

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 8, 2000**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 8, 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.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Invested Cash as of August 8, 2000; the Trial Balance ending June 30, 2000; and the revenue/expenditure summary ending June 30, 2000. She also presented a copy of the 1999 delinquent real estate and personal property tax lists. She reminded the Board that they need to make a decision as to whether to advertise the list in the local newspaper. A summary of 1999 tax collections showed 97.5% of real estate was collected and 96.6% of personal property was collected. A decision on advertisement of the delinquent list was delayed until next month to ascertain if a summary notice could be printed in the paper that the list is available at the Courthouse for review.

Mrs. Thomas also reported that a Bill of Equity Sale will be held in the next couple of months. Letters were sent from her office on July 28 for first notice of sale of properties delinquent over 20 years. The citizen has until August 31 to make payment. There are 143 tracts, owned by 97 citizens, that are in this category. The Board and Attorney become involved after the thirty day period. The Board must decide whether to have the County Attorney handle the matter or some other attorney. The total amount owed to the County is \$171,613.00 which includes penalty and interest. The property is auctioned and sold to the highest bidder.

The minutes of July 11, 2000 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 July 11, 2000 as presented.

Supervisor Gerald - aye

Supervisor Harris - aye

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

The monthly disbursements were presented to the Board for approval. Questions and discussion followed.

Agenda Item 8a - Subdivision plats as approved by Agent for July 2000 - for the Board's information.

Agenda Item 8b - Appointment of family representative to CPMT (CSA Management Team) - Mr. Nester reported that the appointment has been advertised, with no response - defer - no action taken by the Board.

Agenda Item 8c - Appointment to Montgomery-Floyd Regional Library Board - has also been advertised with no response - have received a list from the Library Director of possible candidates - will contact those for possible appointment.

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

Mrs. Jean Huff, President of Christmas for Children. Mrs. Huff stated that the program has no place to operate this year. Would like to request two rooms at the Courthouse for use for this year.

Mr. Nester - I had been approached by this group because they were using the back building here at this site for this program. I explained that we have no space available except in the basement of the Courthouse and that it would be up to the Board.

Mrs. Huff - we also thought about the Recreation Building. We serve about 300 children. It takes a lot of time and effort from our volunteers. Would invite you to come by and see what we do. Suggestion was made that the Board give us the lot where the Recreation Building is and we could tear the house down and build what we need. We really need the storage area because we hit the January sales very hard to purchase items for the next year.

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

Agenda Item 8d - Authorization for County Administrator to advertise for bids for a 2001 Type I 4x4 ambulance. Mr. Ford Wirt, Emergency Services Coordinator, came before the Board to explain some of the details. He reported that this vehicle will be used for Station #4. These units are replaced every six years. Specifications are standardized so parts can be interchanged and also so the volunteers can drive any of the vehicles easily once they are trained. The average mileage per call is 90 miles. Units are either sold or traded. By law, another EMS unit cannot use the vehicle because of safety reasons.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and unanimously carried, it was resolved to authorize the County Administrator to advertise for bids for a 2001 Type I, 4x4 ambulance.

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

Agenda Item 8e - Resolution to approve membership composition of the Community Criminal Justice Board. Mr. Nester explained that this is a regional board comprised of the Counties of Floyd, Bland, Giles, Grayson, Montgomery and the Cities of Galax and Radford. They need an appointment from the County either of an Elected Official or an Administrative Officer. They meet on a monthly basis.

On a motion of Supervisor Harris, seconded by Supervisor Gerald, and unanimously carried, it was resolved to appoint the County Administrator, George Nester, to the Community Criminal Justice Board for a four year term beginning July 1, 2000.

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

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the resolution as presented for the membership composition of the Community Criminal Justice Board (Document File Number _____).

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

Agenda Item 8f - Supplemental appropriation - \$8730 - to the Sheriff's Department part-time compensation line item. An amount of \$16,730 was approved by the Compensation Board, but only \$8000 was approved by the Board for this line item. Sheriff is requesting an additional appropriation to match the State amount.

On a motion of Supervisor Harris, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve an additional appropriation of the amount of \$8730 from Contingency to 4-001-031020-1300 in the Sheriff's Department FY01 budget.

Supervisor Gerald - aye
Supervisor Harris - aye

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

Mrs. Fran Weddle, Sheriff's Department, next appeared before the Board with a transfer of funds request. Funds had been received from the State for reimbursement for extradition of prisoners, and needs to be returned to their expenditure budget.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve a transfer of \$84.19 from 3-001-018030-0003 to 4-001-031020-6008 - \$74.96; and to 4-001-033010-6002 - \$9.23.

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

Agenda Item 8g - Approval of carry-over funds for Clerk of Court. Letter request from Clerk for carry-over of \$5485.85 from the FY00 budget to the FY01 budget for grant funds remaining in their account.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the carry-over of \$5485.85 to the Clerk of Court's FY01 budget from the FY00 budget for remaining grant funds.

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

Agenda Items 8h - 8l - Transfers of funds.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the following transfers: \$10 from F/R Fund to E-911 Fund; \$5 from F/R Fund to E-911; \$10 from 4-001-013020-6001 to E-911 Fund; \$10 from F/R Fund to E-911 Fund; \$15 from 4-001-013020-6001 to E-911 Fund.

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

Agenda Item 8m - Setting of joint meeting with Planning Commission to discuss Subdivision Ordinance. Consensus of the Board was to meet August 15, 2000 at 7:00 p.m. to

discuss the ordinance.

Mrs. Cynthia Babb, Treasurer of the Floyd County Rescue Squad and Chairman of the Response Committee, next appeared before the Board. She reported that their committee had been formed to study the response and reaction times and unanswered calls. One critical piece of the puzzle that is missing is the number of unanswered calls, which has been requested from the Sheriff's Office, but not received. From January through June of 2000, 400 calls have been responded to County-wide. Day calls numbered 206 and night calls numbered 194. The definition of response time is the time it takes from when the ambulance leaves the station to get to the call. Reaction time is from when the call is toned to when an ambulance is en route. Ms. Babb presented charts to the Board graphing the response and reaction average times. Different member categories have been set up to try to recruit new members and an EMT class will begin next week, of which we hope we will obtain some members. We need volunteers. We have the equipment and funds we need, we just need the citizens to become involved. They can do other things besides run calls, such as cleaning ambulances, stuffing envelopes, cleaning the building, etc.

Agenda Item 8n - Mileage rate. Mr. Nester reported that the State has increased the reimbursement rate for use of personal vehicles to \$0.325. Requesting that the Board also change the County's travel policy so all employees/Board members will be receiving the same amount.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to amend the County's travel policy to change the personal vehicle reimbursement rate to \$0.325/mile.

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

Agenda Item 8o - Invitation from Crenshaw Lighting for the Board of Supervisors and Industrial Development Authority members to come for a tour of their new facility. Consensus of the Board was to accept the invitation and have the County Administrator relay same to Mr. Crenshaw.

Agenda Item 8p - Workers Compensation for Board of Supervisors. Mr. Nester reported that we had been advised by the auditor for workers compensation that the Board needed to pass a resolution if they wished to be included on the County's workers compensation. This coverage would only apply while Board members are performing their official duties.

On a motion of Supervisor Gerald, seconded by Supervisor Harris, and unanimously carried, it was resolved to adopt the resolution providing workers compensation for the Board of Supervisors members (Document File Number _____).

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

Agenda Item 8q - Mr. Nester presented a resignation letter from Mr. Steve Summers from the Floyd - Floyd County Public Recreational Facilities Authority, effective immediately. Will await the Board's decision as to advertisement or not.

Agenda Item 8r - Supplemental appropriation request from Mrs. Ellen Johnson for CSA Funds.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the supplemental appropriation of \$38,673.04 from Contingency to the Comprehensive Services Act Fund.

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.

Mr. Goad invited the Board and staff to an open house of their new facility on August 22, 2000 at 1:30 p.m.

Supervisor Whitlock - appreciate the trimming on roads especially with schools getting ready to begin.

Supervisor Whitlock - Route 681 bridge - planks are loosening - have reported it to the Check office. It is the first bridge after you pass Route 679.

Supervisor Belcher - thanks for the repairs to the bridge on Route 799. Also appreciate the lines on Moles Road.

Supervisor Belcher - what is going on with the bridge at Canning Factory Road?

Mr. Beasley - the contractor worked two half days and has not been back. He is being charged damages for every day over the contract.

Supervisor Ingram - appreciate the mowing on secondary roads, the sight distance is greatly improved. Also appreciate the patching work that has been done.

Supervisor Gerald - guard rail on White Top Road - when will it be done?

Mr. Goad - is on the schedule to be done, but have not got to it yet.

Mr. Goad - (to Supervisor Gerald) - we are having trouble getting right-of-way for the project on Route 757 - we may get you to help us with it.

Supervisor Whitlock - Route 612 just across the County line - the pothole has gotten worse and people are driving on the other side of the road to avoid it.

Mr. Goad - I will call the Montgomery County Resident Engineer.

Supervisor Belcher - appreciate the patching on Route 799.

Supervisor Whitlock - Route 681 paving - when will it get started?

Mr. Goad - APAC got the contract. It is just a matter of getting it done before winter. It will be done up to the Route 679 intersection.

Mr. Nester - reported that he had given Mr. Goad a copy of the letter from Crenshaw Lighting requesting a speed study on Paradise Lane.

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

Supervisor Gerald - aye

Supervisor Harris - aye

Supervisor Belcher - aye

Supervisor Whitlock - aye

Supervisor Ingram - aye

Mr. David Rundgren, New River Valley Planning District Commission, next appeared before the Board. He presented a video on the fiscal crisis in our local governments. The video outlined the amount of funds the State receives for individual income taxes, and the amounts that could be reimbursed back to the localities either based on population or number of employees. Mr. Rundgren commented that a mix of population/employees would be better for Floyd County if this was approved. The State unemployment rate is 2.5% at the end of June, and Floyd County's rate was 8.3%. Larger areas of the State are preferring a formula based on number of employees. For example, Fairfax County has as many employees alone as all of rural Virginia. Suggestion made to contact VACO, VML and General Assembly members to relay the Board's opinion on the matter. The next meeting of the Tax Structure Committee will be August 22, 2000 at 9:00 a.m. at Uva.

The Board recessed for lunch.

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

Agenda Item 7gii - Tax Relief for the Elderly Ordinance - consensus of the Board was to leave the Ordinance as is since it is in line with surrounding localities.

Agenda Item 7giii - Noise Ordinance. Mr. Cornwell reported that the General District Court Judge had ordered that the ordinance was vague in reference to barking dogs. Citizens had been convicted under the ordinance previously though. Consensus of the Board was for Mr. Cornwell to draft an ordinance for the Board's review.

Utility Tax - Mr. Cornwell reported that because of deregulation of the electric industry, the State has changed the calculation method of utility taxes. The County ordinance will need to be changed to reflect these new items. It has to be adopted before October 31 or the State will receive the revenue. The same issue is also applicable to natural gas suppliers. Even though the County does not have any gas suppliers at this time, the ordinance needs to reflect this also, in case any come into the County. Will draft up ordinance revisions and bring back to the Board for review and setting of a public hearing.

Agenda Item 8gi - County stickers for trailers with permanent tags. Mr. Cornwell reported that after review, he feels the rates currently imposed are within range of what other Counties are doing. No action taken by the Board.

On a motion of Supervisor Belcher, seconded by Supervisor Harris, and unanimously carried, it was resolved to go into closed session under Section 2.1-344, paragraph (A)(1) discussion of personnel matters; and 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.

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

On a motion of Supervisor Harris, seconded by Supervisor Gerald, 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 resolution:

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 and property in accordance with Section 2.1-344, paragraphs (A)(1) and (A)(3) 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 session 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.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to go into closed session under Section 2.1-344, paragraph (A)(7) consultation with legal counsel regarding 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 Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt the following resolution:

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

This Certification Resolution was adopted.

Mr. Nester presented two resignation letters - one from Supervisor Belcher from the New River Valley Criminal Justice Service Board; and one from Supervisor Harris from the Floyd County Chamber of Commerce Board.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to appoint Supervisor Kirby Harris to the New River Valley Criminal Justice Services Board to replace Supervisor Diane Belcher.

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

Supervisor Ingram - aye

On a motion of Supervisor Harris, seconded by Supervisor Gerald, and carried, it was resolved to appoint Supervisor Diane Belcher to the Floyd County Chamber of Commerce representing the Board of Supervisors, to replace Supervisor Kirby Harris.

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

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and carried, it was resolved to appoint Mr. Steve Graham to the Floyd - Floyd County Public Recreational Facilities Authority, to fill the unexpired term of Steve Summers.

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

Supervisor Whitlock left the meeting at 3:30 p.m.

On a motion of Supervisor Gerald, seconded by Supervisor Harris, and carried, it was resolved to adjourn to Tuesday, August 15, 2000 at 7:00 p.m. for a joint meeting with the Floyd - Floyd County Planning Commission.

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