

VIRGINIA: At a Business Meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Veteran's Memorial Building on Monday, September 12, 2011 at 6:00 p.m.

PRESENT: Roger Hayden, Chairperson; Lock Boyce, Vice – Chairperson; Ron Knight, Karl Weiss Board Members

ABSENT: Crystal P. Harris

STAFF PRESENT: Tom Rose, County Administrator; Alan Black, County Attorney; and Geri Hazelwood, Assistant to the County Administrator/Clerk; Donna Shough, Finance Officer.

Others present were: Nancy Lindsey, The Enterprise, Richard Rogers, WHEO

Mr. Chairperson called the meeting to order.

Rev. Brian Custer, Minnie's Chapel; gave the invocation.

The Board recited the Pledge of Allegiance to the Flag, led by Ron Knight followed by a moment of silence in honor of U.S. military serving here and abroad.

On motion by Lock Boyce to approve the meeting agenda seconded by Ron Knight as presented and carried unanimously.

Voting Aye: Boyce, Knight, Weiss, Hayden

Voting Nay: None

Absent: Harris

On motion by Lock Boyce seconded by Karl Weiss the minutes for August 8, 2011 were approved as presented.

Voting Aye: Boyce, Knight, Weiss, Hayden

Voting Nay: None

Absent: Harris

Bills, Claims, and Appropriations

The Board discussed the bills. Mr. Weiss questioned the cost of drug lab clean – up which was passed down to the localities in the amount of \$3,647.50. Mr. Weiss asked the members to contact VACO/NACO representatives and let them know that we are opposed to picking up the cost.

Mr. Boyce stated that Congress cut the Federal Program and passed it down to the localities.

The Board discussed bills on p. 52 concerning the MRRT.

Mr. Rose stated that the T.E. funds may change. He stated that the political scope was unknown as were the availability of funds and recommended that the Board not take any action on phase two of the MRRT.

Mr. Hayden stated that Dan River would like to apply November 1st for T. E. funds.

On motion by Lock Boyce to postpone any work on phase 2 of the MRRT until such time there is more fiscal clarity as to what this is going to cost the County seconded by Ron Knight and carried unanimously.

Voting Aye: Boyce, Knight, Weiss, Hayden

Voting Nay: None

Absent: Harris

Mr. Rose also mentioned that VDOT had notified him that the funding for the Covered Bridges may no longer be available. More information will be provided as it is received.

The Board approved the following bills claims and appropriations as follows:

On motion by Lock Boyce seconded by Ron Knight the Board approved the bills as presented General Fund 99354-99553 Asset Forfeiture 446-447 Inmate Commissary 448-451 HEM 452 Jail Construction 100238-100239 PSA Fund 150044-150050 and carried unanimously.

Voting Aye: Boyce, Knight, Weiss, Hayden

Voting Nay: None

Absent: Harris

Public Hearing Proposed Drought Ordinance at 6:30 pm

Mr. Chairman opened the comment period for the Proposed Drought Ordinance at which time no one spoke.

The Board had discussion and adopted the Ordinance as presented.

The following ordinance proposed by the Board of Supervisors of Patrick County at a regular business meeting on September 12, 2011 on motion by Lock Boyce, seconded by Ben Knight and carried, is hereby adopted as the Drought and Water Emergencies Ordinance:

“THE DROUGHT AND WATER EMERGENCIES ORDINANCE”

1. **Authority to declare water emergencies.** During the continued existence of climatic, hydrological, and other extraordinary conditions, the protection of the health, safety and welfare of the residents of Patrick County may require that certain users of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary. The definitions, water emergency criteria, and water use restrictions referenced in this ordinance are presented in greater detail in the Patrick County Drought Response and Contingency Plan, which is incorporated herein by reference. The County Administrator is authorized to declare a water emergency in the county restricting the use of water in any area of the county. The County Administrator will work closely with the Patrick County Public Service Authority to designate the appropriate stage of water emergency. All water stages are built upon and require compliance with previous water stages. For example, when a Drought Emergency –Stage 1 is declared all provisions of a Drought Warning are in effect. Also the County Administrator may declare any of the four stages; they do not have to be declared sequentially.
2. **Publication of declaration:** Upon the declaration of a water emergency, the County Administrator shall immediately post a written notice of the emergency at the front door of the county administration building and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared.
3. **Water use considerations:** Upon the declaration of a water shortage or emergency, the County Administrator is authorized and directed to implement conservation measures by ordering the restricted use or

absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth, the County Administrator shall give consideration to streamflow conditions, water levels, available/usable storage on hand, draw down rates and the projected supply capability in the county; system purification and pumping capacity; daily water forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety and such other data pertinent to the past, current and projected water demands.

4. **Limitation of restrictions:** The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the County Administrator, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the County Administrator may appeal that decision to the County Board of Supervisors.

WATER CONSERVATION GUIDELINES

1. **Water conservation measures:** Upon a determination by the County Administrator of the existence of the following conditions, the County Administrator shall take the following actions that shall apply to all water users in the County:
 - a. **Drought Watch:** When moderate but limited supplies of water are available and a drought watch is declared in accordance with the Drought Response and Contingency Plan, the County Administrator shall, through appropriate means, call upon the general population to employ prudent restraint in water usage. Public outreach activities shall be identified to inform the general population of the potential for drought conditions to intensify and potential water conservation activities that may be utilized.
 - b. **Drought Warning:** The drought warning stage includes voluntary water conservation actions due to imminent onset of a

- significant drought event. When a drought warning exists, the following voluntary water restrictions are requested.
- c. Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:
 - i. Inspection and repair all faulty and defective parts of faucets and toilets.
 - ii. Use shower for bathing rather than bathtub and limit shower to no more than five minutes.
 - iii. Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
 - iv. Limit use of clothes washers and dishwashers and when used, operate fully loaded.
 - v. Limit lawn watering to that necessary for plant survival.
 - vi. Water shrubbery the minimum required, reusing household water when possible.
 - vii. Limit vehicle washing.
 - viii. Do not wash down outside areas such as sidewalks, patios, driveways, etc.
 - ix. Install water flow restrictions in showerheads and other water saving devices.
 - x. Use disposable and biodegradable dishes where possible.
 - xi. Install water saving devices in toilets, such as early closing flapper valves.
 - xii. Do not fill swimming pools.
 - d. An extensive publicity campaign will be initiated using public media and specialized methods to inform the public of an impending water shortage.
 - e. Water supply line pressure should be reduced where feasible to reduce water consumption if it will not affect operation of fixtures, equipment or public safety devices.
 - f. Conservation in public buildings, institutions, dormitories, and similar facilities is encouraged by reducing pressure at plumbing fixtures and by installation of restriction devices.
 - g. All residents, business, and institutions are requested to delay new landscape work until the water shortage has ended.
 - h. Water conservation should be followed during all phases of construction related activities. Where appropriate, water needed should be obtained from supplemental sources and construction

related activities, which require water, should be delayed until such time as the water emergency has ended.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of 10%.

2. **Drought Emergency - Stage 1:** As drought conditions continue to worsen, a drought emergency – stage 1 may be declared by the County Administrator, or their designee, in accordance with the Drought Response and Contingency Plan. When a drought emergency – stage 1 exists, the following will be prohibited:
 - a. Watering lawns, grass, shrubbery, trees, flowers, and vegetable gardens except by hand held hose, container, or drip irrigation systems, except persons regularly engaged in the sale of plants will be permitted to use water for irrigation of their commercial stock and the golf courses may water greens.
 - b. Filling of newly constructed swimming pools and/or wading pools or refill swimming and/or wading pools, which have been drained.
 - c. Operating water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
 - d. Washing automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, except persons regularly engaged in the business of washing motor vehicles and any commercial car wash facility will be permitted to use water for such purposes.
 - e. Washing down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors or existing or newly constructed homes or apartments, sidewalks, or patios or to use water for similar purposes.
 - f. Operation of ornamental fountain, pool, or pond or other structure making similar use of water.
 - g. Serving drinking water in restaurants, cafeterias, or other food establishments, except as requested by customer.
 - h. Using public or private fire hydrants for any purpose other than fire suppression or other public emergency or Utility Department need.
 - i. Using water for dust control or compaction.
 - j. Using water for any unnecessary purpose or intentionally waste water.

3. **Drought Emergency – Stage 2:** As drought conditions continue to worsen, a drought emergency – stage 2 may be declared by the County Administrator, or their designee, in accordance with the Drought Response and Contingency Plan. When a drought emergency – stage 2 exists, in addition to the restrictions imposed under the drought emergency – stage 1, the following will be prohibited:
- a. Watering lawns, grass, shrubbery, trees, flowers except persons regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock and the golf courses may water greens.
 - b. Watering any vegetable garden, except by hand held hose, container, or drip irrigation system.
 - c. All nonessential use of water for commercial or public use.
 - d. Using water outside a structure for any use other than an emergency use involving fire or as needed by the water utility to maintain the water system.
 - e. Operating an evaporative air conditioning unit which recycles water, except as may be required for health and safety.
 - f. Other restrictions as may deemed appropriate and adopted by the Board of Supervisors.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least 15% to 25%.

PENALTY AND ENFORCEMENT

Any person who violates any provision of this article shall be subject to the following civil penalties:

1. For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the County.
2. For the second offense, violators shall be assessed a civil penalty of fifty dollars (\$50.00), the penalty to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.
3. For the third and each subsequent offense, violators shall be assessed a civil penalty of one hundred dollars (\$100.00) for each offense, the penalty to be imposed on the violator's next water bill,

or in the case of violators not on the public water system, in a written notice.

4. Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.
5. Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the County Administrator within ten days of the date of the assessment of the penalty. The County Administrator shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination.
6. The County Administrator may waive the penalty if he determines that the violation occurred due to no fault of the person.
7. The County Administrator, his designee, or the representative of the County issuing the notices described in this section may file an action in the General District Court of Patrick County to obtain a judgment in the accrued amount of such penalties against a person who has not paid the assessed penalties as determined by the County Administrator pursuant to this section.

DECLARATION OF END OF WATER EMERGENCY

1. **Notification of end of water emergency:** The County Administrator, following discussions with the Authority, shall notify the County Board of Supervisors when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the County Board of Supervisors, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

This Policy Rules and Regulations shall be effective immediately.

Adopted this the 12th day of September, 2011.

Voting Aye: 4

Voting Nay: 0

Absent: 1

Presentation: Steve Allen, EMC; Emergency Operations Plan

Mr. Allen asked the Board members if they had any questions concerning the EOP.

The Board had discussion. Mr. Boyce asked that the Board table adopting the EOP until questions from Jeb Stuart have been addressed. Mr. Allen stated that the information had been given out in January to be shared with all who use the plan for review and to make changes if any before the plan was sent to VDEM. The EOP should have been adopted two months ago.

On motion by Roger Hayden to table the EOP until September 26, 2011 seconded by Lock Boyce and carried unanimous. Mr. Knight encouraged all Fire and Rescue departments to contact their supervisors with any questions they may have concerning the plan.

Voting Aye: Boyce, Knight, Weiss, Hayden

Voting Nay: None

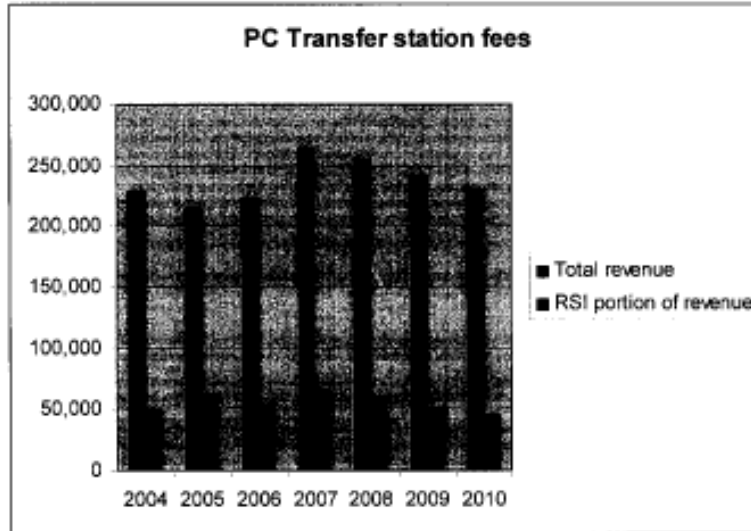
Absent: Harris

Public Comment Period

Mr. Chairman opened the comment period.

Mr. Danny Foley, Mayo River District; spoke to the Board concerning the Patrick County Transfer Station. (see handout)

**Patrick County Waste Transfer Station
History of Revenue Charges
2004 – 2010**



	Total fees	RSI paid	RSI %
2004	229,495	49,921	22%
2005	214,049	62,428	29%
2006	222,093	53,862	24%
2007	263,625	66,418	25%
2008	254,419	55,506	22%
2009	241,284	50,019	21%
2010	229,530	45,488	20%

The primary observation is the decline in County collected fees from Rural Services Inc (RSI) over the last three year franchise period. The decline appears to be in synchronization with the total revenue decline.

Is an audit made by the County of RSI charges of tipping fees to commercial customers? It is assumed that their commercial customer base is steady and the separated tipping fee charges to their customers have been equally as steady. However, the RSI contribution has declined, according to the sequence of 55,506, 50,019 and 45,488, by ten thousand dollars in 3 years.

Prepared by Danny Foley for the Patrick County Taxpayer Watchdog Group, September 1, 2011

Mr. Charles Vivier, Blue Ridge District; spoke to the Board about the possibility of planting trees along the road in the Rich Creek Corporate Park. He stated that it would be a lovely place to ride bikes and walk. It is a resource that could be used after hours since there is no thru traffic. He stated that it could be done through the parks or maintenance.

The Board thanked the citizens for their comments. The Board members thought that the Solid Waste Committee was a good idea. They discussed the items that Mr. Vivier presented. VDOT has not fully adopted the entrance to Rich Creek Corporate Park and would like to wait until they do so before taking any action for beautification to said areas.

Mr. Chairman closed the comment period.

Reports to the Board, Mr. Tom Rose, County Administrator

According to Mr. Rose the DMV mobile unit has postponed their first visit to Patrick County until October 31, 2011. Also, the bid award went to Mr. Charles Cauley for the sewer service. The Board consented to go forward with a uniform State policy of state accrual rate for annual leave effective October 1, 2011 based upon the auditors recommendation. Mr. Rose discussed the potential purchase for a backhoe to be used to maintain the flood channel. He stated that the backhoe could be used as a back- up at the Patrick County Transfer Station. They are in need of a new loader which will need to be discussed for next year.

The Board had discussion of the rental fee for the Rotary building and decided to leave it as is. The Board discussed the stage that the PMCA has in the building and the safety issues that it poses. Mr. Rose stated that it needs to be more mobile however; a mobile stage could be costly. According to Mr. Black since the County leases the building it is the County's call as to how to deal with the stage issue.

The Board took a break 7:30 pm – 7:50 pm

Update

Mr. Rose gave an update on the Meadows of Dan Elementary School. They will be having conferences on the 19th and open house on the 26th. The Schoolboard will hold a public hearing on September 22, 2011 at Meadows of Dan Baptist Church. The building is not salvageable and the Schoolboard wants to hear from the public as to how and what they think should be done in the rebuilding of the school.

Research was completed by Mrs. Tatum and Mrs. Hazelwood concerning the Park Construction Fund. The fund was for the construction of Alice T. Dehart Memorial Park in Stuart, Va.

On motion by Roger T. Hayden seconded by Karl Weiss to take the funds left over from the Park Construction Fund and split it equally with all the existing parks in Patrick County carried unanimously.

Voting Aye: Boyce, Knight, Weiss, Hayden

Voting Nay: None

Absent: Harris

Old Business

The Board heard Presentation's from Mr. Johnny Marion, Rural Services Inc., and Mr. Pat Luce, Waste Industries concerning garbage pick-up.

The Board had discussion.

Mr. Marion stated that he would provide one vehicle for commercial pick – up which will give an accurate weight where as in the past he was unable to provide said service.

On motion by Lock Boyce to award the three year contract for garbage pick-up to Rural Services Inc., seconded by Karl Weiss and carried unanimous.

Voting Aye: Boyce, Knight, Weiss, Hayden

Voting Nay: None

Absent: Harris

Executive Session

On motion by Lock Boyce seconded by Ron Knight to go into executive session to discuss Real Estate Matters 2.2 – 3711 (A) (3) and

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.

Roll Call:

Knight – aye

Boyce - aye

Harris- absent

Weiss- aye

Hayden- aye

RECONVENE

On motion by Ron Knight seconded by Lock Boyce the Board reconvened from executive session where only Real Estate Matters 2.2 – 3711 (A) (3) was discussed and carried unanimously.

Voting Aye: Knight, Boyce, Weiss, Hayden

Voting Nay: None

Absent: Harris

ACTION

The Board took action.

ADJOURN

On motion by Lock Boyce seconded by Karl Weiss to an until September 26, 2011 at 6:00 pm and carried unanimously

Voting Aye: Knight, Boyce, Weiss, Hayden

Voting Nay: None

Absent: Harris

Roger T. Hayden, Chairman