

December 11, 2007

The Carroll County Board of Supervisors held their regular monthly meeting on Tuesday, December 11, 2007 in the Board Meeting Room of the Carroll County Governmental Center.

Present were: David V. Hutchins, Chairman
Ralph J. "Bob" Martin, Jr., Vice-Chairman
W. Jeff Evans
L. J. Jones
Joseph H. Early, III
Gary Larrowe, County Administrator
Ronald L. Newman, Assistant Administrator
Bradley Dalton, County Attorney

Mr. Hutchins called the meeting to Order at 6:05 p.m. and asked Mr. Mike Musser to lead in prayer and the pledge of allegiance.

Mr. Larrowe told that the Board would not need a Closed Session. He told that Mrs. Myers was unable to attend the meeting due to medical reasons.

Mr. Dalton told that he had been asked to discuss 501C3 Corporations and he told that it should not be discussed here because the Board can not change the Internal Revenue Code.

Mr. Hutchins told that if anyone wants to speak at the Public Hearing that they need to sign in.

(Order)

APPROVAL OF MINUTES

Upon motion by Mr. Jones, seconded by Mr. Evan, and passed unanimously, the Board approved the minutes of their regular meeting held on November 15, 2007 and the minutes of the joint meeting held with the Planning Commission on November 15, 2007 as previously distributed to the members of this Board by its Clerk and as recorded in Minutes Book No. 25 in the County Administrator's Office.

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes

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Mrs. Myers Absent

(Order)

APPROVAL OF PAYROLL

Upon motion by Mr. Jones, seconded by Mr. Evans, and passed unanimously, the Board approved the payroll for November, 2007 and authorized the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 14th and 28th days of December 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.

VOTES

Mr. Evans Yes
Mr. Jones Yes
Mr. Early Yes
Mr. Martin Yes
Mr. Hutchins Yes
Mrs. Myers Absent

(Order)

APPROVE SHERIFF'S OFFICE RE-APPROPRIATION

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board approved re-appropriating funds in the amount of \$1542.79 from fees for reports, travel expense reimbursement for extraditions and insurance payments to repair damaged vehicles to the following Sheriff's Office line items:

031020-5401	Office Supplies	\$18.00
031020-5504	Travel	\$774.84
031030-5409	Vehicle Supplies	\$749.95

VOTES

Mr. Evans Yes
Mr. Jones Yes
Mr. Early Yes
Mr. Martin Yes
Mr. Hutchins Yes
Mrs. Myers Absent

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(Order)

APPROVE SHERIFF'S OFFICE APPROPRIATION

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board approved appropriating the amount of \$18,900 received from a Highway Safety Grant from the Virginia Department of Motor Vehicles to the following Sheriff's Office line items:

031020-5409	Police Supplies	\$8050.00
031020-1039	DUI & DEA Comp	\$10,000.00
031020-5504	Travel Expense	\$850.00

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

(Order)

APPROVE ANIMAL CONTROL TRANSFER OF FUNDS

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board approved transferring \$1482.84 from Board Reserve line item 011010-7006 to Animal Control Emergency Impound line item 035010-7001 for the Puppy Rescue.

VOTES

Mr. Evans	Yes
Mr. Jones	Yes

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Mr. Early Yes
Mr. Martin Yes
Mr. Hutchins Yes
Mrs. Myers Absent

(Order)

APPROVE SHERIFF'S OFFICE APPROPRIATION

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board approved appropriating the following amounts to the 2007-2008 Sheriff's Office budgeted line items for the State Compensation Board approved employee raises:

031020-1001	Salary & Wages	\$27,660
031020-2001	FICA	\$2,116
031020-2002	VRS	\$3,043
031020-2006	VRS Insurance	\$313

VOTES

Mr. Evans Yes
Mr. Jones Yes
Mr. Early Yes
Mr. Martin Yes
Mr. Hutchins Yes
Mrs. Myers Absent

(Order)

APPROVE ABSTRACT OF VOTES

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board approved including in the December 11, 2007 Board of Supervisors minutes the Abstract of Votes cast in the County of Carroll, Virginia at the November 6, 2007 General Election and the Statement of votes cast in the County of Carroll and that portion of the City of Galax formerly a part of the County of Carroll for Clerk of Court, Commonwealth's Attorney, and Sheriff, at the November 6, 2007 General Election.

VOTES

Mr. Evans Yes

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Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

(Order)

APPROVE CROOKED ROAD APPROPRIATION

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board approved appropriating ticket proceeds in the amount of \$796.00 to Tourism Department Crooked Road line item 012050-9020.

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

(Order)

APPROVE ROUND THE MOUNTAIN LOOP TRAIL APPROPRIATION

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board approved creating Tourism Department Round the Mountain Loop Trail line item 012050-9070 and approved appropriating \$8000.00, the amount of grant funding, to this line item.

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

(Order)

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APPROVE ADDITIONAL APPROPRIATION

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board approved appropriating \$7673.87 to Pass Through Funds line item 070020-7002.

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

(Order)

APPROVE RETIREE HEALTH INSURANCE COVERAGE

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board adopted the following RESOLUTION AUTHORIZING RETIREE HEALTH INSURANCE COVERAGE:

**RESOLUTION AUTHORIZING RETIREE
HEALTH INSURANCE COVERAGE**

WHEREAS, the Carroll County Board of Supervisors recognize that health insurance coverage is a vital benefit for employees; and

WHEREAS, Virginia Code Section 15.2-1517 allows for localities to provide for its retired officers and retired employees to be eligible for such health insurance programs.

NOW, THEREFORE, BE IT RESOLVED, that the Carroll County Board of Supervisors authorize the addition of health insurance coverage for Early Retirees not eligible for Medicare who retire on or after January 1, 2008, at the sole expense of the retired officer or employee, providing that the retiree insurance coverage be rated separately from the active employees covered under the group health insurance plan offered by the Carroll County Board of Supervisors.

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BE IT FURTHER RESOLVED, that any retiree who is participating in a group health plan provided by the Carroll County Board of Supervisors who subsequently terminates his or her participation in such plan may not thereafter rejoin a group health plan provided by the Carroll County Board of Supervisors.

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

(Order)

RESOLUTION FOR ISSUANCE OF WATER & SEWER BONDS

Upon motion by Mr. Evans, seconded by Mr. Jones, and passed unanimously, the Board approved the following RESOLUTION OF THE BOARD OF SUPERVISORS OF CARROLL COUNTY, VIRGINIA, CONSENTING TO THE ISSUANCE OF WATER AND SEWER REVENUE BONDS BY THE CARROLL COUNTY PUBLIC SERVICE AUTHORITY AND PROVIDING FOR CARROLL COUNTY'S MORAL OBLIGATION TO MAKE CERTAIN APPROPRIATIONS WITH RESPECT THERETO:
PSA:

RESOLUTION OF THE BOARD OF SUPERVISORS OF CARROLL COUNTY, VIRGINIA, CONSENTING TO THE ISSUANCE OF WATER AND SEWER REVENUE BONDS BY THE CARROLL COUNTY PUBLIC SERVICE AUTHORITY AND PROVIDING FOR CARROLL COUNTY'S MORAL OBLIGATION TO MAKE CERTAIN APPROPRIATIONS WITH RESPECT THERETO

The Carroll County Public Service Authority (the "Authority") proposes to issue its Water and Sewer Revenue Bonds in the aggregate maximum amount of \$3,043,000 (the "Bonds") to finance the construction of

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improvements to the Authority's water and sewer system (the "System") to provide water service the Route 620 area of Carroll County.

The Authority has requested the Board of Supervisors of Carroll County, Virginia (the "County") to facilitate the issuance and sale of the Bonds by providing for the County's moral obligation to make certain appropriations to the Authority with respect to the Bonds and the System.

As part of its plan of financing for the System the Authority proposes to execute a Support Agreement (the "Support Agreement"), between the Authority, the Board of Supervisors of the County, and the United States of America acting through Rural Utilities Service (the "Government").

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CARROLL COUNTY, VIRGINIA:

1. The Authority's plan of financing, which involves the issuance of the Bond in the aggregate principal amount not to exceed \$3,043,000, is hereby found to be in the best interests of the inhabitants of the County.

2. The Board of Supervisors agrees to pay to the Authority amounts sufficient to pay the debt service on the Bond, the operation and maintenance expense of the System, subject to annual appropriation by the Board of Supervisors, all on the terms and conditions to be provided in the Support Agreement. The County's obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Bond or the Support Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.

3. Any one of the Chairman or Vice-Chairman of the Board of Supervisors or the County Administrator is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be substantially in the form submitted to the Board at this meeting, with such changes, additions, deletions and insertions as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of such matters; provided, however, nothing in the Support Agreement shall contravene the provisions of this resolution. The County Administrator is hereby authorized and directed to take such actions and give such notices as may be required of him under the Support Agreement

4. This resolution shall take effect immediately upon its adoption.

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* * *

The undersigned Clerk of the Board of Supervisors of Carroll County, Virginia (the "Board of Supervisors"), hereby certifies that the foregoing constitutes a true and correct copy of a resolution duly adopted at a meeting of the Board of Supervisors held on December 11, 2007. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing resolution as follows:

<u>Members</u>	<u>Attendance</u>	<u>Vote</u>
Ralph J. "Bob" Martin		
David Hutchins		
W. Jeff Evans		
Joseph H. Early, III		
L. J. Jones		
Glenna Myers		

WITNESS MY HAND and the seal of the Board of Supervisors, this ___ day of December, 2007.

(SEAL)

Clerk, Board of Supervisors of
Carroll County

Clerk, Board of Supervisors of

VOTES

Mr. Evans Yes
Mr. Jones Yes
Mr. Early Yes
Mr. Martin Yes
Mr. Hutchins Yes
Mrs. Myers Absent

(Order)

SUPPORT AGREEMENT FOR RT 620 PROJECT

Upon motion by Mr. Evans, seconded by Mr. Martin, and passed unanimously, the Board approved the following SUPPORT AGREEMENT CARROLL COUNTY PUBLIC SERVICE AUTHORITY (ROUTE 620 PROJECT).

**SUPPORT AGREEMENT
CARROLL COUNTY PUBLIC SERVICE AUTHORITY
(ROUTE 620 PROJECT)**

THIS SUPPORT AGREEMENT is made as of December __, 2007, between the **BOARD OF SUPERVISORS OF CARROLL COUNTY, VIRGINIA** (the "Board"), acting as the governing body of Carroll County, Virginia (the "County"), the **CARROLL COUNTY PUBLIC SERVICE AUTHORITY** (the "Authority"), the **UNITED STATES OF AMERICA,**

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acting through **RURAL UTILITIES SERVICE** (the "Government"), as the purchaser of the Bonds, as hereinafter defined.

RECITALS:

WHEREAS, the Authority was created by the Board pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended); and

WHEREAS, the Authority has determined that it is in its best interest to issue and sell (i) its \$2,574,000 Water and Sewer Revenue Bond, Series of 2007A and \$469,000 Water and Sewer Revenue Bond, Series of 2007B (the "Bonds") to the Government pursuant to resolution adopted by the Authority on May 9, 2006, as supplemented by resolution adopted _____, 2007 (the "Resolution"), in order to finance the construction of improvements to the Authority's water and sewer system (the "System") to provide water service the Route 620 area of Carroll County, as more fully described in the Resolution.

WHEREAS, the Board adopted on _____ a resolution authorizing, among other things, the execution of an agreement providing for a non-binding obligation of the Board to consider certain appropriations in support of the Bonds and the System.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. Unless otherwise defined, each capitalized term used in this Support Agreement shall have the meaning given it in the Resolution.
2. The Authority shall use its best efforts to issue the Bonds, to use the proceeds thereof to pay the costs of the System, and to construct and place the System in operation at the earliest practical date.
3. No later than May 15 of each year, beginning May 15, 2008, the Authority shall notify the Board of the amount (the "Annual Deficiency Amount") by which the Authority reasonably expects the Revenues to be insufficient to pay (i) the debt service obligations under the Resolution and the Bonds, (ii) the Operation and Maintenance Expense, and (iii) any other amounts payable to the Government with respect to the Bonds, in full as and when due during the County's fiscal year beginning the following July 1.
4. The County Administrator of the County (the "County Administrator") shall include the Annual Deficiency Amount in his budget submitted to the Board for the following fiscal year as an amount to be appropriated to or on behalf of the Authority. The County Administrator shall deliver to the Government within ten days after the adoption of the County's budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated to or on behalf of the Authority an amount equal to the Annual Deficiency Amount.
5. If at any time Revenues shall be insufficient to make any of the payments referred to in paragraph 3 hereof, the Authority shall notify the County Administrator of the amount of such insufficiency and the County Administrator shall request a supplemental appropriation from the Board in the amount necessary to make such payment.
6. The County Administrator shall present each request for appropriation pursuant to paragraph 5 above to the Board, and the Board shall consider such request, at the Board's next regularly scheduled meeting at

which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County Administrator shall notify the Fund and the Government as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the County Administrator shall add the amount of such requested appropriation to the Annual Deficiency Amount reported to the County by the County Administrator for the County's next fiscal year.

7. The Board hereby undertakes a non-binding obligation to appropriate such amounts as may be requested from time to time pursuant to paragraphs 4 and 5 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise.

8. Nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Authority, the Government or to any holder of the Bonds or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described herein.

9. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (i) if to the County, to 605-1 Pine Street, Hillsville VA 24343, Attention: County Administrator, (ii) if to the Authority, to 605-2 Pine Street, Hillsville VA 24343, Attention: Executive Director, and (iii) if to the Government, to 1606 Santa Rosa Road, Richmond, Virginia 23229, Attention: State Director. Any party may designate any other address for notices or requests by giving notice.

10. This Agreement shall be governed by the laws of the Commonwealth of Virginia.

11. This Agreement shall remain in full force and effect until the Bonds and all other amounts payable by the Authority under the Resolution have been paid in full. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

[Signature Page Follows]

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IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

**BOARD OF SUPERVISORS OF
CARROLL COUNTY, VIRGINIA**

By: _____

Title: _____

**CARROLL COUNTY PUBLIC
SERVICE AUTHORITY**

By: _____

Title: _____

**UNITED STATES OF AMERICA,
Rural Development acting on behalf of
the Rural Utilities Service**

By: _____

Title: _____

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

(Order)

APPROVAL OF CLAIMS

Upon motion by Mr. Evans, seconded by Mr. Jones, and passed unanimously, the Board approved the County General Claims as presented this day and as evidenced by check numbers 87450 and 88126-88285.

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

CITIZEN'S TIME

Mr. Victor Allen told that he is the President of the Independent Garage Owners group and that he appreciated being able to work with the Board and the Administrator's Office on getting the cars cleaned up. He told that he looked forward to working with the new Board.

Mr. Andrew Blackburn told about the concept of Fire Police. He told that the volunteers could help with things like traffic control.

Mr. Collin Farmer spoke about liquor by the drink. He told that from a moral, religious and practical stand point that he was against it. He told that he had seen a lot of it as a child and he has stayed away from it. He told that alcohol causes health problems and causes people to do things they would not otherwise do. He asked how many drinks it would take to get a DUI and how someone could safely drive away from a restaurant after having some drinks. He told that he sees nothing wrong with a minister speaking up.

Mrs. Polly Farmer told that the County needs to look around and if that if the County has liquor by the drink then it is influencing youth. She told that they could kill family or friends before they got home. She told that it is wrong to bring this into the County just to get money because the County has drugs and alcohol already. She told that the County needs to do things that are positive for the youth. Mrs. Farmer told that the Board should look at building the youth of the County and look at ways to keep alcohol from them. She told that the County needs to control the trash in the County and stated that there are a lot of retired people of a fixed income and people who have lost jobs, but told that the County did not need to bring liquor into the County.

BUSINESS APPRECIATION

Mr. Larrowe told that this month we would be recognizing Hampton Inn for our Business Appreciation.

Mr. Larrowe told that the Hampton Inn in Hillsville is conveniently located off of Interstate 77. He told that the Hampton Inn has been open for a little over 8 years and serve 10's of thousands of customers each year and also offers meeting space for conferences, retreats, etc. He told that the Hampton Inn offers a hot breakfast and has high speed internet available to their customers.

Mr. Larrowe presented the Certificate of Appreciation to Jan Marshall.

HILLSVILLE VOLUNTEER FIRE DEPARTMENT – MIKE MUSSER

Mr. Mike Musser, Hillsville Volunteer Fire Department Chief, told that he would like to go over the 2007 highlights. He told that HVFD had 341 incidents to date, including 24 structure fires, 41 brush fires and 163 vehicle accidents. He told that they have good equipment and some of the best trained in extrication. He told that they had assisted EMS 21 times and they have an average response time of 10.8 minutes from the time dispatched until the first unit is on scene. Mr. Musser told that they have 2300 man hours on incidents and 2100 training hours. He told that they have 20 members who have received State and Federal recognition. He told that 6 members have been EMT trained. He told that they started the citizen's fire academy and has had several members to do safety presentations to school children. He told that he looks forward to the continued service to the citizen's of Carroll County.

Mr. Hutchins told that he took part in the citizen's fire academy and it is a great thing.

Mr. Larrowe told that the Fire Department was on scene at the accident on I77 and last night they helped a sister community of Galax while Galax helped Fries. He told that the HVFD stood by for Galax.

SWVA FARMERS MARKET

Mr. Kevin Semones told that there would be a Tobacco Commission meeting tomorrow and the staff has recommended \$225,000 and that would be to purchase a hydro cooler. He told that they have had a lot of tenant changes this year and they are looking for folks that will help get products into places like Wal-Mart and Kroger. He told that they have growers raising greens and that they are moving pepper and other things that haven't moved well in the past. He told that the broccoli was big this year and they expect it to be bigger next year. He told that they use the hydro cooler on the corn, but that tomatoes are the biggest crop going through the market.

Mr. Semones told that RDA has signed off on the plans to increase the retail sheds and improve the parking lot. He thanked the Board for all their help.

Mr. Martin asked if there was a market for green beans.

Mr. Semones told that there was a market, but he needed the volume.

Mr. Larrowe told that through amazing efforts that Mr. Semones has turned the market back into what it is intended for. He told that about \$26 million in products go through the market. He told that Steve Smith from Food City called and was complimentary on the work that Mr. Semones has done.

EROSION AND SEDIMENT CONTROL

Mr. Terry Nester told that 11 projects have come to his attention that the County did not know about. He told that he has several projects that have been submitted to NRSWCD and that he is doing bi-weekly inspections. He told that he has not gotten to all of the Agreement in Lieu of Plan sites yet. Mr. Nester told that he has attended two training sessions.

Mr. Martin told that he had concerns expressed about the rate structure of E&S and that it is a large amount of money with having to pay an engineer.

Mr. Nester told that the law is the same across the state. He told that engineering rates will vary. He told that the County rate to obtain a permit is \$100 for 1st acre and \$25 per acre after that.

Mr. Larrowe asked if Mr. Martin was talking about the bonds.

Mr. Martin replied that he has been told that bonds were expensive.

Mr. Nester told that bonds have been required since 2003 and the State sent a worksheet to determine the bond. He told that the Ordinance states a cash bond or irrevocable letter of credit. He told that this is in the 2003 ordinance and has not been changed in the proposed ordinance.

Mr. Early asked if the purpose of the bond is to insure that the developer does what is in the plan.

Mr. Dalton suggested that at the January meeting that Mr. Nester use an example and step the Board through the process.

Mr. Nester told that they do not require a bond on an Agreement in Lieu of Plan.

ADMINISTRATOR'S TIME

Mr. Larrowe told that a few employees have comp time that has not been used. He asked for a one time variance for employees outside of the maintenance department who can already carry 40 hours forward, to be able to carry their comp time forward.

Mr. Larrowe announced that the Board would be traveling to Richmond on January 4 – 6, 2008 for Supervisor Training. He told that the Board will meet on January 3rd at 9:00 a.m. for the Organizational meeting.

Mr. Larrowe told of the accomplishments of the Board over the last 27 months. He told that the Board had made positive developments and thanked the Board for working on these developments. He then presented plaques to the Board thanking them for their service.

(Order)

APPROVAL OF COMPENSATORY TIME VARIANCE

Upon motion by Mr. Evans, seconded by Mr. Martin, and passed unanimously, the Board approved for employees to be able to carry forward their compensatory time on a one time variance.

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

PUBLIC HEARING – EROSION & SEDIMENT CONTROL ORDINANCE

Mr. Larrowe told that the purpose of the hearing was to hear public comment on the proposed Erosion & Sediment Control Ordinance. He told that there were 3 major changes and reviewed these changes.

Mr. Jones asked if anything had changed about the bond.

Mr. Larrowe told that it had been in place since 2003.

Mr. Jones asked if it had been enforced.

Mr. Larrowe told that it had not.

Mr. Jones asked about the limit of bonds.

Mr. Larrowe told that the State provided a spreadsheet and Mr. Nester would plug in the information for each project for the calculations.

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The public hearing was opened at 7:44 p.m. Mr. Hutchins explained that everything else is already in place in the current ordinance other than the three items visited.

Mr. Timothy Tolbert asked if every erosion plan is to be designed by a certified person such as an engineer.

Mr. Nester told that it is required by the State for anyone working on a project. He told that an engineer could sign off as the Registered Land Disturber (RLD), but they have to identify the RLD to get a land disturbing permit.

Mr. Tolbert told that the bond has been in the ordinance, but it doesn't have a formula.

Mr. Dalton read from the State Code Section 10.1-565.

Mr. Tolbert told that nothing allows for negotiation and gave the example of a \$300,000 bond.

Mr. Nester told that he gets the numbers from the DCR spreadsheet.

Mr. Tolbert told that some localities allow for calculations by the engineer to be negotiated.

Mr. Nester told that NRSWCD has the plan approving authority and that he is the administrator of the program.

Mr. Tolbert asked if someone is dividing a farm would they have to have a professional engineer to design the plan.

Mr. Nester told they would if they were disturbing more than 10,000 sq ft.

Mr. Dalton asked Mr. Tolbert what he would propose doing differently with the bond.

Mr. Tolbert replied that Blacksburg allows for using engineering numbers rather than numbers used by the State. He asked Mr. Dalton if the proposed ordinance provides exactly what the current ordinance provides.

Mr. Dalton told that he would be willing to review and consider it. He told that the State sent this as a model ordinance. He suggested having someone from DCR address the Board before a decision is made. He told that enforcement has been a problem and that DCR can penalize the County if enforcement is not better.

Mr. Nester told that Mr. Gall of DCR informed the Board that the County was not in compliance.

Mr. Dalton told that it is important for the Board and the public to understand how it got to this point.

Mr. Steve Cook told that in North Carolina that they calculated the bond on the disturbed amount. He told that Mr. Nester is using the plan set by the State, but it is not mandated by the State and it is calculated by the County. He told that the spirit of the law is don't silt on your neighbor. He told that it doesn't matter how much work is done the County is not going to finalize the project. He told that the bonds are for performance protection and in some circumstance having a plan and a bond is good. He told that if the County were going to put something in place that it needs to be reasonable in that people can live with it.

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Mr. Willis Rotenizer told that Mr. Nester is evasive on some things and that the Board needs to back up and think about it. He told that the Board should let the new year come and think about it then.

Mr. Todd Griffin told that it is making everybody think they are criminals. He told that everyone needs to get together and work on the ordinance and it needs to be explained in detail in Carroll County language. He told that if you don't understand the law then how can you abide by it.

The Public Hearing was closed at 8:14 p.m.

Mr. Evans told that he agrees that the Board should table this and it be looked at in more detail. He told that it needs to be simple so the average person can understand it. He told that if the Board is careful that it will regulate the County out of extra tax dollars.

Mr. Jones told that he agrees with Mr. Evans.

Mr. Dalton told that the model ordinance was supplied by the State. He told that the County will have to have an ordinance that will look much like this. He told that the Board may need to get DCR to explain why it should be one way or another.

Mr. Martin told that the Board was scheduled to meet on the 13th and asked if they could come then.

Mr. Hutchins told that was to discuss the subdivision ordinance.

Mr. Early told that the County has an ordinance in place and they have only proposed slight modifications.

Mr. Nester told that in Virginia that perimeter control is constructed before land disturbing activity is started. He told that \$2000 an acre came from an attorney in NC and \$1500 an acre to hydro seed does not include preparing land, storm channels, etc.

Mr. Early stated that the only time they forfeit the bond is if they don't complete the project.

Mr. Nester told that the developer would get all of the cash bond back and if they have an insurance bond they would lose the cost of the bond.

Mr. Cook told that the cost of a \$300,000 bond is \$9000. He stated that this was the same as burying money.

Mr. Early told that he was just as concerned about the amount of the bond and stated he did not want an exuberate amount.

Mr. Hutchins stated that the same calculations were used statewide.

Mr. Early stated that Mr. Tolbert didn't think the plan should be done by an engineer but wanted the engineer to negotiate the price.

Mr. Nester told that there was no change in the ordinance. He told that the plan has to be done by someone licensed and the person disturbing the land has to have a RLD.

Mr. Early told the 3 changes were enforcement changes to E&S, agreement in lieu of plan approved by E&S, and alternate inspection program for single family dwellings.

Mr. Nester encouraged the Board to adopt the proposed ordinance.

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Mr. Early told that the new Board could look at how the bond is calculated and asked what the consequences would be if they did not pass it.

Mr. Nester told that something has to be passed to allow him to enforce it.

Mr. Early told that they had hired him to enforce the ordinance.

Mr. Early made a motion to rescind the current ordinance and adopt the proposed ordinance. Mr. Martin seconded the motion.

VOTES

Mr. Evans	No
Mr. Jones	No
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	No
Mrs. Myers	Absent

Mr. Hutchins asked if the spreadsheet had changed since 2003.

Mr. Jones told that we had been out of compliance for 3-4 years and asked what the big hurry was now. He told that they should let the new Board look and see if there needs to be changes.

Mr. Mike Gallagher asked if there would be consequences of not using the spread sheet or for changing it.

Mr. Nester told that using the spreadsheet takes out subjectivity.

Mr. Evans asked Mr. Nester about the spreadsheet. He told that he had been under the impression that the County had to use this and after hearing things tonight that he is only learning. He told that he has heard that the Board could make changes to the spreadsheet.

Mr. Nester told that he is going with what DCR has told him.

Mr. Early asked if Mr. Nester had the authority to do his job if they don't approve the ordinance.

Mr. Larowe told that it would fall back and the Building Official would enforce.

Mr. Hutchins told that the same numbers are there under both ordinances. He told that the intent is to change the enforcement officer from the Building Official to E&S Officer and allow Mr. Nester to do the job he was hired to do.

Mr. Martin told that he seconded the motion, but feel that the bond calculation needs to be re-visited.

Mr. Early told that it did need to be looked at, but the bottom line tonight is changing offices that are enforcing the ordinance.

Mr. Hutchins told that there are a lot of perceived notions.

SUPERVISORS TIME

Mr. Jones told that he enjoyed being on the Board for 8 years.

Mr. Early told that he has enjoyed his time on the Board and that he had tried to set an example by resigning from the PSA. He told that he hoped the new Board will appoint someone other than themselves. He thanked all the citizens from Laurel Fork for allowing him to serve them. He told that the Laurel Fork community is the best in the County and told that it is the most scenic and the least populated. Mr. Early gave a reflection of positive things such as better schools, increased tax base and job creation, all 10 schools accredited, airport improvements, water and sewer additions, RIFA and initiatives, and Broadband. He told that job creation was present but was in smaller increments. He told that the County has lost revenue due to restaurants building outside of Carroll County due to not having mixed drinks allowed. He challenged the new Board to continue working to move Carroll County forward and to protect the beautiful county.

Mr. Martin asked the new Board to look at staggered terms and told that it would also apply to the School Board. He told that the County is allowing a death trap with Woodlawn School. He told that the upstairs does not have adequate fire escapes and the wooden floors over the years were treated with kerosene and he told that replacement will not be cheap. He told that he is now on the New River RC&D and has proposed a 12 mile loop from Jackson Ferry into Carroll County back to Foster Fall. He told that the Board will need key people in positions from Carroll County.

Mr. Hutchins thanked the Board for electing him in October of last year and for electing him as Chairman. He told that he has attended the Supervisor Certification Training to learn more. He asked staff at the January meeting to brief the Board on the progress of EMS becoming a department and for a briefing on the County financial position. He also asked for 2-3 minute briefing by department heads.

(Order)

ADJOURNMENT

Upon motion my Mr. Martin, seconded by Mr. Early, and passed unanimously, the Board adjourned at 8:53 p.m. until December 13, 2007 at 6:00 p.m. for the Joint meeting with the Planning Commission.

VOTES

Mr. Evans	Yes
Mr. Jones	Yes
Mr. Early	Yes
Mr. Martin	Yes
Mr. Hutchins	Yes
Mrs. Myers	Absent

David Hutchins, Chairman

Ronald L. Newman, Assistant Clerk