

**VIRGINIA:** At the annual meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Administration Building thereof on Monday, January 10, 2005 at 6:00 p.m.

**PRESENT:** H. Danny Foley, Sr., Chairman; Roger L. Martin, Vice Chairman; Darrell Cockerham, Crystal P. Harris, 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 Meeting was called to order by Regena H. Handy, County Administrator, acting as Temporary Chairperson.

Darrell Cockerham, Board Member, was temporarily absent.

Eric Helms Monday, County Attorney, 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 Roger L. Martin, seconded by Crystal P. Harris and carried, the agenda for the meeting was approved.

Voting Aye: Foley, Martin, Harris, and Young

Voting Nay: None

Temporarily Absent: Cockerham

On motion by Roger L. Martin, seconded by Crystal P. Harris and carried, the minutes of the December 13, 2004 meeting and work notes of the December 27, 2004 Work Session were approved.

Voting Aye: Foley, Martin, Harris, and Young

Voting Nay: None

Temporarily Absent: Cockerham

The Temporary Chairperson officially welcomed citizens in attendance and noted that the Board always welcomes such participation. She extended best wishes to the Board for a successful year in 2005 and expressed appreciation to Mrs. Harris for her service as Chairperson in 2004. She noted that Mrs. Harris did an excellent job of running the meeting and that the new Chairman would be facing quite a challenge to meet her standard in keeping meetings on a timely course. She called for nominations for Chairman of the Board.

On motion by David G. Young, seconded by Crystal P. Harris and carried, H. Danny Foley, Sr. was nominated to serve as Chairman for the Year 2005.

Voting Aye: Foley, Martin, Harris, and Young

Voting Nay: None

Temporarily Absent: Cockerham

The Chairman assumed the Chair and called for election of Vice Chairman.

On motion by David G. Young, seconded by Crystal P. Harris and carried, Roger L. Martin was nominated to serve as Vice Chairman for the Year 2005.

Voting Aye: Foley, Harris, and Young

Voting Nay: None

Abstaining: Martin

Temporarily Absent: Cockerham

Mr. Martin stated that he abstained from the vote because he would not vote for or against himself.

On motion by Roger L. Martin, seconded by Crystal P. Harris and carried, Robert's Rules of Order, Revised 1996, addressing procedures for small organizations as specifically outlined in Article IX, Section 50, Committees and Boards are hereby adopted by the Board as its Rules of Procedure for 2005.

Voting Aye: Foley, Martin, Harris, and Young

Voting Nay: None

Temporarily Absent: Cockerham

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board hereby sets its regular meeting days for the second Monday of each month at 6:00 p.m., said meetings to take place in the Boardroom of the Patrick County Administration Building, Stuart, Virginia.

Voting Aye: Foley, Martin, Harris, and Young

Voting Nay: None

Temporarily Absent: Cockerham

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board hereby sets its work session days for the fourth Monday of each month at 2:00 p.m., said meetings to take place in the Boardroom of the Patrick County Administration Building, Stuart, Virginia.

Voting Aye: Foley, Martin, Harris, and Young

Voting Nay: None

Temporarily Absent: Cockerham

This day came Ms. Mildred Layman and approximately fifteen concerned citizens to address the Board regarding the public prayer issue. Ms. Layman advised that a petition had been signed by over 400 citizens which states " We hereby petition the Board of Supervisors not to forfeit our Constitutional First Amendment Right to Free Speech by taking the name Jesus Christ out of the prayer before the Supervisors' meetings and we request that the prayers be made to our Heavenly Father in the name of our Lord Jesus Christ." She noted several prior court cases that relate to this issue and stated that this group is not willing to allow their freedoms to be taken away. The

County Attorney advised that the Fourth Circuit Court of Appeals ruled that the prayer could not be sect specific. He stated that if the Board violates this ruling, the County could be sued and the public servant(s) who authorized that action could be personally liable for civil penalties and potential imprisonment for deliberately ignoring a court order. He recommended sending the petitions to our representatives in Richmond, the U.S. Senate, and in the Nation's capital. Mr. Martin stated that he detests the ruling and he appreciates the group's time and effort concerning this issue. Mrs. Harris stated that she shed a lot of tears over this ruling and the removal of the "Last Supper" painting from the Woolwine Elementary School cafeteria in recent years. Mr. Young stated that the Board would be glad to assist the group in getting their petitions to our representatives in Richmond and Washington.

Ms. Linda Lawless, citizen, addressed the Board and stated that she feels that it's coming down to man's laws versed God's laws. She advised that if we take Jesus Christ out of government, this nation would be gone.

On motion by David G. Young, seconded by Crystal P. Harris and carried, the Board hereby approves the following Consent Agenda items.

Voting Aye: Foley, Martin, Harris, and Young

Voting Nay: None

Temporarily Absent: Cockerham

A. Formal designation of Crooked Road Music Trail: Mrs. Frisco, Assistant for Economic Development and Tourism, advised that the Crooked Road Committee recommended that the Board make a change to the route designation through Patrick County; the route that was proposed to the Board at its December work session was presented to the full Crooked Road Committee. She reported that the committee felt that the proposed route did not meet the intent of the Crooked Road and that the designation should be confined to major highways through the County. Mrs. Frisco stated that the Committee recommended the following route through Patrick County: Route 8 south from Floyd to Stuart then west on U.S. Route 58 from Stuart to Hillsville.

B. 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.

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 Tourism Initiative:** The Board having previously discussed the Regional Tourism Initiative, the County Administrator presented Jeannie Frisco, Assistant for Economic Development and Tourism, and Justin Hendricks, Institute for Advanced Learning and Research, to provide further information relating to same. Mr. Martin stated that most anything that the County does in this regard should be done as a regional development. Mr. Hendricks advised that there are six counties and three cities included in this initiative. Mr. Young stated that the area involved in this proposal is the central tobacco region in Virginia and there would be no outlay of local money used to put this program on the ground. Mr. Hendricks stated that it is hopeful that this program would begin this year.

On motion by David G. Young, seconded by Crystal P. Harris and carried, the Board does hereby approve the submittal of a letter of support for the proposed Regional Tourism Initiative, which does not commit the County to any type of local funding.

Voting Aye: Foley, Martin, Harris, and Young

Voting Nay: None

Temporarily Absent: Cockerham

B. **Proposed Patrick County High School Celebration of Pride Proclamation:** Courtney Williams and Zach Bray, members of the Patrick County High School Marching Band, approached the Board and gave a brief history of the band and discussed future events. Mrs. Harris stated that she has supported the Band Boosters for a long time and would continue to do so. She advised that she would like to see this issue brought to the School Board for their consideration before the Board of Supervisors make a decision. Mr. Martin stated that he would prefer to table this issue until the School Board has had an opportunity address it; he noted that there are many different organizations at the high school and the School Board may want to include all of those groups. Mrs. Harris commended Glen Gray, PCHS Band Director, on a job

well done. Mr. Young advised that it would be prudent to work with the School Board on this issue and that he has no problem with this request.

Ms. Terri Birkett, Band Booster Member; Mr. Glen Gray, PCHS Band Director; and Ms. Janet Bailey, Patrick County resident, approached the Board and stated their support for this proclamation.

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board does hereby table the Patrick County Band Boosters' request for a Patrick County High School Celebration of Pride Proclamation until the Patrick County School Board has had an opportunity to address this request.

Voting Aye: Foley, Martin, Harris, and Young

Voting Nay: None

Temporarily Absent: Cockerham

C. Transfer Station: The County Administrator advised that the task of compiling specifications for the new garbage pick up franchise agreement is underway. She asked for the Board's authorization to proceed with specifications for recycling; she noted that the County's current contract with Robin's Recycling would expire this April. Mr. Martin stated that he would like to find someone who could do this on a competitive basis. The Board authorized Mrs. Handy to proceed with the specifications for the upcoming recycling contract.

Mrs. Handy noted that the Department of Environmental Quality (DEQ) had conducted a compliance inspection at the Transfer Station on December 28<sup>th</sup> and found no violations. She advised that Olver, the County's consultant engineers and planners, reported that no landfill gas was detected in the monitoring wells; therefore, the facility was in compliance in regards to gas monitoring.

The County Administrator stated that the Board had been studying the idea of imposing a fee for household trash at the Transfer Station and discussed fee schedules from other localities in Virginia. Ms. Janet Bailey, Patrick County resident, discussed a fee schedule and policy, which was in place in the locality in which she used to live. Mr. Martin stated that citizens are paying for this service through their taxes already and implementing the proposed fee on household trash would require additional personnel and equipment. Mrs. Handy advised that more information would be needed, such as how much additional personnel would be required and if adding a tollbooth would be necessary. Mr. Young noted that the Transfer Station is a very expensive operation on the County budget, which is borne on the backs of real property owners. The Chairman advised that he would support a charge for items such as metals, appliances, sofas, etc; however, he does not support a charge for household trash.

Mr. Young stated that he had spoken with James Bryant, Stuart Concrete, concerning the repairs that need to be made to the deteriorating floor at the Transfer Station. He advised that there might be an inexpensive solution to the problem and that he would be following up on this matter.

D. VDOT Revenue Sharing: The County Administrator advised that she had spoken with Robbie Williams, Assistant Resident Engineer, VDOT, and

recommended that the Board discuss this issue at the work session while VDOT staff is present.

E. **Meals Tax:** Mrs. Handy asked if the Board wanted to further discuss the proposed meals tax. Mr. Young advised that a number of citizens had informed him that they misunderstood the tax but after being educated on this issue, they would now support it. Mr. Martin stated that he does not want to see any more burdens placed on personal property and real estate taxes.

F. **Governor's Budget Amendments:** The County Administrator provided an article from the Virginia Association of Counties concerning the Governor's Budget Amendments for the Board's information.

The Assistant County Administrator, Michael Burnette, gave a report on matters relating to his office.

A. **Walmart:** Mr. Burnette commented on a rumor in the County that Walmart will not finally be locating in Stuart, as planned. He advised that the company's plans are still moving forward and the for-sale sign at the site is still in place because an option agreement was purchased when the deal with Walmart was made. He noted that neither Walmart nor the County has purchased any land at this point and that the option period ends April 14, 2005. Mrs. Harris noted that the press release concerning Walmart coming to Stuart came from their headquarters and not from the County.

B. **Stuart Forest Products:** Mr. Burnette reported that Stuart Forest Products will be leasing the former Nevamar Building from the Patrick County Economic Development Authority for eighteen months. He advised that at the end of that period, the EDA would be turning the building over to Stuart Forest Products at a price that recoups all of the County's costs that were put into the building. Mr. Burnette noted that this company will create forty-two new jobs and the County would keep a portion of the property to use for its maintenance department and for various uses in the future. The County Administrator commended Mr. Burnette for his hard work and dedication, and stated that no one knows all the effort that takes place regarding economic development unless they are closely tied to that office. The Chairman stated that the Board echoes Mrs. Handy's comment.

The County Attorney stated that he did not have any items to discuss in open session.

A number of bills and claims against the county were presented and examined. On motion by David G. Young, and seconded by Crystal P. Harris 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. 23040 - 23183

On the General County Fund: Warrants No. 77043 – 77352

On E-911 Communications Fund: Warrants No. 871 – 879

Voting Aye: Foley, Harris, and Young

Voting Nay: Martin

Temporarily Absent: Cockerham

On motion by David G. Young, and seconded by Crystal P. Harris 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 January, 2005: General County Fund - \$621,000.00; Social Services (VPA) Fund- \$175,000.00; Comprehensive Services Act- \$35,000.00; E911 Communications Fund- \$3,475.31; County School Funds - \$2,000,000.00; **TOTAL ALL APPROPRIATIONS- \$2,834,475.31**

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

**Voting Nay: Martin**

**Temporarily Absent: Cockerham**

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

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

**Voting Nay: Martin**

**Temporarily Absent: Cockerham**

<u>Department</u>	<u>Amount</u>	<u>For</u>
Animal Control	\$3,200.00	Vehicle & Equip. Supplies
County Administration	\$579.04	Part-time Salaries
County Administration	\$40.47	Telephone
County Administration	\$267.94	Office Supplies
County Administration	\$8.96	Travel (Mileage)
DMV Agent Office	\$194.68	Travel (Mileage)
Special Magistrates	\$570.00	Repair & Maintenance
Special Magistrates	\$28.32	Electrical Services
Special Magistrates	\$250.00	Rent – Office Space
J&DR	\$113.01	Office Supplies
Sheriff’s Department	\$2,406.42	High School SRO Salary
Sheriff’s Department	\$184.09	High School SRO FICA
Sheriff’s Department	\$324.87	High School SRO VRS
Sheriff’s Department	\$261.72	High School SRO Insurance
Sheriff’s Department	\$75.00	Overtime Security at High School
Sheriff’s Department	\$225.00	Overtime Security at High School
Maintenance of Bldgs & Grounds	\$25.33	Telephone
Maintenance: Nevamar	\$9.44	Electrical Services
Maintenance: Nevamar	\$101.00	Telephone
Maint: Park Facilities	\$100.00	Repair & Maintenance
Nondepartmental	\$12.22	Supplies: Planning Commission
Nondepartmental	\$4,000.00	Ararat Watershed Project

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

Voting Aye: Foley, Harris, and Young

Voting Nay: Martin

Temporarily Absent: Cockerham

<u>Department</u>	<u>Amount</u>	<u>From</u>	<u>To</u>
Board of Supervisors	\$600.00	Flu Vaccines for Employees	Travel (Mileage)
Board of Supervisors	\$250.00	Other Operating Supplies	Travel (Mileage)
Board of Supervisors	\$250.00	Other Operating Supplies	Travel (Meals/Lodging)
County Administration	\$500.00	Supplies/Maint. Copier	Telephone
J&DR	\$350.00	Travel (Meals/Lodging)	Office Supplies
J&DR	\$59.00	Dues	Office Supplies
Building Inspection	\$400.00	Travel (Conv & Education)	Vehicle/Equip Supplies
Emergency Services	\$1,500.00	Part-Time Assistant	Vehicle/Equip Supplies
Transfer Station	\$672.70	Other Operating Supplies	Scrap Tire Disposal
Maint: Park Facilities	\$348.07	Rug Rental/Cleaning Supp.	Repair/Maintenance
Animal Pound	\$8.95	Repair/Maintenance	Rug Rental/Cleaning Supp.
Maint: Transfer Station	\$1,350.00	Pest Control Service	Groundwater/Gas Monit.
Maint: Transfer Station	\$20.00	Pest Control Service	Rug Rental/Cleaning Supp.
Economic Development	\$27.81	Marketing	Office Supplies

Supervisor Darrell Cockerham arrived at the meeting and joined the Board in regular session.

On motion by Roger L. Martin, seconded by Crystal P. Harris 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: Foley, Martin, Cockerham, Harris, and Young

Voting Nay: None

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

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

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

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

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

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

**Voting Nay: None**

**On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board does hereby resolve not to appoint a member of the Board of Supervisors as a member of the Planning Commission and further resolves to convert the position currently occupied by the Assistant County Administrator on the Planning Commission to a non-voting position.**

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

**Voting Nay: None**

**The Chairman this day appointed the following Board Members to serve as the Board's representatives on committees for the 2005 calendar year:**

**Budget Committee- David G. Young and Roger L. Martin**

**Building Committee- Roger L. Martin and Darrell Cockerham**

**E-911 Committee- Crystal P. Harris**

**Economic Development Authority- David G. Young**

**Personnel Committee- H. Danny Foley, Sr. and David G. Young**

**Recreation Commission- Darrell Cockerham**

**STEP Board- Crystal P. Harris**

**Town/County Liaison- H. Danny Foley, Sr. and David G. Young**

**VACo Legislative Contact- Board Chairman**

**WIA (CLEO's) – Board Chairman**

**West Piedmont Planning Commission- H. Danny Foley, Sr. and David G. Young**

**Ordered that the Board be adjourned until its Work Session commencing at 2:00p.m. on January 24, 2004.**

**, Chairman**