

July 12, 2016

The Wythe County Board of Supervisors held its regularly scheduled meeting at 7 p.m., Tuesday, July 12, 2016. 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
Gary M. Houseman
Charlie G. Lester

Steven T. Willis
Coy L. McRoberts
B. G. "Gene" Horney, Jr.

STAFF PRESENT:

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

OTHERS PRESENT:

Scott Bortz
Doug Covington
Andrew Davis
Danny Gordon
Doug Hughes
George Johnstone
One Other Citizen

Bobby Lane
Linda Meyer
Matthew Miller
Chelsea Musick
Cathy Pattison
Joe Wallace

CALL TO ORDER AND INVOCATION

Chair Reeves determined that a quorum was present and called the meeting to order at 7 p.m. Andrew Davis of the Fellowship Baptist Church provided the invocation and Chair Reeves led the pledge of allegiance.

Chair Reeves requested amendment to the agenda to add the following:

CLOSED MEETING – Code of Virginia Section 2.2-3711.A.1, Discussion of Personnel Matters and Section 2.2-3711.A.7, Consultation with Legal Counsel

Supervisor Hale made a motion, seconded by Supervisor Willis to amend the agenda to include a Closed Meeting under Code of Virginia Sections 2.2-3711.A.1, Discussion of Personnel Matters and 2.2-3711.A.7, Consultation with Legal Counsel.

The motion passed unanimously.

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CITIZENS' TIME

Chair Reeves welcomed the citizens present at the meeting and inquired if anyone wished to address the Board.

1. The Lane Group – Linda Meyer of 1118 Dry Road in Speedwell addressed the Board. Ms. Meyer questioned if any Board member or their immediate families have any ties to the Lane Group.

The Board members confirmed that no Board members have any ties, financial or otherwise, to the Lane Group.

2. Appalachian Regional Exposition Center – Ms. Meyer inquired who has been retained to complete the Appalachian Regional Exposition Center site work.

Chair Reeves advised that the site work has not yet been placed out to bid. He explained that the Lane Group is completing the architectural and engineering work for the project.

3. Salary Schedule – Ms. Meyer reported that she had previously requested the publication of a salary schedule for Wythe County employees. She noted that the salary schedule has not yet been posted on the website.

Chair Reeves explained that the salary schedule has not yet been finalized. He noted that once all salaries are finalized, they would be posted on the website.

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

MINUTES OF PREVIOUS MEETING

The Board was presented with the June 30, 2016, minutes for adoption.

Mr. Dalton requested amendment of the minutes to include the transfer of cafeteria funds in the motion made by Supervisor Houseman and seconded by Supervisor Lester for acceptance of the Fiscal Year 2016 Carryover and Year End Report.

Supervisor Hale made a motion, seconded by Supervisor Willis to approve the June 30, 2016, minutes as amended.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	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 July 12, 2016, for the various departments of County government. The invoices were paid on General Warrants 30096000-30096025 as follows:

**EXPENDITURES BY DEPARTMENT
BOARD OF SUPERVISORS
July 12, 2016**

CHECK #	ISSUE DATE	VENDOR	TOTAL
30096000	07/12/16	APPALACHIAN POWER	\$2,406.05
30096001	07/12/16	BROWN EXTERMINATING COMPANY	\$40.00
30096002	07/12/16	BSN SPORTS INC	\$1,000.00
30096003	07/12/16	CARTER BANK AND TRUST NOTE	\$16,120.00
30096004	07/12/16	CENTURYLINK	\$52.76
30096005	07/12/16	CENTURYLINK	\$217.26
30096006	07/12/16	CITIZENS TELEPHONE COOP	\$720.00
30096007	07/12/16	FARTHING, SCOT S	\$1,770.00
30096008	07/12/16	GRANT, BRUCE M	\$4,074.25
30096009	07/12/16	JOINT PUBLIC SERVICE AUTHORITY	\$43,074.20
30096010	07/12/16	OWEN G DUNN CO	\$1,087.05
30096011	07/12/16	PITNEY BOWES	\$591.00
30096012	07/12/16	PITNEY BOWES	\$594.00
30096013	07/12/16	R AND R ENTERPRISES INC	\$75.00
30096014	07/12/16	ROBINSON FARMER COX ASSOCIATES	\$3,935.00
30096015	07/12/16	RURAL DEVELOPMENT	\$2,282.00
30096016	07/12/16	RURAL DEVELOPMENT	\$2,514.00
30096017	07/12/16	RURAL DEVELOPMENT	\$11,572.00
30096018	07/12/16	SUNTRUST	\$36,881.92
30096019	07/12/16	THREE RIVERS MEDIA CORP	\$330.00
30096020	07/12/16	U S CELLULAR	\$64.10
30096021	07/12/16	U S CELLULAR	\$780.77
30096022	07/12/16	V AND M RECYCLING	\$65,261.56
30096023	07/12/16	VERIZON WIRELESS	\$50.08
30096024	07/12/16	VIRGINIA RESOURCES AUTHORITY	\$2,619.74
30096025	07/12/16	VITA	\$153.72
TOTAL EXPENDITURES APPROVED 07/12/16			\$198,266.46

Supervisor Horney seconded the motion.

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The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

FISCAL YEAR 17 BUDGET

Mr. Dalton reported that as everyone is aware, the State of Virginia is facing a budget shortfall. He advised that the State must meet certain revenue goals prior to implementation of raises for school system, constitutional officers, and other State employees. Mr. Dalton noted that the Budget Committee met this afternoon to discuss the shortfall and its impact on the County. He explained that he has scheduled a meeting with the Superintendent of Schools for July 13 to discuss how this shortfall will affect the local school system. Mr. Dalton added that he would continue to update the Board on the situation.

PROGRESS PARK CONNECTOR ROAD

Scott Bortz of Peed and Bortz LLC and Joe Wallace of Davenport updated the Board on the Progress Park West Connector Road Project. Mr. Bortz reported that based on comments received from the public, they have been working to realign the road to locate the right-of-way equally on two adjacent properties instead of all on one property. He advised that the new alignment would place the road south of the new and existing Appalachian Power right-of-ways, by the Crockett and Cassell properties and on to Nye Road. Mr. Bortz noted that the new alignment would relocate the intersection with Nye Road to north of the Lot 24 cul-de-sac. He requested authorization from the Board to proceed with the alignment as presented in order to submit the traffic study to the Virginia Department of Transportation. Mr. Bortz explained that they estimate the cost to grade the two lane sections, obtain right-of-ways for the future four lanes, and stormwater management for the full four lanes to be \$8.2 million. He added that Virginia Department of Transportation Smart Scale, formerly House Bill Two, funding may be available for the project.

Mr. Dalton questioned when the project design would be finalized and submitted to the Virginia Department of Transportation to allow purchasing of right-of-ways to begin.

Mr. Bortz explained that if House Bill Two funding is approved, then they would need to meet Federal requirements, which would include additional design work, environmental studies, historic resource studies, and traffic studies. He noted that one additional public hearing is required, which they hope to complete in conjunction with the Town of Wytheville. Mr. Bortz added that they hope to finalize and submit the design by the end of the year.

Supervisor Willis made a motion, seconded by Supervisor Hale to approve the proposed Progress Park West Connector Road alignment as presented.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts
Charlie G. Lester B. G. "Gene" Horney, Jr.
Steven T. Willis Timothy A. Reeves, Sr.
Joe F. Hale

NAYS: None

BUILDING AND GROUNDS COMMITTEE REPORT

1. County Office Building Addition Project – Supervisor Hale made a motion as recommended by the Building and Grounds Committee to proceed with bidding out the County Office Building addition project to include a base bid of the building with a larger footprint and an additive bid to finish the first floor.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts
Charlie G. Lester B. G. "Gene" Horney, Jr.
Steven T. Willis Timothy A. Reeves, Sr.
Joe F. Hale

NAYS: None

2. Convenience Centers – Supervisor Houseman questioned if the Building and Grounds Committee had completed review of the convenience center ordinance. He noted that he has received several complaints from citizens unable to dispose of their trash.

Mr. Dalton explained that staff is currently working to revise the ordinance.

Mr. Bear noted that a brochure has been printed outlining guidelines for disposal of debris at the centers. He added that the brochures have been delivered to the centers for distribution to citizens.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

1. Appalachian Regional Exposition Center Grant – Supervisor Willis made a motion, as recommended by the Economic Development Committee to authorize application to the Tobacco Community Revitalization Commission for a grant in the amount of \$750,000 for the Appalachian Regional Exposition Center project and adoption of Resolution 2016-17 as follows:

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**RESOLUTION 2016-17
AUTHORIZING THE PREPARATION AND FILING OF A
GRANT APPLICATION TO THE VIRGINIA TOBACCO INDEMNIFICATION
AND COMMUNITY REVITALIZATION COMMISSION**

WHEREAS, the Virginia Tobacco Indemnification and Community Revitalization Commission (Tobacco Commission) is soliciting applications for the 2016 Southwest Virginia Economic Development Program to fund local community improvement projects, and

WHEREAS, the Wythe County Board of Supervisors has determined that there is a need to outfit a proposed exposition center to be located near 3557 Chapman Road, and

THEREFORE BE IT RESOLVED, that the Board of Supervisors wish to apply for \$750,000 in Tobacco Commission funds to assist in the outfitting of the Appalachian Regional Exposition Center, and

BE IT FURTHER RESOLVED, that the \$750,000 matching requirement will be met by the locality through "property and improvements" investments and that the Board of Supervisors authorizes the County Administrator to sign and submit all appropriate documents for submittal of the Tobacco Commission application.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

2. Appalachian Regional Exposition Center Design and Engineering Agreement – Supervisor Willis made a motion, as recommended by the Economic Development Committee to accept the revised Phase I Appalachian Regional Exposition Center architectural services agreement from the Lane Group.

Bobby Lane, the Lane Group Senior Engineer, and Doug Covington, the Lane Group Senior Architect, reviewed with the Board the specifics of the revised Phase I Appalachian Regional Exposition Center architectural services agreement, grading plan, and statement of probable costs. Mr. Lane reported that they would estimate a cost of \$42 per square foot for construction of the 60,000

square foot building. He noted that there is the possibility that that cost could be less, but due to the extensive horizontal spans and eave heights, they believe that \$42 should be expected.

Supervisor Willis questioned why the additional 30,000 square feet costs more than the original 60,000 square feet. He noted that it is approximately \$3 more per square foot.

Mr. Lane advised that to tie the additional 30,000 square feet into the existing building would increase the cost. He noted that the 30,000 square feet would be positioned on an area of the site where the grade increases. Mr. Lane added that the 30,000 square feet addition would have a concrete floor; whereas the original 60,000 square feet would have a dirt floor.

Supervisor Hale inquired if the sprinkler system was included in the design.

Mr. Lane noted that a fire suppression system was added to the cost estimate.

Mr. Hale reported that the Economic Development Committee met with representatives from the Lane Group on July 7 and questioned why the Lane Group's proposal does not address the revisions requested. He noted that the Committee had requested a 200 feet wide building not the 180 feet proposed and seating on both sides of the arena not just one side.

Mr. Lane explained that revision of the dimensions would not change their schedule or fee, but may impact the cost estimate.

Supervisor Hale advised that an inflated budget could potentially kill a project. He explained that he does not believe that the budget presented is realistic. Supervisor Hale added that he believes that if the 30,000 square foot addition is not included at this time, it would not be added later as it would not be cost effective.

Mr. Lane stated that they did not desire to inflate the figures for the project. He explained that they consulted with several engineers and contractors when compiling the figures presented and believe that these are realistic numbers. Mr. Lane noted that they do hope that the prices per square foot received are less than estimated, but believe they have provided the best advice possible, based on the information available.

Mr. Covington noted that they were given a minimum arena size of 150 feet by 250 feet as a design element. He explained that they have not yet designed the building, as they have not received a signed proposal for the design of the structure.

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Mr. Lane explained that in order to change the dimensions of the building so that it is wider and not as long, they would need to revise the proposed arena dimensions. He noted that they apparently missed what the Committee had asked of them. Mr. Lane added that they would work to revise the proposal as requested.

Supervisor Houseman questioned if the Lane Group had someone clear the exposition center site.

Mr. Lane stated that they did not. He added that they did request machinery to dig test pits to complete preliminary geotechnical work.

Mr. Dalton noted that the white pipes placed on the site were used to mark the outside dimensions of the building.

Supervisor Hale asked if the Lane Group used a 60,000 square foot or 90,000 square foot building in formulating their stormwater calculations.

Mr. Lane confirmed that they used a 90,000 square foot building in their calculations. He noted that only the portion associated with Phase I was included in the plan submitted to the Department of Environmental Quality. Mr. Lane explained that any additional buildings would require addendum to their permit.

Chair Reeves inquired if acceptance of the Lane Group's proposal would bind the County to the building specified.

Mr. Lane noted that acceptance of the proposal would not limit the building size. He explained that acceptance of the proposal would allow them to proceed with the project and actually develop the design.

Mr. Dalton recommended that they design the stormwater management plan to include all potential runoff from the initial 40-acre site to include future barns, soccer fields, paving, and roads. He suggested that they obtain permits for the ultimate stormwater runoff. Mr. Dalton requested that the Lane Group attach fees to each phase of the project, including the schematic, design, construction, and bidding phases. He also asked that they add all design, engineering, and grading costs that they could incur to the statement of probable cost.

Supervisor Hale explained that the proposal presented to the Board was not what the Committee had requested. He noted, therefore, that the Committee's recommendation is no longer valid.

Mr. Dalton recommended that the Lane Group work to revise the proposal as directed by the Economic Development Committee and based on the comments from the Board.

Following discussion, Supervisor Willis made a motion, seconded by Supervisor Lester to withdraw the Economic Development Committee's motion.

The motion passed unanimously.

BARREN SPRINGS WATER PROJECT DIVISION II AND III

The Board reviewed and discussed the Barren Springs Division II and III water project final coordination schedule as prepared by County Engineer, Bill Vaughan.

Mr. Vaughan reported that they are within 100 feet of connecting the final lines to provide water from Poplar Camp to Barren Springs. He explained that pressure testing and disinfection remain to be completed prior to actually providing the water service to the area. Mr. Vaughan noted that if all of the testing and sampling is satisfactory, the water should be available by September 5.

Supervisor Hale requested an update on the Jackson Elementary School waterline extension project.

Mr. Vaughan reported that the County Attorney has written a letter to Branson Construction, the contractor for the Jackson Elementary School project who has basically walked away from the job. He noted that the official document terminating the contract for cause should be received by July 18. Mr. Vaughan advised that they have water in the Jackson School waterline, but the second section has not successfully passed a pressure test. He stated that the pressure test, leak repair, nine laterals, and cleanup work remain to be completed. Mr. Vaughan explained that they are working to procure a contractor to complete the work as a secondary option. He added that they hope to have water to Jackson Elementary School by August 10.

Supervisor Hale questioned if they had a true unabbreviated performance and payment bond from the contractor.

Mr. Farthing noted that he believes that they do have an unabbreviated performance and payment bond.

Supervisor Hale inquired if the bond includes the total cost to finish the job or only the bid price.

Mr. Farthing explained that he believes that the performance bond company must pay whatever is needed to complete the job. He noted that he has contacted the bond company and is working to determine what they plan to do to ensure the work is completed.

Mr. Dalton advised that it may take several months for the bond company to provide a contractor to complete the work. He noted that he had instructed Mr. Vaughan to work with the Health Department to locate alternatives to complete the project as quickly as possible. Mr. Dalton reported that the Health Department has stated that if the County

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procures another contractor, they must first contact minority and women owned businesses as required under State procurement, which Mr. Vaughan has done. He explained that he had also directed Mr. Vaughan to ask the Health Department if the County could complete the work and receive reimbursement as a second option if a qualified contractor does not respond. Mr. Dalton added that Mr. Farthing is working the legal option to have the bonding company complete the project.

Supervisor Hale asked if the Water Committee and Board of Supervisors could declare the project an emergency, which would remove procurement requirements from the equation. He noted that this would allow the County to begin negotiations with a contractor to complete the project in a timely manner.

Mr. Vaughan noted that he did discuss this option with the Health Department, but they do not view the situation as an emergency.

Mr. Dalton stated that the Water Committee would review the options at the July 19 meeting. He recommended that the Board provide the Water Committee the authority to move forward with whatever option allows the project to proceed as quickly as possible and does not place the County in peril.

Supervisor McRoberts made a motion, seconded by Supervisor Hale to authorize the Water Committee to move forward with any available option that would allow the Jackson Elementary School water project to proceed as quickly as possible and does not place the County in peril.

Supervisor Hale requested that the Water Committee work to ensure that there is no financial burden to the County. He noted that the performance agreement company needs to pay for completion of the project, including Mr. Vaughan's time researching alternative options.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

CLOSED MEETING – DISCUSSION OF PERSONNEL MATTERS AND CONSULTATION WITH LEGAL COUNSEL

Supervisor Willis made a motion, seconded by Supervisor Lester to enter into Closed Meeting under Section 2.2-3711-A.1 (Discussion of Personnel Matters) and 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 Willis made a motion, seconded by Supervisor Lester 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:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

Supervisor Willis made a motion, seconded by Supervisor Horney to recommend that the County Attorney finalize the agreement with the Virginia's First Regional Industrial Facility Authority as discussed in closed session and to authorize the Chair to sign the settlement agreement.

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The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts
Charlie G. Lester B. G. "Gene" Horney, Jr.
Steven T. Willis Timothy A. Reeves, Sr.
Joe F. Hale

NAYS: None

Mr. Dalton reviewed with the Board existing and proposed salaries for Wythe County employees. He noted that during the budgetary process the Board of Supervisors had recommended a 3% salary increase for those employees making less than \$40,000 per year and a 2% increase for employees making above \$40,000. Mr. Dalton explained that an increase is also needed for all department heads in compliance with Fair Labor Standard Act requirements to avoid payment of overtime. He requested that the Board adopt the proposed salaries for employees who report directly to the County Administrator and Board of Supervisors effective August 1.

Supervisor Willis made a motion, seconded by Supervisor Houseman to approve the salaries proposed for all employees who report directly to the County Administrator and Board of Supervisors effective August 1.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts
Charlie G. Lester B. G. "Gene" Horney, Jr.
Steven T. Willis Timothy A. Reeves, Sr.
Joe F. Hale

NAYS: None

Chair Reeves noted that the Personnel Committee would meet following adjournment of the Board meeting.

ADJOURNMENT

With no other business to come before the Board, Chair Reeves adjourned the meeting at 9:17 p.m.

Timothy A. Reeves, Sr., Chair