

**BOARD OF SUPERVISORS
ADJOURNED MEETING
OCTOBER 30, 2001**

At an adjourned meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 30, 2001 at 7:00 p.m. in the Board Room of the County Administration Building, thereof;

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

ABSENT: Kirby Harris, Vice Chairman.

The Chairman called the meeting to order at 7:00 p.m. with the reading of the handicapping statement.

Agenda Item 2 - Approval of disbursement to Johnson Family Ford. Mr. Nester reported that the bill had been submitted in a timely manner, but had been inadvertently not included in the disbursement list at the Board's regular meeting. This bill is for two used vehicles for the Sheriff's Department.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to approve the disbursement to Johnson Family Ford in the amount of \$27,504.00, as presented.

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

Agenda Item 3 - Consideration of Stevenson Partnership subdivision plat. Mr. Cornwell reported that an auction had been scheduled for November 3, 2001 by Woltz & Associates for sale of this property. A plat had not been submitted nor approved by the Planning Commission. I wrote a letter to Woltz & Associates informing them that in Section 3-1-4 of the Floyd County Subdivision Ordinance, that it is improper to sell or offer for sale any property without a plat

being approved. I was contacted by Mr. Hopkins, Attorney for the Stevenson family. The owners of the property were unaware of the situation. I have a letter of apology from Woltz & Associates to the Planning Commission. There were several issues to consider: 1) we did not want this situation to occur; 2) we do not want this situation to occur again; and 3) have no problem with the owners and recognize the fact that the owners would be the ones suffering. Results from this issue were: letter of apology to Planning Commission and payment of a civil penalty of \$6000 for violation of the Subdivision Ordinance. Woltz & Associates wrote a letter of apology, which was accepted by the Planning Commission, and they took up consideration of the plat. The Planning Commission recommended four changes in the plat which have been corrected, and the plat has been signed by the Planning Commission Chairman. This is not something that I want to happen again. Hopefully this sends the message that we will enforce the Subdivision Ordinance. I had to weigh who we were hurting - it should be the realtors, not the owners of the real estate.

Supervisor Whitlock - are we setting a precedence if we run into this again?

Mr. Cornwell - No, I was prepared to file necessary injunction paperwork. We have not enforced our Ordinance in this way before and this proves that we are going to stop the sale of property, if it has not been approved properly. Given the fact that the property owners had no knowledge of the situation, it swung things the other way for me. Everyone should know now, especially real estate agents, so there is no excuse. Property has been sold in Floyd County before without a plat being approved because we didn't know about it.

Mr. Nester - This has also been part of a timing issue. The Planning Commission and Board of Supervisors already had meetings scheduled and agreed to review the property subdivision. It has run the sequence required by the Ordinance.

Mr. Cornwell - the deficiencies pointed out by the Planning Commission were minor details. The division itself meets the ordinance.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and carried, it was resolved to approve the Stevenson Partnership plat as presented, with recommended changes, with the message to others that they need to conform to the Floyd County Subdivision Ordinance.

Supervisor Gerald - aye - out of consideration of the Stevenson family
Supervisor Harris - absent
Supervisor Belcher - aye
Supervisor Whitlock - aye - also out of consideration of the Stevenson family
Supervisor Ingram - aye

Agenda Item 4 - Work session on proposed Subdivision Ordinance.

Mr. Cornwell reported that the Planning Commission completed review of the latest draft, but changes have not been completed by the Planning District Commission at this time.

Consensus of the Board was to table the matter until a recommendation is received from the Planning Commission.

Mr. Cornwell reported that he and Mr. Nester had met with a company interested in building an industrial building in the County. The meeting went well and we will report details to the Board at the next meeting.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to adjourn.

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