

February 11, 2013

The Carroll County Board of Supervisors held their regular monthly meeting on, February 11, 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 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 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.

VOTES

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

(Order)

CERTIFICATION OF CLOSED SESSION

Upon motion by Mr. Martin, seconded by Mr. McCraw, 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.

VOTES

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

Mr. Hutchins welcomed everyone and told that he appreciates everyone being here.

Mr. Dickson lead in invocation and pledge.

Mr. Hutchins welcomed Travis Jackson who is the new Hillsville Town Manager.

Mr. Jackson told that he is pleased to be back in the area. He told that he recognizes the importance of cooperation and realize foremost that every citizen of the Town is also a County resident and you represent them and he appreciates what has been done in the past and the sacrifices that have been made. He told that Town Council is committed to working together on those things that make this a stronger region and he is committed to seeing that happen. He told that hopefully he will be working with each of you on a daily basis to ensure that we bring economic opportunities to this region and create jobs and get outside resources to invest in this region and we can only do that if we cooperate. He told that whatever is good for Carroll County will be good for Hillsville and whatever is good for Hillsville will be good for Carroll County. He told that knowing everyone he knows that the Board will be equally committed to the Town and he will pledge the

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support of the Town as well. He told that he looks forward to a very long relationship and one that will be fruitful for all of us.

Mr. Hutchins told that we have many miles of water and sewer thanks to Mr. Jackson and told that we appreciate him being here.

APPROVAL OF AGENDA

Mr. Hutchins told that Mr. Martin has requested to add the Humane Society and that will be after the consent agenda.

Upon motion by Mr. Dickson, seconded by Dr. Littrell and passing, the Board approved to add the Humane Society to the agenda.

VOTES

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

Mr. Hutchins told that they had a successful trip to Richmond and it was beneficial to meet with the legislators. He told that the Fancy Gap Supervisor, Mr. McCraw worked with Delegate Crockett Stark to allow buses to go up the mountain. He told that Mr. McCraw was the person behind that and some supervisors have tried to get that accomplished in the past but it has never been successful and he should be congratulated for taking the lead.

Mr. McCraw told that he happened to contact the right person and Annie B. knew who to contact and how to get it done.

Mr. Dickson told Mr. McCraw congratulations and told that he did it right. He told that another supervisor did work on it in the past and they did it right as well but the time was not the right time. He told that Mr. McCraw could have taken the easy road and said that had already been tried but he didn't. He told that he knows the citizens are happy and one of the people that came to ride the bus down said he was afraid to get on the bus but when they got done it was not too bad and they had no problems.

(Order)

APPROVAL OF MINUTES

Upon motion by Dr. Littrell seconded by Mr. Hendrick and passing, the Board approved the minutes of the meeting on January 14, 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. Hendrick, and passed unanimously, the Board approved the payroll for February 2013 and did authorize the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 15th and 30th days of March 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)

DCR GRANT AGREEMENT

Upon motion by Dr. Littrell, seconded by Mr. Hendrick and passing, the Board approved the DCR Grant Agreement.

VOTES

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

(Order)

COUNTY CIP

Mr. Hutchins told that on the financial software, the number that is in there is a carryover. He told that it should be upward of \$125,000 to \$140,000 and told that the budget committee need to look at it.

Mr. McCraw told that it does need to be increased.

Mr. Dickson asked what number he suggested.

Mr. McCraw replied \$140,000.

Dr. Littrell told that he did not know enough to answer.

Mr. Hendrick told that he done this last year and he has some questions about the some of the Sheriff's numbers. He told that we are replacing some vehicles and the price is more this year than it was last year for lesser vehicles. He told that on the shooting range we had \$150,000 in there last year.

Ms. Shank told that it was removed.

Mr. Dickson told that we didn't spend any on it last year.

Mr. Hendrick told that he looks at numbers verses history and it is a questions because he doesn't know.

Mr. Martin told that the JROTC is using a high tech pellet for their shooting and it is his understanding that they have some funds available.

Mr. Hendrick told that right now they are using Galax.

Mr. Hutchins asked if he had an objection to approving the CIP.

Mr. Hendrick replied no.

Upon motion by Mr. McCraw, seconded by Dr. Littrell and passing, the Board approved the County CIP with the change in the financial software to \$140,000.

VOTES

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

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Dr. Littrell Yes
Mr. Martin Yes

(Order)

PSA CIP

Upon motion by Dr. Littrell, seconded by Mr. Hendrick and passing, the Board approved the PSA CIP.

VOTES

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

(Order)

SCHOOL CIP

Mr. McCraw told that he has a question on the attached gym and told that funds have been applied for on the HVAC and if we receive that we are going to have to look and see what the debt service will be. He told that he would like to request that we remove it from the CIP.

Mr. Hendrick asked if he meant the HVAC.

Mr. McCraw told that he meant remove the attached gym.

Mr. Hutchins told that doesn't mean we can't put it back in later.

Mr. McCraw told that since he is on the budget committee he would like to remove it and it doesn't mean that it cannot be added back in later.

Mr. Hendrick told that he had the same questions last year and this will not be the CIP that is in the budget. He told that he agrees with Mr. McCraw as far as talking it out.

Upon motion by Mr. McCraw, seconded by Mr. Hendrick and passing, the Board approved to remove the attached gym from the School CIP.

VOTES

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

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

Mr. Hendrick told that we need to identify the funding source.

Upon motion by Mr. McCraw, seconded by Mr. Dickson and passing, the Board approved the School CIP with the attached gym removed.

VOTES

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

(Order)

COMMONWEALTH ATTORNEY APPROPRIATION

Upon motion by Dr. Littrell, seconded by Mr. Hendrick and passing, the Board approved an appropriation in the amount of \$332.85 from asset forfeiture and transfer it to the general fund for office equipment.

VOTES

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

(Order)

LOCAL GOVERNMENT AGREEMENT

Upon motion by Dr. Littrell, seconded by Mr. Hendrick and passing, the Board approved the Local Government Agreement for the Health Department.

VOTES

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

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Mr. Martin Yes

(Order)

SHERIFF'S OFFICE APPROPRIATION

Upon motion by Dr. Littrell, seconded by Mr. Hendrick and passing, the Board approved an appropriation in the amount of \$125.00 from a donation by the Richard "Dick" Carrico family to be used to support the children in our schools with the DARE program.

VOTES

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

(Order)

ADVERTISE PUBLIC HEARING

Mr. Hutchins told that we need to make an addition and the reason for this transfer is back in 2006 this was actually voted on but the transaction never happened.

Mr. Larowe told that this is for transferring the Child Care Center, 82-1-1, from the BOS to the IDA and it has been voted on but it was never done. He told that this was under previous legal counsel. He told that we will also be advertising for 82-1-2 which was built by the County for the Community Services Board and we found this by error. He told that this is the IDC building in the Industrial Park where the Community Services Board has made payments to the County for this property.

Mr. Hutchins told that this will be for March 11, 2013 beginning at 5:30 p.m. or as soon thereafter as practical and told that we are not transferring today we are just setting up a Public Hearing for next month.

Upon motion by Dr. Littrell seconded by and passing, the Board approved to hold a Public Hearing on March 11, 2013 at 5:30 p.m. or as soon thereafter as practical to hear public comments on the transfer of property from Carroll County to the Carroll County IDA.

VOTES

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

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

(Order)

BRIDGE NAMING RESOLUTION

Mr. Dickson read the Bridge Naming Resolution naming the bridge on US Business/Bypass 58 & Route 669 the Harry Lee McGrady Bridge.

Upon motion by Dr. Littrell, seconded by Mr. Hendrick and passing, the Board approved the resolution below.

WHEREAS, the County of Carroll did adopt a resolution by which the Commonwealth Transportation Board was petitioned to name the bridge on US Business/Bypass 58 & Route 669.

WHEREAS, Harry Lee McGrady was born on September 8, 1921 to Flora Frost McGrady and Herman S. McGrady.

WHEREAS, Harry Lee McGrady served in the United States Army Air Forces for six and a half years during and after World War II and was selected for advanced engineering training. After completion of the training, he went to Great Britain where he served as a crew chief.

WHEREAS, Harry Lee McGrady was employed by the U.S. Department of Agriculture Soil Conservation Service for approximately 25 years and also owned and operated a beef cattle farm for over fifty years.

WHEREAS, Harry Lee McGrady owned his farm located in the Freemont section of Carroll County of which 28 acres was used for the construction of the U.S. Highway 58 bypass.

WHEREAS, Harry Lee McGrady's land was the largest amount used in Carroll County for the Route 58 project and was the second largest used for the entire project.

WHEREAS, Carroll County has agreed to pay the cost and expense incident to the placement of appropriate markers.

NOW, THEREFORE, BE IT RESOLVED, that the County of Carroll in accordance with Section 33.1-250 of the Code of Virginia, does hereby petition the Commonwealth Transportation Board that the bridge on US Business/Bypass 58 & Route 669.

BE IT FURTHER RESOLVED, that appropriate markers, as directed by the Department be placed calling attention to this designation.

VOTES

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

(Order)

COMMONWEALTH ATTORNEY APPROPRIATION

Upon motion by Dr. Littrell, seconded by Mr. Hendrick and passing, the Board approved an appropriation in the amount of \$500.00 from asset forfeiture to be transferred to the general fund for computer equipment.

VOTES

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

(Order)

HUMANE SOCIETY

Ms. Lauren Self distributed and read the handout below to the Board members.

Thank you for a few minutes of your time. My name is Lauren Self. I am here on behalf of the TCHS. I am also a resident of Carroll County.

In just over 15 months, the TCHS has had a major impact at Galax Carroll Grayson animal shelter. With our effort the euthanasia rate at the animal shelter has dropped from ninety to around 60% percent, helping hundreds of adoptable animals find homes.

In September of 2011 we began organizing and working with other rescues and stepping up to help the animals in the shelter which has resulted in a chance at life for over 500 dogs. We as an organization have also worked with other rescues to save dogs from the shelter and other dog rescue organizations to take in additional dogs as well.

We have made local connections with veterinarians, and volunteers that include vetting and transporting animals. We continue to network with rescues and transporters to facilitate the rescue and re-homing of the animals in the shelter.

We look at this as a rescue business and track everything on a spreadsheet from where each dog goes from rescue to adoption. We are able to demonstrate with numbers all we've been able to do.

One of our biggest accomplishments has been becoming a releasing agency under the Virginia Department of Agriculture and Consumer Services. Prior to this dogs in the shelter had only the chance to be adopted by the public. Working with the Galax City

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Manager, along with county administrators we have been allowed to pull dogs/cats from the shelter at no cost.

To increase awareness of the plight of many animals, we continue to expand some of what we do. For example this past year, we participated in a Mega Adoption Day and have held numerous adoption days of our own at the local Tractor Supply/Walmart/ and Lowes Home center.

Our mission is really to help the dogs and that is our number one priority. We work with great rescue groups that work to find homes for all the dogs we take in from the shelter and from the public. We also use our resources to help out in the community. Food Lion and Tractor Supply have been good to us and we get a lot of food and pet supply donations to help out in the area as well.

Because education is so important, we are hoping to go into the schools and various places to facilitate discussions on the relationship between bullying of people and bullying of pets. We are continuing to look into other options to help rescue more animals and educate our community.

Our main goal is to continue to educate the community on the importance of Spay/Neuter. This past year the TCHS along with a Petsmart Grant have been able to help families spay/neuter approx 600 dogs/cats.

As successful as we feel we have been in the past year and half we know rescue efforts will never end. As the City of Galax, Grayson/Carroll counties being their budget year we are here tonight to ask that you, along with City of Galax and Grayson Counties (who will be addressed at their meeting) add a shelter liaison to the staff at the shelter. Our hope is that this person could help market and advertise dogs, by taking pictures on in-take, advertise on a shelter website, facebook page, local newspapers and network with rescue groups. To be effective we would ask that this person report to one of the county/city administrators. This part time person would also be able to address the individual needs of the dogs, such as is vaccinations, worming, flea treatment as needed and the overall general grooming needs. (Vaccinations and worming are currently being done by staff now). Taking the time to learn a little about the dog is important as well. Some are so scared they are never given the chance for adoption. With a little socialization these dogs can too have a chance of finding a forever home.

The overpopulation of pets will not be solved overnight, and the most progressive animal shelters constantly strive to improve adoption rates. Animal shelter experts believe that by generating greater awareness, increased public education, and creating a more positive experience at the shelters, they can increase that rate substantially.

There is no question that this effort would improve the adoption rate and generate income at the shelter.

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This is a great way to show the community you care by creating a positive position at the shelter. For all the progress that has been made, there is an immediate need for staff support that will in turn improve the chances of adoption/rescue for the dogs/cats there.

Thank you for this time and we hope you will continue to move forward with us as we work to educate the community and save as many animals lives as we can.

Mr. Dickson told that the euthanasia rate has gone down in the last five years from 81% to 50% and he is sure that the group is responsible for that.

Ms. Self told that in the last year and a half they have brought it down about 40%.

Mr. Dickson told that is really good and the numbers show that somebody has really been working on this. He told that the surrender by owner is less and you have to contribute some of that to spay and neuter. He told that the transfer rate jumped way up and asked if that is the new program.

Ms. Self told that is when they started pulling from the shelter.

Mr. Martin asked about that program and wanted to know if they had been able to network with other agencies that are better able to handle.

Ms. Self told that is correct. She told that they do pull from the shelter and there is a small population here that they like to adopt to but they do like to send those animals to other rescues in cities with bigger populations where they stand a better chance of being adopted.

Mr. Dickson suggested that we take this under advisement as far as the liaison person and hopefully get together with Galax and Grayson.

Mr. Martin asked what they have in mind with the liaison.

Ms. Self told that they would like to have someone hired part time as another employee at the shelter where their only job would be to do pictures, advertise the dogs on our website, facebook and the newspaper. She told that also there are sometimes minor grooming needs that need to be done on the dogs and she has showed pictures of that. She told that basically someone that could work with the dogs and make them more comfortable while they are there.

Mr. Dickson told that they did ask the budget committee to put some money in to help defray the cost of spaying and neutering. He told that Animal Control told that if we do that we will be the only County that offers it. He told that he noticed they got a new grant.

Ms. Self told that they have been fortunate with their grant monies.

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Mr. Dickson told that it helps 70% of our population so they are trying to help the other 30%.

Mr. Martin asked if she could mention some general numbers as far as money that has been put into the community through grants.

Ms. Self told that they have two or three active grants plus the Petsmart grant with the Town but she doesn't have actual numbers with her.

DENNIS COLE – PHASE III UPDATE

Mr. Cole told that the High School did receive their certificate of occupancy last week. He told that they have moved into the office area and they are moving things into the media center. He told that they are still having some issues with the terrazzo floor and the contractor was there today to look at a few small details. He told that there is some painting that needs to be complete and some case work that needs replaced. He told that the architectural firm will issue a substantial completion hopefully next week. He told that they are pleased with the work.

Mr. Cole told that on the Intermediate School they have a couple issues and he covered those in the report. He told that the retention pond was moved when they found out that part of it was on someone else's property and when they did move it they got into issues like additional cost and they were able to negotiate with the contractor. He told that the pond is started and it has not been as bad as they thought. He told that they thought they were going to have to move dirt and now they are looking for dirt. He told that there is an issue with drainage at the doors at the classroom addition. He told that they are not sure if it was a design issue or placement issue but water came in and got under the sidewalk, expanded and the doors would not open. He told that it has been fixed now. He told that they are looking to get a substantial completion very soon but they will not get a certificate of occupancy until they get further along with the retention pond. He told that the Town has been very good to work with. He told that he doesn't think they plan to use until summer but may use some of the space for testing but that is about it. He told that they are looking to close both projects by the end of the month.

Mr. Dickson asked if he had heard of possible dates for the ribbon cutting.

Mr. Cole told that he has not and he thinks the School will be setting that up and hopefully he will be invited.

Mr. Hutchins thanked him and told him that we appreciate all of the work. He told that it has made the project go extremely smooth and it has probably saved us huge amounts of money in change orders.

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JANIE HARRISON – REASSESSMENT UPDATE

Ms. Harrison told that she started with the Assessor's Office in 1983 and she has never seen a decline like this until now. She told that there was a 12.23% decline overall. She told that they contracted the reassessment out this year and the firm worked 15 months reviewing 33,032 parcels and 1153 of those were tax exempt. She told that 31,879 are taxable and the ration in 2011 was 103% and in 2012 it is at 111%. She told that the comparing sales ratio is 97% so that is good to start out with. She told that about 64.24% decreased, 27.65 % remained the same and 8% had a small increase and that makes it about 45.89% of the property was decreased. She told that they contracted at \$12.95 per parcel for \$427,764.40, used \$8710.44 in postage and have \$5000 in the budget for the Board of Equalization for a total cost of \$441,474.84. She told that they were pleased when they bid out the contract because in 2006 they were looking at around \$18 per parcel. Ms. Harrison told that the next phase is the Board of Equalization and they are scheduled to be trained on February 22nd and the Department of Taxation will send a letter and we will pass it on to the County Attorney who will turn it in to the court. She told that the appeals have to be completed by April 15th and the work will be complete by June 30th. She told that there are about 30 on the list who want to be contacted. She told that during the reviews they had 1488 parcels reviewed with 1279 of those having some adjustments and 209 with no change. She told that it was a good reassessment and there are always going to be errors that need to be corrected.

Mr. Hutchins told that he appreciates everything she has done.

Dr. Littrell asked if you want to go before the Board of Equalization do you have to have already been through the review.

Ms. Harrison replied no.

KEN McFAYDEN

Mr. McFayden told that he would like to share the annual report for SBDC. He told that he would like to commend the staff and there was a very smooth transition from Dr. Garrett over to Mandy Archer. He told that in 2011-2012 they served 216 new clients and 1 in 4 of them did not need business plans. He told that they completed 57 business plans and spend an average of 18 hours on each client. He told that a typical business plan runs around \$2500 and they offer it as a free service. He told that of the 57 plans, 43 of those required funding and we are working in a much more restrictive lending environment. He told that toward the close of 2012 they reached 1000 jobs created. He shared figures from 2006 to 2012 there have been 265 business plans produced and told that it is important for the community to know about the SBDC. He told that Mr. Larrowe has a large involvement in the Entrepreneurship Program and he is leading the community. He told that this is not an understatement.

Mr. Hendrick asked about Phase I and Phase II for Wildwood.

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Mr. McFayden told that they are still working with VEDP on prospects and Phase I is fully funded. He told that they are working on the plans for Phase II and they have secured an option on the remaining ungraded property that is less than what it appraised for. He told that they are remaining fluid and staying on their feet.

Mr. Hendrick asked what the plan is for the road.

Mr. McFayden told that it has been funded and approved and VEDP has suggested that they not build a road before they had a prospect. He told that they are thinking things through.

Mr. Hendrick asked when the clock starts ticking on the project.

Mr. McFayden told that it stated in May of last year and lasts for 5 years with an option for an extension.

Mr. Hutchins thanked Mr. McFayden and told that Dr. Garrett would be proud of the program and he believes there is a lot more activity that is realized. He told that at one time there was a high success rate and very few of those folded. He told that it is good to hear exciting things.

WINDMILLS

Mr. Hutchins asked Mr. Hendrick if he got to go to the windmill meeting and could he share that with us.

Mr. Hendrick told that it was basically the same thing that we had at our informational session. He told that Carol Wampler with DEQ was there and she is spearheading the model ordinance. He told that the information was not a lot different. He told that it was a good session and there were four counties represented.

Mr. Hutchins told that the board has talked about different things at different times and one of the things they have learned is where they originally indicated they wanted a prohibitive ordinance they found that the statute doesn't allow and ordinance it allows it to be restricted. He told that Mr. Hendrick said there was a model ordinance at the meeting.

Mr. Hendrick replied yes and he and Mr. Cornwell have talked and the thing behind the ordinance is it is geared for those with zoning and land use and it does say in it that localities with and without zoning have various options to do regulations, the problem is they do not tell you what your options are without zoning. He told that he has talked with DEQ and basically we don't have any options except mountain ridge construction. He told the difficulty with mountain ridge construction is the local government has two areas that they govern on a windmill project, the land use part which we have no land use and decommissioning. He told that he has specific questions on that and asked if there are any ideas.

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Mr. Cornwell told that you won't find any comments from localities on the other side of the state because they all have zoning. He told that part of the problem is when you talk to the State and tell them that you don't have zoning they just look at you and have no concept because they are used to dealing with those who have zoning. He told that the statute doesn't have many definitions and he has always thought when you deal with something like that you always try to stick to the statute as much as you can because if you are challenged in front of a court you can use the statute. He told that they have talked about performance bonds for decommissioning and issues like life expectancy. He told that he is not sure anybody can buy one of those bonds.

Mr. Hendrick told that windmills are not specifically mentioned in the ordinance and he wants everyone to know that. He told that if you do a performance bond for one you have to do it for all.

Mr. Cornwell told that it goes back to the maps. He told that there is no case law, no attorney general opinions, no guidance. He told that he does agree that we should look at regulatory instead of prohibitory. He told that he disagrees with the Chairman, he thinks you can prohibit them but the statute talks about regulatory action. He told that regulatory would be easier to defend.

Mr. Martin told that Floyd County really hasn't done anything.

Mr. Cornwell told that Floyd went through a Public Hearing and have gotten the same sort of comments that you have gotten and they have taken it under advisement. He told that one of the issues they are waiting on is to see if tax credit were extended. He told that most everyone agrees that without the tax credits it doesn't seem to make economic sense.

Mr. Hendrick told that the tax credits were extended for this year and they are still working on definitions of construction.

Mr. Cornwell told that the technology continues to move and as they progress the amount of wind needed may be less which may make it more feasible to put them here.

Mr. Hendrick told that Dr. Miles showed the maps and they have them rated and typically you have to get better than three to get utility scale and now they are saying three will work.

Mr. Martin told that if they make it so efficient that Carroll County looks functional the other places that were three times better, it makes them more attractive.

Mr. Cornwell told that most of those places have land use control so they have more hurdles. He told that all they have to do is get a permit through DEQ.

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Mr. Hendrick told that that is all they have to do. He told that the only thing the County has to say is that they are in compliance with our land use and since we don't have it the answer is automatically yes.

Mr. Cornwell told that he was out of the country and noticed that they have a new design of a windmill now and it looks like a curly q and doesn't have arms sticking out. He told that they appear to be individual just operating a house.

Mr. Martin told that if you survey people who are close to a potential site they would probably be opposed to it but the same people would be adamant that they are opposed to land use. He told that it is hard to vote the peoples will when their wills conflict. He told that no one dislikes windmills more than him but he also knows people do not want zoning and he doesn't see why there is any big rush to go into this thing. He told that he would like to see us continue to work on this and the bottom line is if there is tax money coming out of Washington that will be the number one determinant anyway. He told that it sounds wishy washy but there is an old rule about if you can't help, do no harm and he would like to see us table for a while longer and see what happens.

Mr. Hendrick told that the only problem he would have with that is Floyd doesn't have anyone interested right now and we don't have that. He told that this is not project specific but the thought of that looming is a sense of urgency not to prohibit or allow but in his opinion if anyone is on the fence you have to regulate it.

Mr. Hutchins asked if he would like to see Mr. Cornwell go back and come up with a regulatory.

Mr. Hendrick told that he has talked with Jim about that and the setbacks. He told that it is like Dr. Miles said there are two groups, they are either hideous or beautiful so aside from aesthetics you get noise, setbacks, and appearance. He told that there are design regulations that will help with noise. He told that he has seen pictures of these on fire, saw one throw ice and saw one throw a blade.

Mr. Cornwell told that another issue is the power has to get from there so you not only have the windmill you have the infrastructure that is visible unless you require it to be under ground.

Mr. Hendrick told the other one is decommissioning.

Mr. Cornwell told that Floyd was concerned about water and geologists need to give an opinion that the blasting would not have any effect on the water. He told that placement and construction is fair game.

Mr. Martin told that it is not a way of making friends in Wythe County because this is very close to them.

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Mr. Hendrick told that they are aware of it and they are in the same boat that we are in because they don't have land use.

Mr. Cornwell asked if there was any discussion as to why they are white.

Mr. Hendrick told that appearance is one of the things.

Mr. Cornwell told that a county had an application for three cell towers and they were concerned about appearance and they were three different colors and the one that showed up the least was the gray one.

Dr. Littrell asked if he wants to build a windmill, what steps would he have to go through and at what point is the locality made aware.

Mr. Cornwell told that you would have to get a building permit.

Dr. Littrell asked if that would be the first step.

Mr. Cornwell told that would be the only step.

Dr. Littrell asked at what point the County could begin with an ordinance at that point is it to late.

Mr. Cornwell told that there is the issue of vesting and that would be a debatable issue for the court. He told that was the issue in Bland County because they had applied to DEQ for a permit but they hadn't got the permit. He told that they asked for an extension of 30 days and during that time they adopted a zoning ordinance. He told that they won because they had not actually got the permit yet; they had only applied for it. He told that you would end up spending a lot of money on lawyers to litigate.

Mr. Martin told that since this is all on virgin ground as far as legal it could get high dollar in a hurry.

Mr. Hendrick told that he wants to know what the whole board thinks and the reason he keeps bringing it up is because we need to do something now even if its punt. He told that he asked Mr. Cornwell if we could adopt an ordinance with a deadline. He told that if you were going to go that route it would be the prohibitory and then would give you time to make a decision. He told that he hasn't talked to any of the companies so he doesn't know where they are but if they have applied for a permit with DEQ he doesn't know what we could do. He told that theirs is a 90 day program.

Mr. Hutchins told that they would have to apply for a building permit here.

Mr. Cornwell told that they would have to get the DEQ permit first and something from us that says that the windmill complies with our zoning ordinance.

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Mr. Hutchins told that the proposed sites are in Sulphur Springs and no one wants them in their backyard. He told he has talked to people in the area and no one wants them placed there but when you start talking about restricting it they will say that they want to be able to do what they want with their land and have even had some to say that this smacks zoning and although I am against it I will not support zoning. He told that he thinks there are 7 counties in the Commonwealth that do not have zoning. He told that it puts him in a quandary because he wants to support what the citizens of Sulphur Springs want and by and large they don't want them, they also don't want zoning. He told that there is a belief that if we put an ordinance out that that restricts we are doing back door, spot zoning so it makes it a challenge to say do you want zoning and if you do we could develop something that would fit the needs of what everyone needs. He told that some of his friends have even threatened to be lynched if they supported zoning.

Mr. McCraw told that he had two of his constituents who both live within hollering distance to the Blue Ridge Parkway and they let him know real quick that they don't mind the thoughts of having a windmill and by all means I best not vote for anything that even smacks the back of supporting it because it is just like zoning.

Mr. Cornwell told that he doesn't know if the Blue Ridge Parkways regulations have any issues or not.

Mr. Hendrick told that his guess is that if it is close to the Parkway it is dead before it gets started. He told that when you look at the wind map it is going to run right up the Parkway.

Mr. Hutchins told that considering that we asked Mr. Cornwell to develop a prohibitive ordinance in the beginning, is it the Board's will to develop a regulatory one and let him come back with some thoughts. He told that he is torn because he wants to support those who live there but it is a tough call with zoning. He told that the Board said that we would have a public hearing and pro or con we need to do what we said we were going to do.

Mr. Hendrick told that in his opinion he thinks it would be beneficial to adopt something that is prohibitive for now. He told that we have been doing this for 6 or 8 months and if it takes that much longer. He told that it is not ideal but he would rather have no project than a project that is not regulated. He told that it would give us time to decide.

Mr. Martin asked how long it would take to do an ordinance.

Mr. Cornwell told that he might be able to have a draft by the next Board meeting. He told that you have the Floyd one but he doesn't if you want the same things in it.

Mr. Dickson told that Washington County has one and it is pretty restrictive.

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Mr. Hendrick asked since this is not a land use ordinance we can adopt it under emergency today.

Mr. Cornwell told for 60 days.

Mr. Hendrick asked if he would advise us to do that.

Mr. Cornwell replied no.

Mr. Hendrick asked what course of action he would recommend.

Mr. Cornwell told to adopt an ordinance and make it valid even if you adopt it in an emergency you still have to have a Public Hearing. He told that we should have a hearing on whatever ordinance. He told that he had spoke with Mr. Hendrick about doing an emergency ordinance and you can do it but it is not good practice. He told that localities sometimes have trouble with dates and he would not want us to forget that it had expired.

Mr. Hendrick asked what the advertising time is.

Mr. Cornwell told that you have to advertise twice with one week in between and since it is not a land use ordinance you can adopt it the night of the public hearing.

Mr. Hutchins told that he hears Mr. Hendrick leaning towards the prohibitive ordinance.

Mr. Hendrick replied yes. He told that he wants a deadline whether it is good form or bad form. He told that he doesn't want us dragging our feet and he doesn't want the process to get us in trouble.

Mr. Martin told that every two years from now on we are going to have three people facing voters and to him that is a deadline and if they want a change they can change it.

Mr. Hendrick told that if the Board as a whole doesn't want to do it that is fine but he thinks it is something that we should look at. He told that the chances of anything started before we get it done may be astronomical.

Mr. Hutchins told that he agrees with Mr. Hendrick but he thinks that we should look at regulatory. He told that we know that prohibitive, you may can defend it but it is far more difficult would be.

Mr. Martin asked if that is correct.

Mr. Cornwell replied yes. He told that the closer we stay to the statue the better we are.

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Mr. Hendrick told that as long as it is a reasonable timeline he wouldn't have a problem.

Dr. Littrell asked Mr. Cornwell if he would interpret the first section.

Mr. Cornwell told that it is a statute under the Commonwealths Energy Policy. He told that when they looked at this we thought the policy would not conflict with ridge line protection. He told that we are not adopting a windmill ordinance although it may have the effect of limiting windmill construction. He told that they do not believe it conflicts with our ordinance; it may have a secondary effect.

Mr. Hutchins asked if he could bring back an ordinance on March 11 and maybe try to get it out to us a little sooner by email maybe the last week in February to review and we will either agree to set a date if it is what we like and maybe set a public hearing date on April 1st.

Mr. Martin asked if it would be restrictive.

Mr. Hutchins replied yes and ask if everyone agreed.

Mr. Martin told that it is time to get off the fence but he doesn't know which way to jump.

Mr. Dickson told that we can kick the can down the road.

Mr. Hutchins told that we said we would do something so we need to.

Mr. Martin told that several years ago a human waste disposal and the Board was able to get rid of that and when the landfill first started people wanted to bring cubes in from other places and offered a lot of money and the Board turned that down. He told that they were able to go to another landfill and they have dodged a couple of bullets in the past and this one is harder to dodge.

Mr. Hendrick told that at some point something will come that nobody wants and we will have no way to regulate. He told that the mountain ridge in his opinion is not the greatest thing in the world but we are going to come up with something that we can't do an ordinance for because we don't have the authority.

CITIZEN'S TIME

There was no one to speak during citizen's time.

SUPERVISOR'S TIME

Mr. Dickson told that if you read the local papers last week and last month we talked about collecting delinquent taxes and it looks like a small war was started which was not the intent. He told that his intent was to collect some of the taxes that we have and we agreed to add \$800,000 in the budget for collecting back taxes and we have had trouble getting a list to know what we could collect. He told that it is obvious we didn't know how much was out, we thought we had gone through process in order to find that. He asked Mr. Cornwell to explain this and what we have done to acquire the list. He told that there are certain steps that the code of Virginia says you have to do and he thinks that we have done most of those.

Mr. Cornwell told Section 58.1-3921 entitled Treasurer to make out list of uncollected tax and delinquents. He told that he wouldn't read the whole thing but told that the Treasurer after taxes are levied or assessed that have not been collected after 60 days of the end of the fiscal year shall make out lists as follows; real estate on the Commissioners land book, a list of other real estate which is delinquent for the non payment of taxes and the list shall not include any of the other sections, and a list of taxes that are assessed on tangible personal property, machinery and tools and merchants capital and other subjects of local taxation other than real estate as he is unable to collect which are delinquent, a list of uncollected taxes less than \$20, a list of uncollected balances previously billed taxes of less than \$20 and a list of tangible personal property taxes. He told that is the list that the Treasurer is suppose to make within 60 days of the end of the fiscal year and 15.2-3924 says upon request of the governing body of the county, city or town, the Treasurer shall furnish a copy of any of the six lists mentioned in the previous statue. He told that the governing body may cause the list in subsection 2 and 3 which are non payment of taxes and a list of other taxes assessed on tangible personal property, machinery and tools and merchants capital that are delinquent or unable to be collected. He told that the governing body may cause the list or such parts thereof as deemed advisable by the Treasurer to be published in a local newspaper in the county, city or town or on an internet site maintained by such county, city or town. He told that he is aware that the Board last year requested the list pursuant to the statue and he is not aware that the Board has received it.

Mr. Dickson asked if we did that in writing.

Mr. Cornwell told that he does not know, he thinks a resolution was done.

Mr. Dickson told that this past week we got a partial list through 2008 so we are still missing the other part. He told that of the list that they got it is noted on the bottom that there is \$290,000 of delinquent taxes out. He told some other information became available to us by the auditor which is done once a year and the auditor says that we have an outstanding balance of delinquent taxes in the amount of \$3,993,255 and that doesn't include the 10% penalty or the interest or the administrative fees so that would put it over \$4 million.

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Mr. Cornwell told that he believes that is just real estate. He told that he doesn't know about the others.

Mr. Dickson told that also from the auditor, after 20 years it is deemed uncollectable and it falls off. He told that on June 30, 2012 the County wrote off \$450,503 in uncollectable delinquent taxes. He told that the number also has some bankruptcies that you can't collect and the way they get these numbers is by historical collection data. He told that are we reasonably sensible to believe that we have roughly \$4 million that we could collect if we had the list so we could.

Mr. Cornwell told that he is quoted by the Treasurer in saying that it is \$10 million although Mr. Hendrick said that.

Mr. Hendrick told that he was asking a question.

Mr. Dickson told that in all honesty we didn't know what we had.

Mr. Cornwell told that he doesn't know and doesn't think that you know how much in addition is personal property and the other taxes.

Mr. Hendrick told that he is not asking another question.

Mr. Dickson told that this is only 10 years, in the book it says 2002-2012.

Ms. Shank told that in that note that would be all that is outstanding.

Mr. Dickson told that it is roughly \$4 million if we can get the list. He told that Mr. Cornwell can collect it.

Mr. Cornwell told that he runs groups and he was given 30 properties that were owned by one developer. He told that he doesn't have that figure with him. He told that later he was given 54 properties and collected over \$86,000 and then he was given 58 properties where he collected \$131,528.95 and in both of those he has not collected everything.

Mr. Hendrick asked what time period these were collected.

Mr. Cornwell replied a year.

Mr. Hendrick asked where the interest and penalties go.

Mr. Cornwell told that it goes to the county and he collects his fee out of the property sales.

Mr. Dickson told that the Treasurer can go to the court and file papers and start collection.

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Mr. Cornwell told that she can obtain judgments on real estate but that is not normally how it is done.

Mr. Dickson told that she has pretty much got all she can do anyway so this helps the collection rate. He told that was our purpose, we were trying to find out how much was out there because we are getting ready to do another budget year. He told that we can decide how much we think we can collect and we are not looking at this past year, we go down farther than that. He told that some people say it has been a hard year. He told that the Treasurer works out payment plans.

Mr. Cornwell told that he does as well. He told that in the 7 jurisdictions that he represents, he has sold over the last 10 years maybe 2 or 3 houses that were occupied. He told that most are rental or vacant properties. He told that they accept payment plans and many times they will reduce the fees to get it paid. He told that a month ago he presented Pittsylvania County with a check for \$2 million and gave Petersburg a check for \$1 million.

Mr. Dickson told that if we collect half of that \$2 million that could be half of the HVAC System or it could be a lot of different things. He told that it is part of their responsibility to collect this. He told that if we put it in the budget we need to be able to collect it. He told that we are not trying to get into a battle in the paper with who is right and wrong, we just need the information in order to collect and keep the tax levy as low as possible.

Mr. Martin told that he probably meets with the RC&D Director once or twice a week. He told that he worked up o Chairman and never received a cent for travel or meals and by being on the Board he sees many grants go by the window. He told that with the help of RC&D and his own two legs we have had \$140,000 come into the county. He told that most of that went to the schools. He told that he is in a vicious competition to become the Treasurer of RC&D for the State. He told that he has missed to many meetings on the Solid Waste but they have been for legitimate reason. He told that one was the death of his sister, one time he was deathly sick and when school has early dismissals and for that reason he must submit his resignation immediately. He told that they need someone who is willing to serve and as Gary says, the world belongs to those who show up. He told that he would like to nominate Mr. Sam Dickson for the position.

Upon motion by Mr. Martin, seconded by Dr. Littrell and passing, the Board appointed Mr. Sam Dickson to the Solid Waste Authority for the remainder of the term which expires in December 2013.

VOTES

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

Mr. Martin Yes

Mr. Hendrick told that he is good.

Dr. Littrell told that this has been a good meeting and he appreciates everyone that presented this evening. He told that he would like to give an update on the airport and they do have the commercial hangar rented to Bills Helicopter Service and he has the hangar full. He told that as the weather gets better they will begin work on the terminal building which is much needed. He told that when folks run for public office they are told that people want government ran in a businesslike manner. He told that the County has a \$70 million business and that is not a small amount. He told that is a lot that is entrusted to the Board to use wisely. He told that on the delinquent taxes he has not heard one person say to not go after the money. He told that we are not after anyone we are just trying to collect what is owed and the more that is collected the less we have to raise. He told that he would like to compliment the PSA on the use of their funds. He told that they had \$1.75 million in the fund balance for FY12 and received a 2.5% return on their money which was \$60,057.69 in interest and he hopes that the County is doing the same.

Mr. McCraw told that it is a pleasure to be here tonight and that it has been interesting.

Mr. Hutchins told that it has been interesting and the dialogue was good. He thanked the staff and told that they had a good trip to Richmond and had good conversations with the delegates.

(Order)

ADJOURNMENT

Upon motion by Mr. Martin, seconded by Dr. Littrell 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)

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Chairman

Clerk