

BOARD OF SUPERVISORS  
REGULAR MEETING  
AUGUST 10, 1999

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 10, 1999, in the Bank of Floyd Community Room, thereof;

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

ABSENT: Kirby Harris, Vice Chairman; George W. Nester, County Administrator.

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

The minutes of July 6, 1999 were presented to the Board for approval.

On a motion of Supervisor Thornton, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of July 6, 1999 as presented.

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

The monthly disbursements were presented to the Board for approval. A list of additional disbursements was also presented for the Board's consideration. Questions and discussion followed.

On a motion of Supervisor Thornton, seconded by Supervisor Belcher, and carried, it was resolved to approve the monthly disbursements, plus additions, as presented.

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

Mrs. Deronda Thomas, Treasurer, next appeared before the Board. She presented the

Trial Balance ending June 30, 1999; the invested cash as of August 10, 1999; and the revenue/expenditure summary as of June 30, 1999. She reported that invested cash is \$593,045 more than last year at this time.

She also presented the delinquent 1998 real estate and personal property lists for the Board's information. She reminded the Board that they need to make a decision as to whether they wish to advertise the list in the local newspaper or not. The last time that the list was advertised was in 1987 at a cost of around \$1000. She reported that collections for 1998 real estate were 97.70% and collections for 1998 personal property were 96.60%. The State Compensation Board recommends a 95% collection rate on real estate and a 90% collection rate on personal property by December 5, so she feels we are doing very well on our collections.

Agenda Item 6a - Subdivision plats as approved by the Agent for July 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 the Floyd - Floyd County Public Service Authority - Town/County representative.

On a motion of Supervisor Thornton, seconded by Supervisor Gerald, and carried, it was resolved to authorize the County Administrator to re-advertise the Town/County appointment to the Floyd - Floyd County Public Service Authority.

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

Agenda Item 6d - Supplemental appropriation of \$5557.50 to 81060-5640 for unpaid 1998-99 local assessment. Ms. Morris reported that the amount was due to the New River Valley Planning District Commission for the 1998-99 local assessment which had not been paid in the last budget year. They had not requested the funds, and it had been overlooked by staff.

On a motion of Supervisor Gerald, seconded by Supervisor Thornton, and carried, it was resolved to approve a supplemental appropriation in the amount of \$5557.50 to 81060-5640 from Contingency for an unpaid 1998-99 local assessment.

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

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

Mr. Fred Jones - I am here to speak about the law that the State has to regulate cat vaccinations for rabies. It is Floyd County's policy to ignore the laws, but I hope you will consider enforcing this one. I talked to a prominent citizen in the County who farms for a living. We talked about this situation. He claims that he has a barn full of cats to keep the mice population down. The cats are a necessary part of his operation. It would be too much for him to vaccinate all those cats. He does not know how many he has. But to say that it is too much work to vaccinate cats seems to be irresponsible. I brought this up because his sentiments are echoed by your policy of not enforcing the law. It would be very unpopular in this County. I would contend that what is popular with the citizens is not necessarily right for the citizens. It may get you re-elected, but it may not be the best for the County. I get copies of the bulletins from the New River Health District. I got these bulletins about a rabid raccoon in Pulaski County or a rabid cat in Pulaski County. Then I got one about a bobcat in Riner that got in dogs and was rabid. The next day I got one about raccoons with rabies in Floyd County on Moore Road. I would say that rabies is a strange virus. Two hundred years ago it was mainly hosted in dogs, but now it is over in other animals. The first death in a human was in Virginia last year. So now cats are accidental hosts. Why should we push to have cats vaccinated? The prevalence of rabies in cats is six times higher than dogs. If you are going to ignore laws, you should ignore the ones for dogs. Acknowledge that there is a law and try to enforce it. Your Animal Control Officer will say that he can't enforce it. We already have too many laws, it is not popular, we can't enforce it - these are all things that people will say. This is irresponsible. You have the power and the authority. We probably will not have a rabies case in a human but it can happen. Let the public know that their cats should be vaccinated. Cats that run free can be exposed to rabies very easily. If a human is exposed and not treated, it means sudden death. It would be irresponsible of me not to bring this up to you.

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

Agenda Item 6e - Transfer of \$10 for E-911 Directory.

On a motion of Supervisor Thornton, seconded by Supervisor Belcher, and carried, it was resolved to approve the transfer of \$10 from 4-001-012130-6001 to the E-911 Fund for a directory.

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

Agenda Item 6f - New River Valley Community Services Board appointment - defer - no letters of interest received.

Agenda Items 6g and 6h - Subdivision Ordinance and Mobile Home Park Ordinance - defer for discussion later in the day.

Agenda Item 6i - Request from 9<sup>th</sup> District Tourism Marketing Coalition - \$7887 - Ms. Morris reminded the Board of the presentation they received on this marketing program for Southwest Virginia and the benefits that hope to be reaped from the program. After discussion, it was the consensus of the Board for staff to investigate how many Counties/Cities have joined the coalition and if they are contributing at the full amount requested.

Agenda Item 6j - New River Valley Criminal Justice Service Board request - \$540 - Ms. Morris presented a report from the Criminal Justice Board on the amount of cases handled in Floyd County and the amount of hours realized from the cases, as per the Board's request.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to approve payment in the amount of \$540 to the New River Valley Criminal Justice Service Board.

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

Agenda Item 6k - A-95 Clearing House Review of projects by the Regional Planning District. Mr. Nester had suggested to the Board that a committee be set up that he could call when these types of reviews are received from the Planning Commission. They are usually sent out with a short turnaround time, and it is usually not around Board meeting times. Chairman Ingram appointed a committee of Supervisors Gerald and Thornton for the County Administrator to call. Consensus of the Board was approval of the presented A-95 review.

Agenda Item 6l - Drought Assistance Program/Resolution. Ms. Morris presented a draft resolution and letter outline of the drought assistance program from Mr. David Gardner, Extension Agent. Most of the County's farmers/citizens would not be eligible or interested in the program at this time, but may be if Congress enacts other special assistance such as for feed, etc.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt the Drought Assistance resolution as presented (Document File Number \_\_\_\_\_).

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

Ms. Denise Hoffman, Ms. Terry Smusz, and Mr. Bill Whitsett, representing New River Community Action, next appeared before the Board.

Ms. Hoffman presented a request for approval of the appropriation from the State for the Families in Action Program. This is a client-based counseling and referral program. This program provides clients with counseling for their life problems and helps them set goals as to employment, education, families, etc. It especially assists them to get out of poverty situations. Nine people are in the program now, with one person on a waiting list. Child care and transportation are the major problems. It took one client a year to get a drivers license, but that is the type of problems we are dealing with. It is set up to be a 2-5 year program. Have two of the original seven people still in the program that began two years ago. This grant is administered through New River Community Action, with the funding going through the Social Services budget.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to approve the additional appropriation in the amount of \$15,144.00 to the Social Service budget for the Families in Action Program.

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

Agenda Item 6m - Ms. Morris presented a letter from the State concerning the recent application from Social Services for a grant for the "One Stop Shop Center". Because of the large amount of applications received, awards will be delayed for another month while applications are reviewed - for the Board's information.

Agenda Item 6n - Ms. Morris presented a letter from Ellen Johnson, Social Services Director, to request a replacement for Mrs. Eris Wade, representing the Indian Valley District on the Social Services Board. Because of health reasons, Mrs. Wade will no longer be able to serve.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to authorize the County Administrator to advertise for letters of interest from citizens in the Indian Valley District to fill the unexpired term on the Floyd County Social Services Board.

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

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

Mr. Goad - Route 750/730 intersection - dirt is being moved now for the project and it should be done in a few days.

Mr. Goad - Route 736 improvements will be completed this week.

Mr. Goad - Route 750/738 intersection - have obtained right-of-way to slope the bank back some more - will use the dirt from this to place across the road to make the curve wider. Should be able to take care of this in the next month.

Supervisor Thornton - Route 679 - there is a curve with a large rock sticking out into the road that has burst several tires on trucks. The landowner is willing to give right-of-way to take the bank off.

Mr. Goad - we will look at it. It may need to go in the 6-year plan.

Supervisor Gerald - you put signs up for the curves on Route 750 and also added arrow signs - you gave me more than I asked for - I appreciate it. The Camp #5 road also looks great - the citizens really appreciate it.

Supervisor Gerald - will Route 622 still be paved in August?

Mr. Goad - that is part of the Revenue Sharing funds. Adams Construction got the bid and it should be done by late Summer or early Fall.

Supervisor Belcher - appreciate the culvert at DeHart Grocery.

Supervisor Ingram - dust control was done early in the summer - we have places that need it again.

Mr. Goad - we will be starting that again next week. We are also continuing the mowing, which gets to be a big safety concern in the summer with the weeds growing up.

Supervisor Ingram - Route 221/796 intersection - have you looked at this project?

Mr. Beasley - it has already been taken care of.

Supervisor Ingram - I really appreciate it.

Supervisor Ingram - Route 634/610 intersection - have you looked at it?

Mr. Beasley - it will be a 6-year plan project. There will be a lot of dirt that needs moving.

Mr. Goad reported that the County was approved for revenue sharing funds and the check

has been received from the County. Are still waiting on copies of the easements from the Town for their portion. Routes 622 and 860 will be paved in August and September.

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board with several items:

1 - Request additional funds be appropriated to their budget for part-time help as approved by the State Compensation Board. \$5000 was all that was approved by the Board and \$16,011 was approved by the Comp Board.

On a motion of Supervisor Belcher, seconded by Supervisor Thornton, and carried, it was resolved to approve an additional appropriation in the amount of \$11,011 from Contingency to 4-001-031020-1300 for part-time help.

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

2 - Request for \$900 in Occupancy Protection Grant be carried over to FY00 budget that was unspent.

On a motion of Supervisor Belcher, seconded by Supervisor Thornton, and carried, it was resolved to approve the carry-over of \$900 to the Sheriff's FY00 budget for unspent Occupancy Protection Grant funds.

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

3 - Request for carry-over of \$14,559.67 to the FY00 budget in Drug Seizure Funds that were unspent. These funds have to be spent for specific purposes that are related to drug seizure.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to approve the carry-over of \$14,559.67 to the Sheriff's FY00 budget for unspent Drug Seizure funds.

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

4 - Request for carry-over of \$542.80 to be carried over to the FY00 budget for unspent Community Policing Grant funds.

On a motion of Supervisor Gerald, seconded by Supervisor Thornton, and carried, it was resolved to approve the carry-over of \$542.80 to the Sheriff's FY00 budget for unspent Community Policing Grant funds.

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

Ms. Weddle also reported that the Sheriff's Office is working on an application for a Domestic Violence grant to replace the two COPS grants that will go out next year. The other two COPS positions have been approved again for another year.

On a motion of Supervisor Thornton, seconded by Supervisor Gerald, and carried, it was resolved to go into executive session under Section 2.1-344, paragraph 1, discussion of personnel.

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

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

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

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt a resolution certifying that only items eligible for executive session, and specifically, discussion of personnel, were discussed.

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

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

- copy of the school calendar for the upcoming year;

- invited the Board to a welcome brunch/program on August 18 at 8:00 a.m. at the high school for new staff;
- reported that all staff will now be required to wear picture identification;
- presented copies of the final renovation plans for the schools; bids will go out on August 22 and due back to the County Administrator's Office at 2:00 p.m. on September 28; construction will begin in October - November with occupancy the next school year;
- estimated enrollment of 1900 for new year;
- have not received SOL scores from the State yet, will share with the Board when received

Supervisor Gerald commented that he had attended the VACo Education Committee on Sunday, and had a few questions.

- Are SOL scores kept separate and not sent to colleges?

Mr. Arbogast - that is correct, they are not part of the student's permanent record yet. It may happen with this year's 8<sup>th</sup> grade to be part of the record. They are still doing some manipulation of the scores.

Supervisor Gerald - The year 2007 is a long way away, but what do you think will happen to the schools that do not get accredited?

Mr. Arbogast - I think they will provide a plan to help us with the various problem areas such as staffing, programs, effectiveness of teaching, etc. I think it will be a support and assessment program to see where we are.

Supervisor Gerald - school construction funds were also stressed - do you feel this is important?

Mr. Arbogast - yes I feel it is important - it does have an effect on the student's achievement with labs, media centers, color of walls, etc.

Supervisor Gerald - I also felt very fortunate in listening to the other localities who do not have a good relationship between the School Board and Board of Supervisors. They couldn't believe it when I told them how we work together. I really appreciate that.

The Board recessed for lunch.

Mr. Ford Wirt, Emergency Services/E-911 Coordinator, next appeared before the Board. As the Board's representative to the Regional Jail Board, he reported that at the last meeting, there was discussion on the localities reimbursing the members for mileage and meeting attendance. The Jail Board had voted to bring the matter back to each individual locality for their action.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was

resolved to reimburse the member and alternate to the New River Valley Regional Jail Board \$20 plus mileage for each meeting attended.

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

Mr. James Cornwell, County Attorney, next appeared before the Board. He reported on several items:

- Item 5gi - Nuisance property - took this matter to court last week and the property owner appeared and stated that she was in the process of having the house repaired. It had been seven years and nothing has been done. But, the Judge gave her until November 16 to see what progress has been made. If nothing has been done, the house can be destroyed.

- Judge took action on the pending suit on the environmental assessment fee. He sustained demurrals on all counts. Hearing will be on September 7 on his opinion. It will then be up to the other attorney to file any other items. The court found the following items: 1) there are several statutes that support this fee, besides the one section that mentions Floyd County; 2) it is a fee and not a tax which is not unconstitutional; 3) they failed to comply with State law that they must file a claim with the Board of Supervisors before it can be filed against the Board of Supervisors; 4) failed to find that there was a problem between the Town and County rates.

- Agenda Item 5gii - Report on conveyance of Phlegar House and acreage to Floyd Historic Properties Trust, Inc. - still waiting on response from the State Department of Historic Resources.

- Agenda Item 5giii - Waste Management Contract Agreement - do not have a problem with the language based on the rates.

On a motion of Supervisor Thornton, seconded by Supervisor Belcher, and carried, it was resolved to authorize the County Administrator to execute the amended contract with Waste Management.

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

Mr. Dan Siegel, Sands, Anderson, Marks and Miller, next appeared before the Board. He presented a proposed resolution for the Board's consideration for the school bond issue. The initial interest rate is not to exceed 4 5/8%.

On a motion of Supervisor Belcher, seconded by Supervisor Thornton, and carried, it was resolved to adopt the resolution as presented for the school bond issue (Document File Number ).

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

Discussion followed on the advertisement of the delinquent tax list as presented by the Treasurer earlier in the day.

On a motion of Supervisor Thornton, seconded by Supervisor Gerald, and carried, it was resolved to not advertise the delinquent tax list.

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

Discussion followed on setting a workshop date for discussion on the Subdivision Ordinance and Mobile Home Park Ordinance. Consensus of the Board was to meet at 6:00 p.m on August 24 for a workshop.

On a motion of Supervisor Thornton, seconded by Supervisor Gerald, and carried, it was resolved to go into executive session under Section 2.1-344, paragraph 1, discussion of personnel; and paragraph 3, discussion or consideration of the acquisition, use, disposition of real or personal property for public purposes.

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

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

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

On a motion of Supervisor Thornton, seconded by Supervisor Belcher, and carried, it was resolved to adopt a resolution certifying that only items eligible for executive session, and specifically, discussion of personnel; and discussion and consideration of the acquisition,

condition, disposition of real or personal property for public purposes; were discussed.

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

On a motion of Supervisor Thornton, seconded by Supervisor Belcher, and carried, it was resolved to adjourn to Tuesday, August 24, 1999 at 6:00 p.m.

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