

VIRGINIA: At a regular meeting of the Tazewell County Board of Supervisors held September 4, 2007 at 6:00 p.m. in the Tazewell County Public Service Authority meeting room, Tazewell, Virginia 24651

PRESENT: William B. “Bill” Rasnick, Chairman
Bill Wimmer, Vice-Chairman
Earl Griffith, Member
Dave Anderson, Member
D. Michael Hymes, Member
James H. Spencer, III – County Administrator
Eric Young, County Attorney
Patricia Green, Assistant County Administrator
Ruth Groseclose, Administrative Assistant

OTHERS

PRESENT: Members of the Press – Warren Hinkle, Tazewell County Free Press; Clinch Valley News/Richlands News Press; Charles Owens, Bluefield Daily Telegraph

ABSENT: None

M I N U T E S

Chairman William B. “Bill” Rasnick called the regular meeting to order and presided with all members in attendance.

Supervisor Earl Griffith gave the invocation with Supervisor Mike Hymes leading those present in the Pledge of Allegiance.

AGENDA APPROVED

Upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the September 4, 2007 agenda as hereby amended.

MINUTES APPROVED

Upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the August 7, 2007 meeting minutes as written.

EXECUTIVE/CLOSED MEETING

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

- A-3 Property Acquisition – Bank Building on Main St. Tazewell
- A-6 Consideration of investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected involving the Richlands Emergency Services
- A-6 Consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected involving the Bluestone Revenue Sharing Agreement.
- A-6 Consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected involving the Landfill Expansion Phase IV
- A-5 Prospective Industry – involving the Bluestone
- A-3 Property Disposition – involving the Bluestone

RETURN/CERTIFICATION/REPORT OF ACTION

Now, upon motion of Supervisor Hymes, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the executive/closed meeting and hereby certifies that the

Tazewell County Board of Supervisors in the closed meeting just concluded, that nothing was discussed except 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:

Supervisor Hymes – Aye

Supervisor Wimmer – Aye

Supervisor Griffith – Aye

Supervisor Anderson – Aye

Supervisor Rasnick – Aye

REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING – BLUESTONE PARTNERSHIP AGREEMENT

Upon motion of Supervisor Anderson, seconded by Supervisor Griffith 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, contingent upon final approval by the County Attorney, the Bluestone Regional Business & Technology Project Partnership Agreement as revised by the County Attorney, and further hereby authorizes, empowers and directs the execution of same by the County Administrator or Chairman of the Board of Supervisors at such time as deemed necessary and appropriate by the County Attorney.

A copy of the agreement once executed will be on file in the office of the County Administrator, Main Street, Tazewell, Virginia 24651.

FIRE & RESCUE SERVICE AGREEMENT BETWEEN COUNTY OF TAZEWELL AND THE TOWN OF RICHLANDS

Upon motion of Supervisor Wimmer, seconded by Supervisor Griffith 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 AN AMENDMENT to the FIRE & RESCUE SERVICE AGREEMENT – BETWEEN THE COUNTY OF TAZEWELL AND THE TOWN OF RICHLANDS, to include a provision regarding the County’s payment of the

insurance policy premium costs for two-(2) trucks to wit: \$785.00 per fire truck, per year, beginning with fiscal year, FY08-09.

A copy of the Fire & Rescue Service Agreement once executed by same will be on file in the office of the County Administrator, Main Street, Tazewell, Virginia 24651.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as “Consent Calendar.” Be it further approved that 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:

WARRANTS

July/August 2007

Ordered that Warrant Nos. 125788 through 125880, and direct deposits totaling \$191,510.96 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 31, 2007, be approved.

Ordered that Warrant Nos. 125882 through 125972, and direct deposits totaling \$190,700.21 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 15, 2007, be approved.

Ordered that Warrant Nos. 435732 through 435856, for \$1,292,061.01 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 2007, be approved.

Ordered that Warrant Nos. 435858 through 435877, for \$135,570.06 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 31, 2007, be approved

Ordered that Warrant Nos. 435879 through 435909, for \$205,533.50, from the General Fund, covering operating expenses for the At Risk Youth Program (CSA) for the month July 2007, be approved.

Ordered that Warrant Nos. 435911 through 436043, for \$313,827.69 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 2007, be approved.

Ordered that Warrant Nos. 436045 through 436064, for \$135,131.53 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 15, 2007, be approved.

Ordered that Warrant Nos. 801142 through 801150 for \$180,367.73 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of July 2007, be approved.

COYOTE CLAIMS

Approved the following coyote claims as set forth below:

- \$50.00 to James E. Stevens – Rt. 1, box 151, Kiser Road, Tazewell, Virginia 24651 for 1 coyote killed on August 2, 2007 with a gun
- \$50.00 to William Shawver – 206 Shawver Farm Road, Bastian, Virginia for 1 coyote killed on August 17, 2007 with a gun
- \$50.00 to Joseph Rash, PO Box 592, Pocahontas, Virginia 24635 for 1 coyote killed on January 13, 2007 – hit with vehicle
- \$50.00 to Darrell Cole, Rt. 6, Box 73, Tazewell, Virginia 24651 for 1 coyote killed on June 5, 2007 with a gun
- \$50.00 to Darrell Cole, Rt. 6, Box 73, Tazewell, Virginia 24651 for 1 coyote killed on July 12, 2007 with a gun

SURPLUS VEHICLE

Declared 1994 GMC Jimmy VIN # 1GKDT13W8R0511181 (old 911 vehicle) as surplus property and donated same to the Tazewell County Public Service Authority (PSA).

SURPLUS PROPERTY

Declared disabled vehicles & other old equipment as surplus property and authorized to auction same.

LIBRARY TRANSFERS

Approved a transferred from Account No. 91050-7041 to cover special funds received as donations for the County Library (flow through funding)

- \$500.00 from Jewell Smokeless to the books account 6012
- \$250.00 from Tess Uwaife to books account 6012
- \$959.50 from Ins. Payment for damaged computer to equipment Acct. No. 8101

SHERIFF'S DEPARTMENT

Approved a transfer in the amount of \$240.00 from Account No. 91050-7041 to the DARE Account, Supplies line item – 31020-6021 as a donation received from Consol Energy.

911 TRANSFER

Approved \$58,688.00 from the FY2007-08 Contingent Expenditures & Resources Account No. 91050-7041 to the 911 Telecommunications Fund (funds will be used to meet stipulations set by VITA – Wireline Grant funding).

VDOT REPORTS –**MARTY HALLOWAY**

Marty Halloway, Department of Transportation – Resident Administrator, presented a list of highway activities occurring since the August 7, 2007 Board of Supervisors meeting:

- Route 696 – Guardrail complete, slides have been cleaned up and slopes laid back. VDOT is currently working on placing rip rap in the cut section ditch lines. This will hopefully eliminate the installation of a retaining wall in the larger cut section.
- Curb has been removed on the Cedar Bluff guardrail project and asphalt has been placed to control the run-off until the guardrail can be installed. Guardrail will not be installed until sometime in March 2008.
- Route 608 – Wards Cove – Project is complete.

- Speed Study was performed on Route Rte. 616 in Jewell Ridge area per the resolution from the Board of Supervisors and Mrs. Kay Horne. The study showed no reduction in the speed limit. Motorists are ignoring the speed limit and law enforcement should be considered.
- Submitted the Watch for Children sign on Route 1244 (Arrow Street)
- Revenue Sharing – Need approval for the transferring of funds
- Kersey Road – in the process of conveying the surplus property back to the original property owner.

Other Road Concerns

- Supervisor Wimmer questioned whether the right-of-way on Lick Branch Road is being considered for condemnation. The road is located near the Baptist Valley School on Route 686. Supervisor Wimmer requested that the County Attorney work with VDOT on the “bottleneck” issues. Link Smith contacted Supervisor Wimmer regarding this problem. Supervisor Rasnick reiterated the need to resolve the problems with this particular road.

• **Safety Study – Gas & Guzzle Convenient Store**

Upon motion of Supervisor Hymes, seconded by Supervisor Griffith 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 requests that the Virginia Department of Transportation investigate and conduct a safety study for the purposes of performing a safety study for the reason of reducing the speed on Route 61 in the Gratton community from the Gas & Guzzle Convenient Store to the Burkes Garden turn-off.

• **VDOT – Requested to Utilize Camp 31 Inmates to Clear Brush**

Supervisor Hymes requested that the Virginia Department of Transportation utilize inmates from Camp 31 to cut the brush along the highway in the Clearfork/Route 61 community. Jim Compton a resident of the Clearfork Community is the contact person.

• **Camp Joy Intersection Concerns**

Supervisor Anderson suggested that the County Administrator and Marty Halloway meet with James King and Jim Bowie to discuss the Camp Joy Intersection and other Rt. 460 safety concerns as well as primary road funding.

- **Resolution – Adding Lowes Road Route 1015 to the State System**

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution requesting that Route 1015-Lowes Road, be added to the secondary system of state highways, pursuant to Virginia Code Section 33.1-229.

- Marty Halloway, Resident Engineer, reported that VDOT is the process of interviewing applicants to fill Gary Earp’s position. Mr. Earp is now employed by Tazewell County as the County Engineer.

**COMMUNITY HEALTH UPDATE –
BRIAN STANLEY, VIRGINIA DEPARTMENT OF HEALTH**

Brian Stanley, Virginia Department of Health, gave an environmental health update on Rabies, Septic Applications, Well Applications, Food Program as well as a Nursing Update and a Fish Consumption Advisory in Virginia Water. Mr. Stanley reported that there was a confirmed rabid bat case in the Cedar Bluff area of Tazewell County. He also reminded the Board that the meeting on Demand for Sustainable Wastewater Management and Wastewater Challenges & Decentralized Solutions would be held at the Oxbow Center, September 5. The County Administrator said that Gary Earp would represent Tazewell County at the meeting.

CITIZEN COMMENTS

The Chairman then called for unscheduled citizen comments from the floor.

Charles Green a resident of the Bluestone Loop Road community spoke in opposition to the closure of the eastern end of Bluestone Loop Road. Mr. Rasnick

explained to Mr. Green that the public hearing was scheduled for 7:40 p.m. at which time his comments would be heard.

Supervisor Wimmer then welcomed to the meeting Town of Cedar Bluff council members James Brown and Tonya Wicks. They were in attendance to hear Mayor Johnny Smith’s presentation on the potential boundary adjustments in the Baner Bottom area.

EMERGENCY SERVICES COMMITTEE

ABBS VALLEY FIRE – SURPLUS VEHICLE

Upon motion of Supervisor Wimmer, seconded by Supervisor Rasnick 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 declares surplus an old Sheriff’s vehicle, 2001 Ford Taurus, last VIN No. 3836 and hereby donates same to the Abbs Valley Fire Department to be used for fire department business purposes and responses to incidents.

**POCAHONTAS FIRE DEPARTMENT –
GRANT FOR EQUIPMENT**

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Capital Outlay Account No. 32010-8109 as local funding to assist with a grant to purchase equipment for the Pocahontas Fire Department, Pocahontas, Virginia. This action is contingent upon approval of same by the Tazewell County Emergency Services Committee. Once approved, the County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

APPOINTMENTS

Tazewell County Airport

Upon motion of Supervisor Rasnick, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof

and no one against the same, the Tazewell County Board of Supervisors hereby appoints Don Payne, 5260 Abbs Valley Road, Bluefield, Virginia 24605 as a member of the Tazewell County Airport Authority to fill the unexpired term of James Honaker who resigned. The term is effective immediately and expiring December 31, 2007.

Parks & Recreation Facilities Authority

One appointment to the Tazewell County Parks & Recreation Facilities Authority was deferred until such time as the County hires a Tourism Director.

Economic Development Commission

Upon motion of Supervisor Griffith, 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 reappoints the following individuals to serve as members of the Tazewell County Economic Development Commission, with a term commencing immediately and expiring September 30, 2010 (three year term):

- John Biggs, III 201 Tower Street, Tazewell, VA 242651
- Jim Boyd, Box 54, Richlands, Virginia 24651
- Walter Sowers, 615 Fairway, Bluefield, Virginia 24605
- Dickie Asbury, Box 512, Cedar Bluff, Virginia 24609

COUNTY ATTORNEY

REPORTS

ROUTE 696 –

BOKISH DEEDS OF BARGAIN AND SALE AND RELEASE

Upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a DEED OF BARGAIN AND SALE AND RELEASE by and between LEON BOKISH AND OLIVIA A. BOKISH, referred to as Grantors, and TAZEWELL COUNTY, VIRGINIA a body politic and incorporated, hereinafter referred to as the Grantee, whose address is 106 East Main Street, Tazewell, Virginia 24651 and that for and in consideration of the sum of Seventeen Thousand Dollars (\$17,000) and the benefits to accrue from the incorporation into the Virginia State Secondary Highway System of the subject property – and the GRANTORS, LEON

BOKISH AND OLIVIA A. BOKISH, do further release the GRANTEE, TAZEWELL COUNTY, VIRGINIA – from any and all claims for damages to remainder of their property, described in Deed Book 244 Page 005 and Deed Book 339 Page 017, resulting in any way from the construction and extension of Route 696 over and upon the Grantors' property.

A complete copy of the DEED OF BARGAIN AND SALE AND RELEASE as executed by all parties is on file in the office of the County Administrator, 106 East Main Street, Tazewell, Virginia 24651.

KERSEY ROAD –

The County Attorney, Eric Young, reported that County officials continue to negotiate on matters relating to the Kersey Road right of way concerns. The deeds should be ready for acceptance by the next regular board of supervisors meeting.

VFW Post No. 7136 –

The County Attorney, Eric Young, reported that the VFW Post No. 7136 meeting hall located in Tazewell is exempt from real property taxes but the apartment over the VFW Post is not. Supervisor Hymes received a letter from the VFW Post No. 7136, Post Quartermaster, Troy E. Ross, making such request. The person renting the apartment is making a donation instead of paying rent; however, the County Attorney said that the monthly donation is substantial enough to be considered rent and is a source of revenue. The County Attorney will continue to work with Mr. Ross with regard to this matter and report back to Supervisor Hymes accordingly.

ORPHAN ROADS – BITUMINOUS ASPHALT PAVING

BID AGREEMENT AWARDED TO HUNTER PAVING, INC.

Upon motion of Supervisor Griffith, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Anderson absent from the vote, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby awards a bid for BITUMINOUS ASPHALT to HUNTER PAVING, INC. PO Box 349, Pounding Mill, VA 24637, for paving and improvements to county roads and to perform said work strictly in accordance with the plans and any specifications therefore, and instructions to bidders and proposals therefore which were duly approved and adopted by the Tazewell County Board of

Supervisors for Tazewell County, Virginia at its meeting held on July 19, 2007 & September 4, 2007 respectively:

This bid award is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement of rules of any group, association, organization or corporation, BIDDER has not directly or indirectly induced or solicited or induced any person, firm or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other BIDDER or over OWNER. A certificate of LIABILITY INSURANCE IS, IN THE AMOUNT OF \$1,000,000.00 written in the name of HUNTER PAVING is on file as well as a copy of the CONTRACT(S) FOR COAL SEVERANCE ROAD IMPROVEMENTS 2007 - LOT 1, II, III, and LOT IV.

The add alternate price per tonnage will be negotiated with apparent low bidder, as approved by the County Engineer, Gary Earp and the County Attorney, Eric Young.

\$27,512.00 for:

Fincastle Farms	0.90	165 lbs/sy	390 tn
Bluebird Lane	0.04	165 lbs/sy	16 tn

\$25,544.00 for:

Grace Street	0.50	165 lbs/sy	218 tn
Estates Dr.	0.40	165lb/sy	194 tn

\$30,464.00 for:

Yards Road	0.31	165 lb/sy	135 tn
Repair Street	0.25	165 lb/sy	109 tn
Barbarsosa	0.09	165 lb/sy	35 tn
Game Bird	0.10	165 lb/sy	39 tn
Rd. W. of Parsons	0.02	165 lb/sy	10 tn
Jimmy Grouse St.	0.05	165 lb/sy	20 tn
Ball Street	0.08	165 lb/sy	31 tn
Barbour Street	0.10	165 lb/sy	39 tn
Radio Hill	0.15	165 lb/sy	58 tn

\$34,534.00 for:

Blackhorse Rd.	0.70	165 lb./sy	272 tn
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Valley Loop Rd. 0.65 165 lb/sy 285 tn

**PUBLIC HEARING –
ORDINANCE OF VACATION**

The Chairman, William B. Rasnick, called to order a public hearing entitled “AN ORDINANCE OF VACATION REGARDING THE CONSIDERATION OF CLOSING THE EASTERN INTERSECTION WITH ROUTE 460-WEST – BLUESTONE LOOP ROAD.” The Tazewell County Transportation Safety Commission has requested that the Board of Supervisors consider closing the eastern intersection of Route 460 West and Bluestone Loop Road, near the Town of Bluefield, Virginia 24605. Each adjacent property owners have been notified of the Board of Supervisors’ intent to abandon the Eastern Intersection of Route 460 West and Bluestone Loop Road.

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

Supervisor Dave Anderson, Eastern District Supervisor, reiterated that the purpose of the public hearing was to formally consider the Tazewell County Transportation Safety Commission’s request for the road to be closed. He said that the Board of Supervisors did not suggest the road closure.

The following people individuals spoke with regard to the subject public hearing:

- Charles Green, Jr. 454 Bluestone Loop Road, Bluefield, VA 24605 presented a petition to stop the closure of the east end of the Bluestone Loop Road. The petition contained 18 signatures opposing the closure. A copy of same is on file in the office of the County Administrator, Main Street, Tazewell, Virginia 24651.
- Written opposition – letters to Board of Supervisors:
 - Steve & Sylvia Mitchell, 475 Bluestone Loop Road, Bluefield, Virginia 24605 could not be present and provided a written letter to the Board of Supervisors stating their opposition to the road closure. The letter indicated that they have been residents of the Bluestone Loop Road for 15 years and personally maintain the portion of the road that is not

state maintained along with the help of Eddie Green another Bluestone Loop resident. The letter further states that they are unaware of any accidents that occurred at the east end of Bluestone Loop Road. They further said that there is no safe cross-over from 19/460 West to 19/460 East, indicating that Bailey Switch and everything in between are seriously inadequate.

- Thomas H. Summers 1261 Hamilton Terrace, Roanoke, Virginia 24014 -

By letter dated, August 23, 2007 Mr. Summers opposed the closure of the Bluestone Loop Road, Eastern Intersection with Route 460 West. Mr. Summers lives in Roanoke but owns property at 425 Bluestone Loop Road, Bluefield, Virginia 24605. The letter stated that the majority of people that

live on the Bluestone Loop Road travel in the direction of Bluefield rather than Tazewell. He said that the change would increase the gas consumption, which citizens do not need at this time.

He further requested copies of studies that have been done to come up with the conclusion that this is a dangerous intersection. He asks that the leaders of Tazewell County make decisions based on good sound data rather than someone’s observation or opinion. The letter requests that the Board of Supervisors DENY the request to close the Eastern District Intersection of Bluestone

Loop Road with Route 460 West based on insufficient data to justify the action requested.

- Citizen Comments:

Mr. B.C. Fuller, 709 Triangle Road, Bluefield, Virginia 24605

—

Mr. Fuller was present and opposed the road closure. He said that he has lived in the community since 1958 and traveled the road many times farming. He said that he was always told that the reason the road wasn’t completely state maintained was because a house was built on the right-of-way.

He said that he didn't quite understand the reason behind the proposal and voiced opposition to the closure.

Now, the Chairman called for further comments regarding the subject public hearing and now there being none he declared the public hearing closed. The Chairman called for a motion to consider the adoption of the ordinance as proposed. No action was taken on the proposed ordinance. The Chairman said that the Board should consider all legalities and other avenues with regard to this subject.

**RESOLUTION –
OPPOSING AEP'S PROPOSED INCREASE**

Upon motion of Supervisor Griffith, 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 takes affirmative action in a form of a resolution in opposition to AEP – Appalachian Power Company, VA SCC – proposed rate increases and that the resolution be forwarded to the State Corporation Commission.

HONEY ROCK ROAD -

Supervisor Wimmer thanked the County Attorney for his research on the Honey Rock Road right-of-way issues with regard to the possibility using inmates to cut brush etc. as well as performing various road work. It was reported that inmates have to be kept back 250 feet from residences.

**APPALACHIAN AGENCY FOR SENIOR CITIZENS –
FOUR COUNTY TRANSIT CONTRACT APPROVED**

Upon motion of Supervisor Griffith, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a CONTRACT by and between TAZEWELL COUNTY, a Political Subdivision of the Commonwealth of Virginia, and FOUR COUNTY TRANSIT – APPALACHIAN AGENCY FOR SENIOR CITIZENS, effective the 1st day of October 2007 and expiring September 30, 2008 - for the purposes of providing public transportation system services to the college students, elderly citizens, disabled

citizens and the general public of Tazewell County, Virginia. A copy of the CONTRACT in a form as hereby adopted is on file in the office of the County Administrator, Main Street, Tazewell, Virginia 24651.

**TIME WARNER CABLE – BUSINESS SERVICE FOR
TAZEWELL COUNTY LAW LIBRARY**

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes the County Attorney, Eric Young, to negotiate with Time Warner Cable “Business Class” – for a business service agreement by and between Time Warner Cable (Time Warner) and Tazewell County Law Library for the purposes of providing certain computer/cable services to the Law Library, 101 West Main Street, Tazewell, Virginia – 24651, at a cost not to exceed \$100.00 per month. The costs of same will be funded through the Law Library budget and will require no additional monies from County funds. Once the Service Agreement is negotiated as may be approved by the County Attorney, the Chairman of the Tazewell County Board of Supervisors is hereby authorized, empowered to execute the agreement in accordance with this action. A copy of same will be on file in the office of the County Administrator, Main Street, Tazewell, Virginia 24651.

**PUBLIC HEARING –
ORDINANCE OF ABANDONMENT –
AND SUBSEQUENT REMOVAL OF ROUTE 751 BRIDGE**

The Chairman called to order a public hearing entitled “ORDINANCE OF ABANDONMENT” – to hear concerns regarding the consideration of adopting an ordinance of abandonment and authorize the subsequent removal of Route 751 Bridge.” The public hearing was advertised in local newspapers as required by Virginia Code.

The Chairman then called for public comments from the floor regarding the subject public hearing:

The following individuals spoke with regard the subject public hearing:

- Jack Honaker – Cedar Bluff wanted to know what the County intended to do once the road was closed.
- Marty Halloway said that once the road was abandoned the right of way would revert to the original property owners.
- Supervisor Griffith said that Pat & Rocky Horton talked to him about closing the bridge. The Horton's run the Raven True Value Hardware Store/Raven Supermarket and own property near the RC Baldwin's Barber Shop. The Horton's said that the bridge has been part of their lives and it provides a way for people to walk to and from the post office without walking on the main highway. If the bridge is closed the people will have to walk on Route 67 on and the railroad track which is illegal. The Horton's requested that the bridge be kept open for pedestrians if closed to traffic.
- Frank Cantrell – recommended that the entire road be closed.
- Gertrude H. Brown, 209 Altizer St. Richlands, Virginia 24641 – by letter dated September 4, 2007, said that as a partner of Overbay & Brown, Inc. the entity that owns the Raven Post Office, said that she did not oppose the closing the bridge, per se, and instead requested that a barrier be placed on their side of the bridge structure that would exacerbate water drainage problems that exist on the side of the properties that border Route 751. The letter alleges that the ditch on the railroad side is not adequate to carry the flow when there is extensive water output. The excess water flows across the road to the ditch on the Brown's side of the road. This creates a problem for the postal delivery contractor and postal patrons who use the back entrance to the post office facility. Mrs. Brown requested that they meet with the appropriate people to work out a solution with regard to the drainage issues.

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

Then, upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present voting in favor thereof

and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise for a public hearing to consider the abandonment of Route 751 – Flea Mkt. Road.

The public hearing to consider the road closure will be held at the October 2, 2007 regular Board of Supervisors meeting.

COUNTY ADMINISTRATOR REPORTS

Roads Update:

Brush on right of ways – This matter was previously addressed requesting that VDOT utilize inmates to cut brush on VDOT right of ways, particularly in the Route 61/Gratton area.

RFP – Road Maintenance Agreement – The County has advertised for an Invitation to Bid for equipment together with operators, labor and supervision necessary to perform various projects throughout the County on an as needed basis. This will be performed jointly with the PSA with concentration on smaller projects throughout the County.

**FINANCIAL ADVISOR CONTRACT -
MORGAN KEEGAN & COMPANY, INC. FOR PROFESSIONAL
FINANCIAL ADVISORY SERVICES**

Upon motion of Supervisor Griffith, 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, subject to legal review, hereby approves an re-news an AGREEMENT BETWEEN TAZEWELL COUNTY, VIRGINIA AND MORGAN KEEGAN & COMPANY, INC. FOR PROFESSIONAL ADVISORY SERVICES. A copy of the executed agreement in a form as hereby approved will be on file in the County Administrator’s office, located on Main Street in Tazewell County, Virginia 24651.

**COMMUNITY DEVELOPMENT BLOCK GRANT –
FALLS MILLS WATER & SEWER –
CONTRACT NEGOTIATION DEADLINE, OCT. 10, 2007**

Upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby

authorizes, empowers and directs the execution by the County Administrator and or Chairman of the Board of Supervisors of any and all documents relating to the Community Development Block Grant (CDBG \$375,000.00 funding) No. 07-22/ Falls Mills II Water & Sewer Project. The DHCD will be releasing a contract for these funds in the coming weeks and all documents in relation to same must be submitted to DHCD no later than September 28, 2007. The contract negotiation deadline is October 10, 2007. The Board of Supervisors hereby further authorizes, empowers and directs the County Administrator to take any and all action as may be necessary and appropriate with regard to this action.

**PUBLIC HEARING –
TIME WARNER CABLE**

The Chairman of the Board of Supervisors called to order a public hearing that had been duly advertised accordingly to law entitled “AN ORDINANCE OF DURATION AND ACCEPTANCE OF FRANCHISE AGREEMENT WITH TIME WARNER CABLE NY, LLC.” The term of the Franchise if adopted, shall be for a term of ten (10) years, commencing on August 1, 2007 and ending August 1, 2017, unless the Franchise is renewed or is lawfully terminated in accordance with the terms of this Franchise Agreement and the Cable Act.

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

- Ernest Edgell – 817 Terry Drive, Richlands, Virginia 24641 complained about channels 2 & 7 being continuously off-air. He requested that Time Warner Cable make a refund to customers accordingly. He also complained about the Spanish channel and questioned if there was any one in the audience who spoke Spanish.
- C.K. Allen, General Manager, Time Warner Cable, Richlands office, said Time Warner was experiencing technical difficulties with channels 2 & 7 but the problem exists with the local station satellites; however, the equipment is being worked on. With regard to Mr. Edgell’s comments regarding the Spanish channel, Mr. Allen said that there are people who speak Spanish in the area and Time Warner tries to be diverse and provide service to everyone.

- Supervisor Hymes questioned if the Franchise Agreement gave Time Warner Cable the ability to change program packages.
- The County Attorney, Eric Young said that Time Warner can change program packages at their discretion. He further explained the setback the County experienced with Adelphia Cable’s bankruptcy and with regard to Tazewell County’s non-collection of franchise fees from the State.
- Supervisor Anderson said that he would urge VACo to support legislation whereby the localities would be permitted to independently establish franchise fee rates in their respective jurisdictions.

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

Then upon a roll call vote, motion by Supervisor Wimmer, seconded by Supervisor Rasnick and adopted by a vote of to 3 to 2, with Supervisors Hymes and Griffith voting nay, the Tazewell County Board of Supervisors hereby adopts “AN ORDINANCE ESTABLISHING A CABLE TELEVISION FRANCHISE AGREEMENT WITH TIME WARNER CABLE NY CABLE, LLD, d/b/a TIME WARNER CABLE”. A copy of the FRANCHISE AGREEMENT in a form as hereby adopted is on file in the office of the County Administrator, Tazewell, Virginia 24651 and on file in the General Manager, Time Warner Cable, 1430 2nd Street, Richlands, Virginia 24273.

**SOUTHWEST VIRGINIA COMMUNITY COLLEGE –
PRESIDENT INTRODUCED**

Dr. Mark Estep, President of Southwest Virginia Community College was present and introduced himself and his wife Trish to those present. He said that he and his wife were very happy to be in Tazewell County. Dr. Estep previously served as President of Appalachian State University. The Board welcomed Dr. Estep and his wife to the area.

CEDAR BLUFF – BOUNDARY ADJUSTMENT PROPOSAL

BANES BOTTOM AREA

Johnny Smith, Mayor of Cedar Bluff, Virginia was present and requested that the Board of Supervisors consider a boundary adjustment that would bring the Baner Bottom section of Tazewell County into the Cedar Bluff Town limits. He said that the adjustment would include 100 houses. Mr. Smith said that the Baner Bottom residents would pay less for water, have police protection, trash pick-up and their property values would be enhanced by being included in town limits. He further said that the town of Cedar Bluff was in better shape financially than any other two towns combined in Tazewell County. Mr. Smith also said that Cedar Bluff was one of the most beautiful municipalities in the County.

Supervisor Anderson said that he respected Mr. Smith for his passion for Cedar Bluff but he had to stand up for the other towns in the County expressing the other towns beauty and financial stability and stood in defense of the Town of Bluefield's cleanliness.

The County Administrator, Jim Spencer, questioned Mr. Smith on how Cedar Bluff was planning to handle the PSA sewer lines in the Baner Bottom area. Jim McGlothlin, Cedar Bluff Town Manager said that the lines could remain as part of the County's PSA system. The County Administrator expressed concerns with regard to fire flow pressure as well. Supervisor Wimmer said that town officials would need to work with the County Attorney with regard to fire & rescue decisions. The County Attorney, Eric Young will meet with Attorney Jim Carmody with regard to the proposed boundary adjustment concerns.

Now, upon motion of Supervisor Wimmer, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that a public hearing be advertised on the subject of a Potential Boundary Adjustments in the Baner Bottom area. The public hearing will be held at the next available meeting of the Board of Supervisors, to wit: October or November, 2007. There are special advertising requirements including the advertisement of boundary adjustment maps, metes and bounds, etc.

SARAH FULLER -

EXTREME HEAT IN SCHOOLS

Mrs. Sarah Fuller, a resident of the Richlands area and the mother of three sons, reported that temperatures in the classrooms at Richlands Elementary School reached to 100 plus degrees since the beginning of the school year. She said that she was a nurse and that she knows that this type of heat exposure makes learning difficult and endangers the health of students and teachers. Mrs. Fuller said that if she left her child in a vehicle with temperatures as high as classroom temperatures she would be arrested. She also voiced dismay with regard to air conditioning for prisoners. She said that she thought it was a shame for prisoners to have air conditioning when students have to suffer. Mrs. Fuller expressed disappointment and said no one wanted to take responsibility.

Chairman Rasnick said that every school in the County was in the same situation. He told Mrs. Fuller that the School Board has had two major studies preformed on school needs with none of the plans presented to the Board of Supervisors for approval. He further said that the School System receives every dime of real estate taxes plus some and also said that School officials decide when school starts and they could choose to start school after Labor Day.

The Chairman thanked Mrs. Fuller for her comments and was sympathetic with regard to the extreme heat situation but reiterated that the Board of Supervisors could not do anything about the heat situation in the schools.

RECESS

The Chairman called for a recess of ten (10) minutes after which the meeting was duly reconvened.

**COUNTY ATTORNEY REPORTS –
 FOUR SEASONS WELLNESS CENTER –
 BUILDING PERMIT FEES**

Upon motion of Supervisor Hymes seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that the payment of the Tazewell County Building fees for the Four Seasons Wellness Center in the amount of \$15,352.00 be returned to the Tazewell Community Hospital Foundation, Tazewell, Virginia. Swope Construction applied

for the building permit on July 26, 2007 and paid the building permit fees to Tazewell County. The County Administrator is hereby authorized and directed to issue said warrant in the amount of \$15,352.00 accordance with this action, and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

COUNTY ADMINISTRATOR REPORTS

OFFICE SPACE NEEDS –

WILEY & WILSON

Upon motion of Supervisor Griffith, 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, and contingent upon approval of same by the County Attorney, the Tazewell County Board of Supervisors hereby authorizes and directs that an Office Space Needs Assessment be incorporated into the Wiley & Wilson – HVAC study at a total price for the HVAC study and Office Space Needs Assessment Study not to exceed the amount of \$42,000.00. The Board of Supervisors, at their August 7, 2007 meeting authorized the County Administrator and county staff as designated by the County Administrator to perform a needs assessment space study in the courthouse and adjacent properties. Mr. Spencer said that Wiley & Wilson have architects that know the requirements and have performed similar studies for other areas. A copy of an agreement in accordance with this action will be executed and filed in the office of the County Administrator, Main Street, Tazewell, Virginia 24651.

COMPREHENSIVE PLAN UPDATE

The County Administrator reported that Gary Earp, County Engineer, is taking the lead on the Comprehensive Plan and continues to work with Anderson and Associates. The plan should be ready for presentation after the first of the year.

BLUESTONE – ONE STOP CENTER

The County Administrator, Jim Spencer, said that the Bluestone Workforce Training Center is operational. Sam Wolford is temporarily running the Center. A meeting was held recently with other 50 people with 16 different agencies represented that provide training. Mr. Spencer also reported that he recently had a very productive meeting with Pyott Boone. The meeting focused on how the

Workforce Training Center can provide training and other services to Pyott Boone. An operational plan is being worked on for the center utilizing the Department of Housing and Community Development grant funds.

LANDFILL PHASE 4A DEVELOPMENT

The Board of Supervisors plan to enter into another executive/closed meeting to address Landfill Phase 4A Development issues. Rick Chitwood T & L gave a brief update with regard to the progress of same.

BURKES GARDEN CHIMNEY

Mr. Spencer said that the County finally received an estimate for the removal of the old chimney at the Burkes Garden School. The cost to tear down will be \$2000 with an additional \$500 for the removal of debris from the site. The consensus of the Board was to allow the County Administrator to proceed with the low bidder in order to remove the old chimney without disturbing the integrity of the old school building.

CLEAR-FORK COMMUNITY MEETING

Supervisor Hymes reported that a very positive meeting was recently held in the Clearfork Community. Cove Creek expansion and development was addressed as well as road concerns for emergency vehicles as well as other community concerns such as water & sewer, the need for a garbage/transfer convenience box and other needs. Mr. Hymes said that he and the County Administrator plan to visit other communities and hold similar meetings. They plan to go to Burkes Garden in the near future.

SURPLUS AUCTION

The County Administrator said that the County plans to begin making a list of items to be sold in a county surplus auction. An advertisement for a public auctioneer will be placed in the newspaper. There are many old vehicles that need to be sold as well as old county surplus equipment and other items.

COMMUNITY FACILITIES BUILDING

Rick Chitwood, Thompson & Litton (T+L) updated the Board on the status of the construction of the new Community Facilities Building. The site has been rough graded and the contractor has installed the majority of the exterior/perimeter

foundation footing. Mr. Chitwood presented photographs that showed that construction is underway.

BOARD CONCERNS

TAZEWELL HIGH SCHOOL FOOTBALL BOOSTERS

EQUIPMENT

Upon motion of Supervisor Hymes, seconded by Supervisor Rasnick and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following monies from the Northern & Southern Recreation Funds respectively, payable as follows and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia:

- Southern Acct. 72010-5607 \$ 2,000.00 to Tazewell High School Football Boosters, Tazewell, Virginia 24651 – equipment needs
- Northern Acct. 72010-5606 \$2,000.00 to Tazewell High School Football Boosters, Tazewell, Virginia 24651 – equipment needs

CLINCH VALLEY COMMUNITY ACTION

\$2,500.00 – REFRIGERATION NEEDS

Upon motion of Supervisor Hymes, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby rescinds the January 9, 2007 action of the Board of Supervisors authorizing the amount of \$2,500.00 from the Southern District Funds, payable to Central Light Outreach Ministries (LTO). All those voting in favor of the original motion voted to rescind. And, now, the Board of Supervisors hereby further authorizes and approves that the amount of \$2,500.00 from Southern District Funds as originally approved be reassigned to the Clinch Valley Community Action, a 501 © 3 organization, PO Box 188, North Tazewell, Virginia 24651, to assist with a refrigeration unit at CVCA, Inc, subject to legal review. The Board of Supervisors at their May 1, 2007 meeting (Consent Calendar action) authorized that the LTO funding be issued to the CVCA, Inc. PO Box 188, North Tazewell, Virginia 24630.

BURKES GARDEN COMMUNITY ASSOCIATION
SOUTHERN DISTRICT FUNDS \$1,000.00

Upon motion of Supervisor Hymes, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Southern District Funds, Acct. No. 91400-5670 payable to the Burkes Garden Community Association, Burkes Garden, Virginia to assist with festival activities and building needs. 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.

CLEARFORK FIRE TRUCK 1968

Supervisor Hymes requested that the Emergency Services Committee consider a request from the Clearfork Fire Department that they be allowed to put up for sale an old 1968 Fire Truck and that the proceeds be used towards the purchase of another vehicle.

RICHLANDS MIDGET LEAGUE FOOTBALL
\$1,000 – WESTERN YOUTH FUNDS
\$1,000 – NORTHWESTERN YOUTH FUNDS

Upon motion of Supervisor Wimmer, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from the Western District Youth Funds, Acct. No. 72010-5608 and Northwestern District Youth Funds, Acct. No. 72010-5609 payable to the Richlands Midget League Football, Richlands, Virginia 24641. 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:

- \$1,000.00 Western District Youth Funds to Richlands Midget League Football
- \$1,000.00 Northwestern District Youth Funds to Richlands Midget League Football

RICHLANDS FIELD HOUSE CAMPAIGN --

WESTERN DISTRICT FUND \$5,000.00

NORTHWESTERN DISTRICT FUND \$5,000.00

Upon motion of Supervisor Wimmer, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of the following monies from the Western District Funds & Northwestern District Funds, payable to the Richlands High School Athletic Department - Field House Campaign Project, Richlands, Virginia 24641, contingent upon legal review and approval. Once approved by the County Attorney, 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:

- \$5,000.00 Western District Funds, Acct. No. 91400-5680
- \$5,000.00 Northwestern District Funds, Acct. No. 91400-5660

RUSSELL COUNTY – DEPT. OF CORRECTIONS

Supervisor Wimmer requested that the County Administrator contact the Department of Corrections in Russell County, Mr. Burke Artrip to see if an agreement can be reached with Russell County similar to the Camp 31 agreement regarding the utilization of inmates for brush cutting and other maintenance tasks.

ESTATES DRIVE – WESTERN DISTRICT ROAD FUND

SHORTS MOUNTAIN ROAD – WESTERN DISTRICT ROAD FUND

Upon motion of Supervisor Wimmer, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from the Western District Road Fund, Account no. 41010-3310-4 for two road projects, contingent upon legal review and approval. Once approved by legal counsel, 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:

- \$2,200.00 Western District Road Acct. 3310-4 for Estates Drive – drainage issue
- \$6,141.00 Western District Road Acct. 3310-4 for paving Short Mt. Road

SLOPE ROAD PAVING – \$8,945.00

SOUTHERN DISTRICT ROAD FUND

Upon motion of Supervisor Hymes, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$8,945.00 from the Southern District Road Fund, Acct. No. 3310-3, for the Slope Street paving project. This transaction is contingent upon legal review & approval. Once approved by legal counsel, the County Administrator is hereby authorized and directed to issue said warrant at such time as deemed necessary and appropriate by him. Said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

RESOLUTION – COMMEMORATING

MR. A.W. “JUNE” HORTON, JR.

Upon motion of Supervisor Griffith, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members preset and voting in favor thereof and no one against the same the Tazewell County Board of Supervisors hereby authorize and direct that a resolution be drafted and presented to the family of the late A.W. June Horton, Jr. Mr. Horton was one of the first board members of the Tazewell County Public Service Authority.

CABLE FRANCHISE – RESOLUTION

VACo REQUESTED TO SUPPORT

Upon motion of Supervisor Anderson, seconded by Supervisor Griffith and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that a resolution be drafted and presented to the Virginia Association of

Counties (VACo) requesting that VACo support counties/jurisdictions independent collections of cable franchise fees or that each localities proportionate share be based on sums legally due them in 2006 rather than sums actually collected in 2006.

TRANE MOTION – G.H.S

Supervisor Anderson requested that the School Board clarify their recent motion regarding the school board’s authorization for funding with regard to TRANE performing HVAC services at Graham High School.

PARKS AND RECREATION FACILITY AUTHORITY TO MEET

Supervisor Anderson requested that the County’s Park & Recreation Facility Authority meet as soon as possible to address A.T.V’s/economic development and tourism concerns.

ANIMAL SHELTER FACILITY

Supervisor Anderson questioned the status of discussions regarding the construction of a new animal shelter facility with regard to its proposed location, etc.

SCHOOL BOARD MEETINGS, ETC.

Supervisor Wimmer said that he recently met with Steve Davis, School Board Member, and wanted to know if the Board of Supervisors would support him meeting with Mr. Davis on a regular basis with regard to school concerns and make a report to the Board of Supervisors accordingly. Chairman Rasnick felt that this would not be a productive method of resolving the many on-going school board concerns.

FINANCIAL ADVICE REQUESTED

The County Administrator, Jim Spencer, said that he would write and forward a letter to Ron Tillet and seek financial advice with regard to the June 4, 2007 School Facilities Plan. Mr. Spencer said that Mr. Tillet should be able to tell the Board of Supervisors whether the June 4, 2007 Plan is in the best interest of Tazewell County.

**COVE ELEMENTARY SCHOOL-
LETTER FROM BOB BROWN**

Chairman Rasnick requested that a copy of a letter from Mr. Bob Brown concerning a recent letter in the Free Press written by Samuel Lester be disseminated to the Board of Supervisors.

EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enter into an executive/closed session, pursuant to Virginia Code Section 2.2-3711 A-6 involving Landfill Expansion Phase IV.

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Hymes, seconded by Supervisor Griffith and adopted by a vote of 4 to 0, with Supervisor Anderson absent from the executive/closed meeting and with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed meeting and hereby **CERTIFIES** that the Tazewell County Board of Supervisors in the closed meeting just concluded, that nothing was discussed except 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 there were cited in the motion to enter into the executive/closed meeting:

Roll Call Vote:

Supervisor Hymes - Aye

Supervisor Wimmer - Aye

Supervisor Rasnick - Aye

Supervisor Griffith - Aye

Supervisor Anderson – Absent from the executive/closed meeting

**ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING
LANDFILL – PHASE 4A DEVELOPMENT****WORK ORDERS**

Upon motion of Supervisor Griffith, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor Anderson absent from the meeting and with all members present voting in favor thereof and no one against the same, the

Tazewell County Board of Supervisors hereby approves Work Order No. 1 & 2 with regard to the Landfill Phase 4A Development Project – Contractor A & A Energy, Inc. – Engineer, Thompson & Litton with regard to completing the necessary additional depth excavation for the relocation of the existing leachate line in an estimated increase in Contract Price of \$3,500.00 – (add 1 day to contract) and further hereby approves the removal of existing garbage from an apparent slide area or slope failure completed on previous Phases I & II at an estimated increase in Contract Price –equipment and labor not-to-exceed a fee of \$9,000.00 –(add 2 days to contract) and that Thompson & Litton (T+L) is hereby requested to meet with contractor for the purposes of the non construction of second test pad and to further move to the Bluestone site for the necessary clay, not to exceed the contract price. Copies of the Work-Orders in accordance with this action are on file in the office of the County Administrator on Main Street in Tazewell, Virginia 24651.

NOVEMBER REGULAR MEETING DATE CHANGED

Upon motion of Supervisor Wimmer seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Anderson absent from the meeting and with all members present voting in favor thereof and none against the same, Tazewell County Board of Supervisors hereby change the November 6, 2007 regular meeting date to November 8, 2007 (Thursday) at 6:00 p.m. due to November 6 being Election Day.

ADJOURN

Now, there being no further business to come before the Board of Supervisors and upon motion of Supervisor Hymes, seconded by Supervisor Griffith and adopted this meeting is hereby adjourned.

The next meeting is scheduled for October 2, 2007 at 6:00 p.m.

William B. “Bill” Rasnick, Chairman

By:rg

Recess – 11:25 p.m.