

The Wythe County Board of Supervisors held its regularly scheduled meeting at 7:00 p.m., Tuesday, April 10, 2007. The location of the meeting was in the Gymnasium of the Rural Retreat Elementary School, Rural Retreat, Virginia.

BOARD MEMBERS PRESENT:

Wythe B. Sharitz, Chair
James E. Hagee, Vice Chair
Lisa R. Eaton

Charles S. Dix
Martha P. Umberger
Danny C. McDaniel

BOARD MEMBERS ABSENT:

Susan R. Crigger

PLANNING COMMISSION MEMBERS PRESENT:

James S. Huffard, III, Chair
Sherry W. Hawthorne
Clyde H. Watson, Jr.

Eric W. Crowgey
Eural D. Clippard

PLANNING COMMISSION MEMBERS ABSENT:

Curtis D. Crawford

Samuel C. Lawrence

STAFF PRESENT:

R. Cellell Dalton, County Administrator
Stephen D. Bear, Assistant County Administrator
Scot Farthing, County Attorney
Martha G. Collins, Secretary

OTHERS PRESENT:

Keith Dunagan, Chief Deputy
Scott Roberts

CALL TO ORDER & INVOCATION

The Chair determined that a quorum was present and called the regularly scheduled meeting to order at 7:00 p.m. The invocation was given by Travis Price, Associate Pastor for the Rural Retreat Baptist Church and the Chair led in the Pledge of Allegiance.

CITIZEN'S TIME

Chair Sharitz welcomed the guests and citizens present at the meeting, and inquired if there was anyone present who wished to address the Board.

With no one appearing before the Board to speak, the Chair closed Citizen's Time.

PUBLIC HEARING – COMPREHENSIVE PLAN

The Chair stated that pursuant to the Code of Virginia, and amendments thereto, the Wythe County Board of Supervisors would conduct a public hearing on April 10, 2007, at 7:00 p.m. Notification of the public hearing was published in the *Wytheville Enterprise*. The Chair stated that the purpose of the hearing was to hear public comment regarding the proposed Wythe County Comprehensive Plan. The Chair turned the hearing over to Mr. James Huffard, Chairman of the Wythe County Planning Commission

Mr. Huffard opened the hearing for comments at this time.

Mr. Scott Roberts appeared before the Board and referenced complaints with the Health Department concerning a permit fee for replacing a dry well. He referenced discrepancies with the Subdivision Ordinance, surveyors, VDOT and the transfer station. Mr. Roberts further requested the Board consider reducing the speed limit on Cedar Springs Road.

Hearing no other comments, the Chair closed the public hearing.

PAYMENT OF COUNTY INVOICES

Supervisor Hagee made a motion to approve the invoices for April 10, 2007 in the amount of \$1,291,678.29. The invoices for April 10, 2007 were paid on General Warrants 30063286-30063381 as follows:

EXPENDITURES BY DEPARTMENT BOARD OF SUPERVISORS April 10, 2007

	<u>DESCRIPTION</u>		<u>AMOUNT</u>
1101	Board of Supervisors	\$	6,335.00
1202	County Administrator's Office		1,534.41
1209	Commissioner of the Revenue		939.14
1210	Assessors		0.83
1213	Treasurer		1,430.40
1301	Electoral Board		4,173.25
1302	Registrar		157.63
2102	General District Court		461.51
2102A	Juvenile & Domestic Relations Court		364.94
2103	Magistrate		74.28
2106	Clerk of the Circuit Court		1,786.71
2108	Law Library		549.53
2201	Commonwealth's Attorney		650.02

3102	Enforcement & Traffic Control	14,315.24
3102A	Cops Universal Hiring Grant	2,383.34
3102B	Courtroom Security	321.90
3102C	Vstop	124.40
3102D	Dare	465.52
3102J	Cops in Schools Grant	377.22
3202	Volunteer Fire Departments	13,695.00
3302A	Victim Witness Assistance	426.57
3303	Probation Office	246.94
3401	Building Inspection	435.92
3501	Animal Control	552.63
3504	E911 Department	2,479.50
3505	Office of Emergency Services	483.29
4203	Refuse Collection	39,410.07
4304A	Landfill Building	15.23
4304C	Courthouse Building	4,354.14
4304D	County Office Building	2,667.62
4320	B & G Maintenance	492.68
4401	Water Department	25,826.55
4401A	Regional WTP	800.00
4402	Wastewater Department	54,479.38
6401	Wytheville Community College	10,187.50
7105	RR Lake Swimming Pool	1,865.83
7109	Recreation Commission	339.51
7110	RR Lake Campground	1,836.65
7111	Ager Park	217.52
7205	Festivals	746.23
7302	Wythe-Grayson Regional Library	56,810.00
8101	Planning Commission	179.37
8106A	Wythe County Progress Park	909,154.73
8106C	Inland Port-Progress Park	117,309.00
8108	Small Business Incubator	10,000.00
8305	Cooperative Extension Service	197.46
9201	Revenue Refunds	23.70
TOTAL:		\$ 1,291,678.29
Wythe County Water Department Fund	\$	25,826.55
Wythe County Wastewater Department Fund		54,479.38
E-911 Department		2,479.50
Law Library		549.53
Police Activity Fund		9,256.79

REASSESSMENT

After extensive discussion regarding complaints and discrepancies with the current reassessment, Supervisor Eaton made a motion that Wythe County request the Board of Equalization to evaluate the values placed on land based on quality and fairness. Supervisor Hagee seconded the motion and it passed unanimously.

BUDGET WORK SESSION

The Board and staff discussed proposed budget figures for the various county departments.

RECESS

With no further business to come before the Board, Chair Sharitz recessed the meeting until 9:00 a.m., Friday, April 13, 2007.

RECONVENE

Chair Sharitz reconvened the meeting at approximately 9:00 a.m., Friday, April 13, 2007 in the Board Room of the County Office Building. All Board members were present (Note: Supervisor Umberger entered the meeting at approximately 9:50 a.m.). Staff present was Mr. Dalton, Mr. Bear and Ms. Collins.

PUBLIC HEARING – VOTING PRECINCTS

The Chair stated that pursuant to the Code of Virginia, and amendments thereto, the Wythe County Board of Supervisors would conduct a public hearing on April 13, 2007, at 9:00 A.m. Notification of the public hearing was published in the *Wytheville Enterprise*. The Chair stated that the purpose of the public hearing was to hear public comment regarding the proposed Amendment No. 3 to Ordinance 2001-4 entitled, "Voting Precinct Ordinance of Wythe County, Virginia". Chair Sharitz stated that the amendment shall relocate the Royal Oak polling location from the Lebanon Lutheran Church to the VDOT Shop located at 1960 West Lee Highway, (Route 11), in order to make the polling location handicap accessible.

Hearing no comments, Chair Sharitz closed the public hearing.

Supervisor Hagee made a motion to accept Amendment No. 3 to Ordinance 2001-4 entitled, "Voting Precinct Ordinance of Wythe County, Virginia" contingent upon approval by the Department of Justice. Supervisor Crigger seconded the motion and the roll call vote is as follows:

AYES:	Susan R. Crigger	James E. Hagee
	Charles S. Dix	Lisa R. Eaton
	Wythe B. Sharitz	Danny C. McDaniel

NAYS: None

ABSENT: Martha P. Umberger

PEPPER'S FERRY ROAD BRIDGE

Supervisor Sharitz requested staff prepare a letter to Senator Roscoe Reynolds updating him of the status of Pepper's Ferry Road bridge.

REASSESSMENT

Mr. Farthing, County Attorney, referenced the code section indicating the deadline to finish reassessment is December 31; however, it can be extended by three months. He reported that the county approved the extension and the new deadline was March 31 and an order was signed by the judge. He referenced code section 3300 indicating that the reassessment has to be completed, land book prepared, certified and delivered by the deadline. He reported that the land book was signed March 31 but not delivered until after that date. He indicated that he feels this is a substantial problem as the code states the book has to be certified and delivered.

Mr. Farthing referenced an Attorney General opinion from 1961 regarding Allegheny County requesting an extension. He stated that they were nine days late due to typing the book and the 60 time limit had expired. He reported that the code section contemplated the completion and the filing of reassessment with a specific time period and any reassessment filed after that time period may not be used within the current year. He noted that this is the only attorney general opinion he found relative to this issue.

Mr. Farthing stated that there is a corrective statute that states no reassessment is invalid unless the person challenging has been prejudiced in some way. He noted that the cases using this argument mostly reference name changes. He stated that he is not sure if filing a land book late constitutes a prejudice but he does feel it is a mistake on the assessor's part.

Supervisor McDaniel inquired if the Board could use the current assessment and tax rate for this year while modifications are made to the new assessment by the Board of Equalization and use the new assessment next year.

Mr. Farthing indicated that it would be possible.

Supervisor McDaniel stated that it would cause mass confusion to not use the new assessment.

Supervisor Dix inquired about obtaining a new attorney general opinion.

Mr. Farthing stated that it takes a significant amount of time to obtain a new opinion.

At this time, Mr. Dalton introduced Mr. David Hickey of Blue Ridge Mass Appraisal, who was invited to discuss the issues with the reassessment. Mr. Dalton referenced the delay in filing the land book.

Mr. Hickey stated that the land book was printed and notarized on March 30, 2007. He indicated that in speaking with Tom Morelli with the Department of Taxation, delivery is not really an issue as long as the book was certified by the deadline. He referenced the December 31 deadline and stated that at times it is physically impossible to deliver the book by deadline if county offices are closed. He stated that this has never been an issue in the past and feels he made a good faith effort to get the work completed.

Supervisor McDaniel requested verification that the notices referenced the website and that all values were on the site by the deadline. He stated that he is still not sure why it took 10 days to deliver.

Mr. Hickey verified the notices referenced the website and all values were online. He stated that he wanted to deliver the cards and book at the same time to combine trips from Staunton but there was an issue printing cards and caused a delay. He stated that Mr. Morelli's position is that the physical delivery is not that big of a deal.

Mr. Farthing inquired why it's stated in the code if it's not a big deal.

Mr. Hickey stated that the code is ambiguous. He stated that the land book was certified by the deadline but it couldn't be delivered at that time.

Mr. Farthing stated that it is his job to sign and deliver by the deadline.

Mr. Hickey stated that he has done this enough to know there is a narrow interpretation of the code. He knows a judge would look at the intent which was not to cause problems and he feels he made a reasonable conclusion based on past discussions with the Department of Taxation. He stated that had there ever been an issue in his 30 years experience and Mr. Morelli was fine with the book being signed and notarized by the deadline.

Supervisor Eaton stated that she has a problem with him saying it's okay because it was signed and dated by the deadline but not delivered as he was already in an extension period. She stated that he knew it needed to be delivered and feels there is no excuse because he was already in the extension period.

Mr. Hickey reported that he had to make the necessary changes and his perspective is he had it done within the deadline.

Supervisor Eaton stated that when his firm asked for the extension, it was indicated that they would not need the full 90 days.

Mr. Hickey stated that he feels he fulfilled his obligations by the deadline. He stated that there were a lot of acreage changes and adjustments that had to be made.

Supervisor Hagee inquired how the changes were made equally. He referenced a specific property and how the changes affect surrounding properties.

Supervisor Dix referenced the agreement with Blue Ridge Mass Appraisal and that it states they shall visit all properties. He indicated that not all properties were visited.

Mr. Hickey guaranteed that every property was looked at.

Chair Sharitz referenced the Board of Assessors addressing 4,200+ parcels.

Mr. Hickey indicated that 3,407 parcels were changed, 883 not changed and most of those changed were decreased.

Chair Sharitz referenced telling people the adjusted values at the meetings. He also inquired if any effort was made to review adjacent properties of those whose property values were lowered.

Mr. Hickey indicated that values were not told to people. He stated that some of the adjacent properties were reviewed but he is not sure if it was done for every case.

Chair Sharitz stated that this has created a lot of inequality.

Supervisor Umberger referenced the high powered lines on properties and inquired if all properties affected were considered.

Mr. Dalton stated that he feels the adjustments have created a lot of problems and inequality that the Board of Equalization is now faced with fixing. He referenced major industries and the affect on recruiting prospective industries.

Supervisor Dix referenced properties, specifically his, that was listed as having a well and it has a shared well and a neighbor that is listed as having a well and

they have spring water. He stated that instances such as this lead him to believe they didn't visit every property.

Mr. Hickey noted that these houses may have been listed like this in the past.

Supervisor Crigger stated that when the assessors visited her, they only asked if anything had changed which may have been based off wrong information from past assessments.

Mrs. Mary "Sis" Cassell, Commissioner of the Revenue, stated that from the day the assessors asked no changes be made to the records, no records were changed unless directly requested by Blue Ridge Mass Appraisal. She stated that the two accounts edited were done strictly because Blue Ridge requested it. She referenced the many discrepancies in mobile home and book values.

Supervisor Hagee referenced issues in land values.

Chair Sharitz stated that he feels the code section cannot be honored by one part and not the other.

Mr. Hickey noted that he was not aware of the specifics of the code section.

Chair Sharitz commented that his property was visited by Mr. Hayton and they had a pleasant conversation.

Supervisor Dix stated that he has yet to hear Mr. Hickey admit to any mistakes.

Mr. Hickey indicated that dealing with this many parcels there will be mistakes and glitches that have to be worked through.

Supervisor Eaton reiterated Supervisor Dix's comments. She stated that there are issues with following one part of code and not the other. She stated that earlier in Mr. Hickey's conversation he indicated that in the 30 years of his doing this it had never been a problem so evidently he is aware of the code and she has a problem with not being told the truth. She stated that the problem with this whole process has been Mr. Hickey wanting to get into technicalities rather than being up front and she doesn't appreciate it. She noted that he should take this in consideration for future appraisals and in his management skills.

Chair Sharitz thanked everyone for being present to address this matter.

RECESS

With no further business to come before the Board at this time, Chair Sharitz recessed the meeting until 1:00 p.m., Thursday, April 19, 2007.

RECONVENE

Chair Sharitz reconvened the meeting at approximately 1:00 p.m., Thursday, April 19, 2007 in the Board Room of the County Office Building. All Board members were present. Staff present was Mr. Dalton and Ms. Collins.

ARTISAN'S CENTER

Ms. Frances Emerson appeared before the Board and provided an update on the status of the Artisan's Center pilot project. She reported that the Crowgey's have been operating the center but cannot continue. She reported that she toured the Spiller Annex facility with Travis Jackson of Rural Development who has indicated that there may be grant funding available for renovation of the building for this project. She stated that if the Historical Society and County is in agreement with leasing the facilities and payment of utilities, these grants can be pursued.

Mr. Sid Kitts, President of the Historical Society, spoke in favor of the project and stated that this will be presented to the Historical Society for consideration.

After brief discussion, Supervisor McDaniel made a motion to authorize Ms. Emerson along with the Historical Society to proceed with obtaining grant funding for renovating the Spiller Annex for use as an artisan's center. Supervisor Dix seconded the motion and it passed unanimously.

BUDGET WORK SESSION

The Board and staff discussed proposed budget figures for the various county departments.

ADJOURNMENT

With no other business to come before the Board, Chair Sharitz adjourned the meeting at approximately 3:55 p.m.

Wythe B. Sharitz, Chair