

January 9, 2007

The Carroll County Board of Supervisors held their regular monthly meeting on Tuesday, January 9, 2007 in the Board Meeting Room of the Carroll County Governmental Center.

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

Mrs. Myers called the meeting to Order at 9:02 a.m. and asked Mr. Martin to lead in prayer and the pledge of allegiance.

ELECTION OF CHAIRMAN

Mr. Larrowe called for nominations for the position of Board Chairman.

Mr. Jones nominated David Hutchins.

(Order)

CLOSE NOMINATIONS FOR CHAIRMAN

Upon motion by Mr. Jones, seconded by Mr. Martin, and passed unanimously, the Board closed nominations for the position of Board Chairman and did elect Mr. Hutchins as Chairman by acclamation.

Note: Mr. Hutchins Abstained on the above motion.

ELECTION OF VICE-CHAIRMAN

Mr. Larrowe then called for nominations for the position of Board Vice-Chairman.

Mr. Martin nominated Mr. Early.
Mr. Jones nominated Mr. Evans.
Mrs. Myers nominated Mr. Martin

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Mr. Hutchins nominated Mrs. Myers.

With no other nominations coming forth, Mr. Larrowe then called for a vote for each candidate for the position of Board Vice-Chairman.

Voting for Mr. Early was as follows:

Mr. Evans, Mr. Jones, and Mrs. Myers voted No.

Mr. Martin and Mr. Hutchins voted Yes.

Mr. Early Abstained.

Voting for Mr. Evans was as follows:

Mr. Jones voted Yes.

Mr. Early, Mr. Martin, Mr. Hutchins, and Mrs. Myers voted No.

Mr. Evans Abstained.

Voting for Mr. Martin was as follows:

Mr. Evans voted No.

Mr. Jones, Mr. Early, Mr. Hutchins, Mrs. Myers voted Yes.

Mr. Martin Abstained.

Mr. Larrowe announced that Mr. Martin has been elected as the Vice-Chairman.

(Order)

APPOINT COUNTY ATTORNEY

Upon motion by Mr. Martin, seconded by Mrs. Myers, as passed unanimously, the Board appointed Mr. Bradley Dalton as County Attorney.

SET DATE, TIME AND LOCATION OF BOARD MEETINGS

Mr. Martin told that Mr. Jones had the idea that the meeting should start at 8:30 a.m. and that way if the PSA meeting ended early the Board could start.

Mr. Early suggested that the Board meet for 2 shorter meetings held during the evenings when people could attend with one for standard items and one for items such as public hearings and citizens' comments.

Mr. Hutchins stated that he has had several people to discuss this with him.

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Mr. Jones informed the Board that they had tried night meetings in the past and people still did not attend.

Mr. Evans stated that the Board did this 2 years ago and that in today's time people are working more than just first shift now, they are working 2nd and 3rd shifts also. He stated that he was not against the idea, but stated he did not know how to accommodate everyone.

Mrs. Myers suggested that the Board try doing 2 meetings per month for a couple of months and see how it goes.

Mr. Early stated that he did not think there was a very good job advertising before and that he felt the Board needed to at least try it again and do a better job of getting the word out. He stated that the only people that it would inconvenience for having two meetings would be the Board members themselves.

(Order)

SET MEETING DATE AND TIME

Upon motion by Mr. Early, seconded by Mr. Evans, and passed, the Board approved for meetings to be held on the 1st Tuesday of the month beginning at 6:30 p.m. and on the 3rd Tuesday of the month beginning at 9:00 a.m. with a split agenda with a manageable time table for no more than 3 hours long.

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

Next months meetings will be held on February 6th at 6:30 p.m. and February 20th at 9:00 a.m.

(Order)

APPOINTMENT OF CLERK AND ASSISTANT CLERK

Upon motion by Mr. Martin, seconded by Mrs. Myers, and passed unanimously, the Board appointed Mr. Gary Larrowe as Clerk to the Board of Supervisors and Mr. Ronald Newman as Assistant Clerk to the Board of Supervisors.

(Order)

APPROVE EMERGENCY SERVICES APPROPRIATION

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Upon motion by Mr. Evans, seconded by Mrs. Myers, and passed unanimously, the Board approved appropriating \$1664.00 received from the Virginia Department of Emergency Management to the Emergency Services Supplies line item #035050-5401.

(Order)

APPROVE SHERIFF'S OFFICE APPROPRIATION

Upon motion by Mr. Evans, seconded by Mrs. Myers, and passed unanimously, the Board approved appropriating \$27.00 for fees for reports to Office Supplies line item # 031020-5401, \$86.33 for extraditions to Travel Expenses line item # 031020-5504, and \$6885.28 for insurance recovery to Vehicle Supplies line item # 031030-5409.

(Order)

APPROVE SHERIFF'S OFFICE LINE ITEM TRANSFER

Upon motion by Mr. Evans, seconded by Mrs. Myers and passed unanimously, the Board approved the transfer of \$1495.00 from the Sheriff's Office Full-time Salary and Wages line item # 031020-1001 to Part-time Salaries and Wages line item # 031020-1003.

(Order)

APPROVE TOURISM OFFICE APPROPRIATION

Upon motion by Mr. Evans, seconded by Mrs. Myers and passed unanimously, the Board approved to appropriate \$372.74 received as a reimbursement from Devils Den Family Fun Day to Tourism Community Events, line item # 012050-9030.

(Order)

APPROPRIATE CARROLL EMS SALARY REIMBURSEMENT

Upon motion by Mr. Evans, seconded by Mrs. Myers, and passed unanimously, the Board approved to appropriate the reimbursement for salaries received from Carroll EMS to the Emergency Services line items; \$20,511.36 to Salaries line item # 035050-1001, \$2141.34 to FICA line item # 035050-2001, \$5787.14 to VRS line item # 035050-2002, \$700.68 to VRS Insurance line item # 035050-2006, and \$8059.20 to Health Insurance line item # 035050-2010.

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**APPROVE LETTER OF SUPPORT – WORKFORCE INVESTMENT
YOUTH AND ADULT PROGRAM**

Upon motion by Mr. Evans, seconded by Mrs. Myers and passed unanimously, the Board approved to authorize a letter of support for the Workforce Investment Youth and Adult Program located at Rooftop of Virginia in Galax.

(Order)

APPROVAL OF CLAIMS

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board approved the County General Claims as presented this day and as evidenced by check numbers 84107-84251 and the Carroll County Industrial Development Authority claims as presented this day and as evidenced by check numbers 1662-1664.

(Order)

APPROVAL OF MINUTES

Upon motion by Mr. Evans, seconded by Mrs. Myers, and passed unanimously, the Board approved the minutes of their regularly meeting held on December 12, 2006 as recorded in Minute Book No. 24 in the County Administrator's Office.

(Order)

APPROVAL OF PAYROLL

Upon motion by Mr. Evans, seconded by Mrs. Myers, and passed unanimously, the Board approved the payroll for December, 2006, and did authorize the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 11th and 31st days of January 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.

CITIZEN'S TIME

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Mr. Ray Melton expressed that he is still upset about the increase in the power bill and ask if Mr. Evans' letter to the SCC was from the Board.

Mr. Larrowe informed Mr. Melton that a letter was sent from the Board.

FREE CLINIC OF TWIN COUNTIES – DINA SLUSHER

Ms. Slusher explained that the Free Clinic of Twin Counties was a member of the Va. Association of Free Clinics and United Way. She stated that the clinic provides free medical care to people who are totally uninsured. She told that they do partner with other medical centers and organizations and explained that the clinic began with seeing patients at First Baptist Church where they worked off of a referral system through Social Services. Ms. Slusher explained that she lines up volunteer doctors who see the patients in their office. She told that most of the time this is a free service, but in certain situations these patients are charged \$5.00. She told that the clinic also helps with the cost of prescriptions, which after a \$5.00 co-pay the clinic will pay up to \$45.00 on prescriptions. Ms. Slusher stated that the clinic does have limitations and some patients may have to go to the emergency room. She told that the clinic does not help with surgery or special needs and they do not provide lab work or x-rays. She stated that the clinic is looking to have a site in which to operate and in turn be eligible for samples of medicines that they could give to patients in need and they could also open their own pharmacy.

Ms. Slusher told that in 2004 there were 1 million people in Virginia who were uninsured, 3000 of those people live in Carroll County. She told that this number has increased with the job cuts. She explained that the free clinic helps the community with every \$1.00 spent towards the free clinic there is \$5.40 in services provided. Ms. Slusher requested the Board's support and told that they are in the process of looking for a building and hiring a Nurse Practitioner. She told that if they had a site, retired physicians could volunteer. She informed the Board that right now the clinic is serving around 70 patients and the need is far greater. She told that some localities provide \$1.00 per citizen, some \$10,000.00, and some provide the building. Ms. Slusher's personal request would be for the Board to fund \$10,000.00 to the free clinic.

Mr. Evans asked how much square footage would be needed for a site.

Ms. Slusher told they would like to have 3000 square feet which would give some room to grow.

Mr. Hutchins asked the Board to look at what they could do and to discuss this during the next meeting.

Mr. Evans stated that budget time is coming up and that this goes along with Economic Development in that the County needed to take care of the

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people. Mr. Evans stated that he appreciates what Ms. Slusher and the clinic are doing.

ADDITIONAL BUSINESS ITEMS

Mr. Larrowe stated that the annual VACo Legislative Day will be held on February 1st in Richmond and generally a couple of Board members attend that.

Mr. Martin stated that he would like to see the Board support this and told that it was better to see the delegates face to face instead of sending a letter.

A majority of the Board indicated they would like to attend this meeting.

Mr. Larrowe stated that the Chairman's Institute would also be held February 1-3.

Mr. Hutchins replied that he would like to have the information on that.

Mr. Larrowe advised that Dr. Provo from Virginia Tech would be here on Thursday to discuss the economic connection between northern Virginia and southwest Virginia.

Mr. Larrowe stated that there would be a joint meeting between Grayson, Carroll, Galax, and the local towns on March 1, 2007, beginning at 6:30 p.m. at Crossroads, to learn about non-traditional economic issues.

Mr. Larrowe stated that the Board would meet on Tuesday, January 16th beginning at 5:00 p.m. to review the EMS Assessment.

Mr. Larrowe commented that the Regional Industry Facility Authority will meet on January 17th at 10:00 a.m.

Mr. Larrowe stated that Atmos Energy will be here to discuss the natural gas situation at Countryside at 11:00 a.m. on January 23rd and commented that a couple of Board members could attend this meeting.

Mr. Hutchins questioned if this would be part of a discussion in making gas available to the Industrial Park and other areas.

Mr. Dalton stated that since we had to give notice on this meeting anyway that any Board member who wanted to attend could.

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PUBLIC HEARING – CARROLL COUNTY ADULT BUSINESS AND COMMUNITY STANDARDS ORDINANCE

The Public Hearing for the Carroll County Adult Business and Community Standards Ordinance was opened at 10:03 a.m.

Mr. Dalton presented the Board with a fax from the American Association for Nude Recreation.

Mr. Evans asked how this came about.

Mr. Dalton stated that he had been contacted by the Association a couple of weeks ago. He told that he assumed that they scan the internet to find out what localities are proposing ordinances that might go against them. Mr. Dalton told that he suggested that they put their comments in writing. Mr. Dalton noted that if any substantial changes were made to the proposed ordinance these would need to be noticed and another Public Hearing would need to be held.

Mr. Evans commented that the Association has basically taken out the section in the ordinance concerning campgrounds and was curious as to why this section was deleted.

Mr. Dalton stated that the Association was looking for the Board to adopt the ordinance giving campgrounds exemptions since their events are sanctioned by them.

Mr. Hutchins asked what the Virginia Code stated concerning campgrounds.

Mr. Dalton stated that he does not believe that it addresses campgrounds but told that the Code does address indecent exposure in public or within public view.

Mr. Hutchins asked if Mr. Dalton has had time to review the proposed changes.

Mr. Dalton stated that he had reviewed them. He told that he had meshed together the Roanoke and Giles ordinances and that both of these ordinances were very well researched. He told that he did not know if the Association contacted either of these counties before they passed the ordinance.

Mr. Hutchins asked if the Board adopted what is before them and changes came forth, would another Public Hearing need to be held.

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Mr. Dalton stated that any changes that were made would require a Public Hearing.

Mr. Early ask what portions came from the Giles County Ordinance.

Mr. Dalton stated that it would be difficult to separate because they are meshed in together.

Mr. Early stated that his last impression was that the Board would adopt basically the same ordinance that was in Roanoke.

Mr. Dalton told that there were items at the end of what was presented last month from Giles County and those have now been incorporated into the ordinance.

The floor was then opened for comments.

Mr. Clyde Easter expressed that it sounds like the Board has been working on this and it looks like things that are being worked on are for the benefit of Carroll County. He stated that some citizens have talked to him and they are in favor of the ordinance. Mr. Easter encouraged the Board to take action to put laws on the books to make it hard for these types of businesses to come to Carroll County. He told that the Board needed to make sure the ordinance covers everyone.

Mr. Hutchins stated that the group had asked for campgrounds to be excluded but the Carroll County Ordinance did not exclude anyone.

Mr. Dalton explained that the current ordinance that the Board was looking at does not allow any exceptions.

With no one else to speak, the Public Hearing was closed at 10:19 a.m.

(Order)

ADOPT CARROLL COUNTY ADULT BUSINESS AND COMMUNITY STANDARDS ORDINANCE

Upon motion by Mr. Evans, seconded by Mr. Jones, and passed unanimously, the Board adopted the following Carroll County Adult Business and Community Standards Ordinance:

1 CARROLL COUNTY ADULT BUSINESS AND COMMUNITY STANDARDS ORDINANCE

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WHEREAS, sexually-oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the County; and

WHEREAS, the Board of Supervisors finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the County which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the Board desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses; and

WHEREAS, it is not the intent of the Board to condone or legitimize the distribution of obscene material, and the Board recognizes that state and federal law prohibits the distribution of

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obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the County.

(A) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(B) Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, TDA "Kandyland", 529 U.S. 277 (2000), and *City of Los Angeles v. Alameda Books, Inc.* 121 S. Ct. 1223 (2001) and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Board finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

(2) Certain employees of sexually oriented businesses defined in this ordinance as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

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- (3) Sexual acts occur at sexually oriented businesses.
- (4) Offering and providing such space encourages such activities, which creates unhealthy conditions.
- (5) Persons frequent certain adult theaters , adult businesses, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (7) Since 1989 when the human immunodeficiency virus (HIV) became reportable, the number of reported cases of AIDS caused by HIV in the Commonwealth of Virginia has increased from approximately 100 to approximately 800 in 2004.
- (8) Although the number of cases of syphilis and gonorrhea peaked in the Commonwealth of Virginia in 1990 the number of cases still remains high.
- (9) The number of cases of chlamydia in the Commonwealth of Virginia have increased from approximately 6,000 in 1989 to over 19,000 in 2003.
- (10) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (11) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (12) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

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(13) The findings noted in paragraphs number 1 through 12 raise substantial governmental concerns.

(14) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(15) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the County. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(16) Requiring sufficient lighting on premises of adult businesses advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in and around such adult businesses.

(17) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(18) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(19) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(20) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational

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assumption that the applicant may engage in that conduct in contravention of this ordinance.

(21) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

(22) The general welfare, health, morals and safety of the citizens of the County will be promoted by the enactment of this ordinance.

BE IT ORDAINED by the Board of Supervisors of Carroll County, Virginia, as follows:

1. That a new Article xx. "Carroll County Adult Business and Community Standards Ordinance" be, and hereby is, added to Chapter xx to read and provide as follows:

Sec. 100. Definitions.

Adult business means any adult bookstore, adult video store, adult model studio, adult motel, adult motel theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

Adult entertainment means dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs, or other media that are characterized by their emphasis on

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matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult merchandise means magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMS, DVD-ROMS, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representatives of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult model studio means a commercial establishment, including a lingerie store or novelty store, in which a person performs or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

Adult motel means a motel, hotel, or similar commercial establishment that: (i) provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or (ii) offers a sleeping room for rent for a time period of less than ten hours; or (iii)

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allows a tenant or occupant to sub rent the sleeping room for a time period of less than ten hours.

Adult motion picture theater means an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons, excluding motion pictures that have been rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America.

Adult nightclub means a restaurant, bar, club, or similar establishment that regularly features adult entertainment.

Adult store means an establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

Employee means an individual working or performing services for any adult business, including any independent contractor who provides services on behalf of any adult business to the patrons of such business, whether or not the individual receives any remuneration, gratuity, or tips of any kind, or pays the permittee or manager for the right to perform or entertain in the adult business.

Live entertainment means entertainment provided in person including, but not limited to, musical performances, music played by disc jockeys, public speaking, dramatic performances, dancing, modeling, or comedy performances.

Specified anatomical areas means less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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Specified sexual activities means human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

Sec. 101. Permit required from County Administrator—Application; issuance; duration; renewal.

(a) Every person either operating or desiring to operate an adult business, in addition to obtaining any required business license, shall apply to the County Administrator, or his designee, for a permit to conduct such activity. Each such application shall be accompanied by a fee in the amount of \$500.00.

(b) Information required on and with the permit application shall include, but not be limited to, the following:

(1) The applicant's full name, age, sex, race, weight, height, hair and eye color, address, telephone number, date and place of birth and social security number.

(2) Names and addresses of references.

(3) Whether the applicant has been convicted of any felony or misdemeanor, other than a minor traffic violation, and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed.

(4) Whether the applicant holds or has been held, in the name of this business or any other, any other permits under this ordinance or a similar adult use ordinance from another locality within the past five years, and, if so, the names and locations of such other permitted businesses.

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(5) Whether the applicant has been denied a permit or has had a permit revoked under any statute or ordinance requiring a permit to operate an adult business and, if so, when and where the denial or revocation occurred.

(6) Photograph and fingerprints of applicant.

(7) Name, including any fictitious names, and address of the business for which a permit is sought.

(8) A criminal records check of the applicant shall be provided by the applicant with the application, along with the applicant's written authorization to investigate whether the information provided by the applicant is true.

(9) A description of the intended business activity and, if adult entertainment is to be performed, a detailed description of such entertainment.

(11) Written declaration, dated and sworn by the applicant, certifying that the information contained in the application is true and correct.

(c) For a corporation, partnership or other legal entity, "applicant" includes each officer, director, partner or principal of the entity and the managers of the business.

(d) The County Administrator or his designee shall act on the application within 30 days of the filing of an application containing all of the information required by this section, unless information requested from other law enforcement agencies is not received within that 30-day period, in which case the County Administrator or his designee shall have an additional 30 days to act on the application. Upon the expiration of the application time period, unless the applicant requests and is granted a reasonable extension of time, the applicant may, at its option, begin operating the business for which the permit is sought,

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unless and until the County Administrator or his designee notifies the applicant of a denial of the application and states the reasons for denial.

(e) The applicant shall be issued a permit unless the county's investigation or the information furnished by the applicant shows any of the following:

(1) The applicant has failed to provide information required by this article or has falsely answered a question.

(2) The applicant has been convicted of a felony within the past five years.

(3) The applicant has been convicted of a crime of moral turpitude or a crime involving the obscenity laws within the past three years.

(4) The applicant has been denied a permit or has had a permit revoked within the past 12 months under any statute or ordinance requiring a permit to operate an adult business.

(5) Failure of the applicant's business to comply with the county's business license, zoning, building, plumbing, utility, health, electric or fire prevention codes, or with any other applicable county or state laws or regulations.

(6) The application fee has not been paid.

(f) If the application is denied, the County Administrator or his designee shall notify the applicant of the denial and state the reasons for the denial.

(g) The permit shall be valid for 12 months from the date thereof and may be renewed in the same manner as it was initially obtained. The application fee for a renewal permit shall be \$100.00. No permit shall be transferable.

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(h) Any changes in the ownership or principals of the business entity to which the permit is issued or in the managers of the business will automatically make the permit void. Such changes shall be reported to the County Administrator or his designee, and a new application may be submitted for review.

Sec. 102. Same--Grounds for revocation.

The County Administrator or his designee may revoke any permit issued pursuant to this article for the following:

(a) Fraud, misrepresentation or any false or misleading statement contained in the application.

(b) Conviction of the permittee for any felony, crime involving moral turpitude, or crime involving the obscenity laws after the permit is issued.

(c) The permittee or an employee of the permittee has knowingly allowed possession, use or sale of illegal controlled substances in or on the premises.

(d) The permittee or an employee of the permittee has knowingly allowed prostitution on the premises.

(e) The permittee has refused to allow an inspection of the adult business premises as authorized by this article.

(f) On two or more occasions within a 12-month period, employees of the adult business at the time of the offenses committed an offense in

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or on the permitted premises for which a conviction has been obtained constituting:

1. Aiding, abetting or harboring a runaway child;
2. Prostitution or promotion of prostitution;
3. Exposing minors to harmful materials;
4. Dissemination of obscenity;
5. Sexual assault; or
6. Violation of this ordinance.

The fact that a conviction is being appealed shall have no effect on the revocation of the permit.

(g) The permittee is convicted of violations regarding any taxes or fees related to the adult business.

(h) The permittee has failed to operate or manage an adult business in a peaceful and law-abiding manner.

(i) The permittee or an employee of the permittee, except a permittee or employee of a permittee of an adult motel, has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual activity to occur in or on the permitted premises.

(j) The permittee has been operating an adult business not approved under the applicable permit.

(k) The permittee has failed to comply with the provisions of this article.

(l) The permittee's business fails to comply with other applicable county or state laws or regulations.

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Sec. 103. Procedure upon denial of an application or revocation of a permit.

(a) If the County Administrator or his designee denies an application or revokes a permit, he shall notify the applicant or permittee in writing of such action, the reasons therefor, and the right to request a hearing. To receive a hearing, the applicant or permittee must make a written hearing request which must be received by the County Administrator or his designee within ten days of the date of the notice of denial or revocation. If a timely hearing request is not received by the County Administrator or his designee, the decision of the County Administrator or his designee shall be final. If a hearing is properly requested, it shall be held within ten days from receipt of the hearing request. The hearing shall be presided over by the County Administrator or his designee. The applicant or permittee shall have the right to present evidence and argument or to have counsel do so. Within five days of the hearing, the County Administrator or his designee shall render his decision which shall be final. A permittee must discontinue operation of its business when the decision to revoke the permit becomes final.

(b) When an imminent threat of substantial harm to public health or safety requires such action, the County Administrator or his designee may immediately revoke a permit issued under this article by so stating in a written notice to the permittee. When action is taken pursuant to this subsection, the permittee shall immediately discontinue operation of its business, but shall have the right to a hearing as stated in subsection (a).

Sec. 104. Availability of prompt judicial review.

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After denial of an initial or renewal application or after revocation of a permit by the County Administrator or his designee, the applicant or permittee may seek prompt judicial review of such administrative action in the circuit court of the county. Any such request for judicial review shall be filed within 30 days of when the administrative action becomes final. The county will facilitate the applicant's obtaining prompt review.

Sec. 105. Inspection.

(a) In addition to any existing legal authority, representatives of county departments shall have the authority to inspect an adult business for the purpose of determining compliance with the provisions of this article.

(b) The provisions of subsection (a) of this section shall not apply to sleeping rooms of an adult motel which are currently being rented by a customer.

Sec. 106. Regulations pertaining to adult businesses providing adult entertainment.

(a) For purposes of this section, adult entertainment is defined as dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

(b) No person shall provide adult entertainment for patrons of an adult business except upon a stage located in an area open to all patrons of the business. The stage shall be at least 18 inches above the level of the floor and separated by a distance of at least three feet from the nearest area occupied by patrons. No patron shall be

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permitted within three feet of the stage while the stage is occupied by an entertainer.

(c) The adult business shall provide separate dressing room facilities for female and male entertainers which shall not be occupied or used in any way by anyone other than them.

(d) The adult business shall provide entertainers access between the stage and the dressing rooms which is completely separated from the patrons. If separate access is not physically feasible, the establishment shall provide a walk aisle at least four feet wide for entertainers between the dressing room area and the stage with a railing, fence or other barrier separating the patrons and the entertainers which prevents any physical contact between patrons and entertainers.

(e) No entertainer shall have physical contact with any patron and no patron shall have physical contact with any entertainer while in or on the premises of the adult business.

(f) No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to an entertainer shall place the gratuity in a container that is at all times located separately from the entertainers for the purpose of preventing any physical contact between a patron and an entertainer. No entertainer shall solicit any gratuity from any patron.

(g) Persons under the age of 18 years are not allowed on the premises of a sexually oriented business.

(h) No operator or manager of an adult business shall cause or allow an entertainer to contract to or engage in any entertainment such as a

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"couch," a "straddle," or "lap" dance with a patron while in or on the premises of an adult business. No entertainer shall contract to or engage in a "couch," "straddle," or "lap" dance with a patron while in or on the establishment premises. For purposes of this subsection, "couch," "straddle," or "lap" dance is defined as an employee of the establishment intentionally touching any patron while engaged in any specified sexual activity or other activity intended for the sexual stimulation or titillation of patrons, or the exposure of any specified anatomical area.

(i) This section shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess, or bartender, comes within three feet of a patron. No employee shall engage in any specified sexual activity or other activity intended for the sexual stimulation or titillation of patrons, or expose any specified anatomical area while acting as a waiter, waitress, host, hostess, or bartender.

(j) A person who operates or causes to be operated an adult business which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video, cassette or other video reproduction which depicts specified sexual activities or specified anatomical area, shall comply with the following requirements.

(1) The application shall include a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented north or to

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some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimension of tall areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The County may waive the foregoing diagram for renewal application if the applicant adopts a diagram that was previously submitted and certified that the configuration of the premises has not been altered since it was prepared.

(2) No alteration in the approved configuration or location of a manger's station, as provided by the application diagram, may be made without the prior approval of the County.

(3) It is the duty of the permittee of the premises to ensure that at least one permitted employee is on duty and situated in each manager's station at all time that any patron or customer is present inside the premises.

(4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manger's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(5) It shall be the duty of the permittee to ensure that the view of area specified in subsection (4) remains unobstructed by any doors,

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curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this Section.

(6) No viewing room may be occupied by more than one person at a time.

(7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.

(8) It shall be the duty of the permittee to ensure that the illumination described above is maintained at all times that any patron or customer is present in the premises.

(9) No permittee shall allow an opening of any kind to exist between viewing rooms and booths.

(10) There shall be no opening of any kind between viewing rooms or booths.

(11) The permittee shall, during each business day, regularly inspect the walls between the viewing rooms or booths to determine if any openings or holes exist.

(12) The permittee shall cause all floor coverings in viewing rooms or booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

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(13) The permittee shall cause all wall surfaces and ceiling surfaces in viewing rooms or booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be used within forty-eight (48") inches of the floor.

Sec. 107. Regulations pertaining to adult motels.

(a) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in section 100 of this Code.

(b) No person who is in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have an adult business permit shall rent or subrent a sleeping room to a person, and within ten hours from the time the room is rented, rent or subrent the same sleeping room again.

(c) For purposes of subsection (b) of this section, the terms rent or subrent mean the act of permitting a room to be occupied for any form of consideration.

Sec. 108. Transfer of permit prohibited.

(a) A permittee shall not operate an adult business at any place other than at the address designated in the approved permit.

(b) A permittee shall not transfer its permit to another person.

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Sec. 109. Public indecency.

Nothing in this article shall be construed to permit any conduct which violates section 111 of this Code.

Sec. 110. Violations.

Except as permitted in section 101(d), operation of an adult business without a permit is prohibited. Violations of this article shall be unlawful and subject to the provisions of section xx of this Code.

Sec. 111. Public indecency prohibited.

(a) For purposes of this section nudity shall mean:

- (1) Having the pubic region or genitals covered less than completely and opaquely;
- (2) Having less than the majority of each buttock completely and opaquely covered; or
- (3) Having any portion of the nipple or areola of the female breast or that portion of the female breast distal to and below any part of the areola covered less than completely and opaquely.

(b) Every person who knowingly, voluntarily and intentionally appears in a state of nudity in public or in a public place or in a place open to the public or to public view, or in an establishment which offers memberships to the public, or who employs, encourages or procures another so to appear, shall be guilty of a class 1 misdemeanor.

(c) Every person who knowingly, voluntarily and intentionally engages in specified sexual activities in public or in a public place or in a place open to the public or to public view, or in an establishment

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which offers memberships to the public, or who employs, encourages or procures another so to engage, shall be guilty of a class 1 misdemeanor.

(d) For purposes of this section specified sexual activities shall mean: showing human genitals in a state of sexual stimulation or arousal; real or simulated acts of human masturbation, sexual intercourse, sodomy or flagellation; fondling, caressing or other erotic touching of one's own or another's genitals, pubic region, buttocks or female breast; or showing the covered male genitals in a discernibly turgid state.

(e) No person shall be in violation of this section for breast feeding a child in any public place or any places where others are present.

2. Nothing contained in this ordinance shall be construed to apply to the presentation of any play, ballet, drama, tableau, production or motion picture in any theater; concert hall; school; college; museum of fine arts or other similar establishment, that is primarily presented as a form of expression of opinion, communication, speech, ideas, information, art or drama.

3. That this ordinance shall be in full force and effect from and after its passage.

Mr. Early stated that there are exceptions noted in the last paragraph.

Mr. Dalton told that these were constitutionally required and told that these exemptions were for things such as for women who were feeding children.

Mr. Early stated that the ordinance does a good job of defining who it protects, but lacks protecting locations. He stated that zoning is the only way to dictate locations or control.

Mr. Evans stated that he had made a phone call to Richmond to the Family Forum and their statements are contrary to what Mr. Early stated.

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DEPARTMENT OF TOURISM UPDATE – DONNIE TURNER

Mr. Turner congratulated the Board on bringing 255 jobs to the area. He stated that on January 19, 2007 there would be a Two-state Tourism Initiative Meeting in Jonesville and told that the group hopes to come up with a different name to call the region. He stated that the Visitor's Center was averaging 200 people a day and told that it looks like the Virginia Welcome Center will be with them for about 4 more months.

Mr. Turner noted that they are working on a new marketing plan that includes a new website and brochures. He informed the Board that the website address will be www.carrollcountytreasures.com. He told that the cost for the website and brochures are being covered by local businesses purchasing ads, so there is no cost to the Tourism Budget.

Mr. Turner stated that they are working on a \$5000 grant with Virginia Tourism Corporation to help some of the local businesses cover some of the cost of their ads. He told that the office is working on outdoor trails as well as warbler trails for The Devil's Den and Crooked Creek. He told that a contract on concessions at Crooked Creek should soon be ready to advertise for someone to take over in March. He told that the office has a request in to the Virginia Department of Transportation to turn 18 miles of gravel roads into an equestrian trail.

Mr. Evan's asked what part of the area would be considered as part of the concession.

Mr. Turner stated that they would get the outbuildings and the land below it, but they would still have the space to put their tractors and the parking lot was first come/first serve.

Mr. Turner stated that Carroll County has one of the first three kiosks located at Harmon's and has the radio station connected to it. He told that the second panel has not been finished which would display information on the Stoneman Family. He told that the money for this comes from the Crooked Road Grant.

He told that The Devil's Den is working on a grant to reseed the area with wildflowers and hedges that are attractive to birds and wildlife and will be putting an RFP out for a picnic shelter.

Mr. Evans stated that he was pleased with the achievements that Mr. Turner has done.

Mr. Early stated that he agreed with Mr. Evans but told that he has heard occasionally that there is skepticism about Tourism saving the economy. He

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asked Mr. Turner how he would reply to someone who asks how tourism is going to save Carroll County.

Mr. Turner stated economic development is the answer .He stated that the more people that are brought into the county, the more jobs that are created. He told that the Virginia Tourism Corporation determined that 649 jobs had been created in Carroll County through Tourism.

Mr. Early suggested that getting that information out would be a good idea so that citizens could see what tourism has done.

Mr. Turner stated that the Gazette was gracious enough to print an article about this.

Mr. Early suggested that the information also be on Chillsnet and on the County website.

(Order)

BOARD APPOINTMENTS

Upon motion by Mrs. Myers, seconded by Mr. Martin, and passed unanimously, all persons with one-year appointments were re-appointed to their current positions for a term beginning January 1, 2007 and ending December 31, 2007.

Mr. Hutchins suggested that the Board go through the appointments to learn what the function of some of the appointments are. He asked what the CPMT team did.

Mr. Newman replied that this group approves monetary services brought to them from the FAPT Team.

(Order)

APPOINT FANCY GAP DISTRICT SOCIAL SERVICES BOARD REPRESENTATIVE

Upon motion by Mr. Jones, seconded by Mr. Martin, and passed unanimously, the Board appointed Mr. Sonny Greer as the Fancy Gap District Representative to the Carroll County Social Services Board for a term beginning January 1, 2007 and ending December 31, 2010.

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SOUTHWEST VA EMERGENCY MEDICAL SERVICES BOARD
APPOINTMENT

Mr. Hutchins stated that a letter had been addressed to the Board concerning the Southwest Virginia Emergency Medical Services Board appointment. He asked if Mr. Roma would not be the person who needs to sit on this board.

Mr. Evans stated that he agreed with Mr. Hutchins in that Mr. Roma would know what was going on better than the Board members.

Mr. Larrowe stated that he would need to do some research due to Carroll EMS receiving grants from the Southwest Virginia EMS Board.

It was Board consensus to Table this appointment until the next meeting.

Mr. Evans stated that all of the Board appointments have a term except for the Airport Commission and he feels that it should also have a term with that being 1 year as most of the others are.

Mr. Early commented that the charter of the Airport does not address this issue.

Mr. Evans stated that he would like to see the term be imposed on the airport.

Mr. Dalton expressed that he was not familiar with the charter or the by-laws, but if these do not address a term then there is no term. Mr. Dalton asked if anyone else knows what the charter says because he is not aware.

Mr. Early stated that the charter did not specify a term.

Mr. Evans made the motion to do the Airport Commission on a one year term.

Mr. Dalton stated that he was not sure if this could be done.

Mr. Evans stated that he was put on the Commission for 30 days and then removed.

Mr. Dalton commented that he was not implying that the Board could not remove someone but without further research he was unsure if the Board could set a term.

Mr. Hutchins suggested that this be Tabled this until the next meeting and asked Mr. Dalton to research about imposing a term.

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Mr. Early ask about the Building Official Grievance Committee.

Mr. Hutchins asked that Mr. Dalton have information to the Board before the next meeting so they could move forward on the Grievance Committee.

Mr. Dalton stated that the Board could form their own committee or contract with another locality that had a committee.

Mr. Martin stated that he would like to see another locality do the review.

Mr. Hutchins stated that Grayson County had a committee.

Mr. Evans stated that he thought Carroll County should appoint a committee.

Mr. Larrowe stated that contracting with another locality would help with nepotism. He stated that Carroll had not had a committee and was out of compliance. He stated that if the Board contracted with another locality it might have an independent committee. He told that there needed to be procedures with the appeals.

Mr. Early told that he liked the idea of another locality doing this for the nepotism and conflict of interest issues but stated that Galax and Grayson County were not far enough away. He suggested looking toward Montgomery County or Roanoke County.

Mr. Larrowe stated that there would be costs associated and the further away the more the cost. He asked who would pay the costs.

Mr. Hutchins stated that there would be a fee that would go toward the costs and told that the contractor would get the fee returned if the appeal was overturned.

Mr. Martin stated that he just wanted it to be fair.

Mr. Larrowe then asked the Board when they would like to schedule the visits to the subdivisions.

Mr. Early suggested making this a part of the second February meeting.

Mr. Larrowe stated that this would be February 20. He then told that on February 6 the Board would hold Public Hearings on the Vicious Dog Ordinance, the Nuisance Ordinance, and the Comprehensive Plan.

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Mr. Dalton stated that the Planning Commission had been working on the Comprehensive Plan and a joint Public Hearing could be held. He stated that the Board was required to advertise the Public Hearing once per week for two weeks and that there was time to advertise and hold this on February 6.

(Order)

AUTHORIZE PUBLIC HEARING – COMPREHENSIVE PLAN

Upon motion by Mr. Early, seconded by Mrs. Myers, and passed unanimously, the Board authorized holding a Public Hearing on February 6, 2007 at 7:30 p.m. for the purpose of hearing public comment pertaining to the proposed adoption of the Comprehensive Plan.

AMBULANCE BID

Mr. Larrowe told that there was a difference of \$5-6000 between the State bid and Pipers Gap bid for ambulances. He told that the difference between the insurance money and the State bid was \$18,140 and between the insurance money and the Pipers Gap bid was \$12,497. He told that if another ambulance was not purchased the County would have to send back the grant money of \$50,000 to the State.

Mr. Early stated that the Board was told that VACo would find a vehicle at no cost to the County.

Mr. Larrowe stated that a 2005 was found but VACo had done a deduct. He stated that a used vehicle could not be purchased due to the grant. He told that AEV had a 2005 chassis but this would be a 2006 ambulance.

Mr. Early asked if there would be a way to recoup \$12,497 from the insurance of the person who wrecked the ambulance. He stated that if the County did without a vehicle there would be \$30,000 left after paying the grant.

Mr. Evans stated that a vehicle was needed.

Mr. Larrowe told that miles were being put on the current vehicles and that they were having to be worked on all the time.

(Order)

AUTHORIZE AMBULANCE PURCHASE

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Upon motion by Mr. Evans, seconded by Mr. Jones, and passed, the Board authorized the purchase of a 2006 ambulance from AEV with the \$12,497 difference between the purchase price and insurance proceeds to come from Carroll EMS.

Note: Mr. Early voted No on the above motion and stated that with Hillsville Rescue Squad coming back on line some calls would be spread among more vehicles.

CHARLES B. MORRIS MEMORIAL BRIDGE

Mr. Larrowe informed the Board that Delegate Carrico had introduced a bill in the General Assembly to have the bridge at I-77 and Route 58 named the Charles B. Morris Memorial Bridge. He told that previously the Board would make such a request and funds would come from the VDOT allocation but this bill states that the locality will reimburse the costs of the sign and the maintenance. He told that this cost would be \$500-\$1000 in each direction. He stated that Mr. Morris is the only Carroll County citizen to receive the Congressional Medal of Honor.

(Order)

DESIGNATE BRIDGE – CHARLES B. MORRIS MEMORIAL BRIDGE

Upon motion by Mr. Early, seconded by Mr. Evans, and passed unanimously, the Board designated the I-77 bridges over Route 58 as the Charles B. Morris Memorial Bridges.

Mr. Martin stated that this year was the 400th anniversary of the Jamestown/Yorktown Settlement and asked that a Proclamation be drawn up and sent to the committee.

Mr. Larrowe told that he would draft a Proclamation and bring it to the next meeting.

(Order)

CLOSED SESSION – PURSUANT TO VIRGINIA CODE SECTION 2.2-3711(A1,A3,A5,A7)

Upon motion by Mr. Martin, seconded by Mrs. Myers, and passed unanimously, the Board convened a Closed Session at 11:47 a.m. until 1:00 p.m. for the discussion of personnel matters relating to the performance of specific personnel, the discussion of the disposition of real property where public discussion would be detrimental to the County's position, the discussion of a prospective business where no public announcement has been made of the

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business or industry's desire to locate or expand in the County, and for the discussion of legal matters involving threatened litigation as authorized by Virginia Code Section 2.2-3711(A1,A3,A5,A7).

Note: Due to pressing concerns at Hillsville Elementary School, Mr. Martin had to leave the meeting before Closed Session deliberations began.

(Order)

CERTIFICATION OF CLOSED SESSION

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

WHEREAS, the Carroll County Board of Supervisors convened a Closed Session on this date pursuant to an affirmative recorded vote and 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 this 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 business matters as were identified in the motion by which this Closed Session was convened were heard, discussed, or considered in the meeting to which this certification applies.

SUPERVISOR'S TIME

Mr. Evans told that the Waste to Energy Committee had met. He told that the Committee had asked the Solid Waste Authority to do a study of what would be involved to begin Waste to Energy, but told that the Committee really didn't get anywhere with it. He told that what was being discussed at the SWA meeting was that the new cell had to be constructed before they devoted their time to this study. He told that he did ask for a time line of when the cell would be finished.

Mr. Larrowe told that the Committee recommended that the Board also ask SWA to do a study and to ask Congressman Boucher to do a regional symposium for the 9th District on Waste to Energy.

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Mr. Evans told that he made it clear to the SWA that the County was not trying to overstep their bounds but that a Carroll County citizen had brought this up. He stated that he was told that if Carroll County wanted to go ahead on this on its own it could but he told that he felt the SWA was the place to start.

(Order)

**APPROVE ASKING SOLID WASTE AUTHORITY TO PERFORM
WASTE TO ENERGY STUDY**

Upon motion by Mr. Evans, seconded by Mr. Jones, and passed unanimously, the Board approved going to the Solid Waste Authority showing the Board's intent that the SWA perform a study on alternatives to waste to energy and to talk with Congressman Boucher about conducting symposiums on alternatives to landfills.

Mr. Early told that he had asked that someone look into penalties as what would occur if the Board pulled out of SWA and asked if anything had been done on that. He then stated that Grayson County does not have a landfill so they would want it where it is.

Mr. Evans commented that if the County pulled out it would still have obligations for the cells used.

Mrs. Myers told that the SWA had a commitment to opening the new cell. She told that they were not against doing the study but the commitment right now was the new cell. She told that the Authority did want another way to dispose of trash.

Mr. Evans stated that it doesn't cost to do a RFP to find out the cost for a study.

Mrs. Myers asked for Mr. Evan Andrews of Joyce Engineering to come to a meeting.

Mr. Evans stated that Joyce Engineering was not qualified to do the study. He then stated that he wished when scheduling the meeting date and time that they had started in March because he has a conflict on February 6th.

Mr. Early read in the paper about 4000 square feet at Farmer's Market. He told that the article said that the Board had asked for the RFP. He stated that he did not believe the Board had anything to do with this but that it was the IDA.

Mr. Larrowe replied that was correct.

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Mr. Early told that he had been given information that the person who wrecked the County ambulance has been driving a Pipers Gap ambulance. He told that he had spoken with Joe Roma who had talked with Sam Leath and that Mr. Leath had stated that she was driving the ambulance but was riding in the back of the ambulance. He stated that this was contradictory to what others were telling him and he asked that someone get to the bottom of this and find out if that person is in fact driving an ambulance that is insured by the County. He commented that this person had been given a letter prohibiting them from driving a County ambulance.

Mr. Early then stated that most of the Board members have e-mail and he would appreciate getting notices of things like Congressman Boucher's visit yesterday. He stated that this would be another form of communication so that the Board could keep informed of what was going on.

Mr. Hutchins stated that he had been asked by the Grayson County Board for a letter of support from the Carroll County Board for the prison in Grayson. He stated that this would provide economic growth and employment benefits for both counties.

Mr. Dalton suggested that the Board pass a resolution of support.

Mr. Evans made a motion, seconded by Mrs. Myers, to adopt a resolution in support of the prison in Grayson County.

Mr. Early stated that he was in agreement but also suggested that if a suitable site was not found in Grayson County that Carroll County would be interested in having the prison here.

Mr. Evans then amended the above motion as follows:

(Order)

ADOPT RESOLUTION – SUPPORT FOR PRISON IN GRAYSON COUNTY

Upon motion by Mr. Evans, seconded by Mrs. Myers, and passed unanimously, the Board adopted a Resolution in support of the prison being located in Grayson County with a letter conveying to the Governor that if a suitable site was not found in Grayson County that Carroll County would be interested in having the prison located in Carroll County.

Note: Mr. Hutchins stated that he wanted to make it clear that Carroll County was not trying to get the prison away from Grayson County but if it was going to some distance location Carroll County would be interested in locating it here.

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Mr. Hutchins suggested that during the next meeting that the grant writer brief the Board on what has been accomplished. He told that he would also like to see committees brief the Board on what they are doing. Mr. Hutchins commented that yesterday was an example of a good day for the region and stated that it was a positive start to the new year.

Mrs. Myers stated that the Emergency Services Committee needs to meet.

Mr. Early commended Mr. Dowdy and his staff on the fine job they do keeping up the County facilities. He stated that they needed to be recognized by the Board.

Mrs. Myers suggested that the Board do a Certificate of Appreciation for the Maintenance Department. She then stated that last year it had been discussed recognizing students from each school and asked what was being done about that.

Mr. Larrowe stated that this could be done.

Mr. Evans suggested having a student supervisor again, to advertise this in the paper and to open this up to the home schoolers.

(Order)

ADJOURNMENT

Upon motion by Mr. Evans, seconded by Mr. Jones, and passed unanimously, the Board adjourned at 1:25 p.m. until the next scheduled meeting on January 16, 2007 at 5:00 p.m.

David V. Hutchins, Chairman

Ronald L. Newman, Assistant Clerk