

June 5, 2006

The Carroll County Board of Supervisors held their regular monthly meeting on Tuesday, June 5, 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
Glenna Myers
Gary Larrowe, County Administrator
Ronald L. Newman, Assistant Administrator
Bradley Dalton, County Attorney

Mr. Hutchins called the meeting to Order at 5:03 p.m. and asked Mr. Jones to lead in prayer and the pledge of allegiance.

(Order)

APPROVE OF RESOLUTION TO ADOPT REVENUE SHARING

Upon motion by Mr. Evans, seconded by Mr. Jones, and passed, the Board adopted the following Revenue Sharing Resolution for VDOT:

RESOLUTION

WHEREAS, the Board of Supervisors of Carroll County desires to submit an application for an allocation of funds of up to \$100,000 through the Virginia Department of Transportation Fiscal Year 2005-2006, Revenue Sharing Program; and,

WHEREAS, \$100,000 of these funds are requested to fund the Route 58 Hillsville Bypass; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Board of Supervisors of Carroll County, hereby support this application for an allocation of \$100,000 through the Virginia Department of Transportation Revenue Sharing Program.

VOTES

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

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(Order)

APPROVE WAIVER OF E&S CONTROL PERMIT FEE

Upon motion by Mr. Evans, seconded by Mr. Martin, and passed unanimously, the Board approved to waive the Erosion & Sediment Control Permit Fee for the Exit 19 Project.

VOTES

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

(Order)

APPROVAL OF CLAIMS

Upon motion by Mr. Martin, seconded by Mr. Jones, and passed unanimously, the Board approved the County General Claims as presented this day and as evidenced by check numbers 85800-85939.

Note: Mr. Early asked about the procurement procedure on auto parts.

Mrs. Libby Lineberry responded that the County uses NAPA because they give the state bid plus a discount.

VOTES

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

CITIZENS TIME

Mr. Rick Bell requested a road sign on a dead end dirt road, Route 964 Fisher Road, because there are a lot of children playing along the road, there is someone along the road who is a babysitter, and also the school bus turns around there.

(Order)

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APPROVE CHILDREN AT PLAY SIGN – ROUTE 964 FISHER ROAD

Upon motion by Mr. Early, seconded by Mrs. Myers, and passed unanimously, the Board approved to place a Children At Play sign on Route 964 Fisher Road beginning at a point 150 feet from the intersection of Fisher Road and Skyview Drive and extending to the end of Fisher Road.

VOTES

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

(Order)

WYTHEVILLE COMMUNITY COLLEGE BOARD APPOINTMENT

Upon motion by Mr. Evans, seconded by Mr. Early and passing unanimously the Board approved to appoint Mrs. Mava Vass to the Wytheville Community College Board for a term beginning July 1, 2007 and ending June 30, 2008.

VOTES

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

ADMINISTRATOR'S TIME

Mr. Larrowe suggested that the Board visit Exit 19 during the next Board meeting and it was the consensus of the Board to do that.

Mr. Larrowe told that he had met with Mr. Roma and Cana Rescue and things are looking better.

Mr. Jones told that the Squad had done a good job cleaning up and that it seems the spirit is better than it has been for a while.

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Mr. Larrowe told that the term of Mr. Ray Hill as a representative to the Regional Water Authority would expire at the end of the month and that the appointment would be made at the June 19 meeting.

Mr. Larrowe told that a job description would be ready for the SAS112 position for the next meeting. He also told that it looks like the Virginia Tourism Center may be moving out of the Tourism Center by mid-July and that a job description for the person to fill the duties that have been provided by the Virginia Tourism Center would be brought to the next meeting.

EROSION & SEDIMENT JOB DESCRIPTION

Mr. Evans asked if requiring certification at the beginning would cost the County more in the beginning and would it limit the number of people who could apply.

Mr. Larrowe told that it may limit the applicants but that it also limited the time for a person to spend doing the training.

Mr. Evans stated that this would limit finding someone from Carroll County and told that he felt like the person should be from Carroll County.

Mr. Larrowe told that the person would spend 1 day per week with DCR and 1 day with NRSWC.

Mr. Early told that the person will be called upon on occasion to testify in Court as an expert witness and he believes that the person should be certified from the first day. He told that the person should be qualified as considered by a Court of law. He stated that this person would spend time in Court defending his position and asked how he would defend the County if he were not qualified. He stated that if the County needed someone to defend them and the only person the County had was not certified then the County would have to go out and hire someone.

Mr. Hutchins suggested that the language be changed to state that certification was preferred.

Mr. Early replied no.

Mr. Evans told that he would go along with that and the State could come in if someone needed to testify in Court before the person was certified. He told that he did not think there would be a lot of time spent in Court unless there was a lot of tattle telling which was what brought about the problems to start with.

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Mr. Hutchins told that to be considered an expert person they would be asked what their certifications are and their years of experience.

Mr. Dalton told that the Judge could consider someone an expert without certification, but it is not probable. He told that the case can turn on the qualification of experts. He told that with the State sending someone in they would come in after the fact when the person doing the inspecting could testify what was there each time they visited the site.

Mr. Early told that the only requirement is being certified and other things are optional. He asked how someone could enforce what was to be done if they were not certified.

Mr. Martin asked how long it takes to become certified.

Mr. Larowe told that Mr. Cockerham now has the certification and that the class would be in October with the test shortly thereafter.

Mr. Evans told that the person would have the knowledge, skills and abilities listed in the description and that this was being made into a big problem before it became a problem.

Mr. Hutchins asked if the class was open or does it require a person to have experience.

Mr. Larowe replied that he thought that it was open.

Mr. Early told that if taxpayers' money was being spent on the position then the person needed to be qualified which meant being certified.

Mr. Larowe told that it would be easier if the County had someone certified and with experience and stated that the County was trying to be compliant with state regulations.

Mr. Early suggested doing a sample pool to see who is certified. He also asked if there was a limitation that the person has to be from Carroll County.

Mr. Dalton told that it was open.

Mr. Evans told that this is just like procurement for supplies, that the Board wants to support Carroll County business and it needs to be left open so the County Administrator can make a common sense decision.

Mr. Early told that on the DCR website that it states that they require the person to be certified, but it includes persons enrolled in classes as long as they are certified within one year.

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(Order)

MOTION TO TABLE E&S JOB DESCRIPTION

Upon motion by Mrs. Myers, and seconded by Mr. Martin, and passed, the Board approved to Table approving the Erosion & Sediment Control job description until the next meeting.

VOTES

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

Mr. Early stated that this needed to be advertised statewide.

Mr. Hutchins told that years of experience needed to be considered.

Mr. Martin told that he wanted someone with a backbone to enforce the law.

Mr. Early asked that the DPOR website be reviewed to see if there are any license requirements and to see if someone from this area is certified.

(Order)

APPROVAL OF AUDIT CONTRACT FY 2007-2009

Upon motion by Mr. Evans, seconded by Mr. Martin, and passed unanimously, the Board approved the Audit Contract with Robinson, Farmer, Cox Associates for FY 2007-2009.

VOTES

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

CARROLL EMS

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Mr. Larrowe told that currently the Director of Emergency Services answers to the County Administrator and the Carroll EMS Department answers to the Board of Trustees. He told that the Department is 501C3 and that was set up as protection of liability, but stated that has been pierced with the Board having acted in the past as Trustees. Mr. Larrowe asked how the Board wanted this to operate.

Mr. Larrowe told that one option would be creating a new department with Mr. Roma being over the department or Mr. Roma could operate under the Administrator for Emergency Services, but under the Board of Trustees for EMS. Mr. Larrowe told that he was concerned as to where the employees belong since they are currently under the 501 C3.

Mr. Roma suggested making EMS a department in the County so they can keep track of expenses and to see what it takes to run Carroll EMS.

Mr. Evans asked if a new department had been set up in the budget.

Mr. Larrowe told that the department is listed in the budget. He told that previously the County made a contribution and the EMS Board would collect the billing and if they have surplus they would reimburse the County and if it was a deficit the County would contribute. He told that there would be pros and cons both ways and asked if Mr. Roma had control over EMS and asked who they wanted Mr. Roma to respond to.

Mr. Hutchins wanted to know if since the Corporate Veil had been pierced when the previous Board was acting as trustees, if it could be repaired or was it permanently destroyed.

Mr. Dalton responded that the 501C3 is a tax benefit and told that the Corporate Veil was not pierced because it was not challenged. He told that when the Board was acting as Trustees it was one step of giving up protection. He told that this had been fixed with a separate Board of Trustees. He told that he could not tell why the decision was made to create a 501C3, but it was probably because of liability, but stated that it can't protect itself from negligence.

Mr. Dalton told that the County enjoys sovereign immunity and told that he was not convinced there was anything to gain by having a separate Board running the agency. He told that before the transition was made he would like to discuss issue with other localities that have made a change or one that has a paid service department.

Mr. Larrowe told that more information could be brought to the next meeting.

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Mr. Jones told that EMS was not breaking even and wanted to know if this would take away from volunteers.

Mr. Hutchins asked if this would give Mr. Roma an opportunity to know what revenues and expenses are.

Mr. Dalton told that there was a department in the past that was not breaking even and the department head told that the way it was set up it did not allow them to know what was coming in for their department.

Mr. Evans suggested that Mr. Larowe bring back recommendations to the next meeting.

PUBLIC HEARING – AGREEMENT IN LIEU OF PLAN FEE

Mr. Hutchins Opened the Public Hearing for the Agreement in lieu of plan fee at 6:04 p.m.

With no one to speak the Public Hearing was Closed at 6:05 p.m.

(Order)

APPROVE AGREEMENT IN LIEU OF PLAN FEE

Upon motion by Mr. Martin, seconded by Mr. Early, and passed, the Board adopted a \$50.00 fee for each executed Agreement in Lieu of an Erosion and Sediment Control Plan.

VOTES

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

Mr. Evans told that this is higher than other localities.

Mr. Hutchins told that the fee is to sustain the E&S office.

PUBLIC HEARING – COUNTY BUDGET FISCAL YEAR 2007-2008

Mr. Hutchins Opened the Public Hearing for the fiscal year 2007-2008 County Budget at 6:08 p.m.

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Mrs. Donna Peery told that the Board has done some pretty stupid things, but borrowing from the rainy day fund is the most ludicrous. She told that she can't believe no one had the guts to raise taxes a few cents. She told that there are people who could pay more taxes. She asked if the County takes money out of savings for bills what will be done for the unexpected things. Mrs. Perry told that at some point taxes have to be raised and that she would rather have smaller increases instead of a large one. She told that Mr. Early had done a good job as Supervisor for the Laurel Fork district and stated that she wished he were running again.

Mrs. Debbie Goad told that she goes along with what Donna Peery said except that the Board needs to say what amount is available to spend and then decide how to spend it by having a true budget work session. She told that no business could run the way this County is expected to run. She told that if the Board approves this budget it is a joke because it was not based on business principles. Mrs. Goad told that the Board promised that it would come up with a balanced budget which means it will spend no more than it is taking in. She told that if the Board doesn't want to raise taxes then spending needs to be cut. She told that the County needs to get lean and mean.

Mrs. Goad suggested that on the Sediment control person, it could be considered if there was someone in the County who maybe is qualified or can take 6 – 9 months but told she agreed with Mr. Early that positions need qualified people. She told that she would like to see the Board not approve the budget because it is not based on sound business principles. She told that she is very proud of Mr. Early and the job he has done for her district and stated that she wished he were running again.

With no one else to speak, the Public Hearing was Closed at 6:17 p.m.

SHERIFF'S OFFICE CERTIFICATION PRESENTATION

Ms. Robyn de Socio, Executive Secretary of the Compensation Board told that the 2005 General Assembly approved language and funding in the Appropriation Act for Sheriffs across the Commonwealth to participate in a Career Development Program. She stated that Career Development Programs have been developed over the past ten years for almost all of the Commonwealth's Constitutional Officers as a means to recognize and reward Constitutional Officers that go beyond the duty requirements specified in the Code of Virginia, achieving a higher level of professionalism and maintaining higher performance standards.

Ms. de Socio told that the Sheriff's Career Development Program includes a Compensation Board Certification Program, requiring the Sheriff to meet certain professional law enforcement standards in addition to high standards in audit, training and staff development. She told that the Compensation Board

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Certification requires compliance with a majority of the standards maintained by the Virginia Law Enforcement Professional Standards Commission, and these individual standards are audited by professional auditors and assessors to ensure such compliance.

Ms. de Socio announced that Sheriff Warren Manning and his deputies and staff in the Carroll County Sheriff's Office certified their compliance with these standards and other requirements last summer, and were audited last fall. She stated that after review and approval of the audit results by the Compensation Board last December, and subsequent approval by the Compensation Board in April for participation in the Certification Program and related salary increase for FY08, the official approval of Sheriff Manning's Sheriff 's Office Certification became effective this past May 1. She told that it was her pleasure to present to Sheriff Manning, on behalf of the Compensation Board, the Certificate of Achievement for the Sheriff's Career Development Program.

Sheriff Manning told that this is a proud day for the office. He told that the people in the office worked hard to get this certification and it makes the office more professional and efficient.

Mr. Hutchins told that the Board appreciated Ms. de Socio driving up for the presentation and to the Sheriff's Office for their hard work.

(Order)

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

Upon motion by Mr. Martin, seconded by Mr. Evans, and passed unanimously, the Board convened a Closed Session at 6:30 p.m. until 7:40 p.m. for the discussion of the disposition of real estate 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 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(A3,A5,A7).

(Order)

CERTIFICATION OF CLOSED SESSION

Upon motion by Mr. Martin, seconded by Mrs. Myers, 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

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to close the meeting in accordance with the Virginia Freedom of Information Act;

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

NOW, THEREFORE, BE IT RESOLVED that the Carroll County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the Closed Session to which this certification applies, and (II) only such 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.

NOTICE OF CLAIM – KENNETH BEVINS

Mr. Dalton presented the Board with a claim that was received on behalf on Kenneth Bevins concerning an accident on October 29, 2006 and recommended that the Board deny the claim.

(Order)

DENY CLAIM – KENNETH BEVINS

Upon motion by Mr. Evans, seconded by Mr. Jones, and passed unanimously, the Board approved to deny the claim by Kenneth Blevins.

VOTES

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

SUPERVISORS TIME

Mrs. Myers told that Wayne Ross wants to name a road. She also told that another meeting needed to be set for Dugspur School.

(Order)

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ADJOURNMENT

Upon motion by Mr. Martin, seconded by Mrs. Myers, and passed unanimously, the Board adjourned at 7:42 p.m. until June 19, 2006 at 9:00 a.m.

David Hutchins, Chairman

Ronald L. Newman, Assistant Clerk