

BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 13, 1999

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, April 13, 1999 at 8:30 a.m. in the Courtroom of the Courthouse, thereof;

PRESENT: David W. Ingram, Chairman; Kirby Harris, Vice Chairman; Diane B. Belcher, J. Fred Gerald, James E. Thornton, Board Members; George W. Nester, County Administrator; Terri W. Morris, Assistant County Administrator.

The Chairman called the meeting to order at 8:30 a.m. with the reading of the handicapping statement.

The minutes of March 9, 1999 were presented to the Board for approval.

On a motion of Supervisor Harris, seconded by Supervisor Belcher, and carried, it was resolved to approve the minutes of March 9, 1999 as presented.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - absent for vote
Supervisor Belcher - aye
Supervisor Ingram - aye

Supervisor Thornton entered the meeting at 8:45 a.m.

The monthly disbursements were presented to the Board for approval. A list of additional disbursements were also presented to the Board. Question and discussion followed. Three livestock claims were also presented. Consensus of the Board was to hold the livestock claims for discussion with the Animal Control Officers later in the day.

On a motion of Supervisor Gerald, seconded by Supervisor Thornton, and unanimously carried, it was resolved to approve the monthly disbursements, plus additions, minus the three livestock claims, as presented.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Mr. David Rundgren, Executive Director of the New River Valley Planning District

Commission, next appeared before the Board. He reported on the following items: background of the Planning Commission; purpose of the Commission; budget request for 59 cents per capita for Floyd County's share of \$7670 for FY00; total budget of over half a million dollars - a great deal of which is grants; dealing with around fifty different areas of planning; Floyd County projects which includes Route 811 water/sewer project and the Jacksonville Center project.

At 9:00 a.m., the Chairman called for the Public Comment Period.

- Mr. Fred Jones - I would like to comment on the memorandum sent to the Board of Supervisors from Virgel Allen, the Animal Control Officer. Maybe Mr. Allen did not understand the Ordinance and the State Code concerning animal laws and vaccination of cats. He said good idea to do it. It is already mandated by the State. Rabies in cats is six times greater than in dogs. Maybe this is another law that Floyd County has decided not to enforce or maybe Mr. Allen decided not to enforce it. Six Animal Control Officers would be needed according to Mr. Allen to enforce the running at large section of the Ordinance. In neighboring areas such as Roanoke County, Montgomery County and Pulaski County, I contacted the Animal Control Officers and asked them about the running at large problem. They are able to control the animals with this section in their ordinances, but they do stay extremely busy. I compared the population of the Counties and number of Animal Control Officers. In Pulaski County, they have one officer per 11,500 population. In Montgomery County, they have one officer per 25,700 population. In Roanoke County, they have one officer per 28,300 population. In Floyd County, we have one officer per 7,000 population. The work load in Floyd County is significantly less than the other areas, and they control cats also. The other areas do not have a leash law, but have a running at large ordinance. I was very frustrated at the public hearing to hear people say that they do not want a leash law. The other Counties do not have a leash law. Some members of the Board of Supervisors are heeding propaganda from their constituents. It seems this ordinance will be voted down and you will heed other people to not be law-abiding citizens. This is one of the reasons our young people are leaving and our shell building sits empty. One of the people at the public hearing called me a jackass, and I am as stubborn as they come. If you vote this down, there are still many issues that need to come out and I will not let this die.

- Ms. Vicki Dunaway - I missed the public hearing because of the bad sleet storm in Willis, it must not have been that bad in Floyd. I must second Mr. Jones' opinion. Don't just count people who are for or against. Do what is best for the County. No law is totally enforceable. You do what you can such as with speeders or with people who smoke pot. It is not good for the County to pay thousands of dollars for animals killed, maimed or mutilated. The dogs are doing what comes natural to them and have not been caught in the act.

- Mr. Fred Charlier - I would have to say that the emphasis is not only on the dog ordinance, but also needs to be on the property rights of the people. I really don't care what you do with the dogs but where do my rights come in when they cross my property? How long does it take to catch the dogs who are roaming? In my neighborhood, we had four puppies chasing my turkeys and the neighbor's animals. No one up and down the road knew whose pups they

were. Keep your dog on your property either penned or whatever way. Respect my rights as well, the constitutional rights of all property owners. I have several cats and they are under control on a tether and they have their rabies shots. Maybe more enforcement of the ordinance will get the word out to other citizens so they will be more respectful.

After no further comments from the audience, the Chairman declared the Public Comment Period closed.

Mr. Virgel Allen and Ms. Amy Smith, Animal Control Officers, next appeared before the Board. They presented three dog claims, plus the claim from last month which was not acted on. The claims were:

- Goat killed by dogs - Mrs. Morrow - fair market value \$30
- Heifer and cow killed by dogs - Mr. Perry Turner - seven dogs were caught in the act and killed.
- Cow killed by dogs - Christine Vest - dog was killed but no one would claim ownership of the dog
- Calf killed by dogs - Oscar Sowers - calf was sick and penned in a cage for treatment and was attacked by dogs during the night.

Mr. Nester commented that it seems that the Animal Control Officers get held up as the problem that we have with dogs, when the dogs are actually the problem. We have to be adult about this situation. When you have 383 square miles of County to cover, we will have these types of problems. We will enforce whatever Ordinance that the Board adopts. This staff does not have to be held up as the villain. We will make mistakes but we can learn from them. Whatever the outcome, we will do the best that we can. If we are not doing something right, let us know.

Mrs. Deronda Thomas, Treasurer, next appeared before the Board. She presented the Trial Balance ending February 28, 1999; the expenditure/revenue summary as of February 28, 1999; and the invested cash as of April 13, 1999. She reported that investments are up \$959,363 over last year at this time. She also reported that 800 more decals have been sold over last year at this time.

Agenda Item 6a - Subdivision plats as approved by the Agent for March 1999 - for the Board's information.

Agenda Item 6b - Appointment to New River/Mount Rogers Private Industry Council - business representative - defer - no appointment at this time.

Agenda Item 6c - Appointment to Floyd - Floyd County Planning Commission - Courthouse District - defer - no appointment at this time.

Agenda Item 6d - Request of Floyd VFW Post #7854 for County to sponsor placement of American flags. Supervisor Harris commented that the VFW had also made this request to local businesses and industries for purchase of flags. It was the consensus of the Board to defer this

matter to see how many other flags may be purchased.

Mr. S. G. Bolt next appeared before the Board. A synopsis of his presentation follows.

Mr. Bolt - I am back before you to see where we have gotten in my request. There were three errors that were made in the newspaper. 1) There will be a 1.3% increase in Social Security, not 1% as the paper reported; 2) a proposed increase of 4.5% for the teachers, not 4% as reported; 3) the paper said that due to my stroke, I was on expensive medicine. I have been on this medicine for 25 years. I turned 65 yesterday, so I will be paying for this medicine out of my own pocket instead of Blue Cross. There was question as to what age I mentioned as retirement age - that would be age 62. The request I made was for a retired couple with three vehicles - no deduction in decals; for a retired couple with two vehicles, request the decals be \$10 each. From March 1, 1998 - February 28, 1999, we have collected \$322,402 from County stickers; \$1,355,564.84 from personal property; \$3,161,377.36 from real estate; \$5,397.00 from dog tags; \$511,041.15 from utility taxes; \$251,080 approximately from lottery; \$23,000 approximately from ABC; \$12,000 approximately from Wine taxes. Is there anyone that gets free County stickers?

Chairman Ingram - the Fire and Rescue members receive one free sticker, per family, per year because of our appreciation of their time.

Mr. Bolt - with the amount coming into the County in the General Fund, have you made any preparation for elimination of this decal tax?

Chairman Ingram - we have not worked on the budget yet, we are scheduled to receive it today.

Mr. Bolt - I would like to be on the agenda for the May meeting at 9:45 for an answer.

Chairman Ingram - you can get an answer from your Board of Supervisors member or the County Administrator.

Mr. Bolt - I request 9:45 next month for an answer. I get upset every day, I don't lose my temper, but I get upset when I pass Camp #5 and think about all the money tied up in it. Can we sell it, can we get rid of it? I have people ask me this all the time. Are we bound by rules and regulations to pay taxes as a County on this forever?

Supervisor Harris - we don't pay taxes on it. We were acting on the request of the citizens to get it back.

Mr. Bolt - with \$85,000 tied up in it, it should be no problem to give senior citizens a \$15 reduction on County stickers if we can afford to have all this money tied up like this.

Supervisor Harris - do you have any ideas for development of this property?

Mr. Bolt - I want to see it developed.

Supervisor Gerald - this is an on-going thing with Mr. Nester to find industry or businesses for this type of facility.

Mr. Bolt - and we have another building sitting vacant. Let's do something with the shell building. Get it to where it can be used. We had buyers before to come in and County did not sell it to them. The Supervisor that took the brunt of the complaints was not the one responsible. The Supervisor whose District Camp #5 was in did not even bother to show up at the meeting the other Supervisor held. The next item I want to discuss is a possible conflict of interest with a Secretary at the School

Chairman Ingram - Mr. Bolt, if we are going to discuss personnel, we have to go into executive session.

Mr. Bolt - I want to talk about it.

Chairman Ingram - it would be up to the Board to make a motion to go into executive session. No motion received from the Board to go into executive session.

Chairman Ingram - I would appreciate you not talking about it today.

Mr. Bolt - I will talk about it because you all know what I'm going to talk about.

Supervisor Belcher - don't assume that we all know what you are talking about. I don't know what you are going to discuss, and I'm your Supervisor. I am upset that you do not talk to me and let me know your concerns before you come to the entire Board. I would like to talk to you at the appropriate time and place and bring the concerns back to the Board if they merit their attention.

Mr. Bolt - I would like to talk to you and the Chairman now. I will give you all the facts and figures.

Supervisor Belcher - this is not the appropriate time. I am in a meeting today. You can call me at home or at the shop at any time.

Mr. Bolt - what is the average pay of teachers in the County?

Supervisor Belcher - you would need to talk to the School Board about that.

Chairman Ingram - we make a lump sum payment to the schools, and the School Board decides on the salaries, etc.

Mr. Bolt - I will be back for a decision on this matter. I do ask that a referendum not be done this Fall as I requested, but that the Board decide on the matter since the Board was the one

that put this into place, they are the ones that need to take it off.

Mr. Junior Goad, Resident Highway Engineer and Mr. Bob Beasley, Assistant Resident Highway Engineer, next appeared before the Board.

Mr. Goad commented that an answer had not been received yet as to the County's Revenue Sharing application.

Supervisor Belcher - reported break-up of pavement along the sides of Moles Road.

Supervisor Gerald - Route 754 - the road is breaking up badly. The VDOT crews started working on the road and patched about ten places. The ones that were fixed are already sinking on Route 751.

Mr. Goad - we used a winter mix, which does not always stay. We will use plant mix on these spots once the plants open.

Supervisor Gerald - the construction on the Camp #5 Road is really looking good - we appreciate it.

Mr. Beasley - the Route 730/750 intersection has been studied by the Salem office. Rumble strips were not an option because of the noise they make when cars go over them, with houses so close to the intersection. We will place larger signs on Route 730 warning of the intersection and also a stop bar on Route 750. The brush has been cut along the road. The improvements will begin after July 1 for improved sight distance.

Supervisor Ingram - a lot of the secondary roads need edging and patching.

Mr. Nester - concerning the Route 733 abandonment - staff has researched the property owners along the road. We will need more research time to locate all the restrictions that are mentioned in the later deeds.

Agenda Item 6e - Approval of Susan Hylton Estate Plat - approved by the Planning Commission April 5, 1999. Mr. Nester presented copies of the plats for the Board's review.

On a motion of Supervisor Thornton, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the Susan Hylton Estate Plat as presented.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Mr. Ford Wirt, Emergency Services/E-911 Coordinator, next appeared before the Board.

He presented an update on the medical waste incident that occurred at the Transfer Station on April 6, 1999. He reported that needles and syringes in excess of 2000 were discovered in a load of trash from the Stonewall area. The Department of Environmental Quality, Hazardous Materials, Sheriff's Office, and State Police Investigators were all notified and were a part of the investigation and clean-up. He also presented a copy of a report, for the Board's information, from LCM Environmental Company, who performed the actual clean-up operation. They anticipate costs in excess of \$18,000 for the clean-up operation.

Agenda Item 6f - Transfer of funds - \$3294 from FY98 Litter Control funds that were not spent in FY98, and \$5801 for FY99 Litter Control funds received.

On a motion of Supervisor Thornton, seconded by Supervisor Harris, and unanimously carried, it was resolved to approve the transfer of \$3294 in carry-over FY98 funds and \$5801 in FY99 funds to 050-042030-6024 for Litter Control.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Agenda Item 6g - Transfer to E-911 fund for address books and maps.

On a motion of Supervisor Thornton, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the transfer of \$10 from 001-031020-6001; and \$65 from the Fire/Rescue Fund to the E-911 Fund for maps and address books.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Agenda Item 6h - Update/recommendation on the New River Valley Health Consortium - health benefits for County employees. Ms. Morris reported on the numerous meetings of the Consortium over the last year. Trigon had decided not to bid on the consortium. The apparent low bid came from Aetna. One of the major problems with the Aetna network is that one of the local doctors will not participate in the network because of their requirements. The consultant has called this morning with more information, and Ms. Morris requested that the Board defer the matter until later in the day so she would have a chance to call him at break.

Agenda Item 6i - Award of contract for Courthouse heating system. Mr. Nester reported that the low bid was received from Valley Boiler in the amount of \$36,479.00. An additional bid in the amount of \$8520 was received to remove the existing boiler and asbestos jacket. The Architect who has been working with the County recommended that the new boiler be placed in the same place as the existing one. Eight bids were received for the project.

On a motion of Supervisor Thornton, seconded by Supervisor Gerald, and unanimously carried, it was resolved to accept the apparent low bid from Valley Boiler in the amount of \$36,479.00 for the boiler replacement project, and also accept the additional bid of \$8520.00 for removal of the existing boiler.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Agenda Item 6k - Mutual Aid Agreement with Roanoke County. Mr. Nester reported that Roanoke County had updated all their agreements with surrounding Counties, which included sending a proposed agreement to us. Recommends approval of the proposed agreement.

On a motion of Supervisor Harris, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the Mutual Aid Agreement with Roanoke County, as presented, and authorize appropriate County officials to sign same (Document File Number).

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Agenda Item 6j - Resolution and approval authorization for grant for water and sewer project for Route 811. Mr. Nester reported that the Appalachian Regional Commission (ARC) has informed the County that they will no longer be funding the grant, it will be turned over to the Rural Development Commission. Also, in-kind services from the PSA will not be allowed as match funds - dollar for dollar contributions will be required. \$182,450 will be the County's share which is already included in the current year's budget.

On a motion of Supervisor Thornton, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the resolution as presented for a grant application for water/sewer project to State Secondary Route 811, and authorize appropriate County officials to sign same (Document File Number).

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Mr. Nester reported on the methane monitoring situation on the recently purchased Harter property. The Department of Environmental Quality (DEQ) is now requiring that the

County obtain a Part A application. They are also requiring that the County extend its monitoring probes out to the boundary of the property. The County's Engineer and County Attorney did recently meet with DEQ in Richmond and they did back down from some of their earlier requirements, but these new regulations will cost the County around \$22,000 - 29,000.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the funding for extension of methane probes on the County's property, and authorize the submittal of a Part A application to the Department of Environmental Quality by Draper-Aden Associates.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Mr. Terry Arbogast, School Superintendent, next appeared before the Board. He presented several items:

- copy of the proposed school schedule for next year;
- copy of the March membership report;
- copy of the Standards of Learning (SOL) stages and preparations for registration for the high school students;
- copy of a grading scale analysis completed by himself, and also an analysis completed by two Virginia Tech professors, who indicate that the grading scale used in Floyd County is not related to the percent of grades earned relative to other secondary schools in the region.

The Board recessed for lunch.

Further discussion followed on the dog claims presented earlier in the day by the Animal Control Officers.

On a motion of Supervisor Gerald, seconded by Supervisor Thornton, and unanimously carried, it was resolved to approve the dog claims in the total amount of \$903.40; Ms. Morrow - \$30; Mr. Sowers - \$175; Mr. Turner - \$658.40; Ms. Vest - \$40.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Mr. James Cornwell, County Attorney, next appeared before the Board.

On a motion of Supervisor Thornton, seconded by Supervisor Harris, and unanimously carried, it was resolved to go into executive session under Section 2.1-344, paragraph 1, discussion of personnel; paragraph 3, discussion or consideration of the acquisition, condition,

use, disposition, of real or personal property for public purposes.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and unanimously carried, it was resolved to come out of executive session.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

On a motion of Supervisor Thornton, seconded by Supervisor Harris, and unanimously carried, it was resolved to adopt a resolution certifying that only items eligible for executive session, and specifically, discussion of personnel; discussion or consideration of the acquisition, condition, use, disposition of real or personal property for public purposes; were discussed.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Agenda Item 6hi) - Proposed lease for shell building. Mr. Cornwell commented that a public hearing will need to be set for lease/sale of the building.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and unanimously carried, it was resolved to authorize the advertisement of a public hearing for disposal of the shell building, on May 11, 1999 at 7:00 p.m. in the Circuit Courtroom, Courthouse.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Agenda Item 5hiii) Discussion of the proposed Animal Control Ordinance. Discussion followed on the pros/cons of the Ordinance.

On a motion of Supervisor Gerald, seconded by Supervisor Thornton, it was resolved to adopt the proposed Animal Control Ordinance as presented.

Supervisor Gerald - aye
Supervisor Harris - nay

Supervisor Thornton - aye
Supervisor Belcher - nay
Supervisor Ingram - nay

Motion failed 3-2.

Mr. Nester next presented a draft of the proposed FY00 budget for the Board's consideration. He noted that it is a balanced budget with no tax increases. Some of the highlights which are included are:

- re-codification of all County ordinances;
- beginning of the reassessment program;
- repair/remodeling of the Courtroom and holding facility;
- economic development;
- schools.

The Board recessed for the dedication of the new softball field at the High School.

Agenda Item 6h - New River Valley Health Consortium. Ms. Morris reported that she had spoken with the Consortium's consultant and the local doctor had not agreed to join the Aetna network. Also, if the Aetna program was chosen, the employee share of the family plan would be around \$100 more per month. Trigon had not raised the County's rates last year, and had verbally agreed to no increase this year if claims do not get out of reason.

On a motion of Supervisor Belcher, seconded by Supervisor Harris, and unanimously carried, it was resolved to not join the New River Valley Health Consortium for group health insurance for County employees.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye

Supervisor Belcher questioned if the night lens for the cameras for dumpster surveillance had been received?

Mr. Nester - they have been received but we are waiting to update the Solid Waste Ordinance to Section 15.2 from 15.1, since the Judge had a problem with the update, so we will be able to prosecute law breakers.

On a motion of Supervisor Belcher, seconded by Supervisor Harris, and carried, it was resolved to reconsider the earlier action taken on the proposed Animal Control Ordinance and adopt the proposed Animal Control Ordinance as presented with the exceptions of: modification of Section 2-6 - Running At Large Prohibited; deletion of Section 2-8 - Kennels; deletion of Article 3 - Hybrid Canines; and deletion of Article 4 - Cats.

Supervisor Gerald - nay
Supervisor Harris - aye
Supervisor Thornton - nay
Supervisor Belcher - aye
Supervisor Ingram - aye

On a motion of Supervisor Thornton, seconded by Supervisor Harris, and unanimously carried, it was resolved to adjourn to Tuesday, April 27, 1999 at 7:00 p.m.

Supervisor Gerald - aye
Supervisor Harris - aye
Supervisor Thornton - aye
Supervisor Belcher - aye
Supervisor Ingram - aye