

VIRGINIA: At a Business Meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Veteran' Memorial Building on Monday, May 9, 2011 at 6:00 p.m.

PRESENT: Roger Hayden, Chairperson; Lock Boyce, Vice – Chairperson; Crystal P. Harris, Ron Knight, Karl Weiss Board Members

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

Others present were: Nancy Lindsey, The Enterprise; Tom Bishop, Patrick County Chamber of Commerce, Richard Rogers, WHEO

Mr. Chairperson called the meeting to order.

Rev. Shelia Thomas gave the invocation.

The Board recited the Pledge of Allegiance to the Flag, led by Karl Weiss followed by a moment of silence in honor of U.S. military serving here and abroad.

On motion by Lock Boyce to approve the meeting agenda

Mr. Rose asked that the agenda be amended to add a resolution in honor of David Gabriel Couch and real estate matters to executive session.

On motion by Lock Boyce to approve the agenda with the following amendments; a resolution in honor of David Gabriel Couch and real estate matters to executive session seconded by Ron Knight and carried unanimously.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

On motion by Lock Boyce seconded by Ron Knight the minutes for April 11, 2011 were approved as presented.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

Bills, Claims, Appropriations

The Board had discussion concerning appropriations for classification of an officer and electrical bills for the new jail.

On motion by Lock Boyce to approve the bills, claims and appropriations as presented; General County 97898-98186, Inmate Commissary 408-414, HEM 321-322, Jail Construction 100199-100207, PSA 150028-150032, Asset Forfeiture 415-420, seconded by Ron Knight and carried unanimously

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

Mr. Boyce recognized Boy Scout Troop #69 who was in attendance; he stated that they were working to earn their civics merit badge.

The Board thanked the Boy Scout Troop #69 for attending the meeting.

Consent Agenda

Resolution honoring David Gabe Couch, read by Mr. Karl Weiss as presented.

On motion by Karl Weiss to approve the resolution honoring David Gabe Couch as presented seconded by Lock Boyce and carried unanimously

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

RESOLUTION
CELEBRATING THE LIFE AND CONTRIBUTIONS OF DAVID GABRIEL COUCH

WHEREAS, David Gabriel “Gabe” Couch honorably and heroically served the County of Patrick as a volunteer firefighter, unselfishly giving of his time, energy and effort to make Patrick County a safer place for all of its residents; and

WHEREAS, residents of Patrick County were protected from lost property, lost life and traumatic grief through his efforts to preserve and protect them from fire, flood and storm; and

WHEREAS, David “Gabe” Couch served the Meadows of Dan Volunteer Fire Department as a firefighter and an emergency medical technician to the Vesta Rescue Squad, leading and directing the firefighting, fundraising and community-building efforts of the Department; and

WHEREAS, David “Gabe” Couch was proud to live in the community where he served as a friend, a son, a brother, and a volunteer, overseeing the safety and security of families and individuals; and

NOW, THEREFORE, BE IT UNANIMOUSLY RESOLVED, that the elected Board of Supervisors of Patrick County, Virginia, does hereby express its deepest appreciation and most sincere sympathies to the family of David Gabriel “Gabe” Couch, and

BE IT FURTHER RESOLVED, that the Patrick County Board of Supervisors of Patrick County expresses its gratitude for the hours of service and selfless sacrifice of David “Gabe” Couch in service to Patrick County and its grateful citizens.

Given under my hand this 9th day of May 2011.

Ayes: Boyce, Knight, Harris, Weiss, Hayden

Nays: None

Resolution: Honoring J.B. Kerns, read by Chairman Hayden, as presented.

On motion by Lock Boyce to approve the resolution honoring Joshua B. Kerns as presented seconded by Karl Weiss and carried unanimously

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

Resolution Honoring Joshua B. Kerns

WHEREAS, Joshua B. Kerns, also known as "J. B." a United States Marine from Ararat, Virginia, and

WHEREAS, "J. B." was a combat engineer on his third tour of duty in Afghanistan, and

WHEREAS, "J. B." was severely injured when an explosive device (IED) exploded in Afghanistan, and

THEREFORE BE IT RESOLVED, the Patrick County Board of Supervisors and citizens of Patrick County officially recognize "J. B." Kerns for his selfless sacrifice while preserving our freedom

ADOPTED this 9th day of May 2011 by the following vote;

Ayes: Boyce, Knight, Harris, Weiss, Hayden

Nays: None

Mr. Hayden thanked all of the volunteers and Mrs. Rania Brim and Mrs. Joy Large for putting the benefit together for J.B. Kerns.

Resolution; Vesta Post Office, read by Mr. Karl Weiss as presented.

On motion by Karl Weiss to approve the resolution for the Vesta Post Office as presented seconded by Lock Boyce and carried unanimously

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

RESOLUTION VESTA POST OFFICE

WHEREAS, the United States Postal Service is considering the closure of the Vesta Post Office; and

WHEREAS, in the event of such closure, 70 box holders would be effected; and

WHEREAS, it is in the best interests of the County of Patrick and its citizenry, that this postal facility remain open and operational at its present Vesta location, and
NOW, THEREFORE, BE IT RESOLVED, that the Patrick County Board of Supervisors request the United States Postal Service to reconsider and rescind any decision to close the facility at 16 Community Lane, Vesta, Virginia.

Passed this 9th day of May 2011 by the following vote;

Ayes: Boyce, Knight, Harris, Weiss, Hayden

Nays: None

Public Hearing on an Ordinance Entitled: Communication Tower Ordinance 6:30 pm

Mr. Chairman opened the public hearing as previously advertised, no one signed up to speak.

Representatives Mr. Ed Anthony, Chairman and Mr. Stanley Fain, Vice – Chairman Patrick County Planning Commission spoke to the proposed ordinance. The ordinance was designed to take care of the needs Patrick County has and to preserve its beauty.

Mrs. Harris stated that she was impressed with the new application designed by the Building Official; this will ensure that all go through the proper channels.

Mr. Black stated that Jason Brown worked diligently on the application process. According to Mr. Black the hearing will be held before the Planning Commission and unless it is being appealed at which time it would have to go before the Board of Supervisors.

The Board thanked Mr. Ed Anthony, Chairman and Mr. Stanley Fain, Vice – Chairman Patrick County Planning Commission for their service to Patrick County.

Mr. Chairman closed the public hearing.

On motion by Lock Boyce to close the public hearing seconded by Ron Knight and carried unanimously

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

On motion by Lock Boyce to adopt the Communication Tower Ordinance with the noted grammatical corrections seconded by Ron Knight and carried unanimously

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

The following ordinance proposed by the Board of Supervisors of Patrick County at a regular meeting on April 11, 2011 and after public discussion this day, May 9, 2011, on motion by Lock Boyce, seconded by Ron Knight, and carried, is hereby adopted:

**AN ORDINANCE ENTITLED
“THE COMMUNICATION TOWER ORDINANCE”**

This Ordinance shall be known as the Communication Tower ordinance of Patrick County, Virginia.

The purpose of this article is to regulate the siting of communication towers in Patrick County to:

1. Protect the health, safety and general welfare of residents and visitors in Patrick County.
2. Avoid potential damage to adjacent properties from tower failure due to ice, wind, and falling structural components and minimize hazards to aircraft.
3. Maximize the use of existing and new communication towers to reduce the collective number of towers required in Patrick County for all types of wireless communication.
4. Regulate the placement of towers that adversely detract from the scenic mountain and/or Blue Ridge Parkway vistas of the County that may negatively impact tourism.

Definitions:

Communication Tower: Any guyed, monopole, or self-supporting (lattice) tower or structure, erected and/or proposed to support one (1) or more antennas intended for transmitting and receiving forms of electronic communication. This definition does not include amateur radio operator antennas or other antennas which are accessories to residential use. Any tower less than eighty (80) feet in height is exempt from this Ordinance.

Fall Zone: That area on the ground at risk if a tower falls, collapses, or otherwise structurally fails.

Tower Height: The vertical distance from the finished grade to the uppermost point of a communication tower including any antenna, beacon, light or other fixture attached to the communication tower.

Viewshed: The unobstructed sight or range of one's sight from a scenic road.

Scenic road: The US Parkway and any other roadway designated as a scenic road or byway by the Commonwealth of Virginia or the County of Patrick.

Designated Agent: The Patrick County Administrator or someone designated in writing by the Administrator.

Process for approval of Communication Towers:

Applications for approval for communication towers with a height equal to eighty feet (80') or more are subject to the following procedures:

- a. Applicant may first submit a site location request to the designated agent to determine if there are existing permits or pending applications within two miles of the proposed site.
- b. Applicants must complete the new tower application form and the preliminary checklist and submit the completed form to the Patrick County Building Official.
- c. The requirements of the new tower application preliminary checklist in its current form and as amended from time to time, are hereby incorporated into and made a part of this ordinance.
- d. Owner and/or applicant shall secure necessary leases, deeds, and/or easements, for the tower site and for the access from a public road.
- e. Applications for communication tower site plans within the viewshed of the Blue Ridge Parkway must first be submitted to the Blue Ridge Parkway community planner "BRP" in writing at 400 BB&T Building, Asheville, North Carolina 28801. Comments from "BRP" must be submitted with the site plan review application or sent directly to the designated agent. The County is not bound to adopt or comply with BRP comments. No cell tower shall be constructed within one-half mile from the center line of the US Parkway roadway.
- f. Site proximity: Communication towers cannot be within two miles of an existing tower or within 500 feet of an existing habitable dwelling on neighboring property tracts. The base of the tower must be no less than the fall zone plus fifty (50) feet from the neighboring property boundaries.

The planning commission may reduce the two mile limitation on site proximity if it finds that such reduction is required to provide adequate service coverage and promotes the health, safety, and welfare of the residents and visitors of the County.

- g. The owner of the tower shall provide Patrick County antenna space on the tower, at no cost to the County, at a minimum of 150 feet above ground level, or lower with the approval and consent of the Patrick County designated agent, for the accommodation of Emergency Services and other County communication needs.
- h. To further encourage co-location, applicants shall provide for at least four (4) additional users in the design and construction of towers under this provision. Demonstration of the ability to co-locate must be submitted with this application. An engineering report certifying that the proposed tower is compatible for a minimum of four communication providers must be submitted by the applicant.
- i. Annual fees that exceed twenty percent (20%) of the cost of construction, including grading and foundation, of the tower for co-location by competitors shall be deemed prima-facie excessive and will be grounds for revocation of a cell tower permit.
- j. The owner of the tower shall supply the County with a radio frequency propagation map by the individual carriers.
- k. The tower owner shall notify the county within 30 days of any changes in carriers or positions that are located on the tower.
- l. The applicant shall provide evidence that adjoining property owners have been contacted to discuss specific proposals prior to public hearings before the Planning Commission. Prior to the public hearing before the planning commission on any application, the applicant shall conduct a "balloon test" or other similar demonstration to show the location and height of the tower to be constructed with notice of the date and time of such demonstration test provided to the adjoining property owners and the designated agent. The applicant shall notify the County Administrator and the Chairman of the Planning Commission at least seven (7) days prior to the balloon test. Additionally, such notice shall be advertised for at least one (1) week prior to the demonstration test in a newspaper of general circulation.
- m. All tower structures must be dismantled by the owner of the structure if it is unused for a period exceeding 24 consecutive months or poses a threat to safety, as determined by the building official. If the tower company or its successors does not exist or does not remove the tower in compliance with this section then the land owner shall remove the tower upon request

of the County. The County, with notice to the land owner, may enter the property to inspect the tower. If the land owner does not remove the tower then the County may enter the property to remove the tower and recoup its costs and expenses against the tower company and the land owner.

- n. Preservation of natural vegetation must be preserved to the extent possible. An evergreen buffer shall be planted and maintained around the perimeter of the tower where there is no existing vegetation. A section of fence at least six feet (6') in height shall be provided completely around the base of the tower and any associated equipment.
- o. Owners of tower structures shall annually (on or before January 30th of each year) provide in writing to the County Commissioner of Revenue the name and address of the owner of all antenna or other structures located on any tower as of January 1st of that year.
- p. Any permit issued hereunder shall expire if the tower is not constructed or has no service provider located thereon within 180 days from approval of the permit. The Planning Commission may grant an extension of up to 180 days.
- q. All site plans shall be submitted to the Patrick County Erosion and Sediment Control Official for approval.
- r. Construction plans shall be submitted to the Patrick County Building Official for review and for a permit prior to construction.
- s. If any existing tower is replaced or the height is modified then the owner must complete a new application for approval prior to construction.
- t. At the close of the public hearing before the planning commission, the commission may have a formal vote to approve or deny the application, or continue the matter unto the following regularly scheduled planning commission meeting to take additional comments and to receive additional information. The next planning commission meeting should be held no later than 40 days after the initial public hearing.
- u. The applicant may appeal the decision of the planning commission by filing with the designated agent an intent to appeal to the Patrick County Board of Supervisors. Competitors for a site location within a five mile radius and adjoining land owners to the approved site may appeal the decision of the planning commission to the Patrick County Board of Supervisors. Appeals to the Board of Supervisors must be filed within fifteen days of the vote by the Planning Commission.
- v. Appeals before the Board of Supervisors shall be a review of the Planning Commission decision after a public hearing advertised in a newspaper of general circulation at least one week prior to the public hearing.

- w. Appeals of a decision from the Patrick County Board of Supervisors shall be to the Circuit Court of the County of Patrick and be filed thirty (30) days or less from the date of the vote by the Board of Supervisors granting or denying the appeal.
- x. There shall be no fee for a preliminary request by an applicant to determine if there are existing permits, and/or applications that are in conflict with the proposed site. The fee for a communications tower application is Five Hundred Dollars (\$500.00). The fee for an appeal to the Board of Supervisors is an additional Five Hundred Dollars (\$500.00).

This ordinance shall become effective on May 9, 2011.

Voting Aye: 5

Voting Nay: 0

Public Comment Period

Mr. Chairman opened the public comment period.

Mr. Dale Harold, Dan River District; Blue Ridge Rescue Squad; he provided the Board with the following Capital Improvement Request for 2011;



CAPITOL IMPROVEMENT REQUEST FOR 2011

- **Polaris XP 800, Medical / Rescue Skid, 7 x 16 Trailer, SUV To Pull Trailer,**
*(Project includes emergency lighting / siren for Polaris, Decal / Lettering for trailer and Polaris. Also, includes medical bag / oxygen supplies and a stokes basket. Price also, includes brush guards, winch for the Polaris.)
Project Cost (Estimate) \$35,213.73

- **45 KW Generac Stand-By Generator And Set-Up**
(See Attached Sheet for Equipment Included.)
Project Cost \$16,248.00

- **Training Room Completion / Building Improvements**
Project Cost (Estimate) \$12,538.27

- **Set Aside \$12,000.00 For A Physio Control LifePak 15 that we granted for this year through Virginia Office Of EMS.**
Our funding part of the grant will be approximately \$12,000.00.



On motion by Karl Weiss to allow Blue Ridge Rescue Squad to re - appropriate their capital improvement funds to be spent as requested seconded by Roger Hayden and carried unanimously.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

Mr. Danny Foley, Mayo River District, spoke on the topics of refinancing bond payments, Rich Creek entrance, Long Range Transportation Plan, and the Adult Education Building to be used as a place for a future business.

Mr. Chairman closed the public comment period.

The Board members expressed concerns for refinancing the revenue bonds and making sure that in the future if the County builds that it is done on County owned property.

The Board discussed the possibility of the EDA taking the \$40,000.00 out of their budget to repair the entrance at Rich Creek Park bringing it up to VDOT standards.

On motion by Lock Boyce that the EDA pay for the entrance road to be repaired out of the EDA budget and not to be appropriated out of the general fund.

The motion dies for lack of a second.

The Board took a break from 7:15pm – 7:45pm

Mr. Chairman asked if anyone would like to speak who didn't speak during the public comment period time.

Mr. Charlie Thomas, Mr. Johnny Martin, Mr. Albert Thomas spoke concerning a civil matter with concern towards Mr. Knight and Mr. Weiss.

Both Mr. Knight and Mr. Weiss denied allegations.

Presentation; Mr. Bob Dowd, WPPDC; Presentation and Consideration of Endorsement of Regional Long - Range Transportation Plan Developed by West Piedmont PDC, VDOT, and Consultants

(See presentation on file)

Mr. Bob Dowd presented the Regional Long - Range Transportation Plan to the Board. He asked the Board to endorse the plan as presented by resolution. He stated that he would like a representative to attend the May 12, 2011 meeting in Salem; Mr. Weiss stated that he would be attending and would bring a list from any member who wanted additional items added to the Long Range Transportation Plan.

The Board thanked Mr. Dowd for his years of service and wished him well in his retirement.

On motion by Karl Weiss to approve the resolution for the Long Range Transportation Plan as is, with the understanding five year updates will be added seconded by Lock Boyce and carried unanimously

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

RESOLUTION ENDORSING THE WEST PIEDMONT PLANNING DISTRICT COMMISSION'S 2035 RURAL LONG RANGE TRANSPORTATION PLAN

At a meeting of the Patrick County Board of Supervisors, held on May 9, 2011, the following resolution was adopted:

WHEREAS, the basic goal of transportation within the Commonwealth of Virginia is the provision for the effective, safe, and efficient movement of people and goods; and

WHEREAS, the West Piedmont Planning District Commission and the Virginia Department of Transportation have developed a Rural Long Range Transportation Plan with a horizon year of 2035 addressing all needs of the transportation system within the region regardless of anticipated funding availability; and

WHEREAS, the *West Piedmont Planning District Commission's 2035 Rural Long Range Transportation Plan* was developed using transportation goals and objectives established through a Transportation Technical Advisory Committee consisting of local government representatives from each member jurisdiction; and

WHEREAS, *West Piedmont Planning District Commission's 2035 Rural Long Range Transportation Plan* identifies specific roadway and bridge deficiencies for each member jurisdiction; and

WHEREAS, recommendations are presented to address the specific roadway and bridge deficiencies for each member jurisdiction; and

WHEREAS, the City of Martinsville; the Counties of Franklin, Henry, Patrick, and Pittsylvania; and the Town of Rocky Mount—member localities of the West Piedmont Planning District—are covered by the *West Piedmont Planning District Commission's 2035 Rural Long Range Transportation Plan*;

NOW THEREFORE BE IT RESOLVED at its meeting on May 9, 2011, the Patrick County Board of Supervisors, in recognizing the benefits of the *West Piedmont Planning District Commission's 2035 Rural Long Range Transportation Plan*, hereby offers its endorsement.


Roger T. Hayden, Chairman


Tom Rose, County Administrator

Mr. Hayden notified the Board that Pioneer Community Hospital will be re-opening the old Claudville Clinic under the name of Pioneer Family Medical Center by September or October. The hours of operation will be 8:00 am - 5:00 pm.

The Board spoke in favor of the Pioneer group and all they have done for Patrick County.

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Reports to the Board

The following items presented by Mr. Rose were approved by consensus of the Board;

- Switching to laser checks as a cost savings to the County
- Making payment's twice a month versus once a month to ensure there will be no finance charges on credit card bills
- \$176,000.00 to be transferred to the self health insured savings fund

Mr. Rose informed the Board of contracts that were up for renewal and vehicle service increase, noting a change from \$200.00 to \$300.00. Milliman Contract was reviewed by Mr. Black, it is requirement, carried by consensus of the Board. Rural Services is up for renewal and according to Mr. Rose it would have to go to RFP. We are pleased with the service and we don't have to necessarily go with the lowest bidder. The County is content with the services they provide. He stated that he would like to revisit the Metal contract the HVAC units have to be handled properly and the business disposing of they have to be certified. The check is being held for the HVAC units until all heaters are replaced. According to Mr. Brown; Building Official, the C/O for the new jail should be issued within the next week and the last payment will be issued once all things are taken care of.

Mrs. Harris discussed the Health Department having to do inspections anytime a function is held where food is prepared onsite. She requested that Mrs. Hazelwood get a copy of Franklin County's ordinance. The Board discussed the pros and cons, safety and liabilities of not having all functions inspected by the Health Department where food is going to be prepared and served. Mr. Black explained that the information provided from the Franklin County Ordinance applies to exempt entities. This ordinance eliminates the pre-inspection mandatory inspection by the Health Inspector. (See ordinance on file) They decided it was safer to have all functions where food is to be prepared and served/sold etc. to be inspected by the Health Department as they have always done in Patrick County. Mrs. Harris stated that she was asked to present the information and that is what she was doing.

Mr. Weiss asked the Board on behalf of the Recreation Committee that the \$75.00 rental fee that is charged for four hours of use of the Rotary buildings to be placed in their budget to compensate some of their time.

On motion by Karl Weiss that the Recreation be allowed to retain the \$75.00 rental fee when renting the buildings

Mr. Weiss withdrew his motion based upon Mr. Black's suggestion to consult with Mrs. Tatum, County Treasurer before acting on the matter.

Mr. Black brought before the Board a tax exempt deed of gift from Mr. Fred D. Smith and Mrs. Maybelle S. Smith made on the 25th day of February, 1997 to the Industrial Development Authority of Patrick County. The deed states that if the property conveyed is not developed for commercial use within a three year period of time the grantee agrees to convey the property to Grantor by General Warranty Deed. The Board had discussion as to why the land was never developed nor further discussed. Mr. Black stated that the information will be presented to the EDA on Thursday night at which time they will convey the land back to the Smith Estate.

Executive Session

On motion Lock Boyce by seconded by Crystal P. Harris to go into executive session to discuss Personnel Matters 2.2 – 3711 (A) (1) Board appointment; and Real Estate Matters 2.2 – 3711 (A) (3)

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.

Roll Call:

Knight – aye

Boyce - aye

Harris- aye

Weiss- aye

Hayden- aye

RECONVENE

On motion by Lock Boyce seconded by Crystal P. Harris the Board reconvened from executive session where only Personnel Matters 2.2 – 3711 (A) (1) a Board appointment and Real Estate Matters 2.2 – 3711 (A) (3) were discussed and carried unanimously.

Voting Aye: Knight, Boyce, Harris, Weiss, Hayden

Voting Nay: None

ACTION ITEMS

On motion by Lock Boyce to appoint Ms. Jane Carlson to serve on the Piedmont Community Service Board seconded by Ron Knight and carried unanimously

Voting Aye: Knight, Boyce, Harris, Weiss, Hayden

Voting Nay: None

ADJOURN

On motion by Lock Boyce seconded by Karl Weiss to adjourn until Monday, May 23, 2011 at 6:00pm and carried 4 to 1.

Aye: Knight, Boyce, Weiss, Hayden

Nay: Harris

Roger T. Hayden, Chairman