

December 13, 2021

The Carroll County Board of Supervisors held a meeting on December 13, 2021, in the Board Meeting Room of the Carroll County Governmental Center.

Members Present:

Rex L. Hill
Dr. Tom Littrell
Phillip McCraw
Robbie McCraw
Tracy Moore
Joe Webb

Others:

Michael Watson
Crystal Adams
Justin Martin
Steve Durbin

CALL TO ORDER

Dr. Littrell called the meeting to order at 4:30 p.m.

CLOSED SESSION – PURSUANT TO VIRGINIA CODE SECTION 2.2-3711

Supervisor Robbie McCraw made a motion, seconded by Mr. Moore, to enter into Closed Meeting under Section 2.2-3711- A1, A5, tA7, A8, A29.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

COME OUT OF CLOSED SESSION

Mr. Robbie McCraw made a motion to come out of Closed Session. Mr. Hill seconded the motion.

A (1) 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. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

A (5) 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.

A (7) 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. 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.

A (8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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.

A (29) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

CERTIFICATION OF CLOSED SESSION

Dr. Littrell certified Closed Session with the following Resolution:

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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.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

Mr. Robbie McCraw led in invocation and pledge.

PUBLIC HEARING – ROAD ABANDONMENT RT. 683

Dr. Littrell opened the Public Hearing at 6:06 p.m.

Mr. Newman told this is a request to have a portion of discontinued 683, Stonewall Road abandoned. The specific address is 347 Stonewall Road. The roadway requested to be abandoned is 366 feet and was discontinued March 4, 1971. It is not being used by VDOT or any of the adjoining landowners since that time. VDOT did retain a right to store gravel and no one can remember that happening. Our current VDOT personnel were not even aware that the right existed. The landowner is working with VDOT to obtain an agreement to terminate. I have visited the property and it is a driveway. I do not see that it would benefit anyone other than this property.

With no one else to speak, the public hearing was closed at 6:09 p.m.

Mr. Moore made a motion, seconded by Robbie McCraw to abandon the portion of road as requested.

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Mr. Hill made a motion to have the County retain an easement for future growth in water or sewer on the property.

Mr. Moore seconded the amendment to the motion.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

Dr. Littrell called for a vote on the amended motion of abandoning the portion of the road as requested and the county retaining an easement for utility purposes.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

PUBLIC HEARING – UTILITY EASEMENT

Dr. Littrell opened the Public Hearing at 6:11 p.m.

Dr. Littrell told as he understands the Town is upgrading their utilities for water and sewer and part of that construction goes through some of the county property.

Mr. Durbin told this is a routine matter, but you can not convey any interest in real property without a public hearing so we are just crossing boxes today.

With no one to speak, the public hearing was closed at 6:12 p.m.

Mr. Hill made a motion, seconded by Mr. Robbie McCraw to approve the utility easement requested by the Town of Hillsville.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

CITIZENS TIME

Gerald Goad told doing his due diligence I felt like I needed to come. As you are aware I lost Carla Anderson to Covid and she was our bookkeeper and with that I tried our best to keep up but we were behind. I wanted to apologize for the delay and all of the revenues have been delivered to the Treasurer as of today and we are caught up. We have hired a new technician who started today. This should never happen again but we were in short staff. I never imagined having someone to pass away and I wanted to apologize.

Tim Blair told I am sure you remember me. I had to replace the screws on my roof, it vibrated them out. What are we going to do about it and who is liable for it.

Dr. Littrell told his suggestion would be to go through the Sheriff's Office for a nuisance.

Mr. Blair told he has done talked to the Sheriff's Department. If yall can't help me I am going to leave. What about a noise ordinance?

Mr. Durbin replied if the Board would like to set up a public hearing on a noise ordinance, we can do that.

Mr. Blair asked if he needed to get up a petition.

Mr. Durbin asked if this is in Carroll County.

Mr. Blair told the stage is in Wythe County. The property is in Carroll County. I went to Wythe County, and they said they couldn't do anything about it.

Mr. Robbie McCraw told if the stage is in Wythe County it looks like they would need to take care of it.

Mr. Durbin told it may become a court case. The county can adopt a noise ordinance and if you have someone causing a nuisance you can bring in enforcement and the judge can decide.

Mr. Blair told there is a lot I want to say but yall are recording me. There is something going to be done about it if I have to go to Jeff Campbell. If you can help me, help me and if you can't I won't be back.

Dr. Littrell told we have given you some suggestions.

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Frances Boatman told tomorrow is our one year anniversary. December 14, 2020 is the first time I spoke on the sale of the Training Center property. The traditional one year anniversary gift is paper and keeping with tradition I ask you to give us that gift. A gift of paper that the County Attorney files stopping the sale of the property while the county fights to have the property returned. The citizens paid for that property and since two of the three original parcels have been gave back by the state the 98 acres should be returned to the county. Instead the \$9 million dollar property is being sold for \$4 million to a company that committed Medicare fraud in West Virginia and paid a \$17 million settlement. They currently have a facility in Galax that creates major problems, including 400 police or ems calls per year. Per the Virginia Department of General Services reports to Senator Stanley on August 18th the Training Center closed and the property was declared surplus to the Commonwealths needs. On October 12, 2018 Carroll County was sent a letter to determine their interest in the property and no response was received. In 2019, several adjoining localities we provided opportunities to offer a proposal for housing children. They could have also proposed an alternative use but they didn't receive any proposals. In 202 they were authorized to see the property to a health care facility. So far the property sell has not been completed. The only action you have really taken was to do a resolution asking for the property to be returned. Where does this resolution stand? Are you going to give us the paper gift asking for an injunction? This is the last time some of you will be seated as Board members, what will be your legacy?

David Boatman told that tonight will be Mr. Webbs last night, I would like to see you go out swinging, not sliding. I would like to see you stand up for Carroll County and do something. Mr. McCraw, I know you don't want zoning. If you don't stand up you are going to get zoning down in Cana and you will be remembered for helping zoning come in. Mr. Hill, you live in Suphur Springs and you have family there. I am hoping you do something on an ordinance to request that injunction tonight. We need that piece of land back. It would be great to have a ballfield and gym instantly for the school kids. Whatever happened with the rest you can control. Mr. McCraw, you have known me for years over at Lowes. You know I am a man of my word. I flew in from Orlando tonight, left my family down at Disney World just so I could come speak tonight. If I let up I am not doing what I need to protect my family and neighbors. Dr. Littrell, this is your last night. You have gave good service to this county for many years. You know what happens behind closed doors. Lets do something to make sure people feel safe in their homes. If you think there will be enough jobs to outweigh the negative, just come out and say it. Mr. Moore, same with you. I would love to see you step up and do something. Maybe you can say is there a conflict of interest if someone represents two localities and one wants it gone. Mr. Newman, if this facility was beside Ezra would you want it to be unsecured?

Sally Marshall told she lives in front of the Training Center. I lived there for 33 years with no problems. I haven't had to worry about somebody coming in on

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me. I am a widow and there are two more and children and I am concerned about our safety. It bothers me. I want to know if you would come to my house to protect me if somebody was breaking in? You know the Sheriff's Office could not get there in time. I want to know it is going to be a safe neighborhood but I don't feel like it is going to be. We have heard about the break-ins in Galax. How would you feel if this is going in your front yard. I would also like to know why the gas line was run down Training Center Road instead of Airport and does that have anything to do with your decision.

Nicole Turbyfill told she just moved to Woodlawn and is very nervous about the rehab. I am pregnant with my 4th child and I live very close to the Training Center. We bought a house where I feel safe with my kids going outside and this takes that away. We are adding on to our house and I am afraid it is going to take value away. You want to feel safe with your kids. My husband may be working night shift and I have 4 kids so I don't want a gun. I want you to think about it, I am not the only one with kids.

Chase Marshall told that he is speaking for his grandpa. We need to pass an ordinance to protect the elderly from what is coming.

Landon Wild told people should be able to feel safe in their own home. Taxes will be raised if this rehab facility comes in.

John Nobly told about zoning, we are putting a burden on everybody in Carroll County that we will not be able to fight so that is not a good direction. Maybe there is something else you can come up with. About the gas line, are property owners forced to tie in and do they have to pay a fee.

Mr. Moore asked if you have ever been asked to do that.

John Nobly replied no. You would have to change all the appliances and it is a big cost.

Mr. Durbin told that to make it very clear for everyone, no one from any other locality has ever said a thing to me about the Training Center, never once mentioned that any locality wants it gone from where it is. I have never had any discussions with any other locality about the Life Center. The Life Center is not leaving the City of Galax and coming to the Training Center, it is not a replacement of the Galax facility, it is an expansion of the operations. I will also say to my knowledge nothing has been recorded, the deal has not been consummated. I checked the land records today and I did not see anything. I thank the citizens for coming out, I understand their frustrations, however, I think the energy needs to be focused on the Commonwealth and our representatives in Richmond who may be able to do something. The Carroll County Board of Supervisors has very limited options to address the concerns that have been raised tonight. After review this facility is exempt from the COPM process but

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that does not take away from how poorly the process was handled with the public hearing being in Galax and the concern of the citizens being largely dismissed by the applicants. The question has been raised, why did Carroll County never respond to the October 12, 2018 letter when the property was offered to Carroll County. I will say that I never seen this alleged letter, never received it myself. It is not clear to me that it was ever received. To some extent I think that is a bit of a red herring because if you look back at 2018 and the financial position the county was in at that time it would have been next to impossible to consummate a deal for \$3.9 million. Jail expenses were at a high level mostly due to opioid pandemic, methamphetamines and other drugs. Social Services expenses were high for other reasons. School debt and other debts were at their highest, tax increases were on the horizon and purchasing the Training Center would have only added to that financial burden. It wouldn't have been feasible at that time. We were only collecting taxes once per year and we had to use revenue anticipation notes in 2016, 2017 and 2018 just to meet our cash flow needs. When you have to borrow money to meet payroll, investing in real estate is a bit of a challenge. It has also been raised as a concern that no proposal was made for alternative use. I am advised that discussions were had to try to locate a private sector user for the property. Those efforts have not been successful to date but that is not for lack of interest. A concern was raised regarding the process and information may have been provided to the Life Center about the property and not to others. The County did take action and filed a complaint with the Inspector General's Office. We did take that seriously and report. The County can not step into the shoes of a private business or citizen and take action. It has been raised several times that an injunction should be filed and that the property was intended to come back to the County. When you examine the record that simply is not the case. I have heard the claim that in the 70's these three parcels of land was purchased by Carroll County tax payers and given to the state for the sole use of the Training Center with the understanding that if the state no longer used that land that purpose it would come back to Carroll County. This is claimed that this is per the only living Board of Supervisor member who is still with us today. I am not doubting that individual's recollection but it would take something in the public record. When you look at the land records there is no reverter clause in the deed. I have examined the Board minutes book and there is nothing in there. Under Virginia law it must be stated in the deed. Oral promises are just not legal. There is a Statute of Frauds in the Virginia law. There is no written clause for the county to get the land back. They did add negotiations to the deed so they knew how to do it. I do not see anything that gives us anything written that shows the county is entitled to that property. If any member of the public knows I would ask that they email that to me, provide to me and we can reconsider our position. It has been raised several times that the Commonwealth returned some of the Training Center property in the past when it was no longer being used. That is an inaccurate statement, it was never returned to the County. There was land that was provided back to the previous donors. That was the June Harmon property and the JL Harmon Lumber property. Those were originally acquired for road access and no road was ever

constructed and the Commonwealth made no use of that property at all. The Training Center invested a lot of money and employed scores of people over the decades. There was a beneficial use to that. It has been stated that this third parcel is just sitting waiting to be returned if the supervisors demand its return. I certainly have no objection reaching out to the state to see what can be done. Efforts have been made in the past but stating that it would be easy is inaccurate. The granting of an injunction is not easy. If we had something in writing then yes, that would be a case for an injunction. I think the best option is to contact our representatives and work on the Comprehensive Plan and work on zoning. I am not saying zoning will take place but if you want to have some options that is what you need to do.

Mr. Hill asked him to address the gas line.

Mr. Durbin told Mr. Moore addressed it well. The gas company has the right of eminent domain to put their lines in but they do not have the right for mandatory connection. I don't think they have a need for that right now.

PAYMENT OF INVOICES

Mr. Robbie McCraw made a motion, seconded by Mr. Moore to approve the payment of invoices.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

MINUTES

Mr. Hill made a motion, second by Mr. Moore to approve the minutes as presented.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

LOCAL EMERGENCY BURN BAN

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Mr. Watson told the county would need to declare an emergency due to the dry weather. In your package you have a proposed ban that would go into effect as of tomorrow and last until January 14th. If there is a thought that there might be damage during the holiday season this might be a good way if the Board wishes.

Mr. Robbie McCraw asked if we get rain can we do away with the ban.

Mr. Watson replied we can release it.

Mr. Robbie McCraw made a motion, seconded by Mr. Hill to adopt the Burn Ban.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	
	Tom Littrell	

NAYS:	Joe Webb	Tracy Moore
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CONSENT CALENDAR

Mr. Moore made a motion, seconded by Mr. Hill to approve the Consent Calendar.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS:	None
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VIRGINIA COOPERATIVE EXTENSION

Ashley Edwards told we are going to give you a very brief update on what we have been doing. I am the horticulture agent for the county and I work with the fruit and vegetable growers. I serve three counties but am housed in Carroll. I have put impacts on your handout to show you how I bring in funds. A lot of our contacts are virtual now due to Covid. I have implemented a YouTube channel and that has been successful. Steve and I do a lot of programming together. We are back to full staff. I want to thank you for your support of Extension.

Steve Potorff told the VPA program has been very successful. We have been co-mingling cattle to get a better price. Most producers here do not produce a lot

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of cattle so we have been putting them together. We have done almost 1000 head this year and on average we are getting \$129 per head. We are also doing a hay testing program through USDA. I've taken a lot of samples. The federal government is putting money into the county through this program. We appreciate your support and we work hard to serve the people of the county.

Chloe Sutherland told she is the new 4-H agent and she started on Friday. I am excited about all the new programs that I will be starting.

CARROLL COUNTY GENEALOGY CLUB LEASE

Mr. Moore made a motion, seconded by Mr. Hill to renew the Carroll County Genealogy Club Lease for a year.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

BUDGET CALENDAR

Mr. Hill made a motion, seconded by Mr. Moore to approve the FY23 Budget Calendar.

Roll call vote was as follows:

AYES:	Rex Hill	Tom Littrell
	Robbie McCraw	Tracy Moore

NAYS: None

ABSTAIN:	Phillip McCraw	Joe Webb
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3RD QUARTER APPROPRIATIONS

Mr. Hill made a motion, seconded by Mr. Robbie McCraw to approve the 3rd Quarter appropriation.

Roll call vote was as follows:

AYES:	Rex Hill	Tom Littrell
	Robbie McCraw	Tracy Moore

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NAYS: None

ABSTAIN: Phillip McCraw Joe Webb

SET ORGANIZATIONAL/REGULAR MEETING DATE

Mr. Hill made a motion, seconded by Mr. Robbie McCraw to set the Organization Meeting for January 3, 2022 at 4:30 p.m. and the regular monthly meeting for January 10, 2022 at 4:30 p.m.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

NON PROFIT GRANT APPLICATION

Mr. Hill made a motion, seconded by Mr. Phillip McCraw to approve the non profit grant in the amount of \$10,000 to the Hale Wilkinson Carter Home and \$5000 to the Webb Carroll Southern Community Center.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

HOLIDAY RESOLUTION

Mr. Moore made a motion, seconded by Mr. Hill to approve the Holiday Resolution as presented.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

OLD BUSINESS

OPIOID RESOLUTION

Mr. Robbie McCraw made a motion, seconded by Mr. Hill to approve the Opioid Litigation Resolution.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

VIRGINIA MOU

Mr. Hill made a motion, seconded by Mr. Moore to approve the Virginia MOU Resolution.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

BOARD MEMBER COMMENTS

Robbie McCraw thanked everyone for being here tonight. I want to let Tom, Joe and Phillip know how much I have enjoyed them being on the Board and you all have been great to work with. Merry Christmas and Happy New Year.

Mr. Hill agreed with Robbie, it has been great to work with everyone. I appreciate everyone coming in. Merry Christmas and stay safe.

Mr. Webb told this is his last meeting. It has been 4 years I will never forget. When I decided to run my wife told me that was the dumbest thing I have ever done in my life. I told her I was dumb when she married me. I don't regret anything I have brought to the Board. We got a few things done. I think that I feel like I am leaving the county in better shape than when I got here and that is thanks to staff and board members and the people I represent in the Laurel Fork District. They showed faith in me. I want to welcome the new board members, you have your hands full. I want to wish everyone a Merry Christmas. The staff is amazing, anything you need at any time day or night they are right there.

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Mr. Phillip McCraw told I feel like you do about the Training Center. I understand that they are concerned for safety. The signage still needs to be worked on for Lambsburg Mountain. I want to thank the Board members and the staff. Merry Christmas and Happy New Year.

Dr. Littrell told we officially have 18 days left but this will be our last meeting unless something comes up. Our three board elect have been coming to the last couple meetings so it should be seamless. I would like to thank a couple people and one of them is here tonight. My better three quarters, my wife Faye. She has hung with me and putting up with all the stuff. The staff has been particularly helpful. One that has been especially helpful and she is not in the room and that is Crystal. She has always been able to put her finger on whatever I need and accomplish whatever comes along. I appreciate all of our Board members. I have enjoyed my 14 years. I wish everyone a Merry Christmas and Happy New Year.

Mr. Durbin told when you were thanking Crystal she was doing one more task for the County for which I thank her. We will need to revisit the Burn ban. I pulled up the Code and in order to do the burn ban it requires an Emergency Ordinance. I have prepared a simple ordinance for your consideration. I would add that this puts it into effect and it is up to you on how long it is in effect.

Mr. Robbie McCraw made a motion, seconded by Mr. Hill to adopt the emergency ordinance on prohibiting open burning until January 14, 2022 or until rescinded.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	
	Tom Littrell	

NAYS:	Tracy Moore	Joe Webb
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Mr. Watson told it has been over a year since I was hired and it has been a good year. I have got to see all the things that you have accomplished. I appreciate everything you have done and I have enjoyed working with you. I also welcome the new Board as they come in January.

Dr. Littrell told you were not in here Crystal, but I thanked you for being the best Executive Secretary Assistant that I have ever seen. Just getting all this together doubles that.

Mr. Moore thanked everyone for coming out. Keep bringing things to light so the county attorney can act and give us the best information and legal advise that he

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can. We are not all lawyers and we have to listen to the advise that we do get. I thank Gerald for coming. The Carroll County Middle School FFA is doing a blanket drive for Kentucky. Hope everyone has a prosperous holiday season. I look forward to working with the new Board. I get the honor of presenting to those outgoing Board members.

Mr. Moore presented Mr. Webb, Dr. Littrell and Mr. Phillip McCraw with appreciation plaques.

ADJOURNMENT

Mr. Robbie McCraw made a motion, seconded by Mr. Moore to adjourn the meeting.

Roll call vote was as follows:

AYES:	Rex Hill	Phillip McCraw
	Robbie McCraw	Tracy Moore
	Tom Littrell	Joe Webb

NAYS: None

Chairman

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