

November 12, 2008

The Carroll County Board of Supervisors held their regular meeting on Wednesday, November 12, 2008 in the Board Meeting Room of the Carroll County Governmental Center.

Present were: W.S. "Sam" Dickson, Chairman
 David V. Hutchins, Vice-Chairman
 Andrew S. Jackson
 Wesley G. Hurst
 Dr. Thomas W. Littrell
 N. Manus McMillian
 Gary Larowe, County Administrator
 Ronald L. Newman, Assistant Administrator
 James E. Cornwell, Jr., County Attorney

Mr. Dickson called the meeting to order at 4:03 p.m. and asked Mr. Hutchins to lead in prayer.

The Carroll County Junior ROTC presented the colors in honor of Veteran's Day and lead in the pledge.

Mr. Dickson told that four Board members had attended the VACO Conference and there were good sessions. He told that they heard the Speaker of the House and Governor Kaine and learned things to help them move the County forward.

Mr. Dickson read the following press release concerning Amerlink.

(Order)

APPROVAL OF MINUTES

Upon motion by Mr. Hutchins, seconded by Mr. Jackson, and passed unanimously, the Board approved the minutes of the meeting on October 14, 2008 as previously distributed to the members of this Board by its Clerk and as recorded in Minute Book No. 25 in the County Administrator's Office.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

(Order)

APPROVAL OF PAYROLL

Upon motion by Mr. Hutchins, seconded by Mr. Jackson, and passed unanimously, the Board approved the payroll for October 2008 and did authorize the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 14th and 26th days of November 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. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

(Order)

APPROVE EMS ADDITIONAL APPROPRIATION

Upon motion Mr. Hutchins, seconded by Mr. Jackson, and passed unanimously, the Board appropriated \$2500.00 to HazMat Supplies line item 035030-6014 from monies collected from cleanups.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

(Order)

**MOUNT ROGERS PLANNING DISTRICT COMMISSION
APPOINTMENT**

Upon motion Mr. Hutchins, seconded by Mr. Jackson, and passed unanimously, the Board appointed Mr. Ed Terry to the Mount Rogers Planning District Commission as the Town of Hillsville representative.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes

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Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

(Order)

APPROVE ADMINISTRATOR'S BUDGET TRANSFER

Upon motion Mr. Hutchins, seconded by Mr. Jackson, and passed unanimously, the Board approved to transfer \$1500.00 from line item 11010-7006 to line item 12020-5504 to cover additional travel expenses.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

(Order)

APPROVE FARMERS MARKET ADDITIONAL APPROPRIATION

Upon motion Mr. Hutchins, seconded by Mr. Jackson, and passed unanimously, the Board approved to refund the wholesale tenant security deposit in the amount of \$1530.32 to Ray Plott and record as a revenue when the CD becomes mature.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

(Order)

HILLSVILLE/CARROLL COUNTY MUTUAL AIDE

Upon motion Mr. Hutchins, seconded by Mr. Jackson and passing unanimously, the Board approved revoking the Hillsville/Carroll County Mutual Aide agreement due to the fact that Hillsville Rescue Squad is not currently operational.

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VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

(Order)

APPROVAL OF ABSTRACT OF VOTES

Upon motion Mr. Hutchins, seconded by Mr. Jackson, and passed unanimously, the Board approved to include the Abstract of Votes cast from the November 4, 2008 General Election in the Board of Supervisors minutes for November 12, 2008.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

PRISON STUDY COMMITTEE

J.B. Gardner told that the Board asked the committee to get citizen input. He told that the committee has visited prisons and they have put a survey up on the website. Mr. Gardner discussed the benefits and the downside of having a prison in the community with Jim Spencer the Tazewell County Administrator. He told that it takes a minimum of 2 years to construct a prison but it also creates several jobs during construction. He told that the County would need to create a business directory so workers would know what was available and told that job fairs should be held so people know what it takes to work for the DOC. He told that at Pocahontas much of the work on the inside was done by the inmates. He told that at Pocahontas there were 213 security jobs as well as support staff and discussed the different attributes of the prison. He told that King's Mountain has over 300 employees and several vocational classes. Mr. Gardner told that the committee has held several community meetings and they were disappointed in the number of citizens that showed up to ask questions. He told that the committee's recommendation was to move forward with requesting to be on the list willing to accept a prison.

Mr. Dickson told that he appreciates the committee working on this.

Mr. Jim Spencer presented a power point and discussed the economic development goals and objectives. He told that they met with the DOC to see what it would take to get a prison and were told that they needed to update their water and sewer as well as their roads. He told that the county would need to meet with the contractors and local leaders and develop a local business directory, a business visitation program, a buyer-supplier program and do a business to business showcase. He told that Carroll County would need to work with Workforce Development to have a seamless and comprehensive one-stop operation, to create a talented workforce, and to have a support mechanism for other economic development initiatives in the region.

Mr. Hutchins told that the presentation was very informative.

Mr. Dickson told that Tazewell is very beautiful and it is much like Carroll County.

Mr. Spencer told that it is a long-term process and they need to keep working on the project.

(Order)

AUTHORIZE PUBLIC HEARING SEEKING PRISON

Upon motion by Mr. Hutchins, seconded by Mr. Hurst, and passed unanimously, the Board approved to hold a public hearing at the December meeting regarding the Prison Study Committee's recommendation.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

CITIZENS TIME

Laura Bryant told that she was impressed with the presentation concerning the prison. She told that the Galax Library is 70 years old this year and wanted to invite the Board to the reception on Sunday. She told that she plans to retire in August 2009 and is in the process of training a new director. She stated that she wants to leave the library with a strategic plan and asked that someone come to the library to give input on the plan.

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Charles Rand told that he has been following the exploits in the newspaper and thanked the Board for the job they do. He discussed the other places that he has lived and told that he appreciates what the Board does to look after the tax money and told them to keep up the good work.

Mr. Dickson recognized Steve Durbin with Sands Anderson and also Lisa Hurst as teacher of the year for Carroll County.

EMS REPORT – JOE ROMA

Mr. Roma presented the update on the call report. He presented two letters thanking EMS for their work. He told that they received 3 bids for the ambulance and they did not accept the low bid because they did not respond to all of the requests so they went with the 2nd lowest bid. He told that it would be a Ford F450 ambulance and he asked for authorization to process the check to take advantage of a 1% savings from Ford.

Mr. Hurst told that as of today they still have not received the Galax report.

Mr. Roma told that he has not received it and the County is still holding their money.

Mr. Hurst told that if they cannot take the time to send the money then the County will not take the time to send the check.

Mr. Dickson told that it is the consensus of the Board to stop contacting the agencies and let them contact us.

Mr. Roma told that the Emergency Services Board met and starting next month they will be visiting fire departments and rescue squads and they will be working on SOP's.

Mr. Dickson told that he has discussed with Dr. Blankenship about the school system offering EMS Classes. He asked Mr. Roma to see if this is something that the school could offer.

Mr. Roma told that he is in the process of starting a Life Saver program and they will give a report each time a life is saved and award certificates.

(Order)

AUTHORIZE AMBULANCE BID

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Upon motion by Mr. Jackson, seconded by Mr. Hutchins, and passed unanimously, the Board authorized awarding the ambulance bid to the 2nd low bid and to authorize the \$35,000 check.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

(Order)

FIRST QUARTER FINANCIAL REVIEW

Ms. Pam Smith, Financial Officer, presented the following first quarter financial review to the Board:

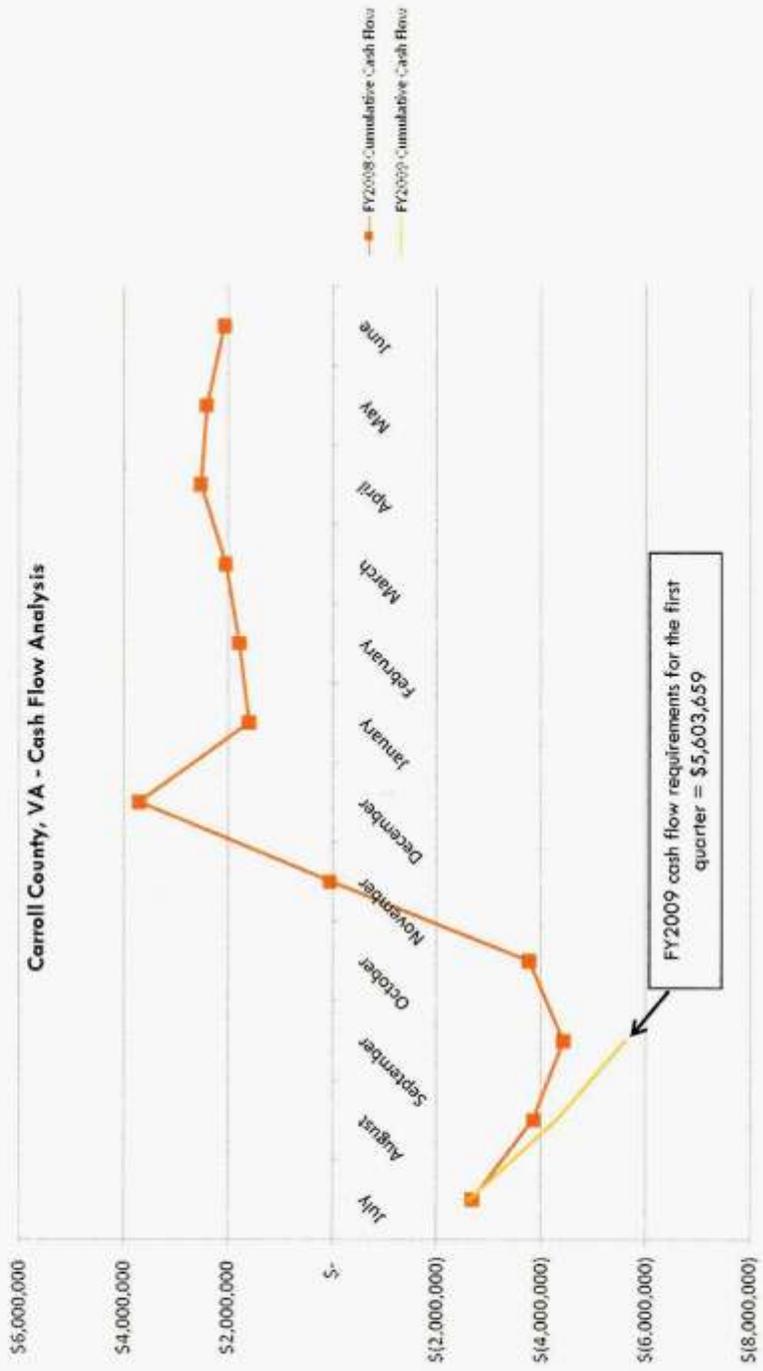
FY2009 Quarter 1 Revenues

	FY2008				FY2009				
	Budget	Adj Bud	Q1	% Adj Bud	YE Total	Budget	Adj Bud	Q1	% Adj Bud
General Property Taxes	15,942,000	16,318,224	708,066	4.3%	17,619,507	18,670,700	18,670,700	638,583	3.4%
Other Local Taxes	3,708,500	3,708,500	1,192,250	32.1%	5,128,142	3,644,000	3,644,000	1,140,666	31.3%
Permits, Fees, & Licenses	191,500	194,631	58,330	30.0%	221,312	173,500	173,500	39,040	22.5%
Fines & Forfeitures	5,000	11,320	2,887	25.5%	9,975	5,000	20,000	18,031	90.2%
Use of Money & Property	206,000	206,000	122,607	59.5%	358,574	232,000	232,000	51,885	22.4%
Charges for Services	145,300	149,703	44,058	29.4%	285,321	126,350	126,350	61,330	48.5%
Miscellaneous Revenue	1,958,782	2,011,332	71,727	3.6%	206,970	139,900	144,675	30,622	21.2%
Recovered Costs	2,850,333	3,098,048	415,408	13.4%	1,424,553	2,341,177	2,602,567	559,198	21.5%
Revenue from Commonwealth	4,235,672	4,536,365	1,187,224	26.2%	4,249,424	3,735,022	5,671,692	1,252,933	22.1%
Revenue from Federal Government	1,665,539	1,665,539	327,411	19.7%	1,628,071	1,959,041	1,959,041	331,020	16.9%
Total Revenues	30,908,626	31,899,662	4,129,968	12.9%	31,131,850	31,026,690	33,244,525	4,123,308	12.4%

FY2009 Quarter 1 Expenditures

Expenditures	FY2008			FY2009					
	Budget	Adj Bud	Q1	% Adj Bud	YE Total	Budget	Adj Bud	Q1	% Adj Bud
General Government	2,308,810	2,403,187	524,298	21.8%	2,225,513	2,574,032	2,559,032	557,977	21.8%
Judicial Administration	1,037,766	1,121,968	224,143	20.0%	938,784	1,127,626	1,127,626	257,586	22.8%
Public Safety	4,995,640	5,326,922	1,171,977	22.0%	4,877,209	5,421,271	7,124,623	1,201,032	16.9%
Public Works	2,136,773	2,227,711	487,430	21.9%	2,147,570	2,057,638	2,057,638	470,278	22.9%
Health & Welfare	4,271,790	4,318,839	1,105,005	25.6%	4,317,161	4,375,046	4,375,046	928,186	21.2%
Parks, Recreation, & Cultural	517,898	551,127	102,507	18.6%	484,470	589,580	600,963	148,422	24.7%
Community Development	3,130,554	3,395,886	930,484	27.4%	1,898,130	2,225,291	2,743,391	1,341,143	48.9%
Education	11,856,206	11,856,206	4,008,750	33.8%	11,856,206	11,584,441	11,584,441	4,509,158	38.9%
Non-departmental/Cap. Projects	652,789	697,817	12,870	1.8%	317,362	1,071,765	1,071,765	313,187	29.2%
Total Expenditures	30,908,626	31,899,662	8,567,464	26.9%	29,062,405	31,026,690	33,244,525	9,726,967	29.3%

FY2009 Quarter 1



FY2009 Quarter 1

What affects cash flow?

- What affects cash flow that cannot be changed?
 - Once per year tax collections position the majority of local tax revenues in November and December
 - Quarter 1 expenditures are typically high due to debt service payments of the County and Schools, and full year payment of insurances
 - The economy may dictate when citizens begin to pay real estate taxes. In an unfavorable economy, citizens may defer payment until the due date.
- What affects cash flow that can be managed?
 - Defer any large non-emergency purchases until December.
 - Request any grant reimbursements as soon as possible.
 - Put all outside agencies with funding > \$5,000 on 12 equal monthly installments. Pay all agencies funded at \$5,000 and below in December.
 - Assessor, Commissioner of Revenue and Treasurer working together to assess property, develop land book, process and mail all tax tickets at the earliest date possible.

FY2009 Quarter 1



What are the recommended fund balance levels in relation to current cash flow requirements?

FY2009 Recommended Fund Balance Levels

Fund Balance requirement - auditor recommendation 10% combined school and county budgets	\$ 7,493,029
Cash flow - provide cash July - October when expenditures exceed revenues	
Emergency operations - funds required without notice for major repairs/maint	
Business development - maintain balance to match business development grant funding	
Provide financial stability to improve credit rating and provide a source of interest income	
Reimbursement grants - grants requiring the expenditure of funds before requests for reimbursement*	<u>2,500,000</u>
	Total Required
	<u>9,993,029</u>
	<u>9,369,850</u>
	<u>(623,179)</u>

Current General County Operating Fund Balance (Treasurer's Report June 30, 2008)

Excess fund balance/(deficit fund balance)

Guidelines:

1. Cash flow needs and cash balances will be monitored monthly. Monthly and Quarterly reports will be provided to the BOS.
2. As fund balance exceeds the total required, the excess will be allocated to the capital improvements program schedule.
3. Fund balance will not be used to balance the general county operating budget.

*Reimbursement Grants Outstanding

PSIC	1,577,479
Farmer's Market Cooler	235,000
Crossroads SBDC	115,600
Regional Tourism Initiative	27,800
GOF Ameripumps	150,000
Tobacco Comm - Ameripumps	100,000
Carter Building	198,000
EMS Grant - Ambulance	<u>81,391</u>
	<u>2,485,270</u>

FY2009 Quarter 1

What is planned for FY2010 that will further refine revenue and expenditure budgeting?

- Fund balance is being tracked in FY2009 and guidelines are being developed for use of any excess in the FY2010 budget year.
- Monthly expenditures are being analyzed and communicated to departments. All adjustments, additional allocations, and journal entries are being made in a more timely manner.
- A budget calendar has been adopted that allows for more in depth study of the needs of all County organizations.
- A revenue review is planned for December, 2008 to formulate current year estimates and to review the methods used to estimate future revenues.
- Personnel costs are being budgeted based on current actual expenditures.
 - Payroll expenditures are being analyzed monthly and compared to budgets. Any inaccuracies are being corrected.
 - Workmen's Compensation is being budgeted based on job category.
 - Unemployment insurance is being budgeted based on current actuals and charged back to each department accordingly.
- Capital budgeting is being done separately from operating budgeting. A five year capital budget schedule is being developed.

Mr. Hutchins told that the County was recently notified that the CSA funds were withheld and asked what the impact would be.

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Ms. Smith told that this is one of the areas in Reduction of Aid to localities and she is still unsure how it will affect other programs.

Mr. Hutchins asked for suggestions as how to manage CSA.

Ms. Smith told that one of the questions was whether to take the deduction or do a lump sum check and Carroll County opted for the deduction. She told that the impact is the County will have to use local dollars to supplement the offices.

Mr. Hutchins suggested that Ms. Smith give a report on a monthly basis.

Mr. Dickson told that the County would have other cuts from the State and told that it is good that the revenue projections were lowered.

Dr. Littrell asked about the sales tax and meals and lodging tax and asked if this is shown as the net tax.

Ms. Smith told that there is an expenditure that shows what is paid to Hillsville.

PUBLIC HEARING – BOARD CODE

Mr. Larrowe told the purpose of the meeting and told that there were changes to Section A130-9D and “for small groups” had been added to Section A130-12.

Mr. Dickson Opened the public hearing at 5:53 p.m.

With no one to speak the public hearing was Closed at 5:55 p.m.

(Order)

APPROVAL TO AMEND A130 OF THE CODE

Upon motion by Dr. Littrell, seconded by Mr. Hutchins, and passed unanimously, the Board approved to amend A130 of the Code of Carroll County effective immediately.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes

Dr. Littrell Yes
Mr. McMillian Yes

§ A130-1 BOARD OF SUPERVISORS RULES OF PROCEDURE §
A130-2

Chapter A130

BOARD OF SUPERVISORS RULES OF PROCEDURE

- § A130-1. Purpose**
- § A130-2. Official title**
- § A130-3. Membership; terms of office**
- § A130-4. Officers**
- § A130-5. Appointment of County Attorney**
- § A130-6. Meetings**
- § A130-7. Quorum; actions of Board**
- § A130-8. Order of business**
- § A130-9. Conduct of business**
- § A130-10. Decorum**
- § A130-11. Amendment or suspension of rules**
- § A130-12. Items not addressed by rules**

[HISTORY: Adopted by the Board of Supervisors of Carroll County 3-14-1978. Section A130-5 added during codification; see Ch.1, General Provisions, Art. II. Other amendments noted where applicable.]

§ A130-1. Purpose

The Carroll County Board of Supervisors does hereby accept and adopt these rules of procedure in order to facilitate its powers and duties in accordance with the provisions of Title 15.1, Code of Virginia 1950, as amended.

§ A130-2. Official title

The official title of this Board shall be the “Carroll County Board of Supervisors.”

§ A130-3

CARROLL COUNTY CODE
§ A130-5

§ A130-3. Membership; terms of office

- A. The Carroll County Board of Supervisors shall consist of six (6) members, one (1) elected from each of the five (5) magisterial districts and one (1) at large.
- B. Each member shall be elected for a period of four (4) years. Terms of office shall run concurrent with the calendar year.

§ A130-4. Officers

- A. Enumeration of officers
 - (1) Chairman. A Chairman of the Board shall be elected from its members at the first meeting of each calendar year. The Chairman shall preside over all meetings and represent the Board at official functions and ceremonial events.
 - (2) Vice Chairman. A vice Chairman of the Board shall be elected from its members at the first meeting of each calendar year. He shall preside in the absence of the Chairman and perform such other duties as may be assigned by the Board.
 - (3) Chairman Pro Tem. The Chairman Pro Tem shall be appointed by the Chairman or vice Chairman in the absence of the other, before he leaves the room. In the event that no Chairman Pro Tem has been appointed, one (1) shall be selected by the members remaining. This person shall preside in the absence of the foregoing officers.
- B. Term of office. The Chairman and the vice Chairman shall be elected for one-year terms. Either or both may be reelected for one (1) or more additional one-year terms.¹

§ A130-5. Appointment of County Attorney.²

¹ Editor's Note: Former Sec. 2.5, clerk and Deputy clerks, which immediately followed this section, was deleted during codification; see Ch. 1, General Provisions, Art. II.

² Editor's Note: Added during codification; see Ch. 1, General Provisions, Art. II.

The Board shall, at its first meeting of each calendar year, appoint a County Attorney who shall serve at the pleasure of the Board.

§ A130-6 BOARD OF SUPERVISORS RULES OF PROCEDURE
§ A130-6

§ A130-6. Meetings

- A. Annual meeting. The first meeting held after the newly elected members of the Board have qualified and the first meeting held in each succeeding year shall be know as the “annual meeting.” At such annual meeting, the Board shall establish the days, times and place for the regular meetings of the Board for the ensuing twelve (12) months. (§ 15.1-563, Code of Virginia 1950, as amended)

- B. Regular meetings. The Board shall meet in regular session at least once each month upon such day or days as have been established. The Board may subsequently establish different days, times or places for such regular meeting by passing a resolution to that effect. However, when the day established as a regular meeting day falls on a legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board. (§ 15.1-563, Code of Virginia 1950, as amended)

- C. Special meeting. A special meeting of the Board may be called by the Chairman or at the request of two (2) or more members. The Clerk shall immediately notify each member of the Board and the County Attorney, in writing or by electronic means. No matter other than those specified in the notice shall be considered at such meeting unless all members are present and agree to such action. (§ 15.1-538, Code of Virginia 1950, as amended)

- D. Notice to public. The Clerk shall notify the general news media of the time and place of all such meetings and the matters to be considered in writing or by electronic means.

- E. Public hearings. Public hearings shall be held after proper public notice has been given. (§ 15.1-431, Code of Virginia 1950, as amended)

- F. Adjourned meetings. Any regular or special meeting may be adjourned by a majority of the members of the Board present to a day and time prior to the next regular meeting.

A13003
§ A130-6 CARROLL COUNTY CODE
§ A130-7

- G. Place of meetings. All meetings shall be held in the Carroll County Governmental Center, Hillsville, Virginia, unless a different meeting place shall have been established and notice published as required by the Code of Virginia 1950, as amended. **[Amended 1-9-1984]**
- H. Open meetings. All meetings shall be open to the public, provided that the Board may, for purposes provided for in the Virginia Freedom of Information Act, upon motion made, seconded and duly adopted, meet in executive session. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in an executive or closed meeting shall become effective unless following such meeting the Board reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, order, regulation or motion.

§ A130-7. Quorum; actions of Board

- A. Quorum. A majority of all the members of the Board shall constitute a quorum. The Chairman shall be included and counted in determining the presence or absence of a quorum.
- B. Required absence. No action shall be taken by the Board unless there shall be present at least a quorum; provided, however, that the temporary absence from the meeting room or members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations of the discussion of matters submitted to the Board. The Clerk or County Administrator shall suggest the absence of a quorum prior to the taking of any action by the Board. Failure of the Clerk, the County Administrator or any other member to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as prerequisite to any action.

- C. Actions of the Board. Actions of the Board shall be taken in one (1) of the following ways:
 - (1) Ordinances. Where required by law, action shall be by the adoption of ordinances. Ordinances shall be proposed for adoption, notice given and adoption accomplished as provided for by general law.

A13004

§ A130-7 BOARD OF SUPERVISORS RULES OF PROCEDURE
§ A130-7

- (2) Resolutions. Where it is not required by law or desired by the Board to act by the adoption of an ordinance, action may be taken by the adoption of a resolution.
 - (3) Orders. Where action of the Board is required on a matter simply stated, action may be taken by motion that shall be recorded as an order of the Board.
- D. Voting. Votes shall be taken on all motions made and seconded. However, a vote must be taken if the question is called even if a motion has not been seconded.
- E. Roll call vote. A roll call vote shall be taken at the request of any member when such a request is made. A roll call vote shall be taken on the final vote on any ordinance or resolution.
- F. Restating the question. The Chairman shall restate the question prior to the taking a vote; provided, however, that he may request that another member restate the question if, in his opinion, there is a necessity for clarification.
- G. Unanimous consent. Where no formal action is required and no objection is heard, the Board may direct and advise the County Administrator by unanimous consent. If there is an objection or difference of opinion, however, the matter shall be presented for formal action.
- H. Tie votes. When a tie vote occurs:

Board member shall be entitled to unrestricted use of time for such purposes as each member may deem appropriate.

- F. Informational matters. The County Administrator shall schedule a time on the agenda to present explanatory and informational items to the Board that do not require action. This shall consist of such items as mail, reports, financial reports, etc.
- G. Order on agenda. The Chairman, in consultation with the County Administrator, shall establish the order of the agenda, taking into account the need for staff or other presentations and probable public interest, in order to maximize convenience to the public and minimize adverse impact on the performance of normal staff functions, insofar as it is practicable.
- H. Minutes. The Clerk shall keep the minutes of the meetings of the Board.
- I. Approval of minutes. The Clerk shall prepare the minutes for distribution to the Board on or before the Friday preceding the meeting at which its approval will be on the agenda. Approval of the minutes

A13006

§ A130-8 BOARD OF SUPERVISORS RULES OF PROCEDURE
§ A130-9

shall be the first item on each agenda, following the invocation, and shall be approved, or corrected and approved, without reading.

§ A130-9. Conduct of business

- A. Persons addressing the Board. These persons shall limit their presentations to the time allocated by the County Administrator on the agenda, unless the Board extends such time. The County Administrator, in fixing such time, shall take into account the complexity of the matter, its importance in relation to other business of the Board and the time available on the meeting date sought.
- B. Recognition. Recognition shall be given only by the presiding officer. No person shall address the Board without having first been recognized. When all public testimony has concluded and

§ A130-10. Decorum

- A. Decorum of Board members shall be maintained in order to expedite disposition of the business before the Board. Questions and remarks shall be limited to those relevant to the pending business. Members shall not converse with other members or with other persons in any manner having a disturbing effect on the conduct of business.

- B. Decorum of other persons.
 - (1) Decorum of other persons shall be maintained by the Chair, who may request such assistance as to him appears necessary.

 - (2) Persons addressing the Board shall limit their remarks to those relevant to the pending items and to answering questions. They shall address the Board as a whole, unless answering an individual member's questions. The presiding officer shall call the speaker to order; if out-of-order remarks or other indecorous conduct persists, the presiding officer shall order the speaker from the room. The order with gavel, if not heeded, will then cause the Sheriff to carry out the order. A person whose allotted time to speak has expired shall be warned by the presiding officer to conclude in one (1) minute, after which such person shall cease his presentation, unless he is asked to remain to answer questions from the Board.

A13008

§ A130-10 BOARD OF SUPERVISORS RULES OF PROCEDURE §
A130-12

- (3) No persons in attendance shall be allowed to voice remarks except as recognized by the presiding officer after audibly stating their names and who they represent.

- (4) Groups in the audience creating an atmosphere detrimental or disturbing the conduct of the meeting will be asked to leave by the presiding officer.

- (5) No person shall bring into the Board room any sign, banner or other such item, provided that models, photos, maps, charts, drawings and other such

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demonstrative materials intended for use in a presentation by a specific person shall be permitted.

§ A130-11. Amendment or suspension of rules

- A. Amendment of the rules may be accomplished by a majority vote of the membership. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.
- B. Suspension of the rules may occur whenever the Board shall, by majority vote, adopt a motion to suspend the rules. In such event, the rules shall be deemed suspended only with respect to the specific matter or question not then in accord with the rules.

§ A130-12. Items not addressed by rules. [Added 1-9-1984]

Any item not addressed by these rules of procedure shall be dealt with according to Robert's Rules of Order for small groups.

A13009

ADMINISTRATOR'S TIME

Mr. Larowe told that he appreciated Mr. Spencer's presentation and told that they have been working with Grayson County doing the same things Mr. Spencer has discussed. He told that BRCEDA went to Richmond and met with many agencies that work with funding and much of the visits were centered around workforce development. He told that the Legislative Dinner is November 25th at 6:00 at Crossroads and the Boards, City Council, School Boards as well as Senator Wampler, Senator Reynolds, Delegate Carrico, and Delegate Kilgore will be attending. He told that there will be a visit to the Lee County Prison on November 19th. Mr. Larowe discussed the Committee Appointment vacancies that are listed in Section F. He discussed the Jerry W. Davis award and told that BRCEDA had received \$10,000 for this award. He told that the County is working with Ivanhoe Fire Department about working on the recreation park. He told that Board had money budgeted for high speed internet and told that broadband was needed at Wildwood. He told that it can be done for about \$15,000.

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Mr. Larrowe told that the County is working with Rural Development on grading and paving at the Farmers Market. He commended those who attended the VACO meeting and told that Mr. Hutchins was presented with a Certificate of Graduation for the Certified Supervisor Program. He told that the County had received a letter from DCR stating that the County is still out of compliance with E&S. He told that the Carter Foundation has invited the Board for brunch on December 8th.

(Order)

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

Upon motion by Mr. Hurst, seconded by Mr. Hutchins, and passed unanimously, the Board convened a Closed Session at 6:15 p.m. to 7:13 p.m. for the discussion of personnel, for the discussion of the disposition of real estate where public discussion would be detrimental to the County's position, for the discussion of a prospective business or industry 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 pertaining to threatened or pending litigation as authorized by Virginia Code Section 2.2-3711(A1, A3, A5, A7).

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

(Order)

CERTIFICATION OF CLOSED SESSION

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

WHEREAS, the Carroll County Board of Supervisors convened a Closed Session 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 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.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

PLANNING COMMISSION JOINT PUBLIC HEARING

The Planning Commission was called to order by Larry Chambers with all members present.

Mr. Cornwell discussed that the subdivision ordinance did not contain a provision to allow for cluster developments.

Mr. Hutchins asked if density could be increased.

Mr. Cornwell told that the number was put on the table by the developer and the developers will build based on the standards in the ordinance.

Mr. McMillian asked if topography would come into play.

Mr. Cornwell told that there is nothing in the provision covering this but the Planning Commission could allow for more units on part of the development and less on the others.

The Public Hearing was Opened at 7:28 p.m.

Mr. Brad Dalton thanked the Board and the Planning Commission for working on this issue and told that it is important for the future of the County. He told that the County will see an increased desire for PUD and there will be a market for more affordable homes. He suggested that the density should be the state average of 5 units per acre and told that he appreciated the roads not

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having to be 100% VDOT. He told that he hoped this will allow responsible developers to develop.

Ms. Janet Tate told that there is a lot to like about clustering. She told that they are not drilling wells or having septic systems and they do have open space. She suggested that there be a minimum acreage listed for open space rather than a percentage.

With no one else to speak, the Public Hearing was Closed at 7:35 p.m.

Mr. McMillian told that a homeowners association can be good but there are some that do not deliver for the homeowners. He suggested a bond for the Home Owners Association.

Mr. Cornwell told that there are court proceedings that citizens can take if the Home Owners Associations do not deliver.

Mr. Hutchins asked if they could be bonded.

Mr. Cornwell asked what the amount was that they were thinking.

Mr. McMillian told that they could establish a formula for a reserve type bond.

Mr. Cornwell told that the County might need to adopt a separate ordinance for the Home Owners Association and stated he will look to see if there are any State standards. He told that the Home Owners Association is only as good as the agreement that establishes it.

Dr. Littrell told that at VACO they discussed the open spaces and green spaces and it makes land more valuable in the future. He told that he agrees with Ms. Tate that the minimum acreage might have merit.

(Order)

PLANNING COMMISSION APPROVAL OF CLUSTERING

Upon motion by Mr. Joey Dickson, seconded by Mr. Rex Hill, and passed unanimously, the Planning Commission approved the Clustering Ordinance.

(Order)

APPROVAL OF CLUSTERING ORDINANCE

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Upon motion by Mr. Hutchins, seconded by Mr. Hurst, and passed unanimously, the Board adopted the Clustering Ordinance with 15% open space or a 2 acre minimum effective immediately.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

Mr. Dalton told that Ms. Tate makes an excellent point but with a 7 acre parcel and a 2 acre minimum it would be difficult to develop.

Mr. Hutchins told that typically cluster developments are found where they have green or open space like around a golf course so they can use the other land to get more for the land being developed.

PUBLIC HEARING – PERFORMANCE AGREEMENT

Mr. Cornwell told that the subdivision ordinance requires posting a bond for the completion of improvements. He told that the bond is to be released in part as improvements are constructed and this is in the Code of Virginia.

Mr. Hutchins asked what the current ordinance requires.

Mr. Cornwell told that it requires posting a bond.

The public hearing was Opened at 7:51 p.m.

With no one to speak the Public Hearing was Closed at 7:52 p.m.

Mr. Hutchins asked how long this has been the law.

Mr. Cornwell told that it was put in the Code in 1950.

(Order)

PLANNING COMMISSION APPROVAL OF PERFORMANCE AGREEMENT

Upon motion by Ms. Shelby Puckett, seconded by Ms. Margaret Leggett, and passed unanimously, the Planning Commission approved the Performance Agreement effective January 1, 2009.

(Order)

APPROVAL OF PERFORMANCE AGREEMENT

Upon motion by Mr. Hurst, seconded by Dr. Littrell, and passed unanimously, the Board approved the Performance Agreement effective January 1, 2009.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

(Order)

PLANNING COMMISSION ADJOURNMENT

Upon motion by Ms. Margaret Leggett, seconded by Mr. Namon Strickland and passed unanimously, the Planning Commission adjourned.

(Order)

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

Upon motion by Mr. Hutchins, seconded by Dr. Littrell, and passed unanimously, the Board convened a Closed Session at 6:15 p.m. to 7:13 p.m. for the discussion of personnel, for the discussion of the disposition of real estate where public discussion would be detrimental to the County's position, for the discussion of a prospective business or industry 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 pertaining to threatened or pending litigation as authorized by Virginia Code Section 2.2-3711(A1, A3, A5, A7).

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

(Order)

CERTIFICATION OF CLOSED SESSION

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

WHEREAS, the Carroll County Board of Supervisors convened a Closed Session 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;

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VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

(Order)

AUTHORIZE PUBLIC HEARING – NUISANCE ORDINANCE

Upon motion by Mr. Hutchins, seconded by Dr. Littrell, and passed unanimously, the Board authorized holding a Public Hearing on December 8th at 5:30 p.m. regarding the proposed Nuisance Ordinance.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes

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Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

(Order)

AUTHORIZATION FOR ADVERTISING FOR ASSISTANT ADMINISTRATOR

Upon motion by Mr. Jackson, seconded by Mr. McMillian, and passed unanimously, the Board approved to advertise for an Assistant Administrator.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

Mr. Hutchins told that the Assistant Administrator has been the Executive Director of the PSA and he will remain the Assistant Administrator with lesser duties and the additional person will take up the slack.

Mr. Dickson notified the press that the Board will be having a social on December 10 at 6:00 p.m. at the Depot in Dobson.

(Order)

AUTHORIZE PUBLIC HEARING – NOISE ORDINANCE

Upon motion by Mr. Hutchins, seconded by Dr. Littrell, and passed unanimously, the Board authorized holding a Public Hearing on December 8th at 5:30 p.m. regarding the proposed Noise Ordinance.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	Yes
Dr. Littrell	Yes
Mr. McMillian	Yes

SUPERVISOR'S TIME

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Mr. Hurst thanked everyone for coming. He told that there were great aspects in the County and thanked Mr. Hutchins and Mr. Dickson for their work with the PSA and the Board of Supervisors. He told that the Board hears things that people express their opinions on and the Board does hear each account and determine what is best for the County. He asked the Board to accept Jeanette Dalton as the appointment for PSA to take effect on January 1, 2009.

Mr. Jackson told that he has known Ms. Dalton all of his life and told that Mr. Hurst has made a good choice. He told that the Board has made a lot of progress because of the Chairs and Mr. Larowe and Mr. Newman. He told that Tazewell County has done more than just add a prison and they have done more than Carroll County with less. He told that people were pulling in the right direction and they have made great strides. He thanked everyone for coming and told that last year Mr. Early had requested a Children at Play sign and that has not been found and asked the Board to approve it.

Mr. Hutchins thanked the citizens for the opportunity to attend the Supervisor Certification Classes. He told that the Board has made great strides in the County and told that networking is good. He thanked Mr. Jackson for his service on the Prison Committee and for working with EMS. He told that the VACO Conference was great and other places have the same problems that we do. He told that the agencies in Richmond seemed surprised with the visit and they learned that eye contact receives better reception than e-mails or phone calls.

Dr. Littrell told that he appreciated the opportunity to go to the VACO meeting. He told Carroll County does not have some of the problems that other counties do. He congratulated Mr. Hutchins on the completion of the Supervisors Training. He told that some localities approve their annual budget but only appropriate the first six months and then they review the revenues and expenses so they can adjust before they get into trouble. He told that he appreciated being appointed to the Regional Tourism Initiative Board and told that they have hired an Executive Director for the group. He told that he would keep the Board apprised of what the group is doing.

Mr. McMillian thanked everyone for coming and thanked the Planning Commission for working on the ordinance. He told that he enjoyed the VACO conference. He told that they learned a lot and he will be going back next year. He congratulated Mr. Hutchins and thanked Mr. Jackson for working on the prison study. He thanked the Board for their dedication and hard work. He told that he has had some discussions with Dan Swartz, a P. A. with Heart and Vascular, concerning a mobile unit in the county. He told that the Board should allow Mr. Roma to do research into bringing this to the County and working with EMS. He told that they have more capability than the typical EMS and would be in the County on predetermined dates. He told that this

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would help the citizens that don't have insurance and they provide the service at no cost and would not turn anyone away.

Mr. Larrowe told that the issue is between emergency and non-emergency care. He told that they would do due diligence and they will be checking with insurance providers, etc.

Mr. McMillian told that he feels like other PA's may follow suit and donate their time and if people do have insurance they could do billing from the unit. He told that the people at Epworth Church have asked if the unit could come on a Friday or Saturday. He told that Carroll County would own this vehicle and be on the same insurance as the other EMS units.

Mr. Dickson congratulated Mr. Hutchins and told that it was a pleasure to share with these gentlemen because they are always working on projects. He told that all of these things take time and people don't always realize the time given up such as on weekends. He told that Mr. Hutchins gave up time to do a complete course to get knowledge to help the Board and he didn't get any extra pay. He told that the only reason these gentlemen got on the Board was to do something good to help the County.

(Order)

ADJOURNMENT

Upon motion my Mr. Hutchins, seconded by Dr. Littrell, and passed unanimously, the Board adjourned at 8:57 p.m. until December 8, 2009 at 10:00 a.m. at the Carter Building.

W. S. "Sam" Dickson, Chairman

Ronald L. Newman, Assistant Clerk