

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, December 13, 2004 at 6:00 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.

Darrell Cockerham, Board Member, and Eric Monday, County Attorney, were temporarily absent.

The Board called for a Moment of Silence.

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 Roger L. Martin, seconded by H. Danny Foley, Sr. and carried, the agenda for the meeting was approved.

Voting Aye: Harris, Foley, Martin, and Young

Voting Nay: None

Temporarily Absent: Cockerham

On motion by David G. Young, seconded by H. Danny Foley, Sr. and carried, the minutes of the November 15th and December 1, 2004 meetings and work notes of November 29, 2004 Work Session were approved.

Voting Aye: Harris, Foley, Martin, and Young

Voting Nay: None

Temporarily Absent: Cockerham

This day came Dick Ephgrade, Branch Center Director for Longwood Small Business Development Center, to present the Board with information concerning the services that are offered by the Center. Mr. Ephgrade noted that he began his position with the Center last August and has worked with Michael Burnette, Assistant County Administrator, since that time on several projects. He stated that the Center is a non-profit organization, which offers its services at no charge and is funded partially through Longwood University, the U.S. Small Business Administration, and through funding support from numerous counties and cities within the region. He advised that in carrying out its purpose, the Center engages in the following services: (1) Capital Formation; (2) Networking Assistance; (3) Business Planning Workbook; (4) Workshops; (5) Export Assistance; (6) Presentations; (7) Information Source; (8) Productivity Improvement; (9) Industry, State, and Regional Economic Comparisons; and (10) Federal Procurement Procedures. (Mr. Cockerham joined the meeting.) Mr. Ephgrade stated that the Center has a sample business plan, which they call a "cook book" that they use when assisting an individual in preparing a plan for their potential business. Mr. Martin stated that he would like to see a copy of the "cook book" and noted that it may convince individuals that business plans are important. Mr. Ephgrade noted that most firms require a business plan before they will provide funding for small businesses. He advised that his office is located in the Martinsville / Henry County Chamber of Commerce Office. Mr. Burnette stated that Mr. Ephgrade is a great asset and he frequently refers businesses to the Center. Mr. Ephgrade noted that Walmart will be coming to Patrick County and that small businesses can compete with that company. He

advised that small businesses could offer a higher level of service, which would make them very competitive.

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board hereby approves the following Consent Agenda items.

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

Voting Nay: None

A. Proposed 2005 – 2006 Budget Format as previously presented by the Purchasing Committee;

B. Abstract of Votes from the Patrick County Electoral Board for the November 2, 2005 election;

C. Denial of citizen request to adopt a dog leash law for various areas in Patrick County;

D. Denial of citizen request for an additional Animal Control Officer;

E. National Domestic Preparedness Grant Receipt of Funds:

BE IT RESOLVED BY the Board of Supervisors of Patrick County that Regena H. Handy, County Administrator, is hereby authorized to execute for and in behalf of a public entity established under the laws of the State of Virginia, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Program(s) administered by the Commonwealth of Virginia.

That Patrick County, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance any and all information pertaining to these Grants as may be requested.

F. Notes the response from the U.S. Department of Justice stating that the Attorney General does not interpose any objection to the change in voting method for Patrick County;

G. Scenic Byway Resolution:

WHEREAS, a team from the Virginia Department of Conservation and Recreation and the Virginia Department of Transportation will evaluate and review US 58 West from its intersection with Route 8 North at Howells's Store to the Blue Ridge Parkway at Meadows of Dan.

WHEREAS, tourism is a very important part of the Patrick County economy, and

WHEREAS, community leaders and local business people feel the Scenic Byways designation will increase the awareness of the beauty and the recreational opportunities of Patrick County to the traveling public and therefore help make the county a destination, and

WHEREAS, the scenic byway designation is very important to the county and information is hereby requested as to what types of zoning or protection are typically used to safeguard a scenic byway corridor, and

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors does hereby express sincere appreciation and support to the Virginia Department of Conservation and Recreation and the Virginia Department of Transportation for their efforts to secure a scenic byway designation, and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the county hopes the review team will report favorably and forward a positive recommendation to the Commonwealth Transportation Board.

H. Noted for Record Receipt of Department Head Reports:

(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.

(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.

(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, were 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.

Mr. Martin expressed his dismay with the recent ruling that prohibits the Board from invoking the name Jesus Christ in prayers said during public meetings. He asked what happened to freedom of speech and stated that not being able to say the name Jesus Christ offends him. Mr. Cockerham agreed with Mr. Martin. The Chairperson stated that the entire Board feels the same as Mr. Martin and that this issue would be discussed when the County Attorney arrives later in the meeting.

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. Regional Jail Study: The County Administrator advised that the Board had discussed the Regional Jail Study at the November Work Session and there is no new information at this time. She noted that the Board had decided not to commit to becoming a final partner in this endeavor, to continue to be included in the study, and to encourage Pittsylvania County to proceed with a request to the Legislature in order to get a bill in place. The Chairperson advised that the Board would like to continue with that course of action at this time.

b. NACO's Funding and Support Request: The County Administrator advised that Virginia would be hosting the National Association of Counties (NACO) in 2007. She stated that the Virginia Association of Counties (VACO) is asking each county to contribute \$1,000 and to solicit corporate sponsorship from the community. Mr. Martin stated that he does not believe the taxpayers of this County have the duty and responsibility to fund this conference. Mr. Young stated that there would be some tourism value for Patrick County if it participated. Mr. Foley suggested tabling the issue until the Board has more information. Mr. Young stated that he would like to have additional details for the Board's next work session.

On motion by H. Danny Foley, Sr., seconded by Darrell Cockerham and carried, the Board does hereby table the request from the National Association of Counties to help fund the 2007 conference until further information is received.

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

Voting Nay: None

c. Proposed Cell Phone Policy: Mrs. Handy advised that the article "Employer Liability for Cell Phone Usage", *County News Magazine*, which Mr. Martin had referred to at the November Work Session, was included in the Board's packet for their review. Mr. Young stated that he does not have a problem with the Board recommending that employees, while driving, pull over to the side of the road to make or take cell phone calls. He asked what the consequences would be if an employee violated this policy. The Chairperson asked that this issue be studied further. Mr. Cockerham requested that it be determined how many employees use the "hands-free" method.

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board does hereby table the proposed cell phone policy until the December 27th Work Session, with additional information to be provided.

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

Voting Nay: None

d. **Crooked Road Route Designation:** Mrs. Handy stated that Senator Roscoe Reynolds advised the Board that it would need to select its “Crooked Road” through Patrick County. She gave the Board a copy of a letter from Senator Reynolds and the current legislation that indicates the road segments that are included in the “Crooked Road”. Mrs. Handy presented a map of all of the regular music events that are held in the County, which was prepared by Jeannie Frisco, Special Assistant for Economic Development and Tourism. The Chairperson appointed Mr. Young, Mrs. Handy, and Mrs. Frisco to a committee that would draft a designated route to be presented to the full Board at the next work session.

e. **Tri-Area Health Clinic:** Mrs. Handy advised that the Tri-Area Clinic has sent a letter to the Board stating that they are in the process of submitting a Competing Grant Application to the Bureau of Primary Health Care. She stated that the Clinic has asked for a letter of support from the Board of Supervisors. Mr. Martin stated that it’s one of the best clinics in western Virginia.

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board does hereby approve the submittal of a letter of support, which was requested by the Tri-Area Health Clinic to be included with their Competing Grant application to the Bureau of Primary Health Care.

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

Voting Nay: None

The Assistant County Administrator, Michael Burnette, gave his report. Mr. Burnette stated that he has received a request to include Griffith Lumber in the Woolwine Enterprise Sub-Zone. He advised that due to the company’s size and importance to the community, he feels that it would be appropriate to include it in the proposed sub-zone. The Chairperson stated that Griffith Lumber employs approximately sixty people and noted that Bruce Griffith, Griffith Lumber, was out of town during the Woolwine Sub-Zone Public Hearing.

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board does hereby approve the amendment to the proposed Woolwine Sub-Zone, which would include Griffith Lumber.

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

Voting Nay: None

The County Attorney arrived at the meeting and joined the Board in regular session. He stated that he does not have any items to discuss in open session.

Mr. Martin re-stated his concerns about not being able to invoke the name Jesus Christ in prayers during public meetings. The County Attorney said that he agrees with Mr. Martin. He advised that he has drafted a prayer, which he used Article One of the Virginia Constitution as a guide; therefore, it should be acceptable to the judges who made the ruling.

On motion by Roger L. Martin, seconded by Darrell Cockerham and carried, the Board does hereby approve the following prayer to be said at each Board Meeting:

Most Gracious Heavenly Father, we ask Thy blessing upon the members of this Board as they act to serve the people. Impart to them the wisdom to protect the people’s rights, to do the people’s bidding, and to ensure for the people a brighter future.

We ask Thy blessing upon the citizens of this County, that they may enjoy health, happiness, and prosperity. We pray that Thou will safeguard and protect our state and nation, so that we may continue to serve Thee.

We pray that Thou shall impart into the hearts of each and every one, as is written in the constitution of this great Commonwealth, the recognition that it is “the mutual duty of all to practice Christian forbearance, love and charity towards each other.”

These things we pray in Thy most holy name. Amen.

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

Voting Nay: None

A number of bills and claims against the county were presented and examined. Mr. Martin stated that a lot of travel expenses have be incurred and \$18,000 that was budgeted for an audit seems high. The Chairperson noted that the County solicited bids for the audit. 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. 22901 - 23039
 On the General County Fund: Warrants No. 76746 – 77042
 On E-911 Communications Fund: Warrants No. 859 – 870

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

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 December, 2004: General County Fund - \$401,000.00; Social Services (VPA) Fund- \$175,000.00; Comprehensive Services Act- \$35,000.00; E911 Communications Fund- \$42,032.69; County School Funds - \$2,000,000.00; TOTAL ALL APPROPRIATIONS- \$2,653,032.69

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

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 Seven Hundred Fifty Thousand Dollars (\$750,000.00) 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, and Young
 Voting Nay: Martin

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board hereby approves an appropriation of Ninety-eight Thousand Six Hundred Fifty-four Dollars and Ninety-one Cents (\$98,654.91) to the E-911 Fund for Wireless Mapping.

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

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, and Young
 Voting Nay: Martin

<u>Department</u>	<u>Amount</u>	<u>For</u>
Board of Supervisors	\$1,931.20	Travel (Conv. & Education)
County Administration	\$445.44	Part-time Salaries
Special Magistrates	\$227.84	Repair & Maintenance
Special Magistrates	\$250.00	Rent-Office Space
Sheriff's Department	\$37.00	Postage
Sheriff's Department	\$4,381.00	Investigative Equipment
Sheriff's Office	\$6,598.50	Salaries (SRO Elementary School)
Sheriff's Office	\$2,048.55	Benefits (SRO Elementary School)
Animal Warden	\$5,100.20	Vehicle & Equip. Supplies
Emergency Services	\$51.00	Vehicle & Equip. Supplies
Emergency Services	\$500.00	Miscellaneous Grants
Emergency Services	\$3.39	Postal Services
Emergency Services	\$9.82	Other Operating Supplies
Transfer Station	\$925.00	Scrap Tire Disposal
Maintenance of Bldgs & Grounds	\$24.91	Telephone
Maintenance: Nevamar	\$9.53	Electrical Services
Maintenance: Nevamar	\$16.41	Telephone
Recreation Dept.	\$2,502.00	Repair & Maint of Park Facilities
Maint: Park Facilities	\$597.49	Repair & Maintenance

Maint: Park Facilities	\$1,731.99	Repair & Maintenance
Maint: Transfer Station	\$1,557.00	Repair & Maintenance
Maint: Transfer Station	\$10,262.15	Groundwater & Gas Monitoring
Maint: Transfer Station	\$215.09	Rug Rental / Cleaning Supplies
Economic Development	\$4,500.00	Tourism
Economic Development	\$1,527.50	Tourism
Economic Development	\$595.00	Marketing
Economic Development	\$271.20	Travel (Meals & Lodging)
Nondepartmental	\$9,680.00	Workmen's Compensation Ins.

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, and Young

Voting Nay: Martin

<u>Department</u>	<u>Amount</u>	<u>From</u>	<u>To</u>
Board of Supervisors	\$217.50	Other Operating Expenses	Travel (Meals & Lodging)
County Administration	\$100.00	Postal Services	Postal Services
County Administration	\$102.16	Other Operating Expenses	Postal Services
County Administration	\$174.96	Office Supplies	Supplies & Maint. Of Copier
Treasurer	\$20.00	Office Supplies	Dues
Circuit Court	\$54.50	Recording Costs	Maint. Service Contract
J&DR	\$29.00	Dues	Office Supplies
Court Services	\$86.99	Repair and Maintenance	Other Operating Expenses
Sheriff's Department	\$255.00	Miscellaneous Equip.	Training
Sheriff's Department	\$177.00	Miscellaneous Equip.	Investigative Equipment
Animal Warden	\$82.20	Office Supplies	Medical/Lab Supplies
Economic Development	\$9.43	Marketing	Office Supplies
Economic Development	\$95.00	Marketing	Travel (Conv. & Education)
Nondepartmental	\$89.56	Travel (Meals/Lodging)	Supplies: Planning Comm.

On motion by Darrell Cockerham, 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 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

On motion by David G. Young, seconded by H. Danny Foley, Sr. and carried, the Board hereby reappoints Leon Holt as a member of the Patrick County Planning Commission for a four (4) year term, effective January 1, 2005 and terminating December 31, 2008.

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

Voting Nay: None

On motion by Roger L. Martin, seconded by H. Danny Foley, Sr. and carried, the Board does hereby authorize the Patrick County Honor Guard to use the Patrick County Seal on its flag that is used during funeral ceremonies.

**Voting Aye: Harris, Foley, Cockerham, Martin, and Young
Voting Nay: None**

On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board does hereby approve the submittal of a letter to Sharron Quisenberry, Dean of Virginia Tech, and Dr. Patricia Sobrero, Virginia Cooperative Extension Director, requesting that George Stovall, a Patrick County resident, be granted an interview for the Extension Agent position for the Counties of Patrick and Floyd.

**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 does hereby approve the submittal of a letter of support to the Tobacco Indemnification Commission on behalf of the Patrick County Music Association's efforts to build a humanitarian center at Rotary Field.

**Voting Aye: Harris, Foley, Cockerham, Martin, and Young
Voting Nay: None**

Ordered that the Board be adjourned until its Work Session commencing at 2:00p.m. on December 27, 2004.

, Chairperson