

VIRGINIA: At a regular meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Veterans' Memorial Building on Monday, June 8, 2009 at 6:00 p.m.

PRESENT: Crystal P. Harris, Chairperson; Ron Knight, Vice – Chairman, Karl Weiss, Jonathan Large, and Lock Boyce, Board Members.

STAFF: Jay Scudder, County Administrator; Tom Rose, Assistant County Administrator, Alan Black, County Attorney; Geri Hazelwood, Assistant to the County Administrator/Clerk; and Donna Shough, Finance Officer.

Others present: Nancy Lindsey, The Enterprise; Tom Bishop, WHEO; and Steven Walker, WHEO.

The Chairperson called the meeting to order.

Rev. Jim Churchwell provided the invocation.

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

On motion by Lock Boyce seconded by Ron Knight and carried unanimously, the amended meeting agenda was approved.

Voting Aye: Boyce, Knight, Weiss, Large, and Harris

Voting Nay: None

On motion by Lock Boyce seconded by Jonathan Large and carried unanimously, the Board approved the minutes for the May 11, 2009 regular meeting and April 27, 2009 work session meeting were approved.

Voting Aye: Boyce, Knight, Weiss, Large, and Harris

Voting Nay: None

Ms. Chairperson recessed thereafter for Previously Advertised Public Hearing as follows:

## NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The County of Patrick proposes to increase property tax levies.

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 69.66 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$ .3274 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** The County of Patrick proposes to adopt a tax rate of \$ 48 cents per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$ .1526 per \$100, or 46 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of County of Patrick will exceed last year's by five percent.

A public hearing on the increase will be held on June 8, 2009 at 6:00 pm in the third floor Board Room of the Patrick County Veteran's Memorial Building, 106 Rucker Street, Stuart, Va.

C. All hearings shall be open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.

D. The provisions of this section shall not be applicable to the assessment of public service corporation property by the State Corporation Commission.

E. Notwithstanding other provisions of general or special law, the tax rate for taxes due on or before June 30 of each year, may be fixed on or before April 15 of that tax year.

(Code 1950, § 58-785.1; 1975, c. 622; 1979, c. 473; 1980, c. 396; 1981, c. 212; 1984, c. 675; 1990, c. 579; 2007, c. 948.)

Galen Dilworth, Smith River; declined to speak. Bill Cottrell, Peter's Creek, Gwen Willock, Blue Ridge; Ryan Willock, Blue Ridge; Eugene Phillips, Smith River opposed to water and sewer in just Patrick Springs would like that service in his area; Beverly Baden, Blue Ridge; Fred Hiatt, Peter's Creek; and Sam Hairston, Chatham, VA. spoke in opposition of the proposed tax increase.

Rick Hill spoke in opposition of liquor by the drink due to a tragic accident involving his son, Josh Hill by a drunk driver. Rick read a letter to the Board and asked that they use another method to decrease the tax burden.

The Board thanked the people who spoke during the comment period.

Ms. Chairperson closed public hearing at 6:50 p.m.

Ms. Chairperson: Call to order at 6:55 p.m.

Ms. Chairperson asked if the members would like to make any comments.

Mr. Boyce stated the taxes are too high and that the reassessment was wrong. He stated that the Jail and School Renovations must be done. He stated that department heads had to make cuts. He stated that the contingency fund is necessary. He stated that he is seeking to lower taxes and that Land Use will help the farmers and forestry. He stated that federal and state funded projects the county doesn't need. He stated that he would like to send a letter to our senator, Congressman Rick Boucher, Governor Tim Caine, and respectfully decline and ask for as much money back from these projects to pay the principal down on one of the big projects.

Ms. Chairperson recessed at 7:00 for the previously scheduled public hearing on the Communication Tower Ordinance.

Mr. Hariston, Chatham, Va.; stated that the information should be given to the zoning board.

Mr. Knight stated that the Planning Commission would like to state the following in items: item (k) – evergreen buffer and fenced area

Item (n) – 1 mile – Board can reduce to as little as ½ mile

Submit to the Blue Ridge Parkway – Notify of intent BRP in Ashville

Mr. Black referred to having miscommunication with the Planning Commission regarding item k – and that he will add a clause to build a buffer, item c should set a time limit from BRP and should not be bound by their comment, item n – consensus – what the Board wants.

Closed Public Hearing/ Comment.

Mr. Knight stated that these are the changes that the Planning Commission wanted.

Mr. Weiss stated that he is not in favor of BRP having control because it may take them two weeks to make up their minds.

Mr. Knight stated that to notify them of the intent and that is it.

Ms. Chairperson called the meeting to order at 7:15 p.m.

On motion by Lock Boyce seconded by Ron Knight to adopt the Communication Tower Ordinance with the noted changes to notify the BRP of intent, buffer of evergreen along fence, evergreens (k), and at the discretion of the Board reduce 1 mile to ½ mile (n) and carried unanimously.

Voting Aye: Boyce, Knight, Weiss, Large, and Harris

Voting Nay: None

#### Public Comment Period

Ms. Willock spoke in opposition of receiving federal monies, and read a letter to the Board.

Mr. Eugene Phillip, Smith River District; stated \$400,000 should not have been spent for a reassessment.

Mr. Scudder stated that by state law all counties must be assessed every six years at 100 percent of fair market value. It would cost more money to hire in house staff to perform assessments.

Mr. Freddie Hiatt spoke in opposition of hiring people outside the county. He also stated that salaries needed to be cut.

Ms. Chairperson: Call to Order 8:00p.m.

### Twice a year billing

The Board had discussion.

Mr. Boyce stated that we are committed to it.

Mr. Scudder stated two major components to pay down long-term debt and save taxpayers money, and to have cash flow for larger projects; more money coming in and more effective in paying debts back.

Mr. Knight stated that with this budget we have to provide the departments what is needed to carry the extra work load.

On motion by Lock Boyce seconded by Jonathan Large and carried 4 to 1 the Board voted to go to twice a year billing.

Voting Aye: Boyce, Knight, Weiss, and Large

Voting Nay: Harris

### Set Tax Levy

On motion by Lock Boyce seconded by Ron Knight and carried 4 to 1 the Board set the tax levy at 48 cents per \$100.

Voting Aye: Boyce, Knight, Weiss, and Large

Voting Nay: Harris

### 2008 – 2009 Budget Modification: Patrick County Public Schools

Dr. Morris stated that Cafeteria funds are to be used for the Cafeteria only. He stated that the serving lines upgrades to ADA compliance were completed in March 09. The funds will continue to be used for upgrades.

The Board had made the following recommendations; to give increases to cafeteria workers salaries, look into the debit/credit system.

Dr. Morris thanked the Board for their suggestions. He stated that they were looking into making changes to part – time employees and hours worked. He stated that new this year the content of each meal would be available and more choices would be offered.

On motion by Lock Boyce seconded by Karl Weiss and carried unanimously the Board approved to amend the school division total 2008 – 2009 budget from \$28,385,487.83 to \$28,607,442.83 or a difference of \$221,955 due to the replacement of the serving lines to meet ADA guidelines.

Dr. Morris stated that the attendance of Board Members at Graduation was appreciated. He stated that 80% graduated. He stated that Mr. Bradshaw was named Principal of the Year. Other things mentioned were 72 dual enrolled students, SOL perfect scores, and achievements for Title I. The next Schoolboard meeting will be Thursday, June 25, 2009.

Dr. Morris thanked the Board.

#### Adopt County Budget FY: 2009 - 2010

The Board had discussion. Mr. Knight recommended the cut to the Library be reduced 2.5% versus the 5% previously discussed. Mr. Weiss stated that he received a lot of calls in support of the Library. Mr. Large thanked Dr. Morris for his help in getting the Bookmobile to come to Blue Ridge Elementary School. Mr. Boyce stated the 5% cut should remain and that the Library should charge fees.

On motion by Karl Weiss seconded by Ron Knight and carried 4 to 1 the Board agreed to reduce the cut to the Library to 2.5%.

On motion by Karl Weiss seconded by Ron Knight and carried 4 to 1 the Board adopted the \$41,119,369.63 with the the noted change to reduce the cut from 5% to 2.5% to the Library's contribution.

Voting Aye: Boyce, Knight, Weiss, and Large

Voting Nay: Harris

#### Bill, Claims, Transfers, and Appropriations

On motion by Jonathan Large seconded by Lock Boyce and carried unanimously the Board approved the County General Claims as presented this day and as evidenced by check number's#92337-92495 General Fund Vendors 5 HEM 11-13 Inmate Commissary 56 Asset Forfeiture.

Voting Aye: Boyce, Knight, Weiss, Large, and Harris

Voting Nay: None

#### Board Appointment

On motion by Jonathan Large seconded by Lock Boyce and carried unanimously the Board re appointed Mr. Brent Foddrell to serve as Patrick County's representative on the Dan River ASAP Policy Board effective July 1, 2009.

Voting Aye: Boyce, Knight, Weiss, Large, and Harris

Voting Nay: None

#### Resolution: May 30th Memorial Day in Patrick County

The Board had discussion and stated that the County will observe Memorial Day on the date that the State has given as a holiday. The purpose of the resolution is to declare May 30<sup>th</sup> Memorial Day in Patrick County.

On motion by Lock Boyce seconded by Karl Weiss and carried unanimously the Board adopted the resolution as follows:

## PROPOSED RESOLUTION

Whereas; May 30, 1868 was Designated by General Order Number 11 to be a day for Honoring Union Soldiers who died in the Civil War by Decorating their graves with flowers; and

Whereas; Families of the South were soon encouraged to also participate in such Honors; and

Whereas; Following World War One, the day of Decoration was recognized as Memorial Day, and extended by Congress to include all Americans who died in all our nation's wars; and

Whereas; In June 1968 Congress passed the Monday Holiday Bill, which became effective in 1971, relegating Memorial Day to be observed at the conclusion of an extended weekend; thereby significantly degrading its perceived importance; and

Whereas; Since 1987, Senate Bills to re-instate May 30 as Memorial Day have consistently been introduced by World War Two veteran and hero, Senator Daniel Inouye, whose heroics cost his right arm, and earned for him our nation's highest award, The Medal of Honor; and

Whereas; Veterans Organizations, including Patrick County's two Veterans of Foreign Wars Posts, Number 8467, and Number 7800, American Legion Post 105, and the Patrick County Veterans Memorial Honor Guard, in addition to numerous individuals whose relatives are named on Patrick County's 'Wall of Honor', support such legislation; now

Therefore; Be it Resolved, that hence forward, May 30 is Declared to be Memorial Day in Patrick County, VA.

County Administrator's Report

Mr. Scudder presented the Board with a handout containing 2008 establishments by License Category – County and City listings.

Mr. Scudder stated that Dr. Morris had asked that he present the Board with the following contract for approval:

COPY

**MEMORANDUM OF UNDERSTANDING BETWEEN THE PATRICK COUNTY SCHOOL BOARD, THE PATRICK COUNTY BOARD OF SUPERVISORS, AND THE TOWN OF STUART, VIRGINIA**

This Memorandum of Understanding is between the Patrick County School Board, hereinafter "the School Board," the Patrick County Board of Supervisors, hereinafter "the Supervisors," and the Town of Stuart, Virginia, hereinafter "the Town."

The purpose of this Memorandum is to outline the arrangement to design, build, and maintain a supply of water, hereinafter "the Project," to Patrick County High School located at 215 Cougar Lane, Stuart, Virginia 24171.

The School Board, the Supervisors, and the Town agree as follows:

1. The Town will design the Project in conjunction with the School Board, and the design shall be approved by all parties. The design will include a minimum of six (6) fire hydrants and the water supply line will be a minimum of twelve (12) inches in diameter.
2. The Project must comply with all requirements of the federal, state, and local regulatory agencies whose review and approval is necessary for the Project to proceed.
3. The School Board will provide all the easements necessary for the Project.
4. A. The Supervisors will provide sufficient and timely appropriations to the School Board to fund the Project.  
B. The sole source of funds for the Project is the settlement of a certain class action lawsuit concerning actual or potential ground water contamination. Therefore, there will be no net increase in appropriations from the Supervisors to the School Board as a result of the Project.

CHRISTOPHER A. CORBETT  
ATTORNEY AT LAW  
A PROFESSIONAL CORPORATION  
STUART, VIRGINIA 24171

- C. The School Board will ensure that all required accounting and auditing rules and regulations are followed.
- 5. The School Board will, and hereby does, indemnify and save harmless the Supervisors from any and all liability, financial and otherwise, arising from or associated with the Project.
- 6. Upon completion of the Project, the Town will own and maintain, as part of its water system, the components of the Project to the point of the Patrick County High School's water meter.
- 7. A. Upon completion of the Project, effective on the first day of operational use of the new line by said High School and continuing for a period of five (5) years, the Town will provide per month to the High School the first 180,000 gallons *gratis*. Any water usage per monthly billing period above 180,000 gallons will be charged by the Town, and paid by the School Board, at its commercial rate then prevailing.
- B. After the expiration of the said 5-year period, water usage at the High School will be billed by the Town, and paid by the School Board, at its commercial rate then prevailing.

PATRICK COUNTY SCHOOL BOARD

By Robert A. Rauer  
 Title: Chair

Date: 06-10-09

CHRISTOPHER A. CORRETT  
 Attorney at Law  
 A PROFESSIONAL CORPORATION  
 114 EAST HARRISON STREET

PATRICK COUNTY BOARD OF SUPERVISORS

By Cynthia P. Harris  
 Title: Chairperson

Date: 06-08-09

- Draft copy does not include the Town of Stuart's signature.

On motion by Lock Boyce seconded by Ron Knight and carried, the Board of Supervisors agreed to enter into contract with the Patrick County Schoolboard and the Town of Stuart in putting a waterline in which will connect the Patrick County High School with public water.

Voting Aye: Boyce, Knight, Weiss, Large, and Harris

Voting Nay: None

### Executive Session

On motion by Lock Boyce seconded by Ron Knight 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:

Boyce: Aye

Knight: Aye

Large: Aye

Weiss: Aye

Harris: Aye

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 Jonathan Large seconded by Lock Boyce, and carried the Board reconvenes into regular session.

Roll Call:

Knight: yes

Weiss: yes

Large: yes

Boyce: yes

Harris: yes

On motion by Lock Boyce, seconded by Jonathan Large and carried the Board adjourned until June 22, 2009 at 6:00 p.m.

Voting Aye: Boyce, Knight, Weiss, Large, and Harris

Voting Nay: None

, Chairperson

