

**September 27, 2016**

The Wythe County Board of Supervisors held its regularly scheduled meeting at 9 a.m., Tuesday, September 27, 2016. 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	Steven T. Willis
Joe F. Hale, Vice Chair	Coy L. McRoberts
Gary M. Houseman	B. G. "Gene" Horney, Jr.
Charlie G. Lester	

**STAFF PRESENT:**

R. Cellell Dalton, County Administrator  
Stephen D. Bear, Assistant County Administrator  
Scot Farthing, County Attorney  
Martha G. Collins, Administrative Assistant  
Bill Vaughan, County Engineer

**OTHERS PRESENT:**

Keith Dunagan	Linda Meyer
Mike Forrest	Jeff Perry
Charles Foster	Wes Poole
Andy Fowler	Birch Rambo
Tonya Freeman	Jeff Russell
Pat Hines	Stephen Sage
Lori Gynn	Alan Wilder
Lee Johnson	Two Other Citizens

**CALL TO ORDER AND INVOCATION**

Chair Reeves determined that a quorum was present and called the meeting to order at 9:03 a.m. Father Birch Rambo of the St. John's Episcopal Church provided the invocation and Chair Reeves led the pledge of allegiance.

**CITIZENS' TIME**

Chair Reeves welcomed the citizens present at the meeting and inquired if anyone wished to address the Board.

1. Lovers Lane – Linda Meyer of 1118 Dry Road in Speedwell addressed the Board on behalf of property owners on Lovers Lane. Ms. Meyer explained that many of the Lovers Lane residents are concerned with potentially decreased property values, road segmentation, rerouting of school buses, and future use of the road due to the Progress Park Connector Road project. She questioned why Kents Lane was not addressed in the project proposal. Ms. Meyer added that she believes that Lovers Lane needs to remain as a through road.

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

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**MINUTES OF PREVIOUS MEETINGS**

The Board was presented with the September 12, 2016, and September 20, 2016, minutes for adoption.

Supervisor McRoberts made a motion, seconded by Supervisor Horney to approve the September 12, 2016, and September 20, 2016, minutes as presented.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts  
Charlie G. Lester B. G. "Gene" Horney, Jr.  
Steven T. Willis Timothy A. Reeves, Sr.  
Joe F. Hale

NAYS: None

**PAYMENT OF COUNTY INVOICES**

Supervisor Willis made a motion to pay the invoices for approval on September 27, 2016, for the various departments of County government. The invoices were paid on General Warrants 30096542-30096604 as follows:

**EXPENDITURES BY DEPARTMENT  
BOARD OF SUPERVISORS  
September 27, 2016**

<b>CHECK NO.</b>	<b>ISSUE DATE</b>	<b>VENDOR</b>	<b>TOTAL</b>
30096542	09/27/16	7PSOLUTIONS LLC	\$281.00
30096543	09/27/16	ALVIS ELECTRIC	\$516.72
30096544	09/27/16	APPALACHIAN JUVENILE COMMISSION	\$1,050.00
30096545	09/27/16	APPALACHIAN POWER	\$22,800.64
30096546	09/27/16	ASSOCIATION OF CLERKS OF THE	\$100.00
30096547	09/27/16	BLUE RIDGE AUTO PARTS INC.	\$156.89
30096548	09/27/16	BUSINESS CARD	\$2,389.62
30096549	09/27/16	BUSINESS INK CO.	\$1,373.42
30096550	09/27/16	CASELL, MARY N	\$24.40
30096551	09/27/16	CENTRAL BUILDERS INC.	\$99,962.80
30096552	09/27/16	CENTURY LINK	\$39.98
30096553	09/27/16	CENTURY LINK	\$49.91
30096554	09/27/16	CENTURY LINK	\$55.31
30096555	09/27/16	CENTURY LINK	\$76.70
30096556	09/27/16	CENTURY LINK	\$247.65
30096557	09/27/16	CENTURY LINK	\$437.68
30096558	09/27/16	CENTURY LINK LABOR	\$241.13
30096559	09/27/16	COMPLETE TRUCK SERVICE INC.	\$361.82
30096560	09/27/16	COOK, DENISE	\$185.60

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30096561	09/27/16	DANNER, D. RAY II	\$63.01
30096562	09/27/16	DEPARTMENT OF MOTOR VEHICLES	\$3,520.00
30096563	09/27/16	ECS MID ATLANTIC LLC	\$5,980.83
30096564	09/27/16	EMS INC	\$945.00
30096565	09/27/16	FERGUSON ENTERPRISES	\$30.27
30096566	09/27/16	FOWLKES MACHINE CO. INC.	\$13.68
30096567	09/27/16	GALLS	\$185.00
30096568	09/27/16	GRANT, BRUCE M.	\$4,074.25
30096569	09/27/16	KC AUTOMOTIVE	\$311.73
30096570	09/27/16	LANE GROUP, THE	\$15,840.00
30096571	09/27/16	LOWES	\$1,065.62
30096572	09/27/16	MANSFIELD OIL CO.	\$7,225.37
30096573	09/27/16	MEREDITH'S GARAGE	\$43.00
30096574	09/27/16	NADA APPRAISAL GUIDES	\$50.00
30096575	09/27/16	NATIONAL POOLS	\$95.54
30096576	09/27/16	NEW RIVER RESOURCE AUTHORITY	\$557.43
30096577	09/27/16	NEW RIVER VALLEY REGIONAL JAIL	\$116,316.90
30096578	09/27/16	NEWMAN TRAFFIC SIGNS	\$933.70
30096579	09/27/16	NORTHWESTERN EMERGENCY VEHICLES	\$26,651.40
30096580	09/27/16	OWEN G DUNN CO.	\$256.25
30096581	09/27/16	PAPER CLIP	\$161.68
30096582	09/27/16	PEARSON'S APPRAISAL SERVICE INC.	\$42,997.50
30096583	09/27/16	PITNEY BOWES	\$591.00
30096584	09/27/16	PITNEY BOWES	\$594.00
30096585	09/27/16	POSTAGE BY PHONE RESERVE ACCOUNT	\$729.00
30096586	09/27/16	R & R ENTERPRISES INC.	\$1,005.00
30096587	09/27/16	SENTRY SERVICES	\$374.78
30096588	09/27/16	SHAKING ENTERPRISES INC.	\$3,480.00
30096589	09/27/16	SIMPLEX GRINNELL	\$1,182.00
30096590	09/27/16	SMYTH WYTHE AIRPORT COMMISSION	\$11,502.51
30096591	09/27/16	SOUTHWESTERN EQUIPMENT	\$1,474.71
30096592	09/27/16	STATE ELECTRIC SUPPLY CO.	\$26.04
30096593	09/27/16	SUPPLY WORKS	\$947.95
30096594	09/27/16	THOMPSON TIRE	\$133.76
30096595	09/27/16	TOWN OF WYTHEVILLE	\$5,209.81
30096596	09/27/16	TRI CITIES/SWVA REGIONAL	\$2,388.10
30096597	09/27/16	UNIFIRST CORP.	\$57.29
30096598	09/27/16	VIRGINIA RURAL WATER ASSOCIATION	\$400.00
30096599	09/27/16	W L CONSTRUCTION AND PAVING INC.	\$171.00
30096600	09/27/16	WYTHE CUSTOM WELDING INC.	\$1,500.00
30096601	09/27/16	WYTHE TIRE AND MUFFLER	\$707.12
30096602	09/27/16	WYTHEVILLE OFFICE SUPPLY	\$922.86
30096603	09/27/16	WYTHEVILLE WYTHE BLAND CHAMBER	\$3,400.00

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30096604	09/27/16	XEROX	\$187.44
<b>TOTAL EXPENDITURES APPROVED 09/27/16</b>			<b>\$394,653.80</b>

Supervisor Lester seconded the motion.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

**WYTHE COUNTY SCHOOLS – CONSTRUCTION PROPOSAL**

Jeff Perry, Wythe County Public Schools Superintendent, addressed the Board. Dr. Perry reported that the School Board has recommended a long term plan of action that would include installation of climate control units in all classrooms, construction of a new George Wythe High School, renovation of the existing High School to house Scott Memorial Middle School, construction of a new Spiller Elementary School on the Scott Memorial School site, and renovation of Fort Chiswell High and Middle Schools. He advised that combining George Wythe High School and Scott Memorial Middle School would both provide a substantial savings in operational costs and enrich the curriculum available to the students. Dr. Perry explained that they have opted to adopt a stage model of construction, which would break the project down into financially feasible phases. He reviewed detailed specifics of their construction proposal, as well as associated costs and proposed timeline with the Board and those present. Dr. Perry noted that there may be grants and partnerships available to assist with the financial cost of the projects. He requested \$20 million to fund construction of the new George Wythe High School and short-term renovation projects at Speedwell, Spiller, Scott, and Fort Chiswell. Dr. Perry recommended on behalf of the School Board a commitment of \$500,000 annually of reserve funding over the next five years and approval of a three and one half cent tax increase to pay the project debt service.

Chair Reeves advised that the Board has already finalized the Fiscal Year 2017 budget. He noted that funds were not allocated for school capital improvement projects in that budget.

Mr. Dalton noted that he recently met with Dr. Perry and informed him that the Board is committed to providing a minimum of \$12 million to the School Board for capital improvement projects. He explained that the Board would begin discussions of the next fiscal year budget in January and would hope that a plan for moving forward with school construction projects could be prepared by April 2017.

Supervisor Hale questioned how the temporary cooling units in the classrooms were paid for, as well as the amount paid.

Dr. Perry explained that they expended approximately \$200,000 for the necessary electrical work and cooling units.

Supervisor Hale stated that he believes that Wythe County has quality school facilities that are better than any of those of the adjacent counties. He noted that the current and previous Boards have done an excellent job maintaining and upgrading the school facilities. Supervisor Hale explained that with projected State funding cuts, he would prefer to fund quality teachers than to commit long-term funds for new construction projects.

Dr. Perry agreed that the school system's most important resource is their teachers. He noted, however, that the classrooms at some point become an environment in which teachers do not want to teach.

Supervisor Lester requested that Dr. Perry explain value engineering.

Dr. Perry explained that with value engineering, they rework certain elements of the design to provide a cost savings such as alignment of the restrooms over one another to allow the same piping to be used for both.

Supervisor Lester inquired how many Wythe County students attend Governor's School.

Dr. Poole noted that typically up to 40 Wythe County students attend Governor's School.

Supervisor Lester advised that he believes that the Governor's School was constructed in 1948 and was renovated to provide a quality school for its students and an asset to Southwest Virginia.

Dr. Perry asked that the Board not compare Wythe County schools to those in Pulaski County. He explained that the Governor's School does not have the number of students attending Wythe County schools.

Supervisor McRoberts questioned what the School Board plans to do with Scott Memorial Middle School once the school is relocated to the George Wythe High School site. He noted that many residents would be opposed to the school being left to deteriorate.

Dr. Perry noted that they are considering several uses for the school including consolidation of central office staff, as well as housing preschool classes. He added that they would work to preserve the history of the school.

Supervisor Houseman explained that he does not believe that the Board can make any decisions until they begin the next fiscal year's budgetary process.

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Chair Reeves inquired what would be the total cost of the School Board's proposed construction plan.

Dr. Perry noted that based on today's rates, it costs approximately \$22 million to construct a new school.

Chair Reeves requested that Dr. Perry and the School Board meet with himself and the County Administrator to discuss the issue. He advised that the Board would also schedule several work sessions to discuss school construction options.

### APPOINTMENTS

1. Board of Equalization – Mr. Dalton advised that with the reassessment close to completion, appointment of members to the Board of Equalization is needed. He noted that in the past they had nominated three members plus an alternate. Mr. Dalton explained that appointments could be delayed until the October 11 Board meeting, but would be needed soon to allow time to schedule the required training. He added that Board of Equalization members must be County landowners, at least one must work in finance, and at least one must be knowledgeable in real estate.
2. Wythe County Rescue Squad Board of Directors – Supervisor Houseman made a motion, seconded by Supervisor Horney to appoint Denise Haun to the Wythe County Rescue Squad Board of Directors.

The motion passed unanimously.

Chair Reeves nominated Stanley Demers to the Wythe County Rescue Squad Board of Directors. Supervisor Houseman seconded the nomination.

The nomination passed unanimously.

Chair Reeves noted that one opening remains on the Wythe County Rescue Squad Board of Directors.

3. Joint Public Service Authority – Supervisor Horney made a motion, seconded by Supervisor McRoberts to appoint Dickie Pack to the Joint Public Service Authority.

Mr. Dalton advised that he believes that the at-large appointee must reside within the vicinity of the Transfer Station. He noted that he would request that the County Attorney review the Ordinance prior to nomination of Mr. Pack.

**TREASURER’S REPORT**

Treasurer Lori Guynn appeared before the Board and presented the Treasurer’s Report as follows:

1. Revenue Statement – Ms. Guynn reported that the consolidated account is currently at \$43,218,288 with \$28,925,384 in the General Fund account.
2. Tax Tickets – Ms. Guynn reported that the Treasurer’s Office is working with the Information Technology Department to prepare tax tickets for submittal to the printer. She noted that tax tickets would be mailed out to citizens late in the first week of October. Ms. Guynn added that the tax tickets have been redesigned to include past due balances.
3. Personal Property Tax Relief Act – Ms. Guynn presented Resolution 2016-22, Personal Property Tax Relief Act (PPTRA) to the Board for approval as follows:

**RESOLUTION 2016-22  
PERSONAL PROPERTY TAX RELIEF ACT**

**WHEREAS**, the Personal Property Tax Relief Act of 1998, Virginia Code Section 58.1–3523 et seq. (“PPTRA”), and subsequent revisions to the PPTRA legislation; and,

**WHEREAS**, these legislative enactments require the County to take affirmative steps to annually 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 Board of Supervisors that:

Qualifying vehicles obtaining situs within the County during tax year 2016, shall receive personal property tax relief in the following manner:

- Registered personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Registered personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 42.42% tax relief;
- Registered personal use vehicles valued at \$20,001 or more shall only be eligible for 42.42% tax relief on the first \$20,000 of value; and,

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- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, motor homes, titled but unregistered vehicles, etc.) as determined by the Commissioner of the Revenue will not be eligible for any form of tax relief under this program.

Supervisor Houseman made a motion, seconded by Supervisor McRoberts to adopt Resolution 2016-22, Personal Property Tax Relief Act as presented.

The roll call vote on the motion was as follows:

AYES:            Gary M. Houseman            Coy L. McRoberts  
                     Charlie G. Lester                B. G. “Gene” Horney, Jr.  
                     Steven T. Willis                 Timothy A. Reeves, Sr.  
                     Joe F. Hale

NAYS:            None

Mr. Dalton noted that the percentage of tax relief would reduce dramatically next year due to changes in vehicle weight qualifications.

4. Reserve Funds – Mr. Dalton reported in response to the School Board’s recommendation to use \$2.5 million in reserve funding, that the \$28,300,000 currently in the County’s reserve account is the 40% required as part of their bond agreements. He noted that the September report shows the lowest amount annually contained in the reserve account and is the amount the bond issuers use to gauge compliance with their agreements.

Supervisor Willis explained that if they did not use \$2.5 million of reserve funds to pay school construction debt service, they would have to raise real estate taxes 10 cents plus the 3.5 cent increase proposed, which would equate to a 27% tax increase to residents.

## **SHERIFF’S REPORT**

Sheriff Keith Dunagan appeared before the Board and reported the following:

1. Firing Range Lease – Sheriff Dunagan requested the transfer, amendment, and appropriation of \$2,000 to compensate for an increase to the firing range property lease. Sheriff Dunagan explained that the new lease includes maintenance of the road, which the Sheriff’s Office previously funded. He noted that Mr. Danner has requested that the Sheriff’s Office provide mowing of the site.

Supervisor Houseman made a motion, seconded by Supervisor Lester to amend and appropriate \$2,000 to 3102-470120.

Mr. Dalton advised that the lease increase includes Mr. Danner maintaining the road to the firing range, which is stated in one section of the agreement, but is then contradicted in another section.

Mr. Bear explained that the current lease agreement states, "All improvements made to the premises and farm road are the responsibility of the tenant. Landlords will not contribute in any way to the improvements made to the premises or farm road."

Sheriff Dunagan noted that this statement should have been stricken from the new lease agreement. He explained that Mr. Danner has agreed to maintain the road.

Chair Reeves recommended amendment and appropriation of funds to the requested line item with the contract approved once revised.

Mr. Bear reported that the Building and Grounds Department has indicated that one and one half hours would be needed every two weeks to mow the site. He noted that Mr. Danner had previously mowed the property.

Sheriff Dunagan stated that the Sheriff's Office had previously provided Deputy Danner a couple of hours comp time to mow the property. He noted that Deputy Danner does not wish to continue to mow the property.

Supervisor Hale advised that this would place a lot of extra mowing on the Building and Grounds Department crew.

Mr. Bear noted that the signed agreement states that "the leased property would be mowed by the Building and Grounds Department." He explained that Billy Bowers, Building and Grounds Supervisor, has not committed his department to the agreement, as the agreement has not been approved by the Building and Grounds Committee.

Sheriff Dunagan explained that he had spoken with Mr. Bowers, and he stated that they would work the property into their regular mowing schedule.

Mr. Dalton suggested that the Building and Grounds Committee discuss the mowing of the property at their October 4 meeting.

Supervisor Hale requested that the Sheriff's Office obtain quotes for mowing of the property.

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The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

2. Trash Pickup Program – Sheriff Dunagan reported that the Trash Pickup crew picked up over 50 bags of trash on September 23.

Supervisor Hale advised that dumping in the Horseshoe Road area has increased. He requested additional observation of some type in this area.

### **COMMONWEALTH'S ATTORNEY'S REPORT**

1. Sophos Wireless Access Point – Chair Reeves reported that Commonwealth's Attorney Jerry Mabe has requested transfer of \$302.20 from the State Asset Forfeiture account to Furniture and Fixtures for the purchase of a wireless access point for use in the Commonwealth's Attorney's Office.

Mr. Dalton noted that the transfer request was also included in the Consent Calendar and could be considered for approval later in the meeting.

### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Jeff Russell, Virginia Department of Transportation Residency Administrator, and Andy Fowler, Virginia Department of Transportation Assistant Residency Administrator, addressed the Board. Mr. Russell reported that Route 619, Saint Peters Road, should be paved next week. He noted that the project should be completed by mid-October.

Supervisor McRoberts questioned if the Austinville portion of Route 619 is slated for paving in the near future. He noted that he had been contacted by a citizen requesting pavement of the road.

Mr. Fowler advised that Route 619 from Route 52 to Austinville is included on the 2017 paving schedule and will be paved at that time as long as funding remains in place for the project.

Chair Reeves inquired if Route 619 is scheduled for mowing.

Mr. Fowler noted that the second mowing of Route 619 should be completed within the next two weeks.

Chair Reeves explained that he has received requests from citizens for maintenance of the roads within Ivanhoe. He noted that the roads are in disrepair and are in need of immediate work.

Supervisor Houseman expressed his appreciation for repair of the hole along the side of Route 11, east of New Bethel Road.

Supervisor Willis thanked Mr. Russell and his crew for the job that they do.

Supervisor Hale noted that the Virginia Department of Transportation (VDOT) crew did a great job on the paving of the half mile of Millers Creek Road. He requested that the crew pull the ditch and install additional pipe on the road to prevent future issues.

Mr. Fowler explained that they are presently working with Wythe Stone to select stone for the creek bank. He noted that they would next determine the lowest grade point, reestablish the ditch, install the cross drain, and install the rock on the creek bed. Mr. Fowler added that they have received clearance from the Environmental Department to complete the project while the creek is low.

Supervisor McRoberts requested striping on Piney Mountain Road on behalf of a citizen.

Mr. Fowler advised that he has already submitted a request for striping of Piney Mountain Road.

Chair Reeves reported that at the recent Virginia Association of Counties Regions 12 and 13 meeting, they discussed road maintenance funding. He noted that he did request additional employees for the local crew.

Mr. Dalton noted that the VDOT crew recently cleared the side of Reed Creek Drive with a brush hog. He asked what process would be needed to request this type of brush hogging for other secondary roads.

Mr. Russell stated that an e-mail request would be needed for consideration of the work.

### **COUNTY ADMINISTRATOR'S REPORT**

County Administrator Cellell Dalton appeared before the Board and reported the following:

1. Virginia Office of Animal Care – Mr. Dalton reviewed with the Board a letter from Carolynn Bissett, Virginia Office of Animal Care Acting Program Manager, outlining revisions to animal shelter regulations implemented on August 24, 2016. Mr. Dalton noted that based on changes in animal shelter regulations, he would anticipate that construction of a new animal shelter would be needed within the next five years. He added that with the changes, private shelters and kennels would also have to comply with the regulations.

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2. Senate Bill 364 Local Option Health Insurance Plan – Mr. Dalton reviewed with the Board information from a recent webinar related to the Virginia Department of Human Resource Management Local Option Health Insurance Plan. He noted that additional information would be available in October.
3. Virginia Department of Housing and Community Development Grant – Mr. Dalton reviewed with the Board a letter from Jeff Sadler, Virginia Department of Housing and Community Development Associate Director, concerning Wythe County's submittal for grant funding. Mr. Dalton reported that they did not receive the \$75,000 grant funding requested for the demolition of the house on the Appalachian Regional Exposition Center property.
4. Old Southwestern Virginia Turnpike – Mr. Dalton reviewed with the Board an e-mail and corresponding information related to the ownership of the Old Southwestern Virginia Turnpike right of way located adjacent to Chapman Road. Mr. Dalton reported that Salem Stone has requested that the County abandon their rights to the Turnpike. He noted that a public hearing would be required for the abandonment of the Turnpike, if the Board decides to do so. Mr. Dalton added that Salem Stone would be required to bear all costs associated with the abandonment.

Chair Reeves questioned who owned the right of way prior to the 1920s.

Mr. Dalton advised that according to the correspondence received from VDOT, the Old Southwestern Virginia Turnpike Association owned the right of way. He noted that when the Association disbanded, all of the right of ways reverted to the County.

Following discussion, Supervisor Houseman made a motion, seconded by Supervisor Hale to submit a letter to the Virginia Department of Transportation requesting abandonment of the Old Southwest Virginia Turnpike right of way.

The motion passed unanimously.

5. Railroad Track Repair Proposals – Mr. Dalton reviewed with the Board three proposals for repair of the railroad tracks running through Progress Park. Mr. Dalton noted that the cost of the project would be billed back to Amcor and Gatorade.

Supervisor Hale made a motion, seconded by Supervisor Willis to accept the low bid in the amount of \$17,702 and to amend and appropriate the same to 81061-443020.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts  
Charlie G. Lester B. G. "Gene" Horney, Jr.  
Steven T. Willis Timothy A. Reeves, Sr.  
Joe F. Hale

NAYS: None

**SUPERVISORS' REPORTS**

1. Virginia Association of Counties Regions 12 and 13 Meeting – Chair Reeves reported that over 40 locality representatives were attendance at the September 22 Virginia Association of Counties (VACo) Regions 12 and 13 meeting. He noted that topics of discussion included the proposed tobacco tax and meals tax increase. Chair Reeves advised that there was more support for the tobacco tax legislation than in the previous year. He explained that several counties are hiring a lobbyist to help push legislation through at a cost of \$5,000 to \$7,000. Chair Reeves stated that the lobbyist is an attorney from Richmond and has offered to meet with the Board to discuss options. He added that VACo is lobbying for the legislation, but additional assistance may be needed to get the legislation passed.

Supervisor Hale advised that the tobacco tax is an important potential significant revenue stream for the County. He noted that he is in favor of hiring a lobbyist to promote the legislation. Supervisor Hale also recommended that Board members work to garner support for the legislation from Senators, Delegates, and other localities.

Chair Reeves recommended that they request resolutions in support of the tax from the Towns of Rural Retreat and Wytheville.

The Board agreed to invite the lobbyist to an upcoming Board meeting to discuss options.

**COUNTY ATTORNEY'S REPORT**

County Attorney Scot Farthing appeared before the Board and reported the following:

1. Exposition Center Site Well Right of Way – Mr. Farthing reported that the title insurance company for Salem Stone has requested an easement for access to the well located on the Exposition Center property. He explained that when Salem Stone purchased the property behind the Exposition Center site, they believed that they had a right of way for use of the well on the County's property. Mr. Farthing noted that in his opinion, Salem Stone does not have a right of way to the well, and he would not recommend sale of an easement. Mr. Farthing stated that the seller's attorney when the property was purchased agreed. He

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added that he has discussed the issue with Mr. Dalton and he also concurred with his recommendation.

Supervisor Hale noted that the County is not taking action against Salem Stone, but against the title insurance company.

Mr. Dalton explained that he has discussed the issue with Salem Stone and they do understand that the County is not taking this action against them. He noted that Salem Stone's dispute would be with the title insurance company not the County.

2. Joint Public Service Authority Appointment – Mr. Farthing reported that in accordance with language in the Joint Public Service Authority Ordinance, the at-large member shall be appointed by the Board of Supervisors and shall be a citizen from the area in which the landfill is located.

Mr. Dalton explained that when the landfill was constructed there were many citizens from the Max Meadows Gunton Park area who were opposed to its construction. He advised that at that time it was decided to stipulate in the Ordinance that they would appoint a representative of the citizens from the general area around the landfill to that board. Mr. Dalton stated that when the landfill was abandoned in 1991 and they began using the Transfer Station, that statement remained in the Ordinance and was included in the Joint Public Service Authority's by-laws.

Mr. Farthing noted that 'general area' is not clearly defined in the Ordinance. He added that he would review the by-laws to determine if it includes a more detailed description.

Following discussion, the Board agreed to delay appointment to the Joint Public Service Authority until the County Attorney could review the by-laws and the issue could be discussed with Bland County.

**CONSENT CALENDAR**

Supervisor Horney made a motion to approve the consent calendar for August 23, 2016, as follows:

**1. PAYROLL – August 2016:**

Water Department	\$ 23,252.15
Wythe County Wastewater Fund	17,527.40
Police Activity Fund	65,354.12
Courthouse Security Fund	21,633.39
General County Fund	<u>487,816.79</u>
<b>TOTAL</b>	<b>\$ 615,583.85</b>

**Check Numbers:** 30095101-30095109; 30095119-30095127

**Voucher Numbers:** V615000-615178; V616000-615181

**2. STATUS REPORTS:**

- A. Animal Control – Arlan Dunford
- B. Engineering – Bill Vaughan
- C. Water and Wastewater – Don Crisp

**3. PERSONNEL:**

- A. Crowder, Santana – Salary Increase (End of Six-Month Probationary Period), Full-time Communications Officer, Annual Salary \$28,000, Effective August 16, 2016
- B. Tucker, Nathaniel – Salary Increase (End of Six-Month Probationary Period), Full-time Communications Officer, Annual Salary \$28,000, Effective August 16, 2016
- C. Morgan, Sharmeta – Hired, Full-time Communications Officer, Annual Salary \$22,819, Effective August 16, 2016
- D. Robinson, Daniel – Hired, Full-time Assistant Commonwealth’s Attorney, Annual Salary \$58,689, Effective September 9, 2016
- E. Miller, Nathan – Resigned, Full-time Deputy, Effective September 15, 2016
- F. Jones, Joshua – Resigned, Full-time Deputy, Effective September 16, 2016

**4. BUDGET AMENDMENTS:**

- A. \$2,808 (1301-412100) and \$215 (1301-422100) – Electoral Board
- B. \$303 (2201-470015) – Transfer from Asset Forfeiture for purchase of Access Point, Commonwealth’s Attorney Office

Supervisor McRoberts seconded the motion.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman                      Coy L. McRoberts  
         Charlie G. Lester                      B. G. “Gene” Horney, Jr.  
         Steven T. Willis                        Timothy A. Reeves, Sr.  
         Joe F. Hale

NAYS: None

**September 27, 2016**

**FISCAL YEAR 2017 SECOND QUARTER APPROPRIATIONS**

The Board reviewed Fiscal Year 2017 second quarter appropriations for approval.

Supervisor Houseman made a motion, seconded by Supervisor Lester to approve the Fiscal Year 17 second quarter appropriations as presented.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts  
Charlie G. Lester B. G. "Gene" Horney, Jr.  
Steven T. Willis Timothy A. Reeves, Sr.  
Joe F. Hale

NAYS: None

**MOUNT ROGERS PLANNING DISTRICT COMMISSION WASTEWATER CONSTRUCTION FUND GRANT – EXIT 24 WASTEWATER**

The Board reviewed and discussed a letter from Brian Reed, Mount Rogers Planning District Commission Deputy Director, announcing approval of a Southwest Virginia Regional Wastewater Construction Fund grant in the amount of \$100,000 for the Exit 24 wastewater project.

Supervisor Houseman made a motion, seconded by Supervisor Willis to accept the Mount Rogers Planning District Commission Southwest Virginia Regional Wastewater Construction Fund grant in the amount of \$100,000.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts  
Charlie G. Lester B. G. "Gene" Horney, Jr.  
Steven T. Willis Timothy A. Reeves, Sr.  
Joe F. Hale

NAYS: None

**TOBACCO REGION REVITALIZATION COMMISSION GRANT – APPALACHIAN REGIONAL EXPOSITION CENTER**

Supervisor Hale updated the Board on the status of the Appalachian Regional Exposition Center project Tobacco Region Revitalization Commission grant. He noted that the Commission tabled the request until January. Supervisor Hale added that the Commission wished to wait until more recognizable evidence of progress could be provided by the County.

Chair Reeves advised that he has spoken with Senator Bill Carrico, Senator Benton Chafin, James Morefield, Richard Sutherland, and Mary Rae Carter, and they are all in support of the project funding. He noted that with the work that should be accomplished by January on the Center site, he is optimistic that the County will receive the funding requested.

**THE LANE GROUP – APPALACHIAN REGIONAL EXPOSITION CENTER**

The Board reviewed the minutes and bid summary from the September 20, 2016, Appalachian Regional Exposition Center rough grading bid opening as prepared by the Lane Group.

Mr. Dalton reported that the Lane Group has recommended acceptance of the bid from Bakers Construction, Inc. in the amount of \$940,285 for the rough grading of the Exposition Center site. He requested award of the bid to Bakers Construction, Inc.

Supervisor Horney made a motion, seconded by Supervisor Hale to award the rough grading of the Appalachian Regional Exposition Center site to Bakers Construction in the amount of \$940,285 and to proceed with the project.

The roll call vote on the motion was as follows:

AYES:	Charlie G. Lester	Coy L. McRoberts
	Steven T. Willis	B. G. "Gene" Horney, Jr.
	Joe F. Hale	Timothy A. Reeves, Sr.

NAYS: Gary M. Houseman

Supervisor Hale requested that staff require a detailed itemization of payments and comprehensive breakdown of costs related to the project.

**R & R ENTERPRISES INC – WASTEWATER CONNECTION REQUEST**

The Board reviewed a letter from Aaron Robinson, R & R Enterprises, Inc. president, requesting connection to the abandoned six-inch force main sewer line located on Peppers Ferry Road.

Mr. Dalton recommended that R & R Enterprises' request be referred to the Economic Development Committee or Water and Wastewater Committee for further discussion.

Chair Reeves referred the request to the Water and Wastewater Committee.

**September 27, 2016**

**RESOLUTION 2016-19 – LOTTERY FOR LOCALITIES**

The Board reviewed Resolution 2016-19, for the distribution of lottery funds to localities as follows:

**RESOLUTION 2016-19  
LOTTERY FOR LOCALITIES**

**WHEREAS**, the Virginia Lottery is a 1.8 billion dollar business run by the State of Virginia; and

**WHEREAS**, the Virginia Lottery is untaxed in Virginia localities, therefore potentially taking away from sales of goods and services which are taxed locally with a percentage returned to the localities; and

**WHEREAS**, the Lottery for Locality proposal aims to collect 5% of all lottery sales in each locality, and bring that money back to the General Fund of the counties and towns to replace those monies that could be captured with the sales of goods and services; and

**WHEREAS**, the 5% shall not be taken from the 28.9% of monies that are used for education dollars, but from the 60.6% of the \$1.8 billion that is collected in the prize pool; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of Wythe, that we hereby support the proposed 'Lottery for Localities' initiative and urge the Virginia General Assembly to duly consider it in the upcoming 2017 Session of the General Assembly.

**BE IT FURTHER RESOLVED**, that we urge the Virginia Association of Counties and the Virginia Municipal League to support the 'Lottery for Localities' initiative and make it a part of their legislative agenda.

Supervisor Hale made a motion, seconded by Supervisor Lester to adopt Resolution 2016-19, Lottery for Localities as presented.

Supervisor Houseman suggested amendment of the third paragraph to state, "bring that money back to the General Fund of those localities." He noted that more specificity is needed within the resolution.

Supervisor Hale questioned why towns were included to receive a share of the funds when they do not contribute to the school system.

Mr. Dalton explained that two towns drafted the original resolution on which the County's is based. He noted that "and towns" could be stricken from the resolution.

The Board tabled adoption of Resolution 2016-19 and agreed to readdress the resolution at the October 11 Board meeting with the revisions discussed.

**RESOLUTION 2016-20 – TOBACCO TAX**

The Board reviewed Resolution 2016-20, requesting approval of legislation, which would provide counties the authority to implement a tax on tobacco if desired as follows:

**RESOLUTION 2016-20  
TOBACCO TAX**

**WHEREAS**, the County of Wythe, Virginia requests that all Counties in Virginia have equal rights; and,

**WHEREAS**, the County of Wythe, respectively requests that the Code of Virginia be amended to provide equal rights; and,

**WHEREAS**, the County of Wythe has been required to fund shortfalls in State and Federal funding; and,

**WHEREAS**, the County of Wythe has identified a means to lessen the burden on property taxes by implementing a cigarette tax that has previously been approved by State legislative action; and,

**NOW, THEREFORE, BE IT RESOLVED**, the Wythe County Board of Supervisors request that Section 58.1-3831 be amended to allow all Virginia counties to have the power to levy tax upon the sale or use of cigarettes; and

**BE IT FURTHER RESOLVED**, that a copy of the requested changes be attached to this resolution.

Supervisor Hale made a motion, seconded by Supervisor Houseman to adopt Resolution 2016-20, Tobacco Tax as presented.

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

**RESOLUTION 2016-21 – PROGRESS PARK CONNECTOR ROAD**

The Board reviewed Resolution 2016-21 in support of submittal of an application for Smart Scale funding for the Progress Park Connector Road as follows:

**September 27, 2016**

**WYTHE COUNTY RESOLUTION 2016-21  
PROGRESS PARK CONNECTOR ROAD**

**WHEREAS**, Section 33.2-214.1 of the Code of Virginia, as amended, requires that the Commonwealth Transportation Board develop a prioritization process, generally referred to as "Smart Scale", based on an objective and quantifiable analysis that considers, at a minimum, congestion mitigation, economic development, accessibility, safety, and environmental quality; and

**WHEREAS**, Wythe County has developed a 1,210 acre industrial park, Progress Park, which has six existing industries, including SVC Manufacturing's Gatorade bottling facility, an automotive parts manufacturer, and a graded 164 acre mega-site; and

**WHEREAS**, access to Progress Park from Interstates 77 and 81 is critically important for industrial development, access to employment opportunities, and safe and efficient movement of freight; and

**WHEREAS**, this connector road is needed to enhance the flow of freight, improve safety, and meet expected growth; and

**NOW, THEREFORE, BE IT RESOLVED** that the Wythe County Board of Supervisors whole-heartedly endorse a Smart Scale Application for the Progress Park Connector Road

**BE IT FURTHER RESOLVED** that this resolution be submitted with the Smart Scale application and a copy of this resolution be incorporated into the official minutes of the Wythe County Board of Supervisors.

Mr. Dalton advised that the Smart Scale application that this resolution supports only relates to the cost and funding of the project, not the design. He noted that if the application is approved and funded, the project would be placed at the end of the Six-Year plan and would not be constructed until six years in the future. Mr. Dalton added that approval of the Smart Scale funding would remove the financial burden of constructing the road from the County.

Supervisor Willis made a motion, seconded by Supervisor Lester to adopt Resolution 2016-21, Progress Park Connector Road as presented.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

**MEALS TAX LEGISLATION**

The Board reviewed a letter in support of proposed meals tax legislation, which would allow localities the opportunity to implement a meals tax of up to 8%.

Mr. Dalton reported that the legislation would provide counties the same meals taxation capabilities as towns and cities. He noted that currently counties are capped at 4%.

Supervisor Hale made a motion, seconded by Supervisor Houseman to approve submittal of the meals tax legislation support letter as presented.

Mr. Dalton explained that the letter of support would include all Board members' signatures and would be sent to Senators, House of Delegate members, and the Governor.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

**VIRGINIA DEPARTMENT OF HEALTH – ROUTE 52 JACKSON SCHOOL WATER**

The Board reviewed a letter from Steven Pellei, Virginia Department of Health Office of Drinking Water Division of Construction Assistance Planning and Policy, concerning the Branson Construction issue related to the Route 52 Jackson School water project.

Mr. Dalton reported that due to the situation, the Health Department has decided to withdraw all future funding for the project. He noted that pavement and restoration work remain to be completed. Mr. Dalton explained that they would contact the payment bond company to recover all funds owed to the County including liquidated damages associated with the project.

Supervisor Hale recommended that they prepare an invoice for submittal to the bond company for the County's work on the project.

Mr. Dalton advised that an invoice would be submitted for all work completed by the County once the project is finalized.

**RECESS**

The Board recessed for a short break at 12:05 p.m.

**RECONVENE**

The Board reconvened at 12:18 p.m.

**September 27, 2016**

**RURITAN CLUB BUILDING**

Supervisor Houseman made a motion, seconded by Supervisor McRoberts to waive building permit fees associated with the construction of a handicapped ramp at the Ruritan Club building.

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

**CLOSED MEETING – DISCUSSION OF PERSONNEL MATTERS AND MATTERS INVOLVING A PROSPECTIVE OR EXISTING INDUSTRY**

Supervisor Willis made a motion, seconded by Supervisor Horney to enter into Closed Meeting under Section 2.2-3711-A.1 (Discussion of Personnel Matters) and Section 2.2-3711-A.5 (Matters Involving a Prospective or Existing Industry) of the Code of Virginia.

The motion passed unanimously.

Supervisor Horney made a motion, seconded by Supervisor McRoberts to return to open meeting.

The motion passed unanimously.

Upon returning to open meeting, Supervisor Willis made a motion, seconded by Supervisor Lester to adopt the following Resolution certifying the business conducted in closed meeting as follows:

**RESOLUTION  
CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Wythe County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the Wythe County Board of Supervisors that such meeting was conducted in conformity with Virginia law; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Wythe 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 by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Wythe County Board of Supervisors.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts  
Charlie G. Lester B. G. "Gene" Horney, Jr.  
Steven T. Willis Timothy A. Reeves, Sr.  
Joe F. Hale

NAYS: None

Supervisor Houseman made a motion, seconded by Supervisor Willis to accept the amendment to the employment agreement with Robert Cellell Dalton.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts  
Charlie G. Lester B. G. "Gene" Horney, Jr.  
Steven T. Willis Timothy A. Reeves, Sr.  
Joe F. Hale

NAYS: None

Supervisor Willis made a motion, seconded by Supervisor McRoberts to accept the employment agreement with Stephen D. Bear effective 12 a.m. October 1.

The roll call vote on the motion was as follows:

AYES: Gary M. Houseman Coy L. McRoberts  
Charlie G. Lester B. G. "Gene" Horney, Jr.  
Steven T. Willis Timothy A. Reeves, Sr.  
Joe F. Hale

NAYS: None

Supervisor Horney made a motion, seconded by Supervisor McRoberts to appoint Martha G. Collins as the Clerk of the Board with a salary of \$55,000.

**September 27, 2016**

The roll call vote on the motion was as follows:

AYES:	Gary M. Houseman	Coy L. McRoberts
	Charlie G. Lester	B. G. "Gene" Horney, Jr.
	Steven T. Willis	Timothy A. Reeves, Sr.
	Joe F. Hale	

NAYS: None

**LONG MEADOWS SUBDIVISION**

The Board reviewed and discussed a revised punch list for completion of the Long Meadows subdivision road, as well as a quote for the necessary work.

Mr. Dalton reported that the Virginia Department of Transportation (VDOT) had previously committed to provide a portion of the funding for paving of the road. He requested authorization from staff to discuss the issue with VDOT.

Mr. Bear advised that Doug Meade had previously provided Helping Overcome Poverty's Existence with two quotes, \$70,000 for laying the asphalt and \$50,000 to remove the rip rap in the ditches, regrade ditches, replace ditches, and complete work on the stormwater management ponds. He explained that they recently met with VDOT on the site, and VDOT determined that the rip rap did not need to be removed from the ditches, but instead only repair of select areas was needed. Mr. Bear noted that during the site visit, VDOT outlined additional work needed as reflected in Mr. Meade's revised quote of \$98,000, which does not include erosion control.

Supervisor Hale questioned the relocation of the fire hydrant as listed in the punch list. He noted that lowering the fire hydrant below the top of the guardrail would impede access and use of the hydrant.

Mr. Bear agreed and explained that he did mention this during the site visit. He noted that VDOT stated that an object cannot protrude above the guardrail even with a break off.

The Board agreed to authorize Mr. Dalton to discuss the issue with VDOT one final time and to pursue legal action if an agreement cannot be met.

**ADJOURNMENT**

With no other business to come before the Board, Chair Reeves adjourned the meeting at approximately 2:02 p.m.

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Timothy A. Reeves, Sr., Chair