

April 8, 2014

The Wythe County Board of Supervisors held its regularly scheduled meeting at 7 p.m., Tuesday, April 8, 2014. The location of the meeting was in the Boardroom of the County Administration Office, 340 South Sixth Street, Wytheville, Virginia.

MEMBERS PRESENT:

Timothy A. Reeves, Sr., Chair	Joe F. Hale
Arthur E. "Artie" Hall, Vice Chair	Coy L. McRoberts
Gary M. Houseman	B. G. "Gene" Horney
Steven T. Willis	

STAFF PRESENT:

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

OTHERS PRESENT:

David Tripp	Linda Meyer
Sam Crockett	William Funk
Faye Barker	David Sharitz
James Christman	Tammy Sharitz
J. D. Hancock	David Blessing
Millie Rothrock	Bob Waller
Joe Marshall	Don Alexander
Jeb Huddle	Approximately 21 other citizens

CALL TO ORDER AND INVOCATION

Chair Reeves determined that a quorum was present and called the meeting to order at 7 p.m. David Tripp of the Wytheville Seventh Day Adventist Church provided the invocation and Chair Reeves led the Pledge of Allegiance.

CITIZENS' TIME

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

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

MINUTES OF PREVIOUS MEETING

The Board was presented with the March 25, 2014, minutes for adoption.

Supervisor Horney made a motion, seconded by Supervisor McRoberts to approve the March 25, 2014, minutes as presented.

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The roll call vote on the motion was as follows:

AYES: Gary M. Houseman B. G. "Gene" Horney
Steven T. Willis Timothy A. Reeves, Sr.
Coy L. McRoberts

NAYS: None

ABSTAIN: Arthur E. "Artie" Hall
Joe F. Hale

PAYMENT OF COUNTY INVOICES

Supervisor Hale made a motion to pay the invoices for approval on April 8, 2014, for the various departments of County government. The invoices were paid on General Warrants 30087775, 30087777-30087789, 30087791-30087872, and 30087874-30087883 as follows:

**EXPENDITURES BY DEPARTMENT
BOARD OF SUPERVISORS
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CHECK #	ISSUE DATE	VENDOR	TOTAL
30087775	04/08/14	AFTON COMMUNICATIONS CORP.	\$9.85
30087777	04/08/14	APPALACHIAN POWER	\$2,967.68
30087778	04/08/14	BLUE RIDGE AUTO PARTS (MM)	\$417.59
30087779	04/08/14	BRENNTAG MID-SOUTH INC.	\$923.40
30087780	04/08/14	BSN SPORTS INC.	\$481.04
30087781	04/08/14	BUSINESS CARD	\$784.87
30087782	04/08/14	BUSINESS INFORMATION SYSTEMS	\$30.00
30087783	04/08/14	BUTTON SLING INC.	\$2,349.12
30087784	04/08/14	BW WILSON PAPER CO.	\$295.66
30087785	04/08/14	CASELL, MARY N	\$50.00
30087786	04/08/14	CDW GOVERNMENT INC.	\$1,486.03
30087787	04/08/14	CENTRAL BUILDERS INC.	\$57,871.24
30087788	04/08/14	CENTURYLINK	\$3,280.05
30087789	04/08/14	CENTURYLINK	\$43.10
30087791	04/08/14	CENTURYLINK	\$4,883.92
30087792	04/08/14	CENTURYLINK	\$53.56
30087793	04/08/14	CENTURYLINK	\$227.29
30087794	04/08/14	CENTURYLINK	\$211.54
30087795	04/08/14	CENTURYLINK	\$105.92
30087796	04/08/14	CENTURYLINK	\$43.10
30087797	04/08/14	CENTURYLINK	\$40.58
30087798	04/08/14	CENTURYLINK	\$96.26
30087799	04/08/14	CENTURYLINK	\$57.54

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30087800	04/08/14	CENTURYLINK	\$60.43
30087801	04/08/14	CENTURYLINK LABOR	\$241.13
30087802	04/08/14	CHEAPER THAN DIRT	\$457.15
30087803	04/08/14	CITIZENS TELEPHONE COOP	\$742.00
30087804	04/08/14	COM TEC	\$4,625.00
30087805	04/08/14	COMMONWEALTH ENGINEERING AND SALES	\$388.86
30087806	04/08/14	COUNTY OF WYTHE	\$1,416.67
30087807	04/08/14	CREATIVE GLASS INC.	\$1,373.15
30087808	04/08/14	DELL MARKETING LP	\$1,635.96
30087809	04/08/14	EMS INC.	\$1,042.50
30087810	04/08/14	F & R ELECTRIC INC.	\$12,071.50
30087811	04/08/14	FIDELITY ENGINEERING CORP.	\$758.13
30087812	04/08/14	FOOD COUNTRY	\$46.65
30087813	04/08/14	FOWLKES MACHINE CO INC.	\$65.17
30087814	04/08/14	GALLS	\$287.54
30087815	04/08/14	GRAINGER	\$88.65
30087816	04/08/14	GRANT, BRUCE M	\$3,965.21
30087817	04/08/14	GRUBB FUNERAL HOME	\$1,186.50
30087818	04/08/14	GUN SHOP	\$1,699.80
30087819	04/08/14	HORNEY, HAYDEN H	\$167.20
30087820	04/08/14	HUFF FORD SUBARU INC.	\$2,342.75
30087821	04/08/14	ID NETWORKS	\$2,317.00
30087822	04/08/14	JA STREET AND ASSOCIATES INC.	\$36,238.00
30087823	04/08/14	JANPAK	\$467.80
30087824	04/08/14	JCI JONES CHEMICALS INC.	\$776.00
30087825	04/08/14	JOINT PUBLIC SERVICE AUTHORITY	\$37,943.24
30087826	04/08/14	KING, CAROLYN	\$15.88
30087827	04/08/14	KING, DOUGLAS W	\$655.77
30087828	04/08/14	KING-MOORE INC.	\$3,594.50
30087829	04/08/14	KMART	\$78.65
30087830	04/08/14	LEAD MINES RESCUE SQUAD	\$8,286.00
30087831	04/08/14	LEXISNEXIS	\$662.00
30087832	04/08/14	LOWE'S	\$616.65
30087833	04/08/14	LUMOS NETWORKS	\$30.90
30087834	04/08/14	MABE, GERALD E II	\$614.54
30087835	04/08/14	MALONE, JASON B	\$1,000.00
30087836	04/08/14	MANSFIELD OIL CO.	\$10,906.13
30087837	04/08/14	MILO C COCKERHAM INC.	\$1,554.30
30087838	04/08/14	MODERN SHOE STORE	\$109.99
30087839	04/08/14	NEW RIVER REGIONAL WATER AUTH.	\$10,763.40
30087840	04/08/14	NEW RIVER RESOURCE AUTHORITY	\$930.24
30087841	04/08/14	NEW RIVER VALLEY REGIONAL JAIL	\$88,793.11
30087842	04/08/14	OFFICE OF THE CHIEF MEDICAL EXAMINER	\$20.00
30087843	04/08/14	OTIS ELEVATOR CO.	\$3,145.98
30087844	04/08/14	PARAMOUNT ARMOR	\$4,612.88

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30087845	04/08/14	PIONEER COLLISION CENTER LLC	\$511.00
30087846	04/08/14	PITNEY BOWES	\$570.00
30087847	04/08/14	R & C TOWING AND REPAIR CO.	\$154.05
30087848	04/08/14	R & R SEPTIC	\$50.00
30087849	04/08/14	RCI	\$469.14
30087850	04/08/14	RURAL RETREAT VOL. EMERG. SERVICES	\$9,448.40
30087851	04/08/14	RYAN'S GLASS TINTING	\$165.00
30087852	04/08/14	SALEM STONE	\$273.91
30087853	04/08/14	SAYERS FARM GARAGE	\$16.00
30087854	04/08/14	SIMPLEXGRINNELL	\$189.40
30087855	04/08/14	SOUTHEASTERN SECURITY CONS INC.	\$55.50
30087856	04/08/14	SOUTHERN STATES	\$213.43
30087857	04/08/14	SOUTHERN TIRE AND MUFFLER	\$33.00
30087858	04/08/14	STATE ELECTRIC SUPPLY COMPANY	\$842.85
30087859	04/08/14	STEVE'S AUTO SALES AND REPAIR	\$35.19
30087860	04/08/14	SUBURBAN PROPANE-1241	\$1,584.95
30087861	04/08/14	SUNTRUST	\$36,881.92
30087862	04/08/14	SUPREME COURT OF VIRGINIA	\$6,900.00
30087863	04/08/14	THOMPSON TIRE	\$198.00
30087864	04/08/14	THREE RIVERS MEDIA CORP.	\$330.00
30087865	04/08/14	TOWN OF WYTHEVILLE	\$9,074.94
30087866	04/08/14	TOWN WYTHEVILLE	\$490.47
30087867	04/08/14	TRI COUNTY GLASS INC.	\$266.48
30087868	04/08/14	TWO WAY RADIO	\$65.50
30087869	04/08/14	US SPECIALTY COATINGS	\$1,042.00
30087870	04/08/14	V & M RECYCLING	\$72,481.20
30087871	04/08/14	VIRGINIA BUSINESS SYSTEMS	\$797.01
30087872	04/08/14	VITA	\$153.22
30087874	04/08/14	VITA	\$271.26
30087875	04/08/14	VUPS	\$74.09
30087876	04/08/14	WORDSPRINT	\$294.85
30087877	04/08/14	WYTHE CO WATER AND WASTEWATER	\$42.50
30087878	04/08/14	WYTHE CO WATER AND WASTEWATER	\$11.00
30087879	04/08/14	WYTHE CO WATER AND WASTEWATER	\$11.00
30087880	04/08/14	WYTHE TIRE AND MUFFLER	\$227.54
30087881	04/08/14	WYTHEVILLE CON AND VISITORS BUREAU	\$12,000.00
30087882	04/08/14	WYTHEVILLE OFFICE SUPPLY	\$1,158.64
30087883	04/08/14	XEROX	\$653.05
TOTAL EXPENDITURES APPROVED 4/8/14			\$483,540.74

Supervisor Hall seconded the motion.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts
Arthur E. "Artie" Hall B. G. "Gene" Horney
Steven T. Willis Timothy A. Reeves, Sr.
Joe F. Hale

NAYS: None

PUBLIC HEARINGS – ORDINANCE 2014-01 MOTOR VEHICLE AND TRAILER LICENSE ORDINANCE AND ORDINANCE 2014-02 TANGIBLE PERSONAL PROPERTY TAX EXEMPTION ORDINANCE

Chair Reeves announced that, notice is hereby given that the Board of Supervisors of Wythe County, Virginia, in compliance with the Code of Virginia and amendments thereto, will hold public hearings to consider proposed Ordinance 2014-01, Motor Vehicle and Trailer License Ordinance of Wythe County and proposed Ordinance 2014-02, Tangible Personal Property Tax Exemption Ordinance of Wythe County. The public hearings, which may be continued or adjourned, and at which persons may appear and present their views on the ordinances, will be held at 7:05 p.m., or as soon thereafter as the matter may be heard, on April 8, 2014, before the Board in the Board Room of the County Administration Building, 340 South Sixth Street Wytheville, Virginia.

Mr. Dalton reported that proposed Ordinance 2014-01 would supersede the previous motor vehicle and trailer license ordinance. He explained that all references to titled vehicles have been deleted in the proposed ordinance, which would apply to licensed vehicles only. Mr. Dalton noted that in accordance with proposed Ordinance 2014-01, the license fee would be collected with taxes in December and the display of a decal would no longer be required.

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

Joe Marshall of 1004 Glade Road in Wytheville addressed the Board. Mr. Marshall questioned if only licensed vehicles would be included.

Mr. Dalton stated that only registered vehicles with tags would be subject to the license fee.

Mr. Marshall inquired if farm equipment that is titled, but is not registered would be exempt from the proposed ordinance.

Chair Reeves explained that the proposed ordinance, as written, would assess personal property tax on all titled vehicles. He advised that as outlined in the Code of Virginia, a

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motor vehicle is not farm machinery. He added that a farm implement is something that is used to till soil.

Mr. Dalton advised that Ordinance 2014-02 would allow in accordance with the Code of Virginia, the exemption from taxation of certain items. He explained that the current Ordinance does not provide a clear definition of what could be taxed and what could not. Mr. Dalton read Articles 4 and 5 of the proposed ordinance, which allow for the exemption of household goods and personal effects, livestock, grains, and agricultural products from taxation. He noted that currently the County does not exempt household items, although they had not been previously taxed. Mr. Dalton added that the Code of Virginia does not allow for the exemption of personal pickup trucks and similar types of vehicles from taxation.

Jeb Huddle of 1796 Grayson Turnpike in Wytheville addressed the Board. Mr. Huddle inquired if the County plans to require the payment of a decal fee for all farm use vehicles.

Chair Reeves explained that the \$20 fee would only apply to registered vehicles.

Mr. Huddle asked if personal property tax would be assessed on farm use vehicles.

Chair Reeves confirmed that personal property tax would be assessed on all titled vehicles.

Mr. Huddle noted that if the County taxes him on his farm trucks, then he would sell his trucks and drive a tractor on the road. He added that the slow rate of speed that tractors can travel, could cause a safety issue.

Linda Meyer of 1118 Dry Road in Speedwell addressed the Board. Ms. Meyer stated that she objects to any tangible personal property tax and commended the Board for doing the right thing.

William Funk addressed the Board. Mr. Funk inquired if commercial road tractors and trailers would both be included in the \$20 license fee. He noted that the tractor and trailer is one unit and often do not stay within the County. Mr. Funk recommended that the County reinstate the use of vehicle decals, which help to prevent individuals from other counties from using the area convenience centers.

David Sharitz of 3633 West Lee Highway in Wytheville addressed the Board. Mr. Sharitz requested the exemption of farm silage trucks, which are used once a year for a limited number of weeks and solely for agricultural production. He also requested an exemption for titled cattle and hay trailers. Mr. Sharitz noted that he does not have an objection to the taxation of farm pickup trucks, but does not believe that silage trucks and farm trailers should be taxed.

Tammy Sharitz of 213 Sharitz Road in Wytheville addressed the Board. Ms. Sharitz noted that her concerns have already been addressed by others.

David Blessing of 500 Bald Tree Road in Wytheville addressed the Board. Mr. Blessing stated that he believes that a vehicle in his shop that does not have tags should be exempt from taxation. He explained that the State of Virginia provides an exemption to farmers and that exemption should not be overridden by the County. Mr. Blessing noted that the Sheriff's Office and Virginia State Police should address those citizens who misuse farm tags. He added that the County should not punish all of the citizens because some individuals are misusing farm use tags.

Bob Waller of 157 Painters Hill Road in Ivanhoe addressed the Board. Mr. Waller questioned if he would have to pay the license fee on an old vehicle that has been junked, but is still in his name.

Chair Reeves stated that he would not have to pay the fee on that vehicle.

Mr. Waller inquired if the County would tax old equipment on his property based on weight.

Chair Reeves noted that citizens would not be taxed on equipment based on weight.

Don Alexander of 190 Eagle Drive in Wytheville addressed the Board. Mr. Alexander asked if personal property tax would be imposed on unlicensed vehicles.

Chair Reeves confirmed that the tax would be assessed on these vehicles.

Mr. Alexander explained that he uses a farm truck that is no longer suitable for road use to move equipment on his farm. He noted that he does not believe that this and other similar farm use trucks should be taxed. Mr. Alexander added that vehicles that are not registered should continue to be untaxed, as they are currently.

Faye Barker, Wythe County Commissioner of Revenue, addressed the Board. Ms. Barker explained that Section 5.2 of the proposed Ordinance states, "all the classes of farm animals, livestock, grains, machinery, vehicles, etc. set forth in Section 5.1 of this Ordinance are hereby exempt from taxation." She questioned if this statement is correct as written.

Mr. Bear noted that this Section refers to farm utility vehicles as defined in Section 5.1.

Supervisor McRoberts inquired if a backhoe that is not used by a farmer would be subject to taxation. He explained that he and Mr. Waller are not farmers and asked if they would be taxed on old equipment on their properties.

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Mr. Waller noted that he has heard that the County plans to tax equipment based on its weight.

Chair Reeves stated that the Board has not discussed the taxation of equipment based on its tonnage. He noted that the Commissioner would assess the equipment based on the value of the item.

Ms. Barker noted that the equipment would be assessed tax based on a percentage of the original cost. She added that this equipment should already be taxed.

Supervisor Hale stated that most of those present are probably landowners, and would not be in favor of an increase to real estate taxes. He noted that he would not vote for a real estate tax increase as long as there are unpaid taxes available for collection. Supervisor Hale stated that without the collection of these unpaid taxes, real estate taxes would have to be raised.

Mr. Blessing noted that he believes that the County would still be unable to tax those individuals using farm use tags unless the police stop them.

Chair Reeves explained that the Sheriff's Office cannot stop a vehicle without probable cause. He noted that a farm use tag is not probable cause.

Mr. Blessing inquired why the County is overstepping the boundaries set forth by the State of Virginia.

Supervisor Houseman advised that the State of Virginia provides localities with the option of exempting farm equipment. He noted that there are counties in Virginia that do not exempt any farm equipment.

Chair Reeves explained that personal property tax is assessed on personal property owned whether it is driven on the road or not.

Supervisor Hale noted that 91% of the citizens in Wythe County pay their taxes, and questioned why it would be fair for the other 9% not to pay taxes also.

Supervisor Houseman reported that Section 46.2-100 of the Code of Virginia defines an antique vehicle as "every motor vehicle as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item." He noted that an old vehicle that is kept as a collector's item, in accordance with the Code, is exempt from personal property taxation.

Chair Reeves advised that the Code of Virginia specifically states that a motor vehicle is not classified as a farm implement or machinery.

Robert Waller of 380 Sheffey School Road addressed the Board. Mr. Waller explained that he has several antique cars titled in his name and questioned if they would be taxed.

Supervisor Houseman reread Code of Virginia Section 46.2-100, which defines an antique motor vehicle. He noted that as outlined in the Code, the antique vehicle may not be used for general transportation purposes. Supervisor Houseman explained that the Board sets tax rates and exemptions, and the Commissioner of Revenue determines the tax assessed.

Chair Reeves noted that Mr. Waller's antique vehicles would be exempt from the license fee.

With no one else to address the Board, Chair Reeves closed the Public Hearing. He thanked those in attendance and noted that their comments would be considered by the Board at a later date.

RECESS

The Board recessed for a short break at 7:47 p.m.

RECONVENE

The Board reconvened at 8:04 p.m.

FIRE AND RESCUE COMMITTEE

1. Volunteer Fire Departments and Rescue Squads – Supervisor Houseman made a motion, as recommended by the Fire and Rescue Committee that the following be a condition of funding and recognition for all volunteer fire departments and volunteer rescue squads in Wythe County:

Every volunteer rescue squad and volunteer fire department is required to provide a copy of their current certificate of insurance, upon renewal and/or upon notice of change to policy for vehicles that are registered, used, or leased by the volunteer rescue squad or volunteer fire department within ten days of receipt of the renewal or change.

Each volunteer rescue squad or volunteer fire department, who has paid members, shall provide a current certificate of insurance of their worker's compensation insurance, a copy upon renewal and a copy of any changes in the policy during the covered period to Wythe County within ten days of the renewal or change.

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The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Arthur E. "Artie" Hall	B. G. "Gene" Horney
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

BUDGET CALENDAR

Mr. Dalton requested revision of the fiscal year 2015 Budget Calendar. He explained that the State budget has not yet been received and therefore, recommended the following amendments to the calendar: presentation of the final budget delayed until April 18 and the Board's review of the budget and setting of the tax levy deferred until April 25. He noted that additional revisions may be needed depending on when the State budget is received.

Supervisor Hall made a motion, seconded by Supervisor Willis to amend the fiscal year 2015 budget calendar to allow for the delay of the Board's review of the budget and tax levy until April 25 and acceptance of the budget until May 27.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Arthur E. "Artie" Hall	B. G. "Gene" Horney
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

HOLIDAY

Supervisor Houseman made a motion, seconded by Supervisor Horney to close County offices on April 18, 2014, for the Good Friday holiday.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Arthur E. "Artie" Hall	B. G. "Gene" Horney
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

WALL OF HONOR

Supervisor Hall, as the Board’s representative on the Wall of Honor and Wythe County Sports Hall of Fame Committee, requested the Board’s approval of David Havens and Robbie Depuis to the Sports Hall of Fame.

Supervisor Hall made a motion, seconded by Supervisor McRoberts to accept the recommendation of nominees David Havens and Robbie Depuis to the Sports Hall of Fame.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Arthur E. “Artie” Hall	B. G. “Gene” Horney
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

ADJOURNMENT

With no other business to come before the Board, Chair Reeves adjourned the meeting at approximately 8:10 p.m.

Timothy A. Reeves, Sr., Chair