

December 11, 2007

The Wythe County Board of Supervisors held its regularly scheduled night meeting on Tuesday, December 11, 2007. The location of the meeting was in the Board Room of the County Administration Building, 340 South Sixth Street, Wytheville, Virginia.

BOARD MEMBERS PRESENT:

| | |
|-------------------------|----------------------------|
| Wythe B. Sharitz, Chair | James E. Hagee, Vice Chair |
| Susan R. Crigger | Charles S. Dix |
| Lisa R. Eaton | Martha P. Umberger |
| Danny C. McDaniel | |

STAFF PRESENT:

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

OTHERS PRESENT:

Mary "Sis" Cassell, Commissioner of the Revenue
Doug King, Sheriff
Gene Horney, Supervisor Elect
Maggie Poole, Supervisor Elect
Nate Hubbard, Wytheville Enterprise
Fourteen Citizens

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 Pastor Donald Drake, Sr. of Fellowship Baptist Church. 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.

1. Group Homes – Mr. Robert Dirks, former Director of Mount Rogers Mental Health & Mental Retardation Services Board and a former State Director for several years, addressed the Board concerning Ordinance 2007-6. He stated that it is good to see the proposed amendment will rescind many areas of the ordinance but he regrets that it's deterred a good business from locating in the community. He stated that the adopted ordinance is discriminatory to mentally ill people and the amendment is still

discriminatory. He stated that no one group of people should have to come to the county officials requesting a right to live in Wythe County. He stated that mentally ill individuals have the right to reside in a community whether the facilities are public or private. He stated that the requirement of a public hearing is discriminatory and he suggested rescinding the entire ordinance and supporting the mentally ill citizens of Wythe County.

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

PUBLIC HEARING – AMENDMENT NO. 1, ORDINANCE 2007-6

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 December 11, 2007, at 7:05 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 Amendment No. 1 to Ordinance 2007-6 entitled, "Juvenile & Adult Facilities Ordinance of Wythe County, Virginia". The Chair inquired if anyone wished to address the Board regarding the proposed amendment.

Hearing no comments, the Chair closed the public hearing.

Supervisor Hagee referenced Mr. Dirk's comments during Citizen's Time and that the proposed location's sewer does not meet current health regulations.

Chair Sharitz inquired about Mr. Dirk's comment regarding the public hearing requirement being discriminatory.

Mr. Farthing explained that he believes Mr. Dirks was eluding that the requirement is discriminatory due to not requiring any other resident locating within the county to hold a public hearing. He further recommended the following changes to the language of the amendment as follows:

Section 3.2 Applicant. Any person submitting ~~an application~~ *a request for public hearing date* to establish a facility.

Section 6.1 An Applicant desires to establish a Facility within Wythe County shall apply for a ~~permit~~ *public hearing date* with the Administrator of this Ordinance and shall provide public notice and participate in a public hearing as described in Virginia Code §15.2-2204, as amended; and the Applicant shall pay the costs and expenses of public notice and advertising for the required public hearing. The public hearing date shall be coordinated and selected with the Administrator of this Ordinance.

Section 8.1 Fees for the applicant under this ordinance shall be established by the Wythe County Board of Supervisors by resolution. The fees shall be collected from the applicant and shall be paid to the County Treasurer at the time of submission of the ~~application~~ *request for public hearing date*.

Supervisor McDaniel made a motion, seconded by Supervisor Dix, to accept the modifications made to the amendment and the roll call vote is as follows:

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

NAYS: None

Discussions ensued regarding adopting the amendment versus rescinding the ordinance and adopting a new form of the ordinance which would require a public hearing.

Mr. Don Gridley, a resident of the Grahams Forge area, spoke regarding the ordinance being discriminatory. He stated that an overall regulatory ordinance would be more beneficial than addressing each circumstance by its own ordinance.

Supervisor Eaton stated that Mr. Gridley had once mentioned another county with a blanket type regulatory ordinance and she inquired about this.

Mr. Gridley confirmed it was Giles County.

Supervisor McDaniel stated that the only obvious thing to do is strike Ordinance 2007-6; he feels this ordinance is wrong and did not vote for it originally. He noted that he does agree with the amendment.

Supervisor McDaniel made a motion, seconded by Supervisor Crigger, to strike Ordinance 2007-6.

Mr. Farthing stated that the Board is required to hold a public hearing to rescind an ordinance but it can currently adopt the amendment.

Supervisor McDaniel withdrew his motion with the approval of the second.

Supervisor Hagee made a motion to adopt Amendment No. 1 to Ordinance 2007-6. Supervisor Eaton seconded the motion and the roll call vote is as follows:

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

NAYS: None

PAYMENT OF COUNTY INVOICES

Supervisor Dix made a motion to approve the invoices for December 3 & 11, 2007. The invoices for December 3 & 11, 2007 were paid on General Warrants 30066624-30066647 and 30066652-30066735 as follows:

**EXPENDITURES BY CHECK #'S
BOARD OF SUPERVISORS
December 11, 2007**

| <u>CHECK #</u> | <u>ISSUE DATE</u> | <u>VENDOR</u> | <u>TOTAL</u> |
|----------------|-------------------|--------------------|--------------|
| 30066624 | 12/03/07 | APPALACHIAN POWER | 9,203.64 |
| 30066625 | 12/03/07 | BUSINESS CARD | 9,219.61 |
| 30066626 | 12/03/07 | EMBARQ | 39.98 |
| 30066627 | 12/03/07 | EMBARQ | 38.31 |
| 30066628 | 12/03/07 | EMBARQ | 285.28 |
| 30066629 | 12/03/07 | EMBARQ | 2,938.02 |
| 30066630 | 12/03/07 | EMBARQ | 153.90 |
| 30066631 | 12/03/07 | EMBARQ | 199.58 |
| 30066632 | 12/03/07 | EMBARQ | 56.51 |
| 30066633 | 12/03/07 | EMBARQ | 41.24 |
| 30066634 | 12/03/07 | EMBARQ | 38.47 |
| 30066635 | 12/03/07 | EMBARQ | 41.43 |
| 30066636 | 12/03/07 | EMBARQ | 41.43 |
| 30066637 | 12/03/07 | EMBARQ | 38.47 |
| 30066638 | 12/03/07 | EMBARQ | 38.47 |
| 30066639 | 12/03/07 | EMBARQ | 37.72 |
| 30066640 | 12/03/07 | EMBARQ | 245.07 |
| 30066641 | 12/03/07 | EMBARQ | 38.83 |
| 30066642 | 12/03/07 | EMBARQ | 27.26 |
| 30066643 | 12/03/07 | EMBARQ | 132.04 |
| 30066644 | 12/03/07 | EMBARQ | 39.82 |
| 30066645 | 12/03/07 | EMBARQ | 103.51 |
| 30066646 | 12/03/07 | TOWN OF WYTHEVILLE | 94.79 |
| 30066647 | 12/03/07 | WAL-MART | 65.39 |

| TOTAL FUND | | | \$ 23,158.77 |
|-------------------|----------|----------------------------------|---------------------|
| 30066652 | 12/11/07 | AFTON COMMUNICATIONS CORP | 238.45 |
| 30066653 | 12/11/07 | ANACONDA SPORTS | 267.75 |
| 30066654 | 12/11/07 | APPALACHIAN POWER | 24.50 |
| 30066655 | 12/11/07 | ATKINS TIRE | 414.00 |
| 30066656 | 12/11/07 | ATMOS ENERGY | 3,401.08 |
| 30066657 | 12/11/07 | BKT UNIFORMS | 156.00 |
| 30066658 | 12/11/07 | BLAIR, MARJORIE J | 429.09 |
| 30066659 | 12/11/07 | BREAKELL INC | 313,407.22 |
| 30066660 | 12/11/07 | BRENTAG MID-SOUTH INC | 854.58 |
| 30066661 | 12/11/07 | C W WARTHEN | 1,376.41 |
| 30066662 | 12/11/07 | CANDU AUTO SALES & SERVICE | 317.50 |
| 30066663 | 12/11/07 | CARILION HEALTHCARE CORP. | 249.00 |
| 30066664 | 12/11/07 | CONTROL EQUIPMENT COMPANY | 18.11 |
| 30066665 | 12/11/07 | DANNY C. MCDANIEL | 2,133.92 |
| 30066666 | 12/11/07 | DGS CASHIER | 2,064.00 |
| 30066667 | 12/11/07 | DIRECT DODGE | 1,182.96 |
| 30066668 | 12/11/07 | DOUGLAS W. KING | 332.91 |
| 30066669 | 12/11/07 | DUKE'S PRINTING | 110.00 |
| 30066670 | 12/11/07 | EMATS | 61,700.00 |
| 30066671 | 12/11/07 | ENGLAND AUTOMOTIVE | 997.40 |
| 30066672 | 12/11/07 | FOOD COUNTRY | 83.29 |
| 30066673 | 12/11/07 | FOURTH AVENUE EXXON | 16.00 |
| 30066674 | 12/11/07 | GE CAPITAL | 477.11 |
| 30066675 | 12/11/07 | HAYDEN H HORNEY | 55.58 |
| 30066676 | 12/11/07 | HODGE, CARLA E. | 250.00 |
| 30066677 | 12/11/07 | JANPAK | 792.30 |
| 30066678 | 12/11/07 | JANPAK | 898.58 |
| 30066679 | 12/11/07 | JOINT PUBLIC SERVICE AUTHORITY | 44,113.76 |
| 30066680 | 12/11/07 | KIWANIS CLUB OF WYTHEVILLE | 462.00 |
| 30066681 | 12/11/07 | KMART | 19.15 |
| 30066682 | 12/11/07 | LASER TECHNOLOGY INC. | 2,995.00 |
| 30066683 | 12/11/07 | MATTHEW BENDER & CO INC | 50.25 |
| 30066684 | 12/11/07 | LEXISNEXIS | 525.00 |
| 30066685 | 12/11/07 | LORA GRUBB | 50.00 |
| 30066686 | 12/11/07 | LOWE'S | 355.29 |
| 30066687 | 12/11/07 | LUSK DISPOSAL SERVICE INC | 43,862.83 |
| 30066688 | 12/11/07 | MEDIA GENERAL | 41.40 |
| 30066689 | 12/11/07 | NACO | 572.00 |
| 30066690 | 12/11/07 | NR VALLEY REGIONAL JAIL | 100,228.50 |
| 30066691 | 12/11/07 | NTELOS | 30.90 |
| 30066692 | 12/11/07 | OFFICE OF CHIEF MEDICAL EXAMINER | 20.00 |
| 30066693 | 12/11/07 | ORFIELD, DON W. | 338.43 |
| 30066694 | 12/11/07 | PAPER CLIP | 131.56 |

| | | | |
|---------------------|----------|---------------------------------|----------------------|
| 30066695 | 12/11/07 | POSTAGE BY PHONE RESERVE ACCT | 1,333.00 |
| 30066696 | 12/11/07 | PROFORMA | 248.35 |
| 30066697 | 12/11/07 | PRO-LOCK SERVICES | 80.00 |
| 30066698 | 12/11/07 | PUBLIC SAFETY SOLUTIONS | 5,799.96 |
| 30066699 | 12/11/07 | R & R ENTERPRISES, INC. | 130.00 |
| 30066700 | 12/11/07 | R & R SEPTIC | 50.00 |
| 30066701 | 12/11/07 | RAPID FUEL | 12,633.30 |
| 30066702 | 12/11/07 | RAYMOND EARL KOHL | 57.50 |
| 30066703 | 12/11/07 | RURAL DEVELOPMENT | 1,686.00 |
| 30066704 | 12/11/07 | RURAL DEVELOPMENT | 7,577.00 |
| 30066705 | 12/11/07 | RURAL DEVELOPMENT | 1,428.00 |
| 30066706 | 12/11/07 | RURAL DEVELOPMENT | 79.00 |
| 30066707 | 12/11/07 | RURAL DEVELOPMENT | 330.00 |
| 30066708 | 12/11/07 | RURAL DEVELOPMENT | 1,015.00 |
| 30066709 | 12/11/07 | RURAL DEVELOPMENT | 345.00 |
| 30066710 | 12/11/07 | RURAL DEVELOPMENT | 2,282.00 |
| 30066711 | 12/11/07 | RURAL DEVELOPMENT | 2,514.00 |
| 30066712 | 12/11/07 | RURAL DEVELOPMENT | 18,319.00 |
| 30066713 | 12/11/07 | RURAL DEVELOPMENT | 11,572.00 |
| 30066714 | 12/11/07 | RURAL DEVELOPMENT | 2,295.00 |
| 30066715 | 12/11/07 | SCOT S FARTHING | 2,500.00 |
| 30066716 | 12/11/07 | SW REGIONAL ENTERPRISE CTR | 2,500.00 |
| 30066717 | 12/11/07 | SPEEDWELL ELEMENTARY SCHOOL | 156.58 |
| 30066718 | 12/11/07 | STEVE'S AUTO SALES & REPAIR | 228.76 |
| 30066719 | 12/11/07 | SUNGARD | 5,462.92 |
| 30066720 | 12/11/07 | SUNTRUST | 60,638.68 |
| 30066721 | 12/11/07 | THOMPSON TIRE | 272.00 |
| 30066722 | 12/11/07 | THREE RIVERS MEDIA CORP | 330.00 |
| 30066723 | 12/11/07 | TWO WAY RADIO | 2,547.95 |
| 30066724 | 12/11/07 | USA BLUE BOOK | 136.53 |
| 30066725 | 12/11/07 | VACA | 30.00 |
| 30066726 | 12/11/07 | VEST'S SALES & SERVICE INC | 6,516.00 |
| 30066727 | 12/11/07 | VIRGINIA STATE POLICE | 144.00 |
| 30066728 | 12/11/07 | VIRGINIA TECH | 11,179.57 |
| 30066729 | 12/11/07 | WORDSPRINT | 180.00 |
| 30066730 | 12/11/07 | WV TIRE DISPOSAL, INC. | 2,075.00 |
| 30066731 | 12/11/07 | WYTHE CO GENERAL DISTRICT COURT | 90.00 |
| 30066732 | 12/11/07 | WYTHE CO WATER & WASTEWATER | 71.00 |
| 30066733 | 12/11/07 | WYTHE COUNTY HEALTH DEPT | 183.97 |
| 30066734 | 12/11/07 | WYTHEVILLE OFFICE SUPPLY | 640.75 |
| 30066735 | 12/11/07 | XEROX | 743.42 |
| TOTAL FUND | | | \$ 752,445.05 |
| TOTAL REPORT | | | \$ 772,603.82 |

Supervisor Hagee seconded the motion and the roll call vote is as follows:

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

NAYS: None

RULES OF PROCEDURE FOR 2008

The Board reviewed the proposed Rules of Procedure for 2008.

Mr. Dalton stated that the Rules of Procedure will be presented for approval at the January organizational meeting.

JLARC REPORT

The Board reviewed a letter dated December 20, 2006 from Anthony Conyers, Jr., Commissioner of the Virginia Department of Social Services. The letter was in reference to JLARC's final report in October 2005 which included recommendations to improve the quality of social services provided to Virginia's citizens.

Mr. Dalton reported that he has requested Mr. Hall address the matters in this letter.

FEMA

The Board reviewed a letter dated November 2, 2007 from William R. Blanton, Jr., Chief, Engineering Management Branch, Federal Emergency Management Agency. The letter served as notification of the final flood hazard determination for Wythe County in compliance with Title 44, Chapter I, Part 67, Code of Federal Regulations. On July 6, 2007, FEMA provided preliminary copies of the Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) that identify existing flood hazards in Wythe County. FEMA has addressed all comments received on the Preliminary copies of the FIS report and FIRM; accordingly, the FIS report and FIRM for Wythe County will become effective on May 2, 2008. The letter indicated that because FIS for Wythe County has been completed, certain additional requirements must be met including the adoption of floodplain management regulations by May 2, 2008.

Mr. Dalton recommended the Chair appoint a committee to review the current ordinance and update it as necessary. He suggested moving forward on this matter as a public hearing will be required for the adoption of the new ordinance.

Chair Sharitz appointed Supervisor Dix, Supervisor McDaniel, Mr. Farthing, Mr. Bear and the Wythe County Building Official, Kenny Hurst, to this committee to update the current Wythe County Flood Plain Management Ordinance.

VDACS – GYPSY MOTH PROGRAM

The Board reviewed a letter dated November 14, 2007 from Larry Bradfield with the Virginia Department of Agriculture & Consumer Services, Gypsy Moth-Slow the Spread Office. The letter stated that United States Department of Agriculture-Forest Service has completed its 2007 gypsy moth trapping survey. Low level populations of gypsy moth have been identified in the Wythe County area and the VDACS and USDA-FS are proposing to treat these selected areas. The proposed treatments are scheduled to occur between April & July 2008. Prior to any treatment, an environmental assessment will be prepared, letters mail to landowners within and or adjacent to the treatment area, and public meetings will be held to answer questions regarding the proposed treatment.

VJCCCA

The Board reviewed a letter dated November 26, 2007 from Mike Hall, Chairman of the Wythe County Community Policy & Management Team. The letter reported that with the recent announcements of state budget cuts effective July 1, 2008, the VJCCCA staff will be reduced to one staff position. This staff person will be moved to the Wythe County Court House and co-located with the Court Service Staff in order to reduce rental cost and other overhead costs. The following services will be eliminated: the attendance improvement program for elementary & middle school students & their families where attendance has been identified as a serious issue; Anger Management; Substance Abuse Education; Substance Abuse Assessment. The only services to be provided will be court ordered Community Services and In-Home Confinement.

Mr. Dalton explained that if there are any further budget cuts, this program will most likely be eliminated and services may possibly have to be provided through court services.

RURAL RETREAT RENOVATIONS

Mr. Dalton reported that the \$5 million interim financing has been advertised and proposals are due Friday, December 14, 2007 at 2 p.m. He stated that the Board needs to conduct a site visit, review plans and review financing for additional debt service.

The Board and staff discussed the site visit and concurred that the architect, engineer, school principal and Dr. Armentrout should be present.

Supervisor Hagee expressed concerns with funding this project when the School Board was told there would be no funding available until other debt service was paid off.

Mr. Dalton referenced the Board adopting a cap on debt service in or around April 2004. He stated that this is a matter the Board will need to discuss thoroughly before agreeing to proceed.

The Chair requested the County Administrator arrange a site visitation for December 18, 2007 following the Board's reconvened session.

VIRGINIA DEPARTMENT OF HEALTH – HAGER SPRINGS

The Board reviewed a letter dated December 3, 2007 from Ed Ritterbush, Environmental Health Supervisor for the Wythe County Health Department to Lynn & Susan Goforth, residents at 245 Ft. Chiswell Road. The letter was in reference to concerns regarding the consumption of water from the spring popularly known as Hager Spring located on the Goforth property. The Health Department indicated that this particular spring is not permitted nor approved as a potable drinking water source by VDH. The letter continued in stating that based on the description of this supply, the spring does not appear to meet the criteria of a Waterworks or Public Water Supply and the Office of Drinking Water will not regulate its supply. Mr. Ritterbush concluded his letter by noting liability issues with the continued public use of this spring.

INDUSTRIAL SITE COMMITTEE REPORT

The Industrial Site Committee met on Monday, December 3, 2007 and made the following recommendations:

1. Open End Surveying/Engineering Firms – Supervisor McDaniel made a motion to enter into an open end contract with the following firms for surveying & engineering:

Survey Services:

- Anderson & Associates
- Dewberry
- Pentree
- Pillar Engineering
- Thompson & Litton

Engineering Services:

- Anderson & Associates
- Davis, Martin, & Powell
- Dewberry
- Peed & Bortz

- Pentree
- Pillar

The roll call vote on the motion is as follows:

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

NAYS: None

BUDGET COMMITTEE REPORT

The Budget Committee met on Friday, December 7, 2007 and made the following recommendations for approval:

1. Austinville & Old School Roads – Supervisor Umberger made a motion to proceed with procuring engineering design services and developing grant and loan applications for water projects along Austinville Road and Old School Road. The roll call vote is as follows:

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

NAYS: None

2. Virginia Tobacco Indemnification and Community Revitalization Commission – Supervisor Umberger made a motion to authorize the County Administrator and/or Chairman of the Board of Supervisors to execute contracts with the Virginia Tobacco Indemnification and Community Revitalization Commission. The roll call vote is as follows:

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

NAYS: None

3. Transportation District – Supervisor Umberger made a motion to authorize staff to work with legislators to develop legislation to allow a transportation district be created to include the MRPDC and LENOWISCO PDC. The

proposed transportation district could add up to two cents to the current fuel tax for both gasoline and diesel. The revenue generated would be distributed in the following manner:

50 % returned to locality where generated to fund local transportation needs addressed on six year plan

40% returned to PDC region where generated to address upgrades to primary and interstate roads to include new interchanges on interstate

5% returned directly to PDC where generated to address transportation planning in PDC for primary, industrial access and interstate roads

5% retained by state to defray expenses in collection and disbursing funds

The roll call vote is as follows:

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

NAYS: None

4. Commissioner of the Revenue Position – Mr. Dalton reported that staff has worked out an agreement with the Commissioner of the Revenue regarding the conversion of a position within her office. He stated that part-time funding will be allowed until the 90 day freeze on the position expires.

CLOSED MEETING – PERSONNEL

A motion was made by Supervisor Umberger to enter into Closed Meeting under Section 2.2-3711-A.1 (Personnel Matters) of the Code of Virginia. This motion was seconded by Supervisor Crigger and the roll call vote is as follows:

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

NAYS: None

Upon returning to open meeting a motion was made by Supervisor Umberger to adopt the following resolution certifying the business conducted in closed meeting as follows:

**RESOLUTION
CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Wythe County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Wythe County Board of Supervisors that such a meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Wythe 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 by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Wythe County Board of Supervisors.

The motion was seconded by Supervisor Dix and the roll call vote is as follows:

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

NAYS: None

APPOINTMENTS

1. Mt. Rogers Planning District Commission – Supervisor Hagee made a motion to reappoint Wythe “Bucky” Sharitz & Eural Clippard to the Mt. Rogers Planning District Commission. Supervisor Crigger seconded the motion and it passed unanimously.
2. Mt. Rogers Community Services Board – Supervisor Umberger made a motion to reappoint Patricia McClane to the Mt. Rogers Mental Health &

Mental Retardation Services Board. Supervisor Hagee seconded the motion and it passed unanimously.

JPSA PRESENTATION

Mr. Dalton reminded the Board of the presentation with the Joint Public Service Authority on Wednesday, December 12, 2007 at the Wytheville Meeting Center from 10 a.m. to 12 Noon with lunch provided.

ORDINANCE 2007-6 ADOPTION INFORMATION REQUEST

Mr. Dalton reported that the Chairman received a subpoena requesting any communication, including, but not limited to letters, e-mails and notes, to and from the County of Wythe Board of Supervisors and residents of the County of Wythe, pertaining to the adoption of the Juvenile & Adult Facilities Ordinance #2007-5. He asked any documents be copied to the County Attorney.

TRASH PICK-UP REQUESTS

Supervisor McDaniel requested Supervisor Hagee to request inmate trash pick-up for Exits 77 & 80 at the next Regional Jail meeting.

DEPARTMENT OF HEALTH LETTER

Mr. Farthing provided the Board with a copy of a letter to the Department of Mental Health expressing concerns regarding the proposed location of a group home and potential septic matters.

RECESS

With no further business to come before the Board at this time, Chair Sharitz recessed the meeting until 9:00 a.m., Tuesday, December 18, 2007.

RECONVENE

Chair Sharitz reconvened the Board meeting at approximately 9:00 a.m., Tuesday, December 18, 2007 in the Board Room of the County Administration Building. All Board members were present (Supervisor Eaton present at 9:08 a.m.) and staff present included Mr. Dalton, Mr. Bear, Mr. Farthing and Ms. Collins. Others present were Gene Horney, Maggie Poole, Mark & Nancy Munsey and George Johnson.

PUBLIC HEARING – PROPOSED ISSUANCE OF BONDS

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 December 18, 2007, at 9:05 a.m. Notification of the public hearing was published in the *Wytheville Enterprise*. The Chair stated that the purpose of the hearing was to hear comment on the proposed issuance of bonds by Wythe County at one time or from time to time, and the issuance of a note or notes in anticipation of the bonds. The general purpose for which the bonds and notes

are to be issued is to provide funds, together with other available funds, to finance the costs of capital improvements to public school facilities. The estimated maximum aggregate amount of the bonds, and of the anticipation notes, is \$5,000,000. The Chair inquired if anyone wished to address the Board regarding the proposed issuance of bonds.

Hearing no comments, the Chair closed the public hearing.

AGRICULTURAL EXPOSITION CENTER

Mr. Mark Munsey provided a presentation and conceptual rendering of the proposed Agricultural Exposition Center. He stated that the proposed site is off Exit 80 and is approximately 50 acres.

INTERIM FINANCING - \$5 M SCHOOL CONSTRUCTION PROJECT

Supervisor Dix made a motion, as recommended by the Budget Committee at its December 18, 2007 meeting, to accept Suntrust's proposal for 5 years at 3.41% for interim financing a \$5 million school construction project.

Supervisor McDaniel inquired about the 5 year term length.

Mr. Dalton explained that the Budget Committee discussed the term length thoroughly and determined that the 3-year period would not be sufficient with the timeframe of the project and application processes for the Virginia Literary Loan or Virginia Public School Authority Loan programs.

The roll call vote on the motion is as follows:

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

NAYS: None

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Upon review, Supervisor McDaniel made a motion to adopt resolution authorizing the issuance of not to exceed \$5,000,000 general obligation school bonds of Wythe County, Virginia, and the issuance of a bond anticipation note and providing for the form and details of the note. Supervisor Crigger seconded the motion and the roll call vote is as follows:

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

Martha P. Umberger

NAYS: None

OPEN-END CONTRACT AWARD POLICY

Upon review, Supervisor Hagee made a motion to adopt the following Policy & Procedure for awarding contracts to surveying & engineering firms as follows:

**POLICY & PROCEDURE
FOR AWARDING CONTRACTS TO
SURVEYING & ENGINEERING FIRMS
SELECTED PER SECTION 2.2-4301 OF THE
CODE OF VIRGINIA**

1. Any wastewater, water, site development or survey project funded by the Board of Supervisors may be available to firms selected under § 2.2-4301 of the Code of Virginia.
2. Any project performed under the open-ended contract arrangement shall require a detailed scope of work be developed by County staff and submitted to at least three firms. The selected firms shall be required to submit detailed proposals based on the scope of work.
3. The firm submitting the lowest price shall be awarded the contract based on the scope of work identified in the RFP.
4. The selected firm shall be required to sign a county developed contract.

Supervisor Eaton seconded the motion and the roll call vote is as follows:

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

NAYS: None

ACTUARIAL STUDY

Upon review by the Board, Supervisor Umberger made a motion, as recommended by the Budget Committee at its December 18, 2007 meeting, to accept the Agreement with Stanley, Hunt, Dupree, & Rhine, Inc., (a subsidiary of

BB&T) for conducting an actuarial study of post benefits per GASB45 regulations at a cost of \$11,680. The roll call vote is as follows:

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

NAYS: None

PRESENTATION OF GIFTS – SUPERVISOR EATON & SUPERVISOR CRIGGER

Chair Sharitz took a moment to express thanks to Supervisor Eaton and Supervisor Crigger for the service to the Board of Supervisors. He presented each with a gift of appreciation.

RECESS – TOUR OF RURAL RETREAT HIGH SCHOOL

With no further business to come before the Board at this time, Chair Sharitz recessed the meeting until 10:00 a.m., Tuesday, December 18, 2007 to tour the Rural Retreat High School.

RECONVENE

Chair Sharitz reconvened the Board meeting at approximately 12:30 p.m., Tuesday, December 18, 2007 in the Board Room of the County Administration Building.

ADJOURNMENT

With no other business to come before the Board, Chair Sharitz adjourned the meeting.

Wythe B. Sharitz, Chair

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