

Patrick County Board of Supervisors

Work Session

Third Floor – Veterans' Memorial Building, Stuart, Virginia

10:00 a.m. – Monday, March 27, 2006

PRESENT: Roger L. Martin, Chairman; David G. Young, Vice Chairman; H. Danny Foley, Sr., Crystal P. Harris, and Jonathan Large, 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.

Call to Order: Chairman Roger L. Martin.

This day came Benny Rogers and Clyde Jones to address the Board regarding a request from the Wharton-Stuart Camp #1832, Sons of Confederate Veterans to fly the 2nd National Flag of the Confederacy over the Stuart Courthouse on April 29, 2006 between the hours of 8:00 a.m. and 5:00 p.m. in celebration of Confederate Heritage and History Month. Mr. Rogers stated that he was told that there was some controversy concerning the request. He advised that the Confederate Veterans fought in the war because they felt that they were being invaded. He stated that he respects and honors the American flag, which was the oppressing flag in this area during the Civil War. Mr. Rogers respectfully requested that the 2nd National Flag of the Confederacy be the only flag flown that day. The Chairman advised that there was no controversy among the members of the Board regarding the request and that both flags needed to be respected because Americans were fighting on both sides. He stated that the American flag should be flown higher than any other flag. The County Administrator clarified that the Board received the request and took it under advisement at the regular March meeting and delayed action until the work session, which is a common practice by the Board when a request is received. Mrs. Harris stated that she made the motion at the March 13th meeting to table the request so that more consideration could be given to same. The Chairman stated, "I love our flag. I'm an American. I served in the service under that flag. That flag is your flag. It's our national flag and that flag is my flag. I do not want the American Flag denigrated. That American Flag needs to be on top. That American Flag is important to me and you and this world today."

He stated that the American Flag should not be taken down. Mr. Jones stated that his grandfather gave his life during the Civil War for this country and that the 2nd National Flag of the Confederacy should be flown alone for one day. The County Administrator noted that this issue is included on the agenda and would be discussed later in the meeting.

Items for Consideration:

I. Report and Discussion of Road Matters with VDOT Official: This day came Lisa Price Hughes, Resident Engineer, Virginia Department of Transportation (VDOT), to discuss matters pertaining to the primary and secondary road systems in Patrick County.

a. *Citizen Request/ Ginny Smith:* Ginny Smith had requested to be included on the meeting agenda to discuss the clean-up of Lover's Leap in Meadows of Dan. Ms. Smith was not in attendance.

b. *Right-of-Way Surplus Property Request:* Mrs. Hughes advised that VDOT has sent notification to Patrick County regarding the proposed disposal of surplus right-of-way. She advised that the Board would be asked to approve the abandonment of the property. She stated that during the construction of the secondary road beside Hopkins Lumber, VDOT obtained a right-of-way; however, the road was built in another location. Mrs. Hughes advised that VDOT would also dispose of surplus property that encompasses two entrances. The Chairman asked if there is any opposition to the request. Mrs. Hughes advised that there is no opposition to same and that she would request the abandonment of the original road in the near future.

On motion by David G. Young, seconded by Crystal P. Harris and carried, the Board does hereby approve the request to return property located on Route 58 adjacent to Hopkins Lumber to private ownership.

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

Voting Nay: None

c. *Update on General Assembly Transportation Plans:* Mrs. Hughes discussed a letter from Commonwealth Transportation Secretary Pierce Homer regarding the proposed transportation budget. She noted that the letter advises

that revenues available for allocation in this year's working draft will be a significant reduction from the current Six-Year program. She stated that VDOT had hoped to pave Cherry Creek Road and several other Rural Rustic Roads; however, those projects would probably be delayed due to a lack of funds. She noted that VDOT would be entering into another demolition contract in the near future in regards to the houses that were purchased for the Highway 58 project. The County Administrator discussed a letter from the Virginia Association of Counties (VACo) requesting that localities urge their legislatures to adopt a transportation plan similar to the governor's and Senate's. She advised that the letter included a proposed resolution. Mr. Foley proposed sending a resolution requesting the completion of Route 58. Mr. Foley advised that he, along with the County Attorney and the Patrick County Chamber of Commerce Director, spoke with Governor Kaine at a recent meeting in Martinsville about the economical and safety aspects of Route 58. Mrs. Harris noted that funding was appropriated many years ago to complete the highway; however, the project was not completed.

On motion by H. Danny Foley, Sr., seconded by Crystal P. Harris and carried, the Board does hereby adopt the following resolution:

WHEREAS, the Virginia General Assembly wisely invested in the future of this great Commonwealth many years ago by approving funding to improve U. S. Route 58 from the eastern shore to the far corner of western Virginia, and

WHEREAS, the Virginia Department of Transportation (VDOT) designed this southern route and oversaw hundreds of miles of its construction from Virginia Beach to Stuart, Virginia, before the project was halted due to lack of funding, and

WHEREAS, continued construction of Route 58 from Stuart to Hillsville, and its immense improvement to basic transportation, is imperative to the future economic growth of Patrick County and surrounding areas,

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors once again goes on record in urging the Virginia General Assembly to provide adequate funding to complete this vital project by continuing the construction of U. S. Route 58 from west of Stuart to 1-77 at Hillsville.

Aye: Martin, Young, Foley, Harris, and Large

Nay: None

d. Secondary System of State Highways Changes: Mrs. Hughes discussed a letter from Quintin Elliott, VDOT, Asset Management Division Director, regarding changes to the Secondary System of State Highways in Patrick County. A copy of said changes are filed with the papers of the Board. She advised the proposed changes are the result of the Route 58 reconstruction, which were done in 2003 and have now been assigned an effective date. She advised that no action by the Board is needed.

e. Revenue Sharing Program: The County Administrator noted that the Board had previously discussed the Revenue Sharing Program. She advised that there would be some changes in the program. Mrs. Hughes advised that the program would “be a lot tougher” in regards to qualification for funding.

f. Interstate 81 Corridor Improvement Study Hearings Notification: Mrs. Hughes advised that an Interstate 81 Corridor Improvement Study Hearing would be held April 11th in Roanoke and in Wytheville.

g. Stoplight at Walmart: Mrs. Hughes advised that the newly installed stoplight at Walmart would be activated midmorning on April 12th. Mrs. Harris stated that she had been contacted by truck drivers who are concerned about the activation of same. Mrs. Hughes advised that message boards could be located near the stoplight for the first several days that the stoplights are in use to notify motorist of same. She noted that the location has adequate sight distance.

h. Culvert near Route 631: Mr. Young advised that a culvert across Route 631, which is approximately one half mile East of Twin Oak Road, is in need of repair. He advised that the road continues to drop. Mrs. Hughes advised that she would look into the problem.

i. Program Funding Administered by VDOT Notation: The Board was presented with a listing of programs administered by VDOT.

II. Ordinance Amendments: Jason Brown, Building Official, and Charles Vernon, Erosion and Sediment Control Inspector, were in attendance. The County Attorney presented the Board with proposed amendments to the Building Schedule and Erosion and Sediment Control Ordinances. Mr. Monday advised that the Building Inspection Department has requested another round of amendments to the Building

Schedule Ordinance, which would be addressed at a later date. He noted that the proposed amendments have been advertised and could be adopted today. He advised that there would be another amendment to the Erosion and Sediment Control Ordinance in the near future to make the program self-supporting. Mr. Young stated that the reason for increasing the Building Schedule is to make the department self-supporting. Mrs. Harris stated that in her business, man-hours are cut when there is a shortfall. She advised that fees are being increased but no man-hours are being decreased. She stated, "we still have more trailers than we have buildings." Mr. Young stated that the County would not pass an ordinance telling the public what they would live in. Mrs. Harris stated that the department is using too many man-hours. The Chairman advised that economic conditions dictate the type of housing. The County Administrator advised that there has been a considerable amount of construction in the County, which includes Walmart and several new churches. Mr. Brown advised that there are currently nineteen new construction blue prints in his department. Mrs. Harris expressed concern about the number of man-hours. Mr. Brown advised that due to the increasing number of inspections, the department might actually need to increase man-hours. He noted that the construction of the Walmart building consumed most of his time last summer and that numerous churches are being constructed. Mr. Brown noted the potential growth around the Walmart site and the project that is underway at Primland. He advised that it is difficult for him and the part-time inspector to handle all of the inspections in the County. He noted that by law, building officials have two days to complete an inspection; however, his department tries to conduct inspections as soon as possible. Mrs. Harris stated that before she became a supervisor, she had heard that Mr. Brown complained of not having enough time to do his job. She stated, "I had a problem before I came on the Board with you whining about it. That's me personally. Knowing what I know." Mrs. Harris advised that Mr. Brown had spent an hour with her in the Woolwine Elementary School cafeteria talking about how much he had to do. She stated that Mr. Brown could have used that hour to do something else. Mr. Brown advised that County employees are given an hour for lunch and noted that there are days when there is not enough time to take a lunch break. Mr. Brown stated that he would be glad to continue the discussion of this issue in Executive Session. He advised that the

increase in the number of regulations and inspections, along with the growth of the County, have increased the department's workload. Mrs. Harris stated that she wants to see the County grow. Mr. Brown invited each Board member to spend sometime in his department to see what goes on. He noted that there were four contractors waiting to meet with him this morning, which is an "every morning occurrence". He advised that his department tries to conduct footer inspections as soon as possible and conduct all inspections in one area of the County before traveling to another area to be as efficient as possible. Mr. Young advised that the Board needs to adopt the proposed fee changes in order to fill the department's budget needs. The County Attorney recommended the adoption of the proposed amendments.

On motion by David G. Young, seconded by H. Danny Foley, Sr. and carried, the Board does hereby adopt the following:

AN ORDINANCE TO AMEND AND RE-ENACT THE ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS OF PATRICK COUNTY, VIRGINIA, EFFECTIVE SEPTEMBER 1, 1973, AND AMENDED MAY 13, 1991, AMENDED JUNE 9, 1997, AMENDED MAY 14, 2003, AND AMENDED MARCH 27, 2006 ENTITLED "AN ORDINANCE TO ADOPT THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE (EFFECTIVE MAY 20, 1991) BY REFERENCE WITH AN EXCEPTION, PRESCRIBING BUILDING PERMIT AND INSPECTION FEES AND FIXING PENALTIES FOR VIOLATION OF THIS CODE".

BE IT ORDAINED by the Board of Supervisors of Patrick County, Virginia, that the aforesaid Ordinance be amended as follows:

SECTION ONE
Authority

This Ordinance is enacted pursuant to the authority contained in section 36-97 *et seq.* of the 1950 Code of Virginia, as amended.

SECTION TWO
County Building Code

The Board hereby adopts by reference as the Building Code of Patrick County the Virginia Uniform Statewide Building Code, as adopted and amended by the Board of Housing and Community Development as revised from time to time.

SECTION THREE
Permit and Inspection Fees

All of the following fees shall include a surcharge as levied by the Department of Housing and Community Development.

1. Building Construction: For issuing permit.....~~\$3.00~~ 5.00
Inspection Fees as follows:

- a. New Residential Construction: ~~Ten~~ Thirteen cents (~~\$0.10~~) (~~\$0.13~~) per square foot of floor area including living area, basement area, porches, garages, etc., as well as separate plumbing and electrical permits. A minimum fee of Fifty (\$50.00) Dollars shall be charged.
- b. New Retail or Commercial Business Construction: ~~Eight~~ Eleven cents (~~\$0.08~~) (~~\$0.11~~) per square foot of floor area including basement area, as well as separate plumbing and electrical permits. A minimum fee of Fifty (\$50.00) Dollars shall be charged.
- c. New Manufacturing or Warehouse Construction: ~~Eight~~ Eleven cents (~~\$0.08~~) (~~\$0.11~~) per square foot of floor area including basement area, as well as separate plumbing and electrical permits. A minimum fee of Fifty (\$50.00) Dollars shall be charged per unit.
- d. Additions, Alterations, and Renovations to Existing Building (all types): ~~Eight~~ Eleven cents (~~\$0.08~~) (~~\$0.11~~) per square foot of floor area included in the building undergoing addition, alteration, renovation, or repair, as well as separate plumbing and electrical permits. A minimum fee of Fifty (\$50.00) Dollars shall be charged per unit.
- e. Swimming Pool: ~~Ten~~ Thirteen Cents (~~\$0.10~~) (~~\$0.13~~) per square foot of surface area, as well as separate electrical and plumbing permits. A minimum fee of Fifty (\$50.00) Dollars shall be charged.

2. Modular Units: Fee for issuing permits.....~~\$3.00~~ \$5.00

- a. An inspection fee shall be charged consisting of ~~eight~~ ten cents (~~\$0.08~~) (~~\$0.10~~) per square foot for preassembled units and ~~ten~~ thirteen cents (~~\$0.10~~) (~~\$0.13~~) per square foot for basements, additions, and decks or landing, etc., plus separate plumbing (Shall include charge for sewer and water connections only) and electrical (shall include charge for switch box only) permits. Additional plumbing permit fees will be assessed for fixtures or outlets installed which are not included within the original manufactured unit.

3. Mobile Homes: Fee for issuing permits.....~~\$3.00~~ \$5.00

- a. Single Wide: Base fee of ~~\$15.00~~ \$20.00 plus ~~\$40.00~~ \$50.00 for electrical permit and ~~\$20.00~~ \$25.00 for sewer connection permit.
- b. Double Wide: Base fee of ~~\$90.00~~ \$100.00 plus ~~\$40.00~~ \$50.00 for electrical permit and ~~\$20.00~~ \$25.00 for sewer connection permit.

4. Electrical Work Only: For issuing permit.....~~\$3.00~~ \$5.00

Inspection Fees as Follows:

a. New Service Installation Schedule:

(1) 60-400 AMP.....	\$40.00	\$50.00
(2) 401-800 AMP.....	\$80.00	\$100.00
(3) 801-1200AMP.....	\$120.00	\$140.00
(4) Over 1200 AMPS \$5.00 for each additional 50 amperes or fraction thereof.		

For existing service reconnection, a minimum fee of ~~\$40.00~~ \$50.00 in addition to the state fee shall be charged.

b. Wiring or Rewiring:

1-25 outlets.....	\$10.00	\$15.00
26-50 outlets.....	\$20.00	\$25.00
51-100 outlets.....	\$30.00	\$35.00
101-200 outlets.....	\$40.00	\$45.00
Over 200 outlets.....	\$50.00	\$55.00

c. For the installation of fixed appliances and/or associated electrical connections or outlets installed, the inspection fee shall be \$5.00 for each electrical range, range top, oven, water heater, dishwasher, garbage disposal, furnace, clothes dryer, and baseboard heating unit.

d. Miscellaneous Sign Lighting: A minimum inspection charge of Forty (\$40.00) Dollars shall be made for neon, neon outline, incandescent, etc., signs. For large quantities, see schedule (a) above.

5. Mechanical Work Only: For issuing permit ~~\$3.00~~ \$5.00

Inspection Fees as Follows:

a. Fee for heating, ventilating, duct air conditioning and refrigeration systems shall be ~~Forty~~ Fifty (\$40.00) (\$50.00) Dollars.

b. Repairs, alterations, and additions to an existing system where cost is over One Thousand (\$1,000.00) Dollars shall be ~~Forty~~ Fifty (\$40.00) (\$50.00) Dollars.

c. Temporary Operation Inspection Fee: For inspecting a heating, ventilating, refrigeration, or air conditioning system, a fee of ~~Forty~~ Fifty (\$40.00) (\$50.00) Dollars shall be paid by the Contractor requesting such inspection. If the System is not approved for temporary operation on the first inspection of such purpose, the usual re-inspection fee will be charged.

d. In all buildings except one and two family dwellings using self-contained air conditioning units less than two tons, the fee charged shall be that for the total tonnage of all units combined (see paragraph (a) above for rate). Minimum fee shall be ~~Forty~~ Fifty (\$40.00) (\$50.00) Dollars.

e. Boilers based on BPU Input:

33,000 BTU (I BHP) and above.....	\$40.00	\$50.00
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- 6. Plumbing Work Only: For issuing permit.....~~\$3.00~~ \$5.00
 - a. For each plumbing fixture, including water supply vent, drain, or additional separate trap.....~~\$3.00~~ \$5.00
 - b. For each house sewer connection to available system.....~~\$20.00~~ \$25.00
 - c. For each water heater.....~~\$3.00~~ \$5.00
 - d. For each gas piping system of 1 to 4 outlets.....~~\$3.00~~ \$5.00
 - e. For each gas outlet over 4 – each outlet.....~~\$1.00~~ \$2.00
 - f. Installation, alteration or repair of water piping and/or water treating equipment.....~~\$3.00~~ \$5.00
 - g. For repair or alteration of drainage or vent piping.....~~\$3.00~~ \$5.00
 - h. For vacuum breakers or backflow protection devices installed subsequent to the installation of the piping or equipment served:
 - One to Five.....~~\$3.00~~ \$5.00
 - Over Five – Each~~\$0.50~~ \$1.00

7. Chimney Construction in Existing Building – per chimney.....~~\$40.00~~ \$50.00

8. A minimum fee of ~~Forty~~ Fifty (\$40.00) (\$50.00) Dollars shall be charged for new construction or alteration valued at less than One thousand (\$1,000.00) Dollars, provided that no electrical, mechanical, or plumbing work is involved.

9. Moving Building: The fee for a building permit for the removal of a building or structure from one lot to another, or to a new location on the same lot shall be a base fee of ~~Forty~~ Fifty (\$40.00) (\$50.00) Dollars, plus additional building permit fees as applicable and required herein.

10. Demolition: The fee for a permit for the demolition of a building or structure with service connections shall be ~~Forty~~ Fifty (\$40.00) (\$50.00) Dollars. All other such building are exempt from this section.

11. Re-Inspection Fees: A fee of ~~Fifty~~ Sixty (\$50.00) (\$60.00) Dollars shall be assessed for the first trip and ~~\$400.00~~ \$120.00 for the second and each subsequent trip, when extra inspections are necessary due to any one of the following reasons:

- a. Wrong address.
- b. Condemned work due to faulty construction.
- c. Repairs or corrections not made when inspection is called.
- d. Work not ready for inspection when Inspector is called.

12. Signs: (As defined in section 1401.0 of the Virginia Uniform Statewide Building Code).
Schedule of Fees:

- a. Ground Signs:
 - (1) Bill Boards.....~~\$40.00~~ \$50.00
 - (2) Other ground signs.....~~\$40.00~~ \$50.00

- b. Roof Signs:
 - (1) Signs less than 3 square feet.....\$No fee unless inspected
 - (2) Signs greater then 3 square feet.....~~\$40.00~~ \$50.00

- c. Wall Signs:
 - (1) Wall signs smaller than 40 square feet.....\$No fee unless inspected
 - (2) Wall signs greater than 40 square feet.....~~\$40.00~~ \$50.00

- d. Projecting Signs
 - (1) Signs extending less than 15" from the face of a building.....\$No fee unless inspected
 - (2) Signs extending more than 15" from the face of a building.....~~\$40.00~~ \$50.00

- e. Marquee Signs:
 - (1) Signs less than 3 square feet.....\$No fee unless inspected
 - (2) Signs greater than 3 square feet.....~~\$40.00~~ \$50.00

- f. Miscellaneous and Temporary Signs:
 - (1) Signs less than 3 square feet.....\$No fee unless inspected
 - (2) Signs greater than 3 square feet.....~~\$40.00~~ \$50.00

- 13. Oil and gasoline underground tank removal or installation, per tank...~~\$40.00~~ \$50.00

- 14. Rental Property:
 - a. Inspection requested by Tenant/Renter.....\$100.00

- 15. Sprinkler System: An Inspection fee of Two Hundred (\$200.00) Dollars shall be charged for each sprinkler system.

- 16. Elevator Inspection: All elevators other than those located in single and multi-family dwellings shall have a valid permit issued and shall be registered in the Building Official's Office. After said permit is issued, an inspection report by a designated, certified third party inspection firm shall be registered in the Building Officials Office. No fee or charge shall be assessed by the Building Inspector for said permit.

SECTION FOUR
Expiration of Permits

Any and all permits issued pursuant to this Ordinance shall expire two (2) years after the date of issuance. The applicant may, without additional fee, apply to extend such permit for an additional period, not to exceed two (2) years, provided that permits shall expire if no construction has commenced on site within six months from the date of issuance, or if the building or work authorized by such permit is suspended or abandoned

for a period of six months or more after the work has been commenced. Before such work can be commenced or resulted, a permit extension or renewal shall be obtained.

All applicants for refunds of fees paid for the issuance of such permits, shall be made within two (2) years of the date of the initial issuance of the permit and not hereafter. An administrative fee of 15% shall be withheld from the refund. No refund will be granted on a permit where the Building Inspector has made an on site visit.

SECTION FIVE Penalties for Violation

Any person, firm or corporation, whether as principal agent employed or otherwise, who shall violate a provision of the Building Code or shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter, or repair a building or structure in violation of an approved plan issued under the provisions of the Building Code, shall be guilty of a misdemeanor. Such an offense is punishable by a fine of not more than Two Thousand Five Hundred (\$2,500.00) Dollars and such other enhanced and/or minimum fines and remedies as established in Section _____ 6-106 of the 1950 Code of Virginia as amended from time to time.

SECTION SIX Pre-Inspection Fee

Any person, firm or corporation failing to obtain a required building permit prior to initiation construction of a project shall be required to pay a pre- inspection fee of \$250.00. This fee shall be paid prior to the issuance of a building permit for a project already completed or in progress.

SECTION SEVEN Inspection of Virginia Uniform Statewide Building Code

A copy of the Virginia Statewide Building Code is on file in the County Administrator's Office of Patrick County, Virginia, where it is open to inspection between the hours of 8:00 a.m. and 5:00 p.m., on Monday through Friday of each week. The County Administrator will provide information as to where additional copies may be obtained.

SECTION EIGHT Exceptions

Exceptions:

1. Those exceptions as noted in Section 1403.0 of the Virginia Uniform Statewide Building Code shall be exempt from obtaining a permit.

2. Building permit fees shall not be assessed for work performed by the employees of governmental agencies and public schools.

Aye: Martin, Young, and Foley,

Nay: Harris and Large

On motion by Crystal P. Harris, seconded by H. Danny Foley, Sr. and carried, the Board does hereby adopt the following:

AN ORDINANCE TO AMEND AND RE-ENACT THE ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS OF PATRICK COUNTY, VIRGINIA, EFFECTIVE SEPTEMBER 1, 1973, AND AMENDED MAY 13, 1991, AMENDED JUNE 9, 1997, AMENDED MAY 14, 2003, AND AMENDED MARCH 27, 2006 ENTITLED "EROSION AND SEDIMENT CONTROL ORDINANCE OF PATRICK COUNTY, VIRGINIA".

BE IT ORDAINED by the Board of Supervisors of Patrick County, Virginia, that certain specific Articles of the aforesaid Ordinance be amended as follows:

ARTICLE 2

DEFINITIONS

U. "Plan approving authority" means the ~~Building Inspector~~ *erosion and sediment control plan reviewer* responsible for determining the adequacy of a plan submitted for land disturbing activities on a unit or units of land and for approving plans.

ARTICLE 3

PLAN SUBMISSION AND APPROVAL

1. Except as provided herein, no person may engage in any land disturbing activity after the adoption of the conservation standards by the County of Patrick until he has submitted to the ~~Building Inspector~~ *County's certified program administrator or his designated agent*, an erosion and sediment control plan for such land disturbing activity or an agreement in lieu of a plan for a single family residence and such plan has been approved by the plan approving authority. However, any plan approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by Section 10.1-561. Failure to provide the name of an individual holding a certificate of competence shall be in violation of this article.

ARTICLE 6

PERMIT ISSUANCE

1. Each person who is required by the local erosion and sediment control ordinance to prepare an d submit and erosion and sediment control plan for a proposed land disturbing activity must also obtain a land disturbing permit form the ~~building inspector~~ *County* before the proposed activity is commenced.
2. The ~~building inspector's department~~ *County* will not issue a land disturbing permit unless the applicant has:

ARTICLE 8
PERFORMANCE GUARANTEES

The plan approving authority, prior to issuance of any permit, shall ~~may~~ require from any applicant a reasonable performance bond, cash, escrow, letter of credit, and combination thereof, or such other legal arrangement acceptable to the authority to ensure that measures could be taken by the County at the applicant's expense should he fail, after proper notice, within the time specified, to initiate or maintain appropriate conservation action which may be required of him by such approved plan as a result of his land disturbing activity. Within sixty (60) days of the adequate stabilization of the land disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated, as the case may be. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

If the applicant fails to provide adequate stabilization in accordance with the approved plan, the County may use all or part of the security or performance guarantee to perform the required measures. If the cost of such performance by the County exceeds the amount of the security or performance guarantee, the applicant shall be liable to the County for the difference in cost.

Aye: Martin, Young, Foley, Harris, and Large

Nay: None

III. Ararat River Dam Inspections: The County Administrator advised that she had attended a funeral during the interviews of engineering firms for the Ararat River Dam inspections; therefore, the Assistant County Administrator would make a recommendation to the Board regarding same. Mr. Burnette advised that he, along with the Erosion and Sediment Control Inspector and the Emergency Services Coordinator, interviewed three engineering firms last Friday regarding the needed inspections. He recommended awarding the project to Engineering Concepts from New Castle. He stated that a non-binding fee estimate of between \$2,000 and \$3,000 was received from the firm. Mr. Burnette requested authorization to move forward with the project with Engineering Concepts.

On motion by Jonathan Large, seconded by David G. Young and carried, the Board does hereby approve the awarding of the Ararat River Dam Inspections to Engineering Concepts with a non-binding fee estimate of between \$2,000 and \$3,000.

Aye: Martin, Young, Foley, Harris, and Large

Nay: None

Mr. Young stated that the County is responsible for inspecting the landfill and noted that the County does not have a “time contract” with the firm that conducts same. He recommended putting that service out to bid. The Assistant County Administrator advised that the Board might consider hiring an engineer, which would be paid on a per-project basis with an annual contract.

IV. 2006-2007 Proposed Budget Update: The County Administrator advised that there is no new information to report regarding the 2006-2007 proposed budget. She noted that the County is waiting on the General Assembly to approve a state budget. Mrs. Handy advised that she still hopes to have a draft budget to the budget committee next week.

V. North Carolina / Virginia Initiative: The County Administrator noted that the Board has previously discussed the North Carolina / Virginia Initiative, which is a tourism project that was created last spring and involves several counties in North Carolina and Virginia. She presented the Board with a letter from Macon Sammons, Jr., Surry County Manager, which requests a contribution of \$2,000 from each county to fund a portion of the consultant’s fees for the remainder of FY 2005-06 and a budget appropriation of \$7,500 from each locality to be used to finance program activities. Mr. Foley advised that he would like to see a funding request based on the locality’s population. Mrs. Handy advised that the budget appropriation request could be addressed during the Board’s budget process; however, a decision regarding the \$2,000 contribution is needed as soon as possible. Mrs. Harris asked for Mrs. Handy’s recommendation. Mrs. Handy recommended that Patrick County continue to participate for a while because it is a good program; however, the County should give priority to the programs and projects that the County is currently involved in such as the Crooked Road, Covered Bridges, and the Blue Ridge Plateau. Mr. Young noted that he had attended one of the meetings and advised that if the program is coordinated properly, there could be some benefit for the localities. Mrs. Handy advised that Surry County has borne the

cost of the meetings and the consultant thus far. The Board will continue discussion of the \$2,000 contribution request at the April meeting.

VI. Cleaning Services Bids: The County Administrator advised that the current contract for cleaning services ends June 30, 2006. She noted that the County had a one-year contract with an option to renew for one additional year. She stated that the Board took advantage of that one year additional option. She requested authorization to solicit bids for same.

On motion by David G. Young, seconded by Crystal P. Harris and carried, the Board does hereby authorize the County Administrator to solicit bids for cleaning services for County facilities.

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

Voting Nay: None

VII. Virginia Landmarks Register Addition: The County Administrator presented the Board with a copy of the Virginia Landmark Register, which advises that Goblintown Mill in Patrick County and Spencer Penn School in Henry County were added to the Register from July 2004 through June 2005. Mrs. Harris stated that she was glad that Goblintown Mill was included in the Registry.

VIII. Litter Prevention and Recycling Funds: The County Administrator advised that the County receives a small grant from the Division of Environmental Quality's Division of Litter Control. She stated that the County received notification that it would receive a grant totaling \$9,216 and that the unexpended carry-over of \$8,577 from last year could be retained for a total of \$17,793. Mrs. Handy advised that approximately \$3,000 would be spent on the annual Roadside Cleanup program. She asked the Board if it wished to use the remainder of the monies to revamp the recycling center. Mr. Young noted that the Board had discussed creating a recycling center at the new Maintenance Facility. He advised that the County should continue to recycle at the Transfer Station and transport the recycling trailers to the

elementary schools. The Chairman stated that to get the public to recycle, the program must be free and they must realize its importance. He advised that the County is losing a considerable amount of money at the Transfer Station; therefore, a fee should be charged for household trash. Mr. Foley advised that the demand for cardboard has improved and the price of oil has increased; therefore, the County might be able to find a company that would purchase those items from the Transfer Station. The chairman advised that there must be a public will to make the recycling program work. Mr. Young advised that maintenance costs for county vehicles is tremendous and proposed creating a vehicle maintenance facility at the Maintenance Shed and hiring a mechanic that could change oil and tires, conduct inspections, and repair brakes. He stated that he believes that the County has been “railroaded” several times when vehicles have been serviced. He stated that hiring one person to conduct routine vehicle maintenance would save the County a considerable amount of money over time. The Board directed the County Administrator to seek the advice and input from the Maintenance Department and surrounding localities.

IX. Conservation Easement Proposal: The County Administrator presented the Board a copy of an email from Tamara Vance, Deputy Director of the Virginia Outdoors Foundation, regarding a Conservation Easement Proposal. Mrs. Handy advised that the email gives the County an opportunity to comment on the proposal if it so desires. She noted that the email serves as notification of a pending project in the County on Three Falls Farm, which is East of Charity at the end of State Route 796. The Chairman advised that this is a good program.

X. Regulations Pertaining to Fire and Rescue Capital Improvement Monies

Discussion: The County Administrator reminded the Board that the County contributes capital improvement monies to one fire department and one rescue unit annually, which is included in the County budget. She noted that there are currently nine fire departments and six rescue units in the County. Mrs. Handy presented the Board with a request from a rescue unit, which would be receiving funds in the near

future, seeking authorization to use the contribution for something other than capital expenses. She asked the Board if it wished to continue to issue the funds for capital improvement expenses only. Mrs. Harris advised that a majority of the items that were listed in the rescue unit's request are capital improvement projects; however, item number six is questionable. She stated that the Board would need to take a closer look at the operation of all of the departments to make sure that the County would not be liable if twenty-four hour coverage is required and the department is not attempting to cover its calls. Mrs. Harris advised that the Board would need additional details before it could make a decision on this issue. Mr. Foley suggested approving the request contingent up the understanding that the unit must use the funds to make improvements at its current location only. The Chairman suggested amending the guidelines to state that funds may be utilized for capital improvement projects with the contingency that if a department or unit has a need that does not fit into that category, a request could be submitted to the Board for its consideration. The Board deferred action on the request until additional information is submitted.

XI. Items Previously Discussed:

a. *Sons of Confederate Veterans Request:* The Board continued its discussion of Wharton-Stuart Camp #1832, Sons of Confederate Veterans' request for authorization to fly the 2nd National Flag of the Confederacy over the Stuart Courthouse on April 29, 2006 between the hours of 8:00 a.m. and 5:00 p.m. in celebration of Confederate Heritage and History Month. The Chairman advised that the only stipulation that he would like to add to the approval of the request is that the American Flag be flown on top of the pole with the 2nd National Flag below. Mr. Young noted that no criticism was created from last year's ceremony.

On motion by David G. Young, seconded by H. Danny Foley, Sr. and carried, the Board does hereby accept the Wharton-Stuart Camp #1832, Sons of Confederate Veterans' request to fly the Confederate Flag exactly as they did last year.

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

Voting Nay: None

b. *Laurel Fork Cell Site:* The County Administrator presented the Board with a letter from Geo-Technology Associates, Inc., which serves as a notice of correction relating to a letter dated February 7, 2006. She advised that the previous letter indicated that the proposed tower in the Laurel Fork Community would be 250 feet tall. Mrs. Handy stated that this notice of correction indicates that the proposed height is 300 feet and that no Board action is needed.

c. *Strategic Planning Retreat:* The County Administrator reminded the Board of the upcoming Strategic Planning Retreat that is scheduled for March 31st and April 1st in the Boardroom in the Veterans' Memorial Building.

XII. Meeting Schedule: The regular meeting for the month of April is scheduled for Monday, April 10th beginning at 2:00 p.m. and the work session will be held on Monday, April 24th commencing at 10:00 a.m.

XIII. Patrick County Recreation Park Grant: The Assistant County Administrator noted that the Board had received a draft copy of the guidelines for the Patrick County Recreation Park Grant Program and noted that the Board had requested that the County's purchase procurement policy be added to the guidelines. Mr. Burnette advised that the policy has been added to the document.

On motion by Jonathan Large, seconded by Crystal P. Harris and carried, the Board does hereby approve the proposed guidelines for the Patrick County Recreation Park Grant Program.

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

Voting Nay: None

On motion by Crystal P. Harris, seconded by David G. Young and carried, the Board does hereby appoint the following members to the Patrick County Parks and Recreation Committee:

Peters Creek District: Ryan Pendleton

Mayo River District: Charles Edwards

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

Voting Nay: None

On motion by David G. Young, seconded by and Crystal P. Harris carried, the Board convened into Executive Session to discuss personnel matters [Section 2.2-3711(A)(1), 1950 Code of Virginia, as amended]; real property [Section 2.2-3711(A)(3), 1950 Code of Virginia, as amended]; prospective business matters [Section 2.2-3711(A)(5), 1950 Code of Virginia, as amended]; legal matters [Section 2.2-3711(A)(7), 1950 Code of Virginia, as amended]; and annexation issues [Section 15.2-2907(D), 1950 Code of Virginia, as amended].

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

Voting Nay: None

On motion by David G. Young, seconded by H. Danny Foley, Sr. 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: Martin, Young, Foley, Harris, and Large

Voting Nay: None

On motion by David G. Young, seconded by Jonathan Large and carried, the Board does hereby extend police powers to Mike Hudson, Emergency Services Coordinator, as Fire Marshall; further, these police powers include making arrests, custodial interrogation, and the execution of warrants as related to arson and explosion investigations only.

Aye: Martin, Young, Foley, and Large

Nay: Harris

Mrs. Harris stated, "my vote is no because I think he'll take advantage of the situation.

On motion by David G. Young, seconded by Crystal P. Harris and carried, the Board does hereby appoint Astrid Cole as a citizen representative to the Piedmont Community Services Board for a three (3) year term commencing July 1, 2006.

Ordered that the Board be adjourned until April 10, 2006 at 2:00p.m.

Work notes prepared and submitted by

Mary Beth Roberson, Assistant to the County Administrator