

January 18, 2005

The Carroll County Board of Supervisors held their regular monthly meeting on Tuesday, January 18, 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 Nichols  
                          Joseph H. Early, III  
                          W. Jeff Evans  
                          Craig E. Teller, County Administrator  
                          Ronald L. Newman, Assistant Administrator  
                          Bradley Dalton, County Attorney

Mrs. Myers called the meeting to Order at 6:42 p.m.

**ELECTION OF CHAIRMAN**

Mrs. Myers opened the floor for nominations for Chairman.

Mr. Evans nominated Mr. Spencer for Chairman, with a second by Mr. Early. With no other nominations presented, nominations were closed.

(Order)

**ELECTION OF CHAIRMAN**

Upon motion by Mr. Evans, seconded by Mr. Early, and passed, the Board elected Mr. Spencer as Chairman.

Note: Mr. Spencer Abstained on the above vote.

**ELECTION OF VICE-CHAIRMAN**

Mr. Spencer opened the floor for nominations for Vice-Chairman.

Mr. Jones nominated Mr. Evans who withdrew his name from consideration and nominated Mrs. Myers.

(Order)

**ELECTION OF VICE-CHAIRMAN**

Upon motion by Mr. Evans, and passed, the Board elected Mrs. Myers as Vice-Chairman.

January 18, 2005

Note: Mrs. Myers Abstained on the above vote.

**CEREMONIAL TRANSFER OF THE GAVEL**

Mr. Spencer accepted the Chairman's gavel from Mrs. Myers and presented Mrs. Myers with a plague in honor of her service as Chairman for the past two years.

**PUBLIC HEARING – LAUREL FORK VOTING PRECINCT RELOCATION**

Mr. Spencer called the Public Hearing to Order at 6:47 p.m.

Mr. Teller told that the purpose of this public hearing was to hear public comment pertaining to the proposed relocation of the Laurel Fork Voting Precinct from the old Laurel Fork Volunteer Fire Department Building located at 13139 Danville Pike to the new Laurel Fork Volunteer Fire Department Building located at 13386 Danville Pike. He told that this relocation was recommended due to the modern facilities, improved parking, and increased safety of the voters. He then opened the floor for comments.

With no one to speak, the Public Hearing was Closed at 6:48 p.m.

(Order)

**APPROVE LAUREL FORK VOTING PRECINCT RELOCATION**

Upon motion by Mr. Early, seconded by Mr. Evans, and passed unanimously, the Board approved the relocation of the Laurel Fork Voting Precinct from the old Laurel Fork Volunteer Fire Department Building located at 13139 Danville Pike to the new Laurel Fork Volunteer Fire Department Building located at 13386 Danville Pike.

Recorded Vote:

Mr. Spencer	Yes
Mrs. Myers	Yes
Mr. Jones	Yes

January 18, 2005

Mrs. Nichols	Yes
Mr. Early	Yes
Mr. Evans	Yes

**PUBLIC HEARING – UTILITY CONSUMERS TAX AMENDMENT**

Mr. Spencer declared the Public Hearing Open at 6:49 p.m.

Mr. Teller told that the purpose of this Public Hearing was to hear public comment concerning the proposed Amendment to the Utility Consumers Tax to delete the minimum bill usage in Sections 4.1-1, 4.1-4, and 4.1-7. He then opened the floor for comment.

Mr. Donald Bowman asked what this would do.

Mr. Teller told that the maximum tax would still be \$3.00 but this amendment would do away with the minimum tax of \$1.50.

Mr. Bowman stated that the bill he received stated the tax would go into effect February 1.

Mr. Spencer commented that this motion would lower the tax on small utility bills.

Mr. Bowman asked if the Town of Hillsville was exempt.

Mr. Teller told that the Ordinance did cover the Town.

Mr. Bowman asked if the Ordinance covered the cell tax.

Mr. Spencer told that the Ordinance would be good for 1.5 years and then would go away unless brought up by the Board again.

With no one else to speak, the Public Hearing was Closed at 6:54 p.m.

**PRESENTATION OF CERTIFICATE OF APPRECIATION**

The Board presented a Certificate of Appreciation to Mr. Dennis Ward for his valuable contribution with organizing and implementing the Carroll Christmas Fund to help needy families and children to have an enjoyable Christmas.

**CITIZENS TIME**

January 18, 2005

Ms. Margaret Marsille spoke to the Board concerning the Illegal Immigrant Resolution previously passed by the Board. She told that the sign of immigrants was a sign of a growing economy or an abundance of low paying jobs others did not want. She asked how many Americans wanted jobs on a chicken or dairy farm? She told that immigrants did send money home to their families but that they added to the economy from purchases such as food and clothing. She then invited the Board to attend meetings of the Hispanic Society held at Tlaquepaque Restaurant in Galax.

Mr. Andy Jackson, Commander of the Jubal Early Camp of the Sons of the Confederacy, told that they tried to promote the history of the County in a positive way. He told that the Camp would like to purchase a flag pole to erect and maintain and stated that the pole would be placed beside the Confederate monument in the Old Courthouse Lawn. He told this would be used on Confederate holidays and during ceremonies. He then discussed the different flags used during the Civil War and presented information on the Sons of the Confederacy.

Mr. Evans asked that a drawing of what was planned be given to the Board for review.

Mr. Jackson stated that the plan was to put the pole near the monument but that they were flexible.

Mr. Spencer asked that a written proposal be given to Mr. Teller for the Board to review and be able to make a site visit.

### **CROSSROADS INSTITUTE**

Dr. David Johnson presented the Board with information on the Crossroads Rural Entrepreneurial Institute (CREI) and told that the three components, the Southwest Regional Enterprise Center, the Center for Technical and Entrepreneurial Studies, and the Center for Lifelong Learning were all coming together. He told that construction on the building was 85-90% complete with the goal being total completion by the end of February. He stated that CREI was anxious to get into the building because classes had been scheduled to start March 14. He told that there was a gap in the operational funding and that CREI was petitioning the General Assembly for funds. He asked the Board to adopt a resolution in support of a State Appropriation for Crossroads Institute.

January 18, 2005

(Order)

**RESOLUTION IN SUPPORT OF STATE APPROPRIATION FOR  
CROSSROADS INSTITUTE**

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

**A Resolution in Support of State Funding for  
The Crossroads Rural Entrepreneurial Institute**

WHEREAS, the Crossroads Rural Entrepreneurial Institute located in Galax, Virginia will help improve the lives of people living in the City of Galax and the counties of Carroll, Grayson and Smyth and beyond by providing an innovative educational/economic development engine that will contribute to the revitalization of the region's economy and offer a brighter future for its citizens, AND

WHEREAS, the County of Carroll recognizes the need for economic and educational development, endorses the concept of regional collaboration and supports the creative efforts of the Crossroads Institute, AND

WHEREAS, southwest Virginia has recently experienced tremendous economic crisis in the following ways:

- 2,500 jobs lost to overseas competition and a declining furniture/agriculture industry,
- Record unemployment in the region, frequently among the highest in Virginia,
- 35% of the local workforce underemployed,
- 28.4% of the region's population at or below the 150% poverty level, AND

WHEREAS, the Crossroads Institute has the potential to revitalize and sustain the region's economy through a collaborative, well-conceptualized, carefully planned, innovative educational and economic development partnership, AND

WHEREAS, attracting new categories of businesses and industries to the region has proved an arduous task and requires a focused effort of education, training and opportunity, AND

January 18, 2005

WHEREAS, the Crossroads Institute has obtained \$5.7 million in funds from the U.S. Department of Agriculture – Rural Development, the U.S. Department of Commerce – Economic Development Administration, the Virginia Tobacco Indemnification and Community Revitalization Commission and the Virginia Department of Housing and Community Development – Community Development Block Grant Program to purchase and renovate the vacant Lowe’s Home Center building in Galax, VA, AND

WHEREAS, the Southwest Regional Enterprise Center has committed operational funds to Crossroads and will provide incubation services for aspiring entrepreneurs at the Institute, AND

WHEREAS, the Center for Technical and Entrepreneurial Studies will offer diverse, authentic learning opportunities focused on entrepreneurial and economic development to high school and college students in high demand technical/occupational programs at the Institute, AND

WHEREAS, the Center for Lifelong Learning will provide beginning (Basic skills, Graduate Equivalency Diploma – GED and English As a Second Language – ESL) and continuing education (technical, workplace, managerial) opportunities that address the training needs of regional businesses and industries, AND

WHEREAS, Wytheville Community College has committed to lease space at the Institute in support of education and training efforts, AND

WHEREAS, the Crossroads Institute expects to become self-sustaining by the end of its fourth year of operation and to be a model for achieving rural community vitality and prosperity.

Be it THEREFORE resolved, the County of Carroll petitions the General Assembly of Virginia to enact a special funding request specifically for Crossroads Institute during its initial years of existence in the following manner:

- For FY ending June 30, 2006: \$200,000.
- For FY ending June 30, 2007: \$300,000.
- For FY ending June 30, 2008: \$300,000.
- For FY ending June 30, 2009: \$300,000.

(Order)

**APPROVAL OF PAYROLL**

January 18, 2005

Upon motion by Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board approved the payrolls for December 2004 and for January 13, 2005 and did authorize the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 31<sup>st</sup> day of January and 15<sup>th</sup> day of February 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 Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board approved the minutes of their regular monthly meeting held on December 8, 2004 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 Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board approved the County General Claims as presented this day and as evidenced by check numbers 72232 and 72320-72515; did approve the Carroll County Industrial Development Authority claims as presented this day and as evidenced by check numbers 1582 and 1584-1587; and did approve the Carroll County EMS claims as presented this day and as evidenced by check numbers 2247-2254 and 2256-2275. The Board did not approve Carroll County EMS check number 2255.

(Order)

#### **APPROVE SHERIFF'S OFFICE APPROPRIATION**

Upon motion by Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board approved appropriating \$1742.00 received for the storage of a vehicle by the Sheriff's Office to the Sheriff's Office line item 031020-5409 Police Supplies.

(Order)

January 18, 2005

**APPROVE MOUNTAIN VIEW YOUTH & FAMILY SERVICES FUND TRANSFER**

Upon motion by Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board approved the transfer within the Mountain View Youth & Family Services budget of \$617.00 from VTSF Equipment 053070-9120 to Tobacco Grant 053070-9000.

(Order)

**APPROVAL OF CARROLL COUNTY EMS PAYROLL**

Upon motion by Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board approved the Carroll County EMS December 2004 payroll, did authorize the January 2005 payroll, and did authorize the President and Treasurer to sign checks on the 11<sup>th</sup> day of February for payment of this payroll.

(Order)

**APPROVE SHERIFF'S OFFICE APPROPRIATION**

Upon motion by Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board approved appropriating \$486.99 recovered from insurance to the Sheriff's Office line item 031030-7004 Capital Outlay – Car Equipment.

(Order)

**APPROPRIATE FIRE FUND AND TWO FOR LIFE FUNDS**

Upon motion by Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board appropriated the \$19,992.78 received as fire funds to the Volunteer Fire Departments Fire Program Fund line item 032020-7000 and appropriated \$13,321.63 additional funds received as two for life funds to the Volunteer Rescue Squads Two-For-Life Fund line item 032030-7002.

(Order)

**APPROVE PAYMENT – HILLSVILLE VOLUNTEER FIRE DEPARTMENT TRUCK**

Upon motion by Mr. Evans, seconded by Mr. Early, and passed unanimously, the Board approved making the final payment of \$3876.30 for the loan from the Bank of Floyd to the Hillsville Volunteer Fire Department for the purchase of a replacement fire truck purchased as a result of the total

January 18, 2005

loss of a County-owned HVFD fire truck on I-77, and did approve taking these funds from the Volunteer Fire Department Fire Program Fund line item 032020-7000.

(Order)

**ADOPT UTILITY CONSUMERS TAX AMENDMENT**

Upon motion by Mr. Early, seconded by Mr. Evans, and passed unanimously, the Board adopted the following Amendment to the Utility Consumers Tax Ordinance:

ORDINANCE AMENDING  
THE UTILITY CONSUMERS TAX ORDINANCE  
OF CARROLL COUNTY, VIRGINIA (ORDINANCE NO. 2004-5)

ORDINANCE NUMBER 2005-1

The Carroll County Utility Consumers Tax Ordinance, enacted October 13, 2004, Ordinance No. 2004-5, is hereby amended to delete in sections 4.1-1, 4.1-4, and 4.1-7 the minimum charge of \$1.50. As a result of this amendment, there will be no minimum monthly levy imposed under said Ordinance. This Ordinance shall be effective as of the date of enactment. This Ordinance was duly considered following a required public hearing held on January 18, 2005 and was adopted by the Board of Supervisors of Carroll County, Virginia at its regular meeting held on January 18, 2005.

**BOARD APPOINTMENTS**

**WYTHEVILLE COMMUNITY COLLEGE BOARD**

By majority vote, the Board appointed Ms. Libby Rakes to represent Carroll County on the Wytheville Community College Board for a term beginning January 1, 2005 and ending June 30, 2007.

Note: Mr. Evans and Mr. Early voted No on the above vote.

**SOUTHWEST REGIONAL ENTERPRISE CENTER**

By majority vote, the Board appointed Mr. Craig Teller to represent Carroll County on the Southwest Regional Enterprise Center Board for a term beginning January 1, 2005 and ending July 26, 2005.

Note: Mr. Early voted No on the above vote.

January 18, 2005

**CROSSROADS BOARD**

By unanimous consent, the Board appointed Mr. Jody Early to represent Carroll County on the Crossroads Board for a term beginning January 1, 2005 and ending December 31, 2005.

**MOUNT ROGERS COMMUNITY MENTAL HEALTH SERVICES BOARD**

By unanimous consent, the Board appointed Ms. Mava Vass to represent Carroll County on the Mount Rogers Community Mental Health Services Board for a term beginning January 1, 2005 and ending December 31, 2007.

**COMMUNITY POLICY AND MANAGEMENT TEAM**

By unanimous consent, the Board appointed Ms. Barbara Boyd, Ms. Brenda Marrah, Mr. Teddy Felts, and Mr. Jeff Evans to represent Carroll County on the Community Policy and Management Team for a term beginning January 1, 2005 and ending December 31, 2005.

**FAMILY ASSESSMENT PLANNING TEAM**

By unanimous consent, the Board appointed Ms. Trudy Golding to represent Carroll County on the Family Assessment Planning Team for a term beginning January 1, 2005 and ending December 31, 2005.

**DISTRICT THREE GOVERNMENTAL COOPERATIVE BOARD**

By unanimous consent, the Board appointed Mrs. Glenna Myers to represent Carroll County and Mr. Jeff Evans as the alternate representative on the District Three Governmental Cooperative Board for a term beginning January 1, 2005 and ending December 31, 2005.

**WORKFORCE INVESTMENT ACT BOARD**

By unanimous consent, the Board appointed Ms. Jeanette Chappell and Mrs. Glenna Myers to represent Carroll County as business representatives on the Workforce Investment Act Board.

**CARROLL EMS CORPORATION BOARD OF DIRECTORS**

By unanimous consent, the Board appointed Ms. Raquel Lyons, Ms. Susan Ziglar, Dr. Ben Allen, Mr. Ron Hall, and Mr. William Komraus as the Carroll EMS Corporation Board of Directors.

**EMERGENCY SERVICES COMMITTEE**

January 18, 2005

By unanimous consent, the Board appointed Mr. Otis Ziglar and Mr. Greg Bolen to the Carroll County Emergency Services Committee for a term beginning January 1, 2005 and ending December 31, 2006.

**CHAMBER OF COMMERCE**

By unanimous consent, the Board appointed Mr. Craig Teller to the Chamber of Commerce for a term beginning January 1, 2005 and ending December 31, 2005.

**MOUNTAIN VIEW YOUTH SERVICES BOARD**

By unanimous consent, the Board appointed Ms. Rhonda Bowman to the Mountain View Youth Services Board for a term beginning January 1, 2005 and ending December 31, 2005.

**CHIEF LOCAL ELECTED OFFICIALS**

By unanimous consent, the Board appointed Mr. Brian Spencer, Chairman, and Mrs. Sharon Nichols, Alternate, to the Chief Local Elected Officials of the Workforce Investment Act for a term beginning January 1, 2005 and ending December 31, 2005.

**SOLID WASTE AUTHORITY**

By unanimous consent, the Board appointed Mr. Brian Spencer, Chairman, Mr. Craig Teller, Administrator, and Mrs. Glenna Myers, Board Member, to the Solid Waste Authority for a term beginning January 1, 2005 and ending December 31, 2005.

**COURTHOUSE PRESERVATION COMMITTEE**

Upon unanimous consent, the Board appointed Ms. Betty Geisler, Ms. Laura Bryant, Mr. Jack Lewis, Mr. Jim Kilbourne, Mr. Brian Spencer, Ms. Patricia Sebens, and Mr. Randall Gravley to the Courthouse Preservation Committee for a term beginning January 1, 2005 and ending December 31, 2005.

**MOUNT ROGERS ALCOHOL SAFETY ACTION PROGRAM**

January 18, 2005

By unanimous consent, the Board appointed Mr. Jeff Evans to the Mount Rogers Alcohol Safety Action Program for a term beginning January 1, 2005 and ending December 31, 2005.

**MOUNT ROGERS PLANNING DISTRICT COMMISSION**

By unanimous consent the Board appointed Mr. Steve Winesett to the Mount Rogers Planning District Commission for a term beginning January 1, 2005 and ending December 31, 2005.

**MOUNT ROGERS TRANSPORTATION BOARD**

By unanimous consent, the Board appointed Mr. Jeff Evans to the Mount Rogers Transportation Board for a term beginning January 1, 2005 and ending December 31, 2005.

**NEW RIVER HIGHLANDS RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL**

By unanimous consent, the Board appointed Mr. Sam Terry to the New River Highlands Resource Conservation and Development Council for a term beginning January 1, 2005 and ending December 31, 2005.

**NEW RIVER REGIONAL JAIL AUTHORITY**

By unanimous consent, the Board appointed Mr. Jeff Evans, Member, and Mr. Ronald Newman, Alternate, to the New River Regional Jail Authority for a term beginning January 1, 2005 and ending December 31, 2005.

(Order)

**ADOPT RESOLUTION – REDUCTION OF SPEED LIMIT AT SAINT PAUL SCHOOL**

Upon motion by Mr. Jones, seconded by Mrs. Myers, and passed unanimously, the Board adopted a resolution requesting a reduction of the speed limit at Saint Paul School.

(Order)

**APPROVE COUNTY CREDIT CARD**

January 18, 2005

Upon motion by Mr. Early, seconded by Mrs. Myers, and passed unanimously, the Board approved for the County Administrator's Office to have a County credit card and did authorize the County Administrator to search out the best credit card.

(Order)

**APPROVE CONVEYANCE OF CANA RESCUE SQUAD VEHICLE**

Upon motion by Mr. Jones, seconded by Mrs. Nichols, and passed unanimously, the Board approved the transfer of title for a 1989 Jeep Cherokee, previously used by Cana Rescue Squad, to Bill McCraw.

(Order)

**AUTHORIZE PUBLIC HEARING – ROAD 861 ABANDONMENT**

Upon motion by Mrs. Myers, seconded by Mr. Evans, and passed unanimously, the Board authorized holding a Public Hearing for the purpose of hearing public comment related to the proposed abandonment of certain sections of State Route 861.

**APPOINT TASK FORCE – FUTURE OF EXIT 14 RECREATION PARK**

By unanimous consent, the Board appointed the members of the Carroll County Recreation Commission, Mr. Jeff Johnson, Mr. Larry Collins, Mr. Emmett Jones, and Mr. Brian Spencer to a Task Force to study the Future of the Exit 14 Recreation Park.

**APPROVE SOLICITATION OF PRICES FOR POOL SLIDES**

By unanimous consent, the Board approved receiving prices for review for the purchase of pool slides for the Carroll County Recreation Park.

**AUTHORIZE DRAFTING ORDINANCE RELATING TO JUNK CARS AND JUNK YARDS**

By unanimous consent, the Board authorized the County Administrator and County Attorney to draft an Ordinance relating to junk cars and the creation of new junk yards.

(Order)

January 18, 2005

**APPROVE GOLFPVIEW SUBDIVISION STREET ADDITION**

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

WHEREAS the street(s) described on the attached Additions Form SR-5(A) fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Carroll County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form Sr-5(A) to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

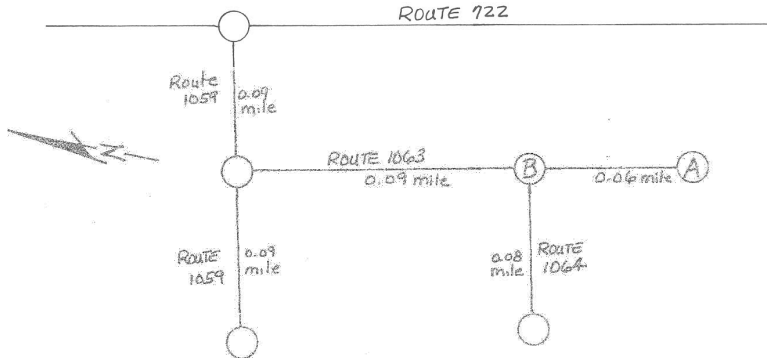
BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-72.1(D), Code of Virginia, and

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

Note: Mr. Spencer Abstained on the above motion.

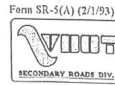
January 18, 2005

JENN-RUSS GOLFVIEW SUBDIVISION  
CARROLL COUNTY - ROUTE 1063



New Addition  
Link A-B ARBOR LANE ROUTE 1063 0.06 mile 50' R/W  
(ROUTE EXTENSION)

SR 128 PG 149



ADDITIONS FORM SR-5(A) - Proposed Additions to the Secondary System of State Highways

Attachment to (check one only)  Board of Supervisors Resolution  Surety Instrument Dated: 1-18-2005 Attachment 1 of 1  
Name of Subdivision: Jenn-Russ Golfview Carroll County

Ref. No.	Named Street	Street Addition Termini	R-O-W Width (ft)	Miscellaneous Notes	Addition Length Centerline Miles
1	Route 1063 Arbor Lane	From: Route 1064 (0.09 mile South Route 1059) To: 0.06 mile South to cul-de-sac Plat Recorded Date: 6-16-99 Deed Book Cabinet 1 page 307	50 feet	occupied dwellings = 2 Extending existing street completing subdivision	0.06
2		From: To: Plat Recorded Date: Deed Book Page:			
3		From: To: Plat Recorded Date: Deed Book Page:			
4		From: To: Plat Recorded Date: Deed Book Page:			
5		From: To: Plat Recorded Date: Deed Book Page:			
6		From: To: Plat Recorded Date: Deed Book Page:			
7		From: To: Plat Recorded Date: Deed Book Page:			
Total Mileage					0.06

SR 128 PG 148

REPRODUCTION OF ATTACHMENT  
This document is certified as a part of the document indicated above:  
*Ronald L. Newman, Clerk*  
CLERK B. 12/20/04

January 18, 2005

**COUNTY ADMINISTRATOR ITEMS**

Mr. Teller told the Board that Congressman Boucher was assisting with finding money for the Rocky Knob Project to help build a large tourism office for a joint effort by Carroll, Floyd, and Patrick counties. He then told that there would be a Town Hall Meeting in the Carter Building on February 22 beginning at 6:30 p.m. He informed the Board that there would be a Crossroads Institute meeting on January 19 beginning at 10:30 a.m. at the Vaughan Library and told that Mr. Evans, Mr. Early, and himself would be traveling to Richmond on January 19 to speak before the General Assembly at the Occupancy Tax Hearing.

(Order)

**HOLIDAY SCHEDULE**

Upon motion by Mr. Evans, seconded by Mrs. Nichols, and passed unanimously, the Board adopted the following holiday schedule for the remainder of calendar year 2005:

HOLIDAYS

President's Day	February 21, 2005
Easter	March 25, 2005
Memorial Day	May 30, 2005
Independence Day	July 4, 2005
Labor Day	September 2 & 5, 2005
Columbus Day	October 10, 2005
Veterans Day	November 11, 2005
Thanksgiving Day	November 24 & 25, 2005
Christmas Day	December 23 & 26, 2005

January 18, 2005

New Year

January 2, 2006

(Order)

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

Upon motion by Mrs. Myers, seconded by Mr. Jones, and passed unanimously, the Board convened a Closed Session at 8:16 p.m. until 9:19 p.m. for the purpose of discussing 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)

**CERTIFICATION 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.

(Order)

January 18, 2005

**ADOPT RESOLUTION – WATER AND WASTEWATER  
AGREEMENT WITH TOWN OF HILLSVILLE**

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

Note: Mr. Evans and Mr. Jones voted No on the above motion.

**RESOLUTION  
OF THE CARROLL COUNTY BOARD OF SUPERVISORS**

**Be It Resolved**, that after many months of negotiation, the Carroll County Public Service Authority is pleased to be able to approve a proposed agreement with the Town of Hillsville that it hopes will resolve long-standing disagreements over water and sewer service issues. This is an historic step forward for the Town and County, which will clear the way for the parties to work jointly on matters vital to our future economic prosperity. The PSA hopes that this agreement, if finally accepted by the Town, will commence a new era of cooperation and unity between the Town and County, which will result in a better quality of life for all the citizens.

**So Therefore, Be It Resolved**, that the County proposes for the Town's final consideration and agreement the following Memorandum of Intent with the Town of Hillsville:

**MEMORANDUM OF INTENT**

The Town of Hillsville, Carroll County, and the Carroll County Public Service Authority hereby agree to this Memorandum of Intent in an effort to resolve all pending water and sewer lawsuits between them by entering into a final agreement, the provisions of which the parties intend to be in accordance with the following general terms, which shall remain in effect for a period of twenty years, with an option to extend the term of the final agreement by agreement of both parties, upon execution of the final agreement in accordance herewith:

1. The Town will agree to create a special "intergovernmental sewer rate," which will be 10% less than the Town's rate for in-town industrial customers, as that in-town rate presently is established and in the future may be changed by the Town.

For example, based on current rates, the Town would charge the County PSA \$5.26 per 1000 gallons for all sewage delivered during a billing month.

January 18, 2005

2. The County and County PSA will agree to deliver to the Town for treatment all sewage collected from customers in the area generally located to the east of the natural drainage divide between the Town of Hillsville and the City of Galax, which can be served by the interceptor line proposed in section 6, below, and gravity flow to the Town's plant, including the Carroll County Industrial Park and the area around the interstate intersection.
3. The Town will agree to accept, from all customers of the Carroll County PSA, sewage in an amount not to exceed 450,000 gallons per day.
4. The Town will agree to charge the Carroll County PSA the "intergovernmental sewer rate" set forth in section 1, above, for sewer service provided by the Town to the Carroll County PSA for customers located in the area described in section 2, above. The Town will continue to provide service to other Carroll County PSA customers, including but not limited to those customers located on the East side of the Town, which are served at previously agreed-upon rates, under the June 13, 1989 Agreement between the Town and County.
5. The Town will agree to charge the County PSA for water service at a rate of \$4.55 per thousand gallons, and will agree that future increases in that rate will not be greater than any corresponding percentage increase in the Town's in-town industrial rate for water service.
6. The Town will agree to provide the County PSA water, at the rate set forth in section 4, above, in an amount not to exceed 175,000 gallons per day.
7. The Town and County PSA will agree to share equally the cost of a proposed interceptor line to be constructed from the Pepsi Plant on Rt. 58 to connect with the existing Town system near the Town's old trickling filter plant, which the parties agree shall be of equal benefit to future Town and County economic development, provided that the Town's maximum contribution to this project shall not exceed \$1.25 million.
8. The County will agree to share in the cost of any future expansion or upgrade of the Town's wastewater treatment plant that becomes necessary during the term of the final agreement. For

January 18, 2005

purposes of the final agreement, the parties agree that such an expansion or upgrade shall be necessary when mandated by law or regulation, and that the County's share of the costs of such expansion will be equal to the usage by all County PSA customers, calculated on a twelve month average percentage basis, of the total volume of wastewater treated at the Town's plant over that same period, plus five percent.

For example, if the Town's plant reaches 90% of designed capacity, and sewer flow from County PSA customers at that time accounts for 60% of all flow treated at the Town's plant over the preceding twelve months, the County's share of plant expansion costs would be 65%.

9. The parties will agree that, if either party fails to make a payment as required by either section 7 or section 8 of this Memorandum of Intent, then the other party shall have the unilateral right to terminate the final agreement.
10. The Town will agree to charge the County PSA in-town commercial rates for water and sewer, as those rates presently are established and as they may be changed in the future by the Town, for all present and future County-owned public buildings located within the Town, including but not limited to the County Governmental Center.
11. The Town and County will agree to dismiss all lawsuits presently pending between them regarding water and sewer billing issues. The Town, County and County PSA further will agree to release all claims and causes of action regarding water and sewer billing issues.
12. The County will agree that the Town, at its option, may incorporate all or any portion of the area within the Exit 14, I77 area as set forth on the attached map . The Town in its sole discretion may exercise this option by initiating a simple boundary adjustment proceeding or a voluntary settlement proceeding as used in the 1995 Agreement, which the County will agree to join in and support.
13. The Town and County will agree that if the Town does not initiate a boundary adjustment proceeding for the "interstate area" as described in the 1995 Agreement, the provisions of the 1995 Agreement shall continue in full force and effect.

January 18, 2005

Thus, if the Town does not initiate a boundary adjustment proceeding for the "interstate area," and the County fails to make a revenue-sharing payment required by the 1995 Agreement, the Town will have the right to annex the "interstate area" by ordinance and will have no obligation to share meals and lodging tax revenue from that area with the County.

14. The Town and County will agree that, in the event a boundary adjustment initiated by the Town as set forth in section 12, above, takes effect, the Town and County will share in the meals and lodging tax revenues from the newly-incorporated area as follows: the County will receive from the Town a payment equal to one-half the Town's then-current adopted meals tax rate, and also a payment equal to one-half the Town's then-current adopted lodging tax rate. If the Town's tax rates increase or decrease in the future, the County's share of Town tax revenue from the boundary -adjusted area(s) will increase or decrease in kind, provided that the Town's maximum payments to the County pursuant to the final agreement will not exceed an amount equal to 100% of the County's then-current adopted tax rates for meals and lodging, respectively.

For example, given the Town's current meals tax rate of 5%, and the County's current meals tax rate of 4%, the County would receive from the Town a payment equal to a 2.5% meals tax rate. However, if the Town imposed a 12% meals tax, and the County imposed a 5% meals tax, the County would receive from the Town a payment equal to a 5% meals tax.

15. The parties will agree that the revenue-sharing provisions of section 14, above, will apply only with respect to those portions of the interstate area incorporated into the Town.
16. The Town will agree that it will not seek City status.

This Memorandum of Intent shall not be binding upon the parties unless and until they execute a final agreement, which the parties agree to execute by February 1, 2005. Additionally, the final agreement between the parties shall be contingent upon court approval of those provisions

January 18, 2005

which will require such action and approval by the U.S. Rural Development Agency.

**SUPERVISORS TIME**

(Order)

**PROCURE POLICY TO BE FOLLOWED BY FIRE AND RESCUE ORGANIZATIONS**

Upon motion by Mr. Evans, seconded by Mrs. Myers, and passed unanimously, the Board directed the County Administrator to promulgate a policy which will adapt and apply state and county purchasing requirements and conflict of interest rules to procurement and purchasing actions by fire and rescue organizations receiving County funds.

**RESOLUTION – GAS PRICES AT EXIT 14**

A motion was made by Mr. Evans and seconded by Mr. Jones to adopt a Resolution urging gasoline retailers at Exit 14 to voluntarily reduce their prices of retail fuel at Exit 14 so that said prices would be more in line with the fuel prices in other portions of Carroll County and Wythe County.

Note: Mrs. Myers Abstained on the above motion.

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

Mr. Early stated that it was not government's role to interfere in business' decisions on what they charge for fuel.

Mr. Spencer asked where government would interfere next. He told that real estate values were higher and employers were paid higher wages along the interstate and that prices have to reflect these higher costs.

Mr. Evans stated that the Board had no legal grounds to force anyone to make these changes but would only be making suggestions. He told that it was not inappropriate to encourage businesses but stated that it was a shame to see prices so much higher.

Mr. Jones stated that he seconded the motion but that it was not the Board's place to interfere with this decision.

(Order)

**ROUTE 620 CONNECTOR ROAD**

January 18, 2005

Upon motion by Mr. Early, seconded by Mr. Evans, and passed, the Board approved proceeding with whatever actions are necessary to allow for the construction of the Connector Road from Route 620 to Goodspur Road.

**NOISE ORDINANCE**

Mr. Early told the Board that the Laurel Fork District still had problems with noise. He asked the Board to revisit the Noise Ordinance and to also visit concerns of lights and odors that affect adjoining property owners.

Mrs. Nichols told that \$30,000 had been approved by the Mount Rogers Planning District Commission for the preliminary Architect Report for the Carter Building.

Mr. Spencer thanked the Board for electing him as Chairman.

(Order)

**ADJOURNMENT**

Upon motion by Mrs. Myers, seconded by Mr. Jones, and passed unanimously, the Board adjourned at 9:39 p.m. until the next regular monthly meeting to be held February 15, 2005 beginning at 9:00 a.m.

---

Brian Spencer, Chairman

---

Ronald L. Newman, Clerk