

VIRGINIA: At a regular meeting of the Tazewell County Board of Supervisors held September 1, 2009 at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

PRESENT: Dave R. Anderson, Chairman
D. Michael Hymes, Member
Seth R. White, Member
Thomas Brewster, Member
James H. Spencer, III – County Administrator
C. Eric Young, County Attorney
Patricia Green, Assistant County Administrator
Ruth Groseclose, Administrative Assistant

OTHERS

PRESENT: Members of the Press: Charles Owens, Bluefield Daily Telegraph;
Jim Talbert, Clinch Valley News/Richlands News Press;
Charles Osborne, Tazewell County Free Press;
Tammy Wolford, The Voice/Cedar Bluff Review

ABSENT: Bill Wimmer, Vice-Chairman

The Chairman, David R. Anderson called the regular meeting to order and presided. Supervisor Wimmer was absent due to a previous commitment. The Chairman then welcomed those present. Supervisor White gave the invocation, which was followed by the Pledge of Allegiance to the United States Flag.

AGENDA APPROVED AS AMENDED

Upon motion of Supervisor White, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby approves the September 1, 2009 meeting agenda as revised.

MINUTES APPROVED AS WRITTEN

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby approves the August 4, 2009 meeting minutes as written.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby enters into an Executive/Closed Meeting pursuant to VA Code Section 2.2-3711:

- A-7 Legal matter Cedar Bluff vs. Richlands & Tazewell County
- A-7 Legal matter involving Landfill Water Monitoring Contract
- A-6 Contract Negotiations involving school resource officer
- A-3 Property Acquisition involving an orphan road
- A-3 Property Disposition involving Falls Mills School
- A-1 Personnel involving legal department

RETURN, CERTIFICATION, REPORT OF ACTION

Upon motion of Supervisor White, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed meeting.

CERTIFICATION OF EXECUTIVE/CLOSED MEETING

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

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

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

Ayes: Supervisor White, Hymes, Brewster and Anderson

Nays: None

Absent from the meeting/vote: Supervisor Wimmer

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING
AGREEMENT BETWEEN THE COUNTY OF TAZEWELL AND THE TOWN OF
RICHLANDS FOR THE PROVISION OF SECURITY SERVICES AT CERTAIN
PUBLIC SCHOOLS**

Upon motion of Supervisor White, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby enters into and approves an “AGREEMENT BETWEEN THE COUNTY OF TAZEWELL AND THE TOWN OF RICHLANDS FOR THE PROVISION OF SECURITY SERVICES/SCHOOL RESOURCE OFFICERS AT CERTAIN PUBLIC SCHOOLS.” The County of the Board of Supervisors is further authorized, empowered and directed to enter into and execute any and all documents as deemed necessary and appropriate in reference to this action. A copy of the agreement in a form as adopted and as executed is on file in the office of the County Administrator/County Attorney, 108 East Main Street, Tazewell, Virginia 24651.

**BOUNDARY LINE ADJUSTMENT AGREEMENT
ADOPTED – COUNTY OF TAZEWELL & TOWN OF RICHLANDS**

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

County Board of Supervisors hereby enters into and approves a BOUNDARY LINE ADJUSTMENT AGREEMENT BETWEEN THE COUNTY OF TAZEWELL AND THE TOWN OF RICHLANDS and further hereby authorizes, empowers and directs the Chairman of the Board of Supervisors to enter into and execute any and all documents as deemed necessary and appropriate in accordance with this action. A copy of the Boundary Line Adjustment Agreement is on file in the office of the County Attorney/County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

CRYSTAL BROOK ROAD – SOUTHERN DISTRICT

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to condemn the necessary right-of-way for Crystal Brook Road located in the Southern District of Tazewell County, Virginia.

MICROSOFT DIGITAL LITERACY – GRADUATES HONORED

The County Administrator, Jim Spencer and Sam Wolford, Information Technology & Public Safety Director explained the Microsoft Digital Literacy Program offered at the Bluestone Workforce Training Center and the Richlands Business Incubator. The classes are taught via computer and successful candidates receive a certificate from Microsoft. The computer program consists of five parts and is self paced, e.g. Basic Computers, The Internet and The World Wide Web, Productivity Programs, Computer Security & Privacy & Digital Lifestyle.

The County Administrator then gave the floor to Dr. Tom Brewster, an Educator as well as a member of the Board of Supervisors who presented certificates to Hope Marrs and Brittany Tiller. He congratulated both for successfully completing the Microsoft Digital Literacy Program. The audience and Board of Supervisors applauded both high school students for their accomplishments.

ROBERT’S RULES OF ORDER SUSPENDED – AGENDA FORMAT
CHANGED/MOVED TO ADDRESSED SCHOOL BOARD’S REQUEST
REGARDING SOFT COST FUNDING

Upon motion of Supervisor Brewster, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby suspend Robert’s Rules of Order moving the Agenda Item 12. C, to the front of the Agenda – i.e.School Board – Soft Cost Funding request.

The Chairman then welcomed Tazewell County School officials, Dr. Brenda Lawson, Division Superintendent as well as Mike Dennis and Randy Conn, School Board Members. Mike Dennis, School Board Member requested that the Board of Supervisors grant the School Board permission to use the soft cost funding to continue repairs to the five elementary schools in Tazewell County.

Supervisor White questioned the status of renovations to the five elementary schools. Dr. Lawson said the projects are 97% complete.

Supervisor Hymes stated that when the Board agreed to sell the \$2,000,000 in bonds to fund the engineering work for school renovations it was his understanding that the money would be used for engineering work only. He also questioned why the \$1.6 M stimulus money could not be used first, thus delaying the use of the bond money. He said the money would still be there next year and payments would not be needed now thereby saving principle and interest payments. He also stated that some parents are complaining about not having air condition in their schools and questioned the use of the money for engineering the AC projects. He wanted to know if the additional AC projects are being postponed.

Dr. Lawson said the School Board must be realistic with funding – if the School Board takes a 10% cut in the upcoming Governor K-12 cuts, the School Board would be fortunate.

Dr. Lawson said that the school board is in the process of preparing a list of projects to present to the Board of Supervisors. She stated that the air conditioning and new lockers in some schools were in the second phase of renovations.

Supervisor Hymes questioned how much would be spent on renovations and how much would be saved to keep from laying teachers off.

Supervisor White suggested that the discussion continue after the Governor announces the budget cuts for K-12 in the next few weeks. The Board agreed to hold a work session with the School Board in October.

Supervisor Brewster recommended that the Career & Technical Students who helped the County on the Burkes Garden bathroom project be invited to the October recessed meeting for recognition.

REMAINING SOFT COST FUNDING AUTHORIZED FOR USE TO MEET
FINANCIAL OBLIGATIONS ON THE FIVE (5) ELEMENTARY SCHOOL
RENOVATION PROJECTS

Now, upon motion of Supervisor Brewster, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby authorizes and grants the Tazewell County School Board permission to use the remaining soft cost funds to meet the estimated final payment of \$1,428,387.09 for the current five elementary school renovation projects.

PUBLIC HEARING

AN ORDINANCE ESTABLISHING ASSESSMENT OF A \$3.00 FEE FOR
COURTHOUSE SECURITY IN CERTAIN CRIMINAL AND CIVIL ACTIONS
AND REALLOCATING FEES PREVIOUSLY ESTABLISHED FROM THE LAW
LIBRARY FUND TO THE COURTHOUSE MAINTENANCE FUND

The Chairman called to order a public hearing that was duly advertised accordingly to law, entitled “ AN ORDINANCE ESTABLISHING ASSESSMENT OF

A \$3.00 FEE FOR COURTHOUSE SECURITY IN CERTAIN CRIMINAL AND CIVIL ACTIONS AND REALLOCATING FEES PREVIOUSLY ESTABLISHED FROM THE LAW LIBRARY TO THE COURTHOUSE MAINTENANCE FUND.”

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

Now, Eric Young, County Attorney pointed out that the ordinance as proposed would need to be pre-approved from Richmond with regard to implementing the fees for courthouse security. He requested that the Board defer action on the ordinance until the next meeting of the Board of Supervisors.

PUBLIC HEARING –

ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF VA “AN ORDINANCE RELATING TO JUNKYARDS AND AUTOMOBILE GRAVEYARDS”

The Chairman called to order a public hearing that had been duly advertised according to law, entitled “AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF VIRGINIA, TO WIT: AN ORDINANCE RELATING TO JUNKYARDS AND AUTOMOBILES.” A complete copy of the ordinance as proposed and as advertised for consideration of adoption is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

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

The County Attorney, Eric Young reviewed with the Board the proposed changes to the ordinance, with Supervisor White reiterating that the Planning Commission agreed to the changes at their last regular meeting.

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

JUNKYARD ORDINANCE ADOPTED AS AMENDED

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

Tazewell County Board of Supervisors hereby adopts “AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF TAZEWELL COUNTY, TO WIT: AN ORDINANCE RELATING TO JUNKYARDS AND AUTOMOBILE GRAVEYARDS.”

A copy of the ordinance as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

CITIZEN COMMENTS SCHEDULED

EMS SERVICE IN CEDAR BLUFF REQUESTED

Steve Nidiffer, Deputy Fire Chief of the Cedar Bluff, Virginia did not appear. Supervisor White stated that since Supervisor Wimmer was absent during this meeting, it was discussed with Mr. Nidiffer and decided to defer this matter to a recessed meeting of the Board of Supervisors. Supervisor White read a letter from James McGlothlin, Cedar Bluff Town Manager, stating that the Cedar Bluff Town Council, at a meeting held on April 14, 2009, voted to create a Cedar Bluff Fire & EMS Department to serve the town of Cedar Bluff. The letter stated that the Town of Cedar Bluff requested that the County adopt a resolution, in accordance with Virginia Code, approving the establishment of the Cedar Bluff EMS service.

The Board of Supervisors agreed to meet on September 10, 2009 at 5:00 p.m.to consider this matter.

CITIZEN COMMENTS – UNSCHEDULED

The Chairman called for unscheduled citizen comments from the floor.

- Betty Slade, Bluefield, Virginia 24605 requested that the Board of Supervisors approve the wind turbine project in Tazewell County and to cooperate with BP and Dominion in order to move forward with the wind-farm for clean energy now and for future generations. She said the County could not let the project pass by.
- Harry Nolley, 4813 Abbs Valley Rd. Bluefield, Virginia 24605, Administrator of the Tazewell County Moose Lodge, presented

each member of the Board with a necktie commemorating the 911 -Flight 93 Memorial Fund for the monument that is under construction in Pennsylvania.

- Charlie Orrock, 1152 Triangle Road, Bluefield, VA – stated that due to the current economic conditions he was not opposed the wind-turbine project in Tazewell County but said the County needed to be very careful to maintain and protect the County’s beauty and tourism attraction. He mentioned the large section of East River Mountain potentially damaged by the wind turbine project. He said this would come back to hurt Tazewell County.
- Jennifer Paine, 392 Century Lane, Bluefield, VA – with the Citizens for Energy Independence Group stated that the group recently spent time at the County Fair helping educate people with regard to wind-energy and its positive impacts.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as CONSENT CALENDAR. The County Administrator is hereby authorized and directed to issue said warrants in accordance with the action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS/

JULY/AUGUST 2009

Payroll

Ordered that Warrant Nos.130247 through 130336, and direct deposits totaling \$200,290.10 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 31, 2009, be approved.

Ordered that Warrant Nos. 130338 through 130430, and direct deposits totaling \$204,821.84 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 15, 2009, be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 444599 through 444747, for \$421,324.93 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of July 2009, be approved.

Ordered that Warrant Nos. 444749 through 444767, for \$143,105.74 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 31, 2009, be approved

Ordered that Warrant Nos. 444769 through 444929, for \$346,359.77 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 2009, be approved.

Ordered that Warrant Nos. 444931 through 444950 for \$145,400.95 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 15, 2009, be approved.

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Ordered that Warrant Nos. 801374 through 801378 for \$21,539.16 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of June 2009, be approved.

- Ratified a resolution to VDOT requesting safety study at the intersection of Crab Orchard Road and 19-460 at the Crab Orchard Museum, Tazewell, VA
- Ratified a commitment to pay from contingency fund, an estimated \$505 for fabrication and materials for the placement of signs – HB 1667 extending the American Former Prisoners of War Memorial Highway (Route 19) northward from the Russell/Tazewell County line to Route 460 at Claypool Hill.

- Ratified \$3,000 paid to the Second Chance Learning Center – Law-fit Challenge Event: \$1,000 Eastern District; \$500 Western; \$500 Northern; \$500 Southern; \$500 Northwestern
- Ratified funding for the Fire & Rescue Appreciation Dinner from TCBOS District Funds - up to \$2,500.00 (divided equally among the five districts)
- Sheriff's budget – transferred the amount of \$148.80 from the Contingent Expenditures Account No. 91050-7041 to the Sheriff's Travel Account No. 31020-5510 as reimbursement for training for Tim Carroll.
- Sheriff's budget – approved a transfer from the County's Contingency Fund in the amount of \$629.80 to the Sheriff's budget for repairs to portable radios, Acct. No. 31020-8101- 1 /Machinery & Equipment – Courthouse Security
- Coyote Claim – approved the amount of \$150.00 payable to Douglas Boothe, 249 Santana Road, Bluefield, VA 24605 for 3 coyotes killed on August 12, 2009 and August 24, 2009 (gun & snare)
- Coyote Claim – approved the amount of \$50.00 payable to Garland Osborne, PO Box 287, Pounding Mill, VA 24637 for 1 coyote killed on August 31, 2009 with a gun.
- Damage Claims & Bounty Account– approved the amount of \$1,100.00 payable to Wesley Blankenship, 150 Desert Rose Drive, Tazewell, VA 24651 for 11 sheep killed by dogs on August 10, 2009 by stray dogs.
- Western District Funds - \$5000 to Cedar Bluff Heritage Festival and \$500 to Richlands Girls High Varsity Volleyball.

TANNERSVILLE RESCUE SQUAD – 80/20 GRANT

RESCUE ASSISTANCE FUND (RASf) LETTER OF SUPPORT

Upon request of Randy Ann Davis, Tannersville Rescue/Tazewell County Emergency Services, and upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Wimmer absent from the meeting, with all members present voting in favor and no one against the same, the Tazewell

County Board of Supervisors hereby authorizes and directs the County Administrator to sign a letter of support by September 15, 2009 acknowledging the County's support to provide matching funds (20%) up to \$50,000.00 for a 80/20 Rescue Squad Assistance Fund (RASf) Grant that the Tannersville Rescue Squad is currently pursuing to purchase both portable and mobile UHF/VHF dual band radios as needed for Tazewell County Rescue Squads. The 20% local match funding is hereby approved from the Rescue Squad Capital Outlay Account & the County's Contingency Fund.

EMERGENCY SERVICES REPORT

Structure Fire Response Standard Operating Guidelines

The Tazewell County Emergency Services Committee recommended that the Board of Supervisors approve the Structure Fire Response Standard Operating Guidelines for County Fire Departments who receive funds from the County. County fire departments would be requested to follow the guidelines for automatic aid when responding to a structure fire, if approved by the Board of Supervisors.

Supervisor Anderson stated that he received several calls from homeowners stating that their insurance companies are cancelling fire coverage protection on their homes because they could not provide ISO Protection Class verification. There are several areas in the Southern district as well needing this type of verification.

Wes Blankenship, Tazewell, Virginia spoke and stated that there should only be one set of rules for county fire departments. He said it would not be a good idea to have separate rules for county/town departments because legal ramifications might occur.

Randy Ann Davis briefed the board on the protocol for response to 911 Structure Fires.

Following discussion, the Board decided to defer this matter to the next meeting of the Board of Supervisors for clarification with regard to recommendation from the Emergency Services Committee.

APPOINTMENTS

Tazewell County Fire-Rescue Board of Directors

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby appoints Jim Talbert, PO Box 818, Richlands, VA 24641 as a member of the Tazewell County Fire-Rescue, Inc. Board of Directors, with a term commencing immediately and expiring June 30, 2011 (2 year term).

Local Emergency Services Committee

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby appoints the follow individuals to serve as members of the Local Emergency Services Committee, effective immediately and at the will and pleasure of the Tazewell County Board of Supervisors:

1. Robert Steele, 4330 Wittens Mill Road, Rt. 2, Box 86, North Tazewell, VA 24630
2. George Barnett, 3226 Bandy Road, Bandy, VA 24602
3. Quinto Falgiani, Solid Waste Director, 108 East Main Street, Tazewell, VA 24651
4. Chris Hurley, Tazewell County Landfill, 108 East Main Street, Tazewell, VA 24651
5. George Pilkins, Tazewell County Special Police, 108 East Main Street, Tazewell, VA 24651
6. Dee Phillips, Tazewell County Public Safety, 108 East Main Street, Tazewell, VA 24651
7. Erwin Earnest, 911 Director, 108 East Main Street, Tazewell, Virginia 24651
8. Harold Sargeant, VDOT – PO Box 270, Tazewell, Virginia 24651
9. Kim Owens, 2949 West Front St. (Clinch Valley Medical Center), Richlands, VA 24641
10. William Puckett, Chief, Richlands Police Department, Richlands, VA 24641
11. Jim Talbert, CVN/RNP, PO Box 818, Richlands, VA 24641

12. Randy Ann Davis, 145 Blackwell Street, Tazewell, VA 24651
13. Doug Sheets, Dept. Director of Ops., CVCA, Inc. PO Box 188, North Tazewell, VA 24651
14. Brian Bales, 141 Ben Bolt Avenue, Tazewell, VA 24651
15. Bill Allison, 317 East Pine Street, Tazewell, VA 24651
16. 1st Sgt. David Fowler, PO Box 386, Pounding Mill, VA 24637
17. Dave White, Tazewell County Emergency Service Coordinator, 108 East Main Street, Tazewell, VA 24651
18. Supervisor Bill Wimmer, 175 Addison Rd. Cedar Bluff, VA 24609 (reaffirmed appointment made in January 2008).

Tazewell County Economic Development Commission

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Terry Joseph “Joey” Stiltner, 112 New Haven Road, North Tazewell, VA 24630 to the Tazewell County Economic Development Commission with at term commencing immediately and expiring September 30, 2012 (3 year term).

Tazewell County Redistricting Committee

Upon motion made, seconded and duly adopted, the Tazewell County Board of Supervisors hereby appoints the following individuals to serve as members of the Tazewell County Redistricting, Census 2010 Committee:

Northern District – Greg Cruvey, 1732 Mundy Town Road, North Tazewell, VA 24630

Northwestern District – Terrance Shea Cook, 215 Washington Square, Richlands, VA 24641

Southern District - John Biggs, PO Box 427, Tazewell, VA 24651

The Board of Supervisors will consider the remaining redistricting committee appointments at their October 6, 2009 regular meeting.

COUNTY REGISTRAR/ELECTORAL BOARD REQUEST

The Board of Supervisors deferred action on the Tazewell County Electoral Board/County Registrar's request for various recommendations concerning the Registrar's staff, voting equipment and office space. Supervisor Hymes and Supervisor White volunteered to meet with the County Registrar and the Electoral Board as well as the County Administrator, to discuss the various recommendations as well as discussing the structuring of the Tazewell County Redistricting Committee for the upcoming Census 2010. The committee will have the responsibility to review the present County districts and precincts, analyze the new census figures and prepare new district boundaries. A report will be made on this subject at the October 6, 2009 regular meeting.

911 HVAC SYSTEM - TABLED

A letter from Erwin Earnest, 911 Communications Director requesting that the HVAC System at the Emergency Communications/9-1-1 Center be replaced for revamped to adequately cool the dispatch area was tabled. The Board suggested that the request be considered again in the spring of 2010. With the colder months quickly approaching the Board felt that the upcoming colder season would remedy the HVAC cooling issue at this time.

FIVE (5) MINUTE RECESS

The Chairman of the Board of Supervisors called for a recess of five (5) minutes after which the meeting was duly reconvened.

Supervisor Hymes requested that the County Administrator take the necessary actions to revamp or purchase a better audio system for the Board of Supervisors meeting room. The present sound system is not working properly and citizens are having difficulty understanding discussions during board meetings.

ECONOMIC IMPACT STUDY

The County Administrator, Jim Spencer stated that Springsted has been in town on several occasions meeting with members of the IDA to hopefully have the Economic Impact Study completed by the October 6, 2009 regular board meeting. He said the Study would not only be presented to the Board of Supervisors but to the Planning Commission as well, possibly in a joint session.

The County Attorney, Eric Young, stated that the Planning Commission is prepared to go forth with an additional Public Hearing on the proposed Tall Structure Ordinance. Supervisor White reiterated that the Planning Commission's biggest concern was the status of the Economic Impact Study. The scope of services for the Study was provided to members of the Planning Commission for their review. Supervisor Anderson then questioned the proposed Wind-Energy Ordinance as drafted by the Wind-Energy Subcommittee. Tom Childress, Chairman of the Planning Commission stated the Planning Commission has not discussed or reviewed the ordinance in open session but the item would be considered at their next regular meeting in October.

Supervisor Anderson said that he felt another Public Hearing on the joint public hearing on the Tall Structure Ordinance should be held soon as soon as possible. He said the people he represents deserve a decision and the matter has been delayed long enough. Supervisor White said he felt it was premature to hold another hearing until such time as the Study is complete. He said he would like to have a report to present to the public prior to the hearing.

Supervisor Brewster questioned the protocol of presenting the Study and wanted to know if the Study could be presented during the second Public Hearing on the Tall Structure Ordinance. The County Administrator said the County is paying for two (2) presentations of the Study. The presentation should be prior to the Public Hearing, possibly on the same night, but prior to the Public Hearing.

**TALL STRUCTURE ORDINANCE – OCTOBER JOINT PUBLIC HEARING FAILS
FOR LACK OF A SECOND**

Supervisor Anderson moved that the Board of Supervisors and the Tazewell County Planning Commission hold a joint public hearing on the Tall Structure Ordinance at the October 6, 2009 regular meeting. The motion died for a lack of a second.

TAZEWELL COUNTY LANDFILL – DEQ/ANNUAL FEES

The County Administrator, Jim Spencer, stated that Legislation several years ago imposed a \$5.00 per ton fee on every landfill in the State, payable to the DEQ. He said the County had approximately 60,000 tons of solid waste last year that resulted in a large fee. He said the County needed to track the usage because of the added expense, and with the budget shortfall in Richmond, should administrative fees be added, the County would have to pay a large amount of money to the DEQ.

RESOLUTION ADOPTED

TAZEWELL COUNTY BID AWARD PROCESS – LOCAL VENDORS

Upon presentation by Eric Young, County Attorney, and upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution amending the County's Small Purchases Procedure to permit the Tazewell County Administration, in the evaluation of bids, to discriminate against any bidder from another State in the same measure as such bidder's State discriminates against Virginian bidders, pursuant to Section 2.2-4324 (B) of the Code of Virginia, (1950) as amended. A copy of the complete resolution in a form as hereby adopted is on file in the office of the County Administrator/County Attorney, 108 East Main Street and incorporated herein by reference thereto.

NORTHWESTERN DISTRICT GARBAGE COLLECTION

Supervisor White stated the county officials are waiting on a few responses from folks in the State with regard to questions concerning a Northwestern District Garbage

Collection program. He said plans are to have two separate public meetings, one in Jewell Ridge and one in Raven. No dates have been set at this time. Once the dates are confirmed, he hopes to have an answer by the October 6, 2009 meeting. He also anticipates having recycling included as part of the program. The County Administrator said the County should have the recycling proposals ready for review by the October 6 regular meeting.

AEP – PROPOSED RATE INCREASES – UTILITY/TRANSMISSION REGULATIONS

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to contact AEP and the State Corporation Commission seeking information with regard to AEP's request for approval of a transmission rate adjustment increase and AEP's application to the State Corporation Commission (SCC) requesting two proposed Demand Response Riders for its Virginia tariff retail customers.

BOARD CONCERNS

Supervisor Hymes:

Tannersville Water – Smyth County is evaluating a proposal in order to Tazewell County to possibly purchase water from them.

Tannersville Internet Service – Gary Earp is looking at a site/acquisition for a tower

Burkes Garden Bath rooms – the project is almost complete waiting on stalls

Thompson Valley – Time Warner Cable – Supervisor Hymes gave a time-line for the cable service. The completion date is January – March 2010. He suggested that the County seek potential funding for additional Internet Service in other remote areas of the County.

Citizens for the Arts – Supervisor Hymes requested that Ginger Branton, Richlands Chamber Director attend the next meeting of the Board of Supervisors

regarding her recent letter to the County stating there would be not C.A.R.T. activities in the Tazewell area due to lack of funding from Tazewell.

DISTRICT FUNDS APPROVED

Southern - CVCA, Inc. – Farmer’s Mkt.

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to issue a check in the amount of \$1,000 from the Southern District Fund payable to the Clinch Valley Community Action, Inc. PO Box 188, North Tazewell 24630 earmarked for the Tazewell County Farmer’s Market. 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.

Southern – Clearfork Fire Dept. – Tanker Repairs

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to issue a check in the amount of \$5,000 from the Southern District Fund payable to the Clearfork Fire Dept. for repairs to the recently purchased tanker. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

Southern – Four Seasons YMCA \$10,000

Northern – Four Seasons YMCA \$ 5,000

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby approves the following monies, payable to the Four Seasons YMCA to help pay down the YMCA debt:

Southern District - \$10,000 Four Seasons YMCA, Tazewell, Virginia

Northern District - \$ 5,000 Four Seasons YMCA, Tazewell, Virginia

Total \$15,000

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

Richlands High School Girls Volleyball Team \$500.00

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Northwestern District Youth Fund, payable to the Richlands High School Girls Volleyball Team, Richlands, VA 24641.

Richlands Midget League Football \$2,250.00 N. Western Youth & Western Youth

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby approves the amount of \$1,250.00 from the Northwestern District Youth Fund, and \$1000.00 from the Western District Youth Fund, payable to Richlands Midget League Football. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

JOINT ECONOMIC DEVELOPMENT AUTHORITY (JEDA)

Supervisor White questioned the status of the Joint Economic Development Authority and its involvement in the Bluestone. The County Administrator, Jim Spencer, gave an update on the various contracts out to bid as well as other phases. Supervisor White requested that the Joint Economic Development Authority be involved and their input solicited. The County Administrator said that he would contact the members and invite them for a review of the Bluestone and its activities.

POCAHONTAS LITTLE LEAGUE C/O TAZEWELL YOUTH LEAGUE \$2,500.00

FROM THE NORTHERN YOUTH FUND

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby approves the amount of \$2,500 from the Northern District Youth Funds for the Pocahontas Little League c/o and payable to the Tazewell Youth League, Tazewell, Virginia 24651. Memo: Pocahontas Little 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.

\$2,500.00 NORTHERN DISTRICT FUNDS – INSTRUCTIONAL TECHNOLOGY
ABBS VALLEY ELEMENTARY SCHOOL

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby approves the amount of \$2,500 from the Northern District Youth Funds payable to the Abbs Valley Boissevain Elementary School for Instructional Technology. 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.

Supervisor Brewster then gave an itinerary of the 8th Annual Coal Miners Reunion in Pocahontas, VA scheduled for September 7- Labor Day. Congressman Rick Boucher will be the guest speaker.

\$2,000.00 EASTERN DISTRICT FUNDS – BLUEFIELD VIRGINIA CHARGER
FOOTBALL & MIDGET PEE WEE TEAM

Upon motion of Supervisor Anderson, seconded by Supervisor Brewster and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby approves the amount of \$2,000.00 from the Eastern District Youth Fund, payable to the Bluefield Virginia Charger Football & Midget Pee Wee Team (send check to Dave Anderson). 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.

VERIZON TELEPHONE POLES – POCAHONTAS, VIRGINIA
REQUEST TO BE RELOCATED FOR SAFETY REASONS

Upon motion and request of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent from the meeting, the Tazewell County Board of Supervisors hereby adopts a resolution seeking Verizon's full cooperation and assistance with AEP, Historic Pocahontas and the Town of Pocahontas, to fully cooperate and find money to relocate the utility lines in Pocahontas, Virginia on Centre and St. Clair Streets to other locations to allow heavy equipment and deconstruction work on the Company Store and Iron Front structures in order to stabilize and prevent the falling of parts of the structures onto the streets and hereby request Verizon to remove the utility poles from their present location and relocate them to correct a very dangerous situation.

13th DISTRICT SEAT ON VACO – BOARD OF DIRECTORS

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Wimmer absent from the meeting the Tazewell County Board of Supervisors hereby nominates Supervisor Seth R. White to seek the 13th District seat on the VACO Board of Directors. The County Administrator will send letters to various officials seeking support for Supervisor White.

BLUESTONE UPDATE

The County Administrator, Jim Spencer, briefed the Board on Phase 1-A of the Bluestone Contract stating that Phase 1-A is infrastructure e.g. water, sewer, electric, 2

sites – 5 & 12 acres, with Phase 1-A broken into two contracts. Contract 1 is the VDOT right-of-way with bids slightly over \$500,000 paid from VDOT - Road Revenue Sharing funds/50-50 County funding match. The second Phase is the largest. Grants are being sought to assist with the second Phase. The County Administrator reiterated as questioned by Supervisor Hymes that the County would not be building any hotels or golf courses. He said the County wanted to attract those projects to be constructed on County property – but on their dollar, not with County funds. He further mentioned the imperative need for usable land in the Western District for economic development.

Supervisor Brewster suggested that the County Administrator coordinate a day with the Governor's office to allow the Governor the opportunity to attend both a ribbon cutting/ground breaking event for the Bluestone as well as the recognition of Abbs Valley Boissevain Elementary School's recent accomplishments. Abbs Valley Boissevain Elementary is expected to receive another distinguished honor in the next month or so.

RECESS

There being no further business to come before the Board and upon motion of Supervisor Brewster, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Wimmer absent, the Tazewell County Board of Supervisors hereby recesses this meeting to September 10, 2009 at 5:00 p.m. Supervisor Hymes stated that he would more than likely attend the recessed meeting by phone due to a work related commitment.

David R. Anderson, Chairman

By: rg

9:25 p.m. Recess time