

February 15, 2005

The Carroll County Board of Supervisors held their regular monthly meeting on Tuesday, February 15, 2005 in the Board Meeting Room of the Carroll County Governmental Center.

Present were: Brian E. Spencer, Chairman  
Glenna Myers, Vice-Chairman  
L. J. Jones  
Sharon F. Nichols  
Joseph H. Early, III  
W. Jeff Evans  
Craig E. Teller, County Administrator  
Ronald L. Newman, Assistant Administrator  
Bradley Dalton, County Attorney  
Melinda Mabe, Student Supervisor

Mr. Spencer called the meeting to Order at 9:04 a.m. and asked Reverend Ray Eichler to lead in the prayer and the pledge of allegiance.

Mr. Spencer announced that the Automobile Graveyard Public Hearing had been canceled. He told that there were citizens who had come to speak and allowed these individuals to speak with a two minute time limit.

Mr. J. B. Caviness told that all the group who had come today wanted to hear was that this will not be brought back up but if it is there will be a big advertisement so everyone will know about it.

Mr. Spencer told that if another Ordinance is brought to the Board they will review it before advertising for a Public Hearing.

Mr. Caviness told that the \$5500 fee and the 1000' from the road limitation were problems. He stated that several of the people in this group help clean up the County.

Mr. Victor Allen told that the automobile graveyard owners had formed Carroll County Independent Garage Association to try to govern themselves and had started a website.

Mr. Spencer told that this was great news and stated that it was good that businesses could work together to grow. He thanked the group for their initiative of forming the Association.

(Order)

**APPROVAL OF PAYROLL**

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Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board approved the payroll for January 13, 2005 and February 15, 2005 and did authorize the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 28<sup>th</sup> day of February and 15<sup>th</sup> day of March checks for the payment of salaries and wages for all County officials and employees as previously budgeted by the State Compensation Board and this Board of Supervisors.

(Order)

**APPROVAL OF MINUTES**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board approved the minutes from their regular monthly meeting held on January 18, 2005 as previously distributed to the members of the Board by its Clerk and as recorded in Minute Book No. 24 in the County Administrator's Office.

(Order)

**APPROVAL OF CLAIMS**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board approved the County General Claims as presented this day and as evidenced by check numbers 72688-72853; did approve the Carroll County Industrial Development Authority claims as presented this day and as evidenced by check numbers 1588-1591; and did approve the Carroll County EMS claims as presented this day and as evidenced by check numbers 2276 and 2304-2338.

(Order)

**SHERIFF'S OFFICE ADDITIONAL APPROPRIATION**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board approved appropriating the \$200.00 received as a donation from the Sylvatus Ruritan Club to the Sheriff's Office line item 031020-7005 Drug Dog – D.A.R.E.

(Order)

**SHERIFF'S OFFICE ADDITIONAL APPROPRIATION**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board approved appropriating the \$300.00 received for the storage of a vehicle on the Sheriff's Office parking lot to the Sheriff's Office line item 031020-5409 Police Supplies.

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(Order)

**ELECTORAL BOARD APPROPRIATION**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board appropriated the \$10,269.00 reimbursement received from the Presidential Primary to the Electoral Board line item 013010-1002 Compensation of Officers of Election.

(Order)

**OFFICE ON YOUTH APPROPRIATION**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board appropriated \$33.00 received as a refund to the Office on youth VTSF Equipment line item 053070-9120.

(Order)

**APPROVAL FUND TRANSFER**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board approved transferring \$5318.94 from County Administrator LGIP –AS400 Replacement line item 012020-7004 to Board of Supervisors Tourism Development line item 011010-5616 to be used toward advertising costs.

(Order)

**APPROVE SCHOOL BOARD APPROPRIATION #3**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board appropriated grant funds in the amount of \$295,000.00 received through the 21<sup>st</sup> Century Learning Centers Grant to the 2004-2005 Carroll County Public Schools Operational Budget category Instruction.

(Order)

**APPROVE CARROLL COUNTY EMS PAYROLL**

February 15, 2005

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board approved the Carroll County EMS January payroll, authorized the February payroll, and did authorize the President and Treasurer to sign checks on the 11<sup>th</sup> day of March for payment of this payroll.

(Order)

**APPROVE GLADEVILLE/CRANBERRY SEWER STATEMENT OF BUDGET, INCOME AND EQUITY**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board approved the Gladeville/Cranberry Sewer Statement of Budget, Income and Equity for the quarter ended December 31, 2004 and did authorize the Chairman and Clerk to sign this report.

(Order)

**BLUE RIDGE PARKWAY – ALL AMERICAN ROAD**

Upon motion by Mr. Early, seconded by Mr. Evans, and passed unanimously, the Board adopted the following Resolution:

**RESOLUTION SUPPORTING THE DESIGNATION OF THE BLUE RIDGE PARKWAY AS AN ALL AMERICAN ROAD**

WHEREAS, the designation of the Blue Ridge Parkway as an All American Road by the Federal Highway Administration would enhance the importance of this scenic highway, both nationally and internationally, and

WHEREAS, with over 20 million travelers annually, the Blue Ridge Parkway represents a cultural and tourism attraction for Carroll County, and

WHEREAS, the Parkway has been in existence for 60 years and over this period of time its significance as a national resource has grown, and

WHEREAS, the County of Carroll, in recognition of the importance of the parkway to our community, has been deeply involved over the past several years in protecting the viewshed of the Blue Ridge Parkway for future generations.

NOW, THEREFORE BE IT RESOLVED, by the Carroll County Board of Supervisors as follows:

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1. That the Board of Supervisors supports the Blue Ridge Parkway's nomination to the Federal Highway Administration as an All American Road;
2. That the Board of Supervisors encourages the Virginia Department of Transportation and the other localities adjacent to the Blue Ridge Parkway to endorse the Blue Ridge Parkway's nomination; and
3. That the Clerk to the Board is directed to forward copies of this resolution to the All American Road Selection Committee, all localities bordering the Blue Ridge Parkway, and the Virginia Department of Transportation.

#### **PLANNING COMMISSION APPOINTMENT**

By consensus of the Board, Mr. Jeff Evans was appointed to the Carroll County Planning Commission replacing Mr. Wilson Sharpe.

#### **WORKFORCE INVESTMENT BOARD APPOINTMENT**

Mr. Teller introduced Mrs. Debbie Payne as the new Director for Rooftop of Virginia CAP. By consensus of the Board, Mrs. Debbie Payne was appointed as a Carroll County business representative for the Workforce Investment Board.

#### **COUNTY ADMINISTRATOR TIME**

Mr. Teller told the Board that the effort toward the Occupancy Tax Bill, HB2007, in which the County was trying to get the lodging tax raised from 2% to 5%, was working. He told that the Bill had passed the House by a two-thirds majority and had passed the Senate with only two No votes. He thanked the Delegates for their work.

Mr. Teller reminded the Board that there would be a Town Hall meeting on February 22 at 6:30 p.m. at the Carter Building and told that the Sylvatus Ruritan Club had invited the Board to their meeting for March 1 at 6:00 p.m. He told that the new Sprint telephone book had badly messed up the County listing. He stated that Sprint was being worked with to get them to send out a corrected listing and told that the County was advertising a corrected listing.

Mr. Teller told that the County had been working to secure an appropriation through the General Assembly for renovation work at the Carter Home. He told that \$200,000 had been requested but that both the House and Senate had approved \$50,000 and now was awaiting the Governor's signature.

(Order)

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**APPROVE CARROLL NEWS PROGRESS EDITION  
ADVERTISEMENT**

Upon motion by Mr. Evans, seconded by Mrs. Myers, and passed unanimously, the Board approved advertising in the Progress Edition of the Carroll News with a message to the citizens at a cost of \$500.00 for a color advertisement.

(Order)

**CLOSED SESSION – PURSUANT TO VIRGINIA CODE SECTION 2.2-3711(A1,A3,A7,A30)**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board convened a Closed Session at 9:30 a.m. until 10:05 a.m. for the purpose of discussion the employment of personnel as authorized by Section 2.2-3711(A1), for the discussion of proposals for the purchase of real property as authorized by Section 2.2-3711(A3), for the discussion of legal matters as authorized by Section 2.2-3711(A7), and for the discussion of contract award matters as authorized by Section 2.2-3711(A30).

(Order)

**CERTIFICATE OF CLOSED MEETING**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board adopted the following Resolution:

**WHEREAS**, the Carroll County Board of Supervisors convened in a Closed Session on this date pursuant to an affirmative recorded vote on the motion to close the meeting in accordance with the Virginia Freedom of Information Act;

**WHEREAS**, Section 2.2-3711(D) of the Code of Virginia requires a certification by the Board of Supervisors that such Closed Session was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Carroll 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 under the Virginia Freedom of Information Act were heard, discussed or considered in the Closed Session to which this certification applies, and (II) only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered in the meeting to which this certification applies.

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**PUBLIC HEARING – ROUTE 861 ROAD ABANDONMENT**

Mr. Spencer declared the Public Hearing Open at 10:06 a.m.

Mr. Teller told that the purpose of this Public Hearing was to hear public comment concerning the proposed abandonment of a section of State Route 861. He then opened the floor for comments.

Mr. James Surratt told that he was trying to keep people off of his property. He told that he had built the road himself and had requested that the road be abandoned.

With no one else to speak, the Public Hearing was declared Closed at 10:12 a.m.

**PUBLIC HEARING – ROUTE 636 ROAD ABANDONMENT**

Mr. Spencer declared the Public Hearing Open at 10:13 a.m.

Mr. Teller told that the purpose of this Public Hearing was to hear public comment concerning the proposed abandonment of a section of State Route 636. He then opened the floor for comments.

Mr. Daniel Akers told that he would like to have the road abandoned.

Mr. Nat Akers told that he had talked with VDOT and was told he could block the road. He told that his family had maintained the road.

With no one else to speak, the Public Hearing was declared Closed at 10:14 a.m.

**PUBLIC HEARING – LEASE OF COUNTY PROPERTIES**

Mr. Spencer declared the Public Hearing Open at 10:15 a.m.

Mr. Teller told that the purpose of this Public Hearing was to hear public comment concerning the proposed leasing of a portion of the Farmer's Market property to AmerLink. He then opened the floor for comments.

Mr. James Light asked what the plan was. He told that jobs and tourism would benefit the County and the Farmer's Market but stated that years down the road there might be a need for more room for the Farmer's Market. He told

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that he would like to know how much space the company would be using. He stated that the property did not need to be a log home display.

Mr. Teller told the he or Kevin Semones would be glad to go over the plans. He stated that there would be a large tourism house plus 2-3 log home models. He stated that this would bring a huge number of people to the Farmer's Market.

Mr. Brian Richardson told that he came in four years ago and was willing to invest time and money to make the Market better. He told that he had seen the Market grow and stated that the greenhouse he operates brings in \$36,000 annually. He told that the Board needed to think about the future and retain space for future expansion of the Farmer's Market.

Mrs. Billie Taylor told that the Board needed to listen to the two prior speakers.

With no one else to speak, the Public Hearing was declared Closed at 10:30 a.m.

(Order)

**APPROVE ABANDONMENT – STATE ROUTE 861**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and approved unanimously, the Board adopted the following Resolution:

**RESOLUTION**

WHEREAS, a public notice was posted as prescribed under Section 33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described below from the secondary system of state highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Route 861 from 0.53 miles West Route 749 to 1.00 miles West Route 749, a distance of 0.47 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

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NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above-described section of road and removes it from the secondary system of state highways, pursuant to Section 33.1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

(Order)

**APPROVE ABANDONMENT – STATE ROUTE 636**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board adopted the following Resolution:

**RESOLUTION**

WHEREAS, a public notice was posted as prescribed under Section 33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described below from the secondary system of state highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Route 636 from 1.60 miles West Route 635 to 2.1 miles West Route 635 (Wythe County Line), a distance of 0.50 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above-described section of road and removes it from the secondary system of state highways, pursuant to Section 33.1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

(Order)

**APPROVE LEASE – FARMER'S MARKET PROPERTY**

February 15, 2005

Upon motion by Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board approved the following lease:

**THIS LEASE**, made as of the \_\_\_ day of February 2005, by and between **CARROLL COUNTY, VIRGINIA**, a body corporate and politic (hereinafter referred to as (“Carroll County”)); and **HARLINGEN HOLDINGS, INC.**, a corporation organized under the laws of North Carolina, (hereinafter referred to as “Lessee”), and provides as follows:

WHEREAS, the parties hereto are mutually committed to a unique, cooperative arrangement allowing for the operation of a collocated County Tourist Information Center (hereinafter called “TIFC”), Regional Arts and Crafts Gallery (hereinafter called “Gallery”), and the Lessee’s Log Home Models and Sales Center (hereinafter called “Sales Center”) in a mutually beneficial and economical manner;

WHEREAS, Carroll County is willing to provide the Leased Premises and the Lessee is willing to construct the necessary facilities in furtherance of the parties’ mutual objectives;

AND WHEREAS, the parties desire to work together cooperatively to operate all of the collocated facilities in a cost-effective manner on a long-term basis;

**NOW THEREFORE,**

For and in consideration of the covenants, agreements, and undertakings hereinafter set forth, Carroll County does hereby lease unto Lessee and the Lessee hereby accepts from Carroll County, the lease of the property located at the Southwest Virginia Farmers Market, 497 Farmers Market Road, Hillsville, Virginia 24343, and more specifically described on Exhibit A, attached hereto and hereby incorporated by reference (hereinafter called “Premises”), under the following terms and conditions.

1. No Representations: Lessee has examined and knows the condition of the Premises and acknowledges that the Carroll County makes no warranty or representation with respect to the condition of the Premises, except as expressly provided for herein.
2. Term: The term of this Lease shall begin on the 1st day of April, 2005 and shall continue for 99 years unless sooner terminated as herein provided for herein (hereinafter called the “lease term”).
3. The Lease is granted to the Lessee without rental payment, provided the Lessee complies with the terms and conditions contained herein. The parties further agree to comply with the terms of the performance agreements

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entered into by the parties of even date herewith, which are hereby incorporated by reference.

**4. Lessee's Obligations.**

a. Construction of facilities. The Lessee at its sole cost and expense shall construct the Sales Center, TIFC, and Gallery as set forth in Exhibit B (hereinafter collectively called "facilities") on the Premises, which is hereby incorporated by reference, or as otherwise agreed to by the parties in writing. The Lessee shall have the right to place the facilities within the Premises as it deems necessary to meet the mutual objectives of the parties. Upon construction, the Lessee shall retain ownership of the facilities, which shall merge and become part of the real estate and convey to Carroll County upon the expiration or termination of the Lease. The Lessee shall not remove said facilities from the Premises. Upon termination or expiration of the Lease, the Lessee shall have no right or claim for any payment from Carroll County for the construction or value of the facilities.

b. The Lessee shall grant Carroll County and Carroll County reserves the right to use a portion of the facilities as described in Exhibit C, which is hereby incorporated by reference, for use as a TIFC during the Lease Term. This use of the facilities by Carroll County shall be at no cost to Carroll County, except as specifically provided for herein.

c. The Lessee agrees to display for sale the arts and crafts of regional artisans throughout its Sales Center ("Gallery") at no cost to the County. This display will be advertised and promoted as a regional arts and crafts gallery and shall become part of state-wide efforts to promote the arts and crafts industry and arts tourism. The arts and crafts shall be displayed in a manner compatible with the operation of the Lessee's sales center and as mutually agreed. The Gallery shall not otherwise be considered space allocated to Carroll County and shall not be part of the TIFC. A separate agreement between the parties shall govern the sale of the arts and crafts and distribution of the proceeds.

d. The Lessee shall provide a receptionist, who is mutually agreeable to the parties, to greet the public coming to the TIFC, the Sales Center, and the Gallery and perform the basic duties necessary to keep the TIFC, Gallery, and Sales Center open a minimum of from 9:00 a.m. to 5:00 p.m., seven days per week. The receptionist shall be paid by the Lessee with specific duties as described in Exhibit D.

**5. Carroll County's Obligations.**

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a. Carroll County will furnish the Leased Premises and work cooperatively with the Lessee so that the Lessee can complete construction of the facilities.

b. Carroll County will provide the Lessee with office space in the Cannery Building at the Southwest Virginia Farmers Market at no cost during the construction of the facilities.

c. Carroll County will provide electrical service from the Cannery building to be used by the Lessee for its construction activities.

d. Carroll County will provide up to 75 parking spaces and the access road for use by the Lessee and the public coming to the facilities and the Southwest Virginia Farmers Market. Lessee shall have the right to access the Premises from Farmers Market Road and the non-exclusive use of the parking area for the Southwest Virginia Farmers Market.

e. Carroll County will on a monthly basis pay to the Lessee its share of the electric, heating, and air conditioning costs for the preceding month, which the parties agree shall be prorated based upon the square footage of the TIFC in relation to the heated square footage of the facilities as a whole.

f. Carroll County will furnish routine custodial services, grounds maintenance, routine maintenance of buildings and HVAC, and snow removal for the Sales Center, which shall not include the application of any exterior coating such as paint, sealer or stain. The Lessee and Carroll County will share the cost of necessary repairs and replacement of the facilities and fixtures, *e.g.*, roof repair and replacement, HVAC repair and replacement, with Carroll County responsible for paying a prorated portion of the out-of-pocket cost of such repairs and replacement based upon the square footage of the TIFC in relation to the heated square footage of the facilities as a whole. Upon agreement of the parties prior to making the repair or replacement, either Carroll County or the Lessee may provide its respective share of the cost in materials or labor.

6. Signage. The Lessee may place and maintain mutually agreeable signage at the Southwest Virginia Farmers Market, subject to meeting any applicable state and federal requirements. The parties will work together cooperatively to ensure that the signage promotes and is consistent with their respective interests and their mutual objective to turn the Southwest Virginia Farmers Market and the facilities on the Premises into a first-class tourist destination and venue.

7. No Mechanics Liens/Bankruptcy.

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(a) The Carroll County and Lessee covenant, each to the other, not to permit any lien to be filed against the demised property on account of non-payment or disputes with respect to labor or materials furnished in connection with repairs or modification or additions to the premises, not shall the parties permit any judgment, lien or attachment to lie against the property. Should any lien of any nature, including the foregoing but not limited thereto, be filed against the property, the party from whose debt or alleged debt such lien arises, shall within thirty (30) days cause said lien to be removed by substitution of collateral or otherwise.

(b) In the event of the Lessee's insolvency or the filing of any bankruptcy proceeding, Carroll County shall have the right to exercise its rights hereunder and take possession of and operate the premises pending the lawful disposition of the Lessee's property interests.

8. Assignment: Lessee may assign this Lease upon 45 days advance written notice to Carroll County. Any assignee shall be subject to the terms and conditions of this Lease and the performance agreements among the parties hereto.

9. Default: If Lessee shall fail to comply with a material term or condition of this Lease, and shall continue in default for a period of sixty (60) days after written notice thereof by Carroll County of default and demand for performance, Carroll County may, at its option, terminate this Lease, providing that neither terminating this Lease under this clause nor recovering possession of the Lease Premises shall deprive the Carroll County of any such action or remedy against the Lessee for possession or for damage.

10. Insurance.

(a) Lessee covenants to provide on or before the commencement of the term of this Lease and to keep in force during the term, a comprehensive public liability policy of insurance protecting the Lessee from any and all liability arising from its activities upon the Premises. Lessee agrees to carry such insurance with a solvent company licensed to do business in the State of Virginia in the amounts satisfactory to the County.

(b) The Lessee shall maintain fire and casualty insurance upon the facilities and agrees to repair or replace the facilities to a fully operational condition as expeditiously as practicable in the event of fire or other damage or loss to the facilities. So long as Lessee uses its good faith, best efforts to repair or replace the facilities in the event of loss or damage, Carroll County shall not be entitled to any damages for loss of use.

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(c) Carroll County shall be responsible for maintaining liability coverage for its activities within the Leased Premises and insurance on its personal property located on the Premises.

11. Warranties. Carroll County gives no warranty with respect to the condition, safety and use of the Premises by the Lessee. The Lessee understands that its use of the Premises is "As Is", without warranty, and with the assumption of all risks.

12. Title. Carroll County represents and covenants that it has fee simple title to the Leased Premises and has the full right and authority to execute this Lease for the term and upon the conditions herein contained.

13. Lessee's Use.

(a) The Lessee shall have the right to enter upon and use the Premises for the purposes set forth herein. The Lessee covenants not to use the Leased Premises for any purpose other than a Sales Center without the consent of Carroll County.

(b) The Lessee and Carroll County agree that it is mutually beneficial to attract a high-volume restaurant, such as the Cracker Barrel chain, to the Southwest Virginia Farmers Market. Carroll County is agreeable to enlarging the Premises to include such a facility should the Lessee be able to find and attract such a restaurant chain, upon such terms and conditions as the parties agree are mutually satisfactory.

14. Headings and Pronouns: Headings or titles of the paragraph and sub-paragraphs are inserted solely for convenience of reference and shall not constitute a part of this Lease, nor shall they affect its meaning, construction or effect. Wherever the context may require, any gender or neuter may be substituted for the other and the plural for the singular.

15. Notice: Every notice, approval, consent or other communication authorized or required by this License, shall be effective if given in writing and (I) delivered in person, or (II) sent by United States Registered or Certified Mail, Return Receipt Requested, with postage prepaid, and addressed directly to Carroll County c/o the Carroll County Administrator of Carroll County, Virginia, 605-1 Pine Street, Hillsville, Virginia, and to Lessee at the Leased Premises, or such other address as either respective party may designate by written notice, from time to time.

16. Save Harmless: The parties mutually covenant to indemnify and save harmless one another against any and all liability, claims, or costs arising from their respective activities.

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17. Law Applicable: This License has been executed in the Commonwealth of Virginia and shall be interpreted and governed by the laws of that state.

18. Covenants: Carroll County and Lessee hereby covenant and agree that each shall do and perform the agreements, undertakings and provisions herein above set forth for each of them, respectively.

This Lease has been authorized and accepted by the Carroll County Board of Supervisors and Lessee upon resolution duly adopted.

WITNESS the following signatures, and seals:

CARROLL COUNTY OF CARROLL, VIRGINIA

\_\_\_\_\_(SEAL)  
Brian Spencer, Chairman of the Board of Supervisors

Attest:

\_\_\_\_\_(SEAL)  
Clerk

HARLINGEN HOLDING, INC

BY:\_\_\_\_\_(SEAL)  
Richard Baumus Spoor, President

Attest:

\_\_\_\_\_(SEAL)  
Secretary

(Order)

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**CLOSED SESSION – PURSUANT TO VIRGINIA CODE SECTION 2.2-3711(A1,A3,A7,A30)**

Upon motion by Mr. Jones, seconded by Mrs. Myers, and passed unanimously, the Board convened a Closed Session at 10:35 a.m. until 11:10 a.m. for the purpose of discussion the employment of personnel as authorized by Section 2.2-3711(A1), for the discussion of proposals for the purchase of real property as authorized by Section 2.2-3711(A3), for the discussion of legal matters as authorized by Section 2.2-3711(A7), and for the discussion of contract award matters as authorized by Section 2.2-3711(A30).

(Order)

**CERTIFICATE OF CLOSED MEETING**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed unanimously, the Board adopted the following Resolution:

**WHEREAS**, the Carroll County Board of Supervisors convened in a Closed Session on this date pursuant to an affirmative recorded vote on the motion to close the meeting in accordance with the Virginia Freedom of Information Act;

**WHEREAS**, Section 2.2-3711(D) of the Code of Virginia requires a certification by the Board of Supervisors that such Closed Session was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Carroll 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 under the Virginia Freedom of Information Act were heard, discussed or considered in the Closed Session to which this certification applies, and (II) only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered in the meeting to which this certification applies.

**CITIZENS TIME**

Mr. John Nobili presented the Board with a petition requesting that property lying between Route 759 Carrollwood Drive and U.S. #58 West not be annexed into the Town of Hillsville.

Mr. David Morris told that he hoped in the future the Board would consider the long-term effect of the decisions they make toward economic potential of the citizens who have lived here a long time. He told that the Board could

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work with the Schools to teach children electronics and robotics and learn how to recycle metal and other resources. He stated that outside economic interests do not always consider what is best for the economy of the County. He asked the Board to make sure the children have the technology they need in order to learn things that will make the County grow.

Mr. Emmett Jones told that he was a part of the water and sewer projects in the past and that tremendous growth had been realized by those projects. He stated that in discussions of annexation it looked like Woodlawn had been left out and not covered by sewer. He told that property was bought on Crooked Creek for building a sewer plant.

### **ANDY HALL – VIRGINIA’S aCORRIDOR**

Mr. Andy Hall, Executive Director for Virginia’s aCorridor, told that there had been 26 company visits to the area in 2004 with 15 announcements made by 10 existing companies and 5 new companies. He told that the AmerLink announcement was the only one so far for 2005. He told that the marketing activity included maintaining a website and advertising in magazines. He told that the SWVA Economic Development Alliance had performed a target industry study and had generated a list of 500 companies to contact.

Mr. Spencer asked what could be done to market the Paxar buildings to like industries.

Mr. Hall stated that they would be listed on the website.

(Order)

### **CLOSED SESSION – PURSUANT TO VIRGINIA CODE SECTION 2.2-3711(A1,A3,A7,A30)**

Upon motion by Mrs. Nichols, seconded by Mr. Jones, and passed unanimously, the Board convened a Closed Session at 2:13 p.m. until 3:35 p.m. for the purpose of discussion the employment of personnel as authorized by Section 2.2-3711(A1), for the discussion of proposals for the purchase of real property as authorized by Section 2.2-3711(A3), for the discussion of legal matters as authorized by Section 2.2-3711(A7), and for the discussion of contract award matters as authorized by Section 2.2-3711(A30).

(Order)

### **CERTIFICATE OF CLOSED MEETING**

February 15, 2005

Upon motion by Mrs. Nichols, seconded by Mr. Early, and passed unanimously, the Board adopted the following Resolution:

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#### **SUPERVISORS TIME**

Mr. Evans stated that people were calling concerning the utility tax and told they were paying more on out buildings than they were on their homes.

Mr. Teller told that a determination was being made of how big this problem is and stated that he had not received a lot of calls but was trying to see if there was an easy solution. He told that the Power Company had reported that there were 1400 SGS services with an average cost of tax to them being \$8.57.

Mr. Jones told that most people that have out buildings are already paying on a residence and on the phone. He told that this tax should be dropped on businesses.

#### **MOTION TO DROP UTILITY TAX ON BUSINESSES**

Mr. Jones made a motion, seconded by Mr. Early, to drop the utility tax on businesses.

Notes: Mr. Early stated that he seconded the motion for discussion.  
Mr. Jones and Mrs. Nichols voted Yes on the above motion.  
Mr. Early, Mr. Evans, and Mr. Spencer voted No on the above motion.

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Mrs. Myers Abstained on the above motion.

Mr. Evans stated that land use deferral had gone up. He asked if a referendum could be placed on the ballot this fall concerning this issue.

Mr. Spencer told that his understanding was the deadline was July for putting a referendum on the ballot.

**MOTION TO PLACE LAND USE REFERENDUM ON BALLOT**

A motion was made by Mr. Evans, seconded by Mrs. Myers, to place a referendum on the fall ballot concerning land use taxation.

Notes: Mr. Evans and Mrs. Myers voted Yes on the above motion.

Mr. Jones, Mrs. Nichols, Mr. Early, and Mr. Spencer voted No on the above motion.

Mr. Spencer told that he would like to see this issue not on a referendum because this would put neighbor against neighbor and this was an issue for the Board to decide.

Mr. Early stated that the Board had previously agreed to take a close look at this issue before making a decision.

Mr. Jones told that the Board had told a group of people that they would wait and see how the program was working before taking any action.

Mr. Evans commented that the program was growing and now had 119 non-residents participating.

Mr. Spencer told that he attended the employee pinning ceremony. He stated that the response from the employees was remarkable in showing appreciation and told that the Board should continue this. He then told that Carroll County was spending \$3M less than Wythe County to operate the County and told that the employees were doing a good job.

Mr. Early told that Search & Rescue had asked what was being done with the budget.

Mr. Newman told that budget request letters had been mailed to all rescue squads and fire departments.

Mr. Early told that with the opening of the new Hillsville Elementary School there were proposals of moving students around and asked that the School Board brief the Board on these proposals. He then asked for

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information on incentives for small businesses. He commented that there were great folks working in the building.

(Order)

**AUTHORIZE LAND PURCHASE OPTION**

Upon motion by Mrs. Nichols, seconded by Mrs. Myers, and passed, the Board authorized the County Administrator to acquire an option to purchase land.

Notes: Mr. Jones voted No on the above motion.  
Mr. Early Abstained on the above motion.

Mrs. Nichols stated that she was thankful for the jobs the employees were doing.

(Order)

**APPROVE WATER AND SEWER CONTRACT PROPOSAL**

Upon motion by Mr. Early, seconded by Mrs. Nichols, and passed, the Board approved the CONTRACT for water and sewer service with the Town of Hillsville.

Note: Mr. Jones and Mr. Evans voted No on the above motion.  
The above mentioned CONTRACT is found at the end of these minutes labeled Attachment 1 and made a part of the minutes.

(Order)

**APPROVE VOLUNTARY ANNEXATION SETTLEMENT**

Upon motion by Mr. Early, seconded by Mrs. Myers, and passed, the Board approved the VOLUNTARY SETTLEMENT OF ANNEXATION AND REVENUE SHARING ISSUES BETWEEN THE TOWN OF HILLSVILLE AND CARROLL COUNTY.

Note: Mr. Jones and Mr. Evans voted No on the above motion  
The above mentioned VOLUNTARY SETTLEMENT is found at the end of these minutes labeled Attachment 2 and made a part of the minutes.

(Order)

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**ADJOURNMENT**

Upon motion by Mr. Jones, seconded by Mrs. Myers, and passed unanimously, the Board adjourned at 4:05 p.m. until their next regular scheduled meeting.

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Brian E. Spencer, Chairman

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Ronald L. Newman, Clerk