

July 8, 2013

The Carroll County Board of Supervisors held their regular monthly meeting on, July 8, 2013 in the Board Meeting Room of the Carroll County Governmental Center.

Present were: David V. Hutchins
W.S. "Sam" Dickson
Dr. Tom Littrell
Joshua A. Hendrick
Phil D. McCraw
Ralph "Bob" Martin
Gary Larrowe, County Administrator
Nikki Shank, Assistant County Administrator
Jim Cornwell, County Attorney

Mr. Hutchins called the meeting to order at 3:31 p.m.

CLOSED SESSION – PURSUANT TO VIRGINIA CODE SECTION 2.2-3711(A1, A3, A5,A7)

Upon motion by Mr. Dickson, seconded by Mr. McCraw, and passing, the Board convened a Closed Session for the discussion of personnel, disposition of real estate, prospective business, investments, legal matter, as authorized by Virginia Code Section 2.2-3711(A1).

Mr. Cornwell explained the purpose for entering Closed Session as listed below. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and

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consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Absent

(Order)

CERTIFICATION OF CLOSED SESSION

Upon motion by Mr. Martin, seconded by Mr. Hendrick, and passing, the Board adopted the following Resolution:

WHEREAS, the Carroll County Board of Supervisors convened a Closed Session this date pursuant to an affirmative recorded vote and on the motion to close the meeting in accordance with the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3711(D) of the Code of Virginia requires a certification by the Board of Supervisors that such Closed Session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Carroll County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the Closed Session to which this certification applies, and (II) only such business matters as were identified in the motion by which this Closed Session was convened were heard, discussed, or considered in the meeting to which this certification applies.

Mr. Cornwell noted that although Mr. Martin was not present for the beginning of the meeting he arrived before any business was discussed in Closed Session.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes

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Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

Mr. Dickson led in invocation and pledge.

Mr. Hutchins told that our friends in Grayson County have lost a true friend and leader, someone who didn't see obstacles but opportunities and that was Mike Maynard. He told that he is certainly going to miss him; he was a good friend and one of the most intelligent individuals he has met with and had the ability to access the situation and found ways to get positive outcomes. He thanked everyone for their kindness regarding his wives family. He told that the HVAC bids were received on June 25th from three qualified bidders and they were very tight with less than \$200,000 difference. He told that the number of days for completion was very important and New Atlantic Contracting was the apparent low bidder and the notice to proceed was mailed to them. He told that they have agreed to start mobilizing to the project in the next couple weeks so we should see some things happening there. He told that under Board Approval item number 4 has to do with the VACO annual meeting and there is an additional meeting in August and several members will be attending and going early to meet with some State and Federal funding partners and business may be discussed as part of the meetings. He told that we will be rescheduling our November meeting because of the VACO meeting. He told that BRCEDA will be holding a Regional Economic Development meeting on Tuesday, July 23rd at 6:00 at Crossroads. He told that the Rotary Club has sent a note of appreciation of support in the Senior Olympics and for the County providing staff to help with the event. He thanked Mr. Sam McClendon and the staff of Parks & Recreation/Tourism for all of their hard work. He told that he had a friend from out of town to participate and they were very pleased with the event.

(Order)

APPROVAL OF AGENDA

Upon motion by Mr. Dickson, seconded by Mr. McCraw and passing, the Board approved the agenda as presented.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

Mr. Hutchins told that there are several committee vacancies and he would like to pull those from the Board approval and re-advertise those through the normal process and see if we get any action.

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Mr. Dickson told that on the feasibility for the pool he would like to introduce Mark Horton who is from Carroll County and used to work at the Wellness Center. He told that Mr. Horton is in South Carolina doing that kind of work and he can share some things with us. He told that they have just designed one and it is probably a little more than we need and we appreciate his concern and help with this.

Mr. Hendrick asked what the increased bids do to the other elements of the HVAC Project.

Mr. Larrowe told that there is contingency money built into it and USDA will allow us to borrow additional funds for the project.

Mr. Hendrick asked if we could use the contingency money.

Mr. Larrowe told that it is possible. He told that he doesn't know what Natural Gas will come in as and then there is the STEM Lab.

Mr. Hutchins asked where we were on the Natural Gas.

Mr. Larrowe told that we are accepting those this Thursday then we will give them a scope of the project.

Mr. Hutchins told that designing that should not be elaborate.

(Order)

APPROVAL OF MINUTES

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the minutes of the meeting on June 10, 2013 as previously distributed to the members of this Board.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

APPROVAL OF PAYROLL

Upon motion by Dr. Littrell, seconded by Mr. Martin, and passed unanimously, the Board approved the payroll for July 2013 and did authorize the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 15th and 30th days of August 2013 of checks for the payment of salaries and wages for all County officials and employees as previously budgeted by the State Compensation Board and this Board of Supervisors.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

CONSENT AGENDA

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the Consent Agenda.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

AIRPORT PARKING LOT PROJECT

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved \$4000 from the LGIP account for the Twin County Airport Parking Lot Project.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

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(Order)

SCHOOL APPROPRIATION

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved an appropriation in the amount of \$228,900 for the roof replacement at St. Paul School with an EPDM .060 fully adhered system with a twenty year warranty.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

VACO ANNUAL MEETING / NOVEMBER MEETING

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved to make notice that more than two Board members will be attending the VACO Conference on November 10-12, more than two Board members will be attending a VACO meeting on August 14-16 and business may be discussed at both meetings as well as approving a change in the November regular scheduled meeting to Thursday, November 14, 2013.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

VRS RESOLUTION

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the VRS Resolution below.

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for

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the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of Carroll County, 55117, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Carroll County irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that, as an integral part of making this irrevocable election, Carroll County certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

LODA TRUST RESOLUTION

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the LODA Trust Resolution below.

The undersigned Counties, Cities, Towns, and Regional Jails of the Commonwealth of Virginia (“Grantors”) being authorized and directed to so, do make this trust agreement dated June 29, 2012 with VACORP, a local government risk sharing pool, which is an instrument of the government of the Commonwealth of Virginia, as Trustee (“the

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Trustee”). The Trustee and any successor Trustees are all referred to herein as “the Trustee.”

The name of this trust agreement is the “VACORP LODA TRUST dated June 29, 2012” (“Trust”) and is effective July 1, 2012.

ARTICLE 1

TRUST PROVISIONS

- A. Transfer of Assets and Liabilities. Contemporaneously with the execution of this trust, Grantors (hereinafter “Members”) do transfer to the Trustee of the Trust all liabilities appertaining to any claim which they may have prior to June 30, 2011 under the Line of Duty Act pursuant to §9.1-400 et seq. of the 1950 Code of Virginia, as amended (“Act”) and do promise to timely pay for said liabilities.
- B. Line of Duty Act Trust Fund. By entering into this Trust, each Member Acknowledges that they have opted out of the Commonwealth of Virginia Line of Duty Act Trust Fund.
- C. Eligibility of Members. Each member shall purchase liability insurance from Trustee covering claims under the Act. Likewise each member shall timely pay to the Trustee all premiums for said insurance and monies for claims prior to June 30, 2011. In the event a Member purchases insurance from other than the Trustee, the Trustee and this Trust shall have no liability or obligation to such Member.
- D. Administration of Claims. During the existence of this Trust, the Trustee shall administer all pre-June 30, 2011 claims of its members under this

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Trust, shall provide the administration of all claims and shall provide insurance to insure against claims under the Act to all Members after July 1, 2011.

- E. Insurance & Payments by Members. Each Member is obligated to purchase liability insurance for claims under the Act from the Trustee and pay the Trustee those payments for insurance and claims as provided for under the Act, which payments must be timely made. If a payment is overdue by thirty (30) days, or if an insurance premium payment is not made within thirty (30) days of the invoice date, then the Trustee shall not provide claims administration, insurance or payment to claimants, until payments are brought current and all insurance coverage is purchased from the Trustee.

ARTICLE II

TRUSTEE PROVISIONS

- A. Trustee's Management Powers. The Trustee shall have the powers granted by law and the powers in Sections 64.2-105, 64.2-777 and 64.2-778 of the 1950 Code of Virginia, as amended, as in effect on the date of the signing of this agreement. These sections are incorporated in this agreement by this reference.
- B. Trustee's Compensation. The Trustee, or any successor Trustee, shall receive compensation for services rendered. The corporate Trustee, or any successor corporate Trustee, shall receive compensation for services rendered according to their list of fees published from time to time.

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- C. Resignation of Trustee. The Trustee may resign as Trustee by notice to the Members. The resignation shall take effect upon the effective appointment of a successor Trustee.
- D. Successor Trustee. The Trustee shall have the right to designate a successor Trustee who shall be any natural person or corporation having trust powers, which shall be effective upon the resignation or termination of corporate existence of the Trustee. Such designation shall be made while such Trustee is serving as Trustee by an instrument executed by the Trustee during and by the successor Trustee. In the event that the Trustee does not appoint a successor Trustee or a successor Trustee does not appoint its successor Trustee, which it shall have the privilege to do hereunder, the Members shall have the right to appoint a Trustee.
- E. Actions of Prior Trustee. No Trustee serving under this agreement shall be responsible for or required to inquire into any acts or omissions of a prior Trustee.

ARTICLE III

RIGHTS RESERVED BY MEMBERS

- A. Revocation and Amendment. Members reserve the right to opt out of this Trust by a writing signed by the Member and delivered to the Trustee. All obligations of Member to the Trust shall be paid by Member prior to opting out. Any amendment that changes the duties or compensation of the Trustee shall require the consent of the Trustee.

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- B. New Members. Members agree that new members as defined by the Act may become Members if the Trustee accepts them.

ARTICLE IV

MISCELLANEOUS PROVISIONS

- A. Protection from Claims. To the extent permitted by law, the principal and income of any trust shall not be liable for the debts of any beneficiary or subject to alienation or anticipation by a beneficiary, except as otherwise provided.
- B. Governing Law. This agreement shall be governed by the laws of Virginia.
- C. Signatures. This trust may be executed in counterparts and electronically.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

MORAL OBLIGATION

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the Moral Obligation for the HVAC Project.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

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PRIME LEASE

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the Prime Lease between the School Board of Carroll County, Carroll County IDA and Carroll County.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

CANNERY RESOLUTION

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the Cannery Resolution below.

The Governing Body of Carroll County consisting of 6 members, in a duly called meeting held on the 8th day of July, 2013 which a quorum was present, RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agricultural, (the Government) in the development of Cannery Equipment to serve the community, the Governing Body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Administrator of Carroll County be authorized to execute on behalf of Carroll County the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

The Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Governing Body.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes

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Dr. Littrell Yes
Mr. Martin Yes

(Order)

CANNERY LETTER OF CONDITIONS

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the Letter of Conditions for the Cannery Grant.

VOTES

Mr. Hendrick Yes
Mr. McCraw Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Dr. Littrell Yes
Mr. Martin Yes

(Order)

BUDGET CALENDAR

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the Budget Calendar below.

July, 2013

- *8 Budget calendar adopted by BOS
 Appointment of Budget Committee in August by BOS

August, 2013

- *12 Goals adopted by BOS\County Administration
 BOS appoint Budget Committee

September, 2013

- 27 Budget packets (goals, personnel, CIP, requests) distributed to departments

October, 2013

- 31 Budget packets (goals, personnel, CIP, requests) due from departments

November, 2013

- TBD Capital Improvements Program presented to Board as information

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12-15 Budget review meetings with Department Heads
Preliminary budget information assembled

December, 2013

***9** Capital Improvements Program adopted by Board
Schedule Budget Committee meetings

January, 2014

TBD Budget Committee Meetings
Budget information assembled

February, 2014

***10** Budget Committee report to BOS
Final budget information assembled

March, 2014

***10** Budget Committee report to BOS
11 Superintendent presents proposed budget to School Board, public hearing on this budget is held by School Board
24 7:00 a.m. School Board approves School Budget
24 6:30 p.m. County and School Budget presentation to BOS (authorize advertising of proposed County budget, tax rates, and School budget and April 14 Public Hearing)

April, 2014

***14** 5:30 p.m. FY2015 Public Hearing on proposed County budget, tax rates and School budget
21 6:30 p.m. Budget work session – Adopt Carroll County FY2015 Budget, tax rates and School Budget

May, 2014

Prepare 2014-2015 final budget documents

June, 2014

Adopted Budget uploaded to website and distributed to departments and agencies

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes

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Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

CLERK OF COURT ADDITIONAL ALLOCATION

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved an allocation in the amount of \$29,693 from technology funds that were awarded in excess of the original budgeted amount.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

BOND ANTICIPATION NOTE

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the Bond Anticipation Note for the HVAC Project.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

INTERIM FINANCING RESOLUTION

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the Interim Financing Resolution below.

WHEREAS, the Board of Supervisors (**the “Board of Supervisors”**) of the County of Carroll, Virginia (**the “County”**), desires to undertake, in conjunction with the Industrial Development Authority Carroll County (**the “Authority”**), the financing of

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costs incurred in connection with the construction, reconstruction, rehabilitation, expansion, modernization and equipping of Carroll County High School (**the "School Project"**);

WHEREAS, the County hereby requests the Authority to issue its Bond Anticipation Note, Series 2013, in an amount not to exceed \$5,000,000 (**the "Note"**) for purchase by the County, to bear interest at the rate of zero percent and to mature on March 31, 2014, to provide interim financing for the School Project to the County, such Note to be paid a loan or loans from the United States Department of Agriculture or other sources for long-term financing of the School Project (**the "Long Term Financing"**);

WHEREAS, the Authority, pursuant to the Industrial Development and Revenue Bond Act (**the "Act"**) under which it is created, is authorized to exercise all the powers set forth in the Act, which include, among other things, the power to make loans to, among others, a county in furtherance of the Act, to issue its revenue bonds, notes and other obligations from time to time for such purposes and to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans as security for the payment of principal on any such obligations;

WHEREAS, there has been presented to this meeting a form of the Note in connection with the transactions described above, a copy of which shall be filed with the records of the Board of Supervisors:

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CARROLL, VIRGINIA:

1. The Authority is hereby requested to undertake the issuance of the Note to provide interim financing for the School Project. The Board of Supervisors hereby states that it intends to assist the Authority in obtaining the Long Term Financing.
2. The Chairman or Vice Chairman of the Board of Supervisors (**the "Chairman"**), the County Administrator, the County Treasurer and other officers of the county are each authorized and directed to take any actions necessary or desirable for the County's purchase of the Note and interim financing of the School Project.
3. This Resolution shall take effect immediately.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

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YEAR END ALLOCATIONS

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved year end allocations in the amount of \$226,975.00.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

SCHOOL CARRYOVER

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the School Carryover in the amount of \$250,000.00.

Mr. Dickson and Mr. Martin both made disclaimers that they are employees of the Carroll County Public Schools and this does not affect them more than anyone else and are able to vote consciously.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

SCHOOL CIP

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved the School CIP.

Mr. Dickson and Mr. Martin both made disclaimers that they are employees of the Carroll County Public Schools and this does not affect them more than anyone else and are able to vote consciously.

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VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

FEASIBILITY STUDY

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved an appropriation in the amount of \$30,000 from recovered costs from Grayson County to be used to fund the feasibility study for the pool.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

TRANSFER FOR SCHOOL

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved a budget transfer for the additional cost of the entire roof at St. Paul School in the amount of \$114,230.00.

Mr. Dickson and Mr. Martin both made disclaimers that they are employees of the Carroll County Public Schools and this does not affect them more than anyone else and are able to vote consciously.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

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ROLLOVER REQUEST

Upon motion by Dr. Littrell, seconded by Mr. Martin and passing, the Board approved an appropriation to rollover funds in the amount of \$228,900.00 for the entire roof at St. Paul School.

Mr. Dickson and Mr. Martin both made disclaimers that they are employees of the Carroll County Public Schools and this does not affect them more than anyone else and are able to vote consciously.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

SUBDIVISION ORDINANCE REVISIONS – RONALD NEWMAN

Mr. Newman told that he would start with the policies because he was asked to provide a list of policies that the Planning Commission has adopted. He reviewed all of the policies beginning with the first in 2009.

Mr. Hutchins asked if the flag lot is defined in the current Subdivision Ordinance.

Mr. Newman replied no. He told that is the reason flag lots are part of the proposed modification that is under consideration. He told that of the proposed changes, four of those are in definitions. He told that two of them were for commercial lots and industrial and the reason for defining those is later in the ordinance it is listed that if they meet VDOT's requirements for a commercial entrance they would meet our ordinance. He told that if you take the Family Dollar in Cana, the property would not qualify for another commercial entrance.

Mr. Hutchins asked if that was under VDOT regulations.

Mr. Newman replied yes.

Mr. Hutchins asked what the distance has to be between commercial entrances.

Mr. Hendrick told that it is based on speed.

Mr. Newman told that it is usually around 1200 feet.

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Mr. Dickson asked about the setbacks on the flag lots and if that is a change that has been adopted.

Mr. Newman told that it is a policy that the Planning Commission has been following since July 2009. He told that they have proposed definitions for a flag lot and a flag pole and at the Planning Commission meeting a couple weeks ago they discussed and they would like to modify the definition of a flag lot.

Mr. Dickson asked if that is the policy that they have been going by.

Mr. Newman replied yes.

Mr. Hendrick asked if this is connected to a State maintained road and does that need to be included in the definition.

Mr. Hutchins told that if it was Class A it would be state maintained.

Mr. Hendrick told that if it is Class B it would not have to be, it could be a private subdivision road. He asked if it was the intent to only have flag lots on state maintained roads.

Mr. Newman told that he doesn't know if they have had a flag lot presented on anything but a state maintained road.

Mr. Hutchins told that you are looking at the minimum width of the flag pole is 20 feet. He told that we have talked about a certain lot that is over in Commonwealth where the gentleman would like to sell and he has 29 feet.

Mr. Newman told that it is a little over 29 feet.

Mr. Hutchins told that he can't sell it because he is not selling to a family member and he doesn't have enough road frontage to sell it to someone else. He told that he often wonders what is the difference in selling it to a family member or a close friend.

Mr. Newman told that is where the 20 feet came from. He told that the family subdivision has a 20 foot right of way into the property but they don't have to own it. He told that with a flag lot they would own the flag pole.

Mr. Hutchins asked if he wanted to make that a jointly owned 20 foot area, a flag lot as I understand it if he has 20 acres and wanted to divide into one 5 acre lot and one 15 acre lot, the road that goes in there could be shared and he could not sell another parcel out of that because VDOT would declare it a commercial entrance.

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Mr. Hendrick told that it would have to go through the commercial entrance process.

Mr. Hutchins told that he wondered if it mattered. He told that he is not for or against since you can't sell more than one. He asked if these should have been enacted into the ordinance when the policies were struck.

Mr. Cornwell told that he has a great deal of respect for the Planning Commission. He told that they are changing definitions in the Subdivision Ordinance by policy. He told that it is always the desire to help people that come needing help but there are rules, regulations and ordinances. He told that they have changed and added definitions and he does not think that it is proper. He told that normally the Planning Commission would hear the problem or concern and makes a recommendation to the Board and you would decide what to do then the Planning Commission would hold a Public Hearing and the Board would hold a Public Hearing. He told that the problem with a policy is none of that happens. He told that the next Planning Commission meeting they could change the definition of setbacks or flag lots by policy without going through the proper procedure because someone is in front of them and wants something done or someone complained about what someone else did. He told that the State Code sets up a process and with all due respect for the Planning Commission he does not believe that the process is being followed. He told that it would be like any one of you deciding that you didn't like the way an ordinance is and not enforce it. He told that he is sorry and only recently became aware of this. He told that if the Planning Commission wants to make these recommendations they should follow that process and he would think that the Planning Commission should go back and repeal until the Board makes a decision.

Mr. Hutchins told that there is one more issue that Mr. Newman has been working with and that goes back to 2006 for a variance that was granted and there was no Public Hearing for it.

Mr. Newman told that he cannot find any record of a Public Hearing.

Mr. Hutchins told that there were some things that were supposed to be recorded on a plat that were not and several other things. He told that he knows Mr. Newman has been working on this and ask that a recommendation be made to the Board as to what to do so we can do it.

Mr. Newman told that he and Mr. Cornwell have been working on this and absent the Public Hearing the variance was improperly granted. He told that therefore the variance would be considered null and void and in order to take care of that the plat would need to be vacated.

Mr. Hutchins asked if that is something that the owner can voluntarily request to do.

Mr. Cornwell told that the statute reads that it can be done two ways; with the Board's consent and with the consent of the property owner a statement can be signed and recorded. He told that if the property owner does not consent the Board can adopt an

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ordinance vacating the plat and you would have to go through a Public Hearing. He told that the property owner is considering his options in what to do and with all due respect to him he needs to work through that process. He told that we do now have the recreational which we did not have at that time. He told that the current provisions may serve him better. He told that his recommendation would be a resolution by motion that you consent to the vacation plat and give the give the Chairman permission to execute those documents and if the property owner does not consent that we authorized the Public Hearing to consider the adoption of an ordinance to vacate the plat.

Mr. Hutchins told that this has been going back and forth for some time and asked the wishes of the Board.

Mr. Hendrick told that before a resolution is done he would like to hear from the landowner. He told that he knows what Mr. Cornwell and Mr. Newman were talking about but he would like to hear from the land owner.

Dr. Littrell told that if it was improperly done in the first place what would that solve.

Mr. Dickson told that he would think we would go ahead and go with the recommendation of the attorney and still talk with the landowner through negotiations. He told that he may look at it and say it works.

Mr. Martin told that it needs to be fixed right legally.

Mr. Cornwell told that his recommendation is to consent to the vacation of the plat with the consent of the property owner or on the alternative should the property owner object to the request to vacate the plat the Board will have the matter down for public hearing and advertise.

Upon motion by Mr. Martin, seconded by Mr. Dickson and passing, the Board approved to vacate the plat with the consent of the property owner or on the alternative should the property owner object to the request to vacate the plat the Board will have the matter down for public hearing and advertise.

Mr. Newman told that until the Board had a chance to look at this and consider it he has not had that conversation with the land owner.

VOTES

Mr. Hendrick	No
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

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Mr. Hendrick told that he thought we voted to hold a Public Hearing on this.

Mr. Hutchins told that we were going to hold off until we got some information today.

Mr. Newman told that at the Planning Commission meeting there was an issue with the bridge language.

Mr. Hendrick asked if we needed to hash that out now.

Mr. Hutchins told that he thinks the Planning Commission needs to hash it out and bring it back to the Board.

Mr. Dickson told that he agrees.

Mr. Cornwell told that you can have a joint Public Hearing but he recommends doing them separate because it gives time to review and the Planning Commission may decide there are changes after they hear the citizens.

Mr. Newman told that the Planning Commission would like some guidance especially on the bridge issue.

Mr. Hendrick told that he does not want to put the County in any position of liability.

Mr. Newman told that is the Commissions concern as well.

Mr. Hendrick told that it would be a legal question. He told that he can see placing a limit on the bridge. He told that even with the inspection it is for information purposes only provided to the County.

Mr. Newman told that we should have the weight limit posted so when emergency personnel get there they have assurance that they can cross.

Mr. Cornwell asked if there is a problem in only approving bridges on VDOT roads so VDOT takes that over.

Mr. Newman told that there is a lot of property in family subdivisions that do not have state maintained roads.

Mr. Cornwell told that then you can't build a bridge on them. He told that in years to come you are going to have problems. He told that you won't have problems with it but the Board sitting here 30 years from now will have problems with it.

Mr. Hendrick told that Class B requires homeowners consent.

Mr. Hutchins told that we don't have an issue with the Class A.

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Mr. Newman replied no because it is going to be built to VDOT standards.

Dr. Littrell told that we are not even addressing the issue of where the EMS had to get over the bridge to get to the patient.

Mr. Newman replied no that this would only be from when it is adopted and moving forward.

Dr. Littrell told that he has a creek going across his property but it doesn't affect him at all.

Mr. Newman told that it is on a private residence.

Dr. Littrell told that you still have the issue with emergency vehicles.

Mr. Hutchins told that he would suggest that the Planning Commission ask Mr. Cornwell to meet with them and discuss those things.

Mr. Cornwell told that one of his concerns is when the subdivision plat is approved it is gone and whatever happens thereafter happens unless you put in some protective issues there. He told that you can't tell someone they can't do something on their property. He told it is a deep pit and when the bridge falls in guess who they are going to point at. He told that there are a lot of things to consider.

Mr. Martin told that the good thing about Carroll County is it has all of these tremendous forces of water but his concern is that what happens on down the road. He told that the way the government regulations are going with this then if the bridge caves in and you bring in the Army Corp of Engineers. He told that he would hate to see the County on the hook for all of the bridges.

Mr. Hendrick told that these bridges are not going to be any different than any road in a Class B Subdivision that is out there. He told that it is part of road maintenance whether it is a straight road or a bridge. He told that he knows that it is different because it is a bridge but it is still part of road maintenance. He told that if the homeowners association did what they are suppose to do it is their baby. He asked if bridges are allowed do we want to state a minimum weight.

Mr. Newman told that VDOT is not going to spend money to upgrade the road.

Mr. Cornwell told that in another county they sat for a whole day and talked about how many people coming to a board meeting would it take to talk the Board into making a private or public road. He told that they finally came up with the conclusion that it would take more than 20 so they only allowed private roads to be built with less than 10 lots.

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Mr. Dickson told for Mr. Newman to invite Mr. Cornwell to the Planning Commission meeting and we will go from there.

Mr. Newman asked if any of the other issues that the Board has concerns about.

Dr. Littrell told that he would like to visit one that Mr. Hutchins mentioned. He told that he has had a couple contacts about the Commonwealth property and asked if the flag lots are not defined in the current subdivision ordinance.

Mr. Newman replied right, they are not defined currently.

Dr. Littrell told that if that is the case then could he in fact divide that divide the property.

Mr. Cornwell told that the problem is the setback and we require a lot to have an 80 foot frontage on a public road at the set back line.

Mr. Newman told that if there is water and sewer then it is 100 feet.

Dr. Littrell told that he is not trying to take sides he is just trying to clarify and one of his arguments was that at the point that he bought the property he wanted to divide it into two pieces.

Mr. Newman told that he wants to keep five and sell the rest.

Dr. Littrell told that he says that at the time he bought it, it was allowable and asked if that was true.

Mr. Newman told that there was not a policy as far as a minimum flag pole width.

Dr. Littrell asked if other things prevent him from doing what he wants to do.

Mr. Newman replied yes.

Mr. Cornwell told that he would have to have a road that is built to Class B standards.

Mr. Newman told that he would not be able to build a Class B road because the right of way is not 40 feet.

Mr. Cornwell told that with all due respect with everyone here the problem is trying to make regulations fit everybody.

Mr. Hutchins told that the family subdivision would allow him to do that if it was a family member. He asked if that is a statute from the State.

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Mr. Cornwell told that there is a statue but he believes you fit the definition which would allow you not to have a family subdivision. He told that if you have 10% population growth in the last two years then you don't have to have a family subdivision ordinance.

Mr. Hutchins told that his question would be if you use the same logic an immediate family member would be fine.

Mr. Cornwell told that the reason it was done was for family members not to resale to the public.

Mr. Newman told that they have to keep it in their name a minimum of two years before it can be transferred to a non family member. He asked if there is any suggestion as to the weight for bridges.

Mr. Hendrick told that it depends what is going to cross it.

Mr. Newman told that if you are looking at a tanker you are looking at a minimum of 60,000 pounds.

Mr. Hendrick told that if you are going to make a minimum it would need to be at least 65,000.

Mr. Hutchins told that he does not want the County to become liable for a regulation. He told that the Class B Subdivision is a gated community and is homeowner supported.

Mr. Martin told that someone can sell them on the idea of how beautiful it is and on down the road he wonders what the County will be liable for.

Mr. Hendrick told that he can see that stance but that is no difference than foreclosures and who signed the dotted line. He told that if you buy it, it is yours that is what a homeowners association is for.

(Order)

DELINQUENT TAX

Mr. Dickson told that this has been going on for a while and Ms. Williams has delivered a list and given to us for review. He told that he is pleased to get the list and he wants to thank her for it. He told that over time they have been accused of not trying to collect delinquent taxes. He told that we will look over it and hopefully bring it back for collection. He told that it was nothing personal and it will be an asset for the County. He asked Mr. Cornwell to give us an idea of how much we have collected so that the press will have that information.

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Mr. Cornwell told that he cannot tell you how much the Treasurer has collected on delinquent taxes but he can tell you what he has collected. He told that the Treasurer gave him three groups of properties, the first had 54 properties and of those 22 paid, 5 on payment plans, two title issues, 5 are in Cascade Mountain, 7 are in Dogwood Mountain and they are holding those because the lots are so small and they have 7 suits pending. He told that of those 54 they collected \$90,819.78. He told that they also received a group of properties on a particular developer with 72 parcels and he paid a total of \$30,846.37. He told that he third group had 58 properties in which 33 of those people paid, 8 on payment plans, 1 was removed from the list, 1 is bankruptcy and they collected a net for the County of \$154,272.61. He told that the total that was collected from the three groups is \$275,938.76, and this does not include attorney's fees and costs. He told that the Board adopted a policy for collection of delinquent taxes in 2011 and read the policy.

Mr. Hutchins told that we would put this on our next month's agenda to discuss.

(Order)

CITIZEN'S TIME

No one was signed up to speak at citizen's time.

SUPERVISOR'S TIME

Mr. Hendrick told that he is good.

Mr. Martin told that the Sheriff is having a relay for life benefit in this office on Friday from 11 – 1 and all of the proceeds will go to relay for life. He told that the Lambsburg Community Center had a Crooked Road event this past weekend. He told that he gave the County Administrator a High School annual and someone did a tremendous job with putting it together. He told that we keep hearing about the fires out west and the RC&D will be having a workshop for localities who are considering fire prevention in their Comp Plan.

Dr. Littrell told that we had a good discussion on the Subdivision issues and it is not an easy job. He thanked the Treasurer and told that it took a lot of work to get that together and he hopes that we can collect on some of those taxes. He told that he will not be at the next meeting because he is going on a trip to New Mexico with the Boy Scouts.

Mr. Martin asked if there is any way to work with his schedule.

Dr. Littrell told that he is leaving on July 31st and not returning until August 16th.

Mr. Dickson told that he is pleased with the way everything is going especially the tax list. He asked on Tourism there is not a number of people that visit every month and the

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reason he is asking is because we had a lot of complaints when it was in the log building. He told that if you look at just the arts and crafts sales there is a huge increase.

Mr. Larrowe told that those numbers are actually in the Board packet if you click on the monthly tab verses the tourism sales sheet. He told that the numbers have increased drastically.

Mr. McCraw told that he would like to thank the Treasurer as well and he is sure that after careful review we will do whatever is necessary. He told that it is always good to be here with everyone.

Mr. Hutchins told that he would like to thank staff and they do a great job. He told that he would also like to thank the Treasurer and told that we need to determine what we need to do with the list and move forward with it.

(Order)

ADJOURNMENT

Upon motion by Mr. Hendrick, seconded by Mr. McCraw and passing, the Board adjourned.

VOTES

Mr. Hendrick	Yes
Mr. McCraw	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. Martin	Yes

(Order)

Chairman

Clerk