

February 12, 2019

The Wythe County Board of Supervisors held its regularly scheduled meeting at 7:00 p.m., Tuesday, February 12, 2019. The location of the meeting was in the Boardroom of the County Administration Building, 340 South Sixth Street, Wytheville, Virginia.

MEMBERS PRESENT:

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|-------------------------------|-------------------|
| Timothy A. Reeves, Sr., Chair | Charlie G. Lester |
| Joe F. Hale, Vice Chair | Coy L. McRoberts |
| B. G. "Gene" Horney, Jr. | Brian W. Vaught |
| Ryan M. Lawson | |

STAFF PRESENT:

- Stephen D. Bear, County Administrator
- Scot Farthing, County Attorney
- Martha Collins, Administrative Assistant/Clerk
- Curtis Crawford, Emergency Services Coordinator
- Bill Vaughan, County Engineer

OTHERS PRESENT:

- | | |
|----------------------|-----------------|
| Gary Wayne Allison | Millie Rothrock |
| Deputy Peyton Brewer | David Sharitz |
| Stacy & Teresa Dixon | James Smith |
| Edward Lilly | Dean Walters |
| Chris Mattson | Doug Wilson |
| Linda Meyer | 6-7 others |
| Daniel Parks | |

CALL TO ORDER

Chair Reeves determined that a quorum was present and called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Chris Mattson, Church of Jesus Christ of Latter Day Saints, provided the invocation and Chair Reeves led the Pledge of Allegiance.

CITIZENS' TIME

Chair Reeves inquired if anyone present wished to address the Board.

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1. Cigarette Tax Legislation – Ms. Linda Meyer appeared before the Board to inquire about the approximate cost of the cigarette tax lobbying effort, and whether the lobbyists get paid regardless of the outcome.

Mr. Bear responded that, off the top of his head, the fee paid to the lobbyists was \$3,000.

Chairman Reeves added that the lobbyists were paid regardless of the outcome.

2. APEX Center – Ms. Linda Meyer stated that she is happy that the Center is open and it looks great. She asked what the minimum remuneration is per seat for the County.

Chairman Reeves replied that the County gets 10% of the ticket price.

3. Speedwell Feedlot – Ms. Linda Meyer mentioned the ongoing issue with the feedlot, and her heightened concerns with the warmer Spring weather approaching. She feels DEQ has a double-standard with respect to the environmental degradation. Ms. Meyer asked how to get DEQ's attention to address this ongoing issue and asked if the Board could help. She would at least like to have a monthly update as to the air and water quality.

Mr. Vaughan commented that he submitted an email inquiry about 2-3 weeks ago and the response he received was that they are monitoring the situation.

Chairman Reeves stated that because DEQ and VDACS are State agencies, all we can do is request their assistance and monitoring. He encouraged Ms. Meyer to reach out to Delegate Campbell and Senators Suetterlein and Carrico.

With no one else wishing to address the Board, Chair Reeves closed Citizens' Time.

PUBLIC HEARING – NOISE ORDINANCE

Chairman Reeves read the public hearing notice as follows:

"In compliance with the Code of Virginia and amendments thereto, the Wythe County Board of Supervisors will conduct a public hearing to consider adopting an ordinance entitled, "Wythe County Noise Ordinance." The proposed ordinance will replace Ordinance 2017-2.

The public hearing will be held on Tuesday, February 12, 2019, at 7:05 p.m. in the Board Room of the Wythe County Office Building, 340 South Sixth Street, Wytheville, Virginia, at which time the Board will hear comments from citizens concerning the proposed Ordinance.

A copy of the proposed Ordinance is on file for the public review in the County Administrator's Office located at 340 South Sixth Street, Wytheville, Virginia or online at www.wytheco.org."

Mr. Bear explained that in June 2017, the Board of Supervisors adopted a Noise Ordinance for Wythe County. Last year the Board recommended making some revisions to that Ordinance. The proposed changes are under Section 2(A)(4) adding "and unnecessary discharging of firearms." He further explained this was directed at people shooting off firearms in the middle of the night/early morning or target shooting. Mr. Bear added that this is not intended to apply to coyote hunting, nighttime hunting, or instances like that.

Mr. Bear said the current Ordinance does not list any exemptions. The proposed change is the addition of Section 2(B) as follows:

- (1) No provisions of this chapter shall apply the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- (2) No provisions of this chapter shall apply to the emission of sounds associated with agricultural activities.
- (3) No provisions of this chapter shall apply to the emission of sounds associated with and/or in conjunction with industrial operations.

Mr. Bear also said that Item C, Report of Violation, has been added relating to nuisance complaints from anonymous callers. The proposed addition is as follows:

Any person aggrieved by the prohibited conduct on Section 2 (A) above, which is not exempt by Section 2 (B), may report the violation of this ordinance to the Wythe County Sheriff's Office or Consolidated Dispatch Center. The person aggrieved and reporting a violation shall provide his/her name and contact information.

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Supervisor Vaught said he received questions from several people about coyote hunting and an amplified call system that is used, and whether or not that is exempt (it is legal hunting). Most coyote and coon hunters he knows are very respectful especially at the late night or early morning hours.

Supervisor Lawson believes they should be exempt and said perhaps our language is too vague. She suggested consulting with legal counsel.

Supervisor Hale doesn't think there is language that will address and satisfy EVERY citizen.

Supervisor Vaught said ultimately it will be up to law enforcement's interpretation, and if someone is hunting legally, he said the Sheriff's Department is not going to harass them.

Chairman Reeves opened the public hearing and asked if anyone present wished to address the Board.

1. Edward Lilly appeared before the Board and stated, "Ladies and gentlemen, good evening. Bear with me; I'm not too familiar with the proceedings. We have lived in this County all of our lives, and Rita sits on this particular piece of property since 1983 in a quiet position and peaceful existence until the presence of a trucking company moved in about a couple of years ago with a fleet of trucks. My question is, according to Section A, item 4, to create plainly audible noise between 11:00 p.m. and 6:00 a.m. in connection with lawn care leaf removal, gardening, tree maintenance or removal, other landscaping, lawn or timbering activities, and unnecessary discharging of firearms. They have got a fleet of trucks that come and go all night long with the State-mandated back-up beepers which are clearly disruptive at all hours of the night. Very disruptive to her. My question is, and I don't know if you'll respond or not, will the provisions of this apply to this disruptive sound and are they mandated to have those back-up beepers and function at all times? I don't know the answer to that question. The exemptions say no provisions of this chapter shall apply to the emission of sounds associated with and/or in conjunction with industrial operations. Now I don't know if a trucking company is an industrial operation of the definition of that or not, and I know they have trucks that come in and out at all hours of the night. It's a business but is there no remedy for those of us who have lived there for the past 30 something years that are disrupted in the middle of the night from the trucks backing up. That is my question."

Chairman Reeves responded that he doesn't believe this ordinance would regulate that.

Mr. Lilly further stated "I live at 312 Major Grahams Road, right near exit 84 on the far end of Major Grahams. So, it's Bob Eaton's son that's got the truck garage there and they're good neighbors. We don't have a problem with them at all. It's the back part of the lot that's been leased out to Love's Truck Stop and they come and go all night. That's the issue. Rita was most adamant that this be brought forward and I'm of the opinion that when you live in a county with no zoning, and they're following the law by having the beepers on the trucks, I couldn't see whether there's a whole lot that could be done, but I don't know. But thank you for your time."

2. Linda Meyer appeared before the Board and stated, "I was recently playing around on the computer and I found the Virginia Supreme Court website and on there, there is a recent litigation with an individual and against Virginia Beach and it basically said the police cannot continue with an ordinance like this without having, is it a decimeter, whatever it is to record. So that's coming from the Virginia Supreme Court recently, so without documentation, does this leave us for, are we in for litigation, are people in for litigation, is the County because we aren't going to be using that kind of reader"?

Chairman Reeves responded that the Board is aware of the Virginia Beach ordinance and that this Board tried to structure the ordinance in a better way.

Ms. Meyer added "But it still doesn't have the whatever technology and so on and so forth. Campbell County and Lynchburg, they're currently working on an ordinance also. Have you been in contact with them, or could you be in contact with them to see if they've come up with something also? I'm just concerned about litigation in the future and I'm concerned that our police would be placed in awkward positions. I mean, we all know these guys, we live with these guys and we want to make their life not hard, or harder. And it just seems to leave things up for like neighbors weaponizing neighbors if you don't have the, maybe there's electronic stuff that would prevent that."

Supervisor Hale commented that having a decibel meter would be costly, and that this has been discussed at great length. He explained that it is cost prohibitive for every deputy to carry this meter in their vehicle. Supervisor Hale

said that even if we had the meter, there would still be an issue with regard to determining benchmarks for acceptable distances. As for lawsuits, he said, there will always be that possibility.

3. Stacy Dixon appeared before the Board and stated, "I live on Whippoorwill Road in Wytheville outside the Town limits. By no means am I saying that we don't need a noise ordinance. We do. But I've pondered over this, I've talked with several people, I don't think there is a viable noise ordinance that can be prosecuted. There are so many things. I'm not an attorney but I've been in court for 25 years. But there are so many things. If I was to represent somebody who is charged with this, that I could bring up in court to get it tossed out immediately. So from an enforcement perspective of this, it's very very hard to prove some of this stuff that's on here, words like "unnecessary", even the feet. I could ask everyone of you to point out 50 feet from me and there will be seven different answers. What's unnecessary to you is different than what's unnecessary to you. So I'm looking at it from both perspectives. Of course, I am an avid outdoorsman and I do everything that there is to do outdoors and I do a lot of it at night. But doing some of this and causing noise that goes along with it. So it's not only the coyote hunting. Some people are spending \$3-4,000 for a thermal imaging scope that can only be shot at night, to be lined in when they're not hunting at the time, but they have to shoot it at night to line it in. If I get a call and go to that right there, what am I supposed to say to them? You need to stop? Because I've answered these calls on the other ordinance and it's hard to sit there and explain what's legal and what's not legal. The defining words in here, "unnecessary", I just don't see how you can enforce those kind of laws. The laws in the State of Virginia are very specific on what you can and can't do. I don't think that opinionated laws can be prosecuted in the court and I think that's going to come back and hurt us in the long run, and it makes it hard on us like Ms. Meyer said, very hard on us. And just like he said, well, hunting is exempt, but it doesn't say that in here. No where in this does it say if you're legally hunting you're exempt. It just says "unnecessary discharge". So if hunting is going to be exempt, it needs to be listed in here as legal hunting is exempt. Safe operation of a firearm, if you're at a shooting range or you're back on your 40-acre farm shooting into a bank, if you're doing it at 2:00 in the morning, that's safe, legal operation of a firearm but is it against this ordinance? That's up to someone's opinion. So I'd just like you all to look further into that before you put anything like this into effect that we have to go out and try to enforce."

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Chairman Reeves responded that there is a noise ordinance in effect, and that the proposed changes are trying to clarify some of the points in the current ordinance.

Mr. Dixon further stated that "The other ordinance, I don't think, I may be wrong but I don't think anybody's been convicted on that in court yet. And I may be wrong. If they have, I'm not aware of it. I've not seen or heard or talked to anybody who's charged, who didn't have any successful prosecution on them. I had several complaints that I answered in the beginning; a lot of shooting complaints. Some people complained about exhaust and mufflers but that's covered under something else and that is easy to explain. The shooting stuff and the car radios, I answered a couple of those, the time thing . . . people were calling about people playing the radio at 2:00 in the evening. Can't help you. But before, that was several calls we got. But as far as enforcing this law, it is really hard, and it's going to be really hard to enforce. And to prosecute, it's going to be even harder."

Chairman Reeves noted that the Commonwealth Attorney reviewed the proposed ordinance.

Supervisor Hale explained that the proposed revisions were done at the request of the Sheriff's Department. He said there is no perfect ordinance for this, and when it comes to reckless handling of firearms, we do have a law for that.

Mr. Dixon added "Let's not forget this is rural Wythe County. We're not talking about the Town of Wytheville. We're not talking about the Town of Rural Retreat. They have their own stuff. We're talking about rural Wythe County, people who live and have farms and have big enough areas to do stuff on their own property that ordinarily shouldn't bother anybody, but one person hears it, then we got this to deal with. But let's not forget this is a rural area we're talking about here. We're not talking about Virginia Beach or Lynchburg or some of the bigger cities. We are talking about rural Wythe County and not in the Town even. Thank you."

4. James Smith appeared before the Board and stated "Good evening. I am James Smith and I live on Viars Lane down in the Max Meadows area. I'm just going to build on what Stacy was talking about. I know Ms. Lawson you had mentioned adding more language in there about hunting and I know Mr. Hale, you seem to be totally against that. What would it hurt to put just the verbiage in there

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"excludes hunting"? You got an amendment you're going to do about agriculture about machinery on the back that Mr. Bear talked about."

Supervisor Hale said that if we exempt all hunting then how close can a hunter come to your house? Bear hunting, and especially when you tree a bear, is a big commotion – and exciting. But to exempt all hunting, he said, will put us in another avenue that someone else may oppose. Supervisor Hale explained that State laws under game regulations govern most everything except the issue of noise. Supervisor Hale does not believe there is one answer that will completely satisfy everyone.

Mr. Smith further stated "I think if we had that language in, a lot of questions would have went away from Mr. Vaught. He wouldn't have gotten a lot of emails which I'm sure everybody knew, but the other piece is, to answer your question, if the bear hunters have legal right to be on someone else's land, and they're not on your land, I don't see where that's an issue. If someone had rights to hunt on my land and my neighbor had a problem with it, they had a legal right to be on my property to hunt."

Supervisor Hale agreed but explained the issue is with the noise they are creating and that the land doesn't enter into this. He said if we do a blanket exception for all hunting, then we could be opening up another can of worms.

Mr. Smith added "Let me phrase it this way. 'The unnecessary discharge of a firearm', exempt hunting from that. I think that will take away a lot of the problems. If not, the question I have about unnecessary discharge of firearms, who dictates what is unnecessary? Who determines that? I think you need to look at it. I personally think there's other things in the County that need y'all's attention versus worrying about a gun noise. There's lots of things going on. I don't know that there's been a lot of issues with gun noise after 11:00 p.m. I would have to defer to Stacy or Mr. Vaught. They work for the Sheriff's Department. I wouldn't know that but where I live, I'm like you Mr. Hale, I live in the mountain down at Ft. Chiswell area. I have no problems. You know I hunt. Like Mr. Dixon here, I'm an avid hunter and I really was struggling about this. It was nice to hear Mr. Vaught when he said this didn't include hunting but I think to Ms. Lawson's point if there was language in here it would take away a lot of the issues."

Supervisor Vaught responded to Mr. Smith's query as to who determines whether the noise is unnecessary. Ultimately, he said, it comes down to whoever the

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deputy is. Supervisor Vaught said the Sheriff has made it plain, that if you're out partying and shooting off a gun at 2:00 a.m., then that's unnecessary. It's a common-sense call and he said if we put every exemption in there, the ordinance will be 700 pages long. Supervisor Vaught wanted to make sure the hunting part was covered. He thinks they all can agree that no one needs to be out playing around with a firearm in the middle of the night, unless you're hunting. And he doesn't believe lining in your night vision or scope, is unnecessary.

Mr. Smith replied "What if you neighbor did and they called the law and it's not spelled out in the law?"

Supervisor Vaught responded that is one reason why they proposed language that people calling to complain have to give their name and address. The Supervisor explained that he had someone in his district being harassed under the old ordinance and he had no civil remedy. He had no one to sue. Supervisor Vaught said this way, if you have someone who continues to call and complain, then you do have a civil remedy.

Mr. Smith stated "Last thing I got. You said 700 pages. I think we can get it in like the agriculture. You don't need 700 pages."

Chairman Reeves commented that he doesn't have a problem with hunting, and as far as lining and scopes, you have to be reasonable. He added that people have from 9:00 or 9:30 p.m. in the summertime, up until 11:00 p.m. to line up their scopes. The Chairman said that at 1:00 or 2:00 in the morning, he thinks that is unnecessary, but hunting is a different story.

Supervisor Vaught asked if they change the ordinance to add that exemption, does another public hearing have to be held?

The Chairman said they will have to check with the County Attorney.

Mr. Smith replied "Thank you all for your time."

5. Doug Wilson appeared before the Board and stated "Doug Wilson, 694 Gap of Ridge Road, Rural Retreat, and as I read in here, I don't have a leg to stand on but you know why I'm here. As I look this over I try to combine number one and number four. My complaint is the racetrack on Saturday night running past 11:00-11:30 p.m. It's a business and I have no problem with that but I do have a

problem with someone running at 12:00 at night or 1:00 and 2:00 Sunday morning, and are getting up at 6:00 in the morning to run . . . their car could run better than it did the night before. I would love to combine the time limit. I looked and tried to decide how the racetrack would fit. It's not a sporting event; it could be entertainment or public function, but my whole thing is the time limit and Mr. Vaught just brought up that it would have to be another public hearing if you change something so I guess there's another leg I lost."

Chairman Reeves asked Mr. Wilson for clarification on who is racing when.

Mr. Wilson replied "They will run till about 1:00 at night (12:00-1:00). The only people who will run by their self."

The Chairman asked if that is a result of rain delays.

Mr. Wilson responded "Not necessarily".

Supervisor Vaught said one night the fog had rolled in and he was on his porch and it was after 2:00 a.m. and he could hear them running.

Mr. Wilson added "I'd love to be able to hear a gun shot on a Saturday night after 11:00. Elk Creek had to address it; they had to start earlier because they were running so late. But to me, there is no excuse to be running cars 12:00 or 1:00."

Chairman Reeves understands if there's a rain delay and once in a while it goes beyond midnight. But he said if it's happening regularly, or people are running cars just to be running them, that is unreasonable.

Supervisor Vaught said that if the race is over, he doesn't think they're exempt. He stated the racetrack is considered a sporting event and once the competition ends, he doesn't think it's a sporting event anymore.

Mr. Wilson added "That was one of my questions on the old ordinance. If they're running, I know if it's advertised for the day, Saturday, if they're running 1:00 Sunday morning, does that change that?"

Supervisor Vaught responded that he thinks that may be a conversation that needs to take place with the owner and, if it continues, he said they may have to come back and revisit this.

Mr. Wilson said "It's pretty consistent. They can start earlier, would be my whole point. But that's between the owner. Thank you."

6. Daniel Parks appeared before the Board and stated "Sounds like all the coyote hunting stuff has been taken care of and that was mainly what I was worried about. I have way more than \$4,000 invested in this stuff, so it sounds like you're all on the right track. I don't see why people would shoot more than five or six times at one stand anyway so take that into consideration."

Supervisor Vaught asked if, realistically, you only get one shot at a coyote.

Mr. Parks responded "I've taken four or five shots at a pack. Shot the first one and he was squealing and the rest of them wanted to know what he was squealing about."

7. Dean Walters appeared before the Board and stated "Of course I got in here late, which is nothing unusual. But the thing of it is, alright, coyote hunting is a delicate matter. A lot of times out and matter of fact, unfortunately I went to the extreme and I went to the silencer because I got tired of turning around there and firing a shot and everybody in the country heard me firing a shot, you follow me? Next thing I know I start seeing lights going around every damn where. Okay, coyotes are a different adversary is the way I look at it. Yeah, there've been times that I've shot ten times. You shoot that first one, you wound him, you let that sucker squeal and you do whatever, you let him make all the hell he wants to make, that's when the rest of them start coming in. That's when you start cleaning house on coyotes. Now, furthermore, of course we're long past this because a lot of us don't have sheep except for Mr. Wilson back there. Years ago, we used to deal with a problem with wild dogs. I got a very good education by my Dad on how fast a . . . Sweet 16 can work. I've seen that man shoot and fire as many as ten rounds faster than I can even think. Guess what? That'll eliminate the sheep problems. If we go into the situation of a noise ordinance, unfortunately some of my neighbors are not here. Gene, you'll be a good example of this; I've got a heck of a toy now, most of the time my work that I do is after dark and a lot of time I go on until 12:00 or 1:00 in the morning with a rock hammer. And I will bust rocks so what is to say that my neighbors, they'll be 300-400 maybe 500 yards away from me, hear me out there picking with a rock hammer and let me tell you, that thing makes a terrible racket. There's one thing about it, don't have a . . . rock on my farm, and I'm not having to worry about turning around hitting

them with a causing me more than a thousand dollars' worth of damage for a bush-hog and we really need to look into this a little bit more serious other than the fact that I'm not worried about somebody shooting at 11:00 or 12:00 at night. As a matter of fact, that's a warning sign to me that there's something around me. All my life I lived down there in the hollow and if there's a gun shot fired after 12:00 at night, I'm up out of the bed going to see what's going on. If it is something that is not necessary, trust me, it's going to be addressed real fast. I don't worry about calling the Sheriff's Department because most of the time everything I take care of, I take care of on my own. If I need help, I go back to a dear friend of mine which is Doug King and I ask him for his help, advice and information. I don't know where all this is leading or going to as far as ordinance and everything like that, but on the other hand, coon hunters, coyote hunters, and all that, I don't think you got a thing in this world to worry about, in all due honesty, I really don't. Now if there's somebody out here that's drunk or whatever, they're going to make a mistake regardless, and right out here discharging a fully automatic weapon or a semi-automatic weapon, firing 10 or 12 shots, guess what? It's going to get everybody's attention and there's going to be officials brought in. Stacy, that's where you're going to come in. It's going to be addressed real fast. Now whether I made any sense out of all this, I don't know. But as far as me, and where we live, you're invited to my farm. Good coyote hu? I have no problem with it and if you look over the aspect of probably about 98% of the people in Wythe County, there really is no aspect – but 2%. I've done the math. I studied statistics quite a bit. Two percent? Hell, that could be someone who moved here from New York or Pennsylvania, come here to retire and fussing because we're making a little bit of racket. That's all I've got to say, gentlemen."

8. Gary Wayne Allison appeared before the Board and stated "My name is Gary Wayne Allison and I live at 219 Austinville Road. I think you all pretty well covered the coyote aspect but I wanted to come up here to answer any questions you all got about coyote hunting in case you don't have knowledge about it. Because it's extremely important to me because I'm a disabled veteran and that's all I got, and I got to have it to get out at night and do my thing. Also, like Mr. Parks, I have several thousand dollars' worth of equipment and I like exercising my sport avidly as much as I possibly can, but if anybody got any questions about what goes on, if you don't have the knowledge, I'd like to take the opportunity to try and answer for you."

Chairman Reeves thanked Mr. Allison for his service and said that his son coyote hunts at night so he feels he has a pretty good sense of the subject, and he doesn't think anyone on this Board means to include legal hunting.

Mr. Allison added "I got a good idea and support it but like I said, just in case, because the knowledge, what you don't know, you need to ask questions, and that knowledge can empower you to benefit other people in the community. And I agree with this gentleman back here, 2% is all that's going to be complaining. And I also agree that if you're drunk and you're emptying a 50-round brick into a stump, they need to haul you to jail. Aint no sense in it cause it makes the rest of us out here trying to do and be respectful to land owners and property owners and farmers. It just makes us look worse. And like I'm saying, I do, Mr. Hale, I miss a lot but I got a magazine . . . weapon, and I'll shoot five, six or eight times, I'm not going to lie to you. When you get them squealing and coming in, four or five coming in, you get excited, get that blood pumping you know it's got to happen."

Supervisor Hale said he commends Mr. Allison's efforts in eradicating the coyotes.

Mr. Allison stated "I wanted to see if there were any questions y'all had pertaining to you needing knowledge to make decisions in your process."

Chairman Reeves said to the best of his knowledge, he doesn't believe any Board member has ever received a complaint about someone hunting.

Mr. Allison concluded with "Well, like I say, I'm standing here in support of coyote hunting and just trying to protect what I enjoy doing. And I appreciate your time in allowing me to come before you and listen to what I have to say. Thank you."

9. David Sharitz appeared before the Board and stated "My name is David Sharitz and I live at 3633 West Lee Highway. Everything, all these points have been good, I would ask you all, it doesn't look like it would be hard putting an exemption for hunting in here. I mean, it's not going to take a lot of paperwork. You've already got a few exemptions, and I know the intent of this Board and I know the intent of the Sheriff's Department now is that it doesn't infringe on hunting, but this Board's going to change, the Sheriff's Department will change, and we'll still have this ordinance to live with. So, you know when you all have moved on something else, the ordinance is still here and if we happen to get a Board that is not pro-

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hunting or a Sheriff that is not pro-hunting, then we still got to deal with this. So, I would ask you to go ahead and put an exemption in. I appreciate it and thank you all."

Hearing no other comments, Chairman Reeves closed the public hearing. He announced that the Board will not make a decision tonight; rather, they will consider all comments and if the proposed changes warrant another public hearing, then so be it.

PAYMENT OF COUNTY INVOICES

Supervisor McRoberts made a motion to pay the invoices for approval on February 12, 2019, for the various departments of County government. The invoices were paid on General Warrants 30102824-30102946 as follows:

EXPENDITURES BY DEPARTMENT BOARD OF SUPERVISORS February 12, 2019

CHECK #	ISSUE DATE	VENDOR	AMOUNT
30102824	01/28/2019	APPALACHIAN POWER	1,922.69
30102825	01/28/2019	CENTURY LINK	72.92
30102826	01/28/2019	CENTURYLINK	80.27
30102827	01/28/2019	CENTURYLINK	113.53
30102828	01/28/2019	CENTURYLINK	148.17
30102829	01/28/2019	CENTURYLINK	227.98
30102830	01/28/2019	CENTURYLINK	358.60
30102831	01/28/2019	TOWN OF WYTHEVILLE	12,112.31
30102832	01/28/2019	VERIZON	18.50
30102833	01/28/2019	VERIZON WIRELESS	80.02
30102834	01/28/2019	WELLS FARGO CORPORATE TRU	302,649.61
TOTAL EXPENDITURES 01/28/2019			\$317,784.60
30102835	02/05/2019	APPALACHIAN POWER	595.55
30102836	02/05/2019	BUSINESS CARD	4,489.33
30102837	02/05/2019	CENTURYLINK	45.34
30102838	02/05/2019	CENTURYLINK	59.76
30102839	02/05/2019	CENTURYLINK	115.14
30102840	02/05/2019	CENTURYLINK	4,673.42
30102841	02/05/2019	SUNTRUST	36,881.92
TOTAL EXPENDITURES 02/05/2019			\$46,860.46

30102842	02/12/2019	APPALACHIAN POWER	22,114.74
30102843	02/12/2019	BIG WALKER SWCD	1,530.00
30102844	02/12/2019	BILLER, MARTIN A	76.66
30102845	02/12/2019	BKT UNIFORMS	157.97
30102846	02/12/2019	BLUE RIDGE AUTO PARTS INC	383.93
30102847	02/12/2019	BRENTAG MID-SOUTH INC	2,084.60
30102848	02/12/2019	BROWN EXTERMINATING CO	45.00
30102849	02/12/2019	C&D TRUCK & SAFETY SUPPLY	123.69
30102850	02/12/2019	CARTER MACHINERY CO INC	418.61
30102851	02/12/2019	CAVALIER SUPPLY CO	1,261.16
30102852	02/12/2019	CDW GOVERNMENT INC	236.21
30102853	02/12/2019	CITIZENS TELEPHONE COOP	720.00
30102854	02/12/2019	CLEARWATER INC	1,632.17
30102855	02/12/2019	COLONIAL FORD TRUCK SALES	26,328.61
30102856	02/12/2019	COM TEC	1,395.00
30102857	02/12/2019	COMMONWEALTH ENGINEERING	1,029.04
30102858	02/12/2019	COUNTY OF WYTHE	2,833.34
30102859	02/12/2019	COVERT, JINJER A	285.40
30102860	02/12/2019	CSG SYSTEMS, INC	1,625.72
30102861	02/12/2019	CW WARTHEN	1,214.88
30102862	02/12/2019	DIVERSIFIED INTEGRATION I	1,135.00
30102863	02/12/2019	EAST COAST EMERGENCY VEHI	9,897.20
30102864	02/12/2019	ELLISON, ALVIS ANNETTE	21.61
30102865	02/12/2019	EMS INC	1,235.00
30102866	02/12/2019	FERGUSON ENTERPRISES #5	72.59
30102867	02/12/2019	FERGUSON ENTERPRISES #5	1,956.80
30102868	02/12/2019	FN WHOLESALE LIGHTING & S	453.00
30102869	02/12/2019	FROEHLING & ROBERTSON INC	76.25
30102870	02/12/2019	GRAINGER	496.04
30102871	02/12/2019	GRANT, BRUCE M	4,136.75
30102872	02/12/2019	GRUBB FUNERAL HOME	1,137.00
30102873	02/12/2019	HALL OIL & PROPANE, INC	4,939.94
30102874	02/12/2019	HUFF FORD	193.98
30102875	02/12/2019	HURT & PROFFITT INC	420.00
30102876	02/12/2019	JOINT PUBLIC SERVICE AUTH	38,772.24
30102877	02/12/2019	JP COOKE CO	89.20
30102878	02/12/2019	KING-MOORE INC	877.50
30102879	02/12/2019	LEAD MINES RESCUE SQUAD	5,000.00

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30102880	02/12/2019	LEE HARTMAN & SONS INC	111,316.24
30102881	02/12/2019	LEXISNEXIS	207.00
30102882	02/12/2019	LEXISNEXIS	724.00
30102883	02/12/2019	LIGHTNING PROTECTION SYST	22,000.00
30102884	02/12/2019	LOWE'S	618.88
30102885	02/12/2019	LUMOS NETWORKS	64.42
30102886	02/12/2019	MANSFIELD OIL CO	5,948.06
30102887	02/12/2019	MOUNT ROGERS COMMUNITY SE	37,033.75
30102888	02/12/2019	MOUNT ROGERS PLANNING DIS	4,480.25
30102889	02/12/2019	MUSSER, JEREMIAH	368.95
30102890	02/12/2019	MAILROOM FINANCE, INC	648.13
30102891	02/12/2019	MAILFINANCE INC	474.00
30102892	02/12/2019	NEW RIVER REGIONAL WATER	15,146.46
30102893	02/12/2019	NEW RIVER VALLEY REGIONAL	133,072.50
30102894	02/12/2019	PAPER CLIP	6,175.44
30102895	02/12/2019	PEED & BORTZ LLC	8,750.00
30102896	02/12/2019	PORTER, EVELYN	18.90
30102897	02/12/2019	PROTECT YOUTH SPORTS	111.65
30102898	02/12/2019	R&C TOWING & REPAIR CO	100.00
30102899	02/12/2019	R&R ENTERPRISES INC	135.00
30102900	02/12/2019	R.E. MICHEL COMPANY, LLC	31.72
30102901	02/12/2019	RGM ERECTORS INC	3,467.00
30102902	02/12/2019	ROANOKE PUMP SALES & SERV	8,077.78
30102903	02/12/2019	ROBINSON FARMER COX ASSOC	52,000.00
30102904	02/12/2019	RURAL DEVELOPMENT	2,282.00
30102905	02/12/2019	RURAL DEVELOPMENT	2,514.00
30102906	02/12/2019	RURAL DEVELOPMENT	11,572.00
30102907	02/12/2019	SAYERS, DENA I	56.10
30102908	02/12/2019	SHENTEL	1,538.17
30102909	02/12/2019	SHEPHERD, DAVID B	68.49
30102910	02/12/2019	SIMPLEXGRINNELL	3,046.00
30102911	02/12/2019	SIRCHIE FINGER PRINT LABO	576.60
30102912	02/12/2019	SMG	50.00
30102913	02/12/2019	STATE ELECTRIC SUPPLY CO	1,235.10
30102914	02/12/2019	STREET, HAROLD P III	44.00
30102915	02/12/2019	TERRY, CHRIS J	46.13
30102916	02/12/2019	TESLA ELECTRIC SERV	378.79
30102917	02/12/2019	THOMPSON TIRE	1,729.17
30102918	02/12/2019	THREE RIVERS MEDIA CORP	330.00

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30102919	02/12/2019	TRAIL, JANET	288.97
30102920	02/12/2019	TRANSUNION RISK & ALTERNA	54.00
30102921	02/12/2019	TREASURER OF VIRGINIA	1,033.95
30102922	02/12/2019	TREASURER OF WYTHE COUNTY	28.80
30102923	02/12/2019	TRI CITIES/SW VA REGIONAL	1,730.80
30102924	02/12/2019	TRI COUNTY GLASS INC	562.23
30102925	02/12/2019	TUCK, W. DOUG	73.67
30102926	02/12/2019	TWO WAY RADIO	454.00
30102927	02/12/2019	UNIFIRST CORP	69.08
30102928	02/12/2019	US CELLULAR	67.35
30102929	02/12/2019	US CELLULAR	648.28
30102930	02/12/2019	US CELLULAR	820.92
30102931	02/12/2019	US CELLULAR	1,009.08
30102932	02/12/2019	USA BLUE BOOK	2,343.15
30102933	02/12/2019	VIRGINIA BUSINESS SYST	604.34
30102934	02/12/2019	VIRGINIA INTERACTIVE	95.00
30102935	02/12/2019	VIRGINIA RESOURCES AUTHOR	91,763.27
30102936	02/12/2019	VITA	164.11
30102937	02/12/2019	VITA	217.55
30102938	02/12/2019	VRAV	170.00
30102939	02/12/2019	VUPS	71.40
30102940	02/12/2019	WYTHE CO HEALTH DEPT	801.00
30102941	02/12/2019	WYTHE CO WATER & WASTEWAT	601.67
30102942	02/12/2019	WYTHE TIRE AND MUFFLER	543.89
30102943	02/12/2019	WYTHE-GRAYSON REGIONAL LI	84,000.00
30102944	02/12/2019	WYTHEVILLE ENTERPRISE	69.00
30102945	02/12/2019	WYTHEVILLE OFFICE SUPPLY	2,034.34
30102946	02/12/2019	XEROX	441.06
TOTAL EXPENDITURES 02/12/2019			\$763,604.42

TOTAL EXPENDITURES APPROVED 02/12/2019 **\$1,128,249.48**

Supervisor Horney seconded the motion and the roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

MINUTES OF PREVIOUS MEETING

The Board was presented with the January 22, 2019 minutes for approval.

Supervisor Vaught made a motion, seconded by Supervisor Lester, to approve the January 22, 2019, minutes as presented.

The roll call vote on the motion was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

FIRE & RESCUE COMMITTEE

1. Designated Emergency Response Agency Plan – Supervisor Hale made a motion, as recommended by the Fire & Rescue Committee, to adopt the Designated Emergency Response Agency Plan which designates the three county EMS agencies as our 911 dispatched agencies. All other agencies within the county will be designated transport companies. The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

2. Reimbursement Policy – Supervisor Hale made a motion, as recommended by the Fire & Rescue Committee, to adopt the proposed reimbursement policy for all Wythe County Fire & Rescue agencies.

Mr. Bear added that he appreciates Mr. Crawford's efforts putting this all together. He said these are policies and procedures that have been followed but

not documented very well. He added that there were no issues or concerns raised by any of the fire departments at the Fire & Rescue Committee meeting.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

3. Fire Department Response Zones - Supervisor Hale made a motion, as recommended by the Fire & Rescue Committee, to approve changes in the Fire Department Response Zones as agreed to by the Fire Chiefs. The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

BUILDING & GROUNDS COMMITTEE

1. Rural Retreat Convenience Center – Compaction Container – Supervisor Hale made a motion, as recommended by the Building & Grounds Committee, to purchase a 40-yard octagon compaction container for the Rural Retreat Convenience Center at a cost of \$36,584.21. This will leave approximately \$3,415 to complete the associated concrete work. The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

ECONOMIC DEVELOPMENT COMMITTEE

1. Hurt & Proffitt – APEX Final Design and Development - Supervisor Lester made a motion, as recommended by the Economic Development Committee, to proceed with Hurt & Proffitt for the final design and development of the APEX site at a cost of \$45,961.80. The proposal allows for potentially lower traffic engineering fees by the County providing the previous VDOT studies from the Smart Scale application.

Mr. Bear explained that this is the property adjoining the property that's been leased to the APEX Center. The County still has 56 acres there, so this is not directly APEX-developed property but it's the adjoining property. The plans create approximately five lots which Mr. Bear stated there has been interest in - some local and outside businesses for possible development on that area.

Supervisor Vaught asked if this is basically just getting the plan together to sell those lots, and not actually build the road up in there.

Mr. Bear replied that this is a plan to design the road and lots.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

WATER COMMITTEE

1. Max Meadows Bridge Waterline Replacement Project – Supervisor Horney made a motion, as recommended by the Water Committee, to proceed with the Max Meadows Bridge Waterline Replacement Project at a negotiated cost of \$130,250.

Mr. Bear stated the original bid price was approximately \$144k. The staff met with the contractor a few times, reviewed everything on-site, and made a few detailed/method changes.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

2. Austinville Wastewater Collection & Treatment System Evaluation – Supervisor Horney made a motion, as recommended by the Water Committee, to accept the proposal from Mattern & Craig for the Austinville Wastewater Collection & Treatment Systems evaluation at a cost of \$22,000.

Mr. Bear stated that the lines at the Austinville Wastewater Treatment plant need to be checked out, as there are places where there's infiltration into the lines. He said this is just an evaluation study that will determine what exactly needs to be addressed, so they can start making plans for the necessary improvements. Mr. Bear reminded the Board that this was the old mine system that the County inherited back in the early 1980's.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

APEX CONSTRUCTION COMMITTEE

1. RGM - Hammer Rock Removal – Supervisor Hale made a motion, as recommended by the APEX Construction Committee, to approve RGM invoice for removal of hammer rock in the arena area at a cost of \$2,800.

Supervisor Hale explained that in our contract, there is a rock clause with a bid price for removing rock. He said we had paid the excavation contractor to shoot

that rock but they didn't get it all. They had to bring in a rock breaker and they were paid in accordance with that bid price to remove the additional rock.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

2. RGM – Proposal for Parking Blocks – Supervisor Hale made a motion, as recommended by the APEX Construction Committee, to approve RGM's proposal for parking blocks in the handicapped parking lot at a cost not to exceed \$4,300.

Supervisor Vaught asked why this wasn't included in the original bid for the handicapped parking lot.

Mr. Bear said that in the design documents from the Lane Group, it did not include these in that documentation.

Chairman Reeves stated it was just one of the things that was overlooked when the plans were reviewed.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Joe F. Hale	Timothy A. Reeves, Sr.

NAYS: Ryan Lawson

SURPLUS SHERIFF VEHICLES

Mr. Bear explained that since the Sheriff has entered into a lease agreement with Enterprise Fleet Management for vehicles, they'll be disposing of these vehicles through Enterprise. The vehicles are currently at the Building & Grounds shop ready for pick-up as soon as we declare them surplus.

Supervisor Hale asked, for clarification, if Enterprise reports back to the Board and Sheriff as to the amount which the vehicles are being sold?

Mr. Bear responded affirmatively. He said Enterprise will run the offer by us so we have final say as to the accepted sale price.

Supervisor Vaught added that some of these vehicles are probably not worth more than \$500 and are in rough shape.

Supervisor Lester made a motion, seconded by Supervisor Lawson, to declare seven Sheriff's Office vehicles as surplus. The roll call vote on the motion was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

WYTHE-BLAND TRANSFER STATION – DEQ INSPECTION AND FY18 AUDIT REPORT

Mr. Bear reported that there was a good inspection on their latest report. They work hard to make certain they don't have any problems.

Chairman Reeves added that they've done a terrific job there complying with all the DEQ regulations.

Supervisor Horney made a motion, seconded by Supervisor Vaught, to accept the audit report of the Joint Public Service Authority of Wythe County and Bland County. The roll call vote on the motion was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

NOISE ORDINANCE

Supervisor Vaught asked if Mr. Bear would consult with Mr. Farthing to determine whether expanding the language in the Noise Ordinance will require another public hearing.

Mr. Bear agreed and was reminded of what Mr. Farthing had previously communicated, that as long as the change is not making the ordinance more stringent, a public hearing will not be necessary. But he will confirm this again with Mr. Farthing.

Both Supervisor Lawson and Chairman Reeves agreed that clarifying in the ordinance that hunting is exempt will not cause any problem.

Supervisor Hale asked that we please take care of this once and for all and put this to bed. Tonight's hearing was nearly an hour and much time has been spent on this ordinance. He suggests they add what the citizens have asked for and get this voted on before there's a social media flurry.

Supervisor Vaught stated that they are here to represent the citizens and that's who we heard from tonight.

PARKING LOT UPDATE

Mr. Vaughan is currently working on numbers to ask for a change to the storm water permit, and he should know better tomorrow when we can submit something to DEQ.

Supervisor Vaught commented that it's a shame DEQ spends as much time as they do with the gravel issue. He said it would be great if they spent that much time dealing with the feedlot.

APEX

Chairman Reeves said that the Center is up and running and they're doing a terrific job. He said there's been tremendous response with sell-out crowds, and the intersection has worked out very well.

Supervisor Vaught asked when the Board will see results of income (County tax) from these events.

Mr. Bear said that income will be remitted monthly. He saw a summary of the first couple of events and believes the 10% tax from the first two weekends was around \$8k.

Supervisor Hale urged Mr. Bear to contact the Treasurer or Commissioner and ask that they notify vendors that food sales in the County apply to the County (not be sent in to the Town). He was eating in Town today and noted on the receipt that it said "County Tax". He asked if that can be fixed. Supervisor Hale said we don't want people in Town thinking we're collecting that tax when we're not.

Mr. Bear asked for a copy of that/those receipts and he will contact the establishment(s).

ADJOURNMENT

With no other business to come before the Board, Chair Reeves adjourned the meeting at approximately 8:20 p.m.

Timothy A. Reeves, Sr., Chair