

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, August 9, 2010 at 6:00 p.m.

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

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

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

Call to order: Mr. Chairman

Rev. Jim Churchwell provided the invocation requesting special prayer for former Sheriff David Hubbard and the family of Mr. Ray Jones, Project Manager; English Construction; who is overseeing the construction of the new jail. Mr. Jones lost his wife and son in a fatal car accident.

The Board recited the Pledge of Allegiance to the Flag led by Lock Boyce, 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 to approve the agenda and amend the agenda to discuss a situation with Deputy Wayne Stevens after the public comment period seconded by Karl Weiss and carried 4 to 1 the Board approved the amended agenda.

Voting Aye: Boyce, Hayden, Knight, Weiss

Voting Nay: Harris

The Board discussed whether to talk about Mr. Stevens' situation in open session or executive session.

Mr. Black stated that it would be up to the Board as well as Mr. Stevens to discuss his situation in open session because it is a personnel matter.

They chose to discuss the situation with Mr. Stevens in open session after the public comment period.

Mr. Chairman opened public comment period.

The Board received input from Mr. Danny Foley; he stated that the Department of Social Services is overworked, understaffed, and under paid. Mr. Foley thanked the staff for the work they do for the County. He also spoke of concerns for the County's debt which increased by million's of dollars in one year and that did not include the jail project nor the Patrick Springs Water & Sewer project.

Mr. Boyce stated that the County needs to look carefully at taking on any new projects. We have a responsibility to help the people that Social Services serve. He complemented the workers for the job that they do.

Mr. Weiss stated that the Board has done a good job in cutting spending. They made a large cut in the amount of ten million dollars to the Patrick County Schoolboard's budget. It is not always favorable but the Board has done a good job.

Mr. Chairman closed the public comment period.

Mr. Black asked Mr. Stevens if he or the Board would like to discuss his personal health in closed session. He stated no, he did not think it needed to be discussed in closed session.

Mr. Boyce suggested that Deputy Stevens responded to a call on December 22, 2009 to assist another officer with a domestic situation, Mr. Stevens' knee was seriously injured and had to be put out of work. During his time out of work Mr. Stevens had surgery to repair his injury and may eventually return to work. Mr. Steven's stated that he receives \$452.00 a week in Worker's

Compensation benefits. We have had to look at terminating his employment due to the insurance policy. After six months Mr. Stevens has to pay full price for his health insurance under COBRA insurance. Mr. Boyce stated that the county should consider offering some type of an award to persons injured in the line of duty. He suggested giving an award to Mr. Stevens in the amount of \$5,000.00 to help pay insurance expenses until he could return to work if it did not affect his worker's compensation benefits. Mr. Stevens stated that he would check into it with the worker's compensation representative.

On motion by Lock Boyce to disperse \$5,000 commending Mr. Steven's for his valor and service and wish him well and can recover and return to work with the Patrick County Sheriff's Department.

Mr. Boyce withdrew his motion.

Mr. Knight stated that the Board extended the policy at a previous meeting. I feel that when you got hurt you got hurt in the line of duty and it is our responsibility to take care of you.

Mr. Scudder stated that there may be issues of statutory concern. This discussion procedurally is complicated. If you get injured on the job you are entitled to worker's comp benefits. We amended our policy extending the coverage from three months to six months. We have to go by the policies set in place.

Mr. Stevens stated that he wanted to get back to work. He stated that this has been a hardship that his family has dealt with. He stated that he has an MRI scheduled by Dr. Leboles on his back and won't know anything until that time.

The Board had discussion and decided that Mr. Black should research the issue, the Board took no action.

Mr. Hayden stated that he thinks that there may be some problems that would affect his benefits. He asked that the Board table until the next meeting to have time to consider it.

Mr. Boyce stated that he did not think that an honorary gift of \$5,000.00 would cause any complications with the benefits that Mr. Stevens is receiving.

Ms. Harris stated that she had worked with officer Stevens as a resource officer when she worked at Woolwine Elementary School and saw his dedication to his job. She asked if he could get a job doing desk work or cover as a jailer which he is certified to do. The Sheriff stated that there was not any work he could do that would not pose as a liability. She stated that more research needs to be done and is not against awarding Mr. Steven's however; we don't want to jeopardize your worker's compensation benefits.

Mr. Steven's stated that he would check with worker's comp and see if an honorary cash award in the amount of \$5,000.00 would affect his benefits in anyway and have them fax something in writing.

Mr. Weiss stated that when he spoke with Mr. Stevens that his insurance went from \$90.00 to \$440.00 a month. We sympathize with you and want to help you. He stated that his son is a State Trooper and that their lives are put on the line every day. You have given ten years of service to the County. We need to do it legally. Mr. Black and Mr. Scudder need to bring us all of the information we need to take care of this issue at the next meeting leaning in the direction of helping Mr. Steven's.

Mr. Scudder stated that a lot of this decision rests with the Sheriff.

The Board thanked Mr. Steven's for his years of service to the County of Patrick.

Mr. Hayden asked that three trees at the Patrick County Courthouse be removed from in front of the Courthouse can be seen by visitors and photographed. Mr. Hayden showed the Board a postcard of a before picture of the trees and now. The trees are overgrown and have completely covered up the Statue of Jeb Stuart. There are also some problems to the walks possibly coming from issues with the roots of the trees. All trees need to be professionally pruned.

Mr. Hayden made such comments with no disrespect to anyone. He stated that he had a few things that he did not understand when the EDA Chairman came before the Board. He referred to an article written by Ms.

Lindsey and published in *The Enterprise*, dated Wednesday, July 28, 2010. He quoted Mr. Roycroft saying that by law the EDA is held to a standard of accountability that the BOS is not. According to 2.2 - 3712 of the Virginia Code we are treated equally pertaining to FOIA; closed meetings. We could be held liable if some pieces of information are leaked. We could be held liable if information were leaked, it is not ethically correct to divulge information. He stated that he thought the meeting that we had tonight with Mr. Stevens situation took place in open session. He stated that he was opposed to closed meetings. He stated that if it were proven to him that it had to be discussed in closed session then he would go along with that meeting. He asked Mr. Black to correct him if he had said anything incorrect pertaining to the Virginia Code 2.2 - 3712.

Mr. Black stated that he was not sure what liability that Mr. Roycroft was referring to; he stated that he thought the liability risk that Mr. Roycroft was referring to was that of a potential employer could sue somebody who revealed negotiation issues to the public thereby damaging the employer's opportunity.

Mr. Hayden referenced the following concerning closed meetings;

§ 2.2-3712. Closed meetings procedures; certification of proceedings.

- A. No closed meeting shall be held unless the public body proposing to convene such meeting has taken an affirmative recorded vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting and (iii) makes specific reference to the applicable exemption from open meeting requirements provided in § [2.2-3707](#) or subsection A of § [2.2-3711](#). The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the provisions of this chapter, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.

Mr. Black stated that you are to sight the reason for going into executive session as closely as possible such as purchase of land (real estate) sale pending, litigation or contractual issues, without revealing the facts of matter; it must be specific to the subject.

Mr. Hayden stated that you have to have a reason and be specific about what you are discussing in the form of a motion before going into executive session. FOIA was discussed at the meeting I attended in Richmond. If you deviate from what you voted to go into executive session to discuss then we are in trouble.

Mr. Black stated that he expected Mr. Hayden to help him with enforcing that by speaking up when we get off subject in executive session.

REPORTS

Mr. Bob Dowd; WPPDC; Transportation Planner and Executive Director and Mr. Michael Gray; Virginia Department of Transportation

Mr. Dowd presented the Board with a packet of information concerning the Regional Rural Long Range Plan along with recommendations for Patrick County. Mr. Dowd asked that the Board members give their comments concerning any changes they would like to see added to the plan to Jay by August 23, 2010 Board of Supervisors meeting. The public meeting will be held sometime in September or October 2010 at the Patrick County Veteran's Memorial Building in the Boardroom. Mr. Dowd asked the Board for a letter of support.

Mr. Mike Gray spoke to the Board concerning VDOT's plans to engage each locality to see what is needed; he stated the importance of having documentation proving that you need it in order to be competitive statewide.

The Board discussed certain intersections that are dangerous and need attention, how the information was compiled for the plan, and concerns to finish 58 as a #1 high priority.

The Board thanked Mr. Dowd and Mr. Gray.

Mr. Travis Bunn; Patrick County Extension Office; and Ms. Tammy Goodyear;
Director of the Farm Services Agency

Mr. Bunn provided the Board members with a map showing the way the weather has affected the crops. Ms. Goodyear requested that the Board take into consideration the impact the drought has had on our farmers. She asked that the Board pass a resolution requesting drought declaration action and a letter written to the governor allowing our farmers to apply for drought disaster funds.

According to Mr. Knight the map presented did not show that the County was in a drought; therefore, he didn't understand how the County would even qualify for drought disaster funds.

Ms. Goodyear explained that she does not apply for FSA programs as a farm owner and is in the driest part of the County. She stated that the farmers have suffered this year and have been feeding since June.

Mr. Knight expressed that there should be programs for other types of businesses who have hardships.

Mr. Weiss expressed that even with the Federal Crop insurance that he purchased; he may get the expenses back at best. He stated that the County needed to adopt some kind of land use for farmers, but have not.

On motion by Roger Hayden to adopt a resolution in support of disaster designation for Patrick County seconded by Lock Boyce and carried unanimous.

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

Voting Nay: None

The Board took a break.

Mr. Jay Scudder, County Administrator, Report

In Mr. Scudder's report he informed the Board of Wake Forest Baptist Medical Center's second medical helicopter location, Elkin, NC; which was put in place to improve the link between the community and the medical center.

According to a letter from Synagro Central, LLC, they intend to use material from sources that are approved through VDH for the state of Virginia to apply biosolids land application services to various approved sites in Patrick County.

Mr. Scudder stated that he received a letter in regards to the Enhancement Program – Mayo River Trail; the Commonwealth Transportation Board did not select Patrick County’s application for enhancement funding for June 16, 2010. The funding is very competitive for this program and they were going to spend money to finish existing projects. The next deadline for Enhancement Program applications is December 1, 2010 and only existing projects will be considered for additional funding.

Mr. Scudder stated that he and Mr. Black had looked over the information concerning the increase of surcredits and had taken proper action.

Mr. Tom Bishop sent out a promotional letter notifying the Board of Peach Orchards and Farm Markets. Also included in the letter was information concerning the Blue Ridge Parkway 75 year celebration web page, Virginia travel guide 2010 and BTW Channel 21, “Cooking with Paul” TV show.

BILLS, CLAIMS, TRANSFERS

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously the Board approved the County General Claims as presented this day and as evidenced by check number’s Inmate commissary 260-262, HEM 309, Asset Forfeiture-State 402, Jail construction 100039-100048, Vendor 95770-95931.

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

Voting Nay: None

OTHER BUSINESS:

Mr. Weiss asked the Board if they would consider a resolution to be sent to Ward Armstrong to take to Richmond requesting special legislation in favor of

a no fee Hunting and Fishing License for in and out of state disabled veterans.
The Board had discussion.

Mr. Weiss asked that Mr. Black draw up a resolution to be sent to Ward Armstrong.

Mr. Scudder stated that it could be done by the next Board meeting.

On motion by Lock Boyce to support eliminating of hunting and fishing license fees for all disabled veterans seconded by Ron Knight and carried unanimous.

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

Voting Nay: None

Mr. Hayden suggested that everyone read the Roanoke tabloid referring to AEP rates.

ADJOURN:

On motion by Crystal P. Harris seconded by Lock Boyce and carried unanimously the Board adjourned until August 23, 2010.

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

Voting Nay: None

Chairman, Karl V. Weiss