

December 11, 2018

The Wythe County Board of Supervisors held its regularly scheduled meeting at 7:00 p.m., Tuesday, December 11, 2018. The location of the meeting was in the Boardroom 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
 Scot Farthing, County Attorney
 Michelle Cassell, Planning Commission
 Martha Collins, Administrative Assistant/Clerk
 Bill Vaughan, County Engineer

OTHERS PRESENT:

Frances Emerson
 Pastor Tony Helms
 Mrs. Tony Helms
 Jim Lloyd

David Manley
 Linda Meyer
 John Thompson
 Five others

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 Tony Helms, Grace Baptist Church, provided the invocation and Chair Reeves led the Pledge of Allegiance.

CITIZENS' TIME

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

1. County Debt - Ms. Linda Meyer said that she appreciated the three town hall meetings and that reducing the County debt is a huge priority. She hopes the Board will consider continuing this in 2019 and in the future.

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

December 11, 2018

PUBLIC HEARING – ENTERPRISE ZONE BOUNDARY AMENDMENT

Chairman Reeves announced that notice is hereby given that the Wythe County Board of Supervisors will hold a public hearing to consider amending the Wythe County Enterprise Zone boundaries. Public comment regarding the proposed amendment will be heard at this hearing.

Mr. David Manley, Joint Industrial Development Authority, explained that as part of their administrative duties, they re-examine the Enterprise Zone boundaries every year, and if an amendment is warranted, they process the maps and related paperwork as a routine adjustment. He said after consulting with local governing bodies, as well as property owners, they proposed adding eight pieces of property to the Enterprise Zone and removing one; a net change of 27.94 acres, leaving approximately 391 acres in the Zone. Mr. Manley said if the Board approves the Resolution, it should be finalized by the end of the year. Resolution 2018-38 is as follows:

**WYTHE COUNTY RESOLUTION 2018-38
ENTERPRISE ZONE AMENDMENT**

WHEREAS, Wythe County is the location of Enterprise Zone 11 as part of the program administered by the Virginia Department of Housing and Community Development at the state level and is administered locally by the Joint Industrial Development Authority of Wythe County, Wytheville, and Rural Retreat; and

WHEREAS, an amendment is necessary to further the economic development interests of the local economy, expanding industry, and to keep Wythe County competitive in seeking new industrial prospects; and

WHEREAS, an amendment has been proposed to add +/- 28 acres to the Enterprise Zone as enumerated with specificity in Enterprise Zone Amendment Documentation; and

WHEREAS, a public hearing was held on December 11, 2018, at 7:00 p.m. at the regular meeting of the Wythe County Board of Supervisors at 340 S. 6th Street in Wytheville, VA; and

WHEREAS, the Wythe County Board of Supervisors acknowledges the importance of this expansion and encourages its approval; then

December 11, 2018

BE IT THEREFORE RESOLVED that on the 11th day of December, 2018, the Wythe County Board of Supervisors officially endorses the application for amendment to Enterprise Zone 11 in Wythe County, Virginia.

Chairman Reeves opened the hearing for public comment. Hearing no comments, he closed the hearing.

Supervisor Lester made a motion, seconded by Supervisor Lawson, to adopt Resolution 2018-38 Enterprise Zone Amendment.

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

PAYMENT OF COUNTY INVOICES

Supervisor McRoberts made a motion to pay the invoices for approval on December 11, 2018, for the various departments of County government. The invoices were paid on General Warrants 30102431-30102567 as follows:

EXPENDITURES BY DEPARTMENT BOARD OF SUPERVISORS December 11, 2018

| CHECK # | ISSUE DATE | VENDOR | AMOUNT |
|----------------|-------------------|-----------------------|---------------|
| 30102431 | 11/28/2018 | ALLISON GARY WAYNE | 622.74 |
| 30102432 | 11/28/2018 | ALLISON GARY WAYNE | 68.60 |
| 30102433 | 11/28/2018 | AMBURN RONNIE LEE | 87.74 |
| 30102434 | 11/28/2018 | KING DALE ELAINE | 159.71 |
| 30102435 | 11/28/2018 | KING DALE ELAINE | 9.89 |
| 30102436 | 11/28/2018 | MABE MILDRED P | 16.06 |
| 30102437 | 11/28/2018 | MABE MILDRED P | 64.60 |
| 30102438 | 11/28/2018 | MILLER PHILLIP D | 37.66 |
| 30102439 | 11/28/2018 | MULLINS WILLIAM ARLIN | 78.67 |
| 30102440 | 11/28/2018 | NYE JR ROLLIE CLAYTON | 19.45 |
| 30102441 | 11/28/2018 | NYE JR ROLLIE CLAYTON | 37.31 |

December 11, 2018

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| 30102442 | 11/28/2018 | SHOWALTER JR RICHARD R | 15.73 |
| 30102443 | 11/28/2018 | SHOWALTER JR RICHARD R | 27.49 |
| 30102444 | 11/28/2018 | SHOWALTER RICHARD R JR | 19.12 |
| 30102445 | 11/28/2018 | TAYLOR ZACHARY HEATH | 69.54 |
| 30102446 | 11/28/2018 | WOOD MICHAEL SEAN | 33.94 |
| 30102447 | 11/28/2018 | BOWERS BYTHA J | 15.02 |
| 30102448 | 11/28/2018 | BRAXTON MATTHEW R | 273.57 |
| 30102449 | 11/28/2018 | CROCKETT GEORGIA B | 68.63 |
| 30102450 | 11/28/2018 | DUNFORD ARLAN BRIAN | 21.75 |
| 30102451 | 11/28/2018 | GORDON BARBARA A | 42.98 |
| 30102452 | 11/28/2018 | HALL BARBARA ANN | 31.02 |
| 30102453 | 11/28/2018 | HALL PAMULA H | 17.36 |
| 30102454 | 11/28/2018 | JONES ALAN D & JANET B | 511.92 |
| 30102455 | 11/28/2018 | KEEN TONY RAY | 8.57 |
| 30102456 | 11/28/2018 | LANTER JR LEMUEL FORD | 24.98 |
| 30102457 | 11/28/2018 | MABRY CLYDE & DELLA S | 4.00 |
| 30102458 | 11/28/2018 | PATEL MAHENDRA SHANTILAL | 86.26 |
| 30102459 | 11/28/2018 | PATRICK STEVEN FORD | 145.85 |
| 30102460 | 11/28/2018 | PATTISON GEORGE GARY | 70.00 |
| 30102461 | 11/28/2018 | PERRY LYNNE UMBERGER | 125.55 |
| 30102462 | 11/28/2018 | PIKE CHARLES CRAWFORD | 20.00 |
| 30102463 | 11/28/2018 | PUGH JASON KARLTON | 30.00 |
| 30102464 | 11/28/2018 | REED JUSTIN RAY | 40.32 |
| 30102465 | 11/28/2018 | ROSE JR ARVIN COY | 18.24 |
| 30102466 | 11/28/2018 | ROUTE 100 WELDING FAB | 267.50 |
| 30102467 | 11/28/2018 | SHELTON SHERI LYNN | 16.19 |
| 30102468 | 11/28/2018 | SHULER DONNA BURRESS | 345.30 |
| 30102469 | 11/28/2018 | SHUMATE SAMUEL PHILLIPPI | 32.59 |
| 30102470 | 11/28/2018 | UMBERGER MARTHA F | 32.11 |
| 30102471 | 11/28/2018 | WILLIAMS ELIZABETH CARRIE | 26.10 |
| 30102472 | 11/28/2018 | WILLIAMSON ANDREW PERRY & | 553.53 |

TOTAL EXPENDITURES 11/28/2018**\$4,197.59**

| | | | |
|----------|------------|-------------------|----------|
| 30102473 | 11/30/2018 | APPALACHIAN POWER | 745.58 |
| 30102474 | 11/30/2018 | BUSINESS CARD | 3,464.54 |
| 30102475 | 11/30/2018 | CENTURYLINK | 45.34 |
| 30102476 | 11/30/2018 | CENTURYLINK | 52.76 |
| 30102477 | 11/30/2018 | CENTURYLINK | 115.14 |
| 30102478 | 11/30/2018 | CENTURYLINK | 227.98 |

December 11, 2018

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| 30102479 | 11/30/2018 | CENTURYLINK | 338.62 |
| 30102480 | 11/30/2018 | CENTURYLINK | 4,719.72 |
| 30102481 | 11/30/2018 | WYTHE CO WATER & WASTEWAT | 173.32 |

TOTAL EXPENDITURES 11/30/2018 **\$9,883.00**

| | | | |
|----------|------------|---------------------------|-----------|
| 30102482 | 12/11/2018 | APEX SOFTWARE | 200.00 |
| 30102483 | 12/11/2018 | APPALACHIAN POWER | 1,207.68 |
| 30102484 | 12/11/2018 | APPALACHIAN POWER CIAC-VA | 520.58 |
| 30102485 | 12/11/2018 | AYERS & SONS SEPTIC LLC | 350.00 |
| 30102486 | 12/11/2018 | BIG WALKER SWCD | 3,060.00 |
| 30102487 | 12/11/2018 | BKT UNIFORMS | 152.97 |
| 30102488 | 12/11/2018 | BLUE RIDGE AUTO PARTS INC | 169.81 |
| 30102489 | 12/11/2018 | BUILDING & DESIGN OF VA | 315.00 |
| 30102490 | 12/11/2018 | CARROLL COUNTY PSA | 8,120.34 |
| 30102491 | 12/11/2018 | CAVALIER SUPPLY CO | 1,127.50 |
| 30102492 | 12/11/2018 | CDW GOVERNMENT INC | 4,126.78 |
| 30102493 | 12/11/2018 | CENTURYLINK | 108.99 |
| 30102494 | 12/11/2018 | CINTAS CORP NO 2 | 61.81 |
| 30102495 | 12/11/2018 | CITIZENS TELEPHONE COOP | 720.00 |
| 30102496 | 12/11/2018 | CLEARWATER INC | 10,412.09 |
| 30102497 | 12/11/2018 | COLLINS AUTO REPAIR INC | 16.00 |
| 30102498 | 12/11/2018 | CORE&MAIN LP | 431.34 |
| 30102499 | 12/11/2018 | CRIPPLE CREEK AG SOLUTION | 51,680.00 |
| 30102500 | 12/11/2018 | DATAWATCH CORP | 1,353.55 |
| 30102501 | 12/11/2018 | DELL MARKETING LP | 3,176.54 |
| 30102502 | 12/11/2018 | DEPT OF MOTOR VEHICLES | 3,925.00 |
| 30102503 | 12/11/2018 | DON CRISP | 75.00 |
| 30102504 | 12/11/2018 | DON CRISP | 250.00 |
| 30102505 | 12/11/2018 | DOWDY, MARK | 3,315.00 |
| 30102506 | 12/11/2018 | ELECTION SYSTEMS & SOFTWA | 2,200.92 |
| 30102507 | 12/11/2018 | FERGUSON ENTERPRISES #5 | 67.29 |
| 30102508 | 12/11/2018 | FERGUSON ENTERPRISES #5 | 1,417.89 |
| 30102509 | 12/11/2018 | FOLEY COMPANY | 110.00 |
| 30102510 | 12/11/2018 | FOOD COUNTRY | 29.70 |
| 30102511 | 12/11/2018 | GALLS | 91.13 |
| 30102512 | 12/11/2018 | GRANT, BRUCE M | 4,136.75 |
| 30102513 | 12/11/2018 | HEDRICKS AUTO REPAIR INC | 16.00 |
| 30102514 | 12/11/2018 | HUFF FORD | 194.14 |
| 30102515 | 12/11/2018 | HURT & PROFFITT INC | 1,800.00 |

December 11, 2018

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| 30102516 | 12/11/2018 | IMPERIAL WOODWORKS, INC | 20,560.00 |
| 30102517 | 12/11/2018 | JOINT PUBLIC SERVICE AUTH | 38,697.88 |
| 30102518 | 12/11/2018 | JP COOKE CO | 272.58 |
| 30102519 | 12/11/2018 | KING-MOORE INC | 1,150.50 |
| 30102520 | 12/11/2018 | KIRBYS KUTTIN EDGE | 1,800.00 |
| 30102521 | 12/11/2018 | KIWANIS CLUB OF WYTHEVILL | 540.00 |
| 30102522 | 12/11/2018 | LANDSCAPE SUPPLY | 2,255.00 |
| 30102523 | 12/11/2018 | LAWSON, BRIAN J. | 29.03 |
| 30102524 | 12/11/2018 | LEXISNEXIS | 207.00 |
| 30102525 | 12/11/2018 | LOWE'S | 1,485.14 |
| 30102526 | 12/11/2018 | MANSFIELD OIL CO | 6,892.82 |
| 30102527 | 12/11/2018 | MATTHEW BENDER & CO INC | 23.69 |
| 30102528 | 12/11/2018 | MUSSER, JEREMIAH | 62.25 |
| 30102529 | 12/11/2018 | JD POWER | 87.00 |
| 30102530 | 12/11/2018 | MAILROOM FINANCE, INC | 719.90 |
| 30102531 | 12/11/2018 | TLA ENTERPRISES | 10.50 |
| 30102532 | 12/11/2018 | PARTNERSHIP SCREENING INT | 14.40 |
| 30102533 | 12/11/2018 | PENDLETON, JOHN R. | 56.10 |
| 30102534 | 12/11/2018 | PROTECT YOUTH SPORTS | 329.50 |
| 30102535 | 12/11/2018 | R&C TOWING & REPAIR CO | 16.00 |
| 30102536 | 12/11/2018 | R&R ENTERPRISES INC | 135.00 |
| 30102537 | 12/11/2018 | R.E. MICHEL COMPANY, LLC | 1,093.03 |
| 30102538 | 12/11/2018 | RCI | 166.25 |
| 30102539 | 12/11/2018 | REGION I VBCOA | 60.00 |
| 30102540 | 12/11/2018 | RGM ERECTORS INC | 5,757.50 |
| 30102541 | 12/11/2018 | RURAL DEVELOPMENT | 2,282.00 |
| 30102542 | 12/11/2018 | RURAL DEVELOPMENT | 2,514.00 |
| 30102543 | 12/11/2018 | RURAL DEVELOPMENT | 11,572.00 |
| 30102544 | 12/11/2018 | SMG | 8,000.00 |
| 30102545 | 12/11/2018 | STATE ELECTRIC SUPPLY CO | 186.23 |
| 30102546 | 12/11/2018 | SUNTRUST | 36,881.92 |
| 30102547 | 12/11/2018 | SUPPLYWORKS | 1,297.95 |
| 30102548 | 12/11/2018 | THE CROM CORPORATION | 442,744.65 |
| 30102549 | 12/11/2018 | THOMPSON TIRE | 4,758.08 |
| 30102550 | 12/11/2018 | TRACTOR SUPPLY COMPANY | 295.94 |
| 30102551 | 12/11/2018 | TRANSUNION RISK & ALTERNA | 30.90 |
| 30102552 | 12/11/2018 | TREASURER OF VIRGINIA | 7,400.00 |
| 30102553 | 12/11/2018 | V&M RECYCLING | 75,228.69 |
| 30102554 | 12/11/2018 | VACORP | 42,501.25 |

December 11, 2018

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| 30102555 | 12/11/2018 | VIRGINIA BUSINESS SYST | 220.13 |
| 30102556 | 12/11/2018 | VITA | 164.11 |
| 30102557 | 12/11/2018 | VITA | 241.40 |
| 30102558 | 12/11/2018 | VRPS | 200.00 |
| 30102559 | 12/11/2018 | VUPS | 139.65 |
| 30102560 | 12/11/2018 | WEB WIDE HOLDINGS, LLC | 9,520.00 |
| 30102561 | 12/11/2018 | WYTHE CO WATER & WASTEWAT | 107.05 |
| 30102562 | 12/11/2018 | WYTHE CUSTOM WELDING INC | 400.00 |
| 30102563 | 12/11/2018 | WYTHE TIRE AND MUFFLER | 562.96 |
| 30102564 | 12/11/2018 | WYTHE VCE | 25.00 |
| 30102565 | 12/11/2018 | WYTHEVILLE METALS | 1,805.83 |
| 30102566 | 12/11/2018 | WYTHEVILLE OFFICE SUPPLY | 929.17 |
| 30102567 | 12/11/2018 | XEROX | 132.67 |
| TOTAL EXPENDITURES 12/11/2018 | | | \$837,502.45 |

TOTAL EXPENDITURES APPROVED 12/11/2018 **\$851,583.04**

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 MEETINGS

The Board was presented with the November 27, 2018 minutes for approval.

Supervisor Vaught made a motion, seconded by Supervisor Lester, to approve the November 27, 2018, 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

NOISE ORDINANCE

Mr. Bear stated the Commonwealth Attorney was presented with a copy of both the existing and proposed ordinances. The Personnel Committee has scheduled a meeting with the Commonwealth Attorney for next week to further discuss.

JUNIOR APPALACHIAN MUSICIANS

The Junior Appalachian Musicians ("JAM"), a group of three youngsters, performed incredibly for the Board of Supervisors and others attending the meeting.

Mr. Jim Lloyd stated that JAM was founded around 18 years ago in North Carolina to initially help the kids. He said it also helps preserve traditional Appalachian music. JAM has 45 chapters in four states and this year they're adding seven chapters in Tennessee and in Wythe County. Mr. Lloyd said they started in Smyth County about four years ago and, in their first year, they had around 100 kids sign up! Mrs. Frances Emerson and the Town of Wytheville Department of Museums will be the parenting organization of the local chapter effective January 31st.

Mr. Lloyd indicated that the group is here seeking funding to help with start-up costs. The instruments are costly and so far, the Town of Wytheville and Rural Retreat have both agreed to give money, and the School Board is providing a grant. Mr. Lloyd stated the start-up fee exceeds their budget.

Chairman Reeves greatly appreciates what the JAM is doing and what they're all about. As such, he referred this to the Budget Committee for consideration.

Supervisor Vaught inquired about JAM's return rate and level of interest/dedication on the part of the kids.

Mr. Lloyd said the rate of return is tremendous. Music is something they can carry on the rest of their lives. He said that a lot of former students are now teaching for them.

NR/MR WORKFORCE DEVELOPMENT BOARD - APPOINTMENT

Mr. Bear explained that New River/Mount Rogers Workforce Development Board needs a business representative appointment and possibly an alternate to serve on that Board.

Mr. Manley has names of a few individuals and said that if the Board of Supervisors have anyone in mind, he'd be happy to include them in the list of candidates.

Supervisor Hale also mentioned that the regular Workforce Development meeting is tomorrow at the Wytheville Community College.

CAMPGROUND SPECIAL USE PERMIT REQUEST – MR. JIMMY SCOTT HORNE

Mr. Bear said that Mr. Jimmy Scott Horne of Stony Fork Road is applying for a special use permit for a campground. Mr. Bear said the Planning Commission met last week and recommended the Board approve Mr. Horne's request.

Supervisor Lester asked if this is a new campground.

Ms. Michelle Cassell, Planning Commission, responded this is a new 12-site RV campground, located between entrance of Dark Horse Hollow and Rt. 717. She also said that Mr. Horne has worked power lines, and that he has a lot of friends and co-workers interested in coming to this area to work and are needing a place to stay. Ms. Cassell mentioned that the State Stony Fork Campground will only allow people to stay up to 15 days. Mr. Horne will not have a time restriction if people want to stay longer for work or other reasons.

Supervisor Lawson thinks it is much needed, especially for the workers.

Ms. Cassell said Mr. Horne will be retiring soon and will be operating this himself and that he has met every requirement for the special use permit.

Supervisor Hale asked if staff makes the tax policies clear to the applicants (lodging tax and personal property tax)?

Ms. Cassell responded yes regarding the lodging tax.

Supervisor Hale raised concern that longer-term renters are not paying personal property tax for their RV/camper. He thinks that should be made part of the licensing procedure - what the tax burden is for renters.

Mr. Bear will follow-up with Mrs. Barker on that issue.

Supervisor Horney made a motion, seconded by Supervisor Lawson, to grant the campground special use permit for Mr. Jimmy Scott Horne.

December 11, 2018

Supervisor Vaught said this is in his district but he has had no calls on the subject. He has, however, notified some of the neighbors and they all seem to be supportive.

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

BUILDING & GROUNDS COMMITTEE

Supervisor Hale made a motion, as recommended by the Building and Grounds Committee, to close the Trash Collection & Recycling Centers on December 24th and December 31st to coincide with the Transfer Station being closed those days.

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

Mr. Bear added that they've advertised for hay removal bids for multiple lots throughout the County and asks the Board to please share that information.

RESOLUTION 2018-37 – CIGARETTE TAX

The Board reviewed and discussed Resolution 2018-37 in support of legislation that would grant counties the authority to levy a new tax on retail tobacco products.

WYTHE COUNTY RESOLUTION 2018-37

RESOLUTION OF THE WYTHE COUNTY BOARD OF SUPERVISORS SUPPORTING THE GENERAL ASSEMBLY GRANTING ALL COUNTIES THE AUTHORITY TO LEVY A LOCAL TAX ON CIGARETTES BY THE PACK

December 11, 2018

WHEREAS, The Commonwealth of Virginia has created counties, cities and towns as political subdivisions to more effectively provide and deliver an array of public services to the residents of the Commonwealth; and,

WHEREAS, Virginia local governments only have the taxing authority specifically granted to them by the General Assembly to levy taxes for the services they provide for their residents; and,

WHEREAS, the Virginia General Assembly restricts counties from imposing a tax on cigarettes. The Code of Virginia (current 58.1-3830) was amended in 1977 to deprive counties, cities and towns the right to levy taxes upon the sale or use of cigarettes, unless the locality had been granted such power prior to January 1, 1977. No county had the authority (except Arlington and Fairfax). Section 58.1-3840 saves towns and cities, allowing them to impose cigarette taxes with no limits. The result is that while every city and town, regardless of population, may impose a cigarette tax, only two of ninety-five counties of the Commonwealth have the authority.

WHEREAS, currently only Fairfax and Arlington Counties and cities and towns are authorized, pursuant to the Code of Virginia to impose a tax on retail sales of tobacco products, including but not limited to cigarettes, while all other counties must seek approval from the General Assembly to be granted the same taxing authority; and,

WHEREAS, the General Assembly has never granted such authority to any County, other than Fairfax and Arlington, despite continued efforts by multiple Legislators and Counties throughout the Commonwealth to be granted such taxing authority; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Wythe County does hereby approve this resolution expressing our enthusiastic support for state legislation that would grant counties the authority to levy a new tax on retail tobacco products including cigarettes, if and when such a measure was either approved by a majority vote of the Board of Supervisors or said measure was placed on a referendum and the voters passed said referendum by a majority vote.

Mr. Bear added that the Board previously agreed to enter into an agreement with Alcalde & Fay to work on the Tax Fairness Coalition pushing for cigarette tax legislation.

December 11, 2018

He said for General Assembly consideration, we need a majority vote of either the Board of Supervisors or by referendum. Mr. Bear recommends the Board adopt this Resolution and join the coalition.

Supervisor Horney made a motion, seconded by Supervisor Hale, to adopt Resolution 2018-37.

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

Chairman Reeves added that he and Mr. Bear recently met with Senator Carrico who believes this will pass in the Senate but is uncertain what it will do in the House. It may be necessary to meet with Delegate Ware, Finance Committee Chair in the House, to see if we can get a couple people to change their minds about this. The Chair has spoken with Delegate Campbell about this and he is supportive.

CRYSTAL SPRINGS RECREATIONAL ACCESS PROJECT ADMINISTRATION

Mr. Bear announced that the application submitted to VDOT has been approved for the Crystal Springs access road, and the Town has confirmed their commitment. He recommends approval of the agreement so VDOT can move forward in the Spring. This would also free up another road (more money) in the six-year plan.

Supervisor Horney made a motion, seconded by Supervisor McRoberts, to approve the agreement.

Supervisor Vaught asked if the Town passed an Ordinance, or anything in writing, confirming their commitment?

Mr. Bear said the Town passed a Resolution indicating they would cover costs that exceed \$250,000 and the Town Manager provided Mr. Bear with a copy of that Resolution.

December 11, 2018

In light of the issue raised at the last meeting by Supervisor Lawson, Supervisor Vaught hopes the Town remembers the partnership we share.

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

SHENANDOAH CABLE TV FRANCHISE

Mr. Bear said he was hoping to have Mr. Chris Kyle of Shentel present tonight but he was unable to attend. Mr. Bear provided a handout to the Board and explained that the original ordinance adopted in 2004, has changed hands several times since the original franchise. Mr. Bear also provided a revised resolution and said the only change is under Section 3 of the Resolution (or section 10.5 of the original ordinance). He said that the Virginia Telecommunications Act eliminated language in 2007 that required 3% of gross revenue be paid as a franchise fee.

Mr. Bear added that the County Attorney has been reviewing both the original and revised agreements. The expiration date of the franchise agreement is in early January 2019.

Supervisor Hale expressed concern about the 15-year term and lack of expansion. He would like to see this issue tabled until a representative can come and address our concerns. We want them to be aware of our interest in future development and need to provide better service for our citizens. Supervisor Hale said this is nothing against Shentel, but the County should ask this of all franchises before automatically renewing contracts.

2019 DRAFT RULES OF PROCEDURE

Chairman Reeves said this is something we do every year; adopt the rules at the first meeting in January. He asked the Board to review the rules of procedures, and any changes can be discussed at the first meeting in January.

2019 DRAFT MEETING CALENDAR

Mr. Bear said proposed changes to the standard meeting dates are June 28th (last day before fiscal year end), November 13th (changed for VACo conference) and December 27th. Board members should review the calendar and bring any changes/concerns to the first meeting in January.

APEX CONSTRUCTION STATUS

Mr. Bear said we haven't had any more change orders and the primary concern continues to be the parking lot and road paving. Mr. Vaughan was there all day Saturday to insure progress, and much of the stone is down on the road and in the parking lot, but the snowfall has definitely slowed things down. Mr. Bear said the heat is now in the building (regulators on one side need to be fixed) and they're finishing up the restroom sinks. The bleachers are framed on both sides but he's not sure of the timing of the completed installation. He also said the contractor needs to do more work to the arena floor before they bring in the soil mix. Mr. Bear said the goal is to hold the first event on January 18 and 19, with an Open House on January 12th.

Mr. Vaughan added that when they get the final payout, it may not be the "actual" final payout as the contract will run through April or so. He said they will still have storm water requirements to complete so the contract will remain open until then.

Chairman Reeves asked Mr. Vaughan whether he's checked with DEQ about amending the plan regarding gravel in the upper parking lot.

Mr. Vaughan has not yet done that, as he is waiting on calculations from the Lane Group (Mr. Spickard) and has been tied up with other priorities.

Supervisor Vaught asked about the countertops in the restrooms.

Mr. Vaughan said we're getting an upgrade at no additional cost and it's a much better product. It should be installed in the next week or so.

Supervisor Hale asked about the temperature inside.

Mr. Bear reported he was on the opposite side of where the heaters were running and could feel the heat. Mr. Bear has no concerns about pipes freezing.

December 11, 2018

SHENTEL REPRESENTATIVE CONFERENCE CALL

Mr. Chris Kyle of Shentel joined the meeting via teleconference. Mr. Kyle apologized for not being able to attend this meeting in person.

Mr. Farthing, speaking for the Board, asked about the length of the agreement (15 years) and why it's so long.

Mr. Kyle said it's a standard 15-year term that was established by the State of Virginia General Assembly about 10 years ago. He said if they hadn't already upgraded the network, he too would share this concern. Mr. Kyle said with the upgrades they've made, the county has the most advanced technology there is.

Mr. Farthing asked how long before this technology becomes outdated.

Mr. Kyle said the upgrade has a fiber backbone (fiber is the gold standard and is also the most expensive to build) and from that they pull coax. The way they use the coax, they're able to push the broadband speed. Mr. Kyle added that the life of fiber is 30+ years with the exception of computers.

Mr. Farthing voiced concerns about expansion and asked what Shentel's plans are for growth, especially in rural areas.

Mr. Kyle responded that they've not been able to get comfortable yet with the wireless options in rural areas. While Shentel provides internet, the franchise agreement is for video product (cable TV) only. He does believe that it could be two years or so before they're comfortable with their wireless capabilities, with or without WISPs (wireless internet service providers). He said there are no current expansion plans at this time, but they are improving quality of service at lower prices.

Supervisor Hale indicated that Shentel is providing the telephone and internet service at the APEX. He inquired if Shentel is able to expand video service in that area where telephone and internet is already provided.

Mr. Kyle confirmed. He offered to come and meet with the Economic Development Committee to discuss expansion down Sky View (around APEX) and down the corridor.

Mr. Kyle was asked about the deadline of the franchise agreement and he responded that they could probably do a temporary extension.

December 11, 2018

(Conference call with Mr. Kyle ended.)

Chairman Reeves said that when a company expands their TV service in an area, the capabilities for internet and telephone go with it (i.e. they don't expand just one service; they bring all services). The Chairman recalled that Shentel told him a while back that they were not allowed to provide residential TV service in an area, and the Chair wondered why. He said broadband is big in the General Assembly and the Tobacco Commission, and is a top priority of the Governor.

Mr. Bear added that Shentel has been a good corporate neighbor especially in Rural Retreat.

Supervisor Hale said Shentel has done wonders up and down the valley picking up smaller providers and now have a good network going. We should be able to leverage getting more out of them.

Chairman Reeves asked about Sunset Digital who, in a prior presentation, said they were coming to this area.

Mr. Bear will follow-up with them.

CHRISTMAS HOLIDAY

Supervisor McRoberts made a motion, seconded by Supervisor Lawson, that the County give employees December 26th off for the holiday in order to have more time with their families.

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

VGIN DIGITAL ORTHOPHOTOGRAPHY

Mr. Bear explained that VGIN is the aerial photography we use. They fly the County every four or five years, and each time they fly, we do upgrades to certain areas (i.e. high resolution and improved contours). Mr. Bear said the Town pays for the upgrades in

December 11, 2018

their areas, and he recommends upgrading in certain areas (Progress Park, corridor). New this year is the connection running down to Carroll County (down the 52 corridor). Mr. Bear said that by connecting with Carroll County, it will save us around \$1,000 in the total price. He added that there's enough money in the budget to do this, and we'll pay half in March and the remainder in October or November.

Supervisor Hale said this is a tremendous asset for economic development.

Supervisor Hale made a motion, seconded by Supervisor Vaught, to approve upgrading VGIN digital orthophotography at a cost of \$7,183.

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

STAFF APPRECIATION

Mr. Bear thanked the Board for the extra holiday for staff and extended special thanks to Mr. Vaughan for all his hard work over the weekend at APEX. He also wanted to thank Mr. Bowers and his staff for clearing the parking lots and sidewalks after the significant snowstorm.

ADJOURNMENT

With no other business to come before the Board, Chair Reeves adjourned the meeting at approximately 8:22 p.m.

Timothy A. Reeves, Sr., Chair