

December 7, 2009

The Carroll County Board of Supervisors held their regular monthly meeting on, December 7, 2009 in the Board Meeting Room of the Carroll County Governmental Center.

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

Mr. Hutchins called the meeting to order at 4:00 p.m. and lead the invocation. The JR ROTC presented the colors and lead in the pledge.

(Order)

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

Upon motion by Mr. McMillian, seconded by Mr. Hurst, 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. Jackson, seconded by Mr. Hurst, 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

(Order)

**APPROVAL OF MINUTES**

Upon motion by Mr. McMillian, seconded by Mr. Hurst and passing, the Board approved the minutes of the meeting on November 16, 2009 as previously distributed to the members of this Board by its Clerk 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. McMillian, seconded by Mr. Hurst, and passed unanimously, the Board approved the payroll for November 2009 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 December checks for the payment of salaries and wages for all County officials and employees as previously budgeted by the State Compensation Board and this Board of Supervisors.

VOTES

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

(Order)

**FIRE FUNDS**

Upon motion by Mr. McMillian, seconded by Mr. Hurst and passing, the Board approved an additional appropriation in the amount of \$72,824 to the Fire Funds line item for the grant award for the current fiscal year.

VOTES

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

(Order)

**PURCHASING MANUAL**

Upon motion by Mr. McMillian, seconded by Mr. Hurst and passing, the Board approved the Purchasing Manual effective on January 1, 2010.

VOTES

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

(Order)

**SCHOOL BOARD APPROPRIATION**

Upon motion by Mr. McMillian, seconded by Mr. Hurst and passing, the Board approved to appropriate funds received from grants to the following categories.

Title IV, Part B	\$172,920 to Instruction
Migrant Education Literary	\$7,191.78 to Other Educational Programs
Title I Distinguished Schools	\$16,976 to Other Educational Programs

VOTES

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

(Order)

**COMMONWEALTH ATTORNEY TRANSFER**

Upon motion by Mr. McMillian, seconded by Mr. Hurst and passing, the Board approved to transfer \$2,247.95 from asset forfeiture to other line items.

VOTES

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

(Order)

**PEARL HARBOR DAY**

Mr. Hutchins presented the Pearl Harbor Rememberance Day Proclamation.

Upon motion by Mr. Jackson, seconded by Mr. Hurst and passing, the Board adopted the following proclamation.

On December 7, 1941, fighters and bombers appeared above the skies of southern Oahu, and, without warning, commenced to attack the United States Pacific Fleet at Pearl Harbor. Caught by surprise, the brave individuals stationed there rushed into action to defend their ships, planes, base and comrades. The devastating aerial assault lasted two hours, killing 2,400 Americans and injuring many others.

Today, we remember with grateful hearts those who fought and those who died on that terrible Sunday morning. Their courageous sacrifices saved lives, and the stories of their unparalleled heroism galvanized our nation.

As Americans who enjoy the blessings of living in a free nation today, we owe a huge debt of gratitude to the brave men and women who defended Pearl Harbor as well as to all those who have answered duty's call in defense of our nation. I encourage all to pause

and pay their proper respects to our heroes in uniform, those who died at Pearl Harbor and those who lived to continue the fight for our country's freedom.

Now, therefore, be it resolved, that we the Carroll County Board of Supervisors do hereby proclaim December 7, 2009 as "Pearl Harbor Remembrance Day."

VOTES

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

(Order)

**PRESENTATION – MR. JACKSON**

Mr. Hutchins told that Mr. Jackson would like to address the Board as a citizen.

Mr. Jackson told that on remembrance of Pearl Harbor Day that he has the privilege of knowing one of the survivors who was from Carroll County. He told that 2010 begins the National Celebration of the Sequenial of the War between the States. He told that the Jubal Early SVC camp is in charge of Carroll County's preparation and with that the Camp has published it's second book. He told that the book includes the 1<sup>st</sup> men from Carroll County to march out to defend their land and tells what our ancestors sacrificed. He told that the celebration starts next year and he wanted to present each Board member with one of the books. He told that he also serves on the State Board for the Sequenial.

(Order)

**NUISANCE ORDINANCE**

Mr. Hutchins told that the Nuisance Ordinance is not a leash law and it does not deny the right of retrieval. He told that the Board did not set a public hearing for today so some of the citizens may have misinformation.

Upon motion by Mr. Hurst, seconded by Mr. Jackson and passing, the Board approved to hold a Public Hearing on January 11, 2010 on the proposed Nusiance Ordinance and that it will be posted on the website and a copy located in the Administrator's Office.

VOTES

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

(Order)

**CITIZEN'S TIME**

Susan Phipps told that she is in support of the trespassing ordinance. She told that she has a 3 year old and the neighbor's dog will not stay off of their property. She told that the dog tears up trash, growls, etc. She told that Mr. Woods is probably tired of her calling him and when he comes the neighbors always have an excuse and after he leaves they let the dogs back out. She told that she lives on Woodberry Lane and the folks are irresponsible and have no respect. She told that Mr. Woods has talked to them, but they just don't care. She told that she has to make sure that her child is up and her husband has been bitten and Mr. Woods is trying, but his hands are tied. She told that this needs to be done timely before someone gets hurt and it is a huge liability for the County for

personal and property damage. She told that she is just a concerned parent and if you are going to have dogs you need to keep them on your property.

Mr. Ray Cox told that he was born and raised in Carroll County and he has had a dog all his life. He told that we have laws on nuisance or aggressive dogs that have not been changed in years. He told that he had an aggressive dog once and the warden told him to keep it tied or he would come kill it. He asked if that law has changed and told that he didn't think it had.

Ms. Michelle Howell told that she is the one who got the nuisance ordinance brought to the Board because she has children who are in danger. She told that they have damaged her vehicle and carried trash into her yard and they have been told to clean it up by the county. She told that they have no regards to authority. She told that many people are here because of hunting dogs and that is not what she wants it for. She told that some people may take advantage of the ordinance but she has been told we can't do anything about a dog until it bites you. She told the Board that they keep dragging this along and keep holding Public Hearings and something bad is going to happen. She told that she is sorry if she stepped on anyone's toes but she is trying to protect her family and doesn't want to break the law.

Ms. Becky Rogers thanked the Board for the opportunity to speak. She told that she moved here six years ago and has a neighbor who is a dog breeder or at least she has a website. She told that they have had to get rid of their cattle, chickens and goats because the dogs chased them. She told that she has called Mr. Woods but it hasn't helped. She told that the dogs stay up all night barking and they have chased her up onto her porch and they have got a hold of one of her cats. She told that they make sure that their animals stay in their yard and the neighbors dogs don't have leashes on them and when they come there is about 20 of them and the issue is still unresolved. She told that she doesn't mind if they are hunting dogs because they are not going to chase the animals. Ms. Rogers told that she has called the Sheriff and was told that it is a fence out county and if people don't want animals in their yards they need to put up a fence. She told that the dogs go unattended to sometimes for up to five days. She asked what if the dogs killed one of the calves and to imagine if it was a toddler. She told that something needs to be done.

Mr. Steven Combs told that he is the President of the Professional Kennel Club and also of the Blue Ridge Youth Coon Hunters. He told that he had some facts to share that we may not be aware of. He told that the PKC can boost the economy because they hold 10 – 12 events each month. He told that each person usually spends around \$660 per event which adds up to between \$8000 and \$10000 per year. He told that in March of 2010 the Va. State Championship will be held here bringing in around \$20,000. He told that in August they host around 70-80 dogs and that brings in around \$30,000 so this is not what we should be doing to boost the economy. He told that 9 people in the county make all of their income from coon hunting and there are 27 youth who participate and he would rather them be hunting than out on the streets. He told that it encourages them to attend college and become better students because if they do not do good they are not allowed to participate. He told that half of the kids come from broken homes and they have given around \$15,000 in scholarships in the past 4 years. He told the Board that when they vote he hopes they have the same concerns that he does.

Mr. Mike Goldwasser told that he spoke last month about the lack of listening and the same people being members of the Board as the PSA and to bring more citizens into government to have better representation. He told that he saw something vindictive that evening and it is really unfortunate. He told that the ESB told the department to ask how they felt about Roger Hawthorne being reinstated and their vote was entirely disregarded. He told that he knows it is hard not to be in control but they need to accept what the ESB recommends. He told that last month the Board talked about delaying the reassessment for 2 years to save money so why don't they use the same logic on the Comprehensive Plan. He told that there is no reason to do the Comp Plan now and it could be delayed since it is not due to have a new one until 2012. He told that we should wait until the census data is released and there is no rush to begin the process. He told that the County is spending \$130,000 when there is no urgency and we need to wait and see what

happens with the annexation. He told that he would like to hear an explanation on why the Board is in a hurry.

Ms. Elizabeth Yon told that they have several dogs that run in the neighborhood and they have several that are not a problem. She told that two of them are very aggressive and she has been chased. She told that this is not an isolated instance that it is ongoing and she has talked with the Animal Control Officer and the Sheriff. She asked what happens if the dogs kill one of the chickens or her cat and told that she is worth more than a chicken.

Mr. Bruce Cruise told that the people who are talking are mainly concerned about vicious dogs. He told that he has a Doberman and it is nice, but he used to have a lassie dog that would kill other dogs. He told that we need to find a way to give Mr. Woods the power to do something about these dogs because if a dog bites one of his kids he is going to kill it and worry about the consequences later. He told that the hunting dogs don't hurt anything and we can't have people bring their hunting dogs into the county if the ordinance is passed because it would cause one big headache. He told the Board to give Mr. Woods the power to do something and the complaints are going to be overwhelming and keep Terry busy. He told that when dogs out smart people there is something wrong. He told that vicious dogs and hunting dogs are not the same thing.

Ms. Janet Tate told that she has been in this room a lot and she thinks when people speak they should identify themselves because some of the ones that have spoken in the past have been from out of State. She told that this is not an issue about hunting dogs and people should be able to feel safe on their property. She told that Terry does need some kind of ordinance and people should be responsible for their pets. She told that she is not against hunting and there was a case recently where horses got shot.

Mr. Jack McIntyre told that he has been trying to get up with Mr. McMillian for 3 months and he has even called his house and left a message. He told that he had to go through a Senator to get anything done. He told that he is tired of people drawing food stamps that don't work and was told that Social Service told him that the County is the one who sets the rules. He told that he has some people in his family that don't work and get food stamps and he doesn't like it and he bets the tax payers don't like it either. He told that Teresa Saunders from Social Services told him to talk to the County. He told Mr. McMillian to not worry about it now because he had it taken care of.

Mr. McMillian told that he is never home.

Mr. McIntyre told that he know that and told that we need a supervisor. He told that he met Mr. Jackson the other day and he seems like a nice person and that something needs to be done about the bums that don't work.

Ms. Debbie Goad told that she is from the Laurel Fork District and has some concerns about the dog ordinance. She told that she doesn't own a dog so she doesn't have a dog in the fight and this ordinance will overburden law enforcement when they already have to worry about burglary, murder and rape and it will also overburden the judicial system. She told that we have recourse for this and it's called civil court. She told that if she had a problem she would call the neighbor and if that didn't work she would send a certified letter then start taking pictures then get a civil warrant. She told that if the animal is vicious then we have a vicious dog ordinance. She told that Mr. Woods should be able to correct this. Ms. Goad told that you cannot legislate good neighbors but we need to use common sense and give Mr. Woods the authority to declare what is a nuisance.

Ms. Donna Perry told that she was misinformed about the public hearing but she agrees with Mr. Cruise. She told that she did not realize that Mr. Woods does not have the authority to deem dogs vicious. She told that in the ordinance we brought back the barking dogs and we just need to beef up the vicious dog ordinance. She told that it is the taxpayers who will be paying for this.

Mr. Woods read the State Code 3.2-6540. He told that a lot of the people he has spoken to are not willing to pursue with legal action.

Mr. McMillian asked if the dog actually has to bite someone before anything can be done.

Mr. Woods told that it has to be some type of contact.

Dr. Littrell asked if we can redefine it.

Mr. Larrowe told that we cannot supersede the State Code.

Mr. Woods told that you can keep a dangerous dog with special restrictions such as having insurance, a special kennel, etc.

Mr. Hutchins thanked Mr. Woods for the clarification.  
(Order)

### **RECREATION DEPARTMENT INTRODUCTION**

Mr. Larrowe told that it is a pleasure to introduce Mr. Curt Sumner, the new Recreation Director. He told that Mr. Sumner is an educator and draftsman. He told that many of the Recreation Commission members are present and we are glad to have Curt on board.

Mr. Sumner told that he has been involved in the Recreation Department for several years starting with a work study position. He thanked the Board for the position.

Mr. Hutchins recognized the Recreation Commission and told Mr. Sumner that we are glad to have him.

(Order)

### **IDA PRESENTATION**

Mr. Deck told that he was asked by the County Administrator to come and give an update on the IDA. Mr. Deck told that the IDA objectives were to acquire, own, lease and make loans and dispose of property as well as to promote community safety, health, convenience and prosperity. He told that they are working on job creation and trying to promote entrepreneurial culture. He told that they are currently working on automating the IDA accounting, increasing their capacity as far as Staff and also by adding the Business Advisory Council and working regionally with the SBDC and BRCEDA.

Mr. Deck told that during 2010 they will be working on revitalizing the Industrial Park, focusing on the development of exits and sponsoring the Farmer's Market. He told that the IDA appreciates the support of the Board and they look forward to working together in the future.

Mr. Hutchins told that marketing is critical and we need to have a better vision. He told that infrastructure is key to the exits. He told that the IDA is setting the ground for community involvement with the advisory council and the Comp Plan will also help us move forward.

Mr. Deck introduced all the members of the IDA.

Mr. Larrowe told that he has worked with the IDA for several years and they have done several amazing things. He told that he appreciates their work.

(Order)

### **REASSESSMENT**

Mr. Larrowe told that currently we are on a 4 year cycle for reassessment. He told that at the last meeting they were presented with 3 options and we need to choose one of those within the next month. Mr. Larrowe reviewed the three options.

Mr. Hurst told that he feels that it is advisable to go with postponing for one year. He told that hopefully we would have better economic indicators at that time.

Mr. Dickson told that he would rather stay with the 4 years, but he understood the advice from the Finance Committee

Dr. Littrell told that he always debates with himself. He told that the last time it assessed at the top of the property value. He told that in a normal cycle it would be closer to the actual value but at the same time it would mean less revenue unless we adjust the tax rate.

Upon motion by Mr. Hurst, seconded by Mr. Jackson and passing, the Board approved to extend the reassessment for one year.

VOTES

Mr. Jackson	Yes
Mr. Hurst	Yes
Mr. Hutchins	Yes
Mr. Dickson	No
Dr. Littrell	No
Mr. McMillian	Yes

(Order)

**COMMITTEE APPOINTMENTS**

Mr. Larrowe told that we have several appointments that need to be made today.

Upon motion by Mr. Dickson, seconded by Dr. Littrell and passing, the Board approved the following appointments.

RC&D	Bob Martin
Mt. Rogers Community Health	Lindsay Honeycutt
CPMT	Nikki Shank
NRMWI	David Hutchins

VOTES

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

(Order)

**SOCIAL SERVICES APPOINTMENT**

Upon motion by Mr. Jackson, seconded by Mr. Dickson and passing, the Board appointed Joyce Bunn to the Social Services Board.

VOTES

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

(Order)

**ADMINISTRATOR’S TIME**

Mr. Larrowe told that Jim Whitten is now a Master Building Official. He told that there are only 2 in Southwest Virginia so this is a huge accomplishment. He told that we are working with Rural Development to explore the possibilities of upgrading the cannery. He told that Mr. Deck is also working with the Farmers Market and we have some opportunities coming up. He told that the Comprehensive Plan meetings will begin in January. Mr. Larrowe went over the upcoming meetings and told that we would be having a sewer test tomorrow to try to find leaks. He told that our Organizational Meeting will be held on January 4<sup>th</sup> at 8:30 a.m.

(Order)

**ENHANCED VRS MULTIPLIER**

Mr. Larrowe told that he has had a request from the Sheriff to use the multiplier on VRS.

Mr. Hutchins asked Ms. Smith her feelings on this.

Ms. Smith told that we have received calculations from the Sheriff and they will be paying the difference with monies brought in from activities on I77.

Mr. Hutchins made mention that this does not increase the burden on the county or the budget.

Upon motion by Mr. Jackson, seconded by Mr. Hurst and passing, the Board approved the VRS multiplier for the Sheriff’s Office.

**VOTES**

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

(Order)

**SUPERVISOR’S TIME**

Mr. McMillian told that he appreciates everyone coming out and voicing their opinion and also for the Color Guard coming. He told that he had a family member who was taken prisoner during Pearl Harbor. He told everyone Merry Christmas and to remember that when your plate is full there is someone not far away who is hungry.

Mr. Jackson told that this has been a great year and they have went through some trials and tribulation and survived. He told that it is an honor to work with the Board. He told that he got to see Mr. Griffith who was in Pearl Harbor recently. He told that we have made progress for the Sheriff’s Department with the multiplier. He told that the State gives it but it is up to the locality to approve it. He told that it is not politically correct but Merry Christmas and God Bless.

Mr. Dickson told that it has been a good year. He thanked Mr. Jackson for the book. He told that the Tree Lighting was wonderful and everyone had a good time and the tree was already decorated with snow. He thanked the citizens who come out to see what the Board does. Mr. Dickson wished everyone a Merry Christmas.

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Mr. Hurst thanked everyone for coming and told that it is good to see a large turnout. He told that being involved makes a better community. Mr. Hurst told that last month we honored Jack McGrady and he was touch and it reminds him of the Carroll Christmas Fund. He thanked all the people who help out with the CCF. He told that it has been a good day for the County and he looks forward to the New Year.

Dr. Littrell welcomed Gary back from his mission trip. He told that today has been a presentation of democracy and all of the citizens were courteous when they spoke. He told that some people think that the Board does not listen, but they do. He asked if the County Attorney could add a supplement to the viscous dog ordinance because most of the people who spoke talked about dangerous dogs instead of trespassing. He told that he has been to Pearl Harbor and it was very interesting. He told that you can still see oil coming up to the top of the water and it is something that we never need to forget. He wished everyone a Merry Christmas.

Mr. Larowe wished everyone a Merry Christmas.

Mr. Hutchins reminded everyone of the event at the Farmer's Market this weekend on December 12<sup>th</sup> and told that they would have caroling, food and crafts and admission is free. He told that it has been a good year and he is unsure if Virginia is on the upswing but they have tried to position the County to survive the best they can. He told that the Board pays taxes like everyone les.

(Order)

### **SUBDIVISION ORDINANCE**

Mr. McMillian told that he has received several phone calls concerning the ordinance. He told that when it went in place they said they would wait one year before making changes and he asked Mr. Newman if there are any reoccurring concerns that can't wait.

Mr. Newman told that the greatest concern is regarding the large lots. He told that he sees this frequently when land is being divided between 2 siblings and they are having to get it perked even though it is all field or woods. He told that most are coming from citizens who are not looking to develop they just want to divide the land.

Mr. McMillian asked if the surveyors understand the ordinance.

Mr. Newman told that most of them have a good grasp on it and they stay in contact with him.

Mr. McMillian told that we do not have a perfect ordinance and asked Mr. Newman to go to the Planning Commission and have them address the issue and bring back a recommendation. He told that if there is a problem, it needs to be fixed.

Mr. Hutchins asked if he could bring back the recommendation in February and maybe invite the surveyors to a training.

Mr. Newman told that he has been working with the Health Department on doing a training as a joint effort.

(Order)

### **ADJOURNMENT**

Upon motion by Mr. Jackson, seconded by Dr. Littrell and passing, the Board adjourned until January 4, 2010 at 8:30 a.m.

#### **VOTES**

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

December 7, 2009

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

(Order)

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David Hutchins, Chairman

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Gary Larrowe, Clerk