

The Wythe County Board of Supervisors held its regularly scheduled meeting at 7:00 p.m., Tuesday, March 12, 2019. The location of the meeting was in the Boardroom of the County Administration Building, 340 South Sixth Street, Wytheville, Virginia.

**MEMBERS PRESENT:**

Timothy A. Reeves, Sr., Chair  
Joe F. Hale, Vice Chair  
B. G. "Gene" Horney, Jr.  
Ryan M. Lawson

Charlie G. Lester  
Coy L. McRoberts  
Brian W. Vaught

**STAFF PRESENT:**

Stephen D. Bear, County Administrator  
Martha Collins, Administrative Assistant/Clerk  
Bill Vaughan, County Engineer

**OTHERS PRESENT:**

Sarah Beamer  
Sandy Bryant  
Steve Dew  
Bob Litton  
Linda Meyer

Matthew Miller  
Logan Nester  
Cathy Pattison  
Deputy Zack Puckett

**CALL TO ORDER**

Chair Reeves determined that a quorum was present and called the meeting to order at 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Steve Dew, United Lutheran Church, provided the invocation and Chair Reeves led the Pledge of Allegiance.

**CITIZENS' TIME**

Chair Reeves inquired if anyone present wished to address the Board.

With no one wishing to address the Board, Chair Reeves closed Citizens' Time.

**PAYMENT OF COUNTY INVOICES**

March 12, 2019

*Unapproved*

Supervisor McRoberts made a motion to pay the invoices for approval on March 12, 2019, for the various departments of County government. The invoices were paid on General Warrants 30103145-30103243 as follows:

**EXPENDITURES BY DEPARTMENT  
BOARD OF SUPERVISORS  
March 12, 2019**

<b>CHECK #</b>	<b>ISSUE DATE</b>	<b>VENDOR</b>	<b>AMOUNT</b>
30103145	02/28/2019	APPALACHIAN POWER	928.00
30103146	02/28/2019	CENTURY LINK	148.17
30103147	02/28/2019	CENTURYLINK	232.30
30103148	02/28/2019	CENTURYLINK	358.60
30103149	02/28/2019	CENTURYLINK	4,723.92
30103150	02/28/2019	VERIZON WIRELESS	40.01
<b>TOTAL EXPENDITURES 02/28/2019</b>			<b>\$6,431.00</b>
30103151	03/12/2019	LIFELOCK MEDICAL SUPPLY L	1,738.00
30103152	03/12/2019	APPALACHIAN REGIONAL EXPO	75,000.00
30103153	03/12/2019	APPALACHIAN POWER	1,305.00
30103154	03/12/2019	ASSOC OF DISTRICT COURT J	60.00
30103155	03/12/2019	AYERS & SONS SEPTIC LLC	1,000.00
30103156	03/12/2019	BEAR, STEPHEN	132.21
30103157	03/12/2019	BKT UNIFORMS	378.92
30103158	03/12/2019	BLUE RIDGE AUTO PARTS INC	98.25
30103159	03/12/2019	BMS DIRECT INC	4,066.00
30103160	03/12/2019	BOOTHE, STEVE	28.00
30103161	03/12/2019	BRENNTAG MID-SOUTH INC	1,877.40
30103162	03/12/2019	BROWN EXTERMINATING CO	45.00
30103163	03/12/2019	BUSINESS CARD	2,971.93
30103164	03/12/2019	BW WILSON PAPER CO	931.02
30103165	03/12/2019	CARDNO INC	15,836.00
30103166	03/12/2019	CARTER MACHINERY CO INC	788.00
30103167	03/12/2019	CDW GOVERNMENT INC	606.40
30103168	03/12/2019	CITIZENS TELEPHONE COOP	720.00
30103169	03/12/2019	COLLINS, MARTHA	45.00
30103170	03/12/2019	COM TEC	1,600.00
30103171	03/12/2019	CORVIN, L.B.	113.80

March 12, 2019

*Unapproved*

30103172	03/12/2019	CROWN AWARDS	581.78
30103173	03/12/2019	CSG SYSTEMS, INC	4,867.24
30103174	03/12/2019	DEPT OF MOTOR VEHICLES	2,700.00
30103175	03/12/2019	DOWDY, MARK	860.00
30103176	03/12/2019	EMS INC	1,350.00
30103177	03/12/2019	FARTHING, SCOT S	3,100.00
30103178	03/12/2019	FERGUSON ENTERPRISES #5	368.78
30103179	03/12/2019	FIRE RESCUE AND TACTICAL	1,285.37
30103180	03/12/2019	FOOD COUNTRY	7.08
30103181	03/12/2019	GALLS	205.98
30103182	03/12/2019	GRANT, BRUCE M	4,136.75
30103183	03/12/2019	GUN SHOP	1,499.75
30103184	03/12/2019	HALE, JOE	191.48
30103185	03/12/2019	HEARTLAND REHABILITATION	1,500.00
30103186	03/12/2019	HURT & PROFFITT INC	1,438.20
30103187	03/12/2019	JLP ENTERPRISES INC.	106.31
30103188	03/12/2019	JOHNSON CONTROLS	189.46
30103189	03/12/2019	JOINT IDA OF WYTHE COUNTY	59,224.98
30103190	03/12/2019	JOINT PUBLIC SERVICE AUTH	32,624.28
30103191	03/12/2019	KINCER, KELLY	50.00
30103192	03/12/2019	KING-MOORE INC	1,196.00
30103193	03/12/2019	LEXISNEXIS	207.00
30103194	03/12/2019	LEXISNEXIS	724.00
30103195	03/12/2019	LOWE'S	2,336.33
30103196	03/12/2019	MANSFIELD OIL CO	5,976.00
30103197	03/12/2019	MELVIN ENTERPRISES, INC	150.00
30103198	03/12/2019	MEREDITH, DUSTIN RYAN	100.00
30103199	03/12/2019	MUSSER, JEREMIAH	346.30
30103200	03/12/2019	MAILROON FINANCE, INC	646.20
30103201	03/12/2019	NEW RIVER REGIONAL WATER	20,095.63
30103202	03/12/2019	NEW RIVER VALLEY REGIONAL	123,640.00
30103203	03/12/2019	TLA ENTERPRISES	303.48
30103204	03/12/2019	OFFICE OF THE CHIEF MEDIC	20.00
30103205	03/12/2019	PAPER CLIP	537.39
30103206	03/12/2019	POLYTEC INC	3,068.78
30103207	03/12/2019	PROTECT YOUTH SPORTS	26.45
30103208	03/12/2019	R&R ENTERPRISES INC	1,863.05
30103209	03/12/2019	R.E. MICHEL COMPANY, LLC	133.86

March 12, 2019

*Unapproved*

30103210	03/12/2019	RAY, ASHLEY N	134.10
30103211	03/12/2019	RENTAL HUB INC	93.00
30103212	03/12/2019	ROOTX	1,719.00
30103213	03/12/2019	ROULETTE, JEREMY	48.21
30103214	03/12/2019	RURAL DEVELOPMENT	2,282.00
30103215	03/12/2019	RURAL DEVELOPMENT	2,514.00
30103216	03/12/2019	RURAL DEVELOPMENT	11,572.00
30103217	03/12/2019	SALEM STONE	21,873.99
30103218	03/12/2019	SHENTEL	1,351.54
30103219	03/12/2019	SOUTHERN POLICE EQUIPMENT	532.24
30103220	03/12/2019	SOUTHWEST VIRGINIA CRIMIN	3,960.00
30103221	03/12/2019	SUNTRUST	36,881.92
30103222	03/12/2019	THOMPSON TIRE	748.00
30103223	03/12/2019	THREE RIVERS MEDIA CORP	330.00
30103224	03/12/2019	TOWN OF WYTHEVILLE	603.58
30103225	03/12/2019	TRANSUNION RISK & ALTERNA	50.00
30103226	03/12/2019	TREASURER OF WYTHE COUNTY	134.10
30103227	03/12/2019	TRI CITIES/SW VA REGIONAL	628.80
30103228	03/12/2019	TYLER TECHNOLOGIES INC	3,360.26
30103229	03/12/2019	UMBERGER, SHERRY	41.36
30103230	03/12/2019	UNIFIRST CORP	69.08
30103231	03/12/2019	USA BLUE BOOK	1,039.90
30103232	03/12/2019	V&M RECYCLING	77,263.88
30103233	03/12/2019	VACORP	20,322.00
30103234	03/12/2019	VIRGINIA COMMONWEALTH UNI	500.00
30103235	03/12/2019	VITA	164.11
30103236	03/12/2019	VITA	266.36
30103237	03/12/2019	WYTHE CO HEALTH DEPT	102.42
30103238	03/12/2019	WYTHE CO WATER & WASTEWAT	366.90
30103239	03/12/2019	WYTHE TIRE AND MUFFLER	628.87
30103240	03/12/2019	WYTHEVILLE COMMUNITY COLL	157.50
30103241	03/12/2019	WYTHEVILLE CONV & VISITOR	15,000.00
30103242	03/12/2019	WYTHEVILLE OFFICE SUPPLY	340.35
30103243	03/12/2019	XEROX	132.67

---

<b>TOTAL EXPENDITURES 03/12/2019</b>	<b>\$592,210.98</b>
--------------------------------------	---------------------

<b>TOTAL EXPENDITURES APPROVED 03/12/2019</b>	<b>\$598,641.98</b>
---	---------------------

Supervisor Horney seconded the motion and the roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

**MINUTES OF PREVIOUS MEETING**

The Board was presented with the February 26, 2019 minutes for approval.

Supervisor Lester made a motion, seconded by Supervisor Lawson, to approve the February 26, 2019, minutes as presented.

The roll call vote on the motion was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

**NOISE ORDINANCE**

Mr. Bear reminded everyone there was a Public Hearing on February 12<sup>th</sup> regarding the Noise Ordinance. To address citizens' concerns relating to Section 2 (A) (4) "unnecessary discharging of firearms", language was added exempting lawful hunting. Per the County Attorney, it is not necessary to hold another Public Hearing.

**ORDINANCE NO 2019-1**  
**NOISE ORDINANCE OF**  
**WYTHE COUNTY, VIRGINIA**

A public hearing was held on February 12, 2019 at 7:05 p.m. in the Board Room of the Wythe County Office Building, 340 South Sixth Street, Wytheville, Virginia to consider enacting Ordinance Number 2019-1, entitled, "Noise Ordinance of Wythe County," as follows:

**Section 1: Authority**

Pursuant to the provisions of the Code of Virginia (1950), as amended, a locality may, by ordinance, prohibit or regulate public nuisances.

**Section 2: Prohibited conduct**

- (A) It shall be unlawful for any person to:
- (1) Operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loud speaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible inside the confines of the dwelling unit, house ,apartment, or business unit of another person or at (50) fifty feet or more from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, duly authorized parades, public functions, commemorative events, signals identifying danger from smoke or fire, signals identifying the beginning or stopping of work or school.
  - (2) To play or permit the playing of a radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sounds which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of (50) fifty feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios, in public safety vehicles, nor shall it apply to motor vehicle alarms. Motor vehicle exhaust systems are covered under Virginia state code 46.2-1047, 46.2-1049, 46.2-1050.
  - (3) To allow any animal or bird to create noise that is plainly audible at least once a minute for 10 consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another, or (ii) at fifty (50) feet from the animal or bird.
  - (4) To create plainly audible noise between 11:00 p.m. and 6:00 a.m. in connection with lawn care leaf removal, gardening, tree maintenance or removal, other landscaping, lawn or timbering activities, and unnecessary discharging of firearms, unless engaged in lawful hunting.
  - (5) No person shall be convicted of a violation of this section unless there is presented to the court competent evidence that a law enforcement official

March 12, 2019

*Unapproved*

had, prior to the issuance of any summons or warrant, requested the abatement of the noise complained of, and that such noise continued at an unlawful level after such request.

(B) Exemptions:

- (1) No provisions of this chapter shall apply the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- (2) No provisions of this chapter shall apply to the emission of sounds associated with agricultural activities.
- (3) No provisions of this chapter shall apply to the emission of sounds associated with and/or in conjunction with industrial operations.

(C) Report of Violation:

Any person aggrieved by the prohibited conduct on Section 2 (A) above, which is not exempt by Section 2 (B), may report the violation of this ordinance to the Wythe County Sheriff's Office or Consolidated Dispatch Center. The person aggrieved and reporting a violation shall provide his/her name and contact information.

**Section 3: Penalty**

Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$50 nor more than \$100. Each day of violation of this section shall be a separate offense.

**Section 4: Certified Copies of Ordinances**

Certified copies of this ordinance and all amendments thereto shall be filed in the offices of the County Administrator, the Clerk's Office of the Wythe County Circuit Court of Virginia.

**Section 5: Validity**

Should any article, section, subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

**Section 6: Conflicting Ordinance**

Ordinance No. 2017-2 and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

**Section 7: Effective Date**

This ordinance was duly considered following a required public hearing held on February 12, 2019, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on March 12, 2019.

Supervisor Lawson made a motion, seconded by Supervisor Vaught, to adopt Ordinance 2019-1 Noise Ordinance of Wythe County.

Supervisor Lawson said this has been discussed several times over the past few months and while it is not perfect, we've listened to the public and have done all we can to make it better.

Supervisor Horney agreed stating it will never be perfect, but it's better.

Supervisor Vaught also agreed but would like to see a decibel meter used; however, it is not cost effective and this Ordinance is better than before.

The Chairman agrees and feels that proper changes have been made.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Joe F. Hale
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
NAYS:	Coy L. McRoberts	

**HAZARDOUS MITIGATION PLAN**

Mr. Bear wanted to express appreciation for the adoption of the Hazardous Mitigation Plan Resolution at the last meeting. Mr. Bear received notification that we were awarded the grant for a generator for the Wythe County Fort Chiswell Pumping Station. He said this will be on the next agenda as we begin the process on this long-awaited item.

Chairman Reeves added that Mount Rogers did all they could to help us with this grant and when they would submit it to FEMA, it would take forever to get a response, not to mention the back and forth with corrections.



March 12, 2019

*Unapproved***MOUNT ROGERS COMMUNITY SERVICES BOARD**

Mr. Logan Nester, Director of Communications and Public Relations at MRCSB, appeared before the Board to request a resolution for a name change for Mount Rogers Community Services Board to Mount Rogers Community Services. According to the Code of Virginia, founding counties have to approve any name change. Mr. Nester said they feel the change is in the best interest of the organization and both neighboring organizations, Highlands and New River, have also dropped the word "Board" from their names. In addition, they found the word "Board" was a little confusing to people. Mr. Nester said this name change will be part of a rebranding with a new logo and will get all their services under one name. The resolution is as follows:

**Resolution of the Board of Supervisors of the County of Wythe, Virginia  
Pursuant To Mount Rogers Community Services Board's  
FY 2019 and FY 2020 Community Services Performance Contract  
Authorizing Mount Rogers Community Services Board to Change Its Name**

**RESOLUTION 2019-04**

**WHEREAS**, the County of Wythe, Virginia (the "County"), with the Counties of Bland, Carroll, Grayson, Smyth, and the City of Galax, established Mount Rogers Community Services Board ("MRCSB") as required by Section 37.2-500 of the *Code of Virginia, 1950, as amended* ("*Code of Virginia*"); and

**WHEREAS**, Sections 37.2-508 and 37.2-608 of the *Code of Virginia* and *State Board Policy 4018* establish the annual *Community Services Performance Contract* as the primary accountability and funding mechanism between the Commonwealth of Virginia's Department of Behavioral Health and Developmental Services ("DBHDS") and each community services board (CSB); and

**WHEREAS**, MRCSB's *FY 2019 and FY 2020 Community Services Performance Contract* with DBHDS, *Exhibit J: Other CSB Accountability Requirements, Section I. Compliance with State Requirements, Section C. CSB and Board of Directors Organization and Operations, Section 3. CSB Name Change* specifies that the board of supervisors or city councils that established the CSB must approve the CSB's new name; and

**WHEREAS**, pursuant to changes made by many other CSBs across the Commonwealth of Virginia, the Board of Directors ("Board") and leadership of MRCSB believe changing MRCSB's name from "Mount Rogers Community Services Board" to "Mount Rogers Community Services" is in the best interest of MRCSB; and

**WHEREAS**, MRCSB's Board shall take all necessary actions required to affect this name change and to reflect the name change on all legal documents, including the Board's bylaws, contracts, and leases; and

**WHEREAS**, MRCSB seeks the County's authorization solely to meet the statutory requirement for governing body approval;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF WYTHE, VIRGINIA:**

1. That authorization is hereby given to Mount Rogers Community Services Board to change its name to Mount Rogers Community Services.
2. This Resolution shall take effect immediately upon its adoption.

Supervisor Lester made a motion, seconded by Supervisor Horney, to adopt Resolution 2019-04 Authorizing Mount Rogers Community Services Board to Change Its Name to Mount Rogers Community Services.

The roll call vote on the motion was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS:           None

**AGRICULTURE & FORESTRY ADVISORY COMMITTEE APPOINTMENTS**

Mr. Bear explained that we have several agriculture and forestry districts in the County and one of the three committees is up for review later this year. It has been 10 years and it now requires a review. Mr. Bear said that Ms. Cassell (Planning Commission) has contacted all the committee members and all but one are willing to continue to serve on this advisory committee. Additionally, Ms. Cassell has found another member to fill the one vacant position.

Supervisor Horney made a motion, seconded by Supervisor Lester, to appoint all the individuals listed in the Planning Commission request.

The roll call vote on the motion was as follows:



Supervisor Horney asked if the facepiece testing is done for each and every firefighter (do they all have their own masks)?

Mr. Bear replied that the required testing will be done on all masks whether every individual has their own.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

2. Lead Mines Rescue Squad – Supervisor Hale made a motion, as recommended by the Fire & Rescue Committee, to amend and appropriate \$15,000 to Lead Mines Rescue (32031-461250) to replace the engine in the 2012 Dodge Ambulance.

Mr. Bear provided all the quotes to the Board and said Mr. Crawford is meeting with LMRS to review the quotes and determine the best method to replace. Mr. Crawford has received maintenance records on the ambulance which outlines the issues. Mr. Crawford has also tried contacting the State about possible grant funding but has not yet received a definitive answer.

Chairman Reeves asked about time frame on a grant as well as the repair.

Mr. Bear hopes that Mr. Crawford will have information in the next couple of days, but Mr. Bear said if we provide local funding, chances are we won't be eligible to get a grant. However, he said if we find that grant money is available, the Board can take action on this next week during the budget meetings.

Supervisor Hale said they need to get the ambulance in the garage and fixed as quickly as possible and that we can't afford any delays.

Supervisor Lawson feels the urgency due to LMRS being at the APEX for their events and said it is in the best interest of the citizens in the Lead Mines district to have this vehicle fixed as quickly as possible.

Supervisor Vaught asked if we repair it now and a grant becomes available later for a new ambulance, can we place the repaired vehicle in reserve? He agrees with the urgency raised by Supervisors Lawson and Hale.

Mr. Bear responded that if the Board approves the engine replacement now, then they probably wouldn't apply for grant money for a new ambulance and would opt for getting a few more years out of the repaired vehicle.

Supervisor McRoberts said because they need two ambulances at the APEX, if another goes down, then it becomes a dangerous situation. There is real urgency here.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

### **BRIM LANE PROPERTY UPDATE**

Mr. Bear explained that this is the old fire department building and school down in Patterson which the surveyor has completed work on. The subject property had been conveyed to the School Board in two separate parcels and a third parcel was later conveyed not matching the other two. Mr. Bear said the School Board attorney has drafted a deed of correction amending what was conveyed which will now contain a total of 2.56 acres. Mr. Bear said that no action is required at this time and that the School Board should be taking action on it this week. We can then move forward selling this surplus property once we receive the revised deed.

### **APEX AUTHORITY UPDATE**

Mr. Matthew Miller, Chairman of the APEX Authority, along with a couple of other Authority members, appeared before the Board to provide updates on the following:

1. Management – Mr. Miller advised the Board that as of Monday, March 11<sup>th</sup> the Authority has severed their relationship with SMG, a mutually agreed-upon

decision. The Authority will screen applicants later this week for the positions of General Manager, Operations Manager and Administrative Assistant. This is a rolling application process – open until filled.

Supervisor Lawson believes the decision to part ways with SMG was a good decision.

Mr. Miller did say they learned a lot from SMG about staffing, ticketing, public safety, crowd control, etc. Their visions of the APEX were different from ours and yours.

2. Financial – Mr. Miller only has numbers from the first few events which drew rental income of \$10,000. The County's portion of ticketing revenue was \$8,000 (does not include Kart Racing, Demolition Derby or Motocross). Food sales have been close to \$10,000 in revenue to the Authority, not including the meals tax that goes back to the County.
3. Events – While we don't have a management company in place, Mr. Miller stated that there will be a circus on March 21<sup>st</sup> (two events), an MMA event in April, and a gospel event in June. He said calls are coming in regularly from people interested in booking the APEX. This Saturday, a promoter from Iowa will be touring the facility; they are a national group involved in lawn and garden tractor pulls. They are interested in our area and whether we have the hotels and restaurants to support a very large crowd.

Mr. Miller said they continue to fill the calendar and hope to have a manager in place in the next few weeks.

Mr. Miller also reported that they have about 6,000 followers on Facebook. He also mentioned that the bulk of the riders from the motocross event came from out of state (PA, GA, FL, NC, SC, KY, TN). Mr. Miller is not sure how to measure the impact on the County at this time. As for the kart racing, he said they missed a great PR opportunity as there were many NASCAR families participating (Earnhardt, Yarborough, Bodine). Additionally, he said that all the promoters are interested in coming back, have had great things to say about the APEX, and the motocross promoter is currently holding three more dates. The monster truck event intended to have just one show, but because it sold out immediately, they added a second which also sold out, and they probably could have added a third. Mr. Miller said the Authority learned a lot and they plan to do better controlling ticket sales going forward.

Supervisor Vaught asked if he wanted to rent the APEX for a date this summer, what would the cost be? He said in reviewing the Authority's meeting minutes, there doesn't appear to be a rental schedule.

Mr. Miller responded that the fee has been \$1,750 per day, which was set by SMG (under their contract, it was their call). However, as of today, he said the rental rate will be increasing but that they are honoring all contracts that were in place prior to SMG's departure.

Chairman Reeves asked if the bank account has been transferred or closed out.

Mr. Miller replied that there are two bank accounts; SMG has one and the Authority has their own. He said that after closing out this last event, SMG will pay the janitorial and security fees out of that account and will then close it.

Supervisor Vaught inquired about the banning of firearms in the APEX.

Mr. Miller responded that it was SMG's recommendation as well as the security company since the security personnel are not armed. All weapons are banned, not just firearms. Mr. Miller added that although they're not bound to this particular security company, they are cost effective and they've done a good job so far.

Supervisor Vaught said that as a supporter of the 2<sup>nd</sup> Amendment, he hopes they'll reconsider that ban as they may be alienating a number of people in the County.

Chairman Reeves asked what other sporting events can you go to that allow weapons?

Supervisor Vaught replied that a lot of events allow firearms, and he will not do business with people who don't honor the 2<sup>nd</sup> Amendment.

Mr. Miller said that the security cost, EMS and clean-up fee is at the expense of the promoter, in addition to the base rental fee.

Mr. Miller also said that although there's been an outpouring of positive comments, the biggest complaints have to do with parking and ventilation in the building. But given how quickly they hosted their first event right after receiving the Certificate of Occupancy, he is extremely proud of the Authority members and the success so far. Mr.

Miller said, surprisingly, that traffic has not been an issue as he and so many others anticipated. Promoters have all been ecstatic about the facility and the level of interest is very high.

Supervisor Vaught said he was there for the first event (rodeo) and the venue was excellent, but because it was a championship event, not everyone got to ride so that was a little disappointing.

Mr. Miller said things just fell into place for that first event, although there were a few events that didn't happen due to scheduling or the building not being ready. But they will come back and we'll try to make it bigger and better for them. Mr. Miller has also had good conversations with some music promoters, as well as local media channel offering help with music.

Mr. Bear wanted everyone to know that the APEX Authority is 100% volunteer and they have been there for every event, sometimes until the early morning hours. He said the Authority members are truly devoted in carrying out the APEX mission and helping it succeed. Mr. Bear appreciates all their hard work and dedication.

Mr. Miller also said that there's been a lot of local interest in the management positions. There are some very qualified regional and local people excited about the APEX and the opportunities, so he believes the applicant pool will be pretty good.

In the short time the APEX has been open, Mr. Miller said it's impressive to be getting a call from a promoter in Iowa, and another promoter who's looking to book in early 2020 whose event attracts people from Florida to Maine! The Monster Truck promoter was from Arizona! Mr. Miller said that the number of out-of-state people travelling to Wytheville will just continue to rise.

## **BLEACHERS**

Supervisor Hale said that the long history of the bleachers has been a bit of a moving target. He feels for the integrity of the County and our community, that it's time to pay the money owed to Bleacher Builders. He said they are here, they've been involved and they know the delays. They understand the discrepancy from what we bought and what we received, and Supervisor Hale thinks it's time to settle up and pay.

Supervisor Hale made a motion, seconded by Supervisor Lester, to pay Bleacher Builders the remaining \$50,000.



When asked by Supervisor Vaught, Mr. Bear responded that the contract with Bleacher Builders was for 5,000 seats and we have seating for approximately 2,600-2,700.

Supervisor Vaught said, in his opinion, Bleacher Builders has not fulfilled its contract, and to pay this bill is not being a good steward of the County taxpayer dollar.

Supervisor Hale replied that this is not County taxpayer dollars; it was a donation entrusted to the County, and we need to keep the facts straight. Supervisor Hale said that they looked at used, repurposed material, a high-rise design of steep bleacher seats, and a purchase order was issued. But because of a couple of design changes and the slope of the bleachers, it affected the amount of material and the number of seats that could go in. Supervisor Hale said they had also looked at used steel that for several years had been used in a NASCAR stadium and would be repurposed at the APEX. However, that did not happen. Bleacher Builders (Mr. Charles Jordan) decided to buy all new galvanized steel and fabricate everything from scratch. Supervisor Hale believes that in fairness and integrity, the Board should take that into consideration, as well as other materials Mr. Jordan has donated that are currently on site and have value. He feels strongly that if we pay our financial obligation, Mr. Jordan will continue to donate material to the APEX.

Mr. Bear explained that what the Board agreed to and voted on last year was \$50,000 up front, \$150,000 upon delivery of material, and final payment of \$50,000 upon completion of the bleachers. He said the original sales agreement offer, and Mr. Bear said these things have changed, was for 2,000 flip-up seats inside the APEX. The Hussey seats were also considered but were not even close to that number of seats. When Bleacher Builders came in and looked at the layout, they realized they could not get 2,000 flip-up seats to fit, and they revised it to include four rows of flip-up seats with the rest being bench-style seating.

Mr. Bear said Bleacher Builders delivered the material to build the seating back in December at which time they demanded the \$150,000 and it was paid. Mr. Bear said the interior seating would be a minimum of 2,000 with a goal of 2,500 and the remaining would be bleachers to be used outside. Mr. Jordan wanted Mr. Bear to understand that the aisle ways and spaces would not allow for 5,000 seats. Regardless, Mr. Bear said that Bleacher Builders would provide 5,000 seats and he expects 5,000. Mr. Bear sent Mr. Jordan a letter stating he understands that Mr. Jordan changed the design from platform scaffolding framing to this framing. Mr. Bear is uncertain if that was more

**March 12, 2019*****Unapproved***

costly or not, but believes we ended up with a far better product. There are still some things that need to be finished (i.e. end-caps). Mr. Bear's letter to Mr. Jordan indicated that in lieu of the 5,000 seats, we would consider Bleacher Builders providing and building a handicapped ramp (material has already been provided), light poles that have been talked about for 6-9 months but still don't have, and provide a shuttle that was previously discussed. Mr. Jordan wants those items to be considered a donation.

Mr. Bear concluded that Bleacher Builders has not lived up to the sales agreement. He has asked Mr. Jordan to outline the reasons why he feels he has lived up to their agreement and he will be happy to present that to the Board. He also invited Mr. Jordan to appear before the Board if he so desires. To this date, Mr. Bear has not received a reply. Mr. Bear said if the Board approves payment to Bleacher Builders, he will sign the check and send it out, but he does not feel that they have fulfilled the original sales agreement.

Chairman Reeves invited Mr. Bob Litton to speak since he has had many conversations with Mr. Jordan throughout this process.

Mr. Litton explained that Mr. Jordan is a good, hard-working businessman who started from scratch but who seems to have too many irons in the fire. Mr. Litton even encouraged Mr. Jordan to get more help. As for the light poles (currently stored in FL), Mr. Litton contacted Musco the manufacturer of the towers and if we were to buy three towers with harnesses and bases it would run between \$75-90k. He said the present value, as is, for three used towers is \$30k; he said we can't use the bases as they've been in the ground too long, and that the harnesses and lights would need to be replaced. Musco submitted a bid for \$14,600 for all three, FOB. Mr. Litton said we'd be saving roughly 50% over new. As for the shuttle trailers, Mr. Jordan had two, but one is beyond repair. Also, Mr. Jordan provided enough platform steps to go down to the lower parking lot (estimated value of that is \$60-80k).

After measuring inside the APEX, Mr. Litton believes we can probably accommodate another 100 more seats on the decking, plus two handicapped ramps, material which is currently in our possession. There's approximately 2,900' of fencing Mr. Jordan had previously provided, and more recently we received 10 sets of standalone bleachers on skids (to be used inside or out).

Chairman Reeves asked what guarantee do we have that if we pay Mr. Jordan now, that he will deliver the remaining items?

Mr. Litton has no guarantee but said that we already have everything but the light towers and the shuttle trailer.

Supervisor Lawson asked if we need to be concerned about Mr. Jordan returning later to take back donated items? Do we have any kind of agreement with him?

Mr. Litton responded that Mr. Jordan donated those items in good faith.

Supervisor Vaught added that we entered into the agreement with Bleacher Builders for 5,000 seats and we didn't get them.

Mr. Litton replied that the facility cannot possibly accommodate 5,000 seats.

Supervisor Vaught asked if Bleacher Builders has been back to fix the end-caps. The answer was no.

Mr. Miller said that based on Lane Group's engineered drawings, we have all the seats that the APEX can fit. He said what we lost is about 2,000 bleacher-type portable seats to be used on the floor or outside, and what Mr. Jordan delivered is seating for about 700-800 outside. We never would have gotten 5,000 seats inside on the mezzanine and if we had gone with the Hussey seats, the number of seats inside would have been more like 800 on each side. Mr. Miller understands that given the width of the aisle ways, that precluded us from putting in additional seats.

Supervisor Lawson said clearly there was a mistake with measurements and seating, but perhaps we can come to a compromise if Mr. Jordan is willing to continue working with us.

Mr. Litton believes that if we don't burn any bridges, there is a lot to gain in the future from a good relationship with Mr. Jordan.

Supervisor Vaught said the seats were the reason for the first event having to be cancelled. We all agreed on that. But Mr. Jordan hasn't come back to fix the sharp edges and thanks to the Authority for taking the time to cover the endcaps with duct tape.

Mr. Johnstone reminded everyone that 1,600 Hussey seats (new) would have cost around \$6-800,000.

Mr. Bear believes the offer he sent to Mr. Jordan for the items requested in lieu of the 5,000 seats was fair. Mr. Jordan apparently does not want those items to be considered in his final payment of \$50,000 rather he wants them considered a donation not tied to the contract. Mr. Bear thought a good compromise would be to build the handicap ramps and bring in the light poles. Mr. Jordan feels he is owed a total of \$250,000 for the seating he's provided so far. Mr. Bear added that the Authority has not taken any action as a board to say whether or not they agree with this.

Supervisor Hale wanted it to be clear to everyone that the Authority is a tenant of the APEX. He said they have no contractual agreement with any of the contractors or Bleacher Builders, and they have interfered, directed and confused individuals. You can't move forward successfully when various people are giving different directives. Supervisor Hale said the Authority has no right whatsoever to give direction to Bleacher Builders or anyone else - the Authority is a tenant. He said the motion on the floor, which has been seconded, is to pay this bill, and have some faith that we can repair this situation and get the light towers.

Mr. Bear said that Mr. Litton and Mr. Johnstone have worked quite a bit with Mr. Jordan in the process and agree that it has been a little bit of a problem. But Mr. Bear sent the letter to Mr. Jordan and asked for a response on behalf of the Board of Supervisors, not the Authority. Unfortunately, all the negotiations (lights, ramps, etc.) have been with the Authority and not with the Board or with him, yet we are being asked to pay \$50,000 with nothing in writing for any of those negotiated items. Mr. Jordan told Mr. Bear last week (angrily) that he was coming back to pick up his things. Mr. Bear doesn't know if Mr. Jordan considers the material on our property to be donated. Mr. Bear does agree that Mr. Jordan has great resources and can benefit us in the future but he said that all agreements need to be put in writing.

Supervisor Hale reiterated what Mr. Litton said that Mr. Jordan is hard-working and believes in the hand-shake, but acknowledges that Mr. Jordan didn't do amendments as he should have. It boils down to miscommunications and lack of clarification. Supervisor Hale said the target kept moving many times in both numbers and configuration. There was a month delay where they could have been building the bleachers. He said that month could have made all the difference in the world, and while it was part of the story of the delayed opening, it was not the whole story. Supervisor Hale feels strongly we have an obligation of integrity of the County to pay the bill.

Supervisor Vaught referenced Mr. Bear's email (February) where he requested final touch-up of the 1,900 bleachers, final rail construction, fencing finalization and end-caps. Supervisor Vaught asked if he did any of that?

Mr. Bear responded that the APEX Authority members put the fencing around the back of the bleachers. Bleacher Builders did not come back to finish the rest.

Supervisor Vaught stated that Mr. Jordan entered into a contract with Wythe County and he has not completed the very minimum of that contract (final touch ups etc.) and the Supervisor feels that if the Board votes to pay Mr. Jordan, that the Board would be setting a precedent that you can enter into a contract with the County, do a little bit of work, and they will pay you regardless.

The roll call vote on the motion was as follows:

AYES:	Charlie G. Lester Joe F. Hale	Coy L. McRoberts
NAYS:	Brian W. Vaught Ryan M. Lawson	B. G. "Gene" Horney, Jr. Timothy A. Reeves, Sr.

The motion failed.

Chairman Reeves asked Mr. Bear to get in touch with Mr. Jordan and see if he will compromise and finish what we've asked him to do, then the Chairman thinks we can pay him.

Mr. Miller stated that the Board is aware of the Tobacco Commission grant for the barn which requires matching funds. He stated that the Horseman's Association might agree to let the \$50,000 earmarked for the bleachers, if not paid to Bleacher Builders, be used to offset the matching funds for the barn. He noted that he is only mentioning this as food for thought if the Bleacher Builders matter is not settled.

### **APEX PARKING LOT**

Mr. Vaughan provided detailed information and diagrams to the Board relating to parking lot specifics. Mr. Vaughan spoke of a change made to the grass parking lot, changing it to gravel. He said now they need to analyze the impact of graveling 5.56 acres as it impacts two outfalls and that's part of the issue. Mr. Vaughan said now they

have to do two different analyses as well as quantity, quality checks and velocity checks. All this takes time with various laws and regulations that are in play. He said the project ended up having a slight positive balance, which is good as long as we set aside 4 acres (negative balance would require having to purchase nutrient credits).

Mr. Vaughan also said that all the management structures and ponds have to be legally recorded along with a 5-year maintenance plan (i.e. cleaning out sediment).

Mr. Bear has asked Mr. Vaughan to share this proposal with Hurt & Proffitt.

Chairman Reeves asked Mr. Vaughan how quickly can he get this information to DEQ.

Mr. Vaughan replied that this information can be submitted to DEQ in the next few days. DEQ then has 45 days to review it but he doubts it will take them that long.

Chairman Reeves asked Mr. Vaughan if he would relay the urgency we have with parking so they understand that time is of the essence.

Mr. Vaughan also said that King's estimator is doing final calculations and will be starting soon with Ready Mix Road entrance. The lower parking lot is well spread out and drying and it needs to get final grade and compacted. Mr. Vaughan added that the Cleco team will need to work closely with RGM on this.

### **FY20 BUDGET MEETINGS**

Mr. Bear reminded the Board that budget meetings are next week and if anyone has any special lunch requests, please communicate them to Mrs. Collins. He said they're working with a more compressed time frame this year to minimize their time and to get this done as quickly as possible. Mr. Bear also said if they can finish early enough on Wednesday, he would like to move the Budget and Water Committee meetings to Wednesday afternoon due to conflicting meetings on Thursday.

### **RURAL CAUCUS**

Chairman Reeves provided the Board with information about the Rural Caucus and encourages them to join.

### **RECESS**

The Board recessed until Monday, March 18, 2019 at 8:30 a.m. for a budget work session.