

Grayson County Board of Supervisors
Regular Meeting
July 14th, 2011

Members attending were: Mike Maynard, Larry K. Bartlett, Doug Carrico, Brenda Sutherland, and Joe Vaughan.

IN RE: CONSENT AGENDA

The Board approved agenda with additional items and consent agenda.

IN RE: REPORTS, PRESENTATIONS OR REQUESTS

American Electric Power – Moved to the August 11th, 2011 agenda.

Mt. Rogers Christmas Tree Growers Association – Has asked for exemption on taxes for the Tree Growers Association & their warehouse for \$800.00.

IN RE: OLD BUSINESS

Jonathan D. Sweet asked for permission to re-advertise Redistricting Ordinance for Board of Supervisors Public Hearing to be held on August 11th, 2011. Joe Vaughan moved to approve; duly seconded by Mike Maynard. Motion carried 5-0.

The Roanoke Valley Detention Commission Service Agreement per diem is increasing from \$180.00 per person to \$190.00 per person. Jonathan Sweet presented the agreement for approval. Brenda Sutherland moved to approve; duly seconded by Mike Maynard. Motion carried 5-0.

IN RE: APPOINTMENTS

Joe Vaughan nominated Bill Shaffner for the Grayson County Board of Zoning Appeals (BZA).

Administration recommended Elaine Holeton as the primary representative from Grayson County for The Crooked Road Board. Mike Maynard moved to approve; duly seconded by Joe Vaughan. Motion carried 5-0. Larry Bartlett nominated Doug Carrico as the alternate member for The Crooked Road Board; seconded by Mike Maynard. Motion carried 5-0.

Joe Vaughan moved to approve Elaine Holeton as a representative from Grayson County for the 9th District Development Finance Committee; duly seconded by Brenda Sutherland. Motion carried 5-0.

Mike Maynard moved to approve Jonathan Sweet to a two (2) year term for the Mt. Rogers Planning District; duly seconded by Doug Carrico. Motion carried 5-0.

IN RE: UNANTICIPATED/MISCELLANEOUS REVENUES

Mike Maynard moved to appropriate Unanticipated and Miscellaneous Revenue in the amount of \$2,971.41 to the appropriate funds; duly seconded by Doug Carrico; Motion carried 5-0.

IN RE: SCHOOL BOARD MONTHLY REQUISITION

Brenda Sutherland moved to approve the appropriation of the School Board's month allocation in the amount of \$440,231.00 (1/12); duly seconded by Doug Carrico. Motion carried 5-0.

	<u>Total Budget Amount</u>	<u>1/12 of Budget Amount</u>
Operations	\$4,208,285.00	\$ 350,691.00
Debt Service	\$1,048,375.34	\$ 87,365.00
Water at Grayson Highlands	\$ <u>26,100.00</u>	\$ <u>2,175.00</u>
Total	\$5,282,760.34	\$ 440,231.00

IN RE: WYTHE-GRAYSON REGIONAL LIBRARY FIRST QUARTER REQUISITION

Mike Maynard moved to approve the Wythe Grayson Regional Library's first quarter allocation in the amount of \$57,809.75; duly seconded by Brenda Sutherland. Motion carried 5-0.

IN RE: GRAYSON COUNTY DROUGHT RESPONSE CONTINGENCY PLAN

The Grayson County Drought Response Contingency Plan covers public water that Grayson County provides to residents. Brenda Sutherland made motion to approve the plan; duly seconded by Doug Carrico. Motion carried 4-1 with Mike Maynard the one descending vote.

GRAYSON COUNTY

Drought Response and Contingency Plan

Sec. I. Authority to declare water emergencies

During the continued existence of climatic, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of Grayson County may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary. The definitions, water emergency criteria, and water use restrictions referenced in this ordinance are presented in greater detail in the Mount Rogers Planning District Commission Drought Response and Contingency Plan, which is incorporated herein by reference.

The Grayson County Administrator or his or her designee is authorized to declare a water emergency in Grayson County restricting the use of water in any area of the county. All water stages are built upon and require compliance with previous water stages. For example when a Drought Emergency is declared all provisions of a Drought Warning are in effect. Also the Grayson County Administrator or his or her designee may declare any of the three stages; they do not have to be declared sequentially.

Sec. II. Publication of declaration

Upon the declaration of a water emergency, the Grayson County Administrator or his or her designee shall immediately post a written notice of the emergency at the front door of the county administration building and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared.

Sec. III. Water use considerations

Upon the declaration of a water shortage or emergency, the Grayson County Administrator or his or her designee is authorized and directed to implement conservation measures by ordering the restricted use or absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth hereof, the Grayson County Administrator or his or her designee shall give due consideration to stream flow conditions, water levels, available/usable storage on hand, draw down rates and the projected supply capability in the town; system purification and pumping capacity; daily water consumption and consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety and such other data pertinent to the past, current and projected water demands.

Sec. IV. Limitation of restrictions

The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the Grayson County Administrator or his or her designee, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the Grayson County Administrator or his or her designee may appeal the decision to the Grayson County Board of Supervisors.

Sec. V. Water conservation measures

Upon a determination by the Grayson County Administrator or his or her designee of the existence of the following conditions, the County Administrator shall take the following actions that shall apply to all water users in Grayson County:

- (a) Drought Watch: when moderate but limited supplies of water are available and a drought watch is declared in accordance with the Drought Response and Contingency Plan, the Grayson County Administrator or his or her designee shall, through appropriate means, call upon the general population to employ prudent restraint in water usage. Public outreach activities shall be identified to inform the general population of the potential for drought conditions to intensify any potential water conservation activities that may be utilized.**
- (b) Drought Warning: The drought warning stage includes voluntary water conservation actions due to the imminent onset of a significant drought event. Customers will be asked to reduce outdoor water use by only using water before 10 a.m. and after 7 p.m. and by:**
- ◆ **Reducing turf watering;**
 - ◆ **Using a broom, not the hose, to clean driveways and sidewalks;**
 - ◆ **Reducing vehicle washing;**
 - ◆ **Using bucket watering instead of hose watering when possible; and**
 - ◆ **Turning off ornamental fountains.**

Customers will be asked to reduce indoor water use by:

- ◆ **Identifying and repairing leaks;**
- ◆ **Turning off the water while shaving, brushing teeth, etc;**
- ◆ **Reducing shower time to five minutes or taking baths with less water;**
- ◆ **Only using the clothes washer and dishwasher machines when there are full loads;**

- ◆ Storing water in the refrigerator instead of running it to get it cold; and
 - ◆ Installing water-saver devices in the home, such as low-flow toilets and showerheads.
- (c) **Drought Emergency:** As drought conditions continue to worsen, a drought emergency may be declared by the Grayson County Administrator or his or her designee. When a drought emergency is declared, the following mandatory water restrictions are imposed:
- ◆ All public water uses not required for health or safety will be prohibited;
 - ◆ Watering outdoor vegetation will be prohibited, except from a watering can or other, container not exceeding three-gallons in capacity or with recycled water. Any person regularly engaged in the sale of plants will be permitted to irrigate only in amounts necessary to prevent the loss of nursery stock;
 - ◆ Washing vehicles except from a bucket or other container not exceeding three-gallons in capacity or with recycled water will be prohibited;
 - ◆ Washing driveways, sidewalks, exteriors of homes or other outdoor surfaces will be prohibited; however, any person regularly engaged in the business of washing such areas shall be permitted to use water for such purposes as long as the amount of water being used is minimized;
 - ◆ The operation of any ornamental fountain or similar structure using water will be prohibited;
 - ◆ The filling or refilling of swimming pools or wading pools will be prohibited;
 - ◆ Restaurants and similar establishments will be prohibited from serving water unless specifically requested by the customer; and
 - ◆ Fire hydrant use will only be permitted for fire protection.

Sec. VI. Penalty and enforcement

- (a) Any person who violates any provision of the drought warning stage may be subject to the following civil penalties:
- (1) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of Grayson County.
 - (2) For the second offense, violators shall be fined fifty dollars (\$50.00), the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.

- (3) For the third offense, violators shall be fined one hundred dollars (\$100.00) for each offense, the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.**
- (4) For each subsequent offense, violators will be subject to water service termination and reconnection fees.**
- (5) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.**
- (b) Any person who violates any provision of the drought emergency stage may be subject to the following penalties:**
 - (1) Residential customers who exceed the greater of 5,000 gallons of water per month of consumption or use other than their base usage for the same period in the previous twelve (12) months will be charged two-times the rate.**
 - (2) Residential customers who continue to use more than 5,000 gallons of water per month of consumption or use more than their base usage for the same period in the previous twelve (12) months will be subject to water service termination and reconnection fees.**
 - (c) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the Grayson County Administrator or his or her designee shall determine that the penalty was properly assessed and notify the complaining person in writing of their determination.**
 - (d) The Grayson County Administrator or his or her designee may waive the penalty if they determine that the violation occurred due to no fault of the person.**

Sec. VII. Notification of end of water emergency

The Grayson County Administrator or his or her designee shall notify the Grayson County Board of Supervisors when, in their opinion, the water emergency situation no longer exists. Upon concurrence of the Grayson County Board of Supervisors, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

Adopted unanimously on July 14th, 2001, in Grayson County, Virginia.

IN RE: RESOLUTION – VIRGINIA LINE OF DUTY ACT (OPT-OUT OF VRS)

Action must be taken by July 31st, 2011 regarding the Line of Duty Act. Administrator Jonathan D. Sweet recommended not to participate in the VRS (Virginia Retirement System) LODA (Line of Duty Act), but to participate in VACORP (Virginia Corp) LODA (Line of Duty Act). Larry K. Bartlett read the following resolution not to participate.

**RESOLUTION
IRREVOCABLE ELECTION NOT TO PARTICIPATE IN VRS LINE
OF DUTY ACT FUND**

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the “Fund”) for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the Grayson County Board of Supervisors to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the County of Grayson hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds;

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED that, to the best of the knowledge of the Grayson County Board of Supervisors, the following entities constitute the population of its past and present covered employees under the Line of Duty Act:

Grayson County Sheriff’s Office
Mount Roger’s Volunteer Fire & Rescue Squad
Rugby Volunteer Fire & Rescue Squad
Troutdale Volunteer Fire & Rescue Squad
Elk Creek Volunteer Fire Department
Elk Creek Volunteer Rescue Squad
Independence Volunteer Fire Department
Independence Volunteer Rescue Squad
Fries Volunteer Fire Department
Fries Volunteer Rescue Squad
Baywood Search & Rescue

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED that, as a non-participating employer, Grayson County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of Grayson County on or after July 1, 2010;

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED that, as a non-participating employer, Grayson County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund:

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED that Grayson County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted, this 14th day of July, 2011, in Grayson County, Virginia.

Mike Maynard made motion to approve as read; duly seconded by Joe Vaughan. Roll call vote as follows:

<u>Ayes</u>	<u>Nays</u>
Larry K. Bartlett	
Doug Carrico	
Mike Maynard	
Joe Vaughan	
Brenda Sutherland	

Motion carried 5-0.

IN RE: RESOLUTION – VIRGINIA RETIREMENT SYSTEM

The Board took no action on this agenda item.

IN RE: ADDITIONAL BUDGET APPROPRIATION (Added to the Agenda)

Jonathan D. Sweet noted that the Department of Social Services (DSS) and the Library employees were not included on the Cost of Living Adjustment (COLA) that went into effect on July 1st, 2011. The Department of Social Services (DSS) has 21 positions at the 1% COLA totals \$6,396.00. Mike Maynard moved to approve the Cost of Living Adjustment (COLA); duly seconded by Brenda Sutherland. Roll call vote as follows:

<u>Ayes</u>	<u>Nays</u>
Mike Maynard	
	Joe Vaughan
	Larry K. Bartlett
Brenda Sutherland	
Doug Carrico	

Motion carried 3-2.

The Library would need to have a 1.5% – 3.0% structure based on salary consistent with Wythe County adjustment. Mike Maynard moved to approve the Cost of Living Adjustment (COLA); duly seconded by Brenda Sutherland. Roll call vote as follows:

Ayes
Mike Maynard

Nays
Joe Vaughan
Larry K. Bartlett

Brenda Sutherland
Doug Carrico

Motion carried 3-2.

Both these departments (DSS & the Library) will need to find within their own budget, if possible, and make the needed adjustments at the end of the year in the fourth (4th) quarter.

IN RE: RESOLUTION – GALAX-GRAYSON EMS
(VIRGINIA LINE OF DUTY ACT)

Jonathan D. Sweet read the following resolution:

RESOLUTION
RECOGNIZING GALAX – GRAYSON EMERGENCY MEDICAL SERVICE
AS AN INTEGRAL PART OF THE OFFICIAL SAFETY PROGRAM OF GRAYSON COUNTY

WHEREAS, Galax – Grayson Emergency Medical Service (the “Department”) has since June 1, 1975, provided Emergency Medical Services to the public, both within and without the corporate limits of the County of Grayson, Virginia (the “County”); and,

WHEREAS, the County Board of Supervisors wish to recognize the Department as an integral part of the official safety program of the County, in conformity with the provisions of the Virginia Line of Duty Act, §§ 9.1-400 et seq., of the Code of Virginia, 1950 as amended (the “Act”); and,

WHEREAS, in recognizing the Department as an integral part of the County’s official safety program under the Act, it is necessary to distinguish that all members of the Department are active and do respond to calls and actively engage in emergency medical and/or rescue activities; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Grayson, Virginia, at a regular meeting of the Board of Supervisors held on July 14th, 2011:

1. That the Board of Supervisors hereby recognize the Department as an integral part of the County's official safety program, in conformity with the provisions of the Virginia Line of Duty Act, §§9.1-400 et seq., of the Code of Virginia, 1950 as amended; and,
2. That for purposes of the Act, the Department, as a Third Party Municipal Agency, is solely responsible for providing coverage to its staff members actively engaging in emergency medical and/or rescue activities with the Department, are recognized by the Board of Supervisors under the Act.

Adopted the 14th day of July, 2011 in Grayson County, Virginia

Motion to approve as read was made by Mike Maynard; duly seconded by Dough Carrico. Roll call vote as follows:

Ayes
Larry K. Bartlett
Doug Carrico
Mike Maynard
Joe Vaughan
Brenda Sutherland

Nays

Motion carried 5-0.

IN RE: PROCLAMATION – ANNIVERSARY OF VIRGINIA STATE PARKS AND
NEW RIVER TRAIL STATE PARK

Jonathan D. Sweet read the following Proclamation:

**A RESOLUTION OF CONGRATULATIONS ON THE 75TH ANNIVERSARY OF
VIRGINIA STATE PARKS AND NEW RIVER TRAIL STATE PARK**

WHEREAS, New River Trail State Park, including the Foster Falls Village and the Shot Tower, was named after the river it parallels the most; and

WHEREAS, New River Trail State Park makes up 57 miles of trail including two tunnels, three major bridges, and nearly 30 smaller bridges donated from Norfolk and Southern Corporation to spur economic development and to create a unique recreational experience; and

WHEREAS, Virginia was the first state to open six state parks simultaneously on June 15th, 1936, with New River Trail State Park being the 28th park acquired in 1986; and

WHEREAS, Virginia's State Park's have been recognized nationally as the best managed park systems in the country; and

WHEREAS, New River Trail State Park features panoramic views, fishing, the longest linear hiking, biking, and equestrian trail, picnicking, camping, boating, educational, environmental and historic interpretive programs, along with a multitude of programming including: the Festival of Lights and a venue for outdoor recreation and weddings; and

WHEREAS, New River Trail State Park draws visitors from far and wide thus contributing to the economical and recreational opportunities for Wythe County, Pulaski County, Carroll County, Grayson County, the Town of Fries, the Town of Pulaski and the City of Galax.

WHEREAS, New River Trail State Park allows individuals to reconnect with nature, as essential part of a healthy lifestyle, by providing a tonic for the mind, body, and spirit; and

WHEREAS, New River Trail State Park shares hands-on learning through Standards of Learning-based environmental education programs enhancing comprehension for thousands of students annually.

NOW, THEREFORE, BE IT RESOLVED, the County of Grayson hereby congratulates Virginia State Parks and New River Trail State Park on the occasion of its 75th Anniversary and extends best wishes for many years to come.

Adopted this 14th day of July, 2011, in Grayson County, Virginia.

Motion to approve as read was made by Mike Maynard; duly seconded by Doug Carrico. Motion carried 5-0.

IN RE: PROCLAMATION & PRESENTATION – BETTY H RICHARDSON

Joe Vaughan moved to approve the following proclamation, duly seconded by Brenda Sutherland. Motion carried 5-0.

**Proclamation of the
Grayson County Board of Supervisors
in Recognition and Appreciation of**

Betty H. Richardson

WHEREAS, the Grayson County Board of Supervisors recognizes Betty H. Richardson for her exemplary service to Grayson County and the fine citizens herein; and,

WHEREAS, the Grayson County Board of Supervisors also wishes to recognize and acknowledge that Mrs. Richardson has served the County, by way of the Department of Social Services, since 1969, and in her current capacity as the Director since 2004, for a total of forty two (42) years of service, and commends her for her unwaivering commitment and dedication to the County and its residents; and,

WHEREAS, during Mrs. Richardson's long tenure, she dilleigently served Grayson County as an Eligibility Worker, Accounts Clerk, Eligibility Supervisor and Agency Director, answering her call in life to be of nobel service to those of us in the greatest of need; and,

WHEREAS, the contributions to Grayson Coutny, the Department of Social Services and the vast clients she served are countless and too numerous to list;

NOW, THEREFORE, BE IT PROCLAIMED, that the Grayson County Board of Supervisors recognizes and commends Betty H. Richardson on her long and distinguished service as the Director of the Grayson County Department of Social Services and extends to her the best of wishes and happiness in retirement and in all of her future endeavors.

Adopted July 14th, 2011, in Grayson County, Virginia.

IN RE: PUBLIC HEARING – GEORGE WHITAKER (REZONE 16 ACRES)

Larry K. Bartlett opened the public hearing. No one signed up to speak and Mike Maynard moved to close public hearing; duly seconded by Joe Vaughan. Motion carried 5-0. Request was approved by the Board of Supervisors based upon the Planning Commission recommendation that it is contingent on the approval from the Health Department. Mike Maynard made motion to approve; duly seconded by Doug Carrico. Motion carried 5-0.

IN RE: PUBLIC HEARING – GEORGE WHITAKER (REZONE 11 ACRES)

Larry K. Bartlett opened the public hearing. No one signed up to speak and Mike Maynard moved to close public hearing; duly seconded by Doug Carrico. Motion carried 5-0. Request was approved by the Board of Supervisors based upon the Planning Commission recommendation that is contingent on the approval from the Health Department. Moe Vaughan made motion to approve; duly seconded by Mike Maynard. Motion carried 5-0.

IN RE: COUNTY ADMINISTRATOR'S REPORT

Jonathan D. Sweet gave the Board a progress update regarding various programs and projects for the month of July:

- A ribbon cutting will be held July 15th, 2011 for the new Carrico Bridge
- The Financial Audit for the County has been completed
- Heartwood Homecoming (Abingdon, VA) will be held July 16th, 2011
- The New River Clean-up was successful again this year with our Public Works Department helping along with the New River Wild Life Club

IN RE: DEPARTMENT HEAD REPORTS

Larry K. Bartlett presented each report.

IN RE: TRANSPORTATION-Secondary Road Management & Construction

Larry K. Bartlett covered the proposed changes and potential cost to the County and citizens.

IN RE: REGISTERED SPEAKERS & PUBLIC COMMENT

Betty Reedy of Whitetop, Virginia, signed up to speak regarding questions about Rt. 58, but left before time for the public comments. No one else signed up.

IN RE: BOARD OF SUPERVISORS' TIME

Joe Vaughan announced that he would be running for the Supervisor for Providence District in the November 2011 election.

IN RE: CLOSED SESSION

Larry K. Bartlett made the motion to go into closed session to discuss Actual or Probable Litigation or other Legal Matters pursuant to §2.2-3711(A) (7); duly seconded by Doug Carrico. Each member certified to only discussing the above matter.

Whereas, the Grayson County Board of Supervisors has convened a closed session on this date, pursuant to an affirmative recorded vote and in accordance with provision of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such closed session was conducted in conformity with Virginia law;

No, Therefore Be It Resolved, that the 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 session to which this certification resolution applies, and (II) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board of Supervisors with recorded confirmation from members as follows: Larry K. Bartlett – I so certify; Doug Carrico – I so certify; Mike Maynard – I so certify; Joe Vaughan – I so certify; Brenda Sutherland – I so certify.

IN RE: ADJOURN

Meeting was adjourned and will continue August 4th, 2011 at 5:00 p.m.