

VIRGINIA: At a regular meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Administration Building thereof on Tuesday, April 13, 2004 at 2:00 p.m.

PRESENT: Crystal P. Harris, Chairperson; H. Danny Foley, Sr., Vice Chairman; Darrell Cockerham, Roger L. Martin and David G. Young, Board Members; Regena H. Handy, Interim County Administrator; Michael Burnette, Assistant County Administrator; Eric Helms Monday, County Attorney; and Mary Beth Roberson, Assistant to the Interim County Administrator.

The Chairperson called the meeting to order.

Rev. Wayne Hannah from the Blue Ridge Baptist Association gave the invocation.

The Board recited the Pledge of Allegiance to the Flag, followed by a Moment of Silence in honor of U. S. military personnel serving abroad.

On motion by Darrell Cockerham, seconded by David G. Young and carried, the agenda for the meeting was approved.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by David G. Young, seconded by Darrell Cockerham and carried, the minutes of the March 8, 2004 and March 23, 2004 meetings were approved.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

The Interim County Administrator reported on the activities of her office for the preceding month, as required by Section 15.2-407 (B), 1950 Code of Virginia, as amended.

a. **Budget Update:** The Interim County Administrator updated the Board on the status of the proposed county budget. She noted that a state budget has not been passed as of yet, even though the General Assembly was scheduled to adjourn on March 15th. She stated that there may possibly be a vote today on the two-year budget. The Board was given copies of the latest news articles from the Roanoke Times and Richmond Times Dispatch in regards to the state budget process. Mrs. Handy said the County staff is attempting to do all the preparation that they can with the idea that when state figures are received, they can quickly input those figures into the County's budget. She mentioned that the School Board is in the same position with their budget and that it was her understanding that the School Budget Hearing that was planned for April 14th had been cancelled to be rescheduled following approval of the state budget by the General Assembly. She said that the timetable involved in getting a budget approved for next year is a major concern of the County and due to code requirements relating to hearing notices, the County could be facing a time-crunch. She asked the Board to review the tentative revised budget calendar and provide input regarding same. Mrs. Handy proposed to have a draft ready for the Budget Committee by next Friday in hopes that the committee will be able to come to terms on a proposal for the Board at the next monthly meeting. Mr. Martin asked Mrs. Handy if there was any information about a change in the multiplier that the State uses to determine what is required of local tax money. Mrs. Handy stated that she did not have any information concerning that figure but that she would check into this matter.

b. Soil Erosion Staffing Update: Mrs. Handy stated that she did not have any new information to report concerning the need for a soil erosion position. She asked that the Board allow the Personnel Committee to meet with herself and Jason Brown, Patrick County Building Official, to discuss some ideas on filling this position. The Board approved Mrs. Handy's request to hold a Personnel Committee meeting to discuss the soil erosion position.

c. School Interim Bond Financing Extension: The Board is this day in receipt of a request from the Patrick County School Board that the Board approve a one (1) year extension on an interim loan package for renovations at the Patrick County High School and Stuart Elementary School. The Interim County Administrator noted that the Board of Supervisors approved this financing package in April 2002 in the amount of \$944,000 with the expectation that the two (2) year loan would mature this month and be repaid with literary loan funds from VPSA subsidy funds. She advised, however, that all literary funds have been frozen for the next two (2) years and there is no VPS Bond Sale planned until the fall. She mentioned that the Board approved a similar extension on another project this past December; further, she recommended that the Board approve this request because the alternative would require the Board to pay off the loan in full by the April 22nd maturity date. She stated that the School Board has assured her that this transaction will require no additional funds from the Board of Supervisors and that the School Board will obtain and pay for any and all necessary bond counsel.

On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board hereby approves the following resolution:

WHEREAS, on April 22, 2002, the County of Patrick, Virginia (the “County”), issued to SunTrust Bank (the “Registered Owner”) the County’s \$944,000 principal amount bond anticipation note dated April 22, 2002 (the “2002 Note”); and

WHEREAS, among other provisions, the 2002 Note by its terms matures on April 22, 2004; and

WHEREAS, the 2002 Note states, and it was the anticipation of the County at the time of the issuance of the 2002 Note, that it was issued in anticipation of the County issuing to the Literary Fund of the Commonwealth of Virginia, the Virginia Public School Authority or other permanent funding source its general obligation bonds or notes to provide permanent financing for the cost of constructing improvements and renovations for certain school facilities of the County; and

WHEREAS, the County had not yet received approval for such permanent funding from the Literary Fund, the Virginia Public School Authority or other funding source, and therefore has agreed with the Registered Owner to extend the maturity date of the 2002 Note to a later date in anticipation of receiving approval for such permanent funding; and

WHEREAS, the County reasonably expects that prior to April 22, 2005, the County will receive such approval; NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS (the “BOARD”) OF THE COUNTY OF PATRICK, VIRGINIA, AS FOLLOWS:

1. The County hereby agrees with the Registered Owner that the maturity date of the 2002 Note shall be extended to April 22, 2005, as set forth in an Allonge to \$944,000 Bond Anticipation Note dated April 22, 2002 (the “Allonge”), in substantially the form set forth as an attachment hereto, and the Chairperson or Vice Chair of the

Board is authorized to execute the Allonge in substantially the attached form, with such changes as such officer executing it may approve, his or her execution to evidence conclusively his or her approval thereof, and the County Administrator is authorized and directed to affix and attest the seal of the County to the Allonge, and either is directed to deliver the Allonge to the Registered Owner for its execution thereof.

2. In all other respects the indebtedness represented by the 2002 Note, as amended by the Allonge, is ratified and confirmed.

3. This resolution shall take effect immediately upon its adoption.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

d. Cleaning Services Bids: The Interim County Administrator noted that the current contract with Patrick Henry Cleaning Services to clean various county buildings, will end on June 30, 2004. She stated that the Board of Supervisors previously directed her to secure bids for this service and that Requests for Bids were advertised in the Martinsville Bulletin and The Enterprise and ten bid packages were given out. Mrs. Handy reviewed the following list of five responses that were received: Maid for You Cleaning Services of Stuart - \$3,000 per month; Patrick Henry Cleaning Service of Stuart - \$3,300 per month; Busy Bee Services of Mt. Airy, NC - \$3,499 per Month; Gravely's Carpet Care of Patrick Springs - \$3,125 per month; and BAM Professional Janitorial of Axton - \$5,658 per month. She noted that the bids range from \$3,000 to \$5,658 per month and that the current contract is \$3,300 per month. She said that since the County has some time before the current contract expires, she thought the Board might want to take same to review the specifications, check references, and have the County Attorney verify that the bidders met requested specifications. The

Board made the decision that the Building Committee, Board members Cockerham and Foley, meet with Mrs. Handy and the County Attorney to review the bids and make a recommendation to the full Board at the May meeting. The Chairperson asked the committee and Mrs. Handy to contact each Department Head about any problems or concerns that they may have. Mr. Cockerham stated that he would call the bidders to get a better understanding of what each firm can offer and will also check their references.

e. Audit Services RFPs: The Interim County Administrator stated that the Board previously directed her to solicit for submission of proposals to perform financial and compliance audits for Patrick County. She noted that the current audit contract ended with this past audit, therefore, the County needs to have a new contract in place before the next audit season begins. She reported that Requests for Bids were advertised in the Roanoke Times, Martinsville Bulletin, and The Enterprise and notices were sent out to seven accounting firms, yet her office only received one response. She said that Robinson, Farmer, Cox & Associates, which currently provides the County's auditing services, submitted the proposal. Mrs. Handy mentioned that this firm is very well qualified and respected and performs the majority of the audits for counties throughout the State. She noted that county audits must meet a lot of specific guidelines and not all CPA firms are interested in completing them. She reported that Robinson, Farmer, Cox & Associates has offered a three year contract. Ms. Handy recommended that the Board of Supervisors accept this proposal contingent upon the County Attorney's approval.

On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board accepted the proposal from Robinson, Farmer, Cox & Associates for a three-

year contract for the County Audits contingent upon the County Attorney's approval of the proposal.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

A Public Hearing was this day held to receive comments on a financing package for the Patrick Springs Volunteer Fire Department for the purchase of a pumper truck. The Chairperson opened the hearing for public comment. The County Attorney stated that he had been asked to appear before the Board on the Patrick Springs VFD's behalf and that his office will be conducting the closing of this loan. He advised that this Public Hearing is required by BB&T, the lending institute, and is being held to explain the financing package, which consists of 2.44% interest and two (2) annual payments of \$46,700 for the purchase of a pumper truck. He noted that the truck itself would be used as collateral to secure this loan, and this purchase would involve no additional expenditure of County funds beyond what has already been budgeted for the fire department. The Chairperson asked for any additional comments; none were made and the public hearing was closed.

On motion by Darrell Cockerham, seconded by H. Danny Foley Sr. and carried, the Board approved the financing package from BB&T for the purchase of a pumper truck by the Patrick Springs Volunteer Fire Department, as outlined and discussed at the aforementioned Public Hearing regarding same.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

The Interim County Administrator continued with her report.

f. Sheriff Department Vehicle Bids: Mrs. Handy stated that the County had again sent out solicitation packets for used vehicles to be used by the Sheriff's Department. She noted that in order to advertise and to give dealerships an adequate amount of time to submit bids, the bids are due by 5:00pm on Monday, April 19th. She asked that the Board authorize a committee to review the bids that are received and make a decision on this matter. Mr. Young stated that the money for these vehicles is in the budget and that the Board has been trying to complete this project for several months, therefore, he sees no problem with Mrs. Handy's recommendation.

On motion by David G. Young, seconded by H. Danny Foley, Sr. and carried, the Board approved a committee consisting of Board Members Foley and Cockerham to review all bids that are received for the four (4) used vehicles for the Sheriff's Department, make a decision regarding same, with formal action to be made by the Board at its May meeting.

Voting Aye: Harris, Foley, Cockerham, Martin and Young

Voting Nay: None

County Attorney Eric Helms Monday gave a report on various issues relating to the county.

a. Exotic Animal Ordinance: Mr. Monday presented a draft Exotic Animal Ordinance for discussion and advised that a public hearing needs to be held in May concerning same. He noted that this ordinance prohibits the keeping of various exotic animals ranging from raccoons to reptiles of six feet or longer; discussed at some length what defines an owner; and includes exceptions for veterinary hospitals, zoos, or other organizations that might keep exotic animals for professional reasons. He said

that the most important aspect of this ordinance is a permitting procedure whereby the owner of an exotic animal would be required to get a permit from the County. The permit would have to be prominently displayed at the residence to notify an emergency response team, law enforcement officials, or anyone entering the home that an exotic animal is present. Mr. Monday noted that there are provisions in the ordinance for the disposal of exotic animals that are kept in violation of this ordinance and that this draft ordinance resulted from a Board committee action. He stated that if this draft ordinance meets the Board's approval, he recommends that this issue be put on the May agenda for formal adoption. Mr. Monday addressed the issue of dangerous / vicious dogs. He stated that Patrick County already has a Dangerous and Vicious Dog Ordinance and that there is no real way to address it in an exotic animal ordinance. He said the issue of dangerous / vicious dogs is specifically and separately addressed by the Code of Virginia, and that localities cannot outlaw a specific breeds of dogs. Mr. Martin stated that the Dangerous and Vicious Dog Ordinance is a reaction ordinance and there is nothing in that ordinance which would prevent an attack. He felt that dangerous and vicious dogs were an issue that needed to be better addressed.

b. Transient Occupancy Tax Amendments: Mr. Monday discussed the revisions to the Transient Occupancy Tax Ordinance. He stated that these changes resulted from a meeting between himself, the Treasurer, and the Commissioner of the Revenue. He noted that the proposed ordinance is an amalgam of what has been used in various localities around the State, and that it has been "tweaked" to suit the needs of Patrick County. He said that concerns expressed by the Treasurer and the Commissioner of the Revenue were addressed and a couple of changes made as mandated by the State Code. Mr. Monday requested direction from the Board and stated that because this is an existing ordinance, he would recommend from a

procedural standpoint that whatever form the Board agrees upon today, it pass same in an emergency form, then formalize that passage in May after the public notice. He reviewed the ordinance in detail, noting that the term hotel covers anything ranging from a boardinghouse to bed and breakfast to campground. He said that taxes paid for lodging will include any charge that is being levied on the person staying at a hotel, whether it be for the utilities or for the actual bed or space rented. He stated that the State Code requires that two percent (2%) of the taxes collected can be deposited into the County's General Fund, but that three percent (3%) of the taxes collected must be earmarked for tourism. Mr. Young stated that the Board's original proposal was that one percent (1%) of the monies collected would be retained by the County for administration of the ordinance and the other four percent (4%) would go towards tourism in Patrick County; further, he said that he felt as much money as possible should go towards this program. Mr. Monday stated that those percentages were not included in the ordinance that was adopted in September 2003 and if those changes are to be made, he would suggest amending that statement to read: administrative costs, not to exceed one percent of the tax levied, would be allocated to the General Fund and the remainder shall be devoted to the promotion of tourism in Patrick County. He advised that five percent (5%) is the maximum that a locality is allowed to levy. He noted those who would be exempt from this tax, which are hospitals, medical clinics, homes for the aged, and any official or employee of the federal government or of this State or County when on official business. He asked for direction from the Board concerning a discount for hotel owners for administering this tax. He noted that although the State Code does not require this discount, many localities do offer it. He discussed the penalty for failing to report collections and stated that this violation is classified as a misdemeanor and is considered to be embezzlement. He advised that

there is a ten percent (10%) penalty for failure to report the tax and ten percent (10%) interest per annum. He noted that all other taxes in Patrick County have a five percent (5%) penalty and that the State Code allows a maximum of ten percent (10%). Mr. Monday noted that after the ten percent (10%) penalty is applied, that the Commissioner of the Revenue has the authority to put into place procedures, which would enforce the ordinance, and then to pursue the violator. He asked the Board for their approval on the following changes to the proposed ordinance: (1) change the percentages of monies collected to one percent (1%) for administrative costs and four percent (4%) to be used for tourism; (2) allow a three percent (3%) discount to be given to hotel owners for their administrative costs; (3) adopt a ten percent (10%) penalty on all unpaid taxes. Mr. Young stated that he approves of these proposed changes.

On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board hereby adopts the amended Transient Occupancy Ordinance on an emergency basis, effective immediately, as presented and outlined this day by County Attorney Eric Helms Monday.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

c. Delinquent Tax Penalty: The County Attorney stated that he, along with the Treasurer and Commissioner of the Revenue, recommend that the Board consider an across the board increase from five percent (5%) to ten percent (10%) on all unpaid taxes. Mr. Martin recommended a five percent (5%) penalty for the first two (2) months and then a ten percent (10%) penalty thereafter. He stated his concern for the citizens who are having a hard time paying their bills, although he has no problem with charging those individuals who purposely do not pay their taxes. Mr. Monday said that Mr. Martin's recommendation is feasible and that the Personal Property and Real Estate

taxes would be the only two taxes that would potentially impact individual taxpayers. Jamie Clark, WHEO Radio Station, made a suggestion to not implement a late penalty until after the first ninety (90) days. Mr. Young stated that ninety (90) days would give an individual an opportunity to work out their financial condition, which would then allow him/her to pay their taxes. Mr. Monday stated that this issue would be discussed further at the May Board meeting.

On motion by Darrell Cockerham, and seconded by H. Danny Foley, Sr. and carried, the Board convened into Executive Session to discuss prospective business matters [Section 2.2-3711(A)(5), 1950 Code of Virginia, as amended].

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board reconvened into regular session, based upon the following:

WHEREAS, the Patrick County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of the Virginia Freedom of Information Act, and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board,

BE IT FURTHER RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

The Interim County Administrator recognized the staff of the Patrick County Cooperative Extension Office for their recent receipt of Outstanding Unit Award by the Epsilon Sigma Phi National Honorary Extension Fraternity. Those in attendance and recognized include: Carol Byrd, Jim Marion, Lisa Nelson, Tamika Reynolds, Gene Amos, Vicki Wasoski, Alan Ullring, Sharon Helms, Judy Sanborn, and Tammy Goodyear. Carol Byrd, Unit Director, thanked all of those who were involved in receiving this award.

This day came Lisa Price Hughes, Resident Engineer, and Robbie Williams, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), to discuss matters pertaining to the primary and secondary road systems in Patrick County.

a. Old Rt. 58 Abandonment: Mrs. Hughes presented the Board with a resolution that requests the Virginia Department of Transportation to abandon a section of old Route 58 at the intersection of Routes 8 and 58, which is located in the parking lot of Howell's Grocery. She stated that the section is approximately 250 feet long and 20 feet wide.

On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board hereby approves the following resolution:

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated May 28, 1976, depicting the additions, discontinuances, and abandonments in the Primary and Secondary Systems of State Highways as a result of Project 0058-070-106, C-501, which sketch is hereby incorporated herein by reference,

WHEREAS, a new road now serves the same citizens as those portions of old road identified to be abandoned and those portions to be abandoned no longer serve public need; and,

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation abandon from the Primary System of State Highways that portion of Route 58 identified as Section 1, shown in blue on the aforementioned sketch, a total distance of 0.05 mile, pursuant to 33.1-148 of the code of Virginia of 1950, as amended; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

b. Route 8 Mountain Project: Ms. Hughes stated that a project showing was held today and that VDOT plans to make repairs to the three slide areas on Route 8. She advised that VDOT will shift the road over several feet in those places into the mountainside. She noted that the bids for this project will be opened on April 28th and that the project has a December 1st completion date. The Chairperson asked Ms. Hughes if Duke Energy had made the repairs to the roads, which they had damaged while installing the pipeline. Ms. Hughes stated that the repairs have not been completed, the repairs were supposed to begin the first week in April. She reported that Duke Energy has hired a subcontractor to pave the damaged areas.

c. Foley Road: The Chairperson asked Ms. Hughes to ride down Foley Road with herself and H. Danny Foley, Sr. to discuss some concerns about that road. Ms. Hughes agreed to accommodate said request.

d. Design of Route 58 at Meadows of Dan: This day came Jerry Webb to discuss the design of Route 58 in the Meadows of Dan community. Mr. Webb stated that he is a business owner in Meadows of Dan and that he is concerned about a design flaw in a future VDOT project. He stated that VDOT plans to install a closed median that would run from Route 795 (Mabry Mill Road) down to Route 758 (Willis Road), which would be approximately fifty feet long. He said this median would not allow turns into his business or to the post office when traveling east. Mr. Webb advised that he has made a proposal to VDOT that would replace the closed median with a fifth lane from Routes 795 to 758, which will access all of the houses east and west bound. He stated that a median would require the homeowners in that area to travel approximately a quarter of a mile out of their way when leaving their homes. He feels that this median will impact his business tremendously. Mr. Webb stated that he is a former VDOT employee with over thirty years experience in traffic engineering and he has seen design errors before. He said that many people in Meadows of Dan have a great concern about this and that they are willing to sign a petition to have this change made. He then gave the Board a hand drawn sketch of his proposal and stated that this median will have an astronomical impact on his business and it will also become a safety hazard. He reported that the people in that area would like to have the current plan changed and that this design is being done just west of Laurel Fork at Nester's General Store, which is in the same situation as his community is in. He stated that he and his community would appreciate anything that the Board could do to help change the current design. He advised that Senator Roscoe Reynolds has agreed to sign off on

this proposal and that Delegate Ward Armstrong will be informed of the situation tonight. The Chairperson stated that the safety issue is a concern of hers. Mr. Webb stated that anytime that you have U-turn traffic a hazard is created. Mr. Martin said that he had looked at this proposal and had spoken with Mr. Webb about this over a year ago. He said that it is really easy to make a change when you are doing it on paper and that now is the proper time to do it. He feels that the community will end up with a high potential for accidents unless the proposed change is made. He then said that a lot of the property on both sides of the road stands to be developed and that he really supports this proposal. He also noted that the safety standpoint is the paramount issue as far as he is concerned and recommended the Board support Mr. Webb's proposal. The Chairperson asked Lisa Price Hughes to comment on this issue. Ms. Hughes stated that VDOT tries to use the five-lane concept very sparingly because of safety issues, and used the five-lane in Patrick Springs as an example. She noted that VDOT has a safety concern about putting a five-lane in that area and that the plan for that section is to install a four-lane divided highway with a good size left turning lane. After much discussion, the Board agreed that they needed to visit the site in order to get a better understanding of the situation. Mr. Webb, Ms. Hughes, and Mr. Williams agreed to meet with Board members to view the area.

This day came Larry McNorman and Linda Carter, from Tire Energy Corporation (TEC), to discuss matters pertaining to the County's tire disposal. Mr. McNorman stated that his company is building a steam plant in the Martinsville Industrial Park, which will burn tires to produce steam. He noted that he has been working with the Interim County Administrator and Howard Belcher, Transfer Station

Coordinator, about the possibility of TEC collecting scrap tires that are brought to the County's Transfer Station. He gave a presentation to explain the tire burning process. He stated that the company's mission statement is "to provide a permanent solution for the growing scrap tire disposal problem while protecting the environment – land, water, and air – and providing a low-cost energy source; design, build, and operate facilities capable of processing one million scrap tires per year; supply steam and other energy needs to customers seeking a cost-efficient energy supply." The advantages in which he noted include (1) no transfer stations are required because tires are collected within a 150 mile radius; (2) all scrap tires are stored inside enclosed trailers with none on the ground; (3) proper fuel feed is maintained by using computerized systems for weighing and injecting tires; (4) temperatures are controlled in the combustion chambers reducing NOx emissions; (5) reagent injected into gas stream to maintain SO2 and HCl emissions at or below DEQ requirements; (6) bag house (fabric filters) to control all particular emissions; (7) ash collection takes place inside the plant and is transported off-side in covered containers; and (8) no traffic problems, with only three trailer loads per day. Mr. Martin asked what size tires the plant could handle. Mr. McNorman stated that the plant could handle tires as large as 18 x 48 inches. Mr. Young said that the Board has had a copy of the proposed contract between the County and TEC for several weeks and have studied it; therefore, he sees no reason not to enter into this contract at this time. Mr. Martin stated that he thinks that it is a fantastic idea. The contract states the following: The parties have agreed to enter into this agreement for the purposes of (a) providing a reliable source of scrap tires for TEC to use in its facility and (b) giving Patrick County a competitive disposal price for its scrap tires. The provisions of this agreement are: (1) Patrick County will use TEC as its exclusive outlet for disposal of all scrap tires (passenger and truck) for the term of this agreement; (2) TEC agrees to park

empty trailer(s) at designated location(s) as requested by the County; (3) the scrap tires will be transported and disposed of in accordance with all environmental safety laws, regulations, and permits. TEC has been approved and registered as a tire hauler with the Virginia DEQ (Hauler ID No.1044); (4) this agreement shall be effective for a period of one (1) year from the date entered below and unless terminated by either party in writing delivered less than 60 and more than 30 days prior to the end of such year, shall continue from year to year thereafter; (5) the County will make provisions to load the empty trailer until it is filled. TEC agrees to remove each loaded trailer and replace with an empty trailer within twenty-four hours notice by the County; (6) TEC will invoice the County on a monthly basis. Each invoice includes dates the trailers were picked up and indicates the number of tires as well as the weight. TEC has state certified truck scales installed by J.A. King & Company LLC, Greensboro, NC. Any other information that the County requires can be included on the invoice; (7) TEC proposes to transport and process all scrap tires (passenger & truck) from Patrick County for the sum of \$70.00 per ton. No additional fees will be added to the cost per ton during the agreement between TEC and the County.

On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board entered into a contract with Tire Energy Corporation for the disposal of the tires that are collected at the Patrick County Transfer Station.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

A Public Hearing was this day held to receive comments on a request from Sadie Wigington heirs to close a section of an old public right-of-way in the Patrick

Springs area. The Chairperson opened the hearing for public comment. The Interim County Administrator stated that the County has posted and advertised the public hearing as required, yet no written or verbal comments have been received. The Chairperson asked for any comments; none were made and the public hearing was closed.

On motion by Darrell Cockerham, seconded by H. Danny Foley Sr. and carried, the Board approved the request as made by the heirs of Sadie Wigington to close a section of an old public right-of-way that is twenty-five feet long, as discussed at the aforementioned Public Hearing regarding same.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

This day came Patty Hazelwood, Patrick County Chamber of Commerce President, to discuss matters pertaining to the Chamber's financial status. She stated that she took office as President the first of January, the executive director resigned in February, and the organization realized in March that they do not have enough funds to continue to operate. Mrs. Hazelwood noted that they have tried to raise funds by encouraging new membership, laying off the office's secretary, canceling the lease on the copying machine, and many of the chamber members have volunteered their time to man the office. She said that the Chamber of Commerce is in dire need of funding and asked for any help the Board could offer, such as free office space. She stated that she would be attending the Town Council Meeting to ask for assistance in this matter, as well. Mr. Martin stated that the County will have a tough year coming up and that he has served on the Budget Committee for several years and this year may be the worst. Mrs.

Hazelwood noted that the Patrick County Race Fest is coming up and that the Chamber hopes to raise some funds from that event. Mr. Young stated that the Board has discussed possible space in a County Building and that he wants to keep the Chamber open.

This day came Alfred Brammer, Patrick County Social Services Board Member, to discuss matters pertaining to the retirement of Carolyn Harnsberger, Patrick County Department of Social Services Director and the employment of a new director. On behalf of the Social Services Board, Mr. Brammer asked that the Board of Supervisors write a proclamation for Mrs. Harnsberger for the May meeting and declare that day as “Carolyn Harnsberger Day”. Mr. Young stated that he is in support of that suggestion. Mr. Martin said that Ms. Harnsberger is very deserving of this recognition.

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board approved the writing of a proclamation honoring Carolyn Harnsberger and the declaration of May 10th as “Carolyn Harnsberger Day”.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

Mr. Brammer advised that the new Social Services Director is Mrs. Joan Rogers, a Former employee of the Martinsville – Henry County Department of Social Services, who will begin her new duties in Patrick County on Monday morning.

Mr. Cockerham recognized two gentlemen who were attending the meeting, Dean Lynch. He introduced Director of Local Government from Virginia Association of Counties; and Randy Arno, with the University of Virginia, Weldon Cooper Center – Southside. Mr. Lynch noted that there has been no vote out of the House concerning the state budget as of yet.

The Assistant County Administrator / Economic Development Director gave his report to the Board.

a. Jamestown 2007 Community Program: This day came Carolyn Beale, Acting Director at the Reynolds Homestead and Chair of the Chamber of Commerce Tourism Commission, to discuss matters pertaining to Jamestown 2007 Community Program. She stated that a Tourism Commission meeting was held this morning in which Mr. Young and approximately twenty-five citizens from the entire county attended. Ms. Beale said that the committee should have some good marketing ventures to report to the Board in the near future. She stated that the Board had received some information concerning this event a few months ago and that the Tourism Commission has requested that the Board give their approval and support of Patrick County becoming a partner in the Jamestown 2007 Community Program. Ms. Beale reviewed the following list of requirements that have to be met in order to become a partner: (1) organize a 2007 Planning Committee (this will fall under the Tourism Commission (2) examine the County's history and heritage; (3) discover the Community's unique assets; (4) develop special projects and events; (5) create a theme (proposed theme: "Come home to Patrick County"). She felt that Patrick County has or can meet all of the requirements. She noted that Galax is a participant and has planned

events such as a pageant, community mural, major music event, and a documentary on mountain music. Ms. Beale feels that Patrick County has a lot more to offer and that she and the Tourism Commission are very excited about this opportunity. She said that a community name is required and the Commission has recommended Patrick County \ Stuart \, followed by a list of the communities in the County. She mentioned that the Historical Society would take care of the time capsule, which would need to be planted by 2007. She noted that this project would not require the expenditure of any county money and that a Planning Committee Chairperson would need to be appointed. Mr. Young stated that the Tourism Commission Meeting in which he attended earlier in the day was very informative and beneficial.

On motion by H. Danny Foley, Sr., seconded by David G. Young and carried, the Board approved the submittal of application for the participation of Patrick County in the 2007 Jamestown Community Program and the appointment of Ms. Carolyn Beale as the Planning Committee Chairperson.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

b. EDA Strategies: Mr. Burnette stated that the Economic Development Board is currently reviewing a draft strategic plan and that a final copy should be completed at their May meeting. He stated that the EDA is trying to devise a very tight strategic plan so that everyone will know what the Board is doing.

A number of bills and claims against the county were presented and examined. On motion by Darrell Cockerham, and seconded by David G. Young and

carried, the bills and claims were ordered paid and the following warrants were issued in payment of same:

On the General County Fund: Warrants No. 21671 - 21790

On the General County Fund: Warrants No. 74224 - 74511

On the CSA Fund: Warrants No. 340 - 361

On E-911 Communications Fund: Warrants No. 778 - 788

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by Darrell Cockerham, and seconded by David G. Young and carried, the requests for appropriations are approved, as presented, therefore,

BE IT RESOLVED by the Board of Supervisors of the County of Patrick, Virginia, that the following appropriations be, and the same hereby are, made for the month of April, 2004: General County Fund-\$550,000.00; Social Services (VPA) Fund-\$172,145.34; School Fund- \$319,743.00; School Construction Fund \$500,000.00; Comprehensive Services Act- \$43,616.71; E911 Communications Fund- \$2,626.39; **TOTAL ALL APPROPRIATIONS- \$1,588,131.44.**

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by Darrell Cockerham, and seconded by David G. Young and carried, it is hereby ordered that Carolyn I. Tatum, Treasurer, transfer the amount of Forty-Six Thousand Forty-Six Dollars and Sixty-Nine Cents (\$46,046.69) from the E911 Fund to the General County Fund, for payment of expenses incurred.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by Darrell Cockerham, and seconded by David G. Young and carried, it is hereby ordered that Carolyn I. Tatum, Treasurer, transfer the amount of Seventy Dollars and no Cents (\$70.00) from the Courthouse Maintenance Fund to the General County Fund, for payment of expenses incurred.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by Darrell Cockerham, and seconded by David G. Young and carried, it is hereby ordered that Carolyn I. Tatum, Treasurer, transfer the amount of Twenty Thousand Dollars (\$20,000.00) from the General County Fund to the Comprehensive Services Act (CSA) Fund, contingent upon the definite need for funds and availability of funds in the General County Fund.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by Darrell Cockerham, and seconded by David G. Young and carried, it is hereby ordered that Carolyn I. Tatum, Treasurer, transfer the amount of Seven Hundred Sixty-Eight Dollars and Eight Cents (\$768.08) from the DARE Fund to the General County Fund, for payment of expenses incurred.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by Darrell Cockerham, seconded by David G. Young and carried,
the following requests for additional appropriations are hereby approved.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

<u>Department</u>	<u>Amount</u>	<u>For</u>
Board of Supervisors	\$700.00	Legislative Retreat
Board of Supervisors	500.00	Travels (Meals and Lodging)
Auditor	6,250.00	Auditing of County Funds (GASB)
Magistrate	1,000.00	Computer Equipment
Magistrate	200.00	Heating Fuel
Magistrate	41.00	Travel
Commonwealth Attorney	2,847.70	Retirement - VRS
Sheriff (Law Enforcement)	6,600.00	Board of Prisoners, Juvenile
Sheriff (Law Enforcement)	1,800.00	Legal Fees
Sheriff (Law Enforcement)	153.98	Vehicle & Equipment Supplies
Sheriff (Law Enforcement)	6,000.00	Board of Prisoners-Other Jails
Sheriff (Law Enforcement)	8,000.00	Hospital Service for Prisoners
Sheriff (Law Enforcement)	1,600.00	Electrical Services
Sheriff (Law Enforcement)	4,813.00	Electronic Doors, Cameras
Sheriff (Law Enforcement)	7,568.52	Part-time Salaries
Sheriff (Law Enforcement)	1,500.00	Telephone
Emergency Services	10,690.00	Salary: Emerg. Serv. Coordinator
Nondepartmental	4,128.00	Workmen's Compensation

On motion by Darrell Cockerham, seconded by David G. Young and carried,
the following requests for transfer of funds are hereby approved.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

<u>Department</u>	<u>Amount</u>	<u>From</u>	<u>To</u>
County Administration	\$200.00	Salary:Admin. Asst.	Maintenance Contracts
County Administration	200.00	Salary:Admin. Asst.	Maintenance Contracts
County Administration	75.00	Salary:Admin. Asst.	Maintenance Contracts
County Administration	500.00	Salary:Admin. Asst.	Telephone
Commissioner of the Rev.	3,800.00	Hospitalization Ins.	Office Supplies
Tax Mapping	2,124.00	Salary	Computer Equipment
Tax Mapping	257.00	FICA	Computer Equipment
Tax Mapping	202.00	VRS	Computer Equipment
Circuit Court	103.30	Expense Jury Comm.	Repair & Maintenance
General District Court	300.00	Furniture	Office Supplies
Clerk of the Circuit Court	375.00	Travel	Part-time Salaries
Clerk of the Circuit Court	600.00	Office Supplies	Copier Supplies & Maintenance
Commonwealth Attorney	136.00	Pager Rental Service	Postage
Commonwealth Attorney	47.70	Hospitalization Ins.	Dues
Commonwealth Attorney	1,252.30	Hospitalization Ins.	Retirement - VRS
Sheriff (Law Enforcement)	200.00	Office Supplies	Postal Services
Sheriff (Law Enforcement)	1,500.00	Misc. Equipment	Travel
Sheriff (Law Enforcement)	1,000.00	Doctors' Fees	Electrical Services
Sheriff (Law Enforcement)	2,172.91	Salaries: Deputies	Part-time Temp.

Sheriff (Law Enforcement	800.00	Doctors' Fees	Office Supplies for Prisoners
Animal Control	100.00	Advertising	Electrical Services
Animal Control	200.00	Kennel Supplies	Electrical Services
Animal Control	300.00	Damage by Dogs	Vehicle & Equipment
Emergency Services	800.00	Hospitalization Ins.	FICA
Transfer Station	500.00	Hospitalization	Other Operating Expenses
Economic Development	500.00	Marketing	Office Supplies
Recreation Development	5,200.00	Rec. Equip. & Supp.	Electrical Supplies
Recreation Development	970.00	Rec. Equip. & Supp.	Water/Sewage/Garbage
Recreation Development	200.00	Rec. Equip. & Supp.	Office Supplies
Soil & Water Conservation Dist.	882.40	Hospitalization	Retirement-VRS
Soil & Water Conservation Dist.	1,053.00	Salary	Retirement-VRS
Court Services	24.00	Repair & Maintenance	Other Operating Supplies

Mr. Martin reported on a proposal being devised by legislatures to build a University in Southwestern Virginia. He presented the Board with a resolution and stated that the university would provide jobs and would have no downside to it. He said that if the County could get some influential people to speak on its behalf, the County might be able to do something about this issue. Mr. Young stated that he had contacted the Harvest Foundation previously and was informed that the foundation would only fund this project if it were located in Henry County. Mr. Foley concurred with Mr. Young's comment and stated this was his understanding, as well. Mr. Young said that if the University cannot be located in Patrick County that he would like to join forces with Henry County to locate it there.

On motion by Roger L. Martin, seconded by Darrell Cockerham and carried, the following resolution is hereby adopted:

WHEREAS, there is a proposal to bring a new university to SW Virginia, and

WHEREAS, a university in Patrick County would confer upon the county and the region, a future beyond it's wildest dreams, and

WHEREAS, the citizens and the County Board of Supervisors have a strong desire to see this university situated in Patrick County, and

WHEREAS, the presence of a new university in Patrick County would serve a large region in Virginia and North Carolina, and

WHEREAS, Patrick County land will provide ample space in a beautiful rural environment near the mountains with the Blue Ridge Parkway as well as being in close proximity to a broad assortment of urban amenities and cultural activities, and

WHEREAS, the Patrick County area lies in close proximity to the New River Valley, Roanoke, Raleigh-Durham Research Triangle, Greensboro, High Point, Winston Salem, and other nearby cities in a highly populated area, and

WHEREAS, Patrick County has an excellent road system with U.S. 58 due to be completely four-laned to Interstate 77 in Carroll County and good access to Interstate 81, Interstate 40, and several other major highways, and

WHEREAS, a new university in Patrick would be ideally situated to act in conjunction with Virginia Tech and many other institutes of higher learning to provide a broad range of research, educational, cultural, and economic opportunities to an extensive regional area in both Virginia and North Carolina, and

WHEREAS, a new university will provide a great increase in the economy and a multitude of high quality employment opportunities throughout the region, and

WHEREAS, the placement of a university in Patrick County will bring a great upgrade of the communications system with the advent of broadband technology, fiber cable, and a variety of wireless technologies and will help upgrade the communications capabilities of the entire region, and

WHEREAS, a university in Patrick County will result in an increase in interest by higher paying and cleaner industries that are seeking to relocate and will significantly aid in the economic development of the County, and

WHEREAS, the Patrick County Board of Supervisors strongly supports any efforts to bring a new university to Patrick County for the benefit of SW Virginia and the surrounding region,

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors does petition the State Council on Higher Learning of Virginia, The Honorable Timothy Kaine, and the Harvest Foundation to help the people of Southwestern Virginia by helping to place the new university in Patrick County,

BE IT FURTHER RESOLVED that the Patrick County Administrator is authorized and directed to forward Certified copies of this Resolution to the State Council on Higher Learning of Virginia, The Honorable Timothy Kaine, the Harvest Foundation, Governor Mark Warner, Delegate Ward Armstrong, Senator Roscoe Reynolds, Congressman Rick Boucher, Congressman Virgil Goode, Senator George Allen, and Senator John Warner.

AND BE IT FURTHER RESOLVED THAT the State Council on Higher Learning of Virginia, The Honorable Timothy Kaine, the Harvest Foundation, Govenor Warner, Delegate Armstrong, Senator Reynolds, Congressman Boucher, Congressman Goode, Senator Allen, and Senator Warner are respectfully requested to use their good offices

to support this recommended action and that each take any opportunity to place a new university in Patrick County.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by Darrell Cockerham, and seconded by David G. Young and carried, the Board convened into Executive Session to discuss legal matters [Section 2.2-3711(A)(7), 1950 Code of Virginia, as amended]; prospective business matters [Section 2.2-3711(A)(5), 1950 Code of Virginia, as amended]; personnel – committee appointment [Section 2.2-3711(A)(5), 1950 Code of Virginia, as amended].

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

On motion by Roger L. Martin, seconded by Darrell Cockerham and carried, the Board reconvened into regular session, based upon the following:

WHEREAS, the Patrick County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of the Virginia Freedom of Information Act, and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only

such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board,

BE IT FURTHER RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young

Voting Nay: None

The Interim County Administrator presented department head reports for the preceding month, as follows:

a. **Sheriff:** The report of Patrick County Sheriff David Hubbard of prisoners confined during the previous month in the County Jail was this day presented, which report was examined as required by Section 53-178, 1950 Code of Virginia, as amended, and found to be correct.

b. **Building Inspector:** A report of the activities of Jason Brown, County Building Inspector, for the preceding month, including a list of the number of new and used mobile homes for which permits were issued during the past month, was presented and examined. Said reports are approved and ordered filed with the papers of this meeting.

b. **DMV Agent:** A report of office activities of Glenda C. Morse, Patrick County Division of Motor Vehicles (DMV) Agent, was presented for the Board's information. Said report is noted and ordered filed with the papers of this meeting.

d. **Treasurer:** A trial balance of the records of Carolyn I. Tatum, Patrick County Treasurer, as of the last day of the previous month and a statement of depositories made during the same month was submitted. Said report is noted.

e. **Animal Control Officer:** A report of the activities of C. Leon Handy, County Animal Control Officer, was presented and examined for the preceding month. Said report is noted and ordered filed with the papers of this meeting.

f. **Maintenance Supervisor:** A report of activities of Teddy Doss, Maintenance Supervisor, was presented and examined for the preceding month. Said report is noted and filed with the papers of this meeting.

Ordered that the Board be adjourned until Wednesday, April 14, 2004.

, Chairperson