

VIRGINIA: At a work session of the Board of Supervisors of the County of Patrick, held at the Patrick County Administration Building thereof on Monday, November 28, 2005 at 1:00 p.m.

PRESENT: H. Danny Foley, Sr., Chairman; Roger L. Martin, Vice Chairman; Darrell Cockerham, Crystal P. Harris, and David G. Young, Board Members; Regena H. Handy, County Administrator; Michael Burnette, Assistant County Administrator; Eric Helms Monday, County Attorney; and Mary Beth Roberson, Assistant to the County Administrator.

Call to Order: Chairman H. Danny Foley, Sr.

Items for Consideration:

I. Presentation by Extension Unit Coordinator: Carol C. Byrd, Extension Agent and Unit Coordinator, presented the Board with a 2004 Situation Analysis Final Report for the Patrick County Unit. Said report is noted and ordered filed with the papers of this meeting. Mrs. Byrd noted that the local Extension Office currently has seven employees.

II. Report and Discussion of Road Matters with VDOT Official: This day came Lisa Price Hughes, Resident Engineer, Virginia Department of Transportation (VDOT), to discuss matters pertaining to the primary and secondary road systems in Patrick County.

a. **Six Year Road Plan:** Mrs. Hughes advised that comments on Red Rough Road, Trent Store Lane, Kelly Mill Road, and Puppy Creek Road were received at the Six-Year Road Plan Public Hearing that was held in October. She stated that Red Rough Road, Trent Store Lane, and Kelly Mill Road could be added to the Secondary Six-Year Plan under the designation of Rural Rustic Roads; however, Puppy Creek Road does not have a sufficient traffic count to qualify for any major improvements. Mrs. Hughes recommended that Lawson Lane, Laurel Creek Road, and Taylor View Drive be added to the Secondary Six-Year Plan as Rural Rustic Road Projects and that Hayden Road be added as a No-Plan (SAAP) project.

On motion by David G. Young and seconded by Darrell Cockerham and carried:

WHEREAS, the 1977 Session of the Virginia General Assembly amended Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, which in part, provided the opportunity for each county to work with Virginia Department of Transportation in developing a Six Year Road Plan, and

WHEREAS, this Board had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation policies and procedures and participated in a Public Hearing on the proposed plan as well as the Construction Priority List (2006-2007) on October 24, 2005 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed plan and priority list, and

WHEREAS, Lisa Price Hughes, Resident Engineer, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six Year Plan for Secondary Roads (2006-2012) and the Construction Priority List (2006-2007) for Patrick County,

NOW, THEREFORE, BE IT RESOLVED that since said plans appear to be in the best interests of the Secondary Road System in Patrick County and of the citizens residing on the Secondary System, said Six Year Plan (2006-2012) and Construction Priority List (2006-2007) are hereby approved as presented at the Public Hearing, as amended.

Voting Aye: Foley, Martin, Cockerham, Harris, and Young

Voting Nay: None

b. **Shortcut Road:** Mrs. Harris advised that there is a safety hazard on Shortcut Road. She stated that the road is not wide enough for a school bus and another vehicle to pass each other. Mrs. Hughes advised that VDOT would check the traffic count on that road. Mrs. Hughes advised that she would look into the problem.

c. **Route 58 Signage:** Mr. Martin advised that motorists on Route 58 in the

Meadows of Dan area are confused by the current signage relating to the new four-lane bypass area. He stated that some vehicles are traveling on the wrong side of the road.

d. **Route 58 Truck Traffic:** Mr. Martin advised that the State Police continue to harass and ticket over-length tractor-trailers on Route 58 in the Meadows of Dan area and that three hundred eighty-four tickets have been written. Mrs. Hughes advised that many businesses have followed the procedure to obtain over-length permits. Mr. Martin stated that the primary problem is that many drivers are not familiar with the road, not the length of the trailer.

e. **Route 58 Spot Improvements:** Mrs. Hughes advised that curve widening at Cockram's Mill is underway.

f. **Blue Ridge Parkway Directional Signage:** The Assistant County Administrator inquired about installing brown Blue Ridge Parkway directional signage on the Route 58 Bypass. Mrs. Hughes stated that she would look into his request.

III. **2005 Tourism Event of the Year Award:** This day came members of the Patrick County Jaycees. Ralph Lawson, former Jaycee President, presented the Board with the 2005 Tourism Event of the Year Award, which was awarded to the Patrick County Jaycees' "Hot Fun in the Summertime event", and a picture of the crowd during the show. Mr. Lawson stated that the award belongs to the County and asked that the award be hung in the Patrick County Veterans' Memorial Building. Wayne Craig, Jaycee member, stated that the show is considered a regional event. The Chairman advised that the County would display the award in the building.

IV. **Patrick Springs Water and Sewer Project:** The Assistant County Administrator advised that no formal notification has been received from Rural Development regarding the transfer of funds from the Town of Stuart to the County. Mr. Martin stated that there needs to be justification for spending the entire county's taxpayers' money for a portion of the County. Mr. Young advised that the County needs the following information: (1) notification from Rural Development regarding the transfer of funds; (2) whether the County can separate the two parts of the

project; and (3) water and sewer rates that match the Town's out-of-town user rates. The Board deferred action on this issue to the December 12, 2005 meeting.

V. **Jail Meals Bids**: The County Attorney advised that the jail meals bid package included a requirement that the meals meet the Virginia Department of Health's guidelines and a thirty minute window in which all three meals must be delivered. He recommended that the contract terms include the stipulation that if the meals are not delivered within the thirty minute window, the Sheriff can obtain the meals from another business and that cost would be deducted from the next contract payment. He suggested that after the third incident, the Sheriff's Department could terminate the contract.

On motion by Crystal P. Harris, seconded by Roger L. Martin and carried, the Board does hereby award the Jail Meals Bid to Downtown Café at \$3.24 per meal subject to the contract's terms and conditions.

Voting Aye: Foley, Martin, Cockerham, Harris, and Young

Voting Nay: None

VI. **DMV Animal Friendly Plates**: The County Administrator advised that the Board must make a decision regarding the \$120.00 that is available for the County through DMV's Animal Friendly Plate fund by December 1, 2005. She reminded the Board that these funds must be used to support sterilization programs for dogs and cats and that last year the funds were returned to DMV because the County did not have a sterilization program in place. The Chairman suggested utilizing the funds at the Patrick County Animal Pound. Mr. Martin stated that he has a hard time refusing funds or giving them to another locality. Mr. Young noted that \$30.00 is the average cost of sterilization and that \$120.00 would only sterilize four animals. He advised that it would be difficult to determine who would receive the limited funds and suggested giving the funds to another locality that has the additional staff to administer same.

On motion by Roger L. Martin, seconded by Crystal P. Harris and carried, the Board does hereby accept the \$120.00 from DMV's Animal Friendly Plate Program, which will be funneled through the Patrick County Animal Pound, and a \$5.00 discount will be given to any citizen who adopts an animal from the Pound to be used for the sterilization of that animal until the entire \$120.00 has been expended.

Voting Aye: Foley, Martin, Cockerham, Harris, and Young

Voting Nay: None

VII. Chief Local Elected Officials (CLEO): The County Administrator reminded the Board that the Workforce Investment Board recommended that each locality be responsible for administering/operating the Workforce Investment Act Program as it was done in the past, which was approved by the CLEO Board. Mrs. Handy recommended that the Board authorize the Patrick County School System to serve as Patrick County's administrator for the WIA Program.

On motion by Crystal P. Harris, seconded by Darrell Cockerham and carried, the Board does hereby authorize the Patrick County School System to administer the Workforce Investment Act Program on behalf of Patrick County.

Voting Aye: Foley, Martin, Cockerham, Harris, and Young

Voting Nay: None

VIII. Mid-Atlantic Broadband Project Public Hearing: A Public Hearing was this day held to receive comments regarding a proposed easement agreement between Patrick County and Mid-Atlantic Broadband Cooperative to construct a 12' x 20' shelter to store equipment and to act as the termination point for the fiber at DeHart Park in Stuart. The Assistant County Administrator advised that the proposed easement is comprised of less than a quarter acre of property and recommended the approval of same. The Chairperson asked for any additional comments; none were made and the public hearing was closed.

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board does hereby approve a conveyance of easement for less than a quarter of an acre to Mid-Atlantic Broadband Cooperative to construct a 12' x 20' shelter to store equipment and to act as the termination point for the fiber at DeHart Park in Stuart.

Voting Aye: Foley, Martin, Cockerham, Harris, and Young

Voting Nay: None

IX. County Attorney's Report:

a. **Personal Property Tax Relief Act:** The Board having previously discussed the Personal Property Tax Relief Act (PPTRA) at the November 17th meeting, continued discussion of same. The County Attorney advised that he would present the Board with a proposed ordinance at the December 12th meeting, which would permit the County to adjust the PPTRA rate annually as part of the County's budget process.

b. **Building Code Ordinance:** The County Attorney advised that he would present proposed amendments to the Building Code Ordinance at the December 12th meeting, which would be comprised of language changes.

c. **Bethel Campground:** The County Attorney advised that Bethel Campground has requested a tax exemption status and requested direction from the Board regarding same. The Board requested the following information regarding the campground be provided at the December 12th meeting: (1) who uses the campground; (2) who sponsors the campground; and (3) whether there is a fee for using the campground.

d. **Building Permit Fee Schedule:** The County Attorney stated that there was previous Board discussion of revising the Building Permit Fee Schedule. Mr. Cockerham advised that a proposed revised fee schedule would be presented at the December 12th meeting.

e. **Erosion and Sediment Control Ordinance:** The County Attorney advised that a proposed revision to the Erosion and Sediment Control fee schedule would be presented to the Board at the December 12th meeting.

f. DUI Ordinance Proposal: The County Attorney proposed the adoption of a DUI Ordinance, which would permit the County to collect a fee, in addition to the criminal fine, to recover the costs of rescue squad and/or fire department responses to accidents that result from a DUI. He advised that the fine could be charged at an hourly rate or set at a flat fee. Mr. Monday recommended that the Board adopt a DUI Ordinance and noted that the City of Martinsville and Henry County have adopted one with a flat fee. The Board directed the County Attorney to draft a proposed DUI Ordinance to be presented at the December 12th meeting.

g. Proposed Legislation: The County Attorney advised that the Tourism Director has asked that the Board consider requesting the Legislature to adopt an Agritourism Liability Immunity Act. He stated that there is considerable risk of injuries in agritourism and noted that North Carolina has adopted same. The Board directed the County Attorney to contact the appropriate legislative representatives regarding a proposed Agritourism Liability Immunity Act.

h. Eviction Procedures: The County Attorney advised that according to the Code of Virginia, the Sheriff's Department is responsible for removing tenants when they are evicted. He stated that it is his belief that deputies should not be "furniture movers". Mr. Monday advised that the Code also states that if the evicted tenant's belongings are removed by the Sheriff's Department or Landlord and kept in a storage facility, they have no liability; however, if the belongings are set out along the side of the road, the Code does not state that they are free from liability. The Board directed the County Attorney to contact the appropriate legislative representatives regarding an amendment to the Code Section relating to the eviction of tenants as it relates to the Sheriff's Department's role in the process as well as its liability in same.

i. Covered Bridge Festival: The Board directed the County Attorney to request the Legislature to recognize the Covered Bridge Festival as an official State Festival.

X. **Meeting Schedule:** Due to the Christmas Holiday, the Board tentatively agreed to combine December's regular monthly meeting and work session, which will be held on Monday, December 12th commencing at 2:00 p.m. If an additional meeting is needed, the Board will determine the date and time at the December 12th meeting.

XI. **Patrick County Covered Bridge Restoration:** The County Administrator presented the Board with a letter from the Virginia Tobacco Indemnification and Community Revitalization Commission regarding the recent awarding of a grant in the amount of \$60,000 for Patrick County Covered Bridge Restoration. She commended Mrs. Harris, the Assistant County Administrator, and the Tourism Director for their efforts in obtaining this grant. Mrs. Harris stated that she is very pleased to receive the funds and thanked Bernie Day for his assistance in securing the grant on the County's behalf.

Mr. Cockerham temporarily left the meeting.

XII. **Erosion and Soil Certification Exam:** The County Administrator advised that Charles Vernon, Part-time Erosion and Sediment Inspector, recently took the Erosion and Soil Certification Exam in order to become the combined administrator for the E&S program. She stated that she is very pleased to announce that Mr. Vernon passed the exam and qualified for certification. She noted that the exam was extremely difficult and that he put in many hours studying for same. Mrs. Handy advised that Mr. Vernon is now qualified to conduct plan reviews and serve as the inspector and administrator. She noted that he is the first County employee to serve in all three areas, which means that projects will have a faster turnaround time. The Chairman commended Mr. Vernon for his hard work.

Mr. Cockerham rejoined the meeting.

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board convened into Executive Session to discuss legal matters [Section 2.2-3711(A)(7), 1950 Code of Virginia, as amended]; prospective business matters [Section 2.2-3711(A)(5), 1950 Code of Virginia, as amended]; and personnel matters [Section 2.2-3711(A)(1), 1950 Code of Virginia, as amended].

Voting Aye: Foley, Martin, Cockerham, Harris, and Young

Voting Nay: None

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board reconvened into regular session, based upon the following:

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.

Voting Aye: Foley, Martin, Cockerham, Harris, and Young

Voting Nay: None

On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board does hereby direct the County Attorney to submit the following legislative proposals to the appropriate delegates: (1) the introduction of legislation to allow a sales tax referendum for Patrick County such as the one that is being introduced for the City of Danville; (2) the introduction of legislation to allow the Board of Supervisors to enact a meals tax without referendum just as was passed last year for Carroll County; and (3) the introduction of legislation to move Virginia elections to coincide with congressional elections.

Voting Aye: Foley, Martin, Cockerham, Harris, and Young

Voting Nay: None

XIII. Presentation by Governor Gerald Baliles, Education Foundation, and Mark Kilduff, retiring Executive Director of the Virginia Economic Development Partnership (VEDP): Representatives from the Patrick County School Board, School Superintendent, and approximately twenty local business owners were in attendance. Governor Gerald Baliles advised that the Patrick County Education Foundation is in its fifth year of operation and noted that the education of a rural locality's population has become critical in attracting new economy. He introduced Mark Kilduff, retiring Executive Director of the Virginia Economic Development Partnership (VEDP), and noted that Mr. Kilduff oversaw the overall marketing effort of Virginia. Governor Baliles stated that the Board of Supervisors, School Board, and the Economic Development Authority should hear Mr. Kilduff's message. Mr. Kilduff addressed the Board and commended the Patrick County Education Foundation in their initiative to increase the education of the citizens in Patrick County. He advised that there are five major location factors when a prospect is considering a location and the labor factor is number one. Mr. Kilduff gave a power point presentation regarding the importance of education. Said presentation is noted and ordered filed with the papers of this meeting. Mr. Martin commended Governor Baliles for establishing the Education Foundation. The Chairman thanked Mr. Kilduff for his presentation. The Assistant County Administrator advised that Mr. Kilduff had been very active in economic development for ten years and was involved in many State programs such as the Governor's Opportunity Fund. The

County Administrator thanked Governor Baliles for remembering Patrick County and for arranging the presentation by Mr. Kilduff. Governor Baliles invited everyone in attendance to a reception in the Third Floor Hallway, hosted by the Patrick County Education Foundation.

Ordered that the Board be adjourned until December 12, 2005 at 2:00p.m.

**Work notes prepared and submitted by
Mary Beth Roberson, Assistant to the County Administrator**