

September 13, 2010

The Carroll County Board of Supervisors held their regular monthly meeting on, September 13, 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
Nikki Shank, Assistant Administrator
Ronald L. Newman, 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, A6, A7)

Upon motion by Mr. Jackson, seconded by Mr. Hutchins, and passing, the Board convened a Closed Session for the discussion of personnel, disposition of real estate, prospective business, investments, 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;

September 13, 2010

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)

Mr. Hurst lead in invocation and pledge.

APPROVAL OF MINUTES

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved the minutes of the meeting on August 9, 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. Hutchins, seconded by Dr. Littrell, and passed unanimously, the Board approved the payroll for September 2010 and did authorize the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 15th and 30th days of October 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)

PERSONAL PROPERTY TAX RELIEF PROGRAM ORDINANCE

Upon motion by Mr. Hutchins seconded by Dr. Littrell and passing, the Board approved the Personal Property Tax Relief Program Ordinance below.

CARROLL COUNTY BOARD OF SUPERVISORS

CARROLL COUNTY, VIRGINIA

Resolution

At a regular meeting of the Carroll County Board of Supervisors held in the Board Room, Carroll Governmental Center, Hillsville, Virginia on the 13th day of September, 2010.

—
Present For Against Absent
Wesley G. Hurst
Dr. Thomas W. Littrell
W. S. „Sam“ Dickson
David V. Hutchins
Andrew Sanford Jackson
N. Manus McMillian

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

NOW THEREFORE BE IT RESOLVED by the Carroll County Board of Supervisors that: Qualifying vehicles obtaining situs within the County during tax year 2010, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 51.92% tax relief;

September 13, 2010

- Personal use vehicles valued at \$20,001 or more shall only receive 51.92% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
- In accordance with Item 503.D.1., the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed „non-qualifying” for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

VOTES

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

(Order)

SHERIFF’S OFFICE ADDITIONAL APPROPRIATION

Upon motion by Mr. Hutchins seconded by Dr. Littrell and passing, the Board approved and additional appropriation in the amount of \$2956.08 that was received as recovered costs.

VOTES

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

(Order)

BAIL OUT

Dr. Littrell asked about the bail out. He told that they are requesting us to begin the process and he is not sure what that means.

Mr. Cornwell told that Virginia is under the voting rights act and all changes including polling places, times, etc. have to be approved. He told that this is the process of where the jurisdiction can ask to bail out and file a petition with the US District Court in DC.

September 13, 2010

He told that they are packaging several jurisdictions together to keep down the cost. He told that if this is approved they would advise the electoral board of what information needs to be submitted.

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved to move forward on the bail out process for Carroll County.

VOTES

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

(Order)

PAYDAY LENDERS RESOLUTION

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approve the Payday Lenders Resolution below.

RESOLUTION
OF
THE CARROLL COUNTY BOARD OF SUPERVISORS
SEEKING ACTION BY THE GENERAL ASSEMBLY
AND GOVERNOR TO PROHIBIT ALL PREDATORY, USURIOUS
LENDING PRACTICES IN TH COMMONWEALTH OF VIRGINIA

WHEREAS, the Carroll County Board of Supervisors represents the citizens of Carroll County Virginia; and

WHEREAS, the Carroll County Board of Supervisors believes the citizens of Carroll County remain concerned over what are perceived to be predatory, usurious lending practices in Carroll County and elsewhere in the Commonwealth, including practices that can exploit dedicated, brave women and men called to serve in the United States armed services; and

WHERAS, the Carroll County Board of Supervisors shares these continuing concerns and intends through this Resolution to express the collective sentiments and will of Staunton citizens that the General Assembly and Governor of Virginia need to take action to prohibit all predatory, usurious lending practices; and

WHEREAS, it is essential that the General Assembly and the Governor of Virginia address this matter as a high priority at the next legislative session, leading to enactment

September 13, 2010

of laws strictly prohibiting and deterring all predatory, usurious lending practices in the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that , at the next legislative session, the General Assembly and the Governor of the Commonwealth of Virginia are hereby requested to enact laws strictly prohibiting an deterring all predatory, usurious lending practices, including but not limited to provisions that would:

1. Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia;
2. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; and
3. Incorporate into Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

VOTES

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

(Order)

FALL MEETING SCHEDULE

Mr. Larowe told that we need to change one date of the fall meeting schedule due to the Commission of Local Government Meeting on November 15th. He told that the November meeting will be held on November 11th.

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved the fall meeting schedule below.

BOS/PSA Fall Meeting Schedule

September 13th PSA & BOS Meeting
October 12th PSA & BOS Meeting
November 7 – 9th VA Association of Counties Meeting *
November 11th PSA & BOS Meeting
December 14th PSA & BOS Meeting
January 3rd Organizational Meeting

* Annual meeting of VACO is held each year where a majority of the Carroll County Board of Supervisors Members attend. Public Notice is given that public business may be discussed

September 13, 2010

and conducted during this time. The media and public are welcome to register with VACO and attend the meetings.

Unless otherwise posted, the regular meetings start at 4:00 pm with a Closed Session and Public Meetings start at 5:00 pm in the Board of Supervisors Meeting Room on the second Floor of the Carroll County Governmental Center at 605-1 Pine Street, Hillsville, VA 24343.

For more information, please call (276) 730-3001 or e-mail CAdams@CarrollCountyVA.org

VOTES

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

(Order)

RECREATION LINE ITEM TRANSFER

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved to transfer \$11,431.01 from Board Reserve to Parks – Youth Teams. The success of the youth baseball teams provided the opportunity for Carroll Youth to attend State Tournaments. The cost of travel, etc. will be supplemented by the use of these funds.

VOTES

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

(Order)

DROUGHT AND HEAT STRESS RESOLUTION

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved the resolution below regarding drought and heat stress in Carroll County.

Mr. McMillian asked if we had any estimated losses.

Mr. Larowe responded that we do not and this resolution will allow for the possibility of low interest loans. He told that he has never been aware of money being give out.

September 13, 2010

VOTES

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

(Order)

HAZMAT RESOLUTION

Mr. Dickson asked what the changes were on the Hazmat Plan.

Mr. Larrowe told that this would be updated on a regular basis to include people, addresses, etc. He told that this plan will be held by the Emergency Service Director.

Mr. Dickson asked if the State has to approve the plan.

Mr. Larrowe told that the State has been involved in the process of the completion of the plan.

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved the Hazmat Resolution.

CARROLL COUNTY
RESOLUTION
HAZMAT PLAN

WHEREAS the Board of Supervisors of Carroll County, Virginia recognizes the need to prepare for, respond to Hazmat incident: and

WHEREAS CARROLL COUNTY has a responsibility to provide for the safety and well being of its citizens and visitors: and

NOW, THEREFORE. BE IT RESOLVED by the Board of Supervisors of Carroll County Virginia, this Hazmat Plan is officially adopted.

VOTES

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

September 13, 2010

(Order)

SCHOOL CAPITAL PROJECTS FUND

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved the creation of a School Capital Projects Fund for the intention of School Expansion and Renovation.

VOTES

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

(Order)

FIRE PREVENTION WEEK RESOLUTION

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approve the resolution below regarding Fire Prevention Week.

FIRE PREVENTION WEEK
RESOLUTION

WHEREAS, the County of Carroll is committed to ensuring the safety and security of all those living in and visiting our county; and
WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk to fire; and
WHEREAS, nearly 3,000 people die each year as a result of home fires; and
WHEREAS, roughly two-thirds of home fire deaths resulted from home fires in which no smoke alarms or no working smoke alarms were present; and
WHEREAS, working smoke alarms cut the chance of dying in a reported fire in half; and
WHEREAS, the National Fire Protection Association recommends at least one smoke alarm on every level of the home (including the basement) outside all sleeping areas, and in all bedrooms; and
WHEREAS, informing the public about the importance of smoke alarm installation and maintenance serves an essential step toward increasing the public's safety from home fires; and
WHEREAS, Carroll County's first responders are dedicated to reducing the occurrence of home fire deaths and injuries through prevention and proper education; and
WHEREAS, Carroll County's residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes; and
WHEREAS, the Fire Prevention Week 2010, October 3-9 theme, "Smoke Alarms: A Sound You Can Live With!" actively works to motivate Carroll County residents to implement smoke alarm recommendations in their homes;

September 13, 2010

THEREFORE, the Carroll County Board of Supervisors, do hereby proclaim October 3-9, 2010 as Fire Prevention Week throughout this county, and I urge all people of Carroll County to protect their homes and families by heeding the potentially life-saving messages of Fire Prevention Week 2010, and to support the many activities and efforts of Carroll County's fire and emergency services.

VOTES

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

(Order)

BREAST CANCER AWARENESS MONTH PROCLAMATION

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved the Breast Cancer Awareness Month Proclamation below.

National Breast Cancer Awareness Month educates women about the importance of early detection for breast cancer. Since NBCAM's inception, mammography use has doubled and breast cancer death rates have declined. Still, many women do not utilize mammography at regular intervals. In recognition of the fact that mammography is the best available method of detecting breast changes that may be cancer, long before physical symptoms can be seen or felt, and that breast cancer deaths could decline further if all women age 40 and older received mammograms at regular intervals, we, the Carroll County Board of Supervisors, do hereby proclaim October as Breast Cancer Awareness Month. We urge all women and their families in Carroll County to get the facts about mammography.

VOTES

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

(Order)

SHERIFF'S OFFICE ADDITIONAL APPROPRIATION

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved an additional appropriation in the amount of \$54,535 to the salary line item to pay overtime expenses for the Sheriff's Highway Safety Program. There is a designated fund balance of \$209,337.84 for this program.

September 13, 2010

VOTES

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

(Order)

SURPLUS ITEMS

Mr. Dickson asked how the surplus items were being sold.

Mr. Larowe told that they will be included in the October sale that the School Board has.

Upon motion by Mr. Hutchins, seconded by Dr. Littrell and passing, the Board approved to surplus the items listed below.

Surplus Auction Items

**Carroll County Board of Supervisors
September 2, 2010**

Items	Quantity
Wood Desk	6
Printers	4
Battery Backups	2
Hard drives	2
Computer Monitors	5
Computer Keyboards	8
Computer Mouse	6
Fax Machine	2
Copy Machines	7
Calculator	2
Computer Speakers	2
Metal Desk	5
Window Unit (AC)	2
Automatic Pencil Sharpener	1
AM-FM Radio	1
Scanner	1
Chairs	8
Tire Machine	1
Type writer	1
VCR	1

September 13, 2010

Television	1
Two Drawer Cabinet	1
Finger Printer	1
Metal Shelf	1
Wooden Coffee Table	1
Desk Top Compartment	1
Mirror	1
Food Cooler Cabinet	1
Commercial Oven	1
Phone	1
Wooden Table	1
Window Unit AC	2
Wooden End Table	2
Food Mixer	1
Six Drawer Compartment	1
Crash Truck Body	1

VEHICLES

2003 Ford Ambulance 4X4 (7.3 Power stroke diesel) **ID#1FDXE45FX3HB83669**

2002 Ford Crown Victoria **ID# 2FAFP71WX2X126561**

VOTES

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

(Order)

EMERGENCY SERVICES DIRECTOR

Mr. Larrowe introduced James M. "Mike" Mock, Jr. from Pawley Island, SC started as the new Carroll County Director of Emergency Services on September 7th. Mike comes to us with extensive experience in both paid and volunteer settings and in both fire and rescue. He has been a Director of Emergency Services prior to his retirement in SC and was responsible for over a 150 member paid staff as well as 170 volunteers with a budget of \$7.9 million. He has extensive experience in employee mgt. and working with volunteers. According to his exemplary references, he can take both paid and volunteer to the same place of serving the citizens together. He has worked with HAZMAT, FEMA, and has worked with the International City/County Mgt. Association on the performance measures program. He assisted in constructing and implementing the 911 center and coordinated the new radio system for interoperability. Mike has been a Fire Chief and a Volunteer Fireman and remains a Rescue Squad member. He has a Technical degree in Fire Science and a Lifetime member of Midway Fire/Rescue, SC. He is in the SC Hall of Fame and has served as the State Vice President, Southeastern Division Board, International Association of Fire Chiefs as well as serving in leadership roles for many other organizations.

September 13, 2010

Mike will be taking the reins from Emergency Services Director, Joe Roma who has served Carroll County for 5 years after retirement from Florida. Joe has worked to develop the Carroll County Emergency Services into the professional organization it is today. He has dedicated many long and hard hours of incident command on many tragic events in Carroll and developed a rapport with the surrounding communities. As a result, Carroll has Mutual Aide agreements with every community that touches Carroll. Joe will continue to serve along side of Mike until the end of the month so as to assist in a smooth transition.

WILDWOOD PROJECT PARTICIPATION AGREEMENT

Mr. Hurst told that they had received memos on this are they are all up to speed on it. He told that he would entertain a motion to move forward.

Mr. Hutchins asked if Mr. Larrowe could explain the agreements since there was no public hearing.

Mr. Larrowe told that this is concerning the Wildwood Commerce Park and the land that is already owned by BRCEDA. He told that people are using this project as a model statewide. He told that the particulars are City of Galax, Grayson and Carroll would share in the cost on a 1/3 each scale and they will also share on a 1/3 each scale the revenues on the tax base that this will bring in. He told that he has a map if anyone would like to see.

Mr. Hutchins told that the localities would be sharing and told that we have worked hard for the support of others so they will sign on and Carroll will not be bearing the entire cost.

Mr. Larrowe told that we already have \$1 million from the Tobacco Commission and have applied for several more grants. He told that there is already sewer in place and all they need is water and an access road. He told that this property is very attractive. He told that this will allow Carroll to have this and only pay 1/3 of the cost.

Mr. Hutchins asked about the long term payments.

Mr. Larrowe told that it will be less than \$100,000 per year and that is if no projects are brought to the site.

Mr. Hutchins told that we are getting a large piece of real estate for a low cost.

Mr. Larrowe told that there are some VEDP Projects to be funded in Southwest Virginia and they are hoping to be one of those.

Upon motion by Mr. McMillian, seconded by Dr. Littrell and passing, the Board approved the Wildwood Participation Agreement.

September 13, 2010

Mr. McMillian told that this will be a wonderful marriage and they have seen it work in the past.

VOTES

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

(Order)

PRESENTATION OF SIGNS

Dr. Littrell private citizens when they bind together as a civic organization can do more than the government can and in this case that is true. He told that Mr. McMillian had asked for some children at play signs and was not able to get them. He told that as a member of the Moose Lodge #733 in Galax he would like to present the signs to Mr. McMillian to be erected on the road he requested.

CITIZEN'S TIME

Mr. Mike Goldwasser told that he hates to go back to things he has already talked about so many times, but he saw the Board's frustration by the lack of participation in the Comprehensive Plan. He told that it certainly wasn't for the lack of publicity or that people don't care about the future or that they just didn't want to go to the meetings. He told that he went to Woodlawn and there were only 5 people there. He told that he was at a Blue Ridge Parkway meeting at Crossroads and they had over 100 people there. He told that if this was just about the Comp Plan then they may not worry so much but it is about the future for the County. He told that you all cannot be trusted and you started in a bad situation because you are government but it is greater because it is local government. He told that he is reminded again of how Marshall Lineberry threatens to sue the county and he certainly believes it wasn't a promise, but when you look at the newspapers it doesn't look good. He told that he has more to say and he will get a letter to the paper. He told that it is a shame to fail after getting such excellent news on Friday regarding Exit 19. He told that we need to do something differently.

PUBLIC HEARING ROAD 672

Mr. Newman told that he had a request from joint landowners on Old New Hope Road to abandon the part of the road that is on their property. He told that you access this from 221 and go across Big Reed. He told that he has walked this and it is very scenic until you come to the creek and the bridge is out. He told that the landowners feel that the

September 13, 2010

folks who are using the public right of way are having to use their private property to get across the creek and causing problems for the landowners.

Mr. Jackson asked if all the landowners were in agreement.

Mr. Newman told that it was his understanding during their last conversation that they are in agreement.

Mr. Hurst opened the Public Hearing.

Mr. Rick Holder told that New Hope road is a beautiful area. He presented a power point tour on a horse. He told that the New River Trail has nothing on this. He showed a picture of the bridge that was mentioned earlier and told that he agreed with the landowners that he would not want anyone crossing it either. He told that if you go on down a ways you can cross over the creek and told that several people have agreed to build a new bridge at their own cost and they would build it safe for hikers and bikers.

Mr. Greg McGrady told that this is an open right of way and he still uses it. He told that it would be a mistake to give land that belongs to all to just one or two people.

Mr. James Reece told that he has used the road for 60 years. He told that the Nesters, Goads, Daltons and Largens settled there in the late 1700's. He asked the Board not to abandon this road.

Ms. Terry Jo Hicks told that she is a descendant of William Dalton & Largen. She told that she did not want to road abandoned and would like it left open for her son and others to use.

Mr. George Weddle told that he doesn't want to see this go to just one person and it should be left open for the citizens. He told that there are people who walk the road and fish and for one man to get control of it is not right.

Mr. Arden Huff told that he rode the trail for 40 years and it is a public road so please do not abandon it. He told that if it is abandoned it will block access. He told that this area is a valuable treasurer and we will need it when putting in water and sewer. He told that we don't need to be giving away land.

Mr. Mike Lawson told that they are newcomers and the echo what their neighbors said. He told that they have come to love this area and he sees no reason for abandoning it.

Ms. Penny Lawson told that if it is abandoned it would block from 221 and they would not have access from that direction.

September 13, 2010

Mr. James Martin told that he lives on Rd. 672 and there is a lot of history there. He told that he does not want to see a housing development go up. He told that he has no idea what is planned for but if gates go up that will cause a problem.

Mr. Newman told that the proposed abandonment does not start until you get to Jeremy Ogle and Duane Stillwell's property. He told that is the only part being considered.

Mr. Fred Martin told that he is a resident on the road and it would create problems to abandon a portion because there is nowhere to turn around. He told that the Board needs to think hard about it.

Mr. Preston Martin told that he agreed with everyone.

Mr. Tim Tolbert told that he represents Mr. Ogle and Mr. Stillwell and he has a map of what is proposed. He told that people are going to the bridge and having to trespass to access the road. He told that the bridge causes a safety hazard. He told that they are only asking for a section beginning at the McGrady's and no one will be denied access. He told that this is a public safety and most who talked tonight use for pleasure.

Mr. Jim Ward told that he represents Mr. Jim McGrady and told that it would block him off from the creek. He told that you can't just stop at one place and keep them from going any farther. He told that they oppose the abandonment.

Mr. Olen Gallimore told that he wished he had Rick's intelligence when he went through this a couple months ago. He said that this benefits most people. He told that he had a petition with over 75 signatures. He told that at some point someone gave the right of way and when people come in they assume that it is theirs. He told that every now and then someone will get off the road and litter or spin a wheel. He told that he gets mad when he thinks about it and he is going to be mad when he goes to vote. He told that Board to leave it open and told that he would be glad to donate on the bridge.

Mr. David Reece suggested that the Board ask the opinion of the Tourism Office.

Ms. Janet Tate told that she knows very few roads get closed. She told that it is usually for disrespectful use or dead end situations. She told that this doesn't appear to be the same problems and you usually don't see them closed in the middle. She told that it is very rare to see them closed and they all had good points to make.

Mr. Randy Largen told that this area is beautiful and ask that they please not close the road.

Mr. Holder finished the slide show.

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

September 13, 2010

Upon motion by Mr. Jackson, seconded by Mr. McMillian and passing, the Board approved to table the issue until all Board members had an opportunity to look at it.

Mr. Jackson asked Mr. Newman to contact all of the landowners along this road to see if they are in for or against the abandonment.

Mr. Larowe told that Mr. Holder has offered to arrange to take any of the Board members to see the property.

VOTES

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

(Order)

ACCEPTANCE OF PAYMENT RESOLUTION

Mr. Cornwell told that this is to request pursuant to Code Section 2.2 614.1 to allow citizens to use credit cards for payment and if there is a charge to the county then it can be passed on to those who choose to use it. He told that this will help in the Treasurer's Office to recoup some of the cost that the County incurs.

Mr. Hutchins told that in the ordinance it states that you may or may not be charged. He asked for an example of when we would not charge.

Mr. Cornwell explained that if we have someone who is paying delinquent taxes that we may accept the payment just to get it settled. He told that it will be imposed unless there is a reason not to.

Mr. Dickson told that he has some reservations about the extra charge since we haven't done it in the past. He told that we would be adding at a bad time.

Mr. Larowe told that we had \$40,000 budgeted for this last year, but it was taken out of the budget this year.

Dr. Littrell told that it also says checks and he didn't realize there was a charge for that.

Mr. Cornwell told that the fee would be implied only if there is a charge. He told that someone has to pay it either all the taxpayers or just the one person who uses the card.

September 13, 2010

Mr. Hutchins told that he would like to offer an amendment and only charge ½ of the fee.

Ms. Smith told that the fees are all different depending on how the payment is received.

Mr. Cornwell told that is why he did not put an exact fee in there because they differ.

Mr. Hutchins told that he would like to not do the full 100% right now. He told that he knew it is not in the budget but if we could pay ½ and the customer pay ½.

Mr. Cornwell stated that he would suggest to adopt the resolution as is and have a supplement for the Treasurer to only impose ½ of the cost until next budget year at which time it will be reviewed again.

Upon motion by Mr. Hutchins seconded by Mr. Jackson and passing, the Board approved the resolution as presented.

VOTES

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

(Order)

SUPPLEMENT TO ACCEPTANCE OF PAYMENT RESOLUTION

Upon motion by Mr. Hutchins, seconded by Mr. Jackson and passing, the Board approved the supplement to the Acceptance of Payment Resolution that the Treasurer only impose ½ of the amount of the fees for credit cards, checks, and debit cards and to bring this back during the next budget cycle.

VOTES

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

(Order)

September 13, 2010

ADMINISTRATOR'S TIME

Mr. Larrowe told that he did not have a lot and that Mr. Cornwell will be going over the settlement with Amerlink and Mr. Newman will be discussing the Subdivision Ordinance and the Comprehensive Plan.

Mr. Cornwell told that he has an update regarding the annexation proceedings. He told that the Commission of Local Government will be here on November 15th and 16th. He told that we would have the regular meeting at 3:00 and then do the Public Hearing at 7:00. He told that they will tour the property at 9:00 on the 16th, do an oral presentation at 10:30 and should make a determination that afternoon.

Mr. Cornwell told that Carroll County has been involved in litigation before the U.S. Bankruptcy Court for the Eastern District of North Carolina with Amerlink and Pro-Form Construction.

As background, the litigation with Amerlink, which is in bankruptcy, relates to the lease agreement for the property located at the Farmer's Market upon which Amerlink constructed a Sales Center. The litigation with Pro-Form, which is not in bankruptcy, involves recovery of the Industrial Property conveyed to Amerlink by the County and then conveyed by Amerlink to Pro-Form. A shell building and office building has been built on this property and some equipment may be located thereon.

Involved in these proceedings for Amerlink have been Stephen Beaman, the Bankruptcy Trustee appointed by the County and Richard Spoor, President of Pro-Form.

The matter involving the County and Pro-Form is scheduled for trial in January. Preliminary to the trial the parties agreed to attempt to settle the matters between us through mediation.

Before that mediation began the Bankruptcy Trustee on behalf of Amerlink sued Mr. Spoor, his wife and several parties, individually, in a sum exceeding \$25 million alleging that among other things, Mr. Spoor improperly transferred assets to himself from Amerlink which caused Amerlink to become insolvent.

On July 29, 2010 Mr. Hurst, Mr. Larrowe, Mr. Gray, Carroll County bankruptcy counsel and Jim Cornwell were involved in a full day of mediation with Mr. Spoor and his attorneys, Mr. Beaman and a independent mediator. After a joint presentation the groups were separated and tried to resolve these matters. Despite not coming to an agreement that night – after more than 12 hours – the two groups continued to negotiate for several days thereafter via emails and telephone calls. As a result of that effort the following proposal has been made and agreed upon by the Carroll County Board of Supervisors. This process has been long and expensive to resolve to this point.

September 13, 2010

1) As to the lease property and improvements at the Farmer's Market, the proposal is that the lease is to be amended to allow the Bankruptcy Trustee to be able to assign the lease to a third party. The Trustee will make every effort to have a new tenant which employees at least ten employees and who will make use of the premises in uses which are compatible with the Farmer's Market. If the Trustee is successful in finding a new tenant, the modified lease with the new tenant will require the new tenant to pay County yearly real estate taxes on the improvements and maintain the improvements. The present lease does not call for any payments to the County and for the County to maintain the premises. If at any time, the new tenant abandons the Property, the lease will expire. The County is relieved of any duty to contribute to the maintenance of the improvements or pay any cost related to the Property and will remove from the Property the County's Welcome Center. The new tenant may be able to re-assign or sublet the premises, with the County's consent, which shall not be unreasonably withheld and the leasehold deed of trust to Amerlink's creditor will be released.

This presumes that the Trustee will be able to find a new tenant for the Property. If he cannot find such tenant within 12 months from the time the Bankruptcy Court approves this settlement, the current lease will expire and the County will own the improvements free and clear. During this period the Trustee is looking for a new tenant, the Trustee will maintain the Property and the premises.

Carroll County did not build the improvements on the Property. Amerlink was the company who built out the improvements. This proposed agreement will give the Bankruptcy Trustee an opportunity to lease the project to another tenant and, if he is successful, the new tenant will increase traffic for the Farmer's Market, maintain the premises and pay the County taxes on the value of the improvements. If the Trustee cannot find an appropriate tenant then the County will have those assets built by Amerlink without payment. It is thought that job creation will result if a new tenant is found and any payment to the Trustee will benefit those persons who lost money and assets when Amerlink went bankrupt.

2) Industrial Property, was deeded by the previous Board of Supervisors to Amerlink and obtained grants from the Tobacco Commission and the Virginia Economic Development Authority in the total amount of \$6000.000.00.

The settlement is that Pro-Form will convey the property to the Bankruptcy Trustee. Upon approval of the settlement by the Bankruptcy Court, the Trustee will then have 20 months to attempt to sell the property. After conveyance to the Trustee, the Trustee will convey to the County an access easement across the property to another parcel owned by Carroll County. After conveyance to the Trustee Pro-Form will have 60 days remove equipment from the Property.

If the Trustee is successful in marketing the Property, Carroll County is to receive \$700,000 from the sale proceeds. If the Trustee cannot sell the Property at a price to cover his costs and the payment to the County then he will transfer the Property to the

September 13, 2010

County for no consideration. If he transfers the Property to the County then Pro-Form will have 60 days after notice from the County to remove structures from the Property.

If the Trustee is successful in selling the Property, the proceeds (net of closing costs and the County payment) are to be held by the Trustee for Amerlink pending the resolution of his adversary proceeding against Richard Spoor, et al; and settlement of issues involving a creditor of Pro-Form.

By this settlement, if approved by the Bankruptcy Court, Carroll County will end its litigation against Pro-Form and each party will release all claims. If the Trustee sells the Property the County will recoup \$700,000 and hopefully have an industry own the Property who will use the Property, invest funds in the Property and create employment in the County.

As to the \$600,000 grants from the VA Tobacco Commission and the Governor's Opportunity Fund, both organizations have provided an opportunity for the full settlement with AmerLink and Pro-Form prior to finalization with the grants.

Mr. Hutchins asked if the trustee finds an attendant and they walk all then it is ours and what is the time limit.

Mr. Cornwell told that they would put in the document to explain non-use for a certain number of days.

Dr. Littrell ask if the structures at the industrial property had to be removed in 60 days.

Mr. Cornwell replied yes.

Dr. Littrell asked if the alternative to mediation is to continue and incur legal fees.

Mr. Cornwell stated that the legal fees would continue with no guarantees. He told that overall the representation done an excellent job for the county.

Mr. Dickson asked if Proform deeds the land to the trustee and then we get it right away.

Mr. Cornwell replied yes and that Proform would no longer be involved. He told that they are drafting the agreements to get to the bankruptcy court and he sees no reason that they would not approve.

Upon motion by Dr. Littrell, seconded by Mr. Hutchins and passing the Board approved to the agreement of the terms of the settlement subject to the preparation of the appropriate documents and the approval of the U.S. Bankruptcy Court and authorize the Chair to execute these agreements upon approval of the County Administrator and the County Attorney.

September 13, 2010

VOTES

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

(Order)

SUBDIVISION ORDINANCE AMENDMENTS

Mr. Newman told that last Thursday the Board received an email with the proposed subdivision ordinance amendments and he reviewed each one.

Mr. McMillian asked what the Planning Commission's thought were.

Mr. Newman told that they meet tomorrow night, but that the changes in his opinion are what they ask him to come up with during the last meeting. He asked that we hold a joint Public Hearing on October 12th to consider the changes.

Mr. Hutchins asked for him to explain number 3.

Mr. Newman told that it is 15 feet all the way around and the plat will show where it has to go. He told that this is the same as in a mobile home park.

Mr. Hutchins told that there is really 30 feet in between.

Mr. Newman replied yes.

Mr. McMillian asked if the Planning Commission has seen the amendments.

Mr. Newman replied that they have received them by email and mail but they have not discussed.

Upon motion by Mr. Hutchins, seconded by Mr. Jackson and passing, the Board approved to hold the Comprehensive Plan Joint meeting at 3:00 on October 12th and to hold a joint Public Hearing with the Planning Commission at 5:30 on October 12th on the proposed Subdivision Ordinance amendments.

VOTES

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

September 13, 2010

Mr. Littrell Yes
Mr. McMillian Yes

(Order)

SUPERVISOR'S TIME

Mr. McMillian told that they try to do what is best. He told that there are a lot of meetings coming up and he wanted to thank all of the staff for their hard work.

Mr. Dickson told that we need someone to travel through the county and look at the signage. He told that as you come up Fancy Gap and crossover the Parkway the Devils Den has a sign that doesn't look so good. He told that we need to encourage them to get something better even if we have to pay for the sign. He told that if we could just repair or get the brush cleared out of the way for people to see what we have to offer. He told that on the abandoned road that he is disappointed that we did not have maps prior to the meeting. He told the more informed they are the better. He told that they need more information. He told that he is pleased with the way things are going and told that he went along with a prospect visit last week.

Mr. Hutchins told that he serves on the Indoor Plumbing and they have started a house in Carroll County where a lady was living in a 12x12 storage building. He told that DHCD sponsored the project. He thanked Mr. Hurst for working on the Amerlink mediation. He told that it is difficult to make a decision with little or no information. He asked that they not act or be expected to vote on things that they didn't have a chance to look at or not put additional things on the agenda unless they were urgent. He told that they have things in the Board packet, but sometimes there is not enough information even when they get it. He told that he knows that there was a cutoff on Wednesday.

Mr. Jackson told that we have great leadership in the Chairman and great staff. He told that sometimes the job is tough, but having good staff makes it easier. He told that he goes along with Mr. Dickson and Mr. Hutchins about not having enough information.

Dr. Littrell told that it is good to see a room full. He told that he received a report from Dick Dalton regarding the WCC Board and told that he is willing to come before the Board anytime to give an update. He told that he hoped everyone had a chance to go to the Parkway events and told that Mr. Hurst and Ms. Vass did an excellent job of presenting the quilt square for Carroll County. He asked Mr. Newman what the width of Road 672.

Mr. Newman replied 30 feet.

Dr. Littrell told that the Airport was having an Open House on September 25th and they will have good food and lots of things to see. He told that they will have a joint meeting with Galax, Carroll and Grayson at Crossroads on September 20th at 2:00 and they are hoping to push forward the date for the runway to be extended to 5001 feet to

September 13, 2010

help with Wildwood. He told that he hopes everyone will be supportive and try to get the project moved up.

Mr. Hurst told that it is good to have a turnout and having the public here gives good input. He told that he was surprised at the turnout for the BRP75. He told that it did quit raining for the concert. He told that he was impressed with the Tourism Office's hard work and wanted to thank them. He told that the Parkway has touched a lot of lives. He told that on a personal note he would like to thank the Board and the entire county staff over their last passing and told that he appreciated all the kind thoughts and prayers.

ADJOURNMENT

Upon motion by Dr. Littrell, seconded by Mr. Dickson and passing, the Board adjourned until October 12, 2010 at 3:00 p.m.

VOTES

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

(Order)

Chairman

Clerk