

April 12, 2010

The Carroll County Board of Supervisors held their regular monthly meeting on, April 12, 2010 in the Board Meeting Room of the Carroll County Governmental Center.

Present were: Wesley G. Hurst  
Dr. Thomas W. Littrell  
David V. Hutchins  
W.S. "Sam" Dickson  
Andrew S. Jackson  
N. Manus McMillian  
Gary Larrowe, County Administrator  
Ronald L. Newman, Assistant Administrator  
Nikki Shank, Assistant Administrator

Mr. Hurst called the meeting to order at 4:04 p.m.

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

Upon motion by Mr. Jackson, seconded by Mr. McMillian, and passing, the Board convened a Closed Session for the discussion of personnel, disposition of real estate, prospective business, legal matter, as authorized by Virginia Code Section 2.2-3711(A1).

**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 passing, 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

Mr. Hurst thanked everyone for coming and told that he is sorry about the change in the location of the meeting. He asked Mr. Dickson to lead in prayer and pledge.

(Order)

**APPROVAL OF MINUTES**

Upon motion by Mr. Dickson, seconded by Mr. Jackson and passing, the Board approved the minutes of the meeting on March 8, March 10 and March 29, 2010 as previously distributed to the members of this Board.

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. Dickson, seconded by Mr. Jackson, and passed unanimously, the Board approved the payroll for March 2010 and did authorize the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 15<sup>th</sup> and 30<sup>th</sup> days of April 2010 of 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)

**LGIP CAPITAL PROJECT RESERVE**

Upon motion by Mr. Dickson, seconded by Mr. Jackson and passing, the Board approved to transfer the remaining balance from LGIP Capital Project Reserve to the General Fund Capital Projects to purchase capital items. When transfer is complete the account will be closed.

VOTES

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

(Order)

**LGIP DEBT SERVICE RESERVE**

Upon motion by Mr. Dickson, seconded by Mr. Jackson and passing, the Board approved to transfer the remaining balance of LGIP Debt Service Reserve to the General Fund Debt Service to be used to reduce outstanding debt. When transfer is complete the account will be closed.

VOTES

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

(Order)

**SCHOOL SYSTEM ADDITIONAL ALLOCATION**

Upon motion by Mr. Dickson, seconded by Mr. Jackson and passing, the Board approved an additional allocation in the amount of \$250,000 to assist with balancing the school budget.

VOTES

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

(Order)

**SPRING CLEAN UP**

Upon motion by Mr. Dickson, seconded by Mr. Jackson and passing, the Board approved the Spring Clean Up with funds from The Department of Environmental Quality.

VOTES

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

(Order)

**EMS ADDITIONAL ALLOCATION**

Upon motion by Mr. Dickson, seconded by Mr. Jackson and passing, the Board approved an additional allocation in the amount of \$7511.54 for an insurance payment for recovered costs.

VOTES

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

(Order)



**SCHOOL RESOLUTION**

Upon motion by Mr. Dickson, seconded by Mr. Jackson and passing, the Board approved the resolution below re-appropriating the remaining local funds of the school board.

Resolution to re-appropriate remaining local funds  
Of the Carroll County School Board  
From FY2010 to FY2011

WHEREAS, the current budget crisis in Virginia necessitates funding reductions to the Carroll County Schools in the fiscal year 2011 budget, and;

WHEREAS, the Carroll County Schools desire to have any cost savings in fiscal year 2010 re-appropriated to fiscal year 2011 to offset the budget reductions, and;

NOW THEREFORE, BE IT RESOLVED, that the Carroll County Board of Supervisors does approve the re-appropriation of any funds remaining in the Carroll County Schools fiscal year 2010 budget to fiscal year 2011. At such time as the total of the remaining funds is determined, the Carroll County Board of Supervisors will approve the re-appropriation to specific funds/line items.

This resolution is approved this 12<sup>th</sup> day of April, 2010.

VOTES

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

(Order)

**VDOT RECOGNITION**

Mr. Hurst told that all good things eventually come to an end and that we have had the privilege of having the VDOT residency office in the area. He told that they have always worked hard for the county. Mr. Hurst asked the representatives from VDOT to come forward and he presented them with a Certificate of Appreciation and thanked them for all the years of service. He told that he wished it was a lot more, but he hoped they would accept it.

Mr. Bob Beasley told that Dan Huff will be remaining to work on land development in this area.

Mr. Dan Huff told that all of the representatives that are here have in over 30 years of service. He told that they have a capable maintenance force that will continue to serve and they are still here to help however they can.

Mr. Beasley told that he appreciates the collaboration with the County and it is a tremendous time of change but they would still be in the field taking care of business.

Mr. Johnny Hurst told that he has enjoyed working with the County on the 6 year plan over the years.

**CITIZEN'S TIME**

Mr. Marty Goad told that he has addressed the Board a couple of months ago regarding Coy Fowler and the cannery and he was here to see if any thing had been decided.

Mr. Hurst told that we have some issues at hand regarding the cannery and they will continue to compile information. He told that a formal decision has not been made.

Mr. Goad told that if it wasn't for Mr. Fowler the cannery would not be there and he deserves it. He told that there are many citizens and supervisors who have left and they deserve recognition. He told that he feels like Mr. Fowler needs to be honored.

Ms. Janet Tate told that she couldn't make some of the meetings recently. She told that she did not want to blame anyone but there is no mention of the public hearing today or of the Planning Commission last Thursday. She told that when it is a more continuous topic it is posted everywhere.

#### **ROAD ABANDONMENT ISSUE**

Mr. Newman told that Ms. Richardson had contacted him about Road # 772 off of Little Vine and getting it abandoned. He told that it doesn't appear to be a public necessity and it looks like 4-wheelers and dirt bikes have been using it, but not staying on the road. He told that they have gotten off onto private property and put ruts in the road. He told that there are 4 or 5 landowners and they would like to see it abandoned. He told that the possible 5<sup>th</sup> landowner is the only one who has not signed off on it yet, but if the Board desires to move forward he will get in touch and have it signed. He told that they would have to post the property for 30 days so the Public Hearing would have to be in June.

#### **APPROVE PUBLIC HEARING**

Upon motion by Mr. Dickson, seconded by Mr. Hutchins and passing, the Board approved to hold a public hearing on June 14<sup>th</sup> regarding the abandonment of Road # 772.

#### **VOTES**

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

(Order)

#### **ADMINISTRATOR'S TIME**

Mr. Larrowe told that the Lease Agreement between the County and the landowners at Fancy Gap was ready. He told that the kiosk was paid for through grant dollars and it will be used in conjunction with the Blue Ridge Parkway 75<sup>th</sup> Anniversary. He told that we have been working with the Department of Ag on the Farmers Market Lease. He told that Mr. Newman will do a Comprehensive Plan update during the next meeting. Mr. Larrowe told that on the cannery we have been made aware of a potential grant and we are moving forward with it and we have a list of potential equipment. He told that there is also a grant for capital improvements at the Library and we could use it for what is already on our plan. He told that this would provide a significant savings to the community.

#### **APPROVAL OF LEASE AGREEMENT**



Upon motion by Mr. Jackson, seconded by Mr. McMillian and passing, the Board approved the Lease Agreement between the County and the land owners where the kiosk will be placed in Fancy Gap.

VOTES

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

(Order)

**APPROVAL TO ADVERTISE BUDGET WORKSESSION**

Upon motion by Mr. Hutchins, seconded by Mr. Jackson and passing, the Board approved to advertise for a budget work session and approval of the School Board Budget on April 26<sup>th</sup> at 7:00 p.m.

VOTES

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

(Order)

**PUBLIC HEARING – SUBDIVISION ORDINANCE**

Mr. Newman told that this is a joint Public Hearing with the Planning Commission. The Planning Commission was called to order. Mr. Newman told that the notice for this public hearing was advertised two times in the Gazette and it was also posted on the bulletin board and on the website. He told that there are several changes proposed the he reviewed each change.

Mr. Cornwell told that we started working on the ordinance back in 2000 and it took until 2009 to be amended. He told that all of the changes are policy issues for the Board to decide and he only had one concern which is the definition of a subdivision. He told that he understands the intent but the language does not mirror the intent. He told that the Clerk says that if it is not a subdivision then the County should not be involved in approving the plat. He told that this is a cause for concern in the interpretation and enforcement and his suggestion is to pull that one out and work on the wording before it is approved.

Mr. Newman asked if it was just the 2 sentences that need to be reworked.

Mr. Cornwell replied yes.

Mr. Newman asked if we would have to have another Public Hearing if we brought it back next month.

Mr. Cornwell replied yes. He told that this is how this process is suppose to work and he is glad to see it happening.

Ms. Honeycutt told that she had sent Mr. Newman a letter regarding a change in her office per the Attorney General's opinion. She told that there is no requirement for the sign off of a County Official for a meets and bounds.

Mr. Hurst asked if there were changes made would it require a signature.

Ms. Honeycutt told that it would if there were any changes made.

Mr. Dickson told that they were under the wrong impression.

Ms. Honeycutt told that this is a concern of a lot of Clerks and that is why the opinion was asked for. She told it would deal with a parcel that already has a tax map # and the person has to attest that it is not a subdivision.

Mr. Dickson stated that as long as it is not divided it doesn't matter. He told that they had been given the wrong information. He asked how many of these have been recorded since it went into effect in March.

Ms. Honeycutt told that she thought she had done one.

Mr. Cornwell told that he did not disagree with Ms. Honeycutt, but he is concerned about who decides if it is a plat of a subdivision and told that it would be better to review all plats to determine if they are a subdivision or not. He told that surveyors like it and they still bring plats to Mr. Newman. He told that since they are being recorded without approval we will still have to review them before the building permit can be issue so it will slow down the process. He told that the purpose of bringing this up is not to argue if Ms. Honeycutt is doing her job or not, it is to let everyone know that it will slow down the process.

Mr. McMillian asked what happens if someone brings in something that was surveyed in 1935.

Mr. Cornwell told that we only approve plats.

Mr. McMillian told that there is a double standard in there somewhere.

Mr. Cornwell told that we didn't write the State Statue and this is strictly on plats. He told that we offer this service and it they want to take us up on it that would be great.

Mr. Hurst opened the Public Hearing at 6:02 p.m.

Mr. John Lewis told that he is a land surveyor and the biggest problem in doing a survey boundary with an existing tax parcel is it has to go from the owners to Mr. Newman with a notarized signature and lots of surveys don't get recorded because of that. He told that it is clear on his plat as to if it is a subdivision or not and it should be up to the surveyors to make sure if it is a subdivision or not. He told that a surveyor can lose his license. He told that it is an inconvenience to the landowner. He told that Mr. Newman does not need to be going to check plats before the building permit is issued.

Ms. Tate told that she had seen the announcements for the Public Hearing but told that they need to be posted in the same place. She told that she did not agree with the proposed changes. She told that she doesn't mind housekeeping and told that we should ask banks about the requirements for loaning money on a house. She told that recommendations had been made that the Board didn't listen to and told that if we have another public hearing we should bring in a banking expert. She told wells should have flow requirements. She told that she knows the Board has a hard job

With no one else to speak, the Public Hearing was closed at 6:10 p.m.

Mr. Chambers told that the Planning Commission has no problems with what Mr. Cornwell said and told that is the reason for having the Public Hearing is to make it better.

Mr. Dickson told that he sees only one drawback which is Section 13.4 and if the Planning Commission is in agreement they can pass the rest of the changes.





