

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD OCTOBER 6, 2009 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651

**PRESENT: DAVID R. ANDERSON, CHAIRMAN
BILL WIMMER, VICE-CHAIRMAN
SETH R. WHITE, MEMBER
THOMAS M. BREWSTER, MEMBER
D. MICHAEL HYMES, MEMBER
JAMES H. SPENCER, III – COUNTY ADMINISTRATOR
C. ERIC YOUNG, COUNTY ATTORNEY
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT**

OTHERS

PRESENT: MEMBERS OF THE PRESS: WARREN HINKLE, TAZEWELL COUNTY FREE PRESS; JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS; CARTER JOHNSON, WVVA-TV; CHARLES OWENS, BLUEFIELD DAILY TELEGRAPH

ABSENT: NONE

David R. Anderson, Chairman of the Board of Supervisors welcomed those present, called the regular meeting to order, and presided with all members in attendance.

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

AGENDA APPROVED

Upon motion of Supervisor Hymes, 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 approve the agenda format as amended.

SEPTEMBER 1, 2009 & SEPTEMBER 10, 2009 MINUTES APPROVED

Upon motion of Supervisor Brewster, 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 September 1, 2009 regular meeting minutes as written.

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 no one against the same, the Tazewell County Board of Supervisors hereby approves the September 10, 2009 recessed meeting minutes as written.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor White, 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 an executive/closed session, pursuant to Virginia Code, Section 2.2-3711:

- 2.2-3711 (19) discussion of reports or plans related to the security of the Courthouse involving the Courthouse Space Study
- 2.2-3711 (A-6) discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the governmental unit would be adversely affected involving Bluestone lease with the IDA
- 2.2-3711 (A-7) legal matters requiring the provision of legal advice by counsel involving Baptist Valley Sewer Right of Way
- 2.2-3711 (A-3) Property Disposition involving Falls Mills School
- 2.2-3711 (A-1) Two (2) Personnel matters involving Engineering Department
- 2.2-3711 (A-5) Prospective Business/Industry - Discussion concerning the location of a new business or industry involving a training facility

RETURN, CERTIFICATION, REPORT OF ACTION

Upon motion of Supervisor Wimmer, 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 Meeting.

**CERTIFICATION
OF EXECUTIVE/CLOSED MEETING**

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

WHEREAS, 2.2-3712 of the Code of Virginia requires a certification by the Tazewell County Board of Supervisors that such executive/closed meeting was conducted in conformity with 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 White, Hymes, Brewster, Wimmer & Anderson

Nays: None

Absent: None

Absent during meeting: None

There was no action to report as of the Executive/Closed Meeting.

RESOLUTION – COMMEMORATING THE LATE SAM CHURCH

Chairman Anderson read and presented a resolution to Patti Church, wife of the late Sam Church, formal UMWA President. Mike Kennedy a UMWA representative from the Castlewood, Virginia office accompanied Ms. Church. The resolution noted the legacy Mr. Church left with regard to better health care for working UMWA families and

pensioners and for safer and healthier work places.

Now, upon motion of Supervisor Anderson, 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 adopts the resolution in a form as hereby presented. A copy of the resolution in a form as adopted and presented in on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Wimmer seconded by Supervisor White and adopted by a vote of 5 to 0, and 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. The County Administrator is hereby authorized and directed to issue said warrants in accordance with the action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

APPROVAL OF THE WARRANTS AS PAID

August/September 2009

Payroll

Ordered that Warrant Nos. 130432 through 130520, and direct deposits totaling \$207,818.55 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending August 31, 2009, be approved.

Ordered that Warrant Nos. 130522 through 130610, and direct deposits totaling \$211,509.69 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending September 15, 2009, be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 444952 through 445111, for \$1,001,475.14 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of August 2009, be approved.

Ordered that Warrant Nos. 445113 through 445131, for \$142,432.15 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending August 31, 2009, be approved

Ordered that Warrant Nos. 445133 through 445264, for \$551,341.63 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of September 2009, be approved.

Ordered that Warrant Nos. 445266 through 445283 for \$142,262.98 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending September 15, 2009, be approved.

Handwritten

Ordered that Warrant Nos. 801379 through 801383 for \$206,372.39 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of August 2009, be approved.

Amendment for Last Month's Warrant List:

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

*Amendment Highlighted – Was originally submitted as June 2009:

- Approved the following Coyote Claims:
 - \$50.00 to Kathy Dawson, 760 Beartown Road, Tazewell, VA 24651 for 1 coyote killed with a rifle on Sept. 1, 2009
 - \$50.00 to Lloyd Sargent Jr. 992 Burkes Garden Road, Tazewell, VA 24651 for 1 coyote killed with a rifle on Sept. 5, 2009
 - \$50.00 to William Rhudy, 175 Rhudy Creek Road, Tazewell, VA 24651 for 1 coyote killed with a rifle on September 12, 2009
 - \$50.00 to Ray Howell, 1477 Rosebaum Road, Bluefield, VA 24605 for 1 coyote killed on September 9, 2009 with a rifle
 - \$50.00 to Jerry Jackson, 2317 Crab Orchard Rd. Tazewell, VA 24651 for 1 coyote killed with a rifle

- \$100.00 to Jerry Jackson, 2317 Crab Orchard Rd. Tazewell, VA 24651 for 2 coyotes killed with a rifle.

■ Sheriff's Department -

- Approved \$100.00 from the Contingent Expenditures and Grant Account 91050-7041 to Account No. 31020-5510 Travel & Training Reimbursement/National Sheriff's Association

■ Library Account -

- Approved the following Library Account transfers (funding/donations received) from the Contingent Expenditures and Grant Account 91050-7041 to the following accounts:

- \$238.56 to 7301-6012 / Muthusami Kuppusami
- \$1500.00 to 7301-3120/Town of Bluefield
- \$50.00 to 7301-3120/ Carolyn R. Harrod
- \$100.00 to 7301-6012/Louisa Sowers
- \$50.00 to 7301 -6001/ BB & T Bank
- \$25.00 to 7301-6102/Jeanette Crickmer
- \$20.23 to 73012-6001/Oriental Trading Company

- Scripps National Spelling Bee – Regional Bee , Tazewell County Fair Association - \$100 from each District Fund (\$500 total)
- Approved \$5000 from Northwestern District & \$5000 from Western District payable to the Richlands Teen Center
- Approved \$2000 from Northern District & \$2000 from Southern District to the Tazewell Little League Program – facilities upgrade
- Approved \$3000 from Northern District to Historic Pocahontas – winterizing projects (Pocahontas Fuel Bldg & Pres. Church)
- Town of Richlands – waived landfill tipping fees associated with the Big Creek Housing Project

VDOT REPORTS

Marty Halloway, Resident Administrator, Virginia Department of Transportation presented a highway projects update. A list of the activities as discussed are listed as follows:



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
P.O. BOX 270
Tazewell, Virginia 24651
VDOT.Virginia.gov

DAVID S. EKERN, P.E.
COMMISSIONER

MEMORANDUM

TO: Ruth Groseclose
FROM: Marty R. Halloway, P.E.
Resident Engineer
DATE: October 6, 2009
SUBJECT: TCBOS Meeting 10/6/2009

Please find below a list of items that have occurred since the last Board of Supervisors Meeting.

Construction

- Paving Schedule – Project is almost complete, only one route remaining.
- 480 Bridge Project – Deck pour completed and project to be completed soon.
- RTE 782 – Bridge Project – Falls Mills Area – Contract was awarded to Elk Knob, Inc. The work has begun on the replacement of this structure. Project delayed due to steel availability.
- RTE 747 – Bridge Project – Working on placing steel and anticipating placing concrete next week weather permitting.
- 480 Bluestone Project – The project has started.

Project Development

- Guardrail Contract – This contract is in the final stages and is being prepared for an anticipated January advertisement.
- RTE 896 – Survey work complete. Now planning a scoping meeting.

Miscellaneous

- Traffic studies are complete for Cody St., Hillcrest Addition, and signs installed.
- Revenue sharing forms were received and the Department has submitted everything to Central Office.
- RTE 655 – Guardrail – Set a time to meet with Mr. Brewster and Mr. Melvin.
- Burkes Garden – Lines were painted last week.
- RTE 87 – Leaning Wall – Shelby Harrison – VDOT is to meet with Ms. Harrison on 10/8/09 to discuss repair possibilities.



The Board of Supervisors requested VDOT's assistance with regard to the following road matters:

Supervisor Hymes – Route 61 – Gratton area/Grapefield Road replace missing “watch for tractor” signs. The signs have been torn down.

Supervisor White – Provide Supervisor White with the contact person(s) with regard to repairs for railroad crossings as well as a schedule of repairs. This request is a result of cars bottoming out on railroad crossings in the Northwestern District.

Supervisor Brewster – requested “watch for children” signs on Angel Lane, State route No. 9522, located in the Falls Mills Community, Northern District of Tazewell County, Virginia from charge cost center funds, 1204007, Activity 501, County 092. Supervisor Brewster moved that a resolution be drafted with regard to this request with Supervisor Hymes seconding the foregoing and which motion passed unanimously.

Supervisor Anderson questioned whether VDOT had any additional monies to help with repairs to Ebenezer road located in the Eastern District. The water & sewer issues on Ebenezer road were addressed at the last PSA meeting. Mr. Halloway stated that no monies were available now. He said VDOT has locked down a lot of funding because of the current budget/financial issues.

Supervisor Wimmer questioned the status of road repairs to Route 1245 in the Western District, more particularly, drainage issues on the right hand side. Mr. Halloway stated that the road in question is not scheduled for additional repairs but he would watch the situation closely and make repairs, as needed with regard to the drainage issues.

Supervisor Anderson questioned road repairs to Pleasant Valley Estates. Mr. Halloway said that the road is not in VDOT’s system; therefore, VDOT cannot make repairs to the road.

Supervisor White questioned the time-line with regard to the VDOT’s reduction in force plan. Mr. Halloway stated that the reduction would affect 600 statewide employees with 12 employees affected at the Tazewell Residency. The lay-offs could occur as early December 2009. However, there will be no changes in services/snow removal etc. during this current fiscal year.

The County Administrator, Jim Spencer stated that Cumberland Plateau Planning District Commission forwarded an email to him today with a list of suggested highway projects in the County for the 2035 VDOT Surface Transportation Plan. He requested that the Board submit comments or suggested changes to him by October 14.

ACCESS ROAD TO COMMUNITY FACILITIES BUILDING- CONVEYED TO TOWN

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster 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 hereby conveying the Tazewell County Community Facilities Building, Tazewell, Virginia, access road property, to the Town of Tazewell Virginia - Tazewell subject to legal review and approval by the County Attorney.

PUBLIC HEARING

FALLS MILLS SCHOOL – DEED OF BARGAIN & SALE

The Chairman, David R. Anderson, called the public hearing to order that was duly advertised accordingly to law entitled “DEED OF BARGAIN AND SALE.”

GRANTOR:

TAZEWELL COUNTY, VIRGINIA
108 EAST MAIN STREET
TAZEWELL, VIRGINIA 24651

GRANTEE:

CLINCH VALLEY COMMUNITY ACTION, INC
PO BOX 180
NORTH TAZEWELL, VIRGINIA 24630

CONSIDERATION: \$50,000.00

TAX MAP NO.: 014-03-0031-0033, 0044-0047

THIS DEED IS EXEMPT FROM THE RECORDATION TAXES IMPOSED BY §58.1-802 OF THE CODE OF VIRGINIA, 1950, PURSUANT TO §58.1-811C

The Chairman then called for public comments from the floor with regard to the subject public hearing.

Thomas Tabor, 186 Angel Lane, Falls Mills, Virginia questioned what plans the CVCA, Inc. had for the school property. He said he lived next door to the Falls Mills School Building. Mr. Tabor voiced concerns with potential problems in the neighborhood such as teen-age parties, use of alcohol beverages, etc. on the property.

The County Attorney reviewed with Mr. Tabor the Use of Property/Protective Covenants placed in the Deed of Bargain & Sale. The Board agreed to request that Ms. Chris Thompson, CVCA, Inc. and Don Neal, CVCA, Inc. Board of Director Member meet with Mr. Tabor as well as other residents in Mr. Tabor's neighborhood to address potential usage of the facility.

The Chairman, David R. Anderson, then called for further comments from the floor three (3) times with regard to the public hearing and there being none, he declared the public hearing closed.

There was no action taken with regard to consideration of approving the Deed of Bargain & Sale. A complete copy of the proposed Deed of Bargain & Sale is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

CITIZEN COMMENTS – SCHEDULED & UNSCHEDULED

Pleasant Valley Estates – Road Matter

Joe Robinson, a resident of Pleasant Valley Estates questioned the Boards intent with regard to the project at the Bluestone Business & Technology Center. Mr. Spencer reported that VDOT is currently working on the crossover project with funding from State/County Revenue Sharing monies. Mr. Robinson said he hoped that the Bluestone Project was a success. He mentioned the Industrial Site in Abingdon, VA on I-81. He said that there were only two companies in there and the biggest project in the industrial site was cutting hay. Mr. Robinson made comment about the \$5,000,000.00 VDOT is spending on the proposed Walmart Project in Grundy vs. the County having 40 homes in Pleasant Valley Estates that do not have a decent road to travel.

Goss Road – Noise/Barking Dogs

Johnny Horn, Route 1, Bluefield, VA 24605 (904 Goss Road) spoke about the noise/loud music and barking dogs in his neighborhood. He said that county deputies have been called about the situation but nothing transpires and requested that the deputies be given more authority to become more aggressive with this type of complaints. He said that deputies have no authority without an ordinance. Mr. Horn requested that the Board put into effect a nuisance ordinance to help with the problem. The County Attorney, Eric Young said that first step in regulating noise would be to implement a zoning ordinance. Mr. Young said that noise defined as a nuisance would be very hard to prove

in court. Supervisor Brewster requested that Mr. Horne provide his address and phone number and he would see if the county deputies would look into the situation.

National 4-H Week October 4 – 10, 2009 Proclaimed

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 adopt a resolution proclaiming October 4 – October 10, 2009 as NATIONAL 4-H WEEK IN TAZEWELL COUNTY, VIRGINIA.

The Chairman, David R. Anderson then welcomed John Blankenship, 4-H Extension Agent and a group of 4-H participants from the Tazewell area. Miss Sentara Boyd, 4-H group president, thanked the Board for adopting the resolution and giving them the opportunity to attend the meeting. Mr. Blankenship also introduced an exchange student from Ukraine.

The Chairman thanked Mr. Blankenship and the 4-H students for their hard work and interest in the County's 4-H development and programs. Supervisor Hymes also commended the students and Mr. Blankenship for their work and cooperation and read the resolution as duly adopted this date. He said that the County was truly fortunate to have such a large 4-H program in Tazewell County and again thanked the group for their efforts.

Frank St. Clair – Announced Wind Energy Meeting in Tazewell

Mr. Frank St. Clair, Bluefield, Virginia announced a Wind Energy Meeting on October 15, 2009 at the V.I.P. Room in Tazewell (behind Grants). The Department of Energy will host the meeting. Mr. St. Clair thanked the Board of Supervisors for taking their time for looking into all probabilities and for taking the proposed wind energy proposal seriously.

F.W. Gruver, Sr. Bandy, VA

Mr. F.W. "Federick" Gruver, Sr. 3873 Ravens News Branch Rd. Bandy, Virginia on behalf of the residents in the community requested the placement of fire hydrants. He thanked the Board for the PSA water line recently installed, but also requested that fire hydrants be placed in the Bandy Community to assist the Fire Dept for safety purposes. Mr. Gruver also presented a GIS map showing where the fire hydrants needed to be placed.

The County Administrator, Jim Spencer, told Mr. Gruver that the PSA Board would place this matter on their next agenda for discussion.

Charlie Orrock – Proposed Tall Structure Ordinance

Mr. Charles Orrock, 1152 Triangle Road, Bluefield, Virginia 24605, spoke with regard to the potential negative impacts wind-turbines would have on the County and made available a copy of a Wisconsin Wind-Energy Study. He said that he would send the copy of the study to the Board, via email, and to anyone else who wanted it. The Board requested that they receive a copy of the study, via email.

Larry Mustard – President, Tazewell County Farm Bureau

Larry Mustard, President, Tazewell County Farm Bureau, for the record, noted Farm Bureau's opposition to the introduction of Elk in Tazewell County as well as in Virginia as a whole. He said that even though Elk were beautiful creatures, the Elk would be a nuisance with regard to fences, crops as well with collisions with vehicles, which would be detrimental, not to mention the diseases that Elk can carry, such as T.B., Brucellosis, and Chronic Wasting Disease – which is a first cousin to Mad Cow disease. He said that Tazewell County is not the place for Elk.

William Osborne – Tannersville, Virginia

Bill Osborne, Tannersville, Virginia, mentioned the fiasco that Elk caused in Bland and Giles County approximately 50 years ago. He said the Elk damaged crops, tore down fences and caused all types of problems, which finally resulted in the issuance of permits to kill them. He said the County does not need the problem here. Mr. Osborne said the Game Commission would be considering the Elk proposal around Oct. 20. Mr. Osborne requested that Board join forces with the other counties in opposition to the Elk and present their case to the Game Commission.

Supervisor Anderson questioned how the County could reinstate the damage stamp fund in Tazewell County. The County Attorney will look into the matter and inform the Board accordingly.

APPOINTMENTS

CVCA, Inc.

One additional at-large appointment to the Clinch Valley Community, Inc. Board of Directors was deferred to the next regular meeting for clarification.

CENSUS 2010 – REDISTRICTING COMMITTEE

Upon motions made, seconded and duly adopted, the Tazewell County Board of Supervisors hereby appoint the following individuals as members of the Tazewell County Redistricting Committee – Census 2010 – terms will & pleasure of the Board of Supervisors:

Eastern District – Carl Gillespie, Jr. 620 Fairway Street, Bluefield, VA 24605

Town of Tazewell – Dr. Charles Grindstaff, 219 Tazewell Ave. Tazewell, VA
24651

Western District – Jim Thompson, PO Box 876 Richlands, VA 24641

The County Attorney will provide a makeup of other potential representatives of the Census 2010 – Redistricting Committee that will be considered by the Board of Supervisors at their Nov. 17, 2009 regular meeting.

EMERGENCY SERVICES COMMITTEE & TAZEWELL

COUNTY CITIZENS CORPS COUNCIL

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 appoints Fred Lawless, Rt. 3, Box 773, Tazewell, Virginia 24651 (4230 Goose Mill Road, Burkes Garden, VA) as a member of the Tazewell County Emergency Services Committee & Tazewell County Citizens Corps Council.

The Chairman called for a five (5) minute recess after which the meeting was duly reconvened.

**ECONOMIC IMPACT STUDY BY SPRINGSTED -
UPDATE GIVEN**

The Chairman stated that the County Administrator, Jim Spencer, received a call from John Ansvio, Springsted, within the last hour with an update on the Economic Impact Study. The County Administrator said the study would be in final draft by mid October and a final report would be ready for presentation by mid November. The County Administrator provided the Board with a list of available dates in November in which Springsted could attend and present the final report to the Board of Supervisors.

The Board of Supervisors approved the date of November 17, 2009 as the date to receive the report from John Anzivino, Sen. Vice President.

SPRINGSTED STUDY –

PROPOSED RIDGELINE ORDINANCE

Now, upon motion of Supervisor Anderson, 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 approves that the November 3, 2009 (Election Day) Regular Board of Supervisors meeting be changed to November 17, 2009 @ 5:00 p.m. at TMS, with the Springsted Study presented at 7:30 p.m. Further, that a second public hearing on the proposed Ridgeline Ordinance be held on December 1, 2009 at the Tazewell Middle, contingent upon the availability of the Tazewell Middle School. The Chairman suggested that public hearing on December 1, 2009 be held around 6:00 or 7:00 p.m.

**“FACES”—FEDERATION OF AMERICAN COAL, ENERGY & SECURITY
RESOLUTION ADOPTED**

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 adopts a resolution sought by the Federation of American Coal, Energy & Security (“FACES”) in support of coal production. A copy of the resolution in a form as adopted is attached hereto and incorporated herein by reference thereto.

**RESOLUTION TO BE DRAFTED COMMENDING
GREATER BLUEFIELD CHAMBER OF COMMERCE WITH REGARD TO
RECENT COAL SHOW**

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 that a resolution of appreciation be drafted and presented to the Greater Bluefield Chamber of Commerce with regard to their efforts and success with the 2009 Coal Show.

**RESOLUTION ADOPTED - P.S.A. VA RESOURCES AUTHORITY (VRA)--
REVENUE BOND \$5,000,000.00**

Upon motion of Supervisor Brewster, 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 “AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING OBLIGATION OF TAZEWELL COUNTY, VIRGINIA, TO CONSIDER CERTAIN APPROPRIATIONS TO THE TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY, AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE BY THE AUTHORITY OF REVENUE BONDS FOR THE BAPTIST VALLEY PHASE II SEWER PROJECT.” The Authority (PSA) desires to issue a revenue bond in an estimated maximum principal amount of \$5,000,000 (the “Bond”), the proceeds of which, together with other available funds, are expected to be sufficient to pay the costs of financing improvements of and expansions to the Authority’s water and sewer systems (collectively, the “System”), including, without limitation, the construction and equipping of a sewer collection system for the eastern half of Baptist Valley, Cavitt’s Creek and Adria areas of the County, together with related expenses (the “Project”) which will be made part of the System; and the Board of Supervisors, on behalf of the County, hereby agrees to the issuances by the Authority of the Bond, provided that the original principal amount of the Bond does not exceed \$5,000,000.00. The Board of Supervisors hereby further authorizes, empower and direct the Chairman of the Board of Supervisors to enter into and execute the Agreement, on behalf of the Board of Supervisors of Tazewell County, Virginia. A copy of the Agreement in a form as hereby adopted is on file in the office of the County Administrator/County Attorney, 108 East Main Street, Tazewell, Virginia 24651.

SWVA – WATERSHED PROJECT FUNDING REQUEST FOR MOUNTAIN HERITAGE, INC.

The Board of Supervisors agreed to look at the Watershed Project Funding request for Mountain Heritage, Inc. Mountain Heritage is requesting \$20,000 to hire a consultant(s) to write and design the Upper Tennessee River watershed book. The County Administrator suggested that the County look to see what other localities in

Southwest Virginia are doing to with regard to funding assistance. It was suggested all that the request be reviewed by the County Budget Committee as well. The Budget will be meeting later in the month to look at various budget matters, especially state cuts.

**VA DEPARTMENT OF HEALTH – REQUEST FOR FUNDING CARRY OVER
\$82,667.67**

The Board of Supervisors agreed to look at the funding/carry over request for the Virginia Department of Health for \$82,667.68 to FY09-10. The Board suggested that the County Budget Committee review the request in the next few weeks and a decision be made as early as possible. Patricia Green, Assistant County Administrator stated that the Health Department would like an answer by Nov. 1 because of state budget submission requirements.

**REQUEST FOR PROPOSALS –
TAZEWELL COUNTY RECYCLING PROGRAM**

The County Administrator, Jim Spencer reported that the County Engineer, Gary Earp solicited proposals for a recycling program for Tazewell County and one company/firm submitted a proposal for services. The County Administrator, Jim Spencer said the he would like to meet with the company that submitted the proposal and make a report to the Board at the next regular meeting. He said he would like to know the logistics as well as Supervisor Hymes requesting that the Board be provided numbers/costs with regard to placing materials in the County's landfill. The County Administrator said that he would have something in financial form at the next regular meeting.

NORTHWESTERN DISTRICT GARBAGE COLLECTION

Supervisor Seth White reported that a community meeting was held in the Jewell Ridge area of the County with regard to the proposed Northwestern District Garbage Collection. He said that a very positive response was received on the proposal. Several elderly people who attended the meeting were extremely receptive to the idea. There will be additional meetings scheduled for the Raven area and as soon as surveys are received

as well as legal aspects addressed, the Board will receive a final report and recommendation on the garbage collection proposal.

COMPREHENSIVE PLAN - LAND USE MAP (JIM SAM GILLESPIE'S REQUEST FOR CHANGES)

On behalf of the Tazewell County Planning Commission, Supervisor White reported the suggested changes to the Comprehensive Plan – Land Use Map, as requested by Attorney Robert Altizer for Jim Sam Gillespie, Jr. Mr. Gillespie is seeking approval that his property, defined as Parcels 125A2 -0046 and 126 A2 0013 be defined as Industrial on the Comprehensive Plan – Land Use Map. **The property is currently defined as Agricultural and Forestal on the Comprehensive Plan – Land Use Map.**

Now, upon motion of Member White, seconded by Member 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 that a Joint Public Hearing with the Tazewell County Planning Commission be held on December 1, 2009 to consider the changes to the Comprehensive Plan's Land Use Map as requested by Jim Sam Gillespie.

AEP – NEW RATE INCREASE OF 17% ON BASE RATE AND INCREASE TARIFF RATES –RESOLUTION/LETTERS ADOPTED OPPOSING INCREASES

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes 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 adopts a resolution opposing any and all AEP rate increases and that letters be sent to all three (3) legislative representatives, Delegate Bowling, Delegate Stark, and Senator Puckett – seeking proposed legislation that would prevent AEP from imposing on its customer excessive rate increases.

BUSINESS TO BUSINESS SHOWCASE – SVCC

The County Administrator, Jim Spencer, reported that that 7th Annual Business to Business Showcase would be held October 13-14, 2009 at Southwest Virginia Community College, Richlands, Virginia. He said the event was an excellent way for county businesses to network.

BLUESTONE GROUND BREAKING

The County Administrator, Jim Spencer, reported that the Groundbreaking Ceremony for the Bluestone Regional Business and Technology Center is scheduled for Thursday, Oct. 8, 2009 at 11:00 a.m. The keynote speaker will be David Smith, Deputy Secretary of Trade and Commerce with the State of Virginia.

LANDFILL GAS PROPOSALS

Re: Carbon Exchange Credits, etc.

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 authorizes and directs the County Administrator, Jim Spencer, to enter into and execute a retainer agreement(s) with Marshall Miller & Associates as well as SCS Engineering on an as needed basis to assist the County in the evaluation of landfill gas generation and recovery potential. Four (4) firms were interviewed by the County for these services.

ZONING PROPOSALS

Chairman Anderson explained the Zoning Proposal(s) Professional Consulting Services interview process as well as meeting County budget guidelines to pay for the firm. The County solicited RFP's from qualified land use consultants to help the County in drafting a proposed zoning ordinance for the County based on the 2008 Comprehensive Plan. The County Administrator, Jim Spencer stated that the firm selected would provide the County with a contract for the Board to consider at the next regular meeting. He said the County would pay for the zoning consultant over a period of two (2) budget years, i.e. \$50, 000 per year.

911 ROAD NAME GROSE ROAD TO SHULTZ HOLLOW ROAD

Upon motion of Supervisor Brewster, 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 911 road name change Grose Road, located in the Northern District, to Shultz Hollow Road pending approval of the County's 911 addressing Department. The County received a letter and petition from residents living on Grose Road asking the road be renamed Shultz Hollow Road. This action is pursuant to the Tazewell County Code Section 13.87 (d) Street Names.

**PROPERTY MAINTENANCE CODE –
PUBLIC HEARING AUTHORIZED**

Upon motion of Supervisor White, 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 that a public hearing be held November 17, 2009 at Tazewell Middle School Auditorium, Tazewell, Virginia to consider adopting, as part of the County's Building Code, selective provisions of the Uniform Property Maintenance Code. A complete copy of the ordinance to be considered for adoption is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651 and posted at the front door of the Courthouse, Main Street, Tazewell, Virginia.

The Board of Supervisors requested that the County Administrator reach out to members of the Tazewell County Farm Bureau seeking their input as well on the proposed ordinance.

WAITED ROAD /DRAINAGE EASEMENTS

Upon motion of Supervisor White 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 a resolution authorizing and directing the County Attorney/County Engineer to proceed with all necessary drainage issues for Waited Road – located in the Northwestern District.

**\$7,000.00 – FROM FIRE MATCHING FUNDS FOR ALL TERRAIN RESCUE
VEHICLE, FOR POLICE, FIRE & RESCUE DEPARTMENTS**

Upon motion of Supervisor White, 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 approves the amount of \$7,000.00 from the Fire Dept. matching funds account payable to the Department of Police, 1851 Cranwell Drive, Richlands, VA 24641 to assist with a grant from The Thompson Charitable Foundation for the purchase of a Six-Wheel All Terrain Rescue Vehicle, for County Police, Fire & Rescue Departments. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action to the Town of Richlands Police Department, 1851 Cranwell Drive, Richlands, Virginia 24641 Attn: William A. Puckett, Chief. Said warrant in the amount of \$7,000.00 will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

INTERNET/BROADBAND SERVICES

JEWELL RIDGE AREA

Supervisor Seth White requested that the County Administrator determine what the County could do to obtain grant monies for Internet/Broadband Services in the Jewell Ridge area. It was suggested that Gary Blackwell with Time Warner Cable be contacted for input on this subject.

ERIC MULLINS – DEPUTY OF THE YEAR (STATEWIDE)

BE RECOGNIZED BY THE BOARD OF SUPERVISORS

Upon motion of Supervisor White, 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 that that a resolution be drafted honoring and recognizing Eric Mullins, with the Tazewell County Sheriff's Dept. for receiving the Commonwealth's – Deputy of the Year award.

ROAD SIGNS – REQUESTED TO BE REPLACED

Supervisor Hymes requested that 911 Road Signs be replaced on Hummingbird Street at the corner of Kelly & Culver St.

TAZEWELL SCHOOL WRESTLING CLUB

\$1,500.00 SOUTHERN DISTRICT FUNDS

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster 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 \$1,500.00 from the Southern District Funds to the Tazewell Wrestling Club, Tazewell High School, 627 East Fincastle Road, Tazewell, VA 24651 Attn: Chuck Burton. 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 YOUTH FOOTBALL LEAGUE,

\$3,000.00 SOUTHERN DISTRICT FUNDS

Upon motion of Supervisor Hymes, seconded by Supervisor Brewster 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 \$3,000.00 from the Southern District Funds, payable to Tazewell Youth Football League, Tazewell, Virginia 24651. 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.

BURKES GARDEN VOLUNTEER FIRE DEPARTMENT –

\$3,000.00 SOUTHERN DISTRICT FUNDS

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 amount of \$3,000.00 from the Southern District Fund payable to the Burkes Garden Volunteer Fire Department to help purchase new doors for the Burkes Garden fire house. 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.

TANNERSVILLE COMMUNITY CENTER – COPIER REPAIRS

\$500.00 FROM SOUTHERN DISTRICT FUNDS

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 amount of \$500.00 from the Southern District Funds, payable to the Tannersville Community Center to assist with repairs to the copier in the Community Center. The contact person is Sam Kinser. Supervisor Hymes requested that the County Administrator contact Mr. Kinser with regard to the needed copier repairs with Supervisor Hymes further suggesting that the County determine if the County copier technician/repairman could possibly repair the copier for the Community Center with the monies as hereby allocated. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Supervisor Brewster congratulated and commended the Pocahontas Town Council for the way they introduced the Trail-Head Project and how they expidiously passed the resolution and adopted an ordinance on the subject for 4-wheelers & A.T.V's within the Town of Pocahontas, Virginia. He also commended the County Administrator and county staff for organizing the meeting at the Pocahontas High School on this subject. He said that the trailhead project could become and economic boom for the Pocahontas area as well as the entire Northern District.

Supervisor Brewster also commended the Abbs Valley – Boissevain Elementary School for its NCLB- Blue Ribbon Distinction Award.

TOWN OF POCAHONTAS, VA

ROOF REPLACEMENT PROJECT MUSEUM AND MINE ENTRANCE

\$15,000.00

Upon motion of Supervisor Brewster, 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 amount of \$15,000, i.e. \$8,500 Northern District; \$1,500 Eastern District & \$5,000

Southern District, payable to the Town of Pocahontas, Centre Street, PO Box 128, Pocahontas, Virginia 24635 to assist the Town of Pocahontas, Virginia, with the roof replacement project for the Museum and Pocahontas Exhibition Mine entrance. The County Administrator is hereby authorized, empowered 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.

ROAD SIGNS – WESTERN DISTRICT

Supervisor Wimmer requested that road signs be properly placed on Pepper Loop Road off 609.

OLD PSA BUILDING

Supervisor Wimmer reported that the PSA sold the old PSA building at Claypool Hill to a church. Supervisor Hymes thanked the County Administrator for his efforts to dispose of County property that was no longer needed.

ROUTE 609 NUISANCES

Supervisor Wimmer questioned the nuisances on Route 609. The County Attorney said that there might be some debris that the County can remove due to possible health hazards. He said should the County adopt the proposed Maintenance Code Ordinance, nuisances as this, would be more easily enforced.

ANNUAL EMERGENCY SERVICES APPRECIATION DINNER

Supervisor Wimmer announced the Annual Emergency Services Appreciation Dinner on October 10, 2009 at 6:30 p.m. A parade will begin in the North Tazewell, Riverside Drive area and end at the County fairgrounds.

MIDDLE CREEK WATER PROJECT

Supervisor Anderson announced that the Cumberland Plateau announced at their last regular meeting that \$155,000.00 was placed in the 2010 Construction Fund Project account for the Middle Creek Water project and this was very good news. Also approved was \$18,000 for a PER for the Pounding Mill Branch water-line extension project.

APPALACHIAN NATURAL GAS RESOLUTION – OPPOSING RATE INCREASES

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

none against the same, the Tazewell County Board of Supervisors hereby adopts a resolution opposing rate increases by Appalachian Natural Gas, and further that a letter be mailed to Delegate Bowling, Delegate Stark and Senator Puckett requesting their assistance to implement legislation that would prevent Appalachian Natural Gas from imposing on its customers excessive rate increases.

BUDGET COMMITTEE -

ON-GOING ISSUES DUE TO ECONOMIC DOWNTURN

Supervisor Anderson announced that the County's Budget Committee continues to address budget matters due to the ongoing economic downturn. He said he hoped that the economic crisis would take a turn for the better.

DR. THOMAS M. BREWSTER - THANKED

Supervisor Anderson acknowledged that this would be Dr. Brewster's last regular meeting as a member of the Tazewell County Board of Supervisors, Northern District. He expressed appreciation to Dr. Brewster for taking the time over the last nine months to serve the citizens of Tazewell County in this capacity and wished him the best of luck in future endeavors. Supervisor Anderson invited Dr. Brewster back at any time and said that he hoped that the Board could continue to utilize Dr. Brewster's expertise as a member of the State Board of Education with regard to budget issues and other educational concerns.

Dr. Brewster thanked the Board for appointing him to this capacity and stated that it was time well served. He said that he enjoyed working with this Board and it had been a great experience and a lot of fun. He wished the Board well in every aspect of County government.

Supervisor Anderson also wished best wishes to every contender in the upcoming November 3 election.

As a reminder, Supervisor White requested that Mr. Campbell and Mr. Woodard the candidates vying for the Northern District seat, be-given all the necessary information in order that they will be familiar with and ready to proceed with county business upon taking office.

Now, Board members then suggested several additional items be-placed on the agenda for the joint meeting with the Tazewell County School Board scheduled for Oct. 19, 2009 at the Tazewell County Career and Technical Center:

- Obtain school board budget numbers through September 30
- Alternate bus routes during inclement weather
- Graduation rate
- Construction upgrades
- Employee hotline
- ADM used to prepare the budget
- Sales Tax Recovery

ADJOURN

Now, upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby adopts a resolution changing the November 3, 2009 – 6:00 p.m. Regular Meeting to November 17, 2009 at 5:00 p.m. to be held at the Tazewell Middle School Auditorium.

Now, there being no further business to be transacted and 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 this meeting is hereby adjourned.

It was the consensus of the Board of Supervisors that a special meeting be held on October 19, 2009 at 7:00 p.m. at the Tazewell County Career and Technical Center to address various topics with the Tazewell County School Board.

David R. Anderson, Chairman

By: rg

10:15 p.m.

