

VIRGINIA: At a work session meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Veterans' Memorial Building on Monday, June 28, 2010 at 6:00 p.m.

PRESENT: Karl Weiss, Chairman; Ron Knight, Vice – Chairman, Roger Hayden, and Lock Boyce, Board Members. Board member Crystal P. Harris was absent due to an out of town business trip.

STAFF PRESENT: Jay Scudder, County Administrator; Alan Black, County Attorney; and Geri Hazelwood, Assistant to the County Administrator, Clerk; Tom Rose, Assistant County Administrator was absent.

The Chairman called the meeting to order.

Mr. Tom Bishop provided the invocation.

The Board recited the Pledge of Allegiance to the Flag led by Roger Hayden, followed by a Moment of Silence in honor of past and present U. S. military personnel serving domestically or abroad.

On motion by, Ron Knight seconded by Lock Boyce and carried; the agenda for the meeting was approved as presented.

Voting Aye: Hayden, Boyce, Knight, Weiss

Voting Nay: None

#### Public Comment Period

The Chairman opened the public comment period.

Mr. Danny Foley, Mayo River District; tax revenue; the Board needs to run the County like a business. Once the windfall is gone the County will have to spend more money and raise taxes to pay debts.

Mr. Don Stanley, Meadows of Dan; discussed wind turbines for residential use to save on energy costs. He asked that the Board members consider amending the current Tall Structure Ordinance to reflect a height restriction not to exceed 200 ft. This would allow residential to use other sources for energy but would not be a benefit of commercial use/users.

Mr. Hayden agrees that the County does not need to raise taxes but proposed to have a more user based service and solid waste is a good one to look at. It offsets a lot of taxes. He suggested expanding the tax base by looking into other taxes such as a meals tax which would offset real estate tax. With all of the State cuts that are coming down we will have to raise revenue, cut services, or cut spending. He stated that he would be interested in looking into amending the Tall Structure Ordinance.

Mr. Boyce asked how many wind turbines per residence? How far from the dwelling?

Mr. Stanley stated one in capacity per residence, the length of the tower away from the permanent structure, and under 200ft in height.

Mr. Stanley stated that you would need 1500 watts to run a single residence 4ft across, every foot you go up you gain power, if we restricted it to under 200ft it would cover the tower with all of the attachments needed for the wind turbine.

Mr. Boyce stated that the amendment would need to include that you have to have a permanent structure within the length of the tower from the tower and no higher than 200 ft and require that the owner post some kind of bond stating that the homeowner would be responsible for taking it down. We will have to run this by the Planning Commission.

Mr. Hayden asked if the residents sell power back to AEP.

Mr. Stanley stated that it would be very costly to do so.

Mr. Hayden asked if the resident would have to have an easement to transfer power.

Mr. Stanley stated no.

Mr. Hayden and Mr. Boyce thanked Mr. Stanley for answering their questions.

Mr. Boyce referenced Mr. Foley's comments on raising taxes and he too is opposed to raising taxes. The County needs to stop wasting money on nonsense projects. He said that the MRRT has an unpaid bill of \$100,000.00 that needs to be paid. He asked what the total assessment of the easements was.

Mr. Scudder gave an estimated cost of approved amount of the easements surpasses the cost of the in kind match of phase1 of \$16,000.00

Mr. Boyce stated that the easements were of little value based on his opinion. The Mayor admitted that there had been no soil samples, EPA testing, or wetland surveys done. He thinks that it is a transfer of public funds to private pockets. He has no personal agenda against the rail trail other than it is a waste of tax money for other more critical things. It has not been carefully thought out.

According to Robert's Rules of Order, Mr. Boyce stated that he could vote against his own amendment that people seconding a motion may also vote against that. He stated that he may not speak against his motion during the discussion.

On motion by Lock Boyce that this county appropriate full funding for the Mayo River Rail Trail. (Waiting on a second, after other members speak during public comment period)

Mr. Knight addressed Mr. Stanley stating that he is in favor of alternative power sources. He stated that he is a non - voting member of the Planning Commission and will support amending the Tall Structure Ordinance.

Mr. Hayden asked that it will not be any taller than 199 ft.

Mr. Stanley stated that he would cut it off at 200ft and that will keep any commercial from use. It would take one to two years to pay back \$1700 for ten ft plus the tower, 30ft \$30,000.00 the shape of the blades is in reverse that of airplane propellers. Three blades are typically used.

Mr. Weiss stated that it is a tough job referring to Mr. Foley's comment; we had to raise taxes to cover projects and hope that based on a future projection given that we would not have to raise the taxes until 2015. The State puts more and more on the localities and falls to the taxpayers. We need to think outside the box and expand on ways to keep from raising taxes. He stated that 100 % of the people that have contacted him are opposed to wind turbines and regardless of his opinion he represents the people. We would have to go through the Planning Commission and hold a public hearing.

Mr. Stanley offered coming to any meetings and explain the wind turbines.

On motion by Lock Boyce that Patrick County appropriate funding for the Mayo River Rail Trail seconded by Roger Hayden (discussion)

Mr. Knight stated that he thought we were already moving forward with the project.

Mr. Boyce stated that we never did appropriate money for it, it was a go ahead.

Mr. Scudder stated that by the Board approving capital projects and signing a contract with the people doing the design work, we said we were going to fund the project. It is funded based on in kind match, involving value of right of ways by the County not by individuals. It is a phase designed project which, have been approved by VDOT the appraisals for right of ways for phase 1 that are to be donated which exceeds the in kind match requirement only by the land value. When a Board approves a capital project you are approving to go forward and fund that project. This is done by project design; it is a pay as you go project for the way it is set up by in kind match. The next phase is county owned and if the appraisals come in similar as this time we will meet the in kind match for the project.

Mr. Weiss stated that the County is waiting on approval from the Army Corp of Engineers and Virginia Marine Resources Commission of an environmental study of the MRRT within 45 days.

Mr. Scudder spoke with Winky Chennault, Program Administrator; from Richmond and he informed him that he is doing his best to speed the process along in having those documents approved.

Mr. Weiss stated that then those documents go to Anderson and Associates for review and they send them to VDOT. Then and only then can we go out and have the easements signed. Correct. Mr. Scudder stated that absolutely to the letter technically, yes. Mr. Weiss stated that if we did anything prior to the documents being approved we could lose funding. You can't go out and approach people for these easements when there is a sequence that has to be followed in order to receive the match. We have voted on this and it passed. He asked Mr. Black for his legal opinion.

Mr. Black asked if the motion was to approve the funding for the project.

Mr. Boyce stated that to approve any future funding or additional funding of the MRRT requested or encumbered on this County. We gave Anderson and Associates the go ahead to proceed with the engineering studies. We never formally appropriated funding for this project.

Mr. Black stated that it is in the budget, the Board did vote to include that line item as an appropriation at the last budget meeting.

Mr. Scudder stated that the match will cover it. It is relying on the County

Mr. Black stated he could not give advice on the line item in question.

No additional funds have been appropriated.

Mr. Weiss stated that he could not believe that we would be voting on the MRRT when Ms. Harris (absent) who is in support of the MRRT and is unable to vote on this.

Mr. Weiss stated that he would not call for a vote; He asked Mr. Black if he had to call for a vote.

Mr. Black stated that he was confused he thought that we agreed to hold all bills for the MRRT until the in kind match was in hand. There was no set amount mentioned in the vote.

Mr. Boyce stated just in general, to appropriate funding for the MRRT, no dollar amount.

Mr. Black stated that you cannot bind another Board on an undisclosed sum in the future.

Mr. Boyce stated that we are appropriating money. One dime.

Mr. Knight stated the July 1<sup>st</sup> budget is done.

Mr. Chairman asked that Mr. Vice – Chairman take over as Chairman-- I would like to step down so that I can insert Motion, Mr. Weiss moved to insert that this motion be tabled until the next Board meeting seconded by Ron Knight all in favor:

Hayden, Nay

Boyce, Nay

Knight, Aye

Weiss, Aye

Motion failed.

Mr. Weiss can't call for a vote based on legal counsel advice.

Mr. Boyce stated that no one can tell you what the MRRT is going to cost.

Mr. Knight stated that the budget passed 3 to 2.

Mr. Boyce stated that this motion is for an additional appropriation of future funding for the MRRT.

Mr. Knight asked what legal options we have.

Mr. Black stated "You can vote on this motion and the next Board that votes on the budget will not be bound by this Board's vote".

Mr. Weiss asked Mr. Scudder to contact Ms. Harris by phone so that she could vote.

Mr. Knight asked that the Board recess to research to see how it was included in the budget.

The Board recessed at 7:00 pm for a break.

Mr. Chairman called the meeting to order.

Ms. Harris was contacted by phone to vote on the proposed motion.

Mr. Chairman called for the vote:

Hayden: Nay

Boyce: Nay

Knight: Aye

Harris: Aye

Weiss: abstain

Motion failed: 2 nays, 2 ayes, 1 abstain

The Chairman closed the public comment period.

### Topics of Discussion

Dr. Morris provided the Board with a letter and then gave a PowerPoint presentation on the status of the school construction at each school. He explained the appropriations that the Schoolboard requests each month. He was accompanied by Chairman of the Schoolboard, Mr. Bobby Rorrer; principals from the schools, as well as other staff members from the Schoolboard office. Dr. Morris invited the citizens and all Board members to come and tour the schools. He stated that there would be a significant announcement in September.

The Board members had discussion and thanked Dr. Morris and his staff for the update on the school construction and for the detailed explanation of the monthly requests for funds.

On motion by Lock Boyce seconded by Roger Hayden to amend the agenda to discuss the water and sewer issues and carried unanimous.

Voting Aye: Boyce, Hayden, Knight, Weiss

Voting Nay: None

Mr. Chris Corbett; Town Legal Council; Mayor, Jim McHone; and Town Manager, Mr. Terry Tilley; came before the Board to discuss issues with the water/sewer line that runs under Stuart Forestry. Over time the concrete floor that held up the water/sewer line collapsed putting pressure on the line itself posing a threat to the area businesses that it serves. The Town Manager examined a ten inch water line which carries the water from the Town of Stuart to Patrick Springs; the wing wall is resting on line with no support. He stated that it would be a two fold fix. Adams Heath Engineering would move the blue line at Commerce Street then cross County land and pick up the existing red line which is the sewer line according to a drawing provided by council. The Town of Stuart does not have money in the budget for the \$261,000.00 repair to fix the problem. The PSWS project came in under budget. The Town asked if the Tobacco Commission funds could be resourced to preserve that line. The Town has come before the Board this evening requesting approval by the Board to use some of the Tobacco money for repairs.

The Board had discussion and expressed concerns of how it would affect the PSWS project, how the Tobacco Commission would look at this issue. Mr. Scudder stated that other options had been exhausted such as the VDH funding the repairs; however they did not feel it was urgent. The Town of Stuart could file an application with the Tobacco Commission; however, timing is an issue due to the urgency of the matter. The County would be reducing its allotment in order to fix the

problem. If you as a Board used these funds to fix the problem The Tobacco Commission would look favorably on the County for helping its neighbor. Mr. Noyes would probably approve it. What is the pleasure of the Board?

Mr. Hayden stated that \$1.4 million dollars of county funds are to be spent on PSWS to expand the project which will help alleviate some of the tax burden on people which we as a Board voted for.

We cannot use those funds until all of the funds from USDA are spent. He spoke of the poor engineering that got the Town into this predicament.

Some Board members agreed that it is the County being responsible for the businesses and the people that are serviced.

On motion by Lock Boyce to resource the Patrick Springs allotment not to exceed \$261,000.00 specifically to repair water and sewer lines under Stuart Forest Products seconded by Ron Knight and carried 3 to 1.

Voting Aye: Boyce, Knight, Weiss

Voting Nay: Hayden

Mr. Hayden voted nay because he stated that he was not aware of the problem and that the Tobacco Commission money belongs to the County to the farmers to each district.

Mr. Scudder stated that he would notify the Tobacco Commission letting them know the Board's request.

The Mayor thanked the Board of Supervisors.

The Board thanked the Mayor, Town Manager, and Town Legal Council.

Mr. Hayden revisited the solid waste fees. He asked if the Board was interested in initiating a new fee structure. The Board members were not in favor of increasing any fees. They would like to see what is in place enforced.

#### Executive Session

On motion by Lock Boyce, seconded by Roger Hayden and carried, the Board convened into Executive Session to discuss legal matters [Section 2.2-3711(A)(7), 1950 Code of Virginia, as amended]; real estate [Section 2.2-3711(A)(3), 1950 Code of Virginia, as amended]; and contract matters [Section 2.2-3711(A)(30), 1950 Code of Virginia, as amended].

Roll Call Vote:

Hayden: yes

Boyce: yes

Knight: yes

Weiss: yes

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.

On motion by Lock Boyce, seconded by Ron Knight and carried the Board reconvenes into regular session.

Roll Call Vote:

Hayden: yes

Boyce: yes

Knight: yes

Weiss: yes

Mr. Black brought to the attention of the Board an agreement where the County,EDA entered into an agreement with Mr. Bee Clark that the PSA would provide water and sewer front and back of the property Rich Creek East.

The Board had discussion.

Mr. Black stated that now is the time to honor the obligation and move forward.

The Board thanked Mr. Black.

On motion by Ron Knight, seconded by Lock Boyce and carried unanimously the Board concurs to adjourn until July 12, 2010 commencing at 6:00 p.m.

, Chairman Karl Weiss