

VIRGINIA: At a regular meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Administration Building thereof on Monday, August 9, 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, County Administrator; Michael Burnette, Assistant County Administrator; Eric Helms Monday, County Attorney; and Mary Beth Roberson, Assistant to the County Administrator.

The Chairperson called the meeting to order.

Rev. Jim Churchwell from New Life Community Fellowship 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 David G. Young, seconded by H. Danny Foley, Sr. 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 H. Danny Foley, Sr. and carried, the minutes of the July 12, 22, and August 4, 2004 meetings were approved.

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

Voting Nay: None

The 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. Solid Waste Transfer Station Compliance Inspection: Mrs. Handy reported that the Department of Environmental Quality performed a compliance inspection at the Transfer Station on June 29, 2004 and that no violations were found. She stated that she had asked Howard Belcher, Transfer Station Manager, to attend the meeting so that she could publicly recognize and thank him and his staff for the fine job that they do. The Chairperson stated that Mr. Belcher and his staff are doing a great job and thanked him for all that they do.

b. Solid Waste Management Plan: Mrs. Handy stated that last month the Board referred the Solid Waste Management Plan to the Solid Waste Committee, however, the committee did not have an opportunity to meet. She noted that this plan does not include specifics and that it is just a general direction of where the County wants to go. Mrs. Handy recommended that the Board approve the plan and that it needs to be sent to the State. She advised that changes and adjustments could be made. Mr. Martin asked if any other members of the Board had read this plan and said that he could not find any specifics, it was just general stuff. He stated that there were a lot of alternatives. Mrs. Handy said that this is something that is required by the State and this is our response to them. She advised that if the Board is not ready to give its approval, she could ask Mr. Hinshelwood from Olver to come back and meet with the Board again. Mr. Young stated that he had read the plan and felt this was a broad umbrella. He

noted that the recommendations that Mr. Foley and Mr. Cockerham, as the Board's Solid Waste Committee, will present to the Board on how to operate under this plan is what the Board will really be voting on and that they need to approve what Olver has done. Mr. Martin reiterated that he did not see anything specific that could be voted on. Mr. Young said that there are a great number of alternatives but everything is within the parameters that the State has already said that we can and cannot do. He said that it is up to the Solid Waste Committee to come up with some recommendations for the County to put into action. Mr. Martin stated that he would rather vote on a set of recommendations than just on alternatives. Mr. Foley stated that the committee has not had a lot of time to discuss this, but some of the things that they are proposing to do will increase the recycling rate and that approving this plan needs to be done first. He advised that the committee does not have any recommendations at this time.

On motion by H. Danny Foley, Sr., seconded by Darrell Cockerham and carried, the Board does hereby adopt the Solid Waste Management Plan that was prepared by Olver.

WHEREAS, the Department of Environmental Quality of the Commonwealth of Virginia has established regulations for solid waste management plans, and

WHEREAS, the County of Patrick and the Town of Stuart desire to participate jointly in solid waste management planning and to be part of a regional boundary comprised of the limits of Patrick County and including the Town of Stuart, and

WHEREAS, this is allowed under Regulations for Solid Waste Management Planning, Amendment 1, 9 VAC 20-130,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Patrick resolves to join with and participate in the Regional Solid Waste Management Plan with the entities identified herein.

Voting Aye: Harris, Foley, Cockerham, and Young

Voting Nay: Martin

Mr. Martin stated that the proposed plan was nothing but a list of alternatives, therefore, he voted no to the approval of this plan.

c. SRO Letter: The County Administrator reported that Sheriff Hubbard sent a letter to the Board advising that the SRO funds are still in a pending status but that there may be a decision made in mid-August. She stated that school will begin on August 12th and that the Sheriff requests that the Board fund this position until he receives word on the grant or for the remainder of the school year. Mr. Martin stated that the State gave the school system an extra two million dollars, they had a surplus of \$91,000, and the County does not have that kind of surplus. He advised that unless the State continues year after year with the extra money, that budget is unsustainable anyway and that he would like to refer this issue to the School Board. Mr. Young stated that he has a problem with the request because neither the School Board nor the Sheriff's Department chose to include this position in their budgets when he and Mr. Martin were working on the County budget in April. He advised that if the Board funds the position for the full year that it will cost approximately \$40,000 to \$50,000, which the Board may or may not have at the end of the year. Mr. Young stated that this request would have been easier to put in the budget in April. He said that "this is a good thing" but that he would have loved to have seen this request back in April or May instead of in August. He stated that he does not know why this issue was not worked out between the School Board and the Sheriff's Department. He noted that the new school year begins in three days. Mr. Martin made a motion that the School Board fund the position. The Chairperson said that this should have been a joint effort between the Board, Sheriff's Department, and the School Board, and that she has fought for the resource officer from the very beginning. Mr. Young stated that this is not the way that a \$40,000 item should be handled, it should have been brought up in May. He noted that this request came only from the Sheriff's Department, not jointly with the School Board. Mr. Cockerham asked if the Board would like to fund one third of the position. Mr. Martin said that this is a good program but that this should be send back to the Sheriff so that he can discuss it with the School Board. He said that the School Board was given two million dollars extra, the County had a tight budget, and that they are more apt to have the money in their budget.

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board does hereby refer the request for funding of the SRO position back to the Sheriff's Department to be presented to the Patrick County School Board.

Voting Aye: Foley, Cockerham, Martin, and Young

Voting Nay: Harris

d. LGOC Update: Mrs. Handy reported that she and Mr. Foley, Mr. Young, and the Treasurer had attended a Local Government Officials Conference in Norfolk last week. She stated that the conference included several topics of discussion but that the most significant thing to come out of the conference was the opportunity to interact with counterparts from other localities. Mrs. Handy advised that she participated in a group roundtable discussion and the underlying theme turned out to be communication; communication within our own boards, staff, constitutional officers, legislators, and citizens. She stated that she had attended a Rural Caucus meeting in which localities expressed their concern for issues such as transportation and economic growth, which they would like to have addressed by state officials. She advised that this group will meet again in November and that they were asked to come back to the Boards and ask them to compile a list of items that they would like for the Rural Caucus to address with legislators. Mr. Foley stated that he was informed of an idea that vehicle registrations fees be based on how many miles a vehicle is driven. He said that the advantage of attending the transportation meeting was finding out what is being proposed and having an opportunity to stop ideas that may have a negative impact on the County. Mr. Young stated that he serves on the Agriculture and Environment Committee and that most of the discussion pertained to the application of sewer waste. He said that the eleven recommendations that the Board had discussed at the July meeting had not been given to the proper committees in time for the LGOC meeting last week. He said that he had spoken with Larry Land and was advised that those issues will be considered in November. Mr. Young said that these meetings are a way to find out what is going on around the State.

e. Treasurer's Year End Report: The Settlement of receipts and reimbursements from July 1, 2003 to June 30, 2004, as prepared by Carolyn I. Tatum, Treasurer, was presented. Said Settlement is approved and ordered recorded.

f. Crooked Road" Update: Mrs. Handy reported that she and Jeannie Frisco, Special Assistant for Economic Development and Tourism, recently met with Ron Flanary and Bill Kornrich, Chairman and Coordinator for the Crooked Road Project. She stated that they were very receptive to Patrick County becoming part of the Music Trail, however, they stated that they were only speaking for themselves and that it would have to be officially approved by the General Assembly. Mrs. Handy said that she and Mrs. Frisco are planning to attend a meeting of the entire group of Counties that are involved in the Music Trail. She advised that Mr. Flanary and Mr. Kornrich felt that if it is agreeable with the group, Patrick County would be included on the website, the calendar of events, and the brochures that will be handed out. Mrs. Handy noted that a constructive dialogue has been developed and that she and Mrs. Frisco look forward to meeting the entire group. She advised that she was contacted by the Division of Legislative Services and was asked if Patrick County was included in the Music Trail, what designated route the County would like. Mr. Martin stated that there is a lot of music in this area and that this trail should take in a lot of territory. He said that tourism has a broad aspect and it needs to draw from many different areas of interest. He noted that if the County builds a tourism industry that it would not go to Mexico.

g. Rocky Knob Meeting: The County Administrator stated that Congressman Boucher had made a request to the U.S. House of Representatives to appropriate \$1.5 million to be used for tourism development at Rocky Knob, which was approved. She reported that the funding would enable Phase I of the project, which will include a feasibility study, planning, design, land acquisition, and site preparation. Mrs. Handy noted that Congressman Boucher has organized a task force of Patrick and Floyd County citizens to assist with this project. She stated that the group has met twice and that the Chairperson, Mr. Cockerham, Mr. Young, Mike Burnette, Jeannie Frisco, and herself have attended at least one of those meetings. She advised that the next meeting is scheduled for August 24th at Primland and she encouraged the Board to attend. Mrs. Handy

stated that this project has the potential to boost the tourism industry in Patrick County.

h. Procurement Procedures / Committee Update: Mrs. Handy reported that Board Members Martin and Young met with the Bookkeeper, Treasurer, Sheriff, and herself recently to discuss ways of reducing expenditures. She noted that the committee also talked about a new budget format and buying supplies in bulk. Mrs. Handy said that Donna Shough, Bookkeeper, has made several contacts concerning bulk purchasing and due to Mrs. Shough's background and education in accounting, she will be an asset in this process. She noted that they are in the process of contacting all of the service stations in the County to inform them of the Board's new policy on vehicle maintenance and repairs. The Chairperson asked if the committee would like to meet again in the near future. Board Members Martin and Young stated that they would like to meet again and that a lot of progress was made at the last meeting.

i. HVAC Service Bid Award: The County Administrator advised that at the July meeting, the Board turned the HVAC Bids over to the Buildings and Grounds Committee. She stated that the committee had recommended that the bid be awarded to Professional Refrigeration of Stuart. Mrs. Handy noted that she has spoken with each Board Member individually concerning the awarding of this bid and that she had notified the company that the County would accept that bid with the understanding that the Board would formally approve it at the August meeting.

On motion by Darrell Cockerham, seconded by H. Danny Foley, Sr. and carried, the Board approved the formal award of the HVAC Service Contract to Professional Refrigeration Company, LLC for one year at \$40.00 per hour.

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

Voting Nay: None

j. Goblintown Mill Historic Preservation Request: The County Administrator stated that a letter of notification from the Department of Historic Resources, Virginia's Historic Preservation Office, was received stating that the Goblintown Mill has been nominated and is being considered for recommendation to the National Register of Historic Places and for inclusion in the Virginia Landmarks Register. She noted that this mill was built around 1850, is located on Iron Bridge Road, and is privately owned. Mrs. Handy advised that this letter states that any comments from the Board will be included in the consideration that will go before the Department of Historic Resources. The Chairperson stated that she would like to see the Board give a favorable comment concerning the mill. Mr. Martin said that there are a lot of things like this scattered around the County and they show how people used to live and do things. He stated that if the County is going to develop a tourist attraction here, Patrick County has to be a destination and not just a place to go through. He said that the mill is something that is important to the County and it needs to be preserved. Mr. Young noted that there are several other mills in Patrick County and that the County should encourage the owners to preserve those historic sites.

On motion by Roger L. Martin, seconded by H. Danny Foley, Sr. and carried, the Board does hereby approve the submittal of a favorable letter to the Virginia Department of Historic Resources in regards to the nomination of the Goblintown Mill to be included in the National Register of Historic Places and the Virginia Landmarks Register.

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

Voting Nay: None

k. Piedmont Community Services Performance Contract: The County Administrator stated that the Board has been given a copy of the contract between Piedmont Community Services and the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services, and she noted that State law requires PCS to submit this contract for the Board's review. Mrs. Handy advised that the Board has approved this contract in the past and recommends that it be approved again this year. Mr. Foley stated that under the Local Government Tax Appropriation section, Patrick County is listed as contributing \$72,130 and asked why Franklin County gives only \$45,961. Mrs. Handy advised that the monies that the County gives to PARC Workshop and the Developmental Center, which equal approximately \$25,000 for each facility, are included in Patrick County's figure. Mr. Young said that based on population, Patrick County's amount would probably be in line with the other localities when the

contributions to the Developmental Center and PARC Workshop are deducted from the total. Mrs. Handy noted that Mr. Tobin could come and answer any questions that the Board may have. Mr. Young asked how MARC in Martinsville is funded. Mrs. Handy stated that she would look into that. Mr. Young inquired about when this contract had to be approved. Mrs. Handy advised that it could be approved at the September meeting. Mr. Young stated that he would like to see a break down of the numbers in relation to population, and would like to know if Patrick County is giving the same number of dollars per capita as other areas, not including the Developmental Center and PARC Workshop. Mr. Martin asked why the Board is required to approve this contract. Mr. Young stated that it is because the County will be giving funds to the organization.

On motion by David G. Young, seconded by Roger L. Martin and carried, the Board hereby tables the approval of the Piedmont Community Services Performance Contract until the September Board Meeting to enable the County Administrator to obtain a break down of the number of dollars per capita income for Patrick County.

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

Voting Nay: None

I. Department Head Reports: The County Administrator presented department head reports for the preceding month, as follows:

(1) 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. Mr. Young noted the \$110.00 for Sheriff's Serving Fees on the Department Head report and asked for an explanation of that item. The County Attorney stated that he would look into it.

(2) 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. The Chairperson noted that the number of mobile home permits were more than double the number of house permits on the Building Inspector's report.

(3) DMV Agent: A report of office activities of Shirley Rorrer, 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.

(4) 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.

(5) 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.

(6) 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.

(7) Emergency Management: A report of the activities of Michael Hudson, Emergency Management Coordinator, was presented and examined for the preceding month. Said report is noted and ordered filed with the papers of this meeting.

m. Erosion and Sediment Position: The County Administrator advised that her staff has submitted a help wanted ad in the local paper for a part-time erosion and sediment position, which was discussed during the budget process and then approved by the Board. She stated that the State is putting some pressure on the County to move forward with this position.

Eric Helms Monday, County Attorney, gave his report. Mr. Monday reported that the Federal Court of Appeals ruled that a council or board could not invoke the name of Jesus Christ during prayer. He stated that he has notified the School Board of this change in policy; however, he does not believe that the School Board nor any other boards or commissions in the County begin their

meetings with prayer. He said that he expects this to be appealed to the U.S. Supreme Court. The Chairperson stated that the Board was glad that the Ministerial Association chose to come and give the invocation today after learning of this ruling.

The Board recessed for thirty minutes.

The Board reconvened into regular session.

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. Set Date for 6-Year Plan Hearing: Mrs. Hughes advised that a date needs to be set for the Six Year Plan Public Hearing, which is normally held during the October board meeting in the evening. The County Administrator stated that the October Board Meeting is scheduled on Columbus Day, which is a Federal and State holiday though not a locally observed holiday. The County Attorney recommended the Board reschedule the October meeting due to the holiday. Mrs. Handy asked Mrs. Hughes if the public hearing could be held on whatever day the Board schedules the meeting. Mrs. Hughes stated that it could be, however, the public hearing must be advertised thirty days in advance.

b. Poplar Camp Creek Road: Mrs. Hughes reported that a project showing will be held and that bids will be opened on August 18, 2004.

c. Surface Treatment: Mrs. Hughes advised that the surface treatment process is still on-going in the County. She stated that VDOT is finishing up in Patrick Springs and then will move into the Peters Creek area, with the Meadows of Dan and Fairystone areas to follow.

d. FY04 Quarterly Report from VDOT: Mrs. Hughes stated that the quarterly report shows the status of maintenance and construction projects. She noted that the Commissioner's focus is to finish projects on time and on budget, and that VDOT's goal is sixty percent of construction projects and seventy percent of maintenance projects done on time and on budget. Mrs. Hughes stated that the latest quarterly report shows an improvement on a statewide basis. She said that the timelines that are set on projects used to be set on working days; now all contracts have a fixed date.

e. Request to return property to private ownership: The Resident Engineer discussed a letter from VDOT informing the Board that VDOT plans to sell by sealed bids the Mabel Fulcher house, which is located at the intersection of Business Route 58 and the Route 58 Bypass. Mrs. Hughes advised that she would need any comments from the Board concerning this issue as soon as possible.

f. Wildwood Acres Circle water problem: Mrs. Hughes reported that there was a drainage problem, which caused some standing water in a yard on Wildwood Acres Circle. She advised that VDOT has done some ditching to correct the problem. The County Administrator stated that Bishop Bruce had contacted her office about this matter, and while complimentary of the work done by VDOT, had advised that a problem still exists there.

g. Squirrel Spur Project: The Resident Engineer stated that VDOT has had Squirrel Spur Road closed for about thirty days and would like to leave it closed for approximately two additional months to allow the contractor to do additional work. She said that, hopefully, by closing the road again it will allow the project to be completed faster and, if the County could suffer through this a little while longer, that it would be to everyone's advantage in the long run. Mrs. Hughes stated that she has gotten a few questions but no complaints from citizens. Mr. Cockerham asked how long the road would be closed. Mrs. Hughes said that it would probably be closed until the first of October but that she had not gotten the contractor's report as of yet, but should receive it by Wednesday. Mr. Cockerham asked if the road would be closed again after it is opened in

October. Mrs. Hughes advised that the road would be open from then on; if VDOT tries to open the road now, it would be opened and closed many times and it would be very difficult to notify people of the closing. Mr. Young advised that DLB, the contractor for this project, has told people who have called their company that the Patrick County Board of Supervisors closed the road. He stated that the Board never addressed one way or another closing the road and for the company to tell people that "is not good for us or anyone else". He said that a citizen from the mountain called him and wanted to know why the County had closed the road. He stated that he called DLB and spoke with a gentleman about who had closed it. He stated that the person told him that he thought that Patrick County closed it or maybe it was VDOT. He advised that it needs to be known that the Department of Transportation, not the Board of Supervisors, closed the road and that the Board did not recommend nor ask for the road closure. Mrs. Hughes confirmed that the Board did not close the road and that it was VDOT's plan. Mr. Martin stated that he had spoken with Don Branscome several times on this and that he really does not believe that DLB has told anybody anything of the sort. He said that he has a detailed account of when Mr. Young met with the company and that he would be extremely careful of alleging a contractor telling something like that unless it could be proven. He reported that he had a call from a lady "who couldn't care less" if she put other people in harm's way as long as she saved twenty minutes a day; otherwise, the people that he has spoken to understood why the road has been closed. He said that from what he understands, there is dangerous rock that the contractor will be blowing down and that the safest thing to do is to close the road for a couple of months. He said that he does not believe that about Don Branscome or any people in his company that are knowledgeable saying anything of the kind. Mr. Young said considering that he called and talked to someone there and asked who closed the road and the person said that he believed the Patrick County Board of Supervisors did, either the Board or VDOT; he then asked the person if he was sure about that because they are two completely different groups and the person said maybe it was VDOT. The Chairperson said that the person who Mr. Young spoke to must have "taken it off of the top of his hat". Mr. Young said that was exactly right, and that neither he nor the lady who called him spoke with Mr. Branscome but that it was easy for the person in the office to say that. He stated that the lady had no reason to lie about what she was told. Mr. Martin stated that he had spoken with Don Branscome. Mrs. Hughes advised that one of the keys is good communication and keeping people informed is important as well. She noted that VDOT would do a news release after they meet with the contractor this week. Mr. Cockerham inquired about the removal of debris and brush that is cut down during construction. Mrs. Hughes advised that brush barriers can be used and that kind of barrier works best on steep hills. Mr. Cockerham asked when in October the road would be re-opened. Mrs. Hughes stated that VDOT would have that information on Wednesday. Mr. Young advised that the date of re-opening needs to be published so that the people in that area have numbers that they can depend on.

h. Right-of-ways: The Chairperson stated that she had noticed in the newspaper that the funds for completing Highway 58 are not available, yet VDOT is still buying homes. She said that she has concerns about VDOT purchasing homes, which takes away some of the County's tax base. The Resident Engineer advised that VDOT is still buying right-of-ways until the funds are used up. She noted that an advantage to moving ahead with this is that if things change, VDOT would be ready to go with the project. Mr. Martin asked if Mrs. Hughes has any idea when there will be enough money to finish the project. Mrs. Hughes stated that she does not know.

A Public Hearing was this day held to receive comments concerning the proposed abandonment of right-of-way from State Road T-1005 Mountain View Summit and terminating at the end of State Road T-1018. Mr. Martin stated that he does not see any reason to leave it open and asked if the road is open now. Mr. Young said that it has never been a road. The County Attorney stated that it is covered with grass. The Chairperson asked for any additional comments; none were made and the public hearing was closed.

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board approved the proposed abandonment of a right-of-way, which is forty feet wide, extends southwest for approximately 250 feet from State Route T-1005 (Mountain View Summit) and terminating at the end of State Route T-1018, as outlined and discussed at the aforementioned Public Hearing regarding same.

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

Voting Nay: None

Michael Burnette, Assistant County Administrator and Economic Development Coordinator, gave his report.

a. Pre-legislative Conference: Mr. Burnette informed the Board that the Patrick County Chamber of Commerce has proposed the idea of putting together a pre-legislative conference this year in conjunction with the Board of Supervisors and the Economic Development Authority, which the EDA approved last Monday. Mr. Young asked if the date is still scheduled for December 4th. Mr. Burnette said that is the proposed date and that this would be a good opportunity for the Board to meet face to face with the General Assembly members and talk about the Board's agenda as well as hear their ideas of what they see coming before the General Assembly. Mr. Foley asked what time the meeting would begin. Mr. Burnette stated that the time needs to be worked out. Mr. Foley said that this is a good idea and may give the County "a heads up to what is coming down the pipe". Mr. Martin said that this is a good idea and it would also be beneficial to compile a list of questions and comments and submit to the representatives beforehand.

On motion by Roger L. Martin, seconded by H. Danny Foley, Sr. and carried, the Board does hereby approve participation in a Pre-Legislative Conference, which was proposed by the Patrick County Chamber of Commerce as well as the compiling of a list of comments, questions, and concerns to be submitted to the representatives before the conference.

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

Voting Nay: None

b. GIS Mapping System: The Assistant County Administrator stated that the Board had hired Anderson and Associates in the past to work on a GIS system for Patrick County, which is a very basic geographic information system. He stated that Ken Anderson with Anderson and Associates would like to meet with some of the department heads and officials to discuss the current status of the project and what the County could potentially do with the system in the future. Mr. Burnette invited the Board to attend the meeting Thursday, August 12th, at 10:00am. Mr. Martin asked what benefits would come from the GIS System. Mr. Burnette stated that there are many benefits, which include: tax maps, water and sewer lines, roads, zoning, etc. that can be layered onto a map of the County. He noted that this is a very easy tool for people to use.

A number of bills and claims against the county were presented and examined. Mr. Cockerham inquired about the County Decal reimbursements for fire and rescue department members. The Chairperson stated that in order to get reimbursed for the purchase of a County Decal, a person must be an active member of the fire or rescue department for at least one year and continue to be on the active roster. Mr. Martin inquired about a payment to Zinder Technologies, which is divided up into three equal payments of \$911.67 for a total of \$2,735 per month. The County Administrator explained that Dave Zinder is the County's computer programmer and that the monthly bill is divided between County Administration, Treasurer, and Commissioner of the Revenue. Mr. Martin suggested the possibility of hiring someone locally on an as needed basis for this service and noted that there is someone in the County who is qualified. Mr. Foley asked if the County has a contract with this company. The County Administrator stated that the County does have a contract with Zinder Technologies and that it is on an annual basis; she noted that Mr. Zinder has been real helpful and is available whenever needed. 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. 22263 - 22423
 On the General County Fund: Warrants No. 75285 – 75616
 On the CSA Fund: Warrants No. 404 - 500
 On E-911 Communications Fund: Warrants No. 812 – 824
 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 August, 2004: General County Fund - \$529,000.00; Social Services (VPA) Fund- \$131,589.00; Comprehensive Services Act- \$72,156.44; E911 Communications Fund- \$11,444.15; County School Funds - \$2,000,000.00; School Construction Funds- \$1,000,000.00; TOTAL ALL APPROPRIATIONS- \$3,744,189.59
 Voting Aye: Harris, Foley, Cockerham, Martin, and Young
 Voting Nay: None

On motion by Darrell Cockerham, seconded by David G. Young and carried, it is hereby ordered that Carolyn I. Tatum, Treasurer, transfer the sum of Nine Hundred Thousand Dollars (\$900,000.00) from the General County Fund to the County School 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, seconded by David G. Young and carried, it is hereby ordered that Carolyn I. Tatum, Treasurer, transfer the sum of Forty Thousand Dollars (\$40,000.00) 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, 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:

<u>Department</u>	<u>Amount</u>	<u>For</u>
County Administration	\$1,017.33	Part-time Salaries
Special Magistrates	\$38.00	Pest Control
Special Magistrates	\$40.24	Electrical Services
Emergency Management	\$390.00	Insurances
Emergency Management	\$390.00	Insurances
Emergency Management	\$9,065.00	RASF Grant
Animal Warden	\$515.47	Vehicle & Equip. Supplies
Maintenance: Nevamar	\$21.10	Electrical Services
Maintenance: Rotary Field	\$181.86	Water, Sewer, Garbage Srv.
Sheriff's Office	\$2,228.00	Part-time Temp. Salaries
Sheriff's Office	\$75.00	Overtime Payments

This day came Michael Hudson, Emergency Management Coordinator, and gave an update on Homeland Security issues. Mr. Hudson reported that the 1999 – 2002 money that was given to Patrick County from the Federal Government has been expended; the 2003 Part I & II money has been released and will be wired to the County. He stated that the new vehicle for his

department was purchased through Part I and that Part II monies equal approximately \$90,000. Mr. Hudson advised that the 2004 dollar amount that has been awarded to the County equals \$76,226.71 and that his department will begin work on the ISIP Report, which is a broad explanation of what the County plans to use the money for. He informed the Board that the response trailer has been purchased and that it will house the new equipment. He noted that the gear that is being purchased could be used for biological, radiological, and nuclear incidents. The Chairperson asked if the generator that was purchased for the response trailer was paid out of Homeland Security monies. Mr. Hudson confirmed that Homeland Security funds were used for that purchase. The County Administrator stated that she had asked Mr. Hudson to update the Board on the Homeland Security Program monies and advised that a number of Emergency Management purchases, particularly the new vehicle, were obtained with Homeland Security funds. Mr. Hudson noted that the grant guidelines for the vehicle purchased state that the vehicle must be the primary towing vehicle, this vehicle will be pulling an 8.5' x 16' trailer; be used to carry detecting equipment; or be used as the incident command vehicle. He advised that the new vehicle would accommodate all three. Mr. Hudson reported that he had attended a class at the National Fire Academy last weekend and was informed that Homeland Security plans to introduce a new regulation called National Incident Management System (NIM); the regulation will mandate fire, rescue, police, and first responders to fall under this system and federal dollars will be tied in to ensure that those departments are in this system. Mr. Hudson stated that he has completed the "Train the Trainer" course for the NIM System. The Chairperson noted that many people do not realize that even an overturned milk truck can be dangerous due to the fact that milk is hazardous to fish. Mr. Hudson advised that milk cuts off oxygen in the water, therefore, the fish suffocate. He warned that people have begun to transport drug-producing equipment in the trunks of vehicles, which is extremely hazardous.

On motion by David G. Young, and seconded by Darrell Cockerham 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 matters [Section 2.2-3711(A)(1), 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

This day came the Patrick County School Board Budget Committee and Mrs. Judy Lacks, Superintendent of Public Schools, to discuss matters pertaining to the Patrick County School System.

a. VPSA Bond Sale: Mr. Bobby Rorrer stated that the required Public Hearing for the Virginia Public School Authority Bond Sale is scheduled for 6:30pm today and that he would be glad to give any needed background information or answer any questions from the Board. Mr. Martin inquired about the interest rate. Mr. Rorrer advised that the interest rate is two percent (2%). Mr. Young asked if the Committee planned on staying for the public hearing and if so, they could answer any questions or concerns at that time. Mr. Rorrer stated that the committee would be in attendance during the hearing.

b. PCHS / Woolwine Interim Loan Update: Mr. Rorrer advised that the School Board sent out bid packages to six lending institutions with only two bids being submitted, which include: BB&T at 2.67% and SunTrust at 2.3%. He stated that the Committee has selected the bid from SunTrust for the interim loan. He noted that the Board previously approved the literary loan and that they would now like for the Board to approve an interim loan to get the project underway.

On motion made and duly seconded:

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

Voting Nay: None

c. Receipt of Additional Grants: Mr. Rorrer reported that the School Board had received three grants, which include: (1) Jobs for Virginia Graduates, which equaled \$6,000 in the past and has now been increased to \$10,000; (2) Commission for the Arts- Woolwine Elementary, equaling \$2,500; and (3) Commission for the Arts- Patrick County School System, an exciting program where artisans teach students many different types of hands-on art. Mr. Martin asked about the long-term school debt amount. Mr. Rorrer stated that he did not know but that when the literary loan begins, the interest rate will drop from 2.3% to 2%. Mr. Martin asked about the length of the term. Mr. Rorrer advised that the interim loan is for two years and the literary loan for twenty years. Mr. Young noted that the Treasurer's Year End Report showed the school's indebtedness as of July 1, 2004 to be \$6,855,887.95. The School Superintendent gave the Board a list of projects, which included the following information: date of loan; loan amount; date of final payment; and unpaid principal and interest.

On motion by H. Danny Foley, Sr., seconded by Darrell Cockerham and carried, the Board does hereby approve and accept receipt of additional grants, which include: (1) Jobs for Virginia Graduates; (2) Commission for the Arts- Woolwine Elementary; and (3) Commission for the Arts- Patrick County School System for a total of \$12,500 for inclusion in the local school budget.

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

Voting Nay: None

The Board recessed for ten minutes.

The Board reconvened into regular session.

A Public Hearing having been properly advertised was held this day to receive comments on the proposed issuance of General Obligation Bonds in the amount up to \$2,130,000 by the County of Patrick, Virginia, for the purpose of financing or refinancing the improvement, renovation and replacement of school buildings and related facilities for the County, said funds to be provided through Virginia Public School Authority (VPSA). The Chairperson opened the hearing and asked for public comment. Mr. Martin noted that the total on the Patrick County Public Schools Debt Service Information Report that was submitted by the Superintendent equaled \$4,436,000, which is about \$1 million light when compared to the total that was reflected on the Treasurer's Year End Report. Mrs. Lacks advised that the Treasurer does not include interest on her report and that the School Board's Report is broken down into two categories: projects that are complete and are on a payment schedule, pages 1 and 2; and interim projects

that are in the process of getting set up on a permanent loan, page 3. Mr. Rorrer advised that the two totals added together would equal approximately \$8 million. The Chairperson asked for any additional comments; there being none, the public hearing was closed.

The Board recessed for twenty-five minutes.

The Board reconvened into regular session.

A Public Input Session was this day held to receive comments regarding the proposed extension of Town of Stuart boundaries by process of annexation.

Mr. Martin stated that he is against this annexation on the matter of principle and the way that it was done. He said that the Board was told that it did not have a choice and that neither the Town nor the County has the money to fight this. He stated that he wants to know what kind and how much taxes are going to be levied and that the people and businesses involved have not been given adequate information and not many people have seen a large, detailed map. He said that, in his opinion, there have been too many secret meetings and the time of the last meeting was bad as it was held at 9:00am. He said that this move could cost the County a lot of jobs; the benefit to the Town and County would be a disaster; and if another company is coming in here, which has been rumored, and will provide a lot of jobs, its up to everyone who is involved in the County and Town Government to make sure that everything possible is done to get jobs to Patrick County. He said that the basic need without anything else involved is to work for the people in the County and that the only thing that he can see that the Town has offered is water and sewer. He said that the costs of everything are going to be increased proportionally according to the number of people and businesses that are involved. He asked if the County will continue to provide all of the services that it does now or whether the Town is going to provide some of its own services, such as a police department. He said that it is his belief that this has been done too fast and that there has been insufficient time to consider this annexation to figure out all of the ramifications to begin with; a problem like this must be defined, different cures found for it, and then the best cure chosen. He said that the people involved have not been informed, there has been very little communication, and insufficient time to figure out what should be done for the benefit of the people and the County. He noted that this is bad timing and the passing of some time so that some planning and thinking could be done would be time well spent. He advised that this could result in a tremendous net loss of jobs, it could thwart economic development, and result in more taxes. He said that if the County puts in water and sewer, especially to the project in Patrick Springs, which is a good project, there would be an absolute need for a Public Service Authority. He noted that a PSA would need operating manuals, written guidelines, and administrative policies, which would need to be done beforehand. He said that the Town refuses to give more time and he is in opposition to the annexation and will vote against it. He stated that the annexation would cost everyone.

Mr. Buddy Williams appeared before the Board and stated that the reason that the business community has not come forward is because this is a done deal, there are three Board members who are voting for it. He said that he understands what the Board thinks that they are up against but as far as the lawyers and the lawsuit are concerned it will not cost as much as the Board thinks. He noted that he has been in attendance at every Town Council Meeting, with the exception of two, for the last year representing some of the businesses to ask for an open meeting. He stated that the Mayor agreed to have some of the Council members meet with the businesses and that they would set a date; however, the Town told him later that the Mayor had gone back to work and that they have not found the time. He advised that the Town held closed sessions and that the business people never had an opportunity to voice their opinion. He said

that the map that was provided at this public meeting was the first legible map that he has seen and that he hopes that the Board will put this off until it can get its act together. He said that the Board does not have to do this for Project "X" because the Town is obligated by a Federal Grant to provide the County with 40,000 gallons of water a day and currently it is only supplying 20,000 gallons; therefore, the County can still connect water for Project "X" at Rubber Thread. He noted that this does not have to be done today or this year, it can be put off until the County gets its ducks in a row. He advised that he would continue with Project "X" because the sewer is already connected and the water line runs right by the site; the Town is obligated to provide the County with 20,000 more gallons of water per day. He stated that the Town does not have the County over a barrel and he suggested the following: leaving the boundaries as is, if need be; and phase in the taxes over a ten year period.

Mr. Martin advised that he learned from council that there is a practicality that if this does become an accomplished fact, that those people and businesses who are annexed can group together or go individually before the Circuit Judge and ask to be de-annexed. He said that he understands that it may be a good possibility.

Mr. David Wright, EMI Imaging, inquired if the Board knew the total proposed tax to be collected by the Town from businesses alone. Mr. Martin stated that he thought the Town would take in \$0.20 per \$100 valuation on Real Estate and \$0.33 per \$100 on Personal Property and Tools. He stated that it bothers him that the Board will vote on the issue tonight without first knowing what the figure is. He said that EMI was told that they would not get a sidewalk or sewer any closer and that the company is paying for water, which is supposed to be benefiting the Town. He said that voting on something tonight without knowing how much it will affect each business is a mistake; that he hoped someone would make a motion to delay this until the Board could determine how the annexation will affect each business. He asked how the Board could say that it is for jobs and then turn around and put undue burdens on a company.

Mr. Bill Clark, Member of Patrick County Economic Development Authority and Planning Commission, appeared before the Board. He noted that he had attended the joint meeting last week with the Town and the Board where he had advised that there was no detailed map available and that tonight is the first time that he has seen a map detailed enough to determine what will be annexed. He wondered what the logic was when the Town determined the boundaries. He advised that the Town is proposing to annex a side of Carter Mountain and he knows that water and sewer will not be run up there; if this annexation is about water and sewer, the high school may need water and there are plenty of residents that are not being annexed. He asked why the Town would take in sides of mountains and a cornfield that is in a flood plain. He suggested that until the Board can understand what is going on and why property is being annexed the way it is, to delay this, if possible, but not to the point that any jobs coming to the County are jeopardized.

Mr. Larry Hutchens thanked the Chairperson and Mr. Martin for not signing the Memorandum of Understanding with the Town and stated that there are a lot of areas which concern many people. He said that when he served on the Patrick County EDC in 1998, they promised the people in Patrick Springs water and sewer within eighteen months and that it was voluntary, a rate was established at that time, and all that was left to do was to hook people up. He said that it is now six years later and there has been talk about a PSA and three rate increases. He said that he agrees 100% with Mr. Martin that it is not fair to make people in Meadows in Dan, Woolwine, or any other community subsidize a water and sewer system. He noted that everyone is looking for jobs for this area and noted that the local newspaper has made reference to 200 to 300 good jobs coming to Patrick County with Project "X". He expressed hope that these are not minimum wage, part-time jobs, or jobs that will put local businesses out of operation. He noted that Franklin County experienced a net loss when a Walmart opened in their area. He expressed concern about the residents on Woodland Drive who will be looking down on a project, which will be exempt from annexation and increased taxes for twenty years. He was further distressed as to how excited the Town was after the joint meeting and he believed that one side "came up very short".

Mr. W.E. Stanley, Stanley Inc., appeared before the Board and stated that "this thing is a little bit ahead of time and more time is needed". He advised

that this is the first time that he has seen a map and does not think that this has to be done over night. He wanted to know what was involved, the cost, and advantages of the annexation, etc. He said there were a lot of things not known and more time was needed to get all of the information. He said that the previous speakers made good points and should be listened to. He advised that getting jobs is more important than the annexation and he felt that the Board should vote against it at this particular time.

Ms. Joanne Spangler said that she was the employee of a company that may be annexed. She stated that she is not a businessperson and does not know all of the details, but there are three people who voted for her to possibly lose her job. She advised that she worked at Spencer's, twice at Bassett Walker, and that "NAFTA has taken care of" her four times; further, "this is like a NAFTA cleanup crew". She said that she would love to keep her job and asked the Board to consider the people who have a job and would like to keep it.

Mr. Buddy Williams approached the Board and stated that he felt Board Members Foley, Cockerham, and Young voted in a very professional way and that they want to do the right thing and bring in new jobs; however, they did not have to vote so to get that one deal. He urged the Board to take a recess and look at the information on the Federal Grant because the County is allotted more water than it is getting.

The Board recessed for five minutes.

The Board reconvened into regular session.

The public input session regarding annexation continued. Mr. Martin moved that the Board table any vote by the Board on the annexation for a period of one year or until such time as the question receives proper exposure and the people and businesses feel that they understand the ramifications of it, and that everyone understands what the short and long term consequences could be; further, if the Board came to that conclusion prior to the year, then it could vote quicker. Motion died for lack of a second.

Mr. Young stated that he has never really been in favor of annexation and that he had told the Town Council that over a year ago. He noted that the Board had met on August 13, 2003 and voted to oppose the Town's annexation and was told by businessmen then that they would pay the bills and support this fight. He read a statement from a local businessman that was made at the February 9th meeting, which stated: "We put up 100% of the bill so far and are certainly willing to continue". He advised that no one has sent this Board any money to continue this fight. He then read another statement from a local businessman from the February meeting that read: "All we are asking is the County to show their support and for the County Attorney to work with the community and the Town and come up with the answers". Mr. Young said that again no one came through with any money or approached Mr. Monday with a plan to bring to the Board. He said all that he has heard tonight and at each of the previous meetings is that the Board is going into this too fast, that it should wait. Mr. Young noted that the Board has waited and waited and no one has come up with a plan or the money to fight annexation. He said that he was told that the business community would fund this 100%; therefore, he believed that he would not have to put up Peters Creek District money to fight it. He said that he was told that the Board did not negotiate this issue; however, he has talked with members of Town Council numerous times trying to get them to reconsider the boundaries, none were willing to change them. He said that this thing has gone on for a long time and people have said that the Board has not bargained in good faith, but he felt it had and that all he sees is that people want him to delay again and again and he does not know how the Board can keep delaying.

Mr. Stanley approached the Board and asked why the County has to fight it at this point, "if you're against it, you're against it". He said that there has

been very little communication and he does not see why the Board has to fight it now.

Mr. Williams stated that it would not cost any money to table this until everyone knows what is going on. He advised that the business people are saying to put it off, find out what is going on, phase it in, and work with the Town to get this done. He stated that when the Board said that they were not going to enter into any lawsuit, the business people said it's a done deal. He said the business community is now saying if the County is not going to fight, to work a deal to get the best for the most people and do it right but not too quickly. He said that a lawsuit would not cost a half million dollars, no one is saying fight this thing, and coming up with the money to fight annexation is not an issue at all. He suggested that the Board consider Mr. Martin's motion, second it, and delay this matter. Mr. Young noted that Mr. Cranwell, which was the attorney that the businessmen hired, told the Board that a lawsuit would cost the County \$500,000 to \$750,000. Mr. Williams said that Mr. Cranwell was the \$25,000 "golden boy" and that he bluffed the Board with that figure.

Mr. Young advised that it was not a bluff because Mr. Cranwell is making that in Western Virginia right now. Mr. Williams stated that a lawsuit is not the issue for this Board at all.

Mr. Hutchens stated that the comments that Mr. Young was referring to from the February meeting were his statements. He advised that he was unaware that he needed to talk with all of the Supervisors when discussing annexation; he had gone through the Chairperson of the Supervisors and had four or five conversations about annexation and the cost. Mr. Hutchens apologized for not having Mr. Young in on those meetings.

Mr. Wright stated that he was told at the last meeting that the Town Council was voted in by sixty-some people; however, the Board represents 18,000. He said that the Board told him that it does not know how much annexation will affect him and his business, nor what it will do to the people who have worked two and three years to get to be real professionals who do the type of work that saves people's lives over a five state area. He noted yet the Board is going to approve annexation. He said that they are not asking for everyone to know everything, but would like for the Board to have a better understanding of what is going on. He said that Mr. Foley is the representative in the area in which his family voted and they voted for him because he apposed annexation. He urged the Board to postpone this at least one month to give everyone a chance to address these questions. He said that it is not so much that the people do not know, but that the Board does not know that is disturbing.

The Chairperson stated that as the Chairperson of the Board, she has tried to conduct these meetings with respect to all; she has kept her opinion out and has tried not to lose her temper. She stated that she had told Town Council and anyone who would listen that she has been against this from the beginning and that she has not changed her opinion. As Chairperson, she said that she has had to conduct these meetings and if she has offended anyone then she apologizes; she has tried to do this job with respect.

On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board does hereby accept the following Memorandum of Understanding that was prepared on July 22, 2004 between the Patrick County Board of Supervisors and the Stuart Town Council.

Memorandum of Understanding

This Memorandum of Understanding is entered into this 22nd day of July 2004 between the County of Patrick, Virginia ("the County"), a political subdivision of the Commonwealth of Virginia, and the Town of Stuart, Virginia ("the Town"), a political subdivision of the Commonwealth of Virginia, by and through their Board of Supervisors and Town Council, respectively.

Whereas, the Town desires to extend its boundaries by the process of annexation as established by the Code of Virginia; and

Whereas, the parties recognize the costs and risks of litigation arising from the County's opposition to the annexation, which would result in the vast expenditure of taxpayer funds by both parties; and

Whereas, the parties recognize that the future economic vitality of the community rests upon cooperation between localities; and

Whereas, the parties desire to establish a framework for the stable and permanent allocation of water and sewer services to their respective citizens; and

Whereas, the parties desire to foster an amicable spirit of cooperation for the betterment of the common good;

Now therefore witnesseth, that the parties agree as follows:

1. The County shall not oppose the Town's annexation of the areas proposed, as introduced to the County at January, 2004 regular meeting of the Board of Supervisors.

2. The Town shall refrain from instituting any further annexation proceeding for a period of twenty (20) years from the date of this Memorandum.

3. The Town shall impose the lodging tax currently established by County ordinance. In the future event a meals tax is passed by public referendum, the Town shall impose such meals tax and will reduce the Town's Business, Professional and Occupational Licensing ("BPOL") tax by fifty percent (50%) in the first year thereafter and by up to one hundred percent (100%) in the second year thereafter. The County shall remit to the Town twenty-five percent (25%) of the amount from any such meals tax collected within the boundaries of the Town.

4. The parties agree that the County or its designee may, in its discretion, purchase all water and sewer service outside the post-annexation boundaries of the Town at a rate established at the same terms prescribed by Paragraph Three (3) of the Patrick Springs Support Agreement. Excepted from this provision are the water and sewer lines currently in existence running from the present Town boundary to the water tank located in the Rich Creek Corporate Park; any entity desiring to connect to these lines shall be permitted to do so, contingent upon the availability of the required capacity. The parties agree that the water and sewer lines currently existing to the east of the water tank shall be owned, operated and maintained by the County.

5. The parties agree that the cost of future capacity expansion of the Town's water and sewer plants shall be allocated among the parties by the relative percentages of volume consumed at the time of such expansion by County residents and post-annexation Town residents.

6. The parties agree that any future extension of water and sewer lines beyond the boundaries of the post-annexation Town shall be made as deemed necessary by the County, contingent upon the availability of the required capacity; such expansion shall be funded exclusively by the County and the resulting water and sewer lines shall be County property and maintained by the County. The parties may enter into a maintenance agreement for these lines at their discretion.

7. The Town shall immediately provide water and sewer service to the property commonly known as the FulFlex site, contingent upon the Town's ability to provide the required capacity.

8. The parties shall undertake all legal proceedings, ordinances, or other process which may be necessary to put the terms of this Memorandum into effect.

9. The terms of this Memorandum shall not become binding upon the parties until adopted by their respective governing bodies convened in public session and only after entertaining comment from the public.

10. The extent permitted by law, the terms agreed upon shall be perpetual.

Voting Aye: Foley, Cockerham, and Young

Voting Nay: Harris and Martin

Mr. Martin said that the Memorandum of Understanding is flawed, therefore he voted no.

Ordered that the Board be adjourned.

, Chairperson