

**BOARD OF SUPERVISORS  
REGULAR MEETING  
DECEMBER 12, 2000**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, December 12, 2000, at 8:30 a.m. in the Floyd County Administrative Building, thereof;

PRESENT: David W. Ingram, Chairman; Kirby Harris, Vice Chairman; Diane B. Belcher, J. Fred Gerald, Kerry W. Whitlock, 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.

Supervisor Gerald led in the Opening Prayer.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Invested Cash as of December 12, 2000; the Trial Balance as of October 31, 2000; and the Expenditure/Revenue Summary as of October 31, 2000. She commented that she would give the Board a full report at the January meeting as to tax collections for the 2000 tax year. Her office is still working on the mail receipts. She reported that work is continuing on the delinquent tax land sales. Some property taxes have been paid from the letters sent. Any tracts with taxes owed over \$800 will be sold. The law firm will begin title searches in January with sales to follow soon after.

The minutes of November 21, 2000 were presented to the Board for approval. Supervisor Whitlock questioned the procedure as to voting since he was not present for the entire meeting last month. Mr. Nester answered that he could either abstain or vote as to his feeling.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the minutes of November 21, 2000 as presented.

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

The monthly disbursements were presented for the Board's review. A list of additional

disbursements was also presented for the Board's consideration. Questions and discussion followed.

On a motion of Supervisor Harris, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the monthly disbursements, including the list of additional bills, as presented.

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

The quarterly appropriations resolution was presented for the Board's consideration.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt the quarterly appropriations resolution as presented.

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

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

- Ms. Kathy Boyd, representing Angels in the Attic - at an earlier meeting, I had requested money for the building fund for Angels in the Attic. I would like to rescind that request because I know the County does not have this type of funds at this time. We have come up with a better idea. In the last two months, a lot of other things have come up. We would like to suggest that a task force, under your direction, be established to study the needs of the County. We have around \$5000 in our building fund, including pledges. If you would consider such a task force, and get everything under one roof, it might be in the best interest of the entire County.

- Ms. Sue Morris, President of the Ministerial Association - We would like to see a task force set up and a study made of the County. I would even volunteer a member of my association to be on this committee.

- Ms. Jean Huff, President of Christmas for Children - I do know a lot of the needs of people in the County. There is one lady whose insurance is \$300 a month, so she has no funds for prescriptions. There are people sleeping around kerosene heaters, and we know how dangerous that is. Brenda Mitchell, who works with Headstart, can tell you lots of horror stories. I am very tired of having, every year, to search for a place. We cannot do the work we need to do because we have no place to work. Crenshaw Lighting provided us a place this year. There are needs in the County. Some people say, why can't these sorry people get a job? A lot of people are not qualified for the jobs and are left behind. Some people are comfortable on

Welfare, that's for sure, but there are a lot of people who have lost their jobs. My husband and son are two of them. Some people have grown up on Welfare and may stay there. We need a home for battered women and children. My sister has been through this situation because of an alcoholic husband. They died in alcoholic poverty. We sweep it under the rug because we want Floyd County to look pretty. We need to answer these needs. I love children and I hate to see children do without at Christmas. That is why I stay in the program. We have people tell us that they would not have anything without us. The task force would be nice, but you have to do something with what they find, not wait five years.

- Mr. Gino Williams - I support Ms. Boyd's idea of establishing a task force.

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

Agenda Item 8a - Subdivision plats for November 2000 - for the Board's information.

Mr. Nester also presented a proposed subdivision plat for Country Estates. The Floyd - Floyd County Planning Commission has recommended approval of the proposed subdivision.

On a motion of Supervisor Harris, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the subdivision plat for Country Estates, as presented by R & J Partnership.

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

Chairman Ingram commented that Mr. Cornwell, the County Attorney, had spoken with him concerning the fact that the Board does not have to approve the subdivision plats. The Planning Commission can be the final authority. Felt that before the Board passes the final Subdivision Ordinance, that we may want to consider this option.

Supervisor Harris - they have put their time and research into the study of the plats and know what needs to be done.

Supervisor Whitlock - what happens in other counties such as zoning - who approves?

Mr. Nester - zoning is different from subdivisions. Zoning changes have to be brought before the governing body, subdivisions only need the subdivision agent and Planning Commission.

Supervisor Whitlock - why was it done this way here?

Chairman Ingram - it just has always been in the ordinance and never discussed.

Mr. Nester - I think it was a requirement at the time that it go before the Board. The Planning Commission is really trained and entrusted to do the approvals.

Chairman Ingram - unless the Board of Supervisors wants to ask for trouble and not approve their recommendation, there is really no need for the Board to approve the plats, especially when the Planning Commission has done their job and put all the effort into checking the plats. It is something for us to think about when we work on the Ordinance again.

Supervisor Gerald - it may be an unnecessary burden on the Board but the Planning Commission likes having the Board's input.

Supervisor Whitlock - the Board might see a different item from the Planning Commission such as a road matter, that the Planning Commission might not think about.

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented three requests for transfer of funds:

- \$503.31 - insurance reimbursement
- \$1496.73 - DMV grant - Occupant Protection Grant
- \$1496.70 - DMV grant - DUI Grant

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the following transfers: \$503.31 from 3-001-018030-0003 to 4-001-031020-3310; \$1496.73 from 3-001-024040-0022 to 4-001-031020-8118; \$1496.70 from 3-001-024040-0022 to 4-001-031020-8121 in the Sheriff's Office FY01 budget.

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

Agenda Item 8b - Board of Equalization nominations for Circuit Court Judge's consideration. Mr. Nester commented that the Board had come up with a slate of seven names which could be conveyed to the Judge. Other names could be added in the next week or so if the Board comes up with other nominations.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to submit the following names to the Circuit Court Judge for consideration as Board of Equalization members: William Hayden, David Peters, Phillip Weddle, Judy Anderson, Evelyn Janney, Susan Wilson, Diana Wimmer.

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

Supervisor Ingram - aye

Agenda Item 8c - Appointment to Floyd - Floyd County Public Service Authority - fill unexpired term of James Thornton - Mr. Nester reported that letters of interest are due by December 15, 2000 - the Board deferred the matter until the next meeting.

Agenda Item 8d - Community Development Block Grant - \$420,000.

Item i) - Resolution appropriating \$420,000 - this resolution is to set up revenue and expenditure line items in the County budget and set up an audit trail for accounting of the funds.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adopt the resolution as presented for the appropriation of \$420,000 from the Community Development Block Grant to the County's General Fund (Document File Number ).

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

Item i) Resolution for \$50,000 Community Development Block Grant appropriation for Individual Development Accounts. This grant will serve low to moderate income persons. For each \$1 they save, the State will invest \$4 for one of the following: buying of a home, starting a new business, going back to school, or attending a training/vocational school. No local funds from the County are involved in this program.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the resolution as presented for the \$50,000 appropriation for the Individual Development Account (Document File Number ).

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

Item ii) - Adoption of Local Business and Employment Plan - this is an Anti-Displacement Policy that provides procedures for any displaced persons from their homes because of the building of the commerce park or other projects. The County has no planned displacement but the document must be in place for the grant program.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and unanimously carried, it was resolved to adopt the Local Business and Employment Plan as presented (Document File Number ).

Supervisor Gerald - aye  
Supervisor Harris - aye

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

Section 3 Plan - Mr. Nester reported that this plan provides that once construction starts on the Commerce Park, that businesses and residents of Floyd County will have first chance to obtain jobs and provide goods - this encourages reinvestment of funds in the local economy.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the Section 3 Plan as presented (Document File Number \_\_\_\_\_).

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

Agenda Item 8e - Appropriation request - \$2800 from Fire/Rescue Contingency Fund for heating system at Station #3 Fire.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the appropriation of \$2800 from the Fire/Rescue Contingency, 3-010-032030-3213 to 4-010-032030-3203.

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

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

Supervisor Whitlock - appreciate the trimming back on the County roads. On Goldfield Road, there are limbs sticking out that need to be trimmed back. Also appreciate the working up of edges of road along Route 221.

Chairman Ingram - presented a letter and petition for the new addition request - for your information.

Chairman Ingram - do you have the information on the abandonment of the curve on Route 649 that I requested last month?

Mr. Goad - no, I did not bring it back this month. Will get it for you as soon as possible.

Supervisor Gerald - I'm glad to see the snow fences put up this year. Appreciate that.

Agenda Item 8f - 2001 Legislative Agenda - Mr. Nester reported that the Chamber of Commerce, along with other Chambers in the region, will be meeting with the State legislators in early January. They had requested any items from the Board that needed to be discussed. Mr. Nester presented a copy of the legislative agenda from last year for the Board's consideration.

Supervisor Whitlock discussed road improvements that are being made by Franklin County on Five Mile Mountain. Wondered if the Board would be interested in adding more funds to improvements on Franklin Pike since that is the main connector route to Five Mile Mountain? Feel we should approach our legislators on this issue to keep it out of the 6-year plan. This would especially complement our economic development initiatives.

Consensus of the Board was to relay the proposed list of legislative items as presented, and have Supervisor Whitlock speak with legislators personally about improvements to Franklin Pike.

Agenda Item 8g - Trigon renewal for County employees - Mr. Nester reported that the increase was an average of 11.5%. This is the first increase in three years. Discussion followed on the cap of \$200 per employee that was put in place several years ago by a former Board. It was the consensus of the Board to keep this cap in place and have each employee pay the difference in premium themselves.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the renewal of health insurance with Trigon as presented, and cap the County contribution at \$200 per employee.

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

Agenda Item 8i - Transfer of Funds - from Fire/Rescue Fund to E-911 Fund - \$200 - for maps.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the transfer of \$200 from Fire/Rescue Fund - 4-010-032030-3202 to the E-911 Fund 4-140-31400-8103 for maps.

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

Agenda Item 8j - Electric Deregulation - Cooperative Purchasing. Mr. Nester reported

that with the recent deregulation of electric service, that rates will be going up. We need to watch to make sure that our rates stay the same. Are working with other Counties to form a coalition to negotiate rates together instead of everyone working against each other. For the Board's information.

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

- School Board has approved an Internet policy for system accessibility to personal data;
- School Board meeting changed from January 8, 2001 to January 15, 2001;
- Challenge Grant application was approved for \$50,000 - grant will be used for the purchase of 11 laptop computers for History and Social Science Department teachers. Will be used to train 7<sup>th</sup> grade and high school teachers in the analyzation of data and test results from the SOL tests to determine improvement areas for instructional purposes. Half of the grant will be used to purchase hardware and half for training and software. These laptops will be especially useful when the system goes wireless.
- SAT 9 scores - trend is showing improvement;
- Special Education Child Count at December 1, 2000;
- Revision to prerequisite schedule was presented for the School Board's review - will be approved at the January Board meeting - to pace students in their classes so they can pass the SOL's;
- School membership for November 2000 was 1976 students;
- Public hearing for the FY02 budget was held with three people speaking - some of their concerns were: class sizes; technology; space for health services (sick children and medicine area); art and music program increase; salary increases - continue with the five year initiative plan; one speaker against the proposal for an Assistant Principal at Floyd Elementary (when enrollment reaches 600 students, State will require a part-time Assistant Principal).
- Will present proposed budget to Board of Supervisors in February;
- Construction program - Floyd Elementary should be completed in mid-January. Fine-tuning is being performed at the other three schools.

The Board recessed for lunch and construction tour at Floyd Elementary School.

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

On a motion of Supervisor Harris, seconded by Supervisor Belcher, and unanimously carried, it was resolved to go into closed session under Section 2.1-344, paragraph A.1, discussion of personnel matters; paragraph A.3, acquisition of real property for public purposes or the disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position; paragraph A.7, consultation with legal counsel about actual or potential litigation and other specific legal matters that require legal advice.

Supervisor Gerald - aye

Supervisor Harris - aye

Supervisor Belcher - aye

Supervisor Whitlock - aye  
Supervisor Ingram - aye

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

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

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the following certification 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 personnel, property and legal matters in accordance with Section 2.1-344, paragraphs A.1, 3 and 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 - aye  
Supervisor Belcher - aye  
Supervisor Whitlock - aye  
Supervisor Ingram - aye

This Certification Resolution was adopted.

Agenda Item 7fi) Mutual Aid Agreement with surrounding localities - have not heard from the Counties, so have written a letter to each County Attorney for their comments.

Agenda Item 7fii) Proposed Noise Ordinance. Have received comments from the Commonwealth's Attorney concerning the proposed ordinance. In paragraph #2 concerning prohibited acts, he comments that since we do not have zoning, how could it be determined if an area was a residential area? Should either strike that item or make the area County-wide. Consensus of the Board was to make the section County-wide. Concerning the exemption for agricultural and commercial operations - I told him that the Board was discussing this matter.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on the proposed Noise Ordinance at the Board's next regular meeting. Such advertisement would change the residential area in paragraph #2 to County-wide.

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

Agenda Item 7fiii) Report on sale of properties with delinquent taxes. Mr. Cornwell reported that some taxes have been collected from the letters sent. A suit will be filed in January on about two dozen properties to begin the sale process.

Discussion followed on the cleaning service for County buildings. Discussion centered on using a contract service or hiring an employee for the work. Consensus of the Board, after discussion, was to put the service out to bid at the end of the contract term since it had not been bid in several years.

Discussion followed on setting of meeting dates for the year 2001. A consensus on time was not reached by the Board. It will be discussed further at the Board's reorganizational meeting in January.

On a motion of Supervisor Harris, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adjourn to Tuesday, January 2, 2001 at 6:00 p.m.

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