

**BOARD OF SUPERVISORS  
REGULAR MEETING  
NOVEMBER 21, 2000**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, November 21, 2000, at 8:30 a.m. in the County Administration Building, thereof;

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

ABSENT: Kirby Harris, Vice Chairman; Kerry W. Whitlock, Board Member (both entered the meeting at 7:00 p.m.).

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

The Opening Prayer was led by Supervisor Belcher.

Chairman Ingram led in the Pledge of Allegiance.

The minutes of October 3, October 10, October 23, and November 9, 2000 were presented to the Board for approval.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of October 3, October 10, October 23, and November 9, 2000 as presented.

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

Mrs. Deronda Thomas, Treasurer, next appeared before the Board. She presented the Trial Balance ending September 30, 2000; the invested cash as of November 21, 2000; and the Revenue/Expenditure reports for September and October 2000.

The monthly disbursements were next presented for the Board's consideration. A list of

additional disbursements was also presented. Questions and discussion followed on the bills. A travel expenditure request from Supervisor Whitlock was also presented for the Board's consideration.

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

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

Agenda Item 9a - Subdivision plats as approved by the Agent for October 2000 - for the Board's information.

Agenda Item 9b - Board of Equalization nominations for Circuit Court Judge's consideration. Consensus of the Board was to defer the matter until later in the evening when all Board members are present.

Agenda Item 9c - Appointment to Floyd - Floyd County Public Service Authority - to fill unexpired term of James Thornton. Consensus of the Board was to advertise the vacancy since no Board member had a nomination for the position.

Agenda Item 9d - Request from Floyd County Social Services for deferral of rent payment. Ms. Ellen Johnson, Social Services Director, came before the Board to discuss the situation. She reported that she had sent all the figures to the Regional Office for expenses in their new facility, and they had determined a payment to the County of \$381.01/month. But, they did not provide any additional funds to make these payments. The Department had been paying \$100/month through June of 2000, while they were in the Courthouse. All the costs in this building are higher. Request the Board's consideration of a request for the Social Services Department to defer rent payments until the end of the fiscal year when remaining funds can be determined. The payments will be retroactive to July 1, 2000. Consensus of the Board was to defer the matter for discussion until later in the evening.

Agenda Item 9e - Request from Angels in the Attic for \$50,000 donation for building fund. The Board deferred the matter for discussion with Ms. Kathy Boyd, who is on the agenda at 10:45 a.m.

Agenda Item 9f - Courthouse renovations report. Mr. Nester reported that plans and specifications are being prepared by the architects. The project should be ready to bid in January. The office renovations such as painting, etc. will be the first phase and should be able to begin in February. The Courtroom renovations will be the last item completed.

Agenda Item 9g - Review of proposed Subdivision Ordinance. Mr. Nester reminded the Board that the Planning Commission had recommended approval of the ordinance. Consensus of

the Board was to defer discussion until all Board members are present.

Agenda Item 9h - Consideration of approval of subdivision of Richard A. & Betty C. Griffith. Defer for discussion this evening when all Board members are present.

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

Mr. Michael Caldwell - I live in the Alum Ridge District. I am here concerning the increase in taxes. Will the Board of Supervisors lower the percentage? The man before us purchased our property at \$300/acre. The appraised rate was raised when we purchased the property, then it was raised again during this reassessment to \$1500/acre. Our concern is will the Board of Supervisors change the percent rate? The appraisers thought that you would probably lower the rate. I am also concerned about the fact that another fee is being added with the new damage stamp to hunt bear and deer. We pay for the damage stamp, and you can't hunt bear, so what is it for?

Chairman Ingram - We will go away from our usual way of business during Public Comment Period for just a moment, so I can explain these two items, and maybe it will help everyone here. The Bear/Deer stamp is no different. It is still \$1 for County residents, and \$5 for out-of-County. The only change is that anyone over 65 years of age or older will not have to buy a damage stamp. That is actually a change in the State Code and we are just bringing our ordinance into conformity with State Code. Concerning the tax rate - I can't sit here, or can anyone else, and tell you what the tax rate will be yet. When the reassessment goes up, the tax rate always has come down.

Mr. Caldwell - what is the process when we object to something like this? Do we come back to a meeting like this?

Chairman Ingram - there will be a public hearing before a budget is passed in the Spring, and there is also a public hearing on the tax levy. It will be advertised twice in the local paper for the public hearing date and time. That would be the time to make your comments about the tax rate and budget. There are also assessors here who have set up meetings for you to come and discuss your assessment. There will also be a Board of Equalization set up, of Floyd County property owners, that will set up times and dates in January or February, to listen to your concerns about your assessment. These are the avenues that you can pursue - please check on them and see what can be done.

Rev. Matthew Brown - I am pastor at Floyd Baptist Church. I would like to speak in favor of Mrs. Boyd's request for funds for Angels in the Attic. There are three reasons that I support this: 1) from the scriptures, both in the Old and New Testament, it is God's desire for us to help one another. I see Angels in the Attic as a wonderful way to provide for needs of others through thrift items at a great price. It is also an opportunity for our congregation and others to volunteer their time. We have several of our members who volunteer. 2) Mrs. Boyd has told you that there is a 4 to 1 give back to the community. If someone called me and told me a stock

would pay like that, I would go for it. The churches in the community and the Ministerial Association are paying for the rent and electricity for Angels in the Attic. Over \$18,000 has been given back to the community. 3) As I travel around the County, I see that there is tremendous support for this activity. At our last business meeting at Floyd Baptist, and also at the last meeting of the Ministerial Association, we voted to continue support for another year. If Angels in the Attic had a larger facility, we could help more people and provide more funding for the various agencies in the County. This also relieves some of the financial burden on the County. Please honor her request for funding.

Mr. Gary Gray - I live in the Locust Grove District. I am here concerning the reassessment. A lot of it is unfair. I thought I was in bad shape until I talked with a neighbor. He has a ½ acre right-of-way. His aunt uses the right-of-way also. The ½ acre was assessed at \$7000. I have two problems: 1) amount that the property is being assessed at; and 2) my taxes are paying the assessors. These are supposed to be professional assessors coming up with these prices? If this property is that much off, what do the other ones look like? I have three houses, I have not seen the assessors at all. They cannot tell the value by just driving by. We shouldn't have to correct their mistakes. We should question what we are paying them.

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

Mrs. Cynthia Babb, representing the Floyd County Rescue Squad, next appeared before the Board. She presented a draft resolution for the Board's consideration for an exemption. Currently, State requirements are that another Emergency Medical Technician (EMT) be in a rescue vehicle if ALS is being performed by an EMT. This causes a great hardship when, in most cases, there are only two persons on each call. The Squad requests that the Board pass a resolution for a waiver so a certified person could be driving while ALS is being performed. She also reported that some success has been seen with the driver program. The people have to take two driver education classes, with around 40 hours total, to become certified. One of the certified drivers has already expressed interest in becoming an EMT. Also, from the current EMT class, we hope to gain five new members.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt the resolution requesting a waiver from the State Department of Emergency Services for an additional EMT on board when ALS is being performed (Document File Number ).

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

Agenda Item 7d - Clerk of Court request for transfer of funds. Mr. Peters was unable to attend the Board meeting because of court being in session. Mr. Nester reported that a grant had been received by the Clerk, in the amount of \$5551, for repair of record books in his office. He requests that the funds be transferred into his operating budget for disbursement.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to approve the transfer of \$5551 in grant funds from 3-001-024040-0015 to 4-001-021060-8114 in the Clerk of Court's FY01 budget.

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

Mrs. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented the following fund transfer requests:

- \$6448.47 for insurance settlement on Deputy Dickerson's vehicle;
- \$740.07 for Drug Seizure funds received;
- \$842 for Compensation Board funds received for office equipment;
- \$3180.79 for vacancy savings from the Compensation Board to auto repair line item;
- \$531.44 received for Help Eliminate Auto Theft (HEAT) grant - for reimbursement for purchase of a digital camera.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to approve the following transfers: \$6448.47 from 3-001-018030-0005 to 4-001-031020-8105; \$740.07 from 3-001-024240-0025 to 4-001-031020-8114; \$842 from 3-001-023020-0001 to 4-001-031020-8102; \$3180.79 from 3-001-023020-0001 to 4-001-031020-3310; and \$531.44 from 3-001-024040-0006 to 4-001-031020-8107.

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

Dr. Terry Arbogast, School Superintendent, next appeared before the Board. He reported on several items:

- Presented the enrollment report for October 2000 - 1967 students.
- State accreditation status - all five schools are provisionally accredited/meet State standards. The benchmark is 70% passing by the year 2003.
- 6-year plan was approved by the School Board last week - I gave you a copy of it last month.
- We have requested for FCHS to be a demonstration site for SOL tests on-site with instant results of scores. Have not heard back from that request.
- Work is progressing on the track. The contractor has been able to work every day since football ended. The grade work should be completed by next week.
- We have had two of the open houses with a lot of public interest. Check Elementary's

open house is tonight. The Floyd Elementary open house has been moved to February because of the delay in construction.

- After Supervisor Gerald's question concerning the lottery funds - Dr. Arbogast answered that this will give the system funds that we know will be coming every year. Some people have been concerned that the per pupil amounts might be reduced to offset the lottery funds, but I don't think the legislature will do that. In this year, at least 50% of the funds had to be spent on school construction. We used it in the building program and put the other 50% in the general operating budget.

The Board recessed for lunch at Check Elementary School.

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

- Mutual Aid Agreement with surrounding localities. Reported that a draft agreement was sent to all surrounding localities. Franklin County has approved the draft, but have not heard from the other jurisdictions.

- Proposed Noise Ordinance. Reported that a copy was sent to the Commonwealth's Attorney for his review since he will be doing the enforcement. Have not heard back from him as of yet. After discussion with the Board, it was the consensus to defer the matter until a report is received from the Commonwealth's Attorney.

- Report on sale of properties with delinquent taxes. Eighty-two properties are eligible for sale. The Treasurer has notified the responsible party and the firm has also notified them. Five people paid taxes due from the letter notice, which generated \$8000. Three people came in and worked out a payment plan, which will generate \$3000. The citizens had 30 days to either pay or make payment arrangements before the property is sold. The 30 days are now up and suits will be filed. The title company will do a title examination on the 24 best properties so it can be reported to the Court. If the buyer pays the title premium, they can get the title insurance immediately. The title insurance and affidavit will be filed with the Court and the Judge will do an order. The firm will sell the property, we do not use an outside agent, and will then make a report to the Court. Once the letter has been sent out to the citizens, all costs are tacked onto the sale price. Notices will be placed in the paper both for the intent for sale and actual sale date.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to go into closed session under Section 2.1-344, paragraph A.7. of the Code of Virginia, 1950, as amended, consultation with legal counsel and briefings by staff members about actual or probable litigation and specific legal matters that require legal advice.

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

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

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

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to adopt the following resolution:

CERTIFICATION RESOLUTION  
CLOSED MEETING

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discussion actual or potential litigation and other legal matters in accordance with Section 2.1-344, paragraph A.7 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number (1) or number (2)? If so, identify yourself and state the substance of the matter and why in your judgement it was a departure.

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

At 2:00 p.m., the Chairman called for the public hearing on the ordinance amending an

Ordinance entitled “An Ordinance Requiring the Purchase of Special Stamps to Hunt Bear or Deer in Floyd County”.

Mr. Cornwell gave a brief synopsis of the proposed amendment. He stated that people over 65 years of age are now granted an exemption from obtaining a license. This amendment would also grant the exemption from obtaining a bear/deer stamp. This will also bring the local ordinance in conformity with the revised State Code.

The Chairman declared the Public Hearing open for comments.

After no comments from the audience, the Chairman declared the Public Hearing closed.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to adopt the amendment to the ordinance known as “An Ordinance Requiring the Purchase of Special Stamps to Hunt Bear or Deer in Floyd County”, as presented (Document File Number ).

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

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to go into closed session under Section 2.1-344, paragraph A.7 of the Code of Virginia, 1950 As Amended, consultation with legal counsel concerning actual or potential litigation, or other specific legal matters that require legal advice.

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

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

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

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt the following resolution:

#### CERTIFICATION RESOLUTION

## CLOSED MEETING

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss actual or potential litigation, and other specific legal matters requiring legal advice, in accordance with Section 2.1-344, paragraph A.7 of the Virginia Freedom of Information Act.

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby certifies that, to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number (1) or number (2)? If so, identify yourself and state the substance of the matter and why in your judgement it was a departure.

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

The Board recessed for the public hearing at 7:00 p.m. in the Courthouse Courtroom.

Supervisors Whitlock and Harris entered the meeting at 7:00 p.m.

At 7:00 p.m., the Chairman called for the Public Hearing on the Proposed 6-Year Secondary Road Plan.

Mr. Junior Goad, Resident Highway Engineer explained that this public hearing is for the 6-year plan ending 2007, and also for the budget year of 2001/2002. He introduced the Board members, staff, and VDOT staff present.

Mr. Bob Beasley, Assistant Resident Highway Engineer, gave an overview of the proposed plan, listing road numbers and proposed work to be completed.

The following citizens spoke to the Board concerning their roads (full text on file in the County Administrator's Office).

- Robert Chandler, Route 677 - move up in plan
- Roger Shortt, Route 683 - grade, drain, stabilize
- John Vest, Route 608 - widening
- Hugh Vest, Route 608 - widening
- J. H. Saunders, Route 749 - surface treatment
- Allan Harman, Route 746 - improvements, surface treatment
- Kathy Jamission, Route 738 - dangerous curve/humps
- Randy Jamission, Route 738 - dangerous curve/humps
- Lynwood Cox, Route 751 - safety concerns, thanks for moving up in plan
- Junior Harris, Route 696 - grade, surface treatment
- Sam Fontana, Route 742 - blind curves, need for guard rail
- Celesta Fontana, Route 742 - curves
- Jimmy Simpkins, Route 757 - continue with further improvements
- Kevin Zeit, Route 673 - move up on plan
- Anthony Quesenberry, Route 760 - sight distance at 622/760 intersection; curves straightened and widened; need a current traffic count
- Judy Mollick, Route 636 - blind hill
- Don Stoneman, Route 641 - move up in plan
- Julia Light, Route 677 - straighten blind curve before spot improvements are done
- James Cantrell, Route 735 - improvements
- Tom Moser, Route 699 - appreciate being in plan; agree that Route 677 should be moved up in plan
- Joe Reed, Route 764 - put back on plan from being taken off two years ago
- W. D. Clarkson, Gregg's Lane - add to secondary system
- James Tesser, Route 757 - curves
- Tommy Simpkins - request copy of minutes from meeting
- Carl Martin, Route 720 - spot improvements, paving
- Steven Lesniowski, Route 608 - widening

After no further comments from the audience, the Resident Engineer declared the Public Hearing closed.

Mr. Goad, Mr. Beasley, and Mr. Stacy Surratt, VDOT personnel, next appeared before the Board to discuss the public hearing comments and to obtain any maintenance items that may need attention.

Supervisor Belcher - would like to add bridge on Route 758 to my portion.

Supervisor Gerald - add any items from list from previous discussion.

Supervisor Harris - no changes from plan

Supervisor Whitlock - no changes from plan. Move Route 677 up if other funds become available. Would also like to work on the curve on Route 677 earlier if funds become available.

Chairman Ingram - would like to look at costs of adding the new addition off Route 654.

On a motion of Supervisor Gerald, seconded by Supervisor Harris, and unanimously carried, it was resolved to adopt the proposed 6-year secondary improvement plan and also to approve the first year of the plan as the construction budget for 2001-2002.

Supervisor Gerald - aye

Supervisor Harris - aye

Supervisor Belcher - aye

Supervisor Whitlock - aye

Supervisor Ingram - aye

The Board next discussed routine maintenance items with VDOT personnel.

Supervisor Whitlock - stop sign at Route 664/639 intersection is about to fall over into the road.

Supervisor Whitlock - appreciate the bush-hogging on Route 221 and side roads. It especially needs to be done between Mayberry Funeral Home and Woods Gap Road.

Mr. Goad - we will be trying to run a continual bush-hog on roads to help keep them open during the winter.

Agenda Item 9b - Board of Equalization nominations for Judge's consideration. Supervisor Whitlock presented his two nominations, Diana Wimmer and Martha Sue Wilson. Other Board members will contact the County Administrator's Office with their nominations.

Agenda Item 9d - Deferral of rent payment for Floyd County Social Services until end of fiscal year. After discussion, it was the consensus of the Board to have staff bill Social Services the update amount for rent, and take no other action.

Agenda Item 9g - Review of Subdivision Ordinance - Planning Commission has recommended approval. It was the consensus of the Board that an entire meeting be devoted to this subject only, possibly after the Christmas holiday.

Agenda Item 9h - Consideration of subdivision approval for Richard A. & Betty C. Griffith. The Planning Commission has recommended approval of the subdivision. Mr. Nester commented that the shared right-of-way was recommended to be designated as an alley. Also, a recommendation from the County Attorney was requested from the Planning Commission and received from the County Attorney. Mr. Nester read the letter from the Attorney (on file in the

County Administrator's Office).

Supervisor Gerald - this subdivision meets the Subdivision Ordinance requirements - we have been discussing options all day.

Supervisor Whitlock - if the alley was taken out and approved that way, it would suit me.

Chairman Ingram - if we take it out, it would not meet the Subdivision Ordinance. The alley has to be designated on the plat as a secondary access.

Supervisor Gerald - we can make the designation for a street or an alley. When the Planning Commission made it an alley, no stipulations were made.

Mr. Nester - the Subdivision Ordinance requires the designation on the plat for an alley since it is a secondary access only.

Supervisor Belcher - it seems we have several options: 1) to not allow lots 6,7,8 to use the road at all and make them build their own primary access; 2) the developer could bring it up to State standards and all people could use the same road and it would eliminate all the entrances on Route 615; 3) approve the plat with an alley note.

Mr. Nester read from the subdivision ordinance concerning "alleys".

Discussion continued on approving the plat without the alley designation. Consensus of the Board was that the plat would have to be re-drawn if the alley designation were to be used. With the way the plat is shown, all lots have their own access to Route 615 and these are the ones that will need to be developed and used.

Supervisor Gerald - At the Planning Commission meeting, I am not sure how the alley designation was approved.

Supervisor Harris - I know when I was on Town Council, we always tried to avoid alleys, because they were always problems. Everybody wanted to use them and thought they owned them, but no one wanted to maintain them.

Supervisor Gerald - can we send this back to the Planning Commission to look at again?

Mr. Nester - you have 90 days.

On a motion of Supervisor Harris, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the subdivision plat of Richard A. & Betty C. Griffith as presented.

Supervisor Gerald - aye

Supervisor Harris - aye

Supervisor Belcher - aye  
Supervisor Whitlock - aye  
Supervisor Ingram - aye

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and unanimously carried, it was resolved to adjourn.

Supervisor Gerald - aye  
Supervisor Harris - aye  
Supervisor Belcher - aye  
Supervisor Whitlock - aye  
Supervisor Ingram - aye