

May 28, 2019

The Wythe County Board of Supervisors held its regularly scheduled meeting at 9:00 a.m., Tuesday, May 28, 2019. The location of the meeting was in the Board Room of the County Administration Building, 340 South Sixth Street, Wytheville, Virginia.

MEMBERS PRESENT:

Timothy A. Reeves, Sr., Chair
 Joe F. Hale, Vice Chair
 B. G. "Gene" Horney, Jr.
 Ryan M. Lawson

Charlie G. Lester
 Coy L. McRoberts
 Brian W. Vaught

STAFF PRESENT:

Stephen D. Bear, County Administrator
 Martha Collins, Administrative Assistant/Clerk
 Bill Vaughan, County Engineer
 Scot Farthing, County Attorney (arrived late)

OTHERS PRESENT:

Faye Barker
 Keith Dunagan
 Mike Forrest
 Charles Foster
 Lori Guynn

Scott Jefferies
 Jerry Neary
 Doug Wilson
 and two other citizens

CALL TO ORDER

Chair Reeves determined that a quorum was present and called the meeting to order at 9:00 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Bear provided the invocation and Chair Reeves led the Pledge of Allegiance.

CITIZENS' TIME

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

1. Wythe County Schools – Dr. Scott Jefferies appeared before the Board and stated "Good morning everybody. I just wanted to come and share a couple thoughts this morning and most of it's praise and appreciation. We had a bunch of graduations; we slung a lot of diplomas over the past couple of days. I want to thank everybody who came out in support of our celebrations and end-of-year events. There's more to come this week; the last day of school is this Friday; it's

hard to believe. It is a half day so we have a three and half day week. So, with a lot of year-end events, I want to encourage everybody to come on out and I thank you for coming out for those events. But more so, as I go around and as I interact with members of our staff at all the schools and our central office, a great amount of appreciation for this Board and their support of the school system. Whether it's the SRO's, whether it's compensation, whether it's facilities, a tremendous amount of praise goes your way and I don't think you all hear that enough. I just wanted to come out and express those things that I hear from individuals, as early as this morning upon my arrival at Max Meadows this morning and just heard two staff members tell me how appreciative they are in regards to next year's budget and the support we have for SRO's and I know there are a lot of slings and arrows that get tossed at everybody's way and I don't think we do enough of just praising and just thanking you for the work you do and so I want to express that to you and also I want to thank you all for the working relationship on behalf of the School Board and the school system. All you got to do is read the papers locally to see in other areas and other counties there's a lot of contention between school boards and Board of Supervisors and their fiscal agents. We have a great workmanship here; we're going to continue to make it stronger. I'm committed to that and I know Mr. Bear is committed to that as well. We hope to get more joint meetings between the two boards scheduled here pretty soon as we transition to FY20 calendar. But I just wanted to say thanks for all the hard work you do and thanks for everything you do to support our school system and that's all I have to say. Thanks for everything."

Chairman Reeves thanked Dr. Jefferies and said the Board appreciates all that he, the School Board, and the faculty do for the students, adding that we have a "great bunch of kids here in Wythe County".

2. Wythe Raceway – Mr. Doug Wilson appeared before the Board and stated "I'm here to complain about a business with Wythe Raceway. When we talked about the Noise Ordinance, it couldn't be included. It was listed as a scheduled event so one of my questions is, how long is a scheduled event? If you're scheduled for Saturday night, do you run until 3:00 Sunday morning? And do you start at 1:00? If you're scheduled for Sunday night, do you go till 4:00 on Monday morning? Last week, and I will point to the Southwest Virginia Enterprise said the first lap in the book started at 1:01 a.m. This week, my call to the County deputy should have been logged at 4:05 and I think the race's noise finally quit at 4:10. It's not only the race noise; there's a loud speaker that anytime there's not cars, this guy's talking so you have a conversation going on in your backyard basically. And at

4:00 in the morning that's a little ridiculous. Last week I think it was 3:00. I don't know how it can be addressed but I feel there needs to be a curfew on events. Twelve o'clock to me is an hour too late but I realize this is a business and they're trying to make a living but anything and especially if we're talking about Sunday morning, why are we running till 3:00 in the morning? To me it's ridiculous. I've asked the Board to look at what Grayson County did with Elk Creek. They had to start early so that they can finish by 12:00 now. If I remember correctly, even the Town of Wytheville had a curfew on the old livestock market that no animals could be loaded after a certain time and none could be brought in so that due to the noise. Even though it is a business, they need to be a good neighbor and realize that there are people around there that aren't at the race that are trying to sleep. At what hour of the morning does this become a nuisance, a public nuisance? And if you look at all the studies about health and sleep, you could even look at our ordinance and say it's a detriment to public health. But I don't know what you can do there's just no reason for this to be going on till 3:00 or 4:00 in the morning. Thank you."

3. Noise – Mr. Jerry Neary appeared before the Board and stated "My name is Jerry Neary and I live in Fort Chiswell, Whispering Pines Subdivision. I'd like to explain the area first of all before I get into the problem. Along 52, just before you get to the Whispering Pines Subdivision, there's Fort Chiswell campground and then there's a piece of land that Goforth's own for cattle grazing and there's a gravel lot in the front. They used to rent to AEP for construction equipment but that's no longer in use. About a month and a half ago, two months ago maybe, they built a road; this is the divide from the Subdivision where I live and I live on this lower road. They built a road in here and I questioned it as to what it was going to be. I thought it was going to be for a cattle barn and hole but they started digging a large pit, about 30 yards wide probably 200 yards long and they piled the dirt up on the sides of it and then they built another water retention pond next to that. So, when I questioned the workers down there, what they're putting in there is a dump site for the bridges they're replacing over Reed Creek. They're going to replace both bridges over Reed Creek between Fort Chiswell and Grahams Forge and the Goforths contracted with W&L Construction out of Chilhowie who is a subcontractor and they're going to bring all that concrete dirt and everything from those bridges and they're going to bury it right in this pit and then they're going to cover it up. In the meantime, this is all being done in the daylight hours, no problems. I live here in the fourth house. They have brought a trailer in, they parked two dump trucks and a bulldozer right here, and they have set up some high-powered construction lights right below my property line and my

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neighbor's property line and they're coming right up to the property line, two feet from it. They have started piling a mound of dirt about 15 feet high. Well about ten years ago, the Goforths started here and went all the way up here and rumor was they were going to get the Food Country grant but Food Country went up near the high school instead so what they did was they went along this property line and they cut 15 feet straight down. It used to be rolling but they cut 15 feet straight down and they ended up right here so when you look out the back of my yard, if you go to my fence, it drops 15 feet. So, what they did was the construction company started piling dirt up here, the dump trucks come in and they dump the dirt and the bulldozer goes up there and he pushes it all up onto that hill. I've got some photos here I'd like you to look at while I'm reading my letter here so I don't forget anything. It kind of shows exactly what they're doing in the Subdivision. I'm going to address my problem now. I'm a little nervous so bear with me.

We have received a remedy to our problem regarding the noise and disturbance problem in our community. I still wanted to express my concerns related to this problem with the hopes it will help fellow citizens of Wythe County in the future. I understand through several conversations with individuals in the County, that the Noise and Disturbance Ordinance was discussed at length while being formulated into a County Ordinance with pro and con arguments from Board members and different County Offices as how it was to be implemented and controlled. Our situation was first noticed in April. I live in Whispering Pines Subdivision in Fort Chiswell. My property line along with other residents backs up to property owned by Lynn and Susan Goforth. They own the property between the Subdivision and the Fort Chiswell Campground. It's a large field primarily used in the past for cattle grazing. A road was made from the gravel lot to the property by W&L Construction from Chilhowie. This road was built to accommodate a dumping site for debris and dirt from the replacement of the bridges on I-81 at Reed Creek. W&L Construction had contracted with the Goforths to bury this material on their property. If you can imagine peacefully sleeping one night in your home and becoming awakened by the sound of dump trucks, bulldozers, bright construction lights at your property line in your backyard. Large construction lights bleeding into your backyard, heavy dump truck tailgates banging after bringing loads of dirt in, bulldozer pushing dirt up against your property line into a huge pile of 15 feet and all of this suddenly happening at 2:30 in the morning. The air brakes from the dump trucks causing your windows to vibrate; this situation continued on and off mostly for almost two weeks until it became almost unbearable. I started to investigate how to

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remedy this situation on my own and on the behalf of my neighbors who were also affected by this disturbance. I thought the best place to start would be the local VDOT office. I spoke with Jerry Bolt; he explained VDOT no longer accepts responsibility between construction crews and private landowners so when they made their contract, VDOT does not get into it any longer. They used to. My next step - I called the Sheriff's Office regarding the noise and disturbance and they told me it was handled by Wythe County Administration. So I called the Wythe County Administration Office. I was told they have a noise and disturbance enforcer, Arlan Dunford. They gave me his number. I called his office and he was not there. I left my name and number. I called back that afternoon and spoke with the Animal Warden who shares his office. He said Mr. Dunford would be back on Monday and recommended I talk with Mr. Bear. He said Mr. Bear is your man to talk to. He stated to me in our conversation that they do not go out at night, neither one of them, to investigate noise problems, which is probably when 99% of noise occurs at night and people are aggravated and they call. I called the Sheriff's Office again and I spoke to Captain Hudson. He informed me that he could send out a Deputy at night but the Deputy would not have the power to enforce the Noise and Disturbance Ordinance. I never heard from Mr. Dunford until later. I called Supervisor Joe Hale and we had a discussion regarding our problem. He stated he had an appointment in Wytheville on Monday (this was on a Friday) and he'd look into it because he was going to have a meeting of some kind, I don't know who or what. I asked him to keep me informed but I never received any feedback. I went to the County Administration Monday morning but Mr. Bear was out but would return shortly. I went to the Circuit Court to see about filing a petition with the Circuit Court Judge. The gentleman I spoke with, Mr. Counts, said that it would be costly possibly with no results so I kind of put that aside. He recommended I go see the Commonwealth's Attorney. Meanwhile, I went back to the County Administration office and Mr. Bear had returned but I didn't see him, I spoke with Mr. Vaughan, Engineer. He informed me that the County has no enforcement contract obligations between the construction company and the landowner. I went to the Commonwealth's Attorney office and left my name and number. I called Mr. Dunford's office again and no answer. Mr. Bear at the same time returned my call from Friday, said he would check with somebody regarding our problem but I never received any feedback. I called Jess Norman from W&L Construction company in Chilhowie to find out how long this situation would last. He stated he would do everything to contain the noise but gave no guarantees that the night work would not continue. This is a two and half year project. We get no guarantees that they're not going to come in there any time they want to at night and do the same disturbance that they've done up

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until this point. The dump trucks were removed from sight but the lights remained on all night. Wednesday I called Mr. Dunford's office – no answer. He called me back and stated he was waiting for a call from the Commonwealth's Attorney as to how to handle the situation. I asked him why, in the position of noise and disturbance enforcer, he did not have the power to correct the situation. He informed me he only had the power of a deputy. He also stated he does not go out at night to enforce noise and disturbance problems. He'd say that I was being confrontational. I assured him and I apologized to him that I was not being confrontational – merely seeking an answer as to who and where I could obtain an answer to a remedy to my complaint. He was obviously irritated and cut our conversation short. As it turns out, Mr. Dunford was another link in the chain of finding a solution to our problem. I called Mr. Jones and left my name and number. Mr. Jones called me to tell me it didn't look good from enforcement of the ordinance. After a conversation with him, he called me back to state he had a conversation with the attorney of Wythe County and they agreed that W&L was in violation of the noise ordinance and they could be fined for each occurrence any time within the hours of 10:00 p.m. and 6:00 a.m. He would notify the Sheriff's Office but I'd have to call the Sheriff's Office if I had a complaint because I certainly couldn't reach a noise coordinator, an individual who we're paying to do the job, who's not doing the job and won't go out at night. It leaves us little room to who we can call. We have to call a deputy if it continues.

So, I'd like to discuss with you the possibility for you to increase the fines for such a disturbance. The fines for wealthy contractors is \$50. They're multimillionaires and they can certainly afford to come in anytime they want to and if they're fined \$50, they'll laugh it off. I'd like possibly for you all to increase the fines to actually hurt them if they're going to do something like this.

Mr. Norman from W&L informed me that it took months to procure this site and to survey it for the locations of the disposal. No one from the construction company or Wythe County bothered to do any study on the effect of the impact on the residential area affected by this dumping. I'd like to see this addressed by you all. Somebody must have or worked with contractors that come in and apply for these permits. Nobody goes out to see what the effect is on the residential area. Every person I spoke with concerning this problem at each office I went to upon leaving mentioned how sorry they were to hear this problem. *'You have a legitimate complaint, Mr. Neary.'* Every office and every person I spoke with. That was the last thing they told me. *'You have a legitimate complaint but we cannot*

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help you.' A very personal thank you to Mike Jones and the Wythe County Attorney for their efforts on our behalf. Our thanks for putting themselves in our position and taking the action for the homeowners involved in our complaint. Our thanks to them for also having plain common-sense approach and for not being afraid to stick their necks out regardless of party affiliations or fear from any County or State officials. And I think it appears that individuals that have power or the right to make a decision like that on a simple problem that is so evident, nobody in the County would stick their neck out to do anything about it or say anything about it or to take control of it. Why do we have a noise enforcement individual?"

Chairman Reeves stated that this is the first he's heard of it and they will certainly look into it.

Mr. Bear said that he cannot refute anything Mr. Neary has said. Mr. Bear had received a communication from Mr. Jones, the Commonwealth Attorney, that Mr. Neary was speaking with him about the situation. Mr. Bear recommended that Mr. Dunford also go and speak with Mr. Jones. In Mr. Bear's opinion, the ordinance does prohibit the activity between 11:00 p.m. and 6:00 a.m.; however, he felt this was something that a Sheriff's Deputy or Litter Control Officer would have to take to court. If so, they would have to confirm with Mr. Jones that this was a prosecutable offense. Mr. Jones agreed that this ordinance did prohibit the noise from 11:00 p.m. to 6:00 a.m. and it was Mr. Bear's understanding that they were working with the contractor to notify him of such. Mr. Bear stated that this has been a developing situation working with law enforcement and the Commonwealth Attorney's office to properly address.

Supervisor Hale stated that Mr. Neary's letter was good but that he failed to mention that he and Supervisor Hale spoke for an hour and a half about this. The noise ordinance was previously reviewed and discussed at length, along with a public hearing and the Board has stated that commercial and industrial activities are exempt from the ordinance. Supervisor Hale indicated that the two lawyers are giving their opinion, and until a Judge codifies that, he doesn't believe the activity violates the ordinance. He said it's regrettable what's going on and he fully understands Mr. Neary's frustration.

Mr. Jones informed Mr. Neary that law enforcement can uphold the ordinance.

Mr. Neary added that this project may go on for another two more years and this situation is affecting seven residences.

Supervisor Vaught said the way he understands the ordinance is that it's a living document that can be changed whenever necessary. He said they want people to be good neighbors. Regarding Wythe Raceway, the Supervisor asked Mr. Bear to discuss the situation with Mr. Brown and if the situation is not resolved, then Supervisor Vaught has no problem making a motion to revisit and revise the ordinance putting restrictions on sporting events. The Supervisor has received several calls about the noise at the raceway and for it to continue until 4:00 a.m., he said, is ridiculous. As for Mr. Neary's complaint, W&L has not been a good neighbor.

Mr. Neary added that his wife works 12 hours a day as an ICU nurse. If she can't sleep at night due to the noise, it can be detrimental to the lives she's caring for.

Chairman Reeves reiterated that they will look into the situation and believes they need to have a meeting with Mr. Brown as well as W&L.

4. APEX Center – Mr. Mike Forrest appeared before the Board and stated "Good morning. I spoke at the Board of Supervisors meeting in April and had asked if there was a business plan for the Appalachian Exposition Center (APEX) and Mr. Hale told me that there was one. Ms. Collins emailed that to me; actually two plans, I believe the day after the Board meeting. And from what I read, these are not business plans. The one I think is a plan to develop the Appalachian Agricultural Exposition Center and the other one is from the Welden Cooper organization which is an economic impact plan. But I did read through all of them and noticed a few things that does not seem to follow these plans. Initially, according to the Exposition Development Plan, it was to be a first building 200'x300' with an indoor area seating for 3,000. There was also to be a 1,650 square foot support building, an uncovered outdoor ring and grass field for parking, and 1,000 square foot maintenance building. And this development plan estimated on page 7 of the report that this would cost \$7.5MM. The Welden economic impact plan estimated the same number of buildings, except I believe they included barns in addition to the arena and the land prep and all the engineering, and a maintenance building and their estimate was \$5.126MM. According to a budget that was in today's board package, total commitments so far on this APEX Center is \$10,161,456. If there was a plan to build these, these two plans, and not even the barns or the outdoor ring had been done and we

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spent double what the Welden plan was and 40% more than the other. Something's wrong with the plans. I still say that this facility, if it's going to be a business, and it's going to be self-supportive, needs a plan that's going to work. Their current budget request is asking for \$200k for this coming year, and you're going to vote on the budget later today to cover the shortfall of \$182k. Something's not right when you supposedly had plans; two different plans from two different organizations and we're exceeding the budget this much without all the facilities even being built. You want to talk about barns, according to the agenda, and will get quotes on that, that's just going to add to this, and I don't know if that's a half a million dollars or three million dollars. But they were included in both of these original plans. Thank you."

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

PAYMENT OF COUNTY INVOICES

Supervisor McRoberts made a motion to pay the invoices for approval on May 28, 2019, for the various departments of County government. The invoices were paid on General Warrants 30103748-30103850 as follows:

EXPENDITURES BY DEPARTMENT BOARD OF SUPERVISORS May 28, 2019

CHECK #	ISSUE DATE	VENDOR	AMOUNT
30103748	05/16/2019	APPALACHIAN POWER	20,106.90
30103749	05/16/2019	CENTURYLINK	59.39
30103750	05/16/2019	CENTURYLINK	420.54
TOTAL EXPENDITURES 05/16/2019			\$20,586.83

CHECK #	ISSUE DATE	VENDOR	AMOUNT
30103751	05/28/2019	ANDERSON, BRENDA	30.00
30103752	05/28/2019	APPALACHIAN POWER	9,004.09
30103753	05/28/2019	ASSOC OF DISTRICT COURT J	60.00
30103754	05/28/2019	AUTOZONE STORES, INC	216.11
30103755	05/28/2019	BKT UNIFORMS	43.99
30103756	05/28/2019	SARA BLANKENSHIP – CEDAR	350.00
30103757	05/28/2019	BLUE RIDGE AUTO PARTS INC	73.75
30103758	05/28/2019	BLUE RIDGE RESCUE SUPPLIE	998.50
30103759	05/28/2019	BROWN EXTERMINATING CO	45.73

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30103760	05/28/2019	BRYAN R GUYS	7,648.00
30103761	05/28/2019	BUSINESS INFORMATION SYST	36.50
30103762	05/28/2019	CALI, KELLY	94.40
30103763	05/28/2019	CARTER BANK & TRUST (NOTE	174,815.05
30103764	05/28/2019	CARTER MACHINERY CO INC	1,959.73
30103765	05/28/2019	CDW GOVERNMENT INC	159.81
30103766	05/28/2019	CENTURYLINK	39.98
30103767	05/28/2019	CENTURYLINK	45.26
30103768	05/28/2019	CENTURYLINK	115.06
30103769	05/28/2019	CENTURYLINK	148.09
30103770	05/28/2019	CENTURYLINK	232.10
30103771	05/28/2019	CENTURYLINK	359.59
30103772	05/28/2019	CENTURYLINK	4,709.46
30103773	05/28/2019	CINTAS CORP NO 2	91.38
30103774	05/28/2019	CLINE, ERNESTINE	15.00
30103775	05/28/2019	COMMONWEALTH DOCUMENT MGT	2,157.00
30103776	05/28/2019	COMMONWEALTH ENGINEERING	614.03
30103777	05/28/2019	COMPLETE TRUCK SERVICE IN	725.79
30103778	05/28/2019	COUNTY OF WYTHE	1,416.67
30103779	05/28/2019	CSG SYSTEMS, INC	1,641.83
30103780	05/28/2019	DEPT OF MOTOR VEHICLES	3,750.00
30103781	05/28/2019	DIRECT DODGE	83.60
30103782	05/28/2019	DISTRICT THREE	3,890.00
30103783	05/28/2019	DIVERSIFIED INTEGRATION I	5,014.50
30103784	05/28/2019	EMS INC	1,420.00
30103785	05/28/2019	ENTERPRISE FM TRUST	5,716.76
30103786	05/28/2019	F&R ELECTRIC INC	2,882.00
30103787	05/28/2019	FARTHING, SCOT S	1,455.00
30103788	05/28/2019	FERGUSON ENTERPRISES #5	13.15
30103789	05/28/2019	FIRE RESCUE AND TACTICAL	2,124.12
30103790	05/28/2019	RAYMOND M. ROBERTSON	35.82
30103791	05/28/2019	FREEMAN, TONYA	30.00
30103792	05/28/2019	GALLS	350.33
30103793	05/28/2019	GRANT, BRUCE M	4,136.75
30103794	05/28/2019	GREEN, JOHN DAVID	30.00
30103795	05/28/2019	HARPER & CO	1,405.80
30103796	05/28/2019	HARPO'S HARDWARE & BLDG S	64.42
30103797	05/28/2019	HUFF FORD	1,560.67
30103798	05/28/2019	HURT & PROFFITT INC	4,500.00

30103799	05/28/2019	JP COOKE CO	37.12
30103800	05/28/2019	LEGAL DIRECTORIES FUEL CO	8.75
30103801	05/28/2019	LINKOUS, ADAM	77.60
30103802	05/28/2019	MANSFIELD OIL CO	7,113.25
30103803	05/28/2019	MARRS, VICKI	30.00
30103804	05/28/2019	MATTHEW BENDER & CO INC	71.03
30103805	05/28/2019	MCI COMM SERVICE	32.54
30103806	05/28/2019	MCI COMM SERVICE	83.04
30103807	05/28/2019	MCI COMM SERVICE	636.95
30103808	05/28/2019	MEADE TRACTOR	208.15
30103809	05/28/2019	MODERN SHOE STORE	229.98
30103810	05/28/2019	MUSSER, JEREMIAH	401.35
30103811	05/28/2019	JD POWER	3,401.80
30103812	05/28/2019	NRVLSA	15.00
30103813	05/28/2019	PANDA SECURITY INC	7,488.00
30103814	05/28/2019	PAPER CLIP	5,232.10
30103815	05/28/2019	PIONEER COLLISION CENTER	2,780.64
30103816	05/28/2019	PITNEY BOWES INC	218.00
30103817	05/28/2019	POSTAGE BY PHONE RESERVE	1,000.00
30103818	05/28/2019	R&R ENTERPRISES INC	330.00
30103819	05/28/2019	S&S ENGINEERS INC	1,500.00
30103820	05/28/2019	SALEM STONE	324.49
30103821	05/28/2019	SAYLES, NOVELLA	30.00
30103822	05/28/2019	SHENTEL	73.37
30103823	05/28/2019	SIRCHIE FINGER PRINT LABO	213.09
30103824	05/28/2019	SOUTHWESTERN EQUIPMENT	264.47
30103825	05/28/2019	STATE ELECTRIC SUPPLY CO	1,028.84
30103826	05/28/2019	STREET, HAROLD P III	114.86
30103827	05/28/2019	TACS	1,037.10
30103828	05/28/2019	TAYLOR, BILLY	30.00
30103829	05/28/2019	TEAM SPORTS OUTFITTERS, L	2,255.00
30103830	05/28/2019	THOMPSON TIRE	615.16
30103831	05/28/2019	TOWN OF RURAL RETREAT	25,033.60
30103832	05/28/2019	TOWN OF WYTHEVILLE	676.13
30103833	05/28/2019	TOWN POLICE SUPPLY	7,051.90
30103834	05/28/2019	TRI CITIES/SW VA REGIONAL	874.94
30103835	05/28/2019	TWO WAY RADIO	13.00
30103836	05/28/2019	TYLER TECHNOLOGIES INC	1,788.09
30103837	05/28/2019	UNIVERSITY OF VIRGINIA	445.00

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30103838	05/28/2019	US CELLULAR	1,061.86
30103839	05/28/2019	USA BLUE BOOK	670.85
30103840	05/28/2019	V&M RECYCLING	983.31
30103841	05/28/2019	VERIZON WIRELESS	40.01
30103842	05/28/2019	VIRGINIA ASSOC OF CHIEFS	229.00
30103843	05/28/2019	VIRGINIA BUSINESS SYST	797.04
30103844	05/28/2019	VIRGINIA COUNCIL OF JUVEN	50.00
30103845	05/28/2019	WILSON BAIT & TACKLE INC	275.20
30103846	05/28/2019	WYTHE TIRE AND MUFFLER	1,092.76
30103847	05/28/2019	WYTHEVILLE AUTO & TRUCK R	55.00
30103848	05/28/2019	WYTHEVILLE METALS	717.75
30103849	05/28/2019	WYTHEVILLE OFFICE SUPPLY	418.36
30103850	05/28/2019	XEROX	468.55
TOTAL EXPENDITURES 05/28/2019			\$325,933.85

TOTAL EXPENDITURES APPROVED 05/28/2019 **\$346,520.68**

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 May 14, 2019 minutes for approval.

Supervisor Lawson made a motion, seconded by Supervisor Lester, to approve the May 14, 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

APPOINTMENTS

Mr. Bear previously sent this information to the Board and it was also discussed at the last Board meeting. He has put out information for the vacancy coming up at Wytheville Community College, as well as the Library position. Mr. Bear explained they had two well-qualified individuals who had expressed interest, but unfortunately both are ineligible as they are former employees of WCC.

Chairman Reeves said they received information that Dr. Houseman is interested in serving on the Board.

Supervisor Lester announced that Alan Freeman, plant manager at Quadrant, has expressed interest in serving on the Board.

Supervisor Hale recommended they not rush into any appointments and would rather they take their time.

SURPLUS VEHICLE

Supervisor Vaught referenced the surplus vehicle (discussed at the May 14th meeting) and the transfer of \$13,500 from the General Fund to the Police Activity Fund. A motion was made but not seconded due to an apparent oversight.

Supervisor Hale made a motion, seconded by Supervisor Horney, to approve the transfer of \$13,500 from the General Fund to the Police Activity Fund for the surplus vehicle, and to transfer the vehicle to Animal Control.

The roll call vote on the motion was as follows:

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

NAYS: None

ABSTAIN: Brian W. Vaught
Ryan M. Lawson

TREASURER'S REPORT

Treasurer Lori Guynn appeared before the Board and wanted to say what a great job was done at the APEX for the George Wythe High School graduation. She had not been to the APEX before but she knows the school, the APEX Authority and staff, put a lot of work into getting the facility ready. She was impressed with the APEX overall and she thought everyone involved did a fantastic job in preparing the APEX for GWHS graduation. She said she hopes the families and students were pleased. Mrs. Guynn added that she had no idea how they would transfer a dirt floor arena into a graduation facility that would look nice for such an event, but it turned out very well.

Mrs. Guynn also presented the Treasurer's Report as follows:

1. Revenue Statement – Mrs. Guynn reported that the Consolidated Account was comprised of \$65,927,336 of which \$41,570,582 was in the General Fund Account at the end of April. They have exceeded revenue projections in most all areas and the Treasurer would like to commend her staff for all their hard work. She added that they've been successful collecting some taxes from previous years.

Chair Reeves thanked the Treasurer and her staff for the job they're doing. He doesn't think he's ever seen a 99.6% collection rate before.

Mrs. Guynn appreciates the Board approving the salary increases, especially for two of her lowest paid employees. She feels if her staff continue to do a good job, she feels justified asking for a salary increase. And if she and her staff don't do their job, then she doesn't expect the Board to agree to a salary increase. Mrs. Guynn added that she expects to be fully staffed in the next 30 days.

Mrs. Guynn also thanked the Board of Supervisors for expediting the process of adopting the budget. This should allow her office get the tax bills out by mid-October so they can stay with the actual due date of December 5th.

Supervisor Hale asked about revenue comparison over the last 3-5 years.

Mrs. Guynn said she'd be happy to look into this but believes that Mr. Grant's report contains some comparison charts (sales tax, meals tax, lodging tax). But she will put something together and present it at the next meeting.

SHERIFF'S REPORT

Mr. Bear would like clarification on the Noise Ordinance. The Property Maintenance Ordinance stipulates that Litter (or Code) Enforcement Officer handles those issues. The Noise Ordinance was written such that the Sheriff's Office would have a tool to help enforce noise complaints. In his opinion, there's no reason why the Sheriff's Office cannot be issuing citations on the Noise Ordinance. He's not sure why Sheriff's Office was referring Mr. Neary back to Litter Control Officer. Mr. Bear asked the Sheriff to work with his staff so they know they can cite individuals not complying with the Noise Ordinance.

Sheriff Dunagan asked if the Noise Ordinance is being violated by a construction company, who do we charge - - the guy on the bulldozer or the guy driving the dump truck?

Mr. Bear said it should not be put back on Animal Control officers, which gives the appearance they're not doing their job because they're not out there at night. The Noise Ordinance is not something that's enforced by Arlan Dunford or Danny Blanchett of Animal Control. Mr. Bear reiterated that it's a tool to help the Sheriff's Office enforce it.

Mr. Farthing indicated that a citation may be served upon the construction company but that they should clarify with Mr. Jones. The Ordinance requires a warning first, however.

Sheriff Dunagan will speak with Mr. Jones on how to proceed.

Mr. Bear said in order to get them to stop the work, it would probably have to go before a Judge.

Supervisor Hale added that there's all kinds of case law on this, referencing when the interstate was built right through neighborhoods, and you lose every time.

Mr. Farthing said if we want to enforce it, the Sheriff will need to charge them or we may consider asking the Circuit Court for an injunction.

Chairman Reeves said they need clarification as it relates to construction work and what the deputies can do.

Mr. Bear asked Sheriff Dunagan when the trash detail will resume, and the Sheriff responded it could very well be today.

WATER COMMITTEE

1. Pump Station Repairs – Supervisor Horney made a motion, as recommended by the Water Committee, to amend and appropriate \$105,000 for the Pump Station repairs as follows:

Pumps for Pump Station #2	\$ 45,000
Generator for Pump Station #3	\$ 30,000
Engineering Services for Pump Replacement & Parts	\$ 20,000
<u>Temporary Pumping Services at Pump Station #3*</u>	<u>\$ 10,000</u>
	\$ 105,000

*only if needed

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

COUNTY ADMINISTRATOR REPORT

1. VEDP Site Characterization Study – Mr. Bear explained this is for informational purposes. JIDA is working with VEDP on this study in Progress Park. Mr. Bear said they are simply advising us to insure we have no objection to them coming in and doing this study. The study will be conducted this summer and when complete, they will provide us assessment records for our files.
2. Green Ridge Recycling & Disposal Facility, LLC – Mr. Bear is in receipt of a disposal capacity letter from Green Ridge Recycling regarding landfill in Midlothian. Unless anyone objects, he will advise them that we are not interested in reserving any space at that landfill.
3. Retirement Resolution – Mr. Bear announced that there is a reception this Friday at 4:00 p.m. to recognize Cellell Dalton for his service to the County. Mr. Bear requests the Board adopt the following resolution:

**WYTHE COUNTY RESOLUTION 2019-14
A RESOLUTION HONORING
ROBERT CELLELL DALTON**

WHEREAS, Robert Cellell Dalton was first appointed by the Wythe County Board of Supervisors to serve as Director of Water & Wastewater Systems in April 1995 and then as County Administrator in September 1996; and,

WHEREAS, Mr. Dalton's efforts during his tenure led to the creation and expansion of the county's water and wastewater systems, including the vision to develop the New River Regional Water Authority Water Treatment Plant; the purchase and site development of Progress Park, a 1210-acre industrial park currently housing six industries and a 165 acre graded mega-site; construction of a new county office building for the VA Department of Health, Wythe County Department of Social Services, and a consolidated Emergency 911 Communications Dispatch Center; and,

WHEREAS, Mr. Dalton's desire to promote education was displayed as he worked with the Board of Supervisors and School Board to obtain funding for construction and/or renovation at all county schools, including construction of one new elementary school and expansion of several other schools; and,

WHEREAS, Mr. Dalton served Wythe County with dedication and honor during the last twenty-two years, officially retiring in September 2016; and,

WHEREAS, his contribution to Wythe County has been of tremendous value and will be sorely missed; and,

NOW, THEREFORE, BE IT RESOLVED, that the Wythe County Board of Supervisors assembled in regular session in Wytheville, Virginia, this 28th day of May 2019, does hereby express its appreciation on behalf of the citizens of Wythe County to this distinguished gentleman for a job well done and does convey its best wishes to him and his family for continued success, happiness, and good health in the years to come; and,

BE IT FURTHER RESOLVED, that the Wythe County Board of Supervisors does hereby direct that this resolution be incorporated in the official

minutes of this Board and that a framed copy be given to R. Cellell Dalton as a token of their high regard.

Adopted this 28th day of May 2019.

Supervisor Horney made a motion, seconded by Supervisor Lester, to adopt Resolution 2019-14 Honoring Robert Cellell Dalton.

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

4. Wythe-Bland Joint Public Service Authority – Mr. Bear reported that at last week's Authority meeting, the Operations Manager announced his retirement effective June 30th. That position is being advertised.

COUNTY ATTORNEY REPORT

Supervisor McRoberts made a motion, seconded by Supervisor Vaught, to enter into Closed Meeting under Section 2.2-3711(A)(7) (Consultation with Legal Counsel) of the Code of Virginia.

The motion passed unanimously.

Supervisor Horney made a motion, seconded by Supervisor McRoberts, to return to open meeting.

The motion passed unanimously.

Upon returning to open meeting, Supervisor Lester made a motion, seconded by Supervisor Horney, 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 meeting was conducted in conformity with Virginia law; and,

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 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

BOARD OF SUPERVISORS' REPORTS

1. Wythe Raceway – Supervisor Vaught stated that Mr. Wilson adequately covered his concern with noise from the raceway. Mr. Wilson's complaint was about the sixth call Supervisor Vaught received since Sunday. Hopefully this can be remedied soon.
2. APEX – Supervisor Lawson noted that APEX staff did a really good job on getting the center ready for George Wythe High School's graduation. She heard many positive comments about how nice it looked.
3. VDOT – Supervisor Hale reported that VDOT is moving forward with some of the road projects and that the plant mix is nearly finished on Major Graham Road.

4. Upcoming Election – Supervisor Hale wanted to talk about civility in the upcoming election. Several years ago, the Richmond Times ran an article about how elections were supposed to be conducted. Supervisor Hale stated that our local newspaper opted not to run that piece. But with social media at the forefront, he said, we all have a responsibility to the County and to its citizens to bely falsehoods. He said we should also call out the local newspaper for not printing the good stuff. There are a lot of good things happening in Wythe County - and good things will continue to happen. Supervisor Hale has heard from other counties that they wished they had the opportunities we have, or the reserves we have, the fiscal ability to do the things when they're needed. He concluded that any time we have opportunity to highlight Wythe County, we should.
5. Noise and Roads - Supervisor McRoberts stated that he also received a call from Mr. Wilson, and he had some other road issues that he forwarded to Mr. Bear.
6. Horse Barn – Supervisor Horney said he's had people complain about the County building a horse barn. Other issues relate to the roads and can be addressed tonight.
7. Road Updates – Chairman Reeves said he and Mr. Bear met with the VDOT road engineer. They've got preliminary engineering for the bridge on Silas Road (off Pope Road) and it was funded this year until the General Assembly pulled the funding.

Chairman Reeves received a call complaining about the dust on Kings Chapel Road. It's on the six-year plan to be paved but it may not happen until next year.

8. VACo Board of Directors – The Chairman announced VACo Board of Directors were here on May 18th and had a good meeting. They loved the Bolling Wilson Hotel and what Wytheville has done with the Main Street revitalization. They were impressed with the APEX Center and the Chairman said a couple of other counties in northern Virginia are thinking of doing the same thing. They toured the Shot Tower, visited Foster Falls and the children's home. Sam Sweeney provided them with a wonderful and informative tour and spoke of the plans that are underway to convert the home into a hotel. After that they toured Progress Park then came back to town. Chairman Reeves said there were nothing but praises of Wythe County and everyone had a very good time.

9. Scratch Gravel Road – Supervisor McRoberts asked about Scratch Gravel. Chairman Reeves said he and Mr. Russell went out there and it has washed out in front of the resident’s driveway. Mr. Russell is working with him to remedy the situation.
10. Beetle Spinner – Supervisor Hale asked if they can discuss Beetle Spinner tonight. He said we owe it to the people to give them opportunity put together a revenue sharing project. When that road was abandoned, he said the intent was that there would be a new road created by the developer. Since the new road was never made, perhaps they could put a mile and a half of that road back in.

Mr. Bear responded they could put it back in but probably only up to the subdivision. He said once you get into the subdivision, they can’t guarantee a 50’ right-of-way.

CONSENT CALENDAR

Supervisor Lester made a motion to adopt the Consent Calendar as follows:

1. PAYROLL – April 2019:

General County Fund	\$	513,401.10
Police Activity Fund		76,588.07
Courthouse Security Fund		11,955.61
Water Department Fund		19,943.26
Wythe County Wastewater Fund		20,769.22
TOTAL	\$	642,657.26

Check Numbers: 20000477-20000500

Voucher Numbers: 7427-7777

2. STATUS REPORTS:

- A. Animal Control – Arlan Dunford
- B. Building Inspection – Tim Spraker
- C. Engineering – Bill Vaughan
- D. Finance – Bruce Grant
- E. Solid Waste – Billy Bowers
- F. Water & Wastewater – Don Crisp

3. PERSONNEL:

ADOPTION OF FY20 REVENUE & EXPENDITURE BUDGET

Supervisor McRoberts made a motion, seconded by Supervisor Lester, to adopt the FY20 Revenue & Expenditure Budget.

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

PROPOSED MILEAGE REIMBURSEMENT RATE

Chairman Reeves stated the current rate is \$.40. The proposed rate of \$.58 is the current IRS rate.

Supervisor Hale made a motion, seconded by Supervisor Lawson, to adopt the IRS Mileage Reimbursement Rate of \$.58.

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 CENTER

1. Cleco Proposed Change Order – Mr. Bear shared a map that Cleco designed. When Mr. Vaughan sent this out for bid, there was still a dirt pile that hadn't yet been leveled and it's a very uneven surface. Cleco will do the fine grading and put gravel down on top. Mr. Bear believes Cleco's proposal works best for the future parking lot and future drainage. While it's more money right now, he said it will give us a finished product that will hold up better and be less maintenance in the future.

Mr. Bear added that Baker did all they could do with what they had.

Supervisor McRoberts made a motion, seconded by Supervisor Lester, to approve the proposed change order.

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. Ready Mix Road – Mr. Bear said an issue had come up during construction. He said that Mr. Vaughan, VDOT and the contractor have all met out there and will be addressing the drainage issue.

Supervisor Hale asked for confirmation that the east lot will get gravel. Mr. Vaughan said yes. Supervisor Hale also asked they haul all the gravel over there and then do the paving last.

3. West Parking Lot – Mr. Vaughan explained that there were a few corrections from the State. He's now waiting on a spreadsheet they used that will reveal what the total phosphorus reduction is. He said that will tell us how much we need to set aside for the conservation area. Mr. Vaughan expects to finish up on that and resubmit it to the State this week.

Mr. Vaughan also said the redesign on the pond is good; there is a little cleanup on Pond 4.

Supervisor Hale asked where we are on pounds of reduction.

Mr. Vaughan responded that due to incorrect numbers on the spreadsheet, we don't have as much credit as we thought. That's why they want us to redo the VRM spreadsheet; he said then we'll have accurate numbers. It's at least 4 acres.

Mr. Bear added that the Lane Group is working with us on some of those calculations.

4. Ventilation – Mr. Vaughan received one quote from Sexton Construction and is trying to get at least two more. He spoke with both Mr. Houseman and Mr. Sutherland and he's expecting a quote from them (Coalfield Services) for what they say is an "innovative engineering-based solution". Mr. Vaughan added that it took a while to get hold of them.

Supervisor Hale reported that he told Coalfield we need a minimum of 50,000 cfm and a maximum of 100,000 cfm, one fan, no ventilation. The fans that are in there now, he said, are not designed to handle the exhaust from cars in a demolition derby.

Mr. Vaughan also said they've spoken with another contractor, Fairview Contractors.

R. CELLELL DALTON RECEPTION

Chairman Reeves reminded everyone of the reception for Mr. Dalton this Friday at the Wytheville Meeting Center.

ALAN DUNFORD

Supervisor McRoberts reported that visitation for Mr. Dunford will be at 6:00 p.m. tonight at Barnett Funeral Home. Mr. Dunford is a former board member.

CLOSED MEETING

Supervisor Vaught made a motion, seconded by Supervisor Horney, to enter into Closed Meeting under Section 2.2-3711(A)(1) (Personnel), Section 2.2-3711(A)(3) (Acquisition or Disposition of Real Property) and Section 2.23711(A)(5) (Prospective New Business or Industry) of the Code of Virginia.

The motion passed unanimously.

Supervisor Horney made a motion, seconded by Supervisor McRoberts, to return to open meeting.

The motion passed unanimously.

Upon returning to open meeting, Supervisor Lester made a motion, seconded by Supervisor Lawson, 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 meeting was conducted in conformity with Virginia law; and,

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 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

RECESS

The Board recessed at 12:06 p.m. until Tuesday, May 28, 2019 at 7:00 p.m.

RECONVENE

The Board reconvened on Tuesday, May 28, 2019 at 7:00 p.m. in the Board Room of the County Administration Building, 340 South Sixth Street, Wytheville, Virginia.

MEMBERS PRESENT:

Timothy A. Reeves, Sr., Chair
Joe F. Hale, Vice Chair
B. G. "Gene" Horney, Jr.
Ryan M. Lawson

Charlie G. Lester
Coy L. McRoberts
Brian W. Vaught

STAFF PRESENT:

Stephen D. Bear, County Administrator
Martha Collins, Administrative Assistant/Clerk

OTHERS PRESENT:

Tuck Clemons
Carol & Jim Cox
Robert Estep
Andy Fowler
Pam Heath
Stanley King, Jr.
David Kause

Marsha & James Lawson
Danny Musser
Wayne Roop
Steven Ryan
Steve Sage
Jamie Smith
Sandra & Tony Wright

PUBLIC HEARING – VDOT SIX-YEAR PLAN

Chairman Reeves read the following notice: The Virginia Department of Transportation and the Board of Supervisors of Wythe County, in accordance with Section 33.2-331 of the Code of Virginia, will conduct a joint public hearing in the Board Room of the Wythe County Administration Building, 340 South Sixth Street, Wytheville, Virginia 24382 at 7:00 p.m. on May 28, 2019. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2019/20 through 2024/25 in Wythe County and on the Secondary System Construction Budget for Fiscal Year 2019/20. Copies of the proposed Plan and Budget may be reviewed at the Wytheville Residency Office of the Virginia Department of Transportation, located at 2843 Chapman Road, Wytheville, Virginia 24382 or at the Wythe County offices located at 340 South Sixth Street, Wytheville, Virginia 24382. All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds. Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at (276) 228-2154. Persons wishing to speak at this public hearing should contact the Wythe County Board of Supervisors at (276) 223-4500.

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

1. Mr. Tuck Clemons, 457 Sharitz Road, Rt. 600, appeared before the Board and stated "Our road has been submitted and I would like to pass onto the Board that all consideration due for our road improvement be considered (Route 600). It's a gravel road right now, a secondary road, and I would like to comment that we have had in the past, the road being a secondary road, VDOT plows go right by us and we have to wait for our contractors to come in. The drifts are terribly bad during the winter time plus the rain washout during the summer time. Constant maintenance on our road."
2. Mr. Tony Wright, 909 Gap of Ridge Road, Rt. 625, appeared before the Board and stated "Hello ladies and gentlemen. My name is Tony Wright. I live at 909 Gap of Ridge Road, a Rural Retreat address, State Route 625, goes between Rt. 11 and Blacklick Road (680). I would like for your consideration that this be placed on the Rural Rustic list. To my knowledge, it's not been brought up. I've lived there for 28 years. I know at the time it was a Seven-Year Plan, instead of Six-Year Plan. We've been on that plan three different times and all three times it got taken off for consideration of a different road or lack of funding. It's a two-mile stretch of dirt road that goes through the Gap of Ridge, a very treacherous road. I read up on everything that needs to meet the Rural Rustic and it meets all the criteria for that program. But I'd just like for your consideration to take a second look at it try to get that on the Six-Year Plan. We probably average two wrecks a year there and I don't know if anyone's familiar with the road. We got a 100' drop-off going through the Gap there and like all dirt roads, the people that live there know the road and run about 10 mph and watch for the school bus. We're good but these young kids going through there, somebody's going to get hurt very badly."
3. Mr. Steve Sage, 326 Brushy Mountain Road, Rt. 681, appeared before the Board and stated "Thirty years ago, I appeared before a committee much like this, asked about getting on the Plan and I was told then that they would take me under consideration. Hopefully, consideration will be a little quicker this time. A couple of things I'd like to point out about our road; I've developed breathing and nasal problems which my ENT tells me is not necessarily completely caused by the dust but it is a contributing factor. My wife, however, has a little more health problems. She's been diagnosed with (and that's why I have this paper so I can read what it is) a central nervous system (disease) which, from what I understand, means her brain is turning to water. She was diagnosed 8 years ago and it has led

to a complication with her immune system so because of that she is unable to really deal with or tolerate dust very much. She was also diagnosed with a cardiac issue a year and a half ago. Both of the doctors that she deals with have recommended walking as a way to help offset the problems. She tried walking on our driveway, we have a rather nice driveway, but then every time a car or truck comes by, she'd have to stop because she couldn't breathe the dust. Because of these health issues, I did ask if VDOT would allow me just to pave in front of the house (tarp and chip) but I found out that's not one of the things they'll allow you to do. They said I could either start at one end and pave to my house, or start at the other end and pave to my house, and although I love these people, I don't have the money to pave the road for them. The State does a good job of maintaining our road. We do have quite a few potholes right down near the bridge and I think we're all indebted to Mr. King for keeping that under control for us and even cleaning out the snow – he does a good job of that. But our road's not a bad road, it's just very dusty. The State did tell me that I could purchase calcium chloride to put down, which I have in front of our house, but again that doesn't last very long. I had a Board of Supervisors member, not from the Blacklick District and not on this Board right now, tell me one time "well you knew it was a dirt road when you moved in there." And we did; however, we figured that maybe in 31 years something would change. As I said earlier, 30 years ago I spoke and they said I'd be taken under consideration. I just hope it's not another 30 years because I don't believe I have that in me. We do have a nice area out there that we live in. We love it, we love our house, we love where we live. We'd just love to have it paved. Thank you."

4. Mr. James Cox, 408 Brushy Mountain Road, appeared before the Board and stated "I thought about coming with my crutches and cane if that would have an impact on you. We have owned 408 Brushy Mountain Road since 2004 and we've listened to all of the comments made by everybody on the road and it's pretty much the same thing. We really would like to have that road paved. I spent two tours of duty at ground zero just after the Twin Towers collapsed and I do have some lung problems as a result, we believe, of being there. And it would be a really big help to me to get rid of all that dust as much as possible. My wife likes to walk, I like to walk, but in the summertime it's pretty hard to do with the dust and the gravel. It would really be nice and we would appreciate it very much if we could see that road paved. Thank you."
5. Mr. Stanley King, Jr., 214 Brushy Mountain Road, appeared before the Board and stated "I disagree with Mr. Sage. They don't keep the road in as good a shape as

they should. I don't know how many times a year, when you come off of the bridge, potholes get so bad that you can't get through them and there's many times during the year that I've put the bucket on the tractor and go down there and fix it. I've plowed the snow on the road. I have a snowplow on my tractor, for the neighbors, and never did any one of them ever buy me a drop of fuel. *(laughter)* But I do it for them when it gets deep. And like I said, there's potholes and it's dusty and not many of us live up through there; it dead ends. But we pay taxes just like everybody else. Thank you."

6. Mr. James Lawson, 414 Brushy Mountain Road, appeared before the Board and stated "It's real dusty and it would be nice if we could get it paved. It's not but a half mile long. It's not a terribly long road or anything but I appreciate your consideration."
7. Mr. Danny Musser, 405 Brushy Mountain Road, appeared before the Board and stated "I've lived there since 1981. Been a few improvements on that road since I moved in. There used to be a locust tree in the middle of the road . . . but the State did take that out. They did clean it up but it's been a dirt road for a long time. It's 8/10 of a mile actually what the sign says at the beginning of it, and I'd just like you to give it consideration of having it paved. Thank you."
8. Mr. Robert Estep, 160 Brushy Mountain Road, appeared before the Board and stated "I've lived there for approximately 10 years but I've owned that property since 1981, and the dust has always been pretty much of a terrible problem. And not only that but when the rain hits that road, we get gully washers out there and the surface that we have washes away pretty quickly, which only complicates the maintenance problems that the County has to go in there and put gravel down and take care of it. We appreciate the help we get from our neighbors and would appreciate it greatly if some consideration could be given to giving us some relief. Thank you."
9. Mr. Wayne Roop, 542 Sharitz Road, appeared before the Board and stated "I've lived there since 1977. It's 1.25 miles. Started talking to Mr. Fowler and wondered if we really qualified for the number of cars you consider and found out that we had something like 90 cars per day going through there. In the last two or three years, in the Spring especially when the rains really come out of the ridge, we've had gullies a foot deep. Two cars that didn't know each other tried to pass somebody's going to end up . . . (in an accident). Last Fall, I sent to each individual up and down the road and got everybody to sign that they were on board with what we were going to try to do, and what we would like for you to

consider is the Rustic Road. You can see, take a look at it, and I think that everybody would like to see something done, at least get it up to the point that when we do have a lot of rain, two cars can pass out there. Thank you very much.”

Hearing no other comments, Chairman Reeves closed the public comment period.

Mr. Andy Fowler of VDOT, rather than provide an in-depth review, jumped to the bottom line. The amount of money they have to add roads to the Plan is \$588,712.

Supervisor Hale asked how many miles of unsurfaced roads do we have in the County.

Mr. Fowler not sure of the exact mileage of unpaved roads. He explained the Six-Year Plan is a means where VDOT and the County work together – the funding comes through the County to VDOT, then VDOT will build the roads based on the Board’s recommendation. VDOT then reviews the recommended roads to see if they meet the requirements of Rural Rustic. If and when a road is added to the Plan, it will be built within six years.

Mr. Fowler said they recently acquired funding from other sources for certain routes (i.e. Major Grahams) without having to use the Six-Year Plan money. The alternate funding source frees up money so the County can add more roads to the Plan. Mr. Fowler also reported that they recently acquired \$160k of recreational access funds to pave Pump Hollow Road. That too frees up another \$160k in the Six-Year Plan amounting to a total of \$588,712. That amount equates to nearly three miles (\$200k per mile).

Mr. Fowler confirmed the six roads that VDOT recently reviewed (Payne Town Rd., Brushy Mountain Rd., Sheffey Town Rd., Sharitz Rd., Millers Creek Rd., and Riverview Rd.). They all qualify for Rural Rustic. VDOT now requests the Board to advise which three miles of those six roads they want added to the Six-Year Plan.

Gap of Ridge has not been reviewed by VDOT as yet.

Mr. Fowler mentioned that two years in a row, VDOT’s been able to acquire high-volume unpaved funding for Major Grahams Road. If they get that funding again, it will free up money to add another mile or so to the Plan.

In the last five years, Mr. Fowler confirmed that VDOT has done 20 roads totaling 25 miles.

Supervisor Vaught asked Mr. Fowler if VDOT would review Gap of Ridge Road, and whether Mt. Airy Road is scheduled for this year.

Mr. Fowler responded that it's in the system now and waiting on environmental review (Mt. Airy Road). He said it should be started this year, maybe in September. In addition, Wilkins Road will also be started this year.

Supervisor Lawson asked if we do both Sharitz and Brushy Mountain, that should leave us with one mile left. Is it possible for VDOT to do just one mile of Gap of Ridge?

Mr. Fowler replied that they can do just one section of a road until there's funding to do the rest. He also stated that VDOT needs to know tonight which roads the Board recommends adding, that this is a time-sensitive matter.

Mr. Fowler stated the following road counts (vehicles per day): Brushy Mountain (60), Sharitz (100), and Payne Town (140).

Supervisor Hale recommended removing from the list two miles of Millers Creek as the traffic count doesn't relate to those two miles. The 400 traffic count is primarily due to the business end of the road and he said the last two miles probably has a traffic count of 30.

Mr. Bear stated that in the Six-Year Plan, we have 8.27 miles in the West end of the County and 9.2 miles in the East end of the County.

Supervisor Lester made a motion, seconded by Supervisor Vaught, to add, in this order, the following roads to the Six-Year Plan: Brushy Mountain Road, Sharitz Road, and Payne Town Road.

Supervisor Horney requested VDOT to consider Gap of Ridge Road for next year.

Mr. Wright asked about doing just one mile of Gap of Ridge as it would alleviate most of their problems. He is more concerned with safety rather than dust.

Mr. Fowler reiterated that they can consider doing a section of the road if there's adequate funding.

Supervisor Hale is concerned that there's not enough width in that section of the road.

Mr. Fowler will review it and send his determination to Mr. Bear.

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

Supervisor Horney made a motion, seconded by Supervisor McRoberts, to authorize the County Administrator to sign on their behalf the new Plan with additions.

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

REVENUE SHARING ROADS

Mr. Bear explained that they are currently working on pre-applications and that Ms. Heath is working with Mr. Vaughan on it. Of the roads that residents have expressed interest in, one is Dyer Road, about a half mile, at an estimated cost of \$115k. Bentwood Drive is about 8/10 of a mile and the estimated cost is \$150k. Mr. Bear also mentioned Beetle Spinner, the portion not included in the River Hills Subdivision. He said it's about 3,100' from Major Grahams Road to the Major Grahams Estates subdivision and, according to the plat, the old State Route 622 is not state-maintained by VDOT. Mr. Bear believes the right-of-way is already in place if you wanted to do (and approve) revenue sharing.

Supervisor Hale said when River Hills subdivision was approved, there was a new road that was supposed to be built, but it never happened. He is confident there's a 30' easement out through there. Granted it becomes 50' out there, but he said 30' easements are done for Rural Rustic everywhere and it shouldn't pose a problem.

Supervisor Hale added that people don't realize how much tax base has developed out there and the residents get very little back from the County or the State.

Mr. Bear explained that we need clarification as to how far we can go, and confirmation of the right-of-way (public or private). He's not sure whether the Board needs to be involved to regain access to the right-of-way.

Ms. Heath will research that and get back to Mr. Bear.

Mr. Bear also mentioned Orion Lane that the Board had previously discussed. The estimated cost is \$35k and it will be submitted for revenue-sharing as well.

Supervisor Hale asked if there's any money to do a small piece on Millers Creek (across the two new pipes). It's about 300 yards and will help hold those two new pipes. Mr. Fowler responded that he will speak with Mr. Russell about it.

Supervisor Horney asked about the speed limit on Dry Road. It's 35mph but apparently it stops at Crigger Road. Is it possible to get that speed limit extended on that road, as he received a complaint about people speeding through there.

Chairman Reeves asked if Scratch Gravel has been fixed? Mr. Fowler responded that he will check with Mr. Russell when he's back in town tomorrow.

Supervisor Horney also asked about Cedar Springs Road on the way to Rural Retreat. He said it's 45 mph until you turn right on Cedar Springs Road (basically the same road). He was told there used to be a 55 mph speed limit sign there which is now gone. Supervisor Horney said when you come out of Rural Retreat, there's a 55 mph hour sign on the right-hand side.

Ms. Heath will look into it, and Mr. Fowler said typically if it's unmarked, it's 55 mph.

VEHICLE LEASE AGREEMENT

Mr. Bear explained that our vehicle agreement with the fire departments states that vehicles should be used for emergency purposes only. However, Jackson Memorial Elementary School has asked Barren Springs Fire Department to run water for a field day water slide. Mr. Stitt wanted to make sure that it's okay to do so. There were no objections.

ADJOURNMENT

With no other business to come before the Board, Chair Reeves adjourned the meeting at approximately 8:07 p.m.

Timothy A. Reeves, Sr., Chair