

**BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 9, 2001**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 9, 2001, at 8:30 a.m. in the Board Room of 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 Harris led in the Opening Prayer.

Chairman Ingram led the Board in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Trial Balance ending November 30, 2000; the invested cash as of January 9, 2001; and the November 30, 2000 expenditure/revenue summary. She also presented a summary sheet of the 2000 tax collections. In real estate, 94.3% was collected this year, 93.9% in 1999. In personal property, 87% was collected in 2000, 86.8% was collected in 1999.

The minutes of December 12, 2000 and January 2, 2001 were presented to the Board for review.

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the minutes of December 12, 2000 and January 2, 2001 as presented.

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

The monthly disbursements were presented to the Board for consideration. A list of

additional disbursements was also presented for the Board's consideration. Discussion and questions followed. Because of the number of windshield replacements this month, it was requested by the Board for additional information on those bills.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the monthly disbursements, plus additions, with the deletion of Precision Glass and Piedmont Peterbilt.

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

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

Agenda Item 8b - Appointment to Floyd - Floyd County Public Service Authority, to fill the unexpired term of James Thornton. Mr. Nester reported that one letter of interest had been received.

On a motion of Supervisor Harris, seconded by Supervisor Belcher, and unanimously carried, it was resolved to appoint Mr. Larry Petrie to the Floyd - Floyd County Public Service Authority, to fill the unexpired term of Mr. James Thornton.

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

Agenda Item 8c - Transfer of funds - \$40 - for sale of maps.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the transfer of \$40 from 10-032030-3203 to the E-911 Fund, for sale of maps.

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

Agenda Item 8d - Transfer of funds - \$6500. Mr. Nester reported that \$6500 had been received in reference to the VPSA bond closing for assistance with legal fees. These funds would need to be transferred over to the expense side so the attorney can be paid.

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the transfer of \$6500 from 3-001-018030-0006 to 4-001-021040-1100 for legal expenses for the bond attorney.

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

Agenda Item 8e - Request for supplemental appropriation - \$700 - to FY01 budget for Court Services. Mr. Nester reported that Court Services had requested this supplement to their telephone line item because of increased use and cost. They have added additional staff in the Floyd office and will go over budget very shortly. After discussion, it was the consensus of the Board to have the County Administrator obtain additional information on the matter, especially in the area of number of juveniles served in Floyd County, and if this telephone service is used district-wide or only in Floyd County.

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

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

Agenda Item 8f - Approval of subdivision for Kenneth Michael Kaye. Mr. Nester reported that the Planning Commission approved the subdivision at their January 2, 2001 meeting. The subdivision is on Route 686, Moore Road, and consists of 11 lots, with 30.897 acres excluding the right-of-ways.

On a motion of Supervisor Gerald, seconded by Supervisor Harris, and unanimously carried, it was resolved to approve the subdivision of Kenneth Michael Kaye, as presented.

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

Ms. Deanna Cox, Auditor with Robinson, Farmer, Cox & Associates, next appeared before the Board. She presented the County audit ending June 30, 2000. She reported that the County is in very good financial shape. They suggest a 10% fund balance, the County is over that. The cash trend is very good, and outstanding debt has steadily gone down. They had only one management recommendation this year. That is to begin the process to account for fixed assets. This process must be in place by June 30, 2002, so the County needs to take steps to put this in place. She also reported that their firm will have some training sessions for the Boards of Supervisors as the time comes closer on the new statements, so the Boards will be able to explain the items to their constituents.

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented several items for the Board's consideration:

- Request for transfer of funds, \$3594.57, for payment of annual leave from Compensation Board, for Deputy Davis.
- Request for transfer of funds \$4635.52, for 2 hand held radios - the Compensation Board pays 77% of cost.
- Request for transfer of funds \$2631.42, for Compensation Board funds received for temporary replacement for Deputy Dickerson. Unfortunately, this temporary person has resigned.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the following transfers: \$3594.57 from 3-001-023020-0001 to 4-001-031020-1107; \$4635.52 from 3-001-023020-0001 to 4-001-031020-8103; \$2631.42 from 3-001-23020-0001 to 4-001-33010-1300, in the Sheriff's Office FY01 budget.

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

Ms. Weddle next reported on a situation with a grant award received for the 1997-98 fiscal year for Crime Prevention. Because of a turn-over in staff, \$1276.96 was received from the Department of Criminal Justice Service as part of a large grant, but was not spent, due to an over-sight. The Department had just written the Sheriff's Office last week concerning the matter, and requesting a re-payment from the County.

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the re-payment of \$1276.96 to the Treasurer of Virginia, for a Crime Prevention Grant from 1997-98, and transfer said amount from Contingency to 4-001-031020-1109.

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

Ms. Weddle also reported that two grants had been approved, per their Department's applications: one - a Domestic Violence Grant from the Federal government, in the amount of \$34,712.00; and two - a Department of Motor Vehicles Grant in the amount of \$1500.00.

Mr. Nester presented further information to the Board on the questions concerning the windshield bills for the Transfer Station vehicles. One windshield had been broken by

something falling from the greenbox while unloading, and the other two were broken by flying rocks from the road.

On a motion of Supervisor Harris, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the disbursements to Piedmont Peterbilt and Precision Glass, as presented.

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

Agenda Item 8g - Consideration of recommendation on community services space needs. Mr. Nester reminded the Board of the request from last month for a task force to be formed to study the community needs. Consensus of the Board, after discussion, was to think more on the matter, and obtain pros/cons on the situation and discuss it further next month.

Agenda Item 8h - Set work session date for review of proposed Subdivision Ordinance. Discussion followed on asking the County Attorney to review the ordinance again and possibly put it in simpler language so it is easier to understand. The Board deferred the matter since there may be time later in the day to work on it some.

Mr. Nester next presented a letter request from the Chamber of Commerce for a donation for an advertisement in the Blue Ridge Travel Guide. This guide highlights communities along the Blue Ridge Parkway. The New River Valley Visitors Center will be donating \$500, the Chamber of Commerce \$500, and hopefully the 10-12 businesses that are highlighted will donate \$150-200. The deadline for ad submission is January 19, so the Chamber needs an answer fairly quickly. Discussion followed on the types of businesses that will be highlighted - would that be unfair since all businesses in the County will not be shown? The Board deferred the matter for discussion later in the day.

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

Chairman Ingram questioned the progress with obtaining information on the abandonment of a discontinued section of Route 649.

Mr. Goad presented the information to the Board and the process that has to be followed for the abandonment.

Mr. Goad reported that the situation with the cemetery next to the Parkway with the road that goes through Floyd and Franklin Counties is being handled by their Richmond office.

Chairman Ingram reported that Mr. Jim Kline, from the Richmond VDOT office, and Mr. Lovell, Assistant Resident Engineer from Rocky Mount, had met with the property owners and

trustees of the cemetery last week. Mr. Kline made a recommendation on how to handle the situation to the property owners and trustees. They were not in complete agreement with the recommendation, so he gave them 10 days to think over the matter and make other recommendations/suggestions to him. After Mr. Kline makes his final determination, the report will be sent to the Salem office and then onto Mr. Goad at the Hillsville office, and then back to this Board.

Mr. Goad reported that the County's application for Industrial Access road funding will be going to the Transportation Board's next meeting. Should have something to report to the Board by the next meeting.

Supervisor Gerald - still receiving requests to have the speed limit lowered by the Indian Valley Post Office.

Mr. Goad - I think that they have run a speed study on that site, but I'm not sure of the results - I will check on it.

Supervisor Gerald - the people need to do the study either early in the morning or later in the afternoon when the traffic is heavy.

Chairman Ingram - Route 641 - this road is in the 6-year plan for improvement, but there is a big rock that is sticking out into the road. There is a lot of development on this road, and a modular home that was taken into the area last week was torn up very badly. Would like to request that the rock be removed if possible before the actual 6-year plan work is done.

Supervisor Whitlock - Route 661 - narrow bridge that comes out onto Route 681.

Mr. Beasley - the brush and limbs should have been already taken care of.

Supervisor Whitlock - it has not been done yet, and the ditch also needs to be straightened out so the water can flow easily.

Supervisor Whitlock - I have been contacted by Mr. Chandler on Route 677 - he would like the road moved up in the 6-year plan. I am not inclined to move things around unless there is an emergency safety situation. I did tell him we would do our best to keep the brush cut back.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and unanimously carried, it was resolved to begin the abandonment process on a discontinued section of State Secondary Route 649 as per the description given by VDOT officials.

Supervisor Gerald - aye

Supervisor Harris - aye

Supervisor Belcher - aye

Supervisor Whitlock - aye

Supervisor Ingram - aye

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

- Enrollment report for December 2000;
- Enrollment report from beginning of school year through December 20, 2000;
- High School Fall SOL scores.

The Board recessed for a tour of the Cross Creek building and lunch.

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

Agenda Item 7hi) - Mutual Aid Agreement - still have not received replies from all the surrounding localities on the draft agreement sent to them. Have received replies from four localities.

Agenda Item 7hii) - Proposed Noise Ordinance - set public hearing date.

Supervisor Belcher - the Commonwealth's Attorney advised me, in a discussion with him, that a meter be purchased to monitor the sound. Since we are going to allow agricultural, commercial and industrial users to operate 24/7, which I am against, I think we need some way to monitor the situation. I heard from the quarry owner that he will operate 24/7 if he is awarded the Route 58 project. We would probably have to include the monitoring aspect in our ordinance.

Mr. Cornwell - yes, it would have to go into the ordinance and also the distance it is to be monitored.

Supervisor Whitlock - the quarry owner has regulations from the Department of Mines that he has to follow.

Supervisor Belcher - I would like regulations for the citizens who live near-by.

Supervisor Harris - I think we are way out-of-line talking about a specific business or industry. We are supposed to be talking about setting a public hearing date.

Supervisor Belcher - in a lot of these situations, the deputies are called out and they have no way to monitor the situation. Would like the Board to consider looking into this further, especially for the noise after 11:00 p.m. and also for the purchase of a decibel meter.

Mr. Cornwell - The Board can conduct a public hearing on the way the ordinance is written and make changes or re-draft the ordinance and conduct a public hearing later.

Supervisor Whitlock - in other areas, what decibel level do they have?

Mr. Cornwell - I don't have that information with me, I would have to research the matter.

Supervisor Harris - I think we need to have everything in place before we go to public hearing.

Mr. Cornwell - do you want the decibel level to apply across the board for all agricultural, commercial and industrial operations? I understand that after 11:00 p.m., certain levels of noise at certain distances, you are violating the ordinance. At other times, like before 11:00 p.m., the ordinance would be followed in reference to music levels, etc.

Agenda Item 7hiii) - Report on sale of properties with delinquent taxes. I have no further report at this time other than progress is being made and that title work is being done. I have told the Treasurer that costs incurred from this point on will be added onto the bill of the delinquent taxpayer. If anyone comes in to pay now, the Treasurer is to call our office and we will give her the appropriate costs to charge the taxpayer.

On a motion of Supervisor Gerald, 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 disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position; paragraph A.7, consultation with legal counsel and briefings by staff members about actual or probable litigation and 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 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 Belcher, seconded by Supervisor Whitlock, and unanimously 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 personnel matters, property, and potential or probable litigation and other 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.

Further discussion followed on the request from the Chamber of Commerce for a donation for the ad in the Blue Ridge Travel Guide. No action was taken by the Board.

Work session for the discussion of the proposed Subdivision Ordinance. Consensus of the Board was for 6:00 p.m. on January 30, 2001.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on March 13, 2001, at 7:00 p.m., or as soon thereafter as possible, for the possible abandonment of a section of State Secondary Route 649, which is now discontinued.

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

It was the consensus of the Board to have an additional Public Comment Period at the regular meeting on March 13, 2001, at 7:00 p.m.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and unanimously carried, it was resolved to adjourn to January 30, 2001 at 6:00 p.m. for a work session on the proposed Subdivision Ordinance.

Supervisor Gerald - aye

Supervisor Harris - aye

Supervisor Belcher - aye

Supervisor Whitlock - aye

Supervisor Ingram - aye