

**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 18, 2004 at 2:00 p.m.

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

The Chairperson called the meeting to order.

The Board called for a Moment of Silence.

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 H. Danny Foley, Sr. and carried, the agenda for the meeting was approved.

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

Voting Nay: None

On motion by Roger L. Martin, seconded by David G. Young and carried, the minutes of the September 13<sup>th</sup> and October 8<sup>th</sup>, 2004 meetings were approved.

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

Voting Nay: None

Ms. Charlotte Petersen appeared before the Board and stated that she is against Wal-Mart coming into Patrick County, as is being rumored. She advised that this company would hurt the businesses on Main Street in Stuart, i.e. the new toy store, and the drug stores. Ms. Petersen felt it was not needed in Patrick County, that only two people will gain from this, and she hoped that this was not a done deal. She thanked the Board for their time.

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. VACo's 2005 Legislative Program: The County Administrator reported that any comments, proposals, or inclusions in the program were due October 15<sup>th</sup>; however, three Board members currently serve on VACo committees and could relay any comments or thoughts at the annual conference. Mr. Young advised that the eleven suggestions that the Board had compiled has already been submitted to VACo and will be considered at the November meeting. He stated that Franklin County and West Piedmont Planning District also submitted the Sunday Hunting proposal and that the eleven suggestions from the Board of Supervisors will be presented and supported at the VACo annual conference. Mr. Martin referred to VACo's 2005 Draft Legislative Program and stated that there are several things about increasing taxes but nothing about increasing fiscal responsibility, that "they talk about land-use, which ends up land-use taxation and gives a break to some people". He said that the trouble is that the money is taken off of rural land, as far as taxes, ends up on the backs of the homeowners; that this does not get rid of an obligation, it is just transferred. Mr. Martin stated that he believes if one is going to pay taxes, everybody pays the taxes. He said that if some of these rural businesses are down to the point where their taxes are the critical factor that keeps them in business, then they need an auctioneer. He advised that he does not believe in one person benefiting at the

expense of another. Mrs. Handy referred to the priority under Administration of Government, unfunded mandates, and stated that it addresses Mr. Martin's comments. Mr. Martin said that he agrees with that priority and that if the State does not have the fiscal responsibility to fund their own mandates, they should not put them on localities nor should the federal government do so. Mr. Young advised that so many of these suggestions are based on the needs of one or two counties, for example, the introduction of the Chinese Oyster into the Chesapeake Bay, which does not affect Patrick County. He said that VACo represents all of the localities in Virginia and their wish lists. He advised that these things may not happen this year, but by continuously requesting repeal of the Dillon Rule and demanding that the Government not have unfunded mandates, maybe enough people will say the same thing and something may change. The Chairperson said that the Board came up with some good ideas. Mr. Martin stated that the car tax is basically helping the people in northern Virginia, as they are the ones with the expensive cars. He said that the State has been refunding close to a billion dollars every year on the car tax rebate, which must come from taxes. He advised that when the State collects a billion dollars, which is at seventy percent, and rebates it along with their expenses, they have to collect a similar amount of money to pay their bills. He felt this was fiscally irresponsible. Mr. Young stated that the car tax rebate has not been good for Patrick County and that the tax was passed by Legislature and that Patrick County has one delegate, which represents other localities as well. He noted that Fairfax County has twenty-nine representatives. Mr. Martin stated that there has to be some return to reasonably sane management.

b. Weather Station Designation: Mrs. Handy stated that after Hurricane Jeanne, in a conversation with Jamie Clark of WHEO Radio Station, he spoke of the weather forecast abilities at the radio station. Mr. Clark approached the Board and advised that there is limited weather gathering capabilities in Patrick County as the only official weather station recognized by the National Weather Service (NWS) is at the Town's sewage treatment plant. He stated that years ago, the NWS recognized WHEO as a weather station but due to an employee's inconsistent reporting to the NWS, that recognition was withdrawn. He advised that the radio station now has a computerized weather station, which can detect wind speed and direction. He asked the Board to support WHEO Radio Station in requesting that the National Weather Service recognize them as an official weather reporting station. Mr. Martin asked if the anemometer at the sewage treatment plant is "located in a hole". Mr. Clark stated that they have a manual rain gage and must go out and read the thermometer. Mr. Martin stated that when an anemometer is located in a hole, the true wind speed and direction couldn't be determined. Mr. Clark stated that WHEO's anemometer is located on top of their building, which is located on top of a hill so there are no obstructions. He advised that the County could purchase a Davis Weather Monitor II System, which costs approximately \$400. He noted that a number of surrounding Counties have these systems installed in their schools.

On motion by Roger L. Martin, seconded by David G. Young and carried, the Board does hereby approve the submittal of a letter of support to the Nation Weather Service requesting that WHEO Radio Station be recognized as an official weather reporting station.

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

Voting Nay: None

c. Cumberland County Resolution: The County Administrator referred to a letter from the Cumberland County Administrator and a resolution concerning the state park system. She advised that the Cumberland Board is seeking support from localities for a resolution to improve the park system throughout the State, to follow through on the funding of additional operation and maintenance, which it feels is currently not adequate. Mrs. Handy stated that Patrick County is blessed to have a park within an hour's drive and with the County's push on tourism, perhaps the Board might wish to address this issue. Mr. Martin stated that there are no figures included in this information, therefore, they do not know how much money is involved or the extent of the deferred maintenance or deficiencies; however, he did support the idea of giving consideration to the assessment of the conditions and what it will cost to cure the problems. Mr. Young stated that the resolution talks about land banking of new parkland acquisitions and that he is concerned about continuing to buy either state or federal parkland. He expressed concern as to the content of the

resolution as parks are not being maintained adequately. He advised that he fully supports State Parks and agrees with Mr. Martin that the Board needs to know how much money is involved. The Chairperson asked the County Administrator to do some research on this matter. Mr. Martin stated that he would like Cumberland County to do the research if they are going to propose something like this, it needs to be something more than a general resolution. Mr. Young felt that everyone supports the parks, but wants to know where the money is being spent.

d. Hunting Ordinance: The County Administrator advised that during the last session, the General Assembly asked the Department of Game and Inland Fisheries to study local firearms hunting ordinances to determine how the ordinance can be made more uniform and consistent across the state. Mrs. Handy read the following statement from a letter received from the Department of Game and Inland Fisheries: "While your locality does not currently have any ordinances that are included on that list, we certainly want to give you the opportunity to be a part of this study". Mrs. Handy advised that Patrick County does have an ordinance that addresses hunting near roadways and that it was an oversight on their part. She stated that the Department included some questions in that letter and asked that comments be forwarded to their department by November 5<sup>th</sup>. The Board was given a copy of the suggested model ordinance from the Department, which localities are being asked to review. Mr. Young stated that he would like to know if the Department is asking each locality to sign onto all of these ordinances in mass, the ones that apply to Patrick only, or to sign onto none of them. He noted that the ordinance that Patrick County has in force has probably been precluded by the State because it says that one cannot hunt within twenty-five feet of the road. He advised that the State changed its ordinance and decided that it was safer to say "no hunting within the ditch line" on state primary and secondary roads. He said that the important thing that was never addressed years ago was that hunters should always shoot away from the road, and noted that the county ordinance does not address same. He advised that the Game Commission's stance on this issue is that a hunter is legal if he or she is across the ditch line and shooting away from the road. Mr. Martin stated that the "bureaucratic catbirds" want to continually make more and more regulations, whether needed or not. He said that it would be fine if this regulation was needed, but he did not feel this to be the case and that some of these regulations apply to Northern Virginia and not to other localities. He stated that he has written letters to the Department because there are so many deer in Patrick County as well as Carroll County. He felt the deer are out competing the turkeys and other wildlife by eating up all of the feed, and that the Department allows "bucks only", and their office will not reply to his correspondence. Mr. Young noted that in Patrick County, everyday in hunting season is a doe day on private land. Mr. Martin advised that this is not the case in Carroll County. Mr. Young stated that it is up to the Carroll County Board of Supervisors to a great degree and that he has worked with the Game Commission for eighteen years through hunter education and there are many instances where the Commission wants to make a change but the Legislature determines the criteria and the fee schedule for hunting licenses. He said that one thing that would help to lower the deer population would be Sunday hunting and that there are only fourteen states that prohibit hunting on that day. Mr. Martin said that this is just another step towards gun control. Mr. Young stated that Patrick County's hunting ordinance needs to be updated. The County Attorney advised that the recent opinion from Attorney General Kilgore suggests that a locality cannot be more restrictive than the state law or the department's own regulation. He stated that it might be easier to replace the County's current ordinance with one that just adopts the regulations of the Department of Game and Inland Fisheries. The Chairperson asked Mr. Monday to supply more information concerning this issue.

e. Jamestown Celebration Committee: The County Administrator reminded the Board that Counties in Virginia are being asked to coordinate events to take place in 2007 in conjunction with the Jamestown celebration and that the Board had voted to participate in this effort. She stated that in 1976, the Board of Supervisors appointed a Bicentennial Committee, which coordinated several outstanding events in the County. She noted that the county is probably not anticipating anything of that magnitude for the 2007 celebration but that a citizen committee would be helpful in organizing some of the events. Mrs. Handy reported that Jeannie Frisco, Tourism Assistant, had attended a meeting

concerning this celebration where the suggestion of the community leaders working closely with the citizens was discussed and recommended due to the wealth of history knowledge that such citizens possess. She also pointed out that this is a wonderful tourism opportunity for Patrick County as it will be advertised statewide and asked the Board to consider this suggestion. Mr. Young stated that any committee that the Board appoints should include a representative from each magisterial district, a liaison from the Board of Supervisors, and that Mike Burnette, Assistant County Administrator or Jeannie Frisco, Tourism Assistant, should also serve on that committee. The Chairperson stated that the Board needs to work on the formation of this committee. Mr. Young suggested having the list of possible committee members by November.

f. **Veteran's Day Resolution:** Mrs. Handy reported that Mr. Martin had prepared a resolution concerning Veteran's Day and referred this presentation to him. Mr. Martin stated that we owe a big debt of gratitude to military veterans. He advised that he would like to see Patrick County set aside the week surrounding Veteran's Day each year. He advised that it will not cost the County any money and he feels that the people of this County would honor the Veterans.

On motion by Roger L. Martin, seconded by Darrell Cockerham and carried, the following resolution is hereby adopted:

WHEREAS, November 11 is Veteran's Day, a solemn holiday, a day of remembrance, a day for Americans to honor the men and women serving and who have served in the military of the United States of America, and

WHEREAS, the people in many other countries owe their freedom, their peace, their standard of living and in many cases their national identity to the American Veterans who frequently left foreign battle grounds better than they found when they arrived, and

WHEREAS, the American Veterans have been the protectors of our freedom for well over two centuries. The American military has stood fast in the face of malevolent despotic rulers and evil malignant governments. It is because of Americans that the world is as good as we know it today, and

WHEREAS, the American Veterans, people who knew true freedom and their values, both tested in the crucibles of conflict, have been the architects of a nation without peer on the face of the earth, and

WHEREAS, these uncommon Americans made possible and were instrumental in building an uncommon nation and gave us a way of life envied by many others in the world, and

WHEREAS, to those who gave so much, this nation owes a tremendous debt of gratitude, and

WHEREAS, every day thousands of these valiant men and women pierce the veil and march into the mists of time. We owe it to them to remember who they were and what they did for us. They have earned the honor and respect of a grateful people, and

WHEREAS, it is a right and fitting tribute that we set aside a week in Patrick County to pay homage to the American Veterans, and

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors does hereby set aside the week surrounding November 11<sup>th</sup> annually as American Veterans week in Patrick County, Virginia.

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

Voting Nay: None

g. **Central Absentee Precinct:** The County Administrator stated that the County has received a reply from the U.S. Department of Justice concerning the Electoral Board's request to create a central absentee precinct. She stated that this precinct would be temporarily set up in the room beside the Registrar's office. The County Attorney advised that no one would be voting at that location but that the office will be used as the central location where the ballots will be counted.

h. **Flood Damage Report:** The County Administrator advised that the Emergency Services Coordinator was contacted by FEMA last Wednesday and was advised that it is expected that the County would receive a federal disaster designation at any moment. Mrs. Handy stated that FEMA

representatives visited last week and toured the Community Center to determine if there would be adequate space to set up a meeting area for citizens to come and discuss the damages that were caused by Hurricane Jeanne. She advised that the County is still soliciting and taking damage reports from citizens, which will be passed onto FEMA.

i. Halloween: Mrs. Handy advised that Halloween will fall on Sunday and that a number of the surrounding counties have scheduled the “trick or treating” night for Saturday, October 30<sup>th</sup>. She asked if the Board had comments on this issue. The Chairperson recommended that the Board discuss this with the Sheriff later in the meeting. Mr. Young advised that Patrick County’s decision needs to correspond with the surrounding counties. The County Attorney reported that he contacted the City of Martinsville and Henry County and confirmed that those localities will celebrate Halloween on Saturday.

j. VACo Voting Credentials: The County Administrator stated that in order for the Board to cast the County’s vote at the Virginia’s Association of Counties Annual Business Meeting, a representative from the Board of Supervisors needs to be designated as the official voting person.

On motion by David G. Young, seconded by H. Danny Foley, Sr. and carried, the Board does hereby designate Darrell Cockerham as the representative for the Patrick County Board of Supervisors to cast the Board’s vote(s) at the 2004 Annual Business Meeting of the Virginia Association of Counties to be held on November 9, 2004.

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

Voting Nay: None

k. Substitute Van Driver: The County Administrator reported that the County currently employs four part-time drivers and one substitute driver for the transportation of the elderly program. Mrs. Handy advised that one of the part-time drivers would be relocating, which will leave a vacancy. She stated that the current substitute driver would be willing to fill that vacancy if the Board concurs, further, that he had been a part-time van driver prior to his current position. The Board approved the moving of the substitute driver to the vacant part-time position and the advertising for a substitute van driver.

l. Caring Hearts Free Clinic: The County Administrator stated that the Clinic hopes to open its doors in mid-November and that the Board had previously passed a resolution supporting this effort. Mrs. Handy advised that this is being well supported and that the number of volunteers who have offered to help man the clinic has been astonishing. She reported that to help commemorate this endeavor and to educate the public, the clinic will hold an open house on Sunday, October 24<sup>th</sup> from 2:00 to 4:00 p.m. at the Specialty Clinic, and presented a formal invitation to same to each Board member.

m. Farmer’s Market Letter of Support: Mrs. Handy reported that the Town of Stuart is pursuing grant funding to begin Phase II of the Downtown Farmer’s Market and the Council has asked the Board of Supervisors to submit a letter of support. She advised that the County would only be voicing its support of this project and not offering or committing any funding for same. She presented the Board with a draft letter of support for the farmer’s market.

On motion by Darrell Cockerham, seconded by H. Danny Foley, Sr. and carried, the Board does hereby approve the submittal of a letter of support for the Town of Stuart’s Farmer’s Market.

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

Voting Nay: None

n. VPSA Bond Sale: The County Administrator noted that the Board had approved the proceeding of a bond sale for funds through the Virginia Public Schools Authority. She advised that the purpose of the sale was to secure funds to pay off interim financing on school improvement projects, which have been completed. Mrs. Handy advised that Williams Mullen, the law firm handling this sale, has requested an amendment to the resolution. She asked the County Attorney to address this issue. Mr. Martin asked if this would increase the amount of long-term debt. The County Attorney advised that it would not increase that total and that this company is stating that the market has changed; further, that these bonds can now be sold at a slightly higher price than in the past and that the firm would like authorization to sell these bonds at that higher premium. He stated that this would actually raise more principal money on the sale of the bond, which will be offset by a slightly higher interest payment so that the net effect is really zero as far as the County is concerned. He advised that it

is not an increase in long-term debt because the County has only authorized the sale of "x" number of dollars in bonds. He recommended that the Board adopt the amendment to the resolution. Mr. Martin asked if these funds are amortized over a period of time. Mr. Monday stated that these bonds have a term on them and will have to be repaid, but what the Board is voting on today will not increase the long-term debt. He advised that the Board adopted the issuance of the bonds in August, which established the long-term debt. Mr. Martin stated that he just wants to make sure that the County is not loaded up with more debt. Mr. Monday advised that there is no new debt in this amendment.

On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board does hereby adopt the amended resolution for the Virginia Public Schools Authority Bonds.

**RESOLUTION AMENDING THE BOND RESOLUTION  
ADOPTED AUGUST 9, 2004**

WHEREAS, on August 9, 2004, the Board of Supervisors (the "Board") of Patrick County, Virginia (the "County"), adopted a resolution (the "Bond Resolution") authorizing the issuance of not to exceed \$2,130,000 General Obligation School Bonds (the "Bonds") for the purpose of refinancing the County's obligations previously issued to pay the cost of certain school construction, renovation and expansion projects;

WHEREAS, the Bonds will be sold to the Virginia Public School Authority (the "VPSA") pursuant to a Bond Sale Agreement dated as of September 29, 2004, between the County and VPSA;

WHEREAS, VPSA has sold its bonds to provide the funds to purchase the County's Bonds at prices which include a sale premium in excess of 7% above the face amount of the VPSA bonds, and the Bond Sale Agreement provides that the County will sell its Bonds to VPSA at corresponding prices;

WHEREAS, the Bond Resolution provides that the County will sell its Bonds to VPSA at a premium of not more than 3%, and it is necessary for that sale parameter to be amended to conform to the terms of the VPSA bond sale;

WHEREAS, the Board has been advised the County Administrator and the Superintendent of Schools that the sale of the County's Bonds at a premium of up to 8% will not affect the anticipated amount of annual debt service payments required to repay the Bonds and the interest thereon from the levels thereof contemplated by the Board in its approval of the Bond Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Patrick, Virginia:

1. The first sentence of paragraph 2 of the Bond Resolution is hereby amended and replaced in its entirety by the following sentence:

It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, that is not less than 98% of par and not more than 108% of par upon the terms established pursuant to this Resolution.

2. In all other respects, the Bond Resolution is hereby ratified and confirmed.

3. This Resolution shall take effect immediately.

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

**Voting Nay: None**

o. Transfer Station Hours: Mrs. Handy reminded the Board that Day Light Savings Time will end soon and wanted the Board's concurrence to revert back to normal hours of operation on Wednesday. The Board approved the closing of the facility at 5:00 pm on Wednesdays.

p. November Board Meeting: The County Administrator noted that the November Board Meeting will fall on the Monday of the VACo Annual Conference and asked the Board if they would like to reschedule the meeting. The Board agreed to reschedule the November Meeting for Monday, November 15, 2004.

q. Department Head Reports: The County Administrator presented department head reports for the preceding month, as follows:

(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.

The Chairperson noted that there were two home permits and thirteen mobile home permits.

(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, was 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.

The Board recessed for ten minutes.

The Board reconvened into regular session.

Mr. Clark Eden, Chairman, Blue Ridge Airport Authority, appeared before the Board to discuss matters pertaining to the Blue Ridge Airport. Mr. Eden stated that he wished to brief the Board on the status of the airport and to thank the County for the contributions that have been made. He presented a plan that he said was a combination of several years' efforts to create a new airport layout with a long-range vision for the airport. He advised that the plan is a very important document because the FAA and the State Aviation Department will not fund any project that is not included in this plan. He noted that within the next six years the airport would be working on the relocation of Airport Road further to the north to create space for more apron area and a new terminal building, which will accommodate the large number of corporate jets that come in during race weekends. He stated that this plan incorporates new hangars for private and corporate aircraft, a development area for businesses that are aviation related, and the widening of airport property that would be necessary if the facility acquires an instrument landing system. Mr. Eden gave the Board an aerial photograph of the airport as it is today, which illustrates some of the projects that are ongoing. He reported that in January 2000, the airport had a total of thirty-nine aircraft based there and that that number has now increased to sixty-two. He noted that this is tremendous progress and gave credit to the airport manager, who knows the needs of the aircrafts and the pilots. Mr. Eden reported that the airport's assets in July 2000 were approximately \$3.5 million and has now grown to approximately \$6.3 million. He noted that J. C. Joyce, a Patrick County contractor, has constructed the last couple of projects and that his company has done a great job. Mr. Eden stated that the airport would be glad to give the Board a tour of the facility or to help with any economic development endeavor. Mr. Young stated that it is a beautiful facility and that it is an important part of economic development. Mr. Martin asked why the airport would need to increase the length of the runway beyond 5,000 feet. Mr. Eden advised that 5,000

feet would handle any corporate jet; however, if the airport becomes lucky enough to secure a cargo operation, a longer runway would be needed. He thanked the Board for the opportunity to come before them today and for their time.

Joan Rogers, Director, Patrick County Social Services Department, appeared before the Board to give a brief update on the activities of her office since the beginning of her employment with Patrick County six months ago. She listed some of the programs that are available through her office, which include: TANIF, Food Stamps, Medicaid, and Long Term Care. She reported that there has been an increase in the number of caseloads, which continue to rise every month. Ms. Rogers noted that her department is in the process of restructuring the eligibility department and that those employees will become more specialized within the program areas. She advised that most of the benefits that are received by citizens are spent in Patrick County for medical services, rent, utilities, and food. The Chairperson stated that Ms. Rogers is doing a good job. Mr. Young said that she has provided a lot of valuable information and answered several questions.

This day came Mr. Jerry Hughes, Executive Director, and updated the Board on the Patrick County Education Foundation's activities. Mr. Hughes reported on activities of the Foundation over the last year and its current status. He gave the Board a copy of the organization's annual report. Mr. Hughes discussed programs that are offered to Patrick County citizens, which include: College Access, GED Program, and Workforce Training. He advised that the Foundation has spent a total of \$601,558 from 2002 to 2004 and estimated a total spending of \$650,000 in 2005. He stated that in 2004, eighty percent of the Foundation's total budget was spent on program services and only twenty percent funded support services. Mr. Hughes reminded the Board that this organization was originally a ten-year, ten million dollar project and approximately two million dollars have been secured. He advised that over the last year, scholarship awards were up a little over 100% and the number of GED graduates rose by 50%. He stated that the staff at the Foundation is very dedicated and that they care about the adults who are enrolled in these programs. Mr. Young stated that he has been very impressed with this program from the beginning. Mr. Martin expressed his appreciation of the staff's promptness in getting him the information that he had requested. Mr. Hughes stated that the new Director of Development is doing a great job. Mr. Foley commended the Education Board for the job well done and felt it would have been good if it had been started sooner as it could have helped the County move ahead. The Chairperson thanked the Foundation for everything that they have done for the community.

The County Attorney, Eric Helms Monday, gave his report.

a. Abandoned Mobile Home Research Update: Mr. Monday referred to the Memorandum that he had submitted to the Board concerning the abandoned mobile home issue. He reviewed the following ordinances: public nuisances, abandoned motor vehicles, and statewide fire code. The memorandum also states: there are private remedies available to citizens to address these issues: Vehicles abandoned on private land may be forfeited to the landowner after prior notice is given. Mr. Monday noted that he is not recommending anything at this stage, but is advising the Board as to what it has the authority to adopt. The Chairperson asked about abandoned vehicles and mobile homes on VDOT's right-of-ways. The County Attorney advised that VDOT can address that issue and that the County could, as well, but that the Board would have to first pass an ordinance. Mr. Curtis Clark, resident in the Fairystone Park Community, approached the Board and expressed his concern about abandoned vehicles and mobile homes in his area of the County. He noted that there was an article in The Enterprise recently concerning the tourism industry in

Patrick County, and felt tourism would not prosper with tire dumps, abandoned mobile homes and vehicles throughout the County. Mr. Clark stated that he would greatly appreciate anything that the Board and the County could do to remedy this problem. The Chairperson stated that the Board has been given a wide range of possible solutions and that they will be working on resolving this issue. She noted that tourism is a big part of the County's economy and that this problem did not happen overnight. Mr. Martin stated that a landowner has brought in several mobile homes and put them on a slope in the woods and filled them up with junk and the owner is now deceased. He advised that they are situated upslope from a stream. He recommended that the Board combine all of these types of situations and see what would most generally apply to enforce the owners to clean these areas up, but that he did not see this as being a zoning ordinance. Mr. Monday advised that nothing on the list of remedies that he has presented entails zoning. Mr. Martin stated that there needs to be something that addresses public safety and health aspects as well. Mr. Monday stated that a general nuisance ordinance and the statewide fire code could address those issues. He stated that he could draft a nuisance ordinance for the Board's review. Mr. Martin advised that he is not looking for the County to get a whole lot of the taxpayers' money and that the effort and the cost of cleaning these sites up should be borne by the property owners. Mr. Monday advised that the cost of remedying these situations would be addressed in the ordinance and that a lien could be put onto the property. He noted that the Board would not be adopting an ordinance at the November meeting.

b. E-911 Addressing Fees Research Update: Mr. Monday advised that adding the \$19.00 E-911 Addressing Fee to the Building Permit Fee would require public notice prior to adoption. He stated that the amendment could be adopted at the November Board meeting.

c. Chamber of Commerce Sub-Lease: The County Attorney gave the Board a copy of a letter, which he had sent to Warren Williams, Secretary, concerning the Virginia Motor Sports Racing Museum lease. He noted that the General Assembly granted \$400,000 in taxpayer funds for the museum, which has gone into the furtherance of the museum's operation. Mr. Monday stated that because they are leasing the annex to the Community College Building from the County, he wanted to make sure that the County "dots all of its i's and crosses all of its T's" from a legal standpoint. He felt that with that amount of money in a public appropriation, he wanted to make sure that the lease was legal. Mr. Monday advised that he feels that he was speaking for the Board that the sub-lease is not a problem, but since that money was entrusted to the Museum Board, he wanted to make sure that everything was legal. He stated that he felt sure that Mr. Williams will come before the Board and this could be straightened out. He said that he understands that there are some exhibits in place, that it has been about eight years since the beginning of the museum, and he encouraged the public to visit the site to see what the \$400,000 and eight years has brought them. Mr. Monday noted that the Chamber of Commerce Office is now setup in the annex. The Chairperson stated that there has been a lot of traffic in and out of that site since the Chamber moved in. Mr. Martin noted the length of the lease on the site and stated that it was breached. Mr. Monday said that technically, it was breached. Mr. Martin expressed his dismay regarding the site being leased for two years and then placing something in the museum at the last minute before the lease expired. He questioned whether this was the highest and best use of the property. Mr. Monday advised that it would be a policy decision by the Board. Mr. Martin stated there is a racecar in the museum, that we expect people to come from miles away to visit the site, and that the Chamber of Commerce is running it. He repeated that he was curious as to whether or not this is the highest and best use of the property. Mr. Young advised that he has heard that there is intent by the Motor Sports Museum staff to provide some monetary support for the Chamber. Mr. Monday stated that he has not seen that lease but his understanding is that it's a multiyear lease for \$1, which is similar to the County's lease with the museum. Mr. Young stated that when the museum was being created, the County was told that it could expect around 3,000 visitors per month, and if it gets anywhere close to that, the benefit to Patrick County would be great. Mr. Monday stated that he would follow up on this issue with Mr. Williams.

d. Board's Invocation: The County Attorney advised that there has apparently been some question raised as to who caused the ban of invoking the name of Jesus Christ during the Board's invocation. He stated that the Court of

Appeals has told localities that they may not invoke Jesus Christ's name and that this was imposed by the Federal Courts. He noted for the record that the Patrick County Board of Supervisors disagrees with this ruling.

Mr. Cockerham suggested that a report be compiled to reflect how much money has been given to the Patrick County Music Association and how much of that allocation is left. Mr. Young stated that the report is a good idea.

A number of bills and claims against the county were presented and examined. On motion by David G. Young, and seconded by Darrell Cockerham 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. 22615 - 22750  
On the General County Fund: Warrants No. 75917 – 76345  
On E-911 Communications Fund: Warrants No. 837 – 846  
On the Law Library Fund: Warrant No. 193  
Voting Aye: Harris, Foley, Cockerham, Martin, and Young  
Voting Nay: None

On motion by David G. Young, and seconded by Darrell Cockerham 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, 2004: General County Fund - \$718,000.00; Social Services (VPA) Fund- \$175,000.00; Comprehensive Services Act- \$35,000.00; Law Library Fund- \$217.40; E911 Communications Fund- \$19,838.94; County School Funds - \$2,000,000.00; TOTAL ALL APPROPRIATIONS- \$2,948,056.34

Voting Aye: Harris, Foley, Cockerham, Martin, and Young  
Voting Nay: None

On motion by David G. Young, seconded by Darrell Cockerham and carried, it is hereby ordered that Carolyn I. Tatum, Treasurer, transfer the sum of Seven Hundred Fifty Thousand Dollars (\$750,000.00) from the General County Fund to the County School Fund, contingent upon the definite need for funds and availability of funds in the General County Fund.

Voting Aye: Harris, Foley, Cockerham, Martin, and Young  
Voting Nay: None

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

Voting Aye: Harris, Foley, Cockerham, Martin, and Young  
Voting Nay: None

<u>Department</u>	<u>Amount</u>	<u>For</u>
County Administration	\$253.44	Part-time Salaries
Legal Services	\$320.00	Dues
Special Magistrates	\$226.12	Repair & Maintenance
Special Magistrates	\$101.09	Electrical Services
Special Magistrates	\$250.00	Rent-Office Space
Victim Witness Program	\$37.95	Office Supplies
Animal Warden	\$338.77	Vehicle & Equip. Supplies
Emergency Services	\$5.00	Vehicle & Equip. Supplies
Transfer Station	\$2.29	Hepatitis B Vaccines
Maintenance of Bldgs & Grounds	\$76.72	Hepatitis B Vaccines
Maintenance of Bldgs & Grounds	\$22.47	Telephone
Maintenance of Bldgs & Grounds	\$162.87	Office Supplies

Maintenance: Nevamar	\$21.53	Electrical Services
Maintenance: Rotary Field	\$221.26	Water, Sewer, Garbage
Maintenance: Rotary Field	\$55.00	Rental of Portable Toilets
Maintenance: Transfer Station	\$23.60	Rug Rental/Cleaning Supplies
E-911 Department	\$15,916.00	Wireless Mapping
Sheriff's Office	\$300.00	Overtime (PCHS Security)
Sheriff's Office	\$6,598.50	Salaries (SRO Elem. Sch. Grant)
Sheriff's Office	\$2,048.55	Benefits (SRO Elem. Sch. Grant)
Sheriff's Office	\$8,317.00	Overtime (Paid by Comp. Board)
Sheriff's Office	\$86.31	Vehicle & Equipment Supplies

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

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

Voting Nay: None

<u>Department</u>	<u>Amount</u>	<u>From</u>	<u>To</u>
Office of Emergency Services	\$8,618.00	Misc. Grants	Planning Grant
Economic Development	\$331.92	Marketing	Office Supplies
P.C. Extension Office	\$450.00	Reimb. to VPI for Ext. Agents	Part-time Salaries

The Board recessed for twenty minutes.

The Board reconvened into regular session.

This day came Lisa Price Hughes, Resident Engineer, and Robbie Williams, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), to discuss matters pertaining to the primary and secondary road systems in Patrick County.

a. Squirrel Spur Road Update: Mrs. Hughes advised that the road will be open November 1<sup>st</sup> with no more expected closures. Mr. Cockerham stated that the road looks good and asked if there would be a pull-off spot a mile or so up the road. Mrs. Hughes advised that the area is a waste area that was made on private property. Mr. Cockerham noted that because the road was closed, the contractor did not have to pay for personnel to flag traffic, and asked if there would be any credit given back that could be used for other road projects in Patrick County. Mrs. Hughes advised that the project was completed approximately forty days ahead of schedule and that time is money.

b. Poplar Camp Creek Road: Mrs. Hughes advised that Elk Knob Construction is the contractor for this project with construction to begin November 1<sup>st</sup>.

c. Hwy. 58 in Meadows of Dan: Mrs. Hughes advised that Adams Construction will begin work on asphalt overlays in Meadows of Dan next week.

d. Route 722 Bridge near Hopkins Lumber: Mrs. Hughes stated that the Route 722 bridge will be replaced with a completion date of December 1<sup>st</sup>.

e. Bridge over Peters Creek on 103: Mrs. Hughes informed the Board that the bridge project is a deck overlay project and bids will be opened on October 20<sup>th</sup>.

f. Hwy. 58 in Meadows of Dan: Mrs. Hughes advised that a pipe washed in and came close to failing on Route 58 and that VDOT is in the midst of replacing same. She said the project should be completed by midweek.

g. Rural Addition Program: Mrs. Hughes noted that in the past, Patrick County has participated in the Rural Additions Program and that the Code of Virginia allows a location to put up 5% of the construction money in a rural addition fund. She stated that this was used to bring roads that are not in the system up to standards and VDOT would then maintain them. She advised that in the last two or three years, VDOT has used all of the money for Route 614 and other projects, and the County has not participated in that program. Mrs. Hughes advised that the Attorney General's Office says that in order for a County to

participate in this program, its subdivision ordinance must meet the Code of Virginia, which will take effect July 1, 2005. She advised that if Patrick County's ordinance is not changed to reflect the current code, then it will not be allowed to build any rural additions. The County Attorney advised that the Planning Commission is currently looking at the subdivision ordinance and that its issue will be addressed by that Board.

h. Primary Road Public Hearing Update: Mrs. Hughes advised that the draft plan for Primary Road Projects is scheduled to go before the Commonwealth Transportation Board in March 2005. The County Administrator advised that she had attended the Primary Road Public Hearing in Salem last week on behalf of the Board. Mrs. Hughes noted that VDOT's budget is down to \$1.1million a year for the next three years.

i. Meadows of Dan Bypass: Mr. Martin asked if Mrs. Hughes had visited the bypass in Meadows of Dan lately. Mrs. Hughes stated that she had not been within the last three weeks. Mr. Martin estimated approximately seven acres that are involved in wetlands mitigation and asked who is involved in that project. Mrs. Hughes advised that it is VDOT's project. Mr. Martin stated that the figures that he got on that site were \$100,000 per acre and asked if that is the only wetlands mitigation VDOT has in this project so far. Mrs. Hughes advised that it is the only area that involves wetlands mitigation. Mr. Williams advised that if VDOT destroys wetlands, it is required to create twice the amount of wetlands that is destroyed. Mr. Martin asked how VDOT's budget could withstand that cost. Mr. Williams stated that it is not an option. Mrs. Hughes agreed that it is a big cost.

j. "Watch for Children" Signs: Mrs. Hughes advised that Wren Hollow Lane was not recommended for "Watch for Children" signs, as requested, as it is an unpaved road and the speed is controlled by the surface.

k. Local Administration of Federally Funded Projects: Mrs. Hughes noted that if the County had an enhancement grant type project and it compiled the contract and administered it, then the locality would have to meet certain Federal requirements. She advised that VDOT would work with the County if that happened.

l. Signage: Mr. Cockerham advised that some Patrick County residence have asked why some businesses are included on road signs and asked if those are VDOT's signs. Mrs. Hughes stated that it is a VDOT administered program, there is an annual fee for that service, and there are a lot of requirements in that program. She advised that individual businesses are responsible for contacting Virginia Logos for that service.

On motion by Darrell Cockerham, and 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]; personnel matters [Section 2.2-3711(A)(1), 1950 Code of Virginia, as amended].

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

**Voting Nay: None**

**A Public Hearing was this day held by the Virginia Department of Transportation and the Patrick County Board of Supervisors from 7:00p.m. to 8:00p.m. on the proposed Six Year Plan (2005-2011) for secondary roads as required by Section 33.1-70.01, 1950 Code of Virginia, as amended. Numerous county citizens attended the session and made inquiries, comments and requests on certain roads listed in the proposed Six Year Plan. There being no further comment, the Resident Engineer declared the hearing closed.**

**On motion by Darrell Cockerham, seconded by David G. Young and carried, the Board does hereby appoint Michael Burnette, Assistant County Administrator, to the Workforce Investment Board.**

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

**Voting Nay: None**

**On motion by Darrell Cockerham, seconded by H. Danny Foley, Sr. and carried, the Board does hereby approve the request that the terms of the following Economic Development Authority Members run concurrent with their Economic Development Corporation terms: Glenn Roycroft, Terry Dalton, Bill Clark, and David G. Young**

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

**Voting Nay: None**

**Abstaining: Young**

**Mr. Young abstained from the vote do to his membership on the EDA and EDC Board.**

**On motion by David G. Young, seconded by Darrell Cockerham and carried, the Board does hereby designate Saturday, October 30<sup>th</sup> as the day in which the County will observe Halloween.**

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

**Voting Nay: None**

**Ordered that the Board be adjourned.**

**, Chairperson**