

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

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 9, 2001, at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman; Kirby Harris, Vice Chairman (entered the meeting at 9:50 a.m.); J. Fred Gerald, Kerry W. Whitlock, Board Members; George W. Nester, County Administrator; Terri W. Morris, Assistant County Administrator.

ABSENT: Diane B. Belcher, Board Member.

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

Chairman Ingram led in the Opening Prayer.

Supervisor Gerald read an informational article about the meaning of the different colors and items on the United States flag.

The Pledge of Allegiance was led by Chairman Ingram.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Invested Cash as of October 9, 2001; the Trial Balance ending August 31, 2001; and the Revenue/Expenditure Summary as of August 31, 2001. She reported that tax tickets should be in the mail by next Monday at the latest. She will be using an automated mailing service from Roanoke. This company will bar code the envelopes, sort and mail them by the next day. This should save the County money and also at least two days of time sorting.

The minutes of September 11, 2001 and September 19, 2001 were presented to the Board for approval.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of September 11, 2001 and September 19, 2001 as presented.

Supervisor Gerald - aye

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

The monthly disbursements were presented to the Board for approval. A list of additional bills was also presented for the Board's consideration. Questions and discussion followed.

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

Motion died due to lack of second.

Further questions and discussion followed on the disbursements.

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

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

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.

Mr. Nester reminded the Board that they had been invited to participate in the Veterans Day Parade on November 11, 2001 at 3:00 p.m. as a show of cooperation and support of the Veterans.

Agenda Item 8a - Subdivision plats as approved by the Agent for September 2001. Mr. Nester reported that nine divisions were approved by the Agent for the month.

Agenda Item 8b - Voting credentials for VACo Annual Meeting - designation of voting delegate and alternate.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to designate Supervisor Fred Gerald as voting delegate, and Supervisor Kirby Harris as alternate voting delegate for the VACo 2001 Annual Meeting.

Supervisor Gerald - abstain
Supervisor Harris - absent

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

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented two requests for funds transfers: 1) reimbursement from the Compensation Board for travel expenses for the Sheriff's Conference in Virginia Beach; and 2) insurance reimbursement for deer damage to one of their vehicles.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to approve the transfer of \$455.00 from 3-001-023020-0001 to 4-001-031020-5530; and \$1103.17 from 3-001-018030-0005 to 4-001-031020-3310 in the Sheriff's Department FY01 budget.

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

Agenda Item 8c - Endorsement of the proposed Founders of America Communities Program. Mr. Nester presented a request from Caroline County asking that the Board consider adoption of a resolution in support of this program. This program would be similar to the Virginia Civil War Trails Program, with recognition of communities where founding fathers were born. There would be a map and literature prepared indicating where the respective communities are.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and carried, it was resolved to adopt a resolution in support of the proposed Founders of America Communities Program (Document File Number _____).

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

Agenda Item 8d - Appointment to New River Valley Agency on Aging Board of Directors - 1 year term. After discussion, it was the consensus of the Board to advertise this position as is the Board's standard policy, and also to notify the current office holder.

Agenda Item 8e - Appointment to New River Community Action Board of Directors - 2 year term. It was also the consensus of the Board to advertise this position and notify the current office holder.

Agenda Item 8f - Loan Enabling Resolution for Courthouse renovations. Mr. Nester requested that the Board hold this matter for discussion later in the day with the County

Attorney.

Agenda Item 8g - Solid Waste Disposal Agreement. Mr. Nester reported that the County has a two-year contract with USA Waste. As per the Agreement, they have notified the County of a proposed price increase, which is based on the Consumer Price Index. The transportation rate now is \$452.28/load, proposed to increase to \$464.49/load, which is a 2.7% increase. The disposal cost now is \$23.81/ton, with a proposed increase to \$24.45/ton, which is a 2.9% increase. During this review of the rates, the New River Resource Authority was also considered again as a possible alternative. After calculation, the Resource Authority is still approximately \$200,000 higher per year than the current services.

Supervisor Harris entered the meeting at 9:50 a.m.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and carried, it was resolved to authorize the continuation of the current contract with USA Waste for a two year period.

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

Agenda Item 8h - Dodd Creek environmental meeting with Department of Conservation and Recreation and Department of Environmental Quality. Mr. Nester reported that Dodd Creek is a tributary that has stream degradation because of fecal coliform. This program has been set up to see where the pollutants are coming from, either from cattle, sewage tanks or illegal dumping. Funds from EPA are available to encourage fence building, watering systems for cattle, replacement of failing sewage tanks, etc. Landowners have been identified in the affected area and their names have been passed along to the two Departments. No local funds are involved, but the County will assist in any needed way. All affected landowners will be invited to an informational meeting at 7:00 p.m. on November 27, 2001 at the high school.

Agenda Item 8i - Discussion of request from Floyd County Rescue Squad for response improvement ideas. Mr. Nester reported that a meeting was held last week with the Rescue Squad committee and representatives from Carilion. The time period from 4:00 a.m. to 6:00 p.m. gives the members the hardest coverage capability. The following options are being discussed and researched: 1) evaluate and update call log by location and time of day to see where the most calls are originating from - this will be done from 1999 on; 2) determine staffing needs for these critical times; 3) private firms such as Lifeline and Carilion are willing to provide crews during specified times - they provide manpower and equipment for a second crew; 4) paid staff - more control over day-to-day operation. This research and discussion is being done with the complete cooperation and assistance of the Rescue Squad, and they appreciate the Board's support in this process.

Supervisor Harris questioned the response time from Christiansburg for one of the private firms.

Mr. Nester - we would need to find that out. The National Fire Protection Association (NFPA) standards are for a response time of 15 minutes. This would be impossible in Floyd County.

Supervisor Whitlock - could they establish staff and equipment here in the County?

Mr. Nester - they are willing to look at that option - they are very flexible.

Agenda Item 8j - Work session on proposed Subdivision Ordinance. Mr. Nester reported that the revised plan has been submitted back to the Planning Commission for their review of suggested changes. Hope to have it back for the Board's November meeting. The Planning Commission will be meeting tomorrow night at 7:00 p.m. to review the changes.

Mr. Junior Goad, Resident Highway Engineer, appeared before the Board. He reminded the Board of the 6-year plan Public Hearing on November 15, 2001 at 7:00 p.m. Would like to meet with each Board member individually concerning their respective districts. The meetings were set up for Tuesday, October 16, 2001.

Mr. Goad reported that, in response to a question from Mr. Nester, that the right-of-way for the discontinued section on State Secondary Route 649 would still be in effect. If the section had been abandoned, it would not.

Mr. Nester indicated that the County Attorney would be notified so the plat presented from adjacent landowners could be vacated.

Supervisor Whitlock - brush still needs to be cut back on the side roads.

Supervisor Whitlock - Route 639 - last month we talked about doing improvements on both ends of the road and leaving the middle - have you checked on this?

Mr. Goad - we will look at it next week when we work on the 6-year road plan.

Supervisor Whitlock - bridge on State Secondary Route 664 really looks good. We appreciate it.

Chairman Ingram - out of curiosity - when will the lines on Route 221 be done where the new paving is completed?

Mr. Goad - it was supposed to be done by the contractor - I don't know what the problem is.

Chairman Ingram - Route 653 - will it be done before Winter?

Mr. Goad - yes, hope to get Adams Construction back in the County this week. They need to finish 653, 681, 719 and Oxford Street.

Supervisor Gerald - appreciate your work on Routes 622 and 760. Route 760 is really an improvement.

Chairman Ingram - Route 602 (from gentleman in the audience) - what is the status?

Mr. Goad - Mr. Beasley had two road projects that he was showing this morning, and Route 602 was one of them. Bids will be due at the end of the month, with construction beginning in the Spring.

Mr. Nester presented a proposed resolution for the designation of Route 221 as a scenic byway. Route 8 already carries this designation.

Mr. Goad stated that he would check on the policy and make sure there are no restrictions within the policy as far as maintenance or bridge work, etc. and report back to the Board.

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

- Presented a copy of the September School Board meeting highlights;
- Presented a copy of the enrollment report from August 16 - September 4, 2001 - 2020 students on September 4, 2001;
- Presented a copy of the October School Board meeting highlights;
- Presented schedule of the School Board's visitation schedule at each school;
- Noted that a public hearing will be held in December concerning the FY03 budget;
- Presented a copy of the September 28, 2001 enrollment report - 2021 students;
- Presented a copy of the K-3 Remediation Program participants. This is a program for school hours only, not an after school program.

The Board recessed for lunch at Indian Valley Elementary School.

Mr. James Cornwell and Mr. Dan Siegel, Sands, Anderson, Marks & Miller, next appeared before the Board.

Agenda Item 7fi) - Mutual Aid Agreement with surrounding localities - still waiting on Agreement from Carroll County, all others have been completed.

Agenda Item 7fii) Report on sale of properties with delinquent taxes - Mr. Cornwell reported that the Attorney in their Richmond office who had been handling the sales, had passed away, so the accounts had been turned over to him.

Agenda Item 7fiii) Request of Park Ridge Development regarding road systems - Section 46.2-100 Code of Virginia. Mr. Cornwell reported that there are several items the Board needs to consider: 1) discussion with Sheriff that his Department will handle these calls - Mr. Nester will contact the Sheriff and discuss this matter; 2) this is a gated community - how will access be acquired; 3) to set a speed limit, VDOT must conduct a speed study. Do not think that they will do this on a private road. The speed limit will be 55 without signs indicating otherwise.

Consensus of the Board was to have the County Administrator discuss the situation with the Sheriff and report back to the Board at the next meeting.

Agenda Item 7fiv) - Petition for reciprocal agreement for police services between Floyd and Patrick Counties. Mr. Cornwell reported that a draft agreement is being reviewed between the two County Attorneys.

Agenda Item 7fv) - Consideration of Agreement in Lieu of Plan under the County's Erosion and Sediment Control Ordinance. Mr. Cornwell reported that the County's ordinance actually is stricter than the State ordinance. The County's ordinance requires either a formal plan or the owner signing an agreement for single family dwellings that the ordinance will be followed. After discussion, it was the consensus of the Board that the ordinance be enforced as written, with no changes.

Agenda Item 7vi) - Industrial Access Agreement with VDOT. Mr. Cornwell reported that he had reviewed the agreement for the industrial access road at the Commerce Park. Made a couple of changes - nothing of substance. \$300,000 will be VDOT funds, \$87,500 in County funds.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and carried, it was resolved to authorize the Chairman to execute the Industrial Access Agreement with the Virginia Department of Transportation after completion to the County Attorney's satisfaction (Document File Number _____).

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

Mr. Nester reported to the Board that Congressman Boucher's office had called and that the groundbreaking ceremony scheduled for Monday, October 15, 2001 will have to be rescheduled. His presence is required in Washington, and will be unable to attend.

Mr. Dan Siegel next reported on the proposed resolutions for the Courthouse renovations and the proposed shell building.

Courthouse resolution highlights:
- \$1,175,000 maximum amount

- Will be done as additional bonds over the 2000 project done by Ferris, Baker & Watts
- Interest rate will be 5.65% or less
- Will be approved by the Industrial Development Authority at their meeting on Thursday, with funds to be received within 30 days.
- Local banks will have first rights to purchase of any bonds
- Will allow the reimbursement to the County from the proceeds.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to adopt the resolution as presented for the bond financing for Courthouse renovations (Document File Number _____).

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

Shell building resolution highlights:

- \$415,000 - added some additional over the bid amount for closing costs
- This will be a taxable note
- Subject to annual appropriation by the Board
- Will meet with the Industrial Development Authority on Thursday to obtain their approval
- Private financing - which is less complicated
- Would hurt the tax exemption status for Courthouse renovations so that is why it was not included in that project
- Terms will be negotiated with the lender - should not be more than 8% interest rate - should actually be in the 7% range
- The building can be used for any purpose since it is not a tax exempt process

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to adopt the resolution as presented for shell building construction in the Floyd Regional Commerce Park (Document File Number _____).

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

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

- Supervisor Gerald - aye

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

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

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

On a motion of Supervisor Harris, 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 property and legal matters in accordance with Section 2.1-344, paragraphs A.3 and 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 - absent
Supervisor Whitlock - aye
Supervisor Ingram - aye

This Certification Resolution was adopted.

Mr. Nester reported that EDA is requiring one change in the agreement with Dreaming Creek. They are requiring that a statement be included in the agreement that no EDA funds will be used for the project. We can take care of that easily and have the Chairman and I re-sign the document.

Chairman Ingram commented that he had been approached by a gentleman from the Havens Chapel Church concerning the greenbox site on their property. They are planning to have the church lot paved, and wondered if the County would contribute any funds toward that cost since the greenboxes are there. They do not want the boxes moved. After discussion, it was the consensus of the Board to have the County Attorney draft an agreement for the boxes to be kept there for an extended period, such as five years, for a modest contribution from the County, possibly \$1000.00.

On a motion of Supervisor Harris, seconded by Supervisor Gerald, and carried, it was resolved to adjourn to Tuesday, October 30, 2001 at 7:00 p.m. for a work session on the proposed subdivision ordinance.

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