

**VIRGINIA:** At a regular meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Administration Building thereof on Monday, October 10, 2005 at 6:00 p.m.

**PRESENT:** H. Danny Foley, Sr., 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.

**ABSENT:** Roger L. Martin, Vice Chairman

The Chairman called the meeting to order.

The Chairman gave the invocation.

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

On motion by David G. Young, seconded by Darrell Cockerham and carried, the agenda for the meeting was approved.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

On motion by Darrell Cockerham, seconded by David G. Young and carried, the minutes of the September 12, 2005 meeting and work notes of the September 26, 2005 work session were approved.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

This day came Steve Helms, Vice President and General Manager, Primland, and George House, Legal Council, Primland, regarding Primland's request to abandon a section of Busted Rock Road. Mr. Helms stated that there has been concern regarding citizens' access to cemeteries on Busted Rock Road. He advised

that Primland is aware of seven cemeteries on the property, which are located behind the current gate. Mr. Helms stated that in the early 1990's, Primland officials had toured the property with Odell Cox in an effort to catalog the existing cemeteries. He noted that Mr. Cox has several relatives buried in that area; therefore, he was familiar with the property. Mr. Helms advised that to his knowledge, no one has ever been denied access to the cemeteries and noted that there was a keyed gate on the property prior to Primland's purchase of the land in the 1970's. He stated that Primland asks visitors for their name and which cemetery they would be visiting and noted that because of hunting trips and the frequent use of all-terrain vehicles, Primland needs to know who is on the property and their location for safety purposes. He advised that there are no cemeteries located on the 1.7 miles of Busted Rock Road, which Primland has requested to be abandoned. Mr. Helms stated that Primtimber owns the property and Primland is the operating company. He noted that landowners who would be affected by the proposed abandonment are in favor of the request and have signed letters in support of same. He noted that the abandonment of the 1.7 miles would eliminate state maintenance and would add security to the homes that are behind the gate. He advised that Primland welcomes anyone who could offer additional information regarding the cemeteries and stated that Primland is interested in preserving the area's history and heritage.

Mr. House advised the Board of a federal law that involves the filing of an AFIDA Report, which requires foreign-owned firms to file a report when agricultural or timber property is purchased. He advised that this report was overlooked when the additional land was purchased, which was an oversight by legal firm. Mr. House stated that his legal firm is correcting the error. He advised that Busted Rock and Primtimber, which are Virginia Corporations but wholly owned by a European Corporation, own the land. He noted that Primland, formally Primlumber, is the operating company, which oversees hunting and fishing operations and is building a golf course on the property. Mr. House stated that Primland made the abandonment request in order to enhance the property's entrance and not for farming purposes.

Harvey Spangler, citizen, addressed the Board regarding this issue. He advised that he was sorry that the Blue Ridge District Board of Supervisors representative was not present for the discussion. He stated that citizens should not have to remind landowners of their obligations under federal law. Mr. Spangler

inquired if the proposed abandoned property would be added to the tax rolls if it is given to Primland. The County Attorney advised that it would be. Mr. Cockerham stated that Mr. Helms is aware of the next reassessment. Mr. Spangler advised that citizens who wish to visit the cemeteries behind Primland's gate do not want to push buttons or go through any kind of scrutiny or checks, whether it be in the middle of the night or day. Mr. Spangler asked if the Fish and Game Commission, Emergency Services Coordinator, or Sheriff's Department have submitted any reports regarding Primland's request. The County Attorney advised that they have not and advised that the Code of Virginia does not require it. Mrs. Harris advised that at the Board's September Work Session, a VDOT representative stated that it does not oppose the abandonment of the 1.7 miles of Busted Rock Road. Mr. Spangler requested that a written consent be obtained from VDOT's Salem Office regarding this issue. Mrs. Harris advised that Mr. Martin, Blue Ridge District Representative, desires to be in attendance and has been in contact with the Board and the County Administrator regarding this issue. She noted that due to health conditions, Mr. Martin was unable to attend the meeting. Mr. Spangler apologized for any misunderstanding regarding his comment about the absence of his representative and sympathizes with Mr. Martin's condition; however, he wished Mr. Martin were present.

Cecil Handy, citizen, approached the Board and advised that he would be able to locate all of the cemeteries in that area. Mrs. Harris asked that Mr. Handy and Mr. Helms tour the property to identify each cemetery.

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board hereby approves the abandonment of approximately 1.7 miles of roadway from the intersection of Strawberry Hill (Route 637) and Busted Rock Road (Route 610) to the current end of state maintenance of Busted Rock Road (Route 610) in the Vesta Community of Patrick County.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

Johnny Marion, Rural Services, addressed the Board regarding current garbage services in the County. Mr. Marion advised that his firm had prepared a proposal for the garbage services franchise in April; however, there have been

unforeseen increases in the cost of diesel and other petroleum based materials that are needed to offer these services. Based on these increases, Mr. Marion requested an increase on the franchise and proposed a \$1.00 per month increase for households and \$1.25 per month increase for commercial customers. Mrs. Harris noted that the fuel bill for the Smith River Rescue Squad increased a substantial amount as well. The County Attorney recommended holding a public hearing regarding the proposed rate increase.

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board hereby schedules a Public Hearing for November 17, 2005 at 7:00 p.m. regarding a proposed increase in the County's Garbage Services Franchise with Rural services, which includes a \$1.00 per month increase for households and \$1.25 per month increase for commercial customers.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

The County Administrator reported on the activities of her office for the preceding month, as required by Section 15.2-407 (B), 1950 Code of Virginia, as amended.

A. Annual Six-Year Plan Meeting: The County Administrator advised that she had attended the Public Officials' Session of VDOT's Annual Six-Year Meeting in Salem on September 27, 2005. She reported that administrators from Floyd and Franklin Counties and a Supervisor from Henry County were in attendance and addressed area road needs. Mrs. Handy advised that she had addressed the Commonwealth Transportation Board regarding the importance of completing the Route 58 Project and formally presented the Board's written remarks.

B. Response from Senator Reynolds regarding Primary Roads Projects: Mrs. Handy advised that the Board's list of priorities for the Six-Year Improvement Program was forwarded to Senator Reynolds, which he supported. She presented the Board with a letter from Pierce R. Homer, Commonwealth's Secretary of Transportation, advising that the Board's comments will be forwarded to the Commonwealth Transportation Board for consideration in the Program update.

C. NIMS Guidelines: The Board held further discussion of the National

**Incident Management System (NIMS). Mrs. Handy stated, that in order for the County to be eligible for certain grants, the County must adopt NIMS. She reported that Virginia localities had been waiting for Governor Warner to act on this proposal, which he had just recently done. She noted that Henry County adopted this program a few days following the Board's September Work Session. Mrs. Harris stated that she does not oppose the program; however, information was not provided in a timely manner.**

**On motion by Crystal P. Harris, seconded by Darrell Cockerham and carried:**

**WHEREAS, the Board of Supervisors of the County of Patrick, Virginia, does hereby find as follows:**

**WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;**

**WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;**

**WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;**

**WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;**

**WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the county's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes;**

**WHEREAS, the Incident Command System components of NIMS are already an integral part of various county incident management activities, including current emergency management training programs; and**

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of the County of Patrick, Virginia, that the National Incident Management System (NIMS) is established as the County's standard for incident management.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

D. VACO Voting Credentials: The County Administrator reported that several Board members would be attending the VACO 2005 Annual Meeting in November. She advised that each county must designate a representative of its Board of Supervisors to cast its vote(s) at the Annual Business Meeting. The Board appointed the Chairman as the representative for the Patrick County Board of Supervisors to cast the Board's vote(s) at the 2005 Annual Business Meeting of the Virginia Association of Counties to be held in November 2005.

E. Eminent Domain Update: The County Administrator presented the Board with an article from VACo's newsletter, County Connections, regarding Eminent Domain. She advised that the General Assembly has begun addressing this issue. Mrs. Handy noted that many Virginia localities requested a copy of Patrick County's Eminent Domain Resolution and commended the Board for its adoption. Mr. Cockerham noted that Mr. Martin is responsible for the Eminent Domain Resolution and should be commended for same.

F. Drought Conditions in Patrick County: The County Administrator advised that she had met with Matthew McClellan, Extension Agent, Crop and Soil Sciences, Patrick County; on Thursday regarding drought conditions in Patrick County. Mr. McClellan advised that he, along with Tammy Goodyear, Patrick County Farm Service Agency, would like to address the Board at the October Work Session to discuss the lack of rain, compounded with the warmer than normal temperatures, which has produced a condition where our agricultural community is suffering; particularly the livestock community. Mrs. Handy stated that Mr. McClellan had recommended that the Board adopt a resolution declaring that Patrick County has been affected by drought. Mr. Young stated that the Board should do whatever it can to assist farmers in receiving drought assistance.

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

WHEREAS, in 2005, Patrick County has experienced drought and excessive heat (with temperature exceeding 90 degrees), and

WHEREAS, the drought and excessively hot weather conditions in Patrick County have produced significant damage to livestock and crops produced by farmers in the County, and

WHEREAS, Patrick County farmers need federal assistance in responding to their losses,

NOW, THEREFORE BE IT RESOLVED, by the Patrick County Board of Supervisors on this 10<sup>th</sup> day of October, 2005, that the Board hereby instructs the County Administrator to submit to the Governor of Virginia the Board's request for assistance in obtaining federal disaster designation for Patrick County and federal assistance for Patrick County farmers who have experienced crop damages/losses because of the on-going drought and excessive heat.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

G. 2006 Legislative Program: The County Administrator presented the Board with the 2006 Legislative Program package. She asked that the Board review the package and present comments at the October Work Session.

H. Virginia Municipal League /Virginia Association of Counties (VML/VACo) Electrical Service Rates: The County Administrator presented the Board with an invoice and memorandum from the VML/VACo AEP Steering Committee regarding electrical assessments. She advised that Patrick County has participated in this program for several years. Mrs. Handy noted that through this program, contract terms and rates with APCo are negotiated for the electrical requirements for localities' buildings, street lights and other facilities. She advised that Virginia localities contribute to this program, which aid in funding Committee expenses for counsel, consultants and other services. Mrs. Handy stated that the Committee is most concerned by the implications of APCo's application to the SCC to recover its alleged incremental, environmental and transmission and reliability costs since July 1, 2004 by imposing a surcharge of 9.18% on all bills after August 1, 2005. She noted that Patrick County's share of this effort is \$2,022. She asked the Board to consider this proposal

and stated that further discussion of this issue would be held at the work session.

I. **November Regular Meeting Date:** Mrs. Handy noted that several members of the Board would be attending the Annual VACo Conference on the second Monday in November and recommended that the Board formally reschedule the regular monthly meeting.

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board does hereby reschedule the next regular monthly meeting for Thursday, November 17, 2005 commencing at 6:00p.m.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

J. **Noted for Record Receipt of Department Head Reports:**

(1) **Sheriff:** The report of Patrick County Sheriff David Hubbard of prisoners confined during the previous month in the County Jail was this day presented, which report was examined as required by Section 53-178, 1950 Code of Virginia, as amended, and found to be correct.

(2) **Building Inspector:** A report of the activities of Jason Brown, County Building Inspector, for the preceding month, including a list of the number of new and used mobile homes for which permits were issued during the past month, was presented and examined. Said reports are approved and ordered filed with the papers of this meeting.

(3) **DMV Agent:** A report of office activities of Shirley Rorrer, Patrick County Division of Motor Vehicles (DMV) Agent, was presented for the Board's information. Said report is noted and ordered filed with the papers of this meeting.

(4) **Treasurer:** A trial balance of the records of Carolyn I. Tatum, Patrick County Treasurer, as of the last day of the previous month and a statement of depositories made during the same month was submitted. Said report is noted.

(5) **Animal Control Officer:** A report of the activities of C. Leon Handy, County Animal Control Officer, were presented and examined for the preceding month. Said report is noted and ordered filed with the papers of this meeting.

(6) **Maintenance Supervisor:** A report of activities of Teddy Doss, Maintenance Supervisor was presented and examined for the preceding month. Said report is noted and filed with the papers of this meeting.

(7) **Emergency Management:** A report of the activities of Michael Hudson, Emergency Management Coordinator, was presented and examined for the preceding month. Said report is noted and ordered filed with the papers of this meeting.

(8) **Tourism Director:** A report of the activities of Jeannie Frisco, Tourism Director, was presented and examined for the preceding month. Said report is noted and ordered filed with the papers of this meeting.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

K. **Route 58 Lobbyist Issue:** Glenn Roycroft, Patrick County Economic Development Authority Chairman, gave a brief update regarding the Route 58 lobbyist issue. Mr. Roycroft advised that approximately \$20,000 in private funds have been raised to hire Whitt Clement as a lobbyist for completion of the Route 58 Project. He noted that the Town of Hillsville will donate \$500 and Henry County will contribute \$2,500 towards this effort. He advised that Pittsylvania County announced that it supports the endeavor; however, it would not be making a monetary contribution. Mr. Cockerham reminded the Board that it had approved a monetary contribution to fund a lobbyist up to \$3,000. Mr. Roycroft thanked the Board for its support of this project. The Board commended Mr. Roycroft for his diligence and hard work on this endeavor.

On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board hereby approves a contribution of \$3,000 to hire Whitt Clement to represent this region by lobbying for the completion of Route 58 at critical pre-legislative meetings throughout the State through April when funding allocations are decided and to assist in coordinating local efforts.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

The Assistant County Administrator, Michael Burnette, advised that the Board had previously approved the extension of a waterline to the Walmart site in October, which would run under Route 58 to the project property line. He reported that bids were opened on Friday and the following bids were received: (1) Prillaman and Pace: \$85,200 and (2) Steve Martin Trenching: \$53,900. Mr. Burnette noted that this project must be completed by mid-November.

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board does hereby award the waterline extension project to Steve Martin Trenching for a total of \$53,900, which will run a waterline under Route 58 to the Walmart property line.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

A number of bills and claims against the county were presented and examined. The County Administrator stated that as of September, the County is a quarter of the way through the budget year and most county departments are well on tract. She noted that some departments have large expenditures in the first quarter of the budget year, which were anticipated. Mrs. Handy reminded the Board that Donna Shough, Bookkeeper, is available until 6:00p.m. before each regular monthly meeting to answer any questions regarding the bills. On motion by Crystal P. Harris, seconded by David G. Young and carried, the bills and claims were ordered paid and the following warrants were issued in payment of same:

On the General County Fund: Warrants No. 24490 - 24643

On the General County Fund: Warrants No. 80262 - 80618

On E-911 Communications Fund: Warrants No. 999 - 1009

On Asset Forfeiture Fund: Warrants No. N/A

On Law Library Fund: Warrants No. N/A

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

On motion by Crystal P. Harris, seconded by David G. Young and carried, the requests for appropriations are approved, as presented; therefore,

**BE IT RESOLVED** by the Board of Supervisors of the County of Patrick, Virginia, that the following appropriations be, and the same hereby are, made for the month of October, 2005: General County Fund - \$642,000.00; Law Library- \$0.00; Asset Forfeiture Fund- \$0.00; Social Services (VPA) Fund- \$132,300.00; Comprehensive Services Act- \$45,000.00; E-911 Communications Fund- \$3,866.12; County School Funds - \$2,000,000.00; School Construction Fund- \$10,000.00; **TOTAL ALL APPROPRIATIONS- \$2,833,166.12**

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

**Voting Nay: None**

**Absent: Martin**

On motion by Crystal P. Harris, seconded by David G. Young and carried, it is hereby ordered that Carolyn I. Tatum, Treasurer, transfer the sum of One Million Dollars and Zero Cents (\$1,000,000.00) from the General County Fund to the County School Fund to meet costs for November 1, 2005 contingent upon the definite need for funds and availability in the General County Fund.

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

**Voting Nay: None**

**Absent: Martin**

On motion by Crystal P. Harris, seconded by David G. Young and carried, the following requests for additional appropriations are hereby approved.

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

**Voting Nay: None**

**Absent: Martin**

<u>Department</u>	<u>Amount</u>	<u>For</u>
County Administration	\$220.45	Code Books & Supplements
Legal Services	\$275.90	Miscellaneous Expenses
DMV	\$7.90	Office Supplies
Treasurer	\$5,000.00	DMV Stop Withholding Fee
Sheriff's Department	\$1,687.50	Overtime

Sheriff's Department	\$780.00	Miscellaneous Equipment
Sheriff's Department	\$575.00	Overtime
Animal Warden	\$834.10	Vehicle & Equipment Supplies
Animal Warden	\$130.00	Record Books
Emergency Management	\$14,554.87	Healthcare Grant
Maint: Maintenance Facility	\$15,777.83	Repair and Maintenance
Mental Health	\$768.16	Auto Expenses: PCS
Mental Health	\$367.38	Auto Expenses: Little Ivy Group Home
Tourism	\$89.96	Marketing
Tourism	\$3,200.00	Marketing
Commonwealth Attorney	\$36.00	Office Supplies

On motion by Crystal P. Harris, seconded by David G. Young and carried, the following requests for transfer of funds are hereby approved.

Voting Aye: Foley, Cockerham, Harris, and Young

Voting Nay: None

Absent: Martin

<u>Department</u>	<u>Amount</u>	<u>From</u>	<u>To</u>
Sheriff's Department	\$764.00	Overtime	Part-time Salaries
Erosion & Sediment	\$21.00	Code Books & Supplements	Uniforms/Wearing Apparel
Maint. Of Blgs & Grounds	\$100.00	Office Supplies	Telephone
Maint: Courthouse/Jail	\$208.58	Rug Rental/Cleaning Supplies	Repair/Maintenance
Economic Development	\$477.62	Marketing	Office Supplies
Economic Development	\$587.98	Marketing	Travel (Meals/Lodging)
Economic Development	\$464.54	Marketing	RCCP Dev. (Financing)
P.C. Extension Office	\$54.00	Office Furniture	Dues

The County Attorney stated that he did not have any items to discuss in open session.

**On motion by Crystal P. Harris, 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, Cockerham, Harris, and Young**

**Voting Nay: None**

**Absent: Martin**

**On motion by Crystal P. Harris, 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, Cockerham, Harris, and Young**

**Voting Nay: None**

**Absent: Martin**

**On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board does hereby award an emergency contract due to time constraints to Dewberry and Davis for design of an upgrade of the Rich Creek Corporate Park pump station as required to serve Wal-Mart and the adjacent properties.**

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

**Voting Nay: None**

**Absent: Martin**

**Ordered that the Board be adjourned until its Work Session commencing at 2:00p.m. on October 24, 2005.**

**, Chairman**