

VIRGINIA: At a regular meeting of the Tazewell County Board of Supervisors held September 8, 2008 at 6:00 p.m. in the Tazewell County Administration Building, Tazewell, Virginia 24651.

PRESENT: William B. Rasnick, Chairman
Bill Wimmer, Vice-Chairman
Dave R. Anderson, Member (left the meeting following the last Executive/Closed Session - job related matter)
Seth R. White, Member
D. Michael Hymes, Member
James H. Spencer, III - County Administrator
Eric Young, County Attorney
Patricia Green, Assistant County Administrator
Ruth Groseclose, Administrative Assistant
Members of the Press: Jim Talbert, Clinch Valley News/Richlands News Press; Daniel Bostic, TheVoice

ABSENT: None

The Chairman, William B. Rasnick, called the regular meeting to order and presided with all members of the Board of Supervisors in attendance and welcomed those present.

Supervisor Wimmer gave the invocation with Supervisor Hymes leading those present in the pledge of allegiance to the United States Flag.

AGENDA APPROVED AS AMENDED

Upon motion of Supervisor Anderson, 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 8, 2008 agenda format as amended.

MINUTES APPROVED

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the August 5, 2008 minutes as written.

EXECUTIVE/CLOSED SESSION

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

- Three (3) 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 Tazewell County Landfill, the Tazewell County Community Services Facility and the Bluestone Regional Business and Technology Center.
- One (1) A - 5 Prospective Business - Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made.
- One (1) A- 1 Personnel Discussion regarding a personnel matter involving performance - County Administrator's office

- One (1) A-3 Property Disposition involving a County building

RETURN, CERTIFICATION, REPORT OF ACTION

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Session and hereby certifies that the Tazewell County Board of Supervisors, in the closed meeting just concluded, that nothing was discussed except that the matter specifically identified in the motion to convene in an executive/closed meeting and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act that were cited in the motion to enter into the Executive/Closed meeting:

Roll Call Vote:

Supervisor White - Aye

Supervisor Hymes - Aye

Supervisor Wimmer - Aye

Supervisor Rasnick - Aye

Supervisor Anderson - Aye

There was no action to report as a result of the Executive/Closed Session. The Board of Supervisors will need to reconvene the Executive/Closed Session before the close of this meeting.

PUBLIC HEARING

\$8,700,000.00 LOAN-

VIRGINIA PUBLIC SCHOOL AUTHORITY

TO FINANCE CAPITAL PROJECTS

FOR PUBLIC SCHOOLS

The Chairman, William B. Rasnick, called to order a public hearing that was duly advertised according to law entitled, "A public hearing on the proposed issuance by the County of general obligation school bonds in the

estimated maximum principal amount of \$8,700,000.00.” The purpose of the proposed bonds is to finance capital projects for public schools. The resolution ratifying the filing of an application with the Virginia Public School Authority for the loan and consenting to the issuance of the school bonds was deferred to the October regular meeting of the Board of Supervisors.

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

Ms. Sherri Keller, a resident of Abbs Valley, Route 1, Bluefield, Virginia 24605, spoke and handed out information to the Board acquired from the Internet pertaining to specifications of new buildings and those undergoing remodeling. Ms. Keller alleged that the School Board did not follow proper procedures with regard to the projects to be undertaken.

The Chairman then called for further comments from the floor three (3) times and there being none, he declared the public hearing closed and said that the Board of Supervisors would consider the adoption of the resolution at their October regular meeting ratifying the filing of an application with the Virginia Public School Authority for a loan in a principal amount not to exceed \$8,700,000 and requesting and consenting to the issuance of school bonds.

PUBLIC HEARING

JOINT HEARING WITH THE TAZEWELL COUNTY PLANNING COMMISSION - PROPOSED AMENDMENTS TO THE TAZEWELL COUNTY SUBDIVISION ORDINANCE

The Chairman of the Tazewell County Board of Supervisors called to order a JOINT public hearing with the Tazewell County Planning Commission and called for public comments from the floor regarding “AN ORDINANCE TO AMEND THE DEFINITION OF SUBDIVIDE IN THE COUNTY’S SUBDIVISION ORDINANCE”. Planning Commission member Bill Gillespie spoke to the Board of Supervisors, on behalf of the Tazewell County Planning Commission, and recommended that the Board of Supervisors approve the ordinance as proposed

with regard to amending the definition of “subdivide” as set forth in Section 1-3-36 of the County’s Subdivision Ordinance.

Now, there being no further comments from the floor, the joint public hearing was declared closed. Then, upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts and amends the Tazewell County Subdivision Ordinance, and which said ordinance as hereby amended reads as follows:

“1-3-36 Subdivide: (1) the division of land into three or more lots; or (2) the division of land such that any resulting lot contains less than five acres; or (3) further division of any lot within an existing subdivision such that any resulting lot contains less than five acres. Be it further ordained that Section 1-3-36 stating certain exclusions from the ordinance shall remain in full force and effect and shall not be changed by this ordinance.”

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

SPECIAL RECOGNITION

RICHLANDS LADY STORM SOFTBALL TEAM

Supervisor Seth White welcomed team members, manager and coaches of the Richlands Lady Storm Softball Team and honored them with the following resolution:

#21 Candace Castle, St. Paul

5 Holly Bandy, Richlands

#10 Brittany Russell, St. Paul

24 Micka Brady, Richlands

#12 Katie Lindsey, Richlands

#33 Morgan Trent, Castlewood

#15 Evan Ferrell, Richlands

9 Emily Mohon, Richlands

2 Cassie Ringstaff, Richlands

#14 Megan Robinson, Richlands

23 Lindsey Dickenson, St. Paul

Terry Ringstaff, Manager, Richlands

Shane Wicks, Coach, Richlands

Lesa Mohon, Coach, Richlands

RESOLUTION**HONORING****RICHLANDS LADY STORM
SOFTBALL TEAM**

WHEREAS, the Richlands District 11 Big League Softball – Lady Storm, played in the Virginia State Big League Softball Tournament on July 18 through July 20, 2008 in Bristol, Virginia; and

WHEREAS, the Lady Storm went undefeated to claim the Big League Virginia State Softball Championship; and

WHEREAS, the team did not stop there! The team’s strength and determination carried them to a well-earned journey to Clearwater, Florida representing the State of Virginia in the Southern Region Big League Softball Tournament held on August 1 through August 3, 2008; and

WHEREAS, during the Southern Region Tournament, team members Lindsey Dickenson, # 23, St. Paul and Megan Robinson # 14, Richlands had two homeruns each, and closed the season defeating WV, Upper Kanawha Valley – Fayette County by a score of 11 to 1; and

WHEREAS, the Tazewell County Board of Supervisors hereby congratulates all the players, managers and coaches for bringing honor and recognition to Tazewell County, Virginia and to the Richlands Lady Storm Softball Team and do hereby further salute the team on their outstanding season and for their State Championship accomplishment; and

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby presents this resolution to the Richlands Lady Storm Softball Team in honor of their exceptional performance. Well done!

PRESENTED AND ADOPTED THIS THE 8TH DAY OF SEPTEMBER 2008.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and on one against the same, the Tazewell County Board of Supervisors hereby approves the following items as "Consent Calendar", as set forth below. Be it further approved that the County Administrator is hereby authorized and directed to issue said warrants in accordance with the following Consent Calendar items and which will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia 24651:

WARRANTS APPROVED AS PAID

July/August 2008

Ordered that Warrant Nos. 128007 through 128102, and direct deposits totaling \$199,970.95 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 31, 2008, be approved.

Ordered that Warrant Nos. 128104 through 128197, and direct deposits totaling \$207,289.61 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 15, 2008, be approved.

Ordered that Warrant Nos. 440202 through 440353, for \$1,183,930.18 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 2008, be approved.

Ordered that Warrant Nos. 440355 through 440374, for \$140,174.97 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 31, 2008, be approved

Ordered that Warrant Nos. 440376 through 440530, for \$478,780.76 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of August 2008, be approved.

Ordered that Warrant Nos. 440532 through 440551, for \$139,200.85 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 15, 2008, be approved.

Ordered that Warrant Nos. 801264 through 801274 for \$100,683.40 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of July 2008, be approved.

Coyote/Damage Claims Approved

- ◆ Approved \$100.00 to Jack Harman, 6440 Sinking Water Road, Bandy, Virginia 24602 for 2 coyotes killed on July 30, 2008 with snare.
- ◆ Approved \$50.00 to Eddie Bowman, 3071 Mudfork Road, North Tazewell, Virginia 24630 for 1 coyote killed on August 8, 2008 with a rifle.
- ◆ Approved \$465.00 to Betty Horn, PO Box 411, Pounding Mill, Virginia 24637 for 1 adult sheep and 5 lambs killed by stray dogs.
- ◆ Ratified \$10,000.00 (\$5,000.00 Western & \$5,000.00 Northwestern) to Richlands High School – for Field house project.
- ◆ Ratified \$350,000 Criminal Justice Grant for the Town of Richlands and further ratified Tazewell County as fiscal agent for the project.

- ◆ Ratified the East River Rescue Radio allocation in the amount of \$8,604.66 from the 911 Repair & Maintenance Account (25-35600-3310) approved on August 18, 2008
- ◆ Approved the FY2009 Performance Contract for Cumberland Mt. Community Services
- ◆ Approved the revised Revenue Sharing FY09 resolution in the amount of \$400,000.00.
- ◆ Approved the Appalachian Agency for Senior Citizens – College & Public Transportation Contract for Oct. 2008-Sept. 2009.

CITIZEN COMMENTS

Joe Robinson, Pleasant Valley Estates, appeared before Board and thanked the County Administrator, Jim Spencer, County Engineer, Gary Earp as well as Supervisor Wimmer for the County's cooperation with regard to the recent meetings County representatives held with residents of Pleasant Valley Estates pertaining to the road situation. He requested a status as a result of the recent meetings and questioned whether the County found a solution to the road problem. Supervisor Wimmer and Gary Earp, County Engineer, presented a brief summary of the estimated expenses involved to help with the road circumstances. A total of \$135,217.76 was given. On the low end, the County Engineer gave an estimate of \$93,097.76 for drainage pipe and materials as well completing a small portion of paving. Drainage easements will be given to the County by property owners.

It was agreed by parties present that the drainage problem was the most important issue right now. Mr. Robinson said that he and the residents of Pleasant Valley Estates would cooperate with the County with regard to resolving the drainage issues. He said if the drainage situation is resolved prior to paving; the paving will not be washed away with the first rain. The need for pavement near the area of the old barn was mentioned as urgent.

Chairman Rasnick thanked everyone for their cooperation with regard to reaching a compromise in order to resolve the Pleasant Valley Estates Road situation.

**GREG ESTOLL - VIRGINIA DEPARTMENT OF FORESTRY
LAND CONSERVATION UPDATE**

Greg Estoll, Virginia Department of Forestry, gave a brief update on land conservation. He said that Governor Kaine announced the distribution of approximately \$4,250,000.00 to fourteen Virginia localities to preserve farmland within their boundaries through local Purchase of Development (PDR) Programs. The program is a voluntary program run by a locality that compensates owners of agricultural property for accepting a permanent deed restriction on their land that will limit future development of non-agricultural purposes. He said that the goal is to create blocks of protected farmland and forestland, and help to create a long-term business environment for agriculture as well as help to provide clean water, air, wildlife habitat and green space for all county residents and visitors. He said that rural land that usually cost the County less to service, i.e. \$.34 per acre.

Mr. Estoll provided the County with information regarding the program and suggested that the County review the information and at some point consider placing the project in the County's budget for future implementation.

The County Administrator suggested that Mr. Estoll provide the County Engineer a copy of the PDR programs material for possible inclusion in the County's Comprehensive Plan.

**BACK PACK PROGRAM -
HARRY NOLLEY**

Harry Nolley, Route 1, Bluefield, Virginia (Abbs Valley) appeared before the Board of Supervisors and stated that the Labor of Love - Back Pack program at the Abbs Valley School was going through a difficult time and requested that

the Northern District Board of Supervisor member donate at least one-half of what the other four (4) board of supervisor members gave to the program during their August 5, 2008 meeting.

Supervisor Rasnick said that he would not allocate monies to the Back-pack program because he would be giving money to the Abbs Valley Little League Program.

Mr. Nolley questioned why Supervisor Rasnick was against the children of Abbs Valley Elementary. Supervisor Rasnick said that he was not against the children, and reiterated that he would be helping the little league program. Mr. Nolley wanted to know why he couldn't support the program. Supervisor Rasnick then handed out a previous alleged political flyer sent home with the back-packs with children in the Abbs Valley area several years ago and said that the flyer was the reason he could not support the Labor of Love - Back Pack Program.

RIDGE LINE PROTECTION ORDINANCE

The County Attorney, Eric Young, reported that the Tazewell County Planning Commission, at their August 7, 2008 meeting, recommended that the Board of Supervisors consider holding a public hearing to consider the adoption of **"AN ORDINANCE TO REGULATE CONSTRUCTION OF TALL STRUCTURES ON CERTAIN RIDGELINES IN TAZEVELL COUNTY, VIRGINIA"**. Should the ordinance be adopted, no tall structure, shall be constructed on any ridge in the County where such ridgeline is more than 2000 feet above sea level and five hundred feet above the valley floor, unless the construction is first approved by the Tazewell County Planning Commission.

Supervisor Anderson, BOS representative of the Tazewell County Planning Commission updated Supervisor Mike Hymes, with regard to the status of the proposed mine/quarry (Dolomite) site in Tannersville. He said that there are issues with the mine/quarry. There is an old single-lane bridge on Route 91 with a maximum 12 & 22 ton weight limit as well as the narrow road

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with the possibility of motorists having to pass 18 wheelers. The large trucks would have to cross the narrow bridge and would exceed the bridge weigh limit. Supervisor Anderson said that a letter has been sent to VDOT concerning the weight limits, etc. Supervisor Hymes thanked Mr. Anderson for the update and stated that the majority of residents from the Tannersville community are opposed to the project.

Supervisor Anderson also mentioned the need for Supervisor Rasnick and Supervisor Wimmer to meet with Gary Earp, County Engineer and provide input to Mr. Earp with regard to the Comprehensive Plan. Mr. Earp was present and stated that both members have already spoken to him regarding this subject.

Supervisor Anderson then pointed out the need for VDOT to review the proposed Comprehensive Plan as a requirement in order to finalize the Plan.

Now, the following matters with regard to the Comprehensive Plan are hereby approved:

**COMPREHENSIVE PLAN - CONSULTANT
ADDITIONAL MONIES APPROVED**

Upon motion of Supervisor Anderson, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present voting and favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves further monies up to an amount of \$4,000.00 as additional costs to Anderson & Associates, Inc. for completion of the Tazewell County Comprehensive Plan. The cost of the plan now totals \$30,925.90. This approval is contingent upon Anderson & Associates meeting the deadline to complete a final polished draft of the plan for presentation of same to the Board of Supervisors at their October 2008 regular meeting. The County is further hereby directed to forward a letter to VDOT seeking their immediate attention for input and review of the Comprehensive Plan. Once accepted by all parties, the County Administrator is hereby authorized and directed to pay the additional costs to Anderson & Associates, Blacksburg, VA, and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Planning Commission members, Tom Childress, Thomson Neal and Bill Gillespie were in attendance and showed their support of the Tall Structure Ordinance on certain ridge-lines, and encouraged the Board of Supervisors support of a ridgeline ordinance before the Wind to Energy Company's start building windmills in Tazewell County.

Mr. Childress also announced an upcoming meeting at SVCC concerning wind to energy and encouraged attendance from County representatives. The meeting will be held on October 22.

The County Administrator stated that he previously attended a wind to energy seminar in Harrisonburg, VA.

Supervisor White said that the County needed to cover all bases with regard to wind to energy proposals in Tazewell County. He said that all industries/etc. needed to be informed of the proposed tall structure ordinance, as well as cell-tower companies.

Supervisor Hymes stated that the ARC is providing blueprints for this region and include wind-energy as a renewable resource, which means more than likely, grants and tax incentives would be available. He said that the County better be prepared to meet the wind-energy challenges.

Now, with these thoughts in mind, and upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise for a public hearing to hear concerns regarding **"AN ORDINANCE TO REGULATE CONSTRUCTION OF TALL STRUCTURES ON CERTAIN RIDGELINES IN TAZEVELL COUNTY, VIRGINIA."** A copy of the ordinance the form as hereby proposed is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

TOWN OF RICHLANDS - BOUNDARY ADJUSTMENT

Tim Taylor, Richlands Town Manager was present and requested that the Board of Supervisors review the boundary adjustment project as proposed by the Town of Richlands for the Gateway Shopping Center Complex and the Richlands School Complex. He said the proposal would have a positive impact for the Town and County and requested that the Board of Supervisors entertain a joint meeting with the Town of Richlands to address the Boundary Adjustment proposal and to consider setting a date to hold such a joint meeting accordingly.

Supervisor White thanked Mr. Taylor for attending the meeting and said that he had read the proposal and said that he had talked to business and land owners who were in favor of the proposal as well.

Supervisor Wimmer said that he had also read the proposal, but he would be remiss to exclude comment from the Cedar Bluff folks. He said that he had not talked to Cedar Bluff folks today, but he wanted to reiterate, that to his knowledge, Cedar Bluff officials were still interested in the same annexation proposal.

Now, with these comments in mind, and upon motion of Supervisor White, seconded by Supervisor Wimmer and adopted by a vote of 5 to 0, and with all members present voting and favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby request that a joint meeting between Tazewell County and the Town of Richlands be held with regard to this subject as soon as feasible. The County Attorney explained the process of holding a joint meeting on this matter. He said that certain advertisement requirements had to be met as well as notification to all property owners that would be affected by the annexation proposal. He said that he would have to coordinate these details with the Town.

CITIZEN COMMENTS

Harry Nolley, Route 1, Bluefield, Virginia 24605 (Abbs Valley), requested that the Tazewell County Board of Supervisors investigate and provide him with September 8, 2008 Regular Meeting

a ruling with regard to whether a Board of Supervisor member had to live in the district he represents.

Supervisor Rasnick intervened and said that if the question was directed toward him, that he did live in the Northern district and that he would defer any further questions with regard to this subject to the County Attorney.

**EMERGENCY SERVICES COMMITTEE -
ACTION AS A RESULT OF SAME**

Supervisor Bill Wimmer stated that the Emergency Services Committee met on August 18, 2008 and recommended that the Board of Supervisors approve the following Emergency Services matters:

**THOMPSON VALLEY FIRE DEPARTMENT -
DEPT. OF FORESTRY GRANT \$2,075.28 (local match)**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,075.28 from the Fire Dept. Capital Outlay Account, No. 32010 - 8109, payable to the Thompson Valley Fire Department as monies funds (50/50) for a grant from the Virginia Department of Forestry-Volunteer Fire Assistance Program for equipment needs/supplies. 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 Hymes questioned the status of the County's advertisement to sell the old fire truck housed at the Thompson Valley Fire Department. The County Administrator said that he would check with Sam Wolford with regard to the status of this project.

**TAZEWELL COUNTY FIRE & RESCUE - TO
OPERATE IN BAPTIST VALLEY**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby grants the Tazewell County Fire & Rescue Department permission to operate and provide rescue services to the Baptist Valley community of Tazewell County, Virginia 24651 and that the Baptist Valley Rescue be turned over to the Tazewell County Fire & Rescue Department.

**ESC - RECOMMENDS BAPTIST VALLEY FIRE DEPARTMENT
RELEASE \$20,000.00 PLUS INTEREST TO COUNTY**

With regard to \$20,000.00 allocated by the County to the Baptist Valley Fire Department several years ago to assist with the construction of a building to house a rescue squad, and since this project has not been fulfilled, the Emergency Services Committee recommended that the Baptist Valley Fire Department be requested to return \$20,000.00 plus interest and related paperwork to the County by September 30, 2008.

Rhudy Keith, Baptist Valley Fire Department, gave a brief history of the project and recommended that the money not be transferred back to the County at this time. He said that the Baptist Valley Rescue Department had capable volunteers to operate a rescue squad and thought it would be irrational for the County to dissolve the rescue squad.

The Board deferred action on the \$20,000 matter and requested that a copy of the August 18, 2008 ESC minutes be forwarded to the Board of Supervisors for clarification. The issue will be considered again at the next regular meeting of the Tazewell County Board of Supervisors.

**BLUEFIELD VIRGINIA - ARTICULATING AERIAL
PLATFORM FIRE TRUCK
FUNDING**

Supervisor Dave Anderson discussed the Articulating Aerial Platform truck that was purchased for Bluefield, Virginia and the request from the Town of Bluefield for the County's assistance to help fund the truck. Now, the Board of Supervisors hereby requests that the Emergency Services Committee consider a ten (10) year funding proposal-- beginning with the 2011 budget year, \$15,000.00 per year. The Board of Supervisors recently allocated \$37,000.00 and which said \$37,000.00 shall be considered as part of the funding proposal for budget years, 2008-10.

The Board of Supervisors requested that the Emergency Services Committee discuss the funding proposal at their next regular meeting. The County Attorney will draw up a draft contract/agreement for review by the Emergency Services Committee.

**TANDEM AXLE CONVENTIONAL CAB ROAD TRACTOR
TAZEWELL COUNTY TRANSFER STATIONS**

An invitation to bid was advertised for a new Tandem Axle Convention Cab Road Tractor for the Tazewell County Transfer Stations. The bids were due and opened on August 25, 2008. Three (3) bids were received. The lowest bid was received by Goodpasture Motors for a 2007 International Tractor in the amount of \$89,054.84.

Dean Slate, Cedar Bluff, with Heritage Equipment, 979-6845, was present and questioned the low bid. He said that Heritage Equipment bid \$89,753.00 on a new 2009 Sterling was only \$698.00 more and inquired as to why the County would consider a 2007 model over a 2009 model. Mr. Slate also alleged that the cab specifications were not met (metal cab versus aluminum cab). Mr. Slate said that the 2007 model had an aluminum cab and did not meet the metal cab bid specifications.

The Board deferred action on the bid award and requested the County Attorney review the bids and make a legal opinion with regard to the award of same, and that the item be placed on the October 2008 regular meeting agenda for consideration of approval.

**JOINT INDUSTRIAL DEVELOPMENT AUTHORITY
ORDINANCE ADOPTED**

Upon motion of Supervisor Anderson, 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 adopts an Ordinance Creating a Joint Industrial Development Authority in Tazewell County, Virginia, as follows:

**AN ORDINANCE CREATING
THE ECONOMIC DEVELOPMENT AUTHORITY
OF THE COUNTY OF TAZEWELL, VIRGINIA**

WHEREAS, pursuant to the Industrial Development and Revenue Bond Act, (Chapter 49, Title 15.2, Code of Virginia, 1950, as amended) (The Act) the General Assembly of Virginia authorized the creation of Joint Industrial Development Authorities by the several localities in the Commonwealth of Virginia so that such authorities may acquire, own, lease and dispose of properties to the end that such authorities may be able to promote industry and develop trade by inducing manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources, and vested such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall in all respects be exercised for the benefit of the inhabitants of the Commonwealth, for the increase of the commerce and for the promotion of their safety, health, welfare, convenience and prosperity; and

WHEREAS, the Board of Supervisors of the County of Tazewell, Virginia is authorized pursuant to §15.2-4916 of the Code of Virginia (1950), as amended, to create a Joint Industrial Development Authority as a political subdivision of the Commonwealth and to promote and further the purposes of the Act; and

WHEREAS, the Board of Supervisors of the County of Tazewell, Virginia is in accord with the purposes of the Act and has determined that it is in the best interests of the County and its inhabitants to create such Joint Industrial Development Authority pursuant to the Act.

THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of Tazewell, Virginia:

1. There is hereby created a political subdivision on the Commonwealth of Virginia with such public and corporate powers as are set forth in the Industrial Development and Revenue Bond Act (Chapter 49, Title 15.2 of the Code of Virginia (1950), as amended) including such powers as may hereafter be set forth from time to time in said Act.
2. The name of the political subdivision of the Commonwealth created hereby shall be the Economic Development Authority of Tazewell County, Virginia.
3. The aforesaid Authority hereby created shall be subject to the limitations hereinafter set forth:

I. NAME

Pursuant to Section 15.2-4903 (C) of the Code of Virginia, the name of the authority shall be the Economic Development Authority of Tazewell County and the address of its principal office shall be 108 East Main Street Tazewell, Virginia. Hereinafter, the Economic Development Authority of Tazewell County, Virginia shall be referred to as “the Authority.”

II. CONSTITUENT LOCALITIES OF THE AUTHORITY

Pursuant to Section 15.2-4916 of the Code of Virginia (1950) as amended the constituent localities are:

1. The County of Tazewell, Virginia, a political subdivision of the Commonwealth of Virginia
2. The Town of Richlands, Virginia, a Virginia Municipal Corporation
3. The Town of Bluefield, Virginia, a Virginia Municipal Corporation

III. BOARD OF THE AUTHORITY

Pursuant to Section 15.2-4904 of the Code of Virginia (1950) as amended, the Authority shall be governed by a Board consisting of seven members, whose qualifications, terms, powers, and responsibilities shall be established consistent with the above cited code section and the remainder of the Act.

Pursuant to Section 15.2-4916 of the Code of Virginia (1950) as amended, one (1) member of the Board shall be selected by the Town Council of the Town of Richlands, Virginia, one (1) member shall be selected by the Town Council of the Town of Bluefield, Virginia, and the remaining five members shall be selected by the Board of Supervisors for Tazewell County. The Board of the Authority shall exercise the powers of the Authority in accordance with the Act.

The Board members' terms shall be staggered. Each member shall have the following initial terms. Thereafter, each member, or their successor shall serve a four year term.

<u>Member Appointed By</u>	<u>Initial Term</u>
Town of Bluefield (1)	one year
Town of Richlands (1)	one year
Tazewell County (2)	two year term
Tazewell County (2)	three year term
Tazewell County (1)	four year term

By unanimous agreement of the constituent localities, approved by ordinance of the governing body of each, the constituent localities may apportion representation on the Board among themselves or new constituent localities, in accordance with Section 15.2-4900 *et seq.* of the Code of Virginia (1950) as amended. Members representing the respective localities shall be appointed, serve and be governed by the provisions of §15.2-4904 of the Code of Virginia, 1950, as amended. The initial term of office of the members shall begin on the date of the creation of the Authority. The authority shall be deemed created as of the date of approval of the latest of the three ordinances of the respective constituent localities creating the authority.

Each member of the Board, before entering upon the discharge of the duties of the office, shall take to the oath prescribed in §49-1 of the Code of Virginia, 1950, as amended.

IV. LIMITATIONS OF AUTHORITY'S POWERS

The member constituent localities hereby agree to the following findings for which the Authority is created:

The economy of the region has not kept pace with those of much of the rest of the Nation. Economic growth and development of the region and the comfort,

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convenience and welfare of its citizens require the development of modern, large scale business and technology parks. Individual localities in the region often lack the financial resources to carry out economic development projects of sufficient magnitude to significantly diversify the region's economy.

The Authority's purpose is to develop, own and/or operate a modern, mixed use, business and technology park, in accordance with the terms of the Bluestone Participation Agreement entered into by the constituent localities.

Subject to the limitations below enumerated, the Authority is vested with the powers of a body corporate, including the power to sue and be sued in its own name, plead and be imp leaded, and adopt and use a common seal and alter the same as may be deemed expedient. The Authority shall have all rights, duties and powers provided by the provisions of the Act, Chapter 49 of Title 15.2 of the Code of Virginia, 1950, as amended, including the power to issue bonds for any valid purpose. Pursuant to Section 15.2-4903 (A) of the Code of Virginia (1950) as amended, the Authority's powers are subject to the following limitations:

1. Exercise of the powers granted by the Industrial Revenue Bond Act shall be in all respects for the benefit of the inhabitants of the region, for the increase of their commerce and for the promotion of their environment, safety, health, welfare, convenience and prosperity.
2. The Authority's power hereby is limited to develop facilities and the infrastructure therefore within the "Bluestone Business and Technology Park" located South of U.S. Routes 19/460 East, near Shannondale, approximately 2 miles West of Bluefield, Virginia, previously known as the Shannon Farm or Stowers Farm, containing approximately 680 acres. Such facilities shall be in general conformity with those permissible facilities described in the "Bluestone Design Guidelines" which are an exhibit to the Participation agreement executed by the constituent localities.

Likewise, the infrastructure for such facilities shall be built in

general conformity with the designs as exhibited in the participation agreement.

3. The Authority shall not have the authority to issue bonds without the consent of all constituent localities, evinced by ordinance of their respective governing bodies.
4. The Authority may improve, sell or lease such portions or parcels within the park as may be deemed by its board necessary for further development of the park or as may be necessary to satisfy the terms of the participation agreement.
5. The Authority may construct within the park and sell, lease or maintain such facilities as may be necessary for economic development.
6. In all other respects the Authority shall have all powers of an Industrial Development Authority as set forth in the Act, section 15.2-4900 *et seq.*

V. GENERAL OPERATIONS OF THE AUTHORITY

The general business of the Authority, including the issuance of bonds not base upon the full faith and credit and assets of the Authority and the expenditure of funds for general expenses, shall be conducted by majority action of the Board of the Authority, provided, such Board may create an executive committee and other such committees as the Board may direct, including project committees. The Authority shall, from time to time, by majority action of the Board of the Authority, establish such fees as shall be necessary to be paid by the constituent localities to support the general activities of the Authority, provided however, that, without its express agreement, no Member Locality shall be required to pay fees and assessments in excess of One Thousand Dollars (\$1,000.00) per Board Member representing the respective locality per year to support the general activities of the Authority.

COUNTY ETHICS HOTLINE

The County Attorney, Eric Young stated that he continues to work on the proposed County Ethics Hotline for county employees. He stated that he has contacted various agencies and is currently working on a procedure that the County could possibly follow. He has also spoken to several attorneys throughout the State to see what they are doing in various localities. It was the consensus of the Board of Supervisors to recommend that Supervisor Hymes and Supervisor Anderson work with the County Attorney in order to have a clearer idea of what the County intends to procure. Supervisor Hymes said he wanted to make certain that the proposal was well thought-out, well understood and well communicated prior to its implementation. The County will need to obtain the services of a company/group to take and deliver complaints to the County Attorney.

REGIONAL INNOVATIONS GRANT

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to pursue an application for a US Department of Labor - \$250,000.00 Regional Innovation Grant, and to seek the assistance of Virginia Tech, if needed, to help Tazewell County write the regional grant application. The grant, if awarded, will support efforts and help identify career pathways and help improve workforce readiness. Regional Innovation Grants are drawn from National Emergency Grant funds to assist state workforce agencies and local workforce investment boards to help with talent development strategies.

ZONING CONSULTANT - RFP

The County Administrator, Jim Spencer, reported that the County advertised an RFP for Professional Consulting Services to help with the development of a zoning ordinance for Tazewell County. The County did not receive any proposals for these services.

Now, upon motion of Supervisor Anderson, 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 and directs the County Administrator to seek assistance from Virginia Tech to help evaluate the current proposed Zoning Ordinance and to make other recommendations with regard to the development of a zoning ordinance for Tazewell County, Virginia.

ZONING ADMINISTRATOR -

Now, upon motion of Supervisor Anderson, 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 expands the duties of County employee, Dave Kinder, GIS Coordinator, to include the duties of Interim Zoning Administrator.

USDA BROADBAND GRANT - \$855,000.00

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 approves the County's participation and acceptance of a USDA Community - Oriented Connectivity Broadband Grant Agreement in the amount of \$855,000.00 for broadband access to the Tannersville, Virginia community of Tazewell County. The County Administrator is hereby authorized, empowered and directed, on behalf of the Tazewell County Board of Supervisors, to enter into the grant agreement and further authorized and directed to execute all documents in

regarding same. A copy of the grant agreement is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

ANIMAL SHELTER SEWER SYSTEM

Following a report by the County Administrator concerning the Animal Shelter Sewer System project, it was the consensus of the Board of Supervisors to request that the Tazewell County Animal Shelter Board meet as soon as possible and make a recommendation on which type of sewer system to install at the Animal Shelter. The DEQ has recommended that the County place two separate septic systems at the Animal Shelter, i.e. to separate human waste from animal waste. The County Administrator said that he felt this method would be too expensive and did not understand the two separate septic system theories.

Once the Animal Shelter Board meets they will make a recommendation to the Board of Supervisors accordingly.

Supervisor Anderson thanked Dave White, Emergency Services Director/Animal Control for his tremendous work and accomplishments made at the Tazewell County Animal Shelter.

EROSION & SEDIMENT CONTROL PROGRAM

The County Administrator, Jim Spencer, provided each member of the Board of Supervisors with a letter from the Department of Conservation and Recreation (DCR) regarding the County's E & S Control Plan. The County Administrator said the he and County Engineer, Gary Earp, on behalf of Tazewell County would travel to Richmond on September 24 and meet with DCR to review the County ESC plan and to answer questions about the County's alleged inconsistencies with the E & S Control Law and Regulations.

PSA - COUNTY REIMBURSE UP TO \$200,000.00**(DESIGN WORK) FOR BLUESTONE INFRASTRUCTURE COSTS**

Upon motion of Supervisor Anderson, seconded by Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County of Tazewell to reimburse the Tazewell County Public Service Authority (PSA) up to an amount of \$200,000.00 for PSA infrastructure expenses located with the Bluestone Regional Business & Technology Center, from the Capital Projects Account, No. 97010-8201. When the County receives the \$250,000.00 Tobacco Commission grant funding for the Bluestone Regional Business & Technology Center, the County will be reimbursed for this expenditure.

CALEB HOLLOW ROAD - \$5,000 FENCE REPAIR**35010-5804 NUISANCE CLEAN-UP**

Upon motion of Supervisor Wimmer, seconded by Supervisor Anderson 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 up to \$5,000.00 from Account No. 35010-5804 Nuisance Clean-up for repairs to a fence as a result of a Court Order with regard to the Caleb Hollow Road suit. 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. The property owner(s) will provide the labor for the fence construction and the County will pay for the materials. The check will be issued to the property owner's attorney, to be held in a trust pursuant to the court approved settlement.

Supervisor Bill Wimmer questioned whether the remaining \$5,000.00 in the nuisance budget (western district) could be used for road repairs on that particular road if needed. The County Attorney stated that any monies left over from the \$5,000 for the fencing project that the County could possibly use the

remaining monies for gravel, etc. on Caleb Hollow Road, but he would have to study this matter further before he could give a definite answer.

EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an Executive/Closed Session pursuant to Virginia Code Section, 2.2-3711: Two (2) 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 Tazewell County Landfill; One (1) A-5, Prospective Business or industry or the expansion of an existing business or industry where no previous announcement has been made and One (1) A-3 Property Disposition involving a County Building.

RETURN, CERTIFICATION, REPORT OF ACTION

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 returns from the Executive/Closed Session and hereby certifies that the Tazewell County Board of Supervisors, in the closed meeting just concluded, that nothing was discussed except 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 White - Aye

Supervisor Hymes - Aye

Supervisor Wimmer - Aye

Supervisor Rasnick - Aye

Supervisor Anderson - Aye

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED
MEETING**

**PROPERTY DAMAGE AGREEMENT - APPROVAL RATIFIED
TAZEWELL MALL PROPERTY**

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 RATIFIES VICE CHAIRMAN BILL WIMMER'S SIGNATURE OF AUGUST 27, 2008, entering into a PROPERTY DAMAGE AGREEMENT by and between The Tazewell County Board of Supervisors, Tazewell Mall, Inc. and Ammars, Inc. with regard to the road accessing the Tazewell County Community Facilities Building, that houses the Health Department and the Department of Social Services. A copy of the complete agreement as hereby entered into and executed by all parties is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

APPROVAL RATIFIED,

DEED OF GIFT - TAZEWELL MALL, INC. - GRANTOR

TAZEWELL COUNTY BOARD OF SUPERVISORS - GRANTEE

AMMAR'S, INC. - GRANTOR

**TAZEWELL COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY -
GRANTOR**

MACK R. PAYNE, GRANTOR

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 RATIFIES AND APPROVES, and further acknowledges the County's acceptance

of a DEED OF GIFT by and between the TAZEWELL MALL, INC. GRANTOR, the TAZEWELL COUNTY BOARD OF SUPERVISORS, GRANTEE, AMMAR'S, INC. GRANTOR, TAZEWELL COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, GRANTOR AND MACK R. PAYNE, GRANTOR -dated August 27, 2008. Said fair market value of the donated parcel has been established by appraisal conducted by Southwest Appraisal Services, and the sum of One Hundred Forty-Six Thousand and no/100 Dollars (\$146,000.00). A copy of the DEED OF GIFT in a form as hereby approved is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

CHANGE ORDERS--

TAZEWELL COUNTY LANDFILL PHASE 4-A

A & A ENERGY, INC.

Upon motion of Supervisor Rasnick, 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, and contingent upon legal review and approval, the Tazewell County Board of Supervisors hereby approves CHANGE ORDER NO. 3 - for the Tazewell County Landfill Phase 4-A, Development - Contractor A & A Energy, Inc. in the amount of \$110,258.00, T & L Project No. 8243-05 - this change order is due to additional liner and related material i.e. 32,800 square feet. The \$110,258.00 is hereby approved from Landfill Acct. No. 42050-8167 - Phase IV-A Construction.

Supervisor White requested that the County Attorney, Eric Young, forward a letter to Thompson & Litton requesting that the Board of Supervisors be given proper and sufficient notice with regard to change orders.

ELECTORAL BOARD –

LETTER BE SENT FROM COUNTY

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney, Eric Young, to write a letter to the

Tazewell County Electoral Board outlining the Board of Supervisors efforts and expectations as well as outlining what the County expects from the Electoral Board and their efforts with regard to the voting machine issues during the upcoming election.

TAZEWELL COUNTY LANDFILL - T & L PROJECT # 8243-15

LITTE B ENTERPRISES, INC. CHANGE ORDER NO. 2

\$97,200.00

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, contingent upon legal review and approval, the Tazewell County Board of Supervisors hereby approves CHANGE ORDER NO. 2- T & L PROJECT No. 8243-15, TAZEWELL COUNTY SANITARY LANDFILL, CONVENIENCE CENTER, LITTLE B. ENTERPRISES, INC., dated September 8, 2008 - in the amount of \$97,200.00 from the Landfill Account No. 42050-8167 - Phase IV - A Construction. This approval is for additional pipe, removal of additional buried garbage & to reroute leachate.

BOARD CONCERNS

Pocahontas Prison Concerns

Supervisor Anderson said that he recently attended the Pocahontas Correction Centers Public Officials meeting and was requested by the Assistant Warden to find out if warrants could be served from other counties via - teleconferencing. The County Attorney said that there was a process for warrants to be served in other counties and he would look into the matter.

Supervisor Anderson also said that prison officials requested help from the County with GIS and mapping information. Dave White, County Emergency Services Coordinator contacted Dave Kinder, County GIS Coordinator concerning this request.

Supervisor Anderson mentioned the Prison's Honor Guard program and the multiple functions involved such fundraising events, etc. He said that this was a very important purpose.

Supervisor Anderson - Other Concerns

- ♦ County property (owned by the IDA) at Camp (bank portion around Camp Joy)- requested that the County continue to work with Clinch Valley Community Action, Inc. with regard to staking the area that they are interested in. The County Administrator suggested that members of the Board of Supervisors meet two at a time with Chris Thompson to discuss the property in question and that a recommendation be made to the IDA with regard to this matter.
- ♦ Falls Mills School property - stated that Clinch Valley Community Action wants to use the property for transitional housing. Supervisor Anderson said that is a critical need for this area.
- ♦ Reiterated the Oct 22, 2008 - Windmill Workshop at SVCC - 9:30 a.m. to 2:00 p.m.
- ♦ Thanked Dave Kinder for attending the Multi-use trail meeting last Friday and mentioned the need for an ATV training site facility in Tazewell County.
- ♦ Assign -A- Highway/Litter Control - stated the importance of continuing with the assign-a-highway/litter control program and mentioned Frank Kilgore's letter on this subject.
- ♦ Upcoming General Assembly- reiterated the importance of sending legislative/bill concerns to state representatives in a timely manner and mentioned the recent letter from Delegate Stark on this subject.

- ♦ Regional Jail week-end stay(s) – The County Administrator mentioned a neighboring county’s proposed legislation with regard to mandating that an inmate be required to pay the per-diem costs for week-end stay in a regional jail.
- ♦ Supervisor Anderson questioned the recent vandalism at Pocahontas High School and expressed the importance of keeping the Board updated on corrective measures.

Supervisor Anderson then left the meeting due to a work related matter.

TAZEWELL COUNT LANDFILL - MOU # 7.

THOMPSON & LITTON, INC. - \$110,060.00

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Anderson absent, the Tazewell County Board of Supervisors hereby approves a MEMO OF UNDERSTANDING NO. 7, TO RETAINER AGREEMENT BETWEEN TAZEWELL COUNTY BOARD OF SUPERVISORS AND THOMPSON & LITTON, DATED MARCH 10, 2006, in the amount of \$110,060.00 from the Landfill Account No. 42050-8167 – Phase IV-A Construction as additional funding necessary for groundwater monitoring wells at the Tazewell County Landfill & work by Marshall Miller & Associates.

RICHLANDS HIGH SCHOOL - GIRLS VARSITY

VOLLEYBALL TEAM \$1000.00 - (\$500.00 WESTERN YOUTH & \$500.00 N.WESTERN YOUTH)

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Anderson absent, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Western District Youth Funds and \$500.00 from the Northwestern District Youth Funds, payable to the Richlands High School – Girls Varsity Volleyball Team. Said \$1000.00 shall be issued by the County Administrator with said warrant converted to negotiable check by the Treasurer of Tazewell County, Virginia.

BUCK KNOB ROAD

Upon motion of Supervisor Wimmer, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Anderson absent, the Tazewell County Board of Supervisors hereby accepts the Buck Knob Road, contingent upon legal review & approval, into the Tazewell County Orphan Road System. - Grantors: Victor L. Lawson and Leah D. Lawson; Robert Dean Berry & April L. Berry; Ronald P. Hackworth, Jr. & Theresa B. Hackworth; Sammie C. Ratliff & Karen L. Ratliff - Grantees: Russell, County, Virginia - Tazewell County, Virginia - Deed of Dedication for a Public Right of Way, Tazewell County Courthouse Book 1038-Pg. 0208.

Supervisor Wimmer informed Mr. Hackworth, who was present at the meeting that County money was tight right now, and it would be sometime before the County could pave the road. However, Supervisor Wimmer stated that the County would place Buck Knob Road on the County's grade & gravel repair list.

\$250.00 SOUTHERN DISTRICT YOUTH
\$250.00 NORTHERN DISTRICT YOUTH**SCRIPPS REGIONAL SPELLING BEE - 2009**

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Anderson absent from the vote, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 (\$250.00 from the Southern District Youth funds & \$250.00 from the Northern District Youth Funds) payable to the Tazewell County Fair Association- Scripps Regional Spelling Bee, 2009, 515 Fairgrounds Road, Tazewell, Virginia 24651. The Tazewell County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

\$1,000.00 SOUTHERN DISTRICT YOUTH**\$1,000.00 NORTHERN DISTRICT YOUTH****TAZEWELL HIGH SCHOOL BAND BOOSTERS**

Upon motion of Supervisor Hymes, seconded by Supervisor Rasnick and adopted by a vote of 4 to 0, with Supervisor Anderson absent from the vote, the Tazewell County Board of Supervisors hereby approves the amount of \$2,000.00 (\$1,000 from Southern District Youth & \$1,000 from Northern District Youth funds) payable to the Tazewell High School Band Boosters, Tazewell, Virginia 24651, to assist with the purchase of new band uniforms.

The Tazewell 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.

CMSC PERFORMANCE CONTRACT

Supervisor Hymes questioned the FY2009 Community Services Performance Contract/Financial Report and questioned the lack of funding for substance abuse program. It was suggested that he call Ron Allison, Executive Director, CMCS with regard to this question.

**ABBS VALLEY CELL PHONE TOWERS -
REQUEST FOR BY SUPERVISOR RASNICK**

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Anderson absent from the vote, the Tazewell County Board of Supervisors hereby request that the County make contact with appropriate governmental representatives, etc. to determine the feasibility of placing cell-towers in the community of Abbs Valley, Virginia, located in Tazewell County, Virginia. Supervisor Rasnick voiced concern with the lack of cell phone service in Abbs Valley and surrounding communities.

TREE TRIMMING - BARBOUR STREET

Supervisor Hymes requested the County contact Nancy Barbour at 945-9448 with regard to tree-trimming concerns on Barbour Street in Abbs Valley.

LOCAL OFFICIALS - TELEPHONE NUMBERS

Supervisors Hymes said the he had been approached by several constituents concerning the possibility of placing telephone numbers for members of the Board of Supervisors as well as School Board members in a local directory.

POCAHONTAS BUILDING DEBRIS

Supervisor Hymes further questioned the Pocahontas building issue – debris matter. Ms. Green is working with Greg Jones and the Landfill with regard to his endeavor.

CELL PHONE TOWER REQUEST FOR ABBS VALLEY & NEIGHBORING COMMUNITIES

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Anderson absent, the Tazewell County Board of Supervisors hereby request that the County forward a letter to Congressman Boucher with a copy to Senator Puckett requesting their assistance with regard to the lack of cell towers in the Abbs Valley, Boissevain/Big Vein, Pocahontas & surrounding communities.

Supervisor Rasnick mentioned the Center for Christian Action in Pocahontas and its support of the youth at the Abbs Valley Elementary School.

TAZEWELL COUNTY LANDFILL - MOU # 7.**THOMPSON & LITTON, INC. - \$110,060.00**

Upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Anderson absent, the Tazewell County Board of Supervisors hereby approves a MEMO OF UNDERSTANDING NO. 7, TO RETAINER AGREEMENT BETWEEN TAZEWELL COUNTY BOARD

OF SUPERVISORS AND THOMPSON & LITTON, DATED MARCH 10, 2006, in the amount of \$110,060.00 from the Landfill Account No. 42050-8167 – Phase IV-A Construction as additional funding necessary for groundwater monitoring wells at the Tazewell County Landfill & work by Marshall Miller & Associates.

JEWELL RIDGE -CONVENIENCE CENTER

Supervisor White questioned the status of the convenience center at Jewell Ridge, Virginia. The County Attorney said that the documents are in the process of being executed. Supervisor White stated that he would like this project completed before winter.

RICHLANDS PROJECTS - PROPERTY OPTIONS

Supervisor White questioned the status of the IDA -potential park project in Richlands. The County Administrator said that Phase I is underway with the property survey delivered to the County and a meeting with County Officials and the surveyor is being planned. Mr. White said that he wanted to make certain that the option agreements do not expire.

JEWELL RIDGE - SEWER SYSTEM PROJECT

Supervisor White said that with Election Day quickly approaching, he wanted to make certain that the Jewell Ridge precinct/ polling place accommodate all voters, including the handicap. And, with regard to restroom facilities, he said it was almost certain that porta potties would be needed. He said that he would meet with the County Administrator with regard to these concerns.

\$500.00 NORTHWESTERN DISTRICT YOUTH FUNDS

\$500.00 WESTERN DISTRICT YOUTH FUNDS

RICHLANDS HIGH SCHOOL D.E.C.A.

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

amount of \$1,000.00 (\$500.00 Northwestern District Youth Funds & \$500.00 Western District Youth Funds) payable to Richlands High School D.E.C.A. - Richlands, Virginia 24641.

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.

**POCAHONTAS - ABBS VALLEY LITTLE LEAGUE PROGRAM
\$2,500.00 NORTHERN DISTRICT FUNDS**

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Anderson absent from the vote, the Tazewell County Board of Supervisors hereby approves the amount of \$2,500.00 from the Northern District Youth Funds, payable to the Pocahontas - Abbs Valley Little League Program, contingent upon legal review. Once approved by legal counsel, 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.

**TAZEWELL HIGH SCHOOL FOOTBALL & SOFTBALL STORAGE
FACILITY BUILDING/ ROOF REPAIRS
\$2000.00 (\$1,000 NORTHERN & \$1,000 SOUTHERN DISTRICT YOUTH
FUNDS)**

Upon motion of Supervisor Rasnick, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, and with Supervisor Anderson absent from the vote, with all members present and voting in favor thereof and no one against the same, the Tazewell Board of Supervisors hereby approves the amount of \$2,000.00 - \$1, 000 from the Northern & \$1,000 from the Southern District Youth Funds respectively, payable to the Tazewell High School Athletic Dept. THS Football & Softball, storage facility building roof project. 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.

TAZEWELL COUNTY FIRE & RESCUE - THANK YOU LETTER

Supervisor Wimmer read a letter given to him by Bill Allison, Tazewell County Fire Department. The letter was from Dave Best, a member of a motorcycle group, on behalf of an injured party, as a result of a motorcycle accident on Johnston Branch Road. The letter as read thanked the Tazewell County Fire & Rescue and other emergency departments for their quick response and medical assistance. The letter indicated that the motorcycle group would be sending donations to various fire & rescue departments who assisted in this endeavor.

ADJOURN

Now, there being no further business to be transacted, and upon motion of Supervisor Hymes seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor Anderson absent, the Tazewell County Board of Supervisors hereby adjourn this meeting.

The next meeting is scheduled for October 7, 2008 at 6:00 p.m.

Chairman, William B. Rasnick

By: rg

Recess time: 11:15 p.m.