

VIRGINIA: At a business meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Veterans' Memorial Building on Monday, November 15, 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: Tom Rose, Interim 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. Tom Sheppard 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 Ron Knight seconded by Roger Hayden to amend the agenda as presented by adding speaker Mr. David Draper, Director of MARC; and carried unanimously.

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

Voting Nay: None

On motion by Ron Knight seconded by Crystal P. Harris to amend the agenda as presented by adding two resolutions one for the MRRT, and one for the DRT, to approve continued funding and carried 3 to 2.

Voting Aye: Harris, Knight, Weiss

Voting Nay: Boyce, Hayden

On motion by Crystal P. Harris seconded by Lock Boyce and carried unanimously the Board approved the minutes for October 18, 2010 as presented.

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

Voting Nay: None

PUBLIC COMMENT PERIOD:

Mr. Chairman opened public comment period.

The following citizen's spoke in opposition of the Shooting Range and how the location, noise, and safety issues of it are affecting their quality of life.

Mr. James Thomas, Mrs. Barbara Russell, Mr. Albert Thomas, Mrs. Nakedya Wimbush, Mr. Charlie Thomas, Mrs. Kathy Thomas, Mr. Tom Russell, Mr. Roy Rucker and Mr. Johnny Martin all from the Peter's Creek District.

The following citizens spoke in favor of the shooting range; Mr. Chuck Rein bold, Smith River District. Dr. Jerry Whitlow, Dan River District; Mrs. Carol Byrd, Mr. Dale Owens, Mrs. Brenda Burgess. The 4 – H Shooter's have raised the funds to build the facility on County property. It has had a good impact on the youth of Patrick County. They are trained in the proper use of a firearm. The 4 – H Shooter's have also been very successful in competitions.

Mr. Jack Horton spoke to the Board concerning matters with the Patrick County Building Official over an inspection. Mr. Horton provided the Board with a letter that he used as a reference.

Mr. Danny Foley, representing the Taxpayer Watchdog group, spoke in opposition of the MRRT; he also had 60 more signatures in opposition of the trail. He referenced the Dick and Willie Trail which, recently opened to the public have already had one safety issue and one theft.

Mr. Chairman closed the public comment period.

After hearing all of the citizens comments the Board members had discussion and responded to the citizens by acknowledging their concerns with the following comments. Hearing both pros and cons from the citizens concerning the shooting range, the Board would be willing to compromise such as the things that Sheriff Smith stated in his letter or the possibility of land donation in other areas of the county. The Board is obligated to provide the Sheriff with an adequate place to train however; they do not have the funds to build a firing range. The Board thanked all of the citizens who came to the meeting and those who spoke.

Mrs. Harris instructed Mr. Rose to schedule a meeting with Mr. Horton, Mr. Jason Brown, and the Board of Appeals to discuss and hopefully resolve the situation per Mr. Horton.

The Board took a break at 8:05 pm and returned at 8:20 pm.

REPORT: Mr. David Draper, MARC

MARC serves adults with disabilities. They have a new program called Mobile Employment, which they have been using in Henry County and have been very successful. They have decided to offer these services to Patrick County and the Town of Stuart. These are jobs that pay minimum wage. The group is looking for a site to work out of in the Patrick County area. They offer the following services; maintenance, lawn care, commercial document destruction, and moving services.

Mr. Hayden asked Mr. Draper if they were looking for a donated or paid facility to work out of.

Mr. Rose reminded the Board of a county building that was vacant which; previously housed STEP Inc. before the building of their new facility. The Board does not need to take action tonight. MARC would pay the same rent as well as cover utilities. They would also renovate and repair the building.

Mr. Draper commented that he was not in competition with the Parc Workshop nor the Patrick County Developmental Center.

The Board spoke favorably of the program and welcomed the services that MARC has to offer Patrick County.

REPORT: Mrs. Lisa Price Hughes

Rt. 773 will be closed replacing the bridge and installing a boxed culvert. Mrs. Harris had asked some questions concerning bridge work and projects. According to Mrs. Hughes the Bridge on Lee Elgin road and the section of pipe will be completed in the spring of 2011.

Mr. Hayden thanked Mrs. Hughes and the Department of Transportation for the work done on the Share the Road signs, also, for putting the Willow Creek sign on a metal pole and raising the height of the sign. This allows him clearance when driving the school bus. He also thanked Mrs. Hughes for the bridge on Pettigo Ridge Rd. Mr. Mitchell said to remind you that he has still not gotten Old Orchard Loop road paved. The people have requested gravel to be put on Dan Valley Farm Road.

REPORT: Sheriff Smith; Shooting Range:

The Sheriff provided the Board members with a copy of the letter that he wrote to Mrs. Karen Spencer. He listed within the letter ways that the Sheriff's Department was willing to compromise with the residents living near the shooting range.

## Patrick County Sheriff's Office

Daniel M. Smith, Sheriff

Post Office Box 128  
Stuart, Virginia 24171-0128



Telephone 276-684-3161  
Fax 276-684-6330

November 10, 2010

Ms. Karen Spencer  
1294 Poplar Drive  
Stuart, Virginia 24171

Ms. Spencer,

I hope this correspondence finds you well. I have enjoyed our shared dialogue regarding the shooting range and have taken many of your suggestions into account. I have a great deal of respect for you and all those who have been adversely affected by the noise at the range. It has never been nor will it ever be the intent of this office to cause hardship in any way to law abiding citizens. As you have heard me say before, I sympathize with you and those that you represent and I will do everything in my power to lessen the burden that our training places upon you. Based on several recommendations you suggested at your home and at the college, I have implemented the following policies regarding firearms training within my office:

- The Patrick County Sheriff's Office will not hold basic academy week-long qualifications ever again
- We will notify the residents in the area of the range via WHEO or the emergency notification system prior to conducting firearms training at the range
- No departmental training will be conducted on Sundays
- Sheriff's office training and citizen firearm safety training on Saturdays will be limited to the hours of operation of the transfer station (between 8 a.m. and 1:00 p.m.)
- Night training will cease at 9:00 p.m.

Additionally, it is my wish to plant trees/shrubs intended to serve as a noise buffer to replace some of the trees taken out with the grading of the new parking lot.

As discussed, the range has been at its current location for approximately ten years. Because of mandated requirements concerning firearms training, we are required to have a firing range and our only current option is the existing location. I have neither the authority nor the funding in my budget to move and construct a new facility. Any decision to construct a new facility and allocation of all additional funding must first be approved by the board of supervisors.

I want to conclude by saying that it is my duty to provide law enforcement protection to all citizens of Patrick County. It is my responsibility to ensure that our deputies are properly trained and proficient in the use of their firearms in order to effectively provide this protection. I hold myself and every deputy highly accountable for our actions and I expect them to conduct themselves in a courteous and professional manner. I firmly believe that proper training is paramount in providing professional and

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Daniel M. Smith, Sheriff

Post Office Box 128  
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quality services to our community. I look forward to working together on this issue and I again apologize for any burden that our training has placed on your neighborhood. As always, my door is open and it is my desire to help whoever I can. If you or any resident in your neighborhood ever needs to reach me, please call me directly at 276-692-7012.

With best regards,

A handwritten signature in cursive script, appearing to read "Dan".

Daniel M. Smith, Sheriff  
Patrick County Sheriff's Office

Cc: Patrick County Board of Supervisors

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The Board had discussion. No action was taken on the relocation of the shooting range.

## REPORT: Sheriff Smith; USDA funding

The Sheriff applied for USDA grant funding and received \$50,000.00 in 2009 – 2010 to help aid in the purchase of patrol cars. Ms. Cindy Bomar, Mr. Jay Scudder, Mrs. Geri Hazelwood, and Mrs. Donna Shough met in May and discussed the final preparation for the previous grant. We needed to order some vehicles for the jail. We were pre – approved for \$75,000.00 using existing money in our account totaling \$150,000.00 to match the grant funding. We were told by Cindy Bomar that the money was available and to go ahead and order those vehicles. Three weeks ago we received a letter stating that we were eligible for funds but there was no funding; however, the funding may still come through and will be a pleasant surprise. The vehicles were to be combined with the start – up costs for the new jail; this was just an unwelcomed surprise.

According to Mr. Black we must be very careful of municipal lending from Rural Development, USDA.

We have ten deputies, plus two cross trained additional patrol deputies. This will allow us to have three on patrol versus two.

Mr. Hayden asked how many deputies the Sheriff Department has.

The Sheriff stated that the department is made of 42 state, 6 county; the state will be paying 85% and the county will be paying 20% of their benefits.

Mr. Weiss asked if anything would have to be cut from the start – up costs due to this.

Sheriff stated no. We have found ways to save costs on furniture, sheets, linens, etc. The comp board will pay back retro 45 days on the salaries for the deputies in training; however, we the county have to pay their salaries through March.

Mrs. Harris stated that no one told the Board that the grant funds did not come through and the vehicles were already purchased. You don't spend money from a grant until you have the funds in the account.

The Board thanked the Sheriff.

Mr. Hayden asked that Mr. Rose check into the possibility of switching the telephone service to Centurylink and give an update at the next meeting.

UPDATE:

Mr. Rose gave the Board an update on the pruning of the trees around the County Administration building and provided them with tree quotes around three thousand forty – two dollars to trim 50 trees. The Board had discussion.

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously the Board chose to have County Maintenance to do the tree pruning.

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

Voting Nay: None

Stanley Steamer will be back to do the bathroom floors and one other office to be cleaned.

According to Mr. Rose things are going well with the Courthouse renovations at 90% completed. The bell tower is going to be repaired; however, the siren on the Courthouse will need to be removed which cost additional funds outside of the original contract due to the rental of a crane. Mr. Hayden stated that he could get a crane rental at a reasonable price from someone he knew. He scheduled someone to come out at 9:00 am on Tuesday morning to look at the facility and give an estimate.

The Board had discussion and decided that the siren be removed and be donated to the Historical Museum.

Mr. Rose updated that Board on the status of the PSA and the funding for the PSWS project. Mr. Rose stated that he is waiting on approval to use the TIC monies before the USDA funds as long as they are used for Rt. 58. They had already received approval from Art Powers of the USDA.

Mr. Hayden and Mr. Weiss thanked Mr. Rose for reworking the funds.

BILLS, CLAIMS, TRANSFERS AND APPROPRIATIONS

The Board had discussion concerning withholding payment for item #3232 for professional services in the amount of \$3,872.00. Mr. East has already done the work and should be paid for it. Mr. Rose stated that there was an appropriation in 2007 to Mr. East for the work he has done for the project. This was an advertised position and he applied for it according to Ms. Harris. The Board questioned why Mr. East is still working for the County now that the easements have been acquired. According to Mr. Black, Mr. East has not charged the county for all of the hours he has worked. Mr. East knows the history of the area and is able to talk to the people in the area and has been very helpful. The Board discussed that maybe the company doing the work should consider putting him on their payroll. The county does not have the extra staff to do the work that Mr. East is doing.

On motion by Lock Boyce seconded by Roger Hayden to withhold paying Mr. East and in the future until further information has been provided.

On motion by Lock Boyce to amend the motion to pay funds#3232 for professional services in the amount of \$3,872.00 that we fairly owe him not to pay in the future without explanation seconded by Roger Hayden and carried 3 to 2 the Board approved

Voting Aye: Boyce, Hayden, Knight

Voting Nay: Harris, Weiss

According to Mr. Weiss, Mr. Black, explained what Mr. East has done for the County concerning the PSWS project and continues to do. He stated that he is opposed to not continuing payment to Mr. East.

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimous to pay the County General Claims as presented this day and as evidenced by check number's # General County 96555-96793, Asset Forfeiture

406-407, Inmate Commissary 274-276, HEM 313, Jail Construction 100090-100103, PSA 150005-150007

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

Voting Nay: None

ACTION:

Mrs. Drucilla Carter, Director of the Blue Ridge Regional Library, introduced herself to the Board and offered her services. She informed the Board that even though two candidates were willing to serve on the library board they only needed one member to serve.

On motion by Ron Knight seconded by Lock Boyce and carried unanimously the Board appointed Mrs. Janet Demiray to serve on the Blue Ridge Regional Library Board of Directors.

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

Voting Nay: None

Mr. Boyce stated that he was talking to a possible representative for the Planning Commission.

Mr. Rose had spoken with Mrs. Twyla Neil and she offered to serve as Peter's Creek District representative if they could not find anyone.

On motion by Lock Boyce seconded by Roger Hayden and carried unanimously the Board named Ms. Billi Sue Ehmann Poet Laureate for the year 2011.

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

Voting Nay: None

On motion by Ron Knight seconded by Karl Weiss the Board approved the following resolutions for the MRRT and the DRT as presented and carried 3 to 2.



**COUNTY OF PATRICK**  
*Office of the County Administrator*

**Resolution**

**Whereas**, in accordance with Commonwealth Transportation Board construction allocation procedures for FY 2011-2012 TE Funding Applications, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation renew funding for a transportation enhancement project in the County of Patrick.

**Now, Therefore, Be It Resolved**, that the County of Patrick requests the Commonwealth Transportation Board to renew funding for a project for the development of the Mayo River Rail Trail which is a multi-use trail that will connect the Town of Stuart to Highway 58 Bypass.

**Be It Further Resolved**, that the County of Patrick hereby agrees to pay a minimum 20 percent in-kind or cash match requirement of the total cost for planning and design, right of way, and construction of this project, and that, if the County of Patrick subsequently elects to cancel this project the County of Patrick hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 15<sup>th</sup> day of November, 2010

County of Patrick, Virginia

BY Karl U. Weiss

Attest Nelma Pondleton

P.O. Box 466 • 106 Rucker Street • Stuart, Virginia 24171  
Telephone (276) 694-6094 • Fax (276) 694-2160  
<http://www.co.patrick.va.us>



COUNTY OF PATRICK  
*Office of the County Administrator*

**Resolution**

**Whereas**, in accordance with Commonwealth Transportation Board construction allocation procedures for FY 2011-2012 TE Funding Applications, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation renew funding for a transportation enhancement project in the County of Patrick.

**Now, Therefore, Be It Resolved**, that the County of Patrick requests the Commonwealth Transportation Board to renew funding for a project for the development of the Dan River Trail which is a multi-use trail that will begin at the Blue Ridge Elementary School and connect to the various sites at Dan River Park.

**Be It Further Resolved**, that the County of Patrick hereby agrees to pay a minimum 20 percent in-kind or cash match requirement of the total cost for planning and design, right of way, and construction of this project, and that, if the County of Patrick subsequently elects to cancel this project the County of Patrick hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 15<sup>th</sup> day of November, 2010

County of Patrick, Virginia

BY Karl V. Weid

Attest Dilma Pennington

P.O. Box 466 • 106 Rucker Street • Stuart, Virginia 24171  
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Voting Aye: Knight, Harris, Weiss

Voting Nay: Boyce, Hayden

EXECUTIVE SESSION:

On motion by Crystal P. Harris seconded by Lock Boyce the Board convened into Executive Session to discuss personnel matters [ Section 2.2 – 3711(A)(1)

Roll Call Vote:

Boyce: Aye

Hayden: Aye

Knight: Aye

Harris: Aye

Weiss: 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 Roger Hayden seconded by Lock Boyce and carried unanimously the Board reconvened into regular session where only personnel

matters to review candidates for the County Administrator position were discussed.

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

Voting Nay: None

The Board took no action.

Adjourn

On motion by Roger Hayden seconded by Crystal P. Harris and carried unanimously the Board adjourned until December 13, 2010.

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

Voting Nay: None

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Chairman, Karl V. Weiss