and expiring October 31, 2011
- Walter “Buck” Sowers, 615 Fairway Drive, Bluefield, Virginia 24605 – 3 year term commencing immediately and expiring October 31, 2011
- Don Dunford, PO Box 60, Tazewell, Virginia 24651 – 4 year term commencing immediately and expiring October 31, 2012
- One 2 year appointment was deferred to the next regular meeting

There shall also be one appointment made by the Town of Bluefield and one appointment by the Town of Richlands.

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NATIONAL ENERGY POLICY -  
RESOLUTION ADOPTED

Following presentation by the County Administrator, Jim Spencer, and upon motion of Supervisor Hymes, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with Supervisor Anderson & Supervisor Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby adopts a “RESOLUTION CALLING FOR AN IMPROVED NATIONAL ENERGY POLICY FOR THE 21<sup>ST</sup> CENTURY” and further authorizes and directs the County Attorney to forward a strong support letter, on behalf of the Board of Supervisors, with regard to same. A copy of the resolution as hereby adopted and a copy of the letter will be on in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651. The resolution calls upon the Virginia Congressional Delegation to support the continued funding, research, demonstration and deployment of carbon capture and storage and other clean coal technologies with the goal of developing and effective climate change policy that will protect and maintain America’s economic vitality.

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NATIONAL 4-H WEEK - RESOLUTION ADOPTED

Supervisor Hymes introduced and welcomed Tazewell County 4-H participants and John Blankenship, 4-H Agent-Unit Coordinator. Mr. Blankenship thanked the Board of Supervisors for the opportunity for the 4-H group to attend and take part in a local government meeting. He further thanked the Board and the community for their support of the 4-H programs in Tazewell County.

Supervisor Hymes read the resolution and presented a signed copy to the Tazewell County 4-H Group.

Now, upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisor Wimmer and Anderson absent from the meeting, the Tazewell County Board of Supervisors hereby adopts a

resolution proclaiming October 5-11, 2008 as National 4-H Week in Tazewell County, Virginia. The resolution as adopted urges the people of the community to take advantage of the opportunities to become more aware of the special programs that enhance the young people's interests in their futures as part of Tazewell County 4-H Youth Development and to join us in recognizing the unique partnership between the County and the state University System. A copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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#### VIRGINIA ENERGY WORKFORCE CONSORTIUM

The County Administrator, Jim Spencer, said that he was recently asked to serve as a member of the Virginia Energy Workforce Consortium. The last meeting was held at Piedmont Community College. He showed a slide presentation with regard to various programs offered to middle school students through the Central Virginia Community College in Lynchburg, Virginia, in alliance with the Region 2000 Tech Prep Consortium and the Region 2000 Partnership. The program offered summer programs to eligible students in the 6, 7 and 8<sup>th</sup> grade and provided students with various high-quality career exploration events. Some of the program events include advanced manufacturing, agriculture, aviation technology, building trades, crime scene investigation, culinary arts, health technologies, IT/Wireless Communications, Motorsports Technologies, Nuclear Technologies, Women in Engineering & Technology as well as advanced engineering for rising 9<sup>th</sup> & 10<sup>th</sup> graders. He said that he did not want our children in this part of the State to be left out and stated that he would like to bring a similar program to Tazewell County students and would like to see the program available for students in the summer of 2009.

The County Administrator also showed a copy of a magazine "GET SET" that is available to students in Central Virginia that guide career opportunities in Central Virginia.

Supervisor Hymes and White both recently attended a Regional Innovation Grant meeting on the subject of jobs & industry and echoed the County Administrator's efforts with regard to this type of youth program. They each stated the need for a similar program in Tazewell County. Supervisor White said that the meeting was an eye opener for him and encouraged the School Board to work with the County on the implementation of a similar youth program for Tazewell County. Supervisor White said that \$30.00 to \$40.00 per hour jobs were available in Tazewell and Mercer Counties, but there wasn't a qualified labor force to fill the positions. Supervisor Hymes reiterated that there are available jobs in Tazewell County, and encouraged the need for skilled laborers. Supervisor Rasnick agreed that there was a need for these types of programs in Tazewell County and encouraged cooperation between the County School System and County to implement a similar program in the area.

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DEPARTMENT OF CONSERVATION AND RECREATION (DRC)  
EROSION & SEDIMENT CONTROL PROGRAM

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisors Anderson & Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator, acting on behalf of the Tazewell County Board of Supervisors, to enter into an execute an Erosion & Sediment Control Program - Corrective Action Agreement, subject to legal review. The Corrective Action Agreement shall be signed on or before October 24, 2008 and a written report documenting progress on the corrective action items shall be provided to DCR Abingdon Regional Office on or before December 23, 2008. And further, upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, the Tazewell County Board of Supervisors hereby approves the Alternate Inspection Schedule for the Tazewell County Erosion and Sediment Control Program and that the Planning Commission consider the approval of

same at their next meeting. Copies of the documents as hereby approved are on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

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#### TAZEWELL COUNTY PROPOSED ZONING

The County Administrator, Jim Spencer, stated that the County advertised for RFP's for the proposed zoning and received none. He is working with individuals at Virginia Tech to hopefully seek their assistance with the evaluation of the current proposed zoning ordinance and to make other recommendations with regard to the development of a zoning ordinance for Tazewell County.

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#### GED DAY - RESOLUTION ADOPTED

Following presentation by the County Administrator, Jim Spencer, and upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisor Anderson and Supervisor Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby adopts a resolution recognizing the week of October 13-19, 2008 as GED Day Week and recognizing October 15, 2008 as GED Day in the Commonwealth of Virginia. A copy of the resolution in a form as adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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#### BUSINESS TO BUSINESS SHOWCASE

The County Administrator announced that the 6<sup>th</sup> Annual Business to Business Showcase would be held on October 14 & 15, 2008 at SVCC. He said that approximately 70 vendors have signed up for booth space during the event.

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#### TAZEWELL COUNTY COUNCIL 2009 LEGISLATIVE VISIT

The County Administrator reported that the Tazewell County Legislative Meeting will be held jointly with all the coalfield counties – January 29 & 30. The joint reception will be held on January 29 and the breakfast on the January 30 is exclusively for Tazewell County.

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FOUR SEASONS YMCA -

PUBLIC HEARING TO CONSIDER TAX EXEMPT STATUS

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisor Anderson & Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise for a public hearing to hear concerns with regard to whether the Board of Supervisors should grant real estate property tax exemption to the Four Seasons YMCA, located beside Tazewell Community Hospital on Ben Bolt Avenue, Tax Parcel Number 0945-2A-0007B. The public hearing will be held during the November 6, 2008 regular meeting of the Board of Supervisors.

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PUBLIC HEARING -

ORDINANCE OF VACATION, TO CLOSE AN ALLEY WITHIN THE GERTRUDE DAVIS ESTATE THAT CONNECTS TYLER AVENUE AND MIDSUMMER LANE, WHICH IS LOCATED IN THE DORAN BOTTOM SECTION OF TAZEWEEL COUNTY, VIRGINIA

The Chairman, William B. Rasnick, called to order a public hearing that was duly advertised according to law entitled, "A PUBLIC HEARING TO HEAR CONCERNS REGARDING AN ORDINANCE OF VACATION, TO CLOSE AN ALLEY WITHIN THE GERTRUDE DAVIS ESTATE THAT CONNECTS TYLER AVENUE AND MIDSUMMER LANE, WHICH IS LOCATED IN THE DORAN BOTTOM SECTION OF TAZEWEEL COUNTY, VIRGINIA."

Now, the Chairman called for public comments from the floor regarding the subject public hearing:

John Kinder, 262 Vandyke Street, Raven, Virginia – stated that he was in favor of the closure of the alleyway.

Supervisor White stated that he had received a few calls from several people in the community and questioned whether the vacation of this particular alleyway would set a precedent for the closure/vacation of other alleyways. With this in mind, he said he would like to have time to speak to other people in the area before the ordinance of vacation is approved.

Other board members agreed to defer this matter to the November regular meeting for consideration of approval.

Now, the Chairman of the Board of Supervisors called for comments three (3) times and there being none, he declared the public hearing closed.

This matter will be placed on the November 2008 regular meeting agenda.

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#### REGIONAL INNOVATIONS GRANT

#### ENTER INTO AGREEMENT WITH VA TECH

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisors Anderson & Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator, contingent upon legal review and approval, to enter into an agreement with Virginia Tech at a cost not to exceed \$8,683.00 for the purpose of assisting Tazewell County with a \$250,000 Regional Innovation Grant application from the US Department of Labor. The grant, if awarded, will support efforts and help identify career pathways and help improve workforce readiness. Regional Innovation Grants are drawn from National Emergency Grant funds to assist state workforce agencies and local workforce investment boards to help with talent development strategies.

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#### 2009 TAZEWELL COUNTY FAIR

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisors Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby approve the offsetting of the 2009 Tazewell County Fairground Rental Fees for the Tazewell County Fair Association in connection with the preliminary set-up, fair events, and grounds clean-up with the contributions which the Fair Association has made and as committed to making improvements to at the Tazewell County Fairgrounds. The proposed dates for the County Fair are set for August 15 - August 22, 2009, as well as the Fair Association's use of Nuckolls Hall, Monday, October 20, 2008; August 12, 2009 - August 14, 2009; August 15-August 22, 2009 and August 23 -August 26, 2009.

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#### BLUEFIELD VIRGINIA ARIEL FIRE TRUCK

#### DEFERRED

A draft agreement as presented by the County Attorney regarding the Bluefield Virginia Ariel Fire truck was deferred to the November 6, 2008 regular meeting. Members of the Board of Supervisors felt that Supervisor Dave Anderson should be present to speak about the proposed agreement.

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#### FLATWOODS JOB CORPS CENTER

#### RESOLUTION COMMENDING THEIR EFFORTS

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 3 to 0, with Supervisor Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby adopts a resolution commending the Flatwoods Job Corps Center, 2803 Dunannon Road, Coeburn, Virginia for providing services to the youth for the past 43 years.

County officials received an invitation to the open house at the Flatwoods Job Corps Center on October 17, 2008 from 9:00 a.m. to 4:00 p.m.

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FINANCE & BUDGET MEETING TO ADDRESS

CURRENT ECONOMY FORECAST

It was a consensus of the Board to address the “current economy forecast” during the upcoming 2009 budget sessions. Supervisor Anderson requested that this matter be discussed in his absence and that the Board of Supervisors consider scheduling a meeting with finance & budget to discuss this subject.

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PUBLIC HEARING -

ABATEMENT OF PUBLIC NUISANCES

LOTS 19 & 20 Dixon Heights, Baker Hollow Road & Structure at Lots 61-71  
(Amonate Camp House 109)

The Chairman of the Board of Supervisors, William B. Rasnick called the public hearing to order “TO HEAR CONCERNS RELATIVE TO THE ABATEMENT OF PUBLIC NUISANCES” that had been duly advertised according to law, with regard to the following potential nuisances:

1. Three mobile homes on lots 19 & 20 Dixon Heights Subdivision (Baker Hollow Road) Doran, Virginia - owned by Douglas M. & Peggy G. Shelton
2. Structure at Lots 71-71 of Russell Subdivision (Amonate Camp House No. 109 \_ owned by Theodore L. Conley, Mary A. Conley, Jackie L. Mabe and Richard K. Mabe.

Now, the Chairman of the Board of Supervisors called for public comments from the floor.

Charlie Shelton and his wife were present and said that they are diligently working to clean up the potential nuisances on Baker Hollow Road, Lots 19 & 20 in Dixon Heights Subdivision. Mr. Shelton said that they had torn one trailer completely down and the other was almost to the ground. He said that he moved another trailer on the property that they are currently living in.

The County Attorney, Eric Young, presented a slide show of the property in question. The presentation showed that the old trailers had been torn down, but a pile of debris and other rubble was left on the property. He said that the debris does not constitute a public nuisance, but was an eyesore and needed to be cleaned up.

Mr. & Mrs. Shelton requested that the County provide a dumpster to assist in the cleanup. The County Administrator said that the County does not have dumpsters available for private use.

The Board thanked them for their efforts thus far and agreed to give the Mr. & Mrs. Shelton an additional 90 days to clean up the property in question.

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

This matter will be revisited at the February 2009 regular meeting.

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The Chairman then called for public comments from the floor with regard to a Structure at Lots 71-72 of Russell Subdivision (Amonate Camp House, No. 109) owned by Theodore L. Conley, Mary A. Conley, Jackie L. Mabe and Richard K. Mabe.

The County Attorney, Eric Young continued with a slide presentation of the dilapidated structure. The structure appeared to have been in a fire. The County Attorney said that if the old structure should fall, the debris would more than likely fall on public right-of-way which would throw debris into the public highway, which constitutes a public nuisance. There are also power lines directly above the weakened structure.

Now, the Chairman 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 Hymes, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with Supervisor Anderson & Wimmer absent from the meeting, the Tazewell County Board of Supervisors finds that the structures located at Amonate Camp, House 109, Amonate, Virginia are defaced structures and directs the County Administrator to take such steps as are necessary to abate the defacements and to pursue all avenues available to the County to recoup the costs of such abatement from the property owner. A copy of the complete ordinance in a form as adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

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PUBLIC HEARING -

AN ORDINANCE TO REGULATE CONSTRUCTION OF TALL STRUCTURES ON CERTAIN RIDGELINES IN TAZEWELL COUNTY, VIRGINIA

The Chairman, William B. Rasnick, called to order a public hearing which had been duly advertised according to law to hear concerns regarding "AN ORDINANCE TO REGULATE CONSTRUCTION OF TALL STRUCTURES ON CERTAIN RIDGELINES IN TAZEWELL COUNTY, VIRGINIA."

Now, the Chairman called for public comments from the floor.

Mr. William "Bill" Osborne, Tannersville, Virginia questioned the purpose of the proposed ordinance. He said that he did not oppose or favor the ordinance, that he was present for questions only.

The County Attorney, Eric Young, said that the Tazewell County Planning Commission wanted to place a guiding principle for potential wind to energy (wind turbine) structures. The ordinance would provide for the protection of certain ridge lines in the County and provide for no construction on any ridge line in the County, where such ridgeline is more than 2000 feet above sea level and 500 feet above the valley floor, unless construction if first approved by the Planning Commission.

Mr. Osborne said even though he too loved the majestic views and beauty

of the County he would also like to have cell service in the Tannersville area.

The County Attorney said that the construction of cell towers would be exempt from the ordinance.

Mr. Osborne requested that the adoption of the ordinance be deferred for further study and review.

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

It was a consensus of the Board of Supervisors to defer the consideration of adopting the ordinance for further study.

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#### POCAHONTAS HIGH SCHOOL – SURPLUS PROPERTY

The County Administrator, Jim Spencer, reported that he received a copy of a deed from the School Board with regard to the Pocahontas High School. The deed as presented conveyed the Pocahontas High School property to the Board of Supervisors.

Supervisor Rasnick reiterated the importance of the school building and said that he talked to a member of the Pocahontas High School Committee and the committee member assured him that the school would be returned to the County in reasonably good condition. The Committee is requesting that a minimal amount of heat be kept in the building this winter. Supervisor Rasnick also said that the Committee would like for the building to be used as a multi-use community type of facility and that the organization/group chosen by the County be capable of paying rent since it is going to cost the County a great deal to heat and to maintain the facility. He also suggested that the County investigate the possibility of installing several video surveillance cameras on the school property because of the on-going vandalism, etc. at the school.

It was a consensus of the Board to allow the County Administrator and County Engineer to look at the school and further that County officials reach out to Pocahontas officials and the school committee in order to hopefully coordinate

the many tasks that will need to be undertaken with regard to the upkeep of the School.

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#### FALLS MILLS SCHOOL PROPERTY

Supervisor Hymes questioned the status of the Falls Mills School facility and stated that since winter was quickly approaching a decision needed to be made with regard to its use. The County Administrator said that it was his understanding that Clinch Valley Community Action wanted to use the facility as transitional housing. It was a consensus of the Board to request that Chris Thompson, Clinch Valley Community Action, Inc. write the Board of Supervisors a letter expressing her intentions with regard to utilization of the Falls Mills School.

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#### CITIZEN COMMENTS

There were no unscheduled citizens comments heard.

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Bill Gillespie, Planning Commission member did not appear as scheduled to address the Planning Commission's concerns regarding the Tazewell County Comprehensive Plan.

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#### COMPREHENSIVE PLAN

Due to the on-going concerns with costs with the development and finalization of the Comprehensive Plan, and upon motion Supervisor White, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with Supervisors Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby authorizes and directs the County

Administrator to facilitate a meeting with the Tazewell County Comprehensive Plan Sub-committee and to request that the sub-committee accept assistance from the County and the Planning Commission for the purposes of providing assistance with regard to the final writing the Comprehensive Plan.

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#### DISTRICT YOUTH FUNDS

##### SOUTHERN & NORTHERN YOUTH

Upon motion of Supervisor Hymes, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with Supervisors Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby approves the following amounts from the Southern & Northern District Youth Funds as set forth below. 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:

- \$3,500.00 to Tazewell High School Football for new football jerseys
  - ▶ \$1,750.00 Southern
  - ▶ \$1,750.00 Northern
- \$600.00 to Tazewell High School Lady Basketball Team to purchase new basketballs
  - ▶ \$300.00 Southern
  - ▶ \$300.00 Northern

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RE: CERTIFICATE OF PUBLIC NEED VA - 7603

#### CLINCH VALLEY MEDICAL CENTER

Upon motion of Supervisor White, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with all members Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby approves

and requests that each Board of Supervisor member forward an individual letter, on behalf of the Clinch Valley Medical Center's Certificate of Public Need (COPN), for an application to add an additional CT scanner to its Diagnostic Imaging Department. The 4-slice CT scanner will be used to expedite patient care by eliminating wait times.

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#### RICHLANDS NEIGHBORHOOD WATCH PROGRAM

\$1,000.00

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 3 to 0, with Supervisors Anderson & Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Northwestern District Fund, payable to the Town of Richlands Police Department - Neighborhood Watch Program.

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.

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#### PORT STREET - INCLUDE IN COUNTY'S ORPHAN ROAD PROGRAM

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 3 to 0, with Supervisor Anderson & Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby approves the inclusion of Port Street, located in the Northwestern District of Tazewell County as part of the Tazewell County Orphan Road Program (pending legal review). Repairs to this street have previously been made by the County.

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#### PORT-A-JOHNS @ JEWELL RIDGE PRECINCT

NORTHWESTERN DISTRICT FUNDS

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 3 to 0, with Supervisor Anderson & Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby approves the amount of \$464.80 from the Northwestern District Funds, for the delivery and set-up of two handicapped accessible port-a-johns at the Jewell Ridge Precinct/voting place. Each one is \$200.00 plus delivery fee of \$15 and a fuel charge of \$49.80. A bill will be sent to the Board of Supervisors for this service, and upon the receipt of same, 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.

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\$2,500.00 LABOR OF LOVE - BACK PACK PROGRAM (RAVEN  
ELEMENTARY SCHOOL)  
NORTHWESTERN YOUTH DISTRICT FUNDS

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 3 to 0, with members Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby approves the amount of \$2,500.00 from the Northwestern District Youth Funds, payable to the Labor of Love Mission, Back Pack Program, PO Box 386, North Tazewell, Virginia 24630 for the Raven Elementary School.

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 checks by the Treasurer of Tazewell County, Virginia.

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Supervisor White again questioned the status of the proposed transfer station/convenience area in Jewell Ridge. He requested that the County Attorney contact VDOT to determine visibility needs with regard to the site.

Supervisor White said that he wanted to move on this project as quickly as possible.

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NOVEMBER MEETING DATE CHANGED

Upon motion of Supervisor White, seconded by Supervisor Rasnick and adopted by a vote of 3 to 0, with Supervisor Anderson and Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby adopts a resolution changing and adjourning the November 4, 2008 regular meeting date to November 6, 2008. The time and location of the November 6, 2008 meeting remains the same – 6:00 p.m., 108 East Main Street, Tazewell, Virginia.

The next regular meeting is scheduled to November 6, 2008 at 6:00 p.m.

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William B. Rasnick, Chairman

By: rg

Recess time: 9:15 p.m.