

**VIRGINIA: AT A SPECIAL CALLED MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD JUNE 21, 2010 AT 5:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651**

**PRESENT: SETH R. WHITE, CHAIRMAN  
DAVID R. ANDERSON, VICE-CHAIRMAN  
JIM CAMPBELL, MEMBER  
D. MICHAEL HYMES, MEMBER  
JOHN M. ABSHER, MEMBER  
JAMES H. SPENCER, III – COUNTY ADMINISTRATOR  
C. ERIC YOUNG, COUNTY ADMINISTRATOR  
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT  
MEMBERS OF THE PRESS: WARREN HINKLE, TAZEWELL COUNTY FREE PRESS; JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS**

**ABSENT: NONE**

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The Chairman, Seth R. White, called to order a SPECIAL CALLED MEETING and presided with all five (5) members of the Board of Supervisors in attendance. The SPECIAL meeting was called in order for the Board of Supervisors to discuss and possibly act upon the following:

- *Executive Session pursuant to Virginia Code Section, 2.2-3711 A-7 –Legal Consultation regarding Contract II involving the Bluestone*
- *Consideration of adopting Resolution Amending Lease Agreements with the Tazewell County Industrial Development Authority*

All those individuals required to be notified of the Special Called Meeting in accordance with The Virginia Freedom of Information Act were so informed. A copy of the Request for the Special Called Meeting as well as a copy of the Waiver of the Notice of the Special Called Meeting in accordance with the Virginia Code Section 15.2-1417 and 15.2-1418 and 2.2-3707, paragraphs A, C, D, & E are attached to these Minutes and incorporated herein by reference thereto.

Now, Supervisor Anderson gave the invocation with Supervisor Campbell leading those present in the Pledge of Allegiance to the United States Flag.

#### EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Campbell, seconded by Supervisor Absher 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-7 Legal Consultation regarding Contract II involving the Bluestone.

#### RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Hymes, 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 returns from the Executive Closed Meeting and adopts the following Resolution of Certification:

#### **RESOLUTION**

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

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

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

Ayes: Supervisor Absher, Campbell, Hymes, White and Campbell

Nays: None

Absent during vote: None

Report of Action as a Result of the Executive/Closed Meeting:

Upon motion of Supervisor Hymes, 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 adopts the following resolution:

**RESOLUTION AMENDING LEASE AGREEMENTS WITH THE  
TAZEWELL COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY**

WHEREAS the Board previously entered into certain leases and other agreements with the Tazewell County Industrial Development Authority whereby the Authority would lease the Stowers' Farm, where on the Bluestone Regional Business and Technology Center is to be located, to the County; and further that the Authority would then assign said leases to a lender as collateral for a loan, the proceeds of which will be used to construct the Bluestone Park;

WHEREAS, the Board by resolution dated June 1, 2010 amended the above referenced leases to exclude two business parcels from the premises of the above referenced leases dated April 7, 2009;

WHEREAS, the IDA has requested, and the Board has agreed, that one of those parcels be restored to the premises demised by the leases for purposes of facilitating financing for the Bluestone Park;

NOW THEREFORE, BE IT RESOLVED by the Board that the Schedule A to the Amended Lease Agreement approved on June 1, 2010 shall be amended to state as follows and the Chairman shall be authorized to execute any document to affect such change:

**Schedule A**

The development of the Bluestone Regional Business & Technology Center Phase IA Development (Contract II) will include the rough grading of a building pad within a five acre area which shall be excluded from the Prime Lease and Development Lease. The area is on the southern side of the Main Access Road between roadway stations 22+50 and 32+50 as shown on the below referenced plan sheets, containing the approximately 3.5 acres of graded area. The location of this area is more accurately shown on plan sheets 9 and 10, respectively, of the construction drawings entitled "Bluestone Regional Business & Technology Center Phase IA Development (Contract II) for the Tazewell County Industrial Development Authority" prepared by Thompson & Litton and dated November 2007."

It is so **RESOLVED** this the 21st day of June 2010.

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***OTHER CONCERNS***

As a result of the Executive/Closed meeting, Supervisor Anderson requested that the County Administrator, Jim Spencer, reach out to the contractor and discuss with them the next meeting date and hereby further suggests that the County Attorney, Eric Young take direction from the Executive Session as a result of the two other legal issues and seek legal advice accordingly.

Now, there being no further action to be transaction, the SPECIAL MEETING is hereby adjourned.

The next recessed meeting is scheduled for June 29, 2010 at 6:00 p.m.

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Seth R. White, Chairman

By: rg

7:47 p.m.