

**BOARD OF SUPERVISORS  
REGULAR MEETING  
DECEMBER 11, 2001**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, December 11, 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; 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.

The Opening Prayer was led by Chairman Ingram.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Trial Balance ending October 31, 2001; the Invested Cash as of December 11, 2001; and the Expenditure/Revenue Summary as of October 31, 2001. She commented that she will give the Board a full report on current tax collections at the January meeting - her office is still working the mail.

The minutes of November 15, 2001 were presented to the Board for approval.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and carried, it was resolved to approve the minutes of November 15, 2001 as presented.

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

The Board observed a minute of silence at 8:46 a.m. in remembrance of the September

11, 2001 incident and its victims.

The monthly disbursements were presented to the Board for approval. A list of additional disbursements was also presented for the Board's consideration. Questions and discussion followed. Discussion also followed on dumpster sites at Havens Chapel Church (tilting very badly toward the bank) and Stonewall Road (very dirty site and rusty boxes). Discussion also on advertising in The Floyd Press the various items that are accepted at the Recycling Center, such as freezers, refrigerators, tires, etc. instead of them being placed in the dumpsters.

Supervisor Whitlock questioned if the new wells had been drilled at the old landfill.

Mr. Nester stated that they had, and groundwater and gas are being monitored at the three new wells and tested as required. Some carbon is showing up in the wells, so that may be a situation that will need to be discussed further later.

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

Mrs. Mary Turman - back in April of 1997, Trigon sent a rebate to the County of \$55,108.27. \$13,869.61 in interest has been earned on these funds since that time. Could some of this be used to offset the insurance increase this year? These funds were to be used for employee benefits. Since we are not getting a raise this year, I thought these funds could be used for the employee's benefit.

Ms. Mary Wiley - I have had a farm on Laurel Ridge in Floyd County for nine years. I retired recently and want to focus back on my community. I thank you for all the work that you are doing.

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

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

On a motion of Supervisor Harris, seconded by Supervisor Gerald, and carried, it was resolved to adopt the quarterly appropriations resolution as presented (Document File Number ).

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

Agenda Item 8a - Subdivision plats as approved by Agent for November 2001 - Mr. Nester reported that 29 new divisions of land were approved during the month. A division of

property for the Commerce Park will be considered tonight by the Planning Commission.

Agenda Item 8b - Request for transfer of funds - from Fire/Rescue Fund to E-911 Fund for maps.

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and carried, it was resolved to approve the transfer of \$45 from the Fire/Rescue Fund (Rescue) to the E-911 Fund; and \$10 from the Fire/Rescue Fund (Fire) to the E-911 Fund for maps.

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

Mr. Garland Nester, Animal Control Officer, next appeared before the Board. He presented a dog claim in the amount of \$200 for a steer killed by dogs. The steer belonged to Mr. Steve Fast. Mr. Fast did hear the dogs barking, and found the steer three days later. Mr. Nester reported that he had killed two dogs and picked up four dogs on Mr. Fast's property since October 10. Mr. Fast has had trouble for the last 6-8 months with dogs. Traps were set there for two months, but nothing but possums were caught.

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

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

Agenda Item 8c - Appointment to Industrial Development Authority - 4 year term. Mr. Nester reported that five responses had been received from the advertisement. After discussion, it was the consensus of the Board to interview the five candidates since several are not known to the Board. Will discuss the matter later in the day for a definite date.

Agenda Item 8d - Discussion of request from Floyd County Rescue Squad for response improvement ideas. Mr. Nester reported that he had met the previous evening with the Rescue Squad. The full membership went on record to request that the Board of Supervisors contract with a paid ambulance service during the hours of 6:00 a.m. - 6:00 p.m. Proposals from interested firms would need to be received, if it is the Board's intent. The Rescue Squad would still have the primary responsibility for calls. The paid crew could be sent back to the station if a volunteer squad is available during the day. All details will be worked out by a consensual written agreement. This is an interim service, we still want the volunteers to be the primary part.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and carried, it was

resolved to authorize the County Administrator to advertise for proposals for paid ambulance service during daylight hours, and proceed with necessary arrangements for facilities and equipment for same.

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

Mr. Bob Beasley, Assistant Resident Highway Engineer, next appeared before the Board. He presented copies to the Board of comments from the recent public hearing on the 6-year secondary road plan.

Supervisor Whitlock - questioned when the bridge would be completed at Slaughters?

Mr. Beasley - we can get it finished in two more days if we can get some good weather.

Supervisor Whitlock - glad to see the rain so some scraping can be done on the washboard side roads. Also, ditches and culverts need to be cleaned out - especially if we get a considerable amount of moisture this Winter.

Supervisor Gerald - Merrifield Road (Route 764) - citizens have asked me why there is paving being done on the section of the road where there are no homes, and not being done where there are 12 or more homes?

Mr. Beasley - I will have to look into that and get back to you.

Supervisor Gerald - Lost Bent Road (Route 742) - guard rail - has it been checked on?

Mr. Beasley - not yet, we will check it.

Supervisor Gerald - Posey Road (Route 740) - citizens are complaining about the straight section of road being used as a drag strip and have requested a speed study and speed limit signs.

Mr. Beasley - we can get that done.

Supervisor Harris - Route 681 - the people appreciate the paving but have wondered when it will be lined?

Mr. Beasley - the crew from Salem does the lining. They do one County at a time, so it may be a little while, but I will remind them.

Supervisor Ingram - the same situation is on Route 653 - it has not been lined.

Supervisor Whitlock - Route 221 - about ½ mile South of Route 642 - the edge of the road is giving way.

Mr. Beasley - we will have to re-build the slope, will have to take the guard rail down and re-build it. There obviously was a weak spot in the slope.

Supervisor Ingram - appreciate the scraping on gravel roads.

Supervisor Ingram - have heard some talk about red tape for the disposal of materials that come out of the ditches. Is there anything that the Board can do on your behalf?

Mr. Beasley - materials now cannot be used on a fill or used locally. The materials have to go to an approved landfill or a private environmentally approved waste area. We are trying to get at least two sites per area headquarters.

Mrs. Ellen Johnson, Social Services Director, next appeared before the Board. Mrs. Johnson presented copies of a proposal for all New River Valley Social Service agencies and Counties to collaboratively seek out revenue sources. A study group consisting of all Social Service Directors and a local government representative is suggested. One item that the study group would do is hire a staff person to examine all agencies in the Valley (Social Services, Schools, etc.) to ascertain if all revenue sources are being utilized. Application for 501C3 status would also be sought for other grant revenue sources.

Consensus of the Board was to support the staff involvement of Mrs. Johnson and the Assistant County Administrator in this planning process.

Agenda Item 8e - Discussion of economic impact study of the proposed Dominion pipeline. Mr. Nester reported that he had received an e-mail from Dominion that they had contracted with Virginia Tech to do an economic impact study. This would include the impact the pipeline would have in each County that they would cross. They have invited Floyd County to be a part of this study, which is being paid for by Dominion. Did not respond to the e-mail without the Board's concurrence. The route has changed again (3<sup>rd</sup> time). The new alternate will follow the Route 8 corridor to Route 221 and then follow the 765 kv power line.

The Board deferred the matter for further information during the County Attorney's report later in the day.

Agenda Item 8f - Financing proposals for \$415,000 loan for industrial building in the Commerce Park. Two proposals were received - one from the Bank of Floyd and one from First National Bank. The Bank of Floyd proposal offered a 7.05% fixed rate, \$1500 legal fee, 5 year repayment schedule, payment of \$2438.00 during construction. The First National Bank offered a 6.19% fixed rate and a 5.50% variable rate, no fees, 3 year repayment schedule, and a monthly payment of \$2140.71 during construction. After some discussion, the Board tabled the matter for further consideration later in the day.

Agenda Item 8g - Request to block exit from Courthouse parking lot to Route 8; all ingress and egress from Oxford Street. Mr. Nester reported that a letter request had been received from the Commonwealth's Attorney to the County and Town for this exit blocking. Mr. Nester suggested that the VDOT safety personnel look at the situation and make suggestions. Since this exit is now blocked, the site can be studied easier.

Agenda Item 8h - LEOS Retirement plan for Law Enforcement - Sheriff's Department. Mr. Nester reported that, after research, that this is an actuarial based fee. This applies to all employees under the system, not just the Sheriff's Department. The other employees would receive no additional benefit, but have to be included to balance the program. Would need the Board to request the actuarial study if interested. The fee for the study is around \$500, but will be increasing after December 31.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and carried, it was resolved to authorize the County Administrator to proceed with the Virginia Retirement System actuarial study for possible implementation of the LEOS program.

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

Agenda Item 8i - Virginia Base Mapping Program. Mr. Nester reported that the State is providing this program for all Counties because of the vast differences in mapping across the State. If the County had to pay for this ourselves, it would cost around \$200,000.00. This will standardize all base maps Statewide. The program should be completed by February of 2003.

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

- Copy of School Board meeting highlights;
- Copy of Stanford 9 scores;
- Copy of SOL scores;
- Enrollment report ending November 30, 2001 - 2027 students;
- Special Education child count as of December 1, 2001 - increase from 366 children to 393 in unduplicated services. Increases have come from influx of students from other areas, not identification of current students;
- Computer Repair class - began this new class this year. By Computer Repair III, the student will be able to build all their computers. Hope to have them build all school computers. There are currently 70 students in the program.
- Grant funds have provided two nurses for Medicaid eligible students in need of speech and language services. The grants will run out this year and we are trying to find other revenue sources for this program.

Supervisor Whitlock questioned the number of students for next year's budget.

Dr. Arbogast - will probably use 2025, 1975 was used this year - but the School Board may change that number.

The Board recessed for lunch at Floyd County High School.

Mr. Nester reported that a letter had been received from the Department of Conservation and Recreation concerning the Board's amendment to the E&S Control Ordinance. They had interpreted the ordinance different than the County had. They said the County was too strict in that we were requiring an E&S plan for all single family dwellings. The State Code requires only for disturbance of over 10,000 square feet.

After discussion, it was the consensus of the Board to follow the State Code and require an E&S plan only for disturbances over 10,000 square feet.

Discussion followed on a date for the Board's reorganizational meeting. Consensus was for January 2, 2002 at 7:00 p.m.

Mr. Nester reported that three appointments to the Floyd - Floyd County Public Service Authority expire on December 13, 2001. Two are Board member appointments, and one is a joint Town/County appointment.

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and carried, it was resolved to re-appoint Supervisor Fred Gerald to the Floyd - Floyd County Public Service Authority for a four year term, or until the expiration of the term on the Board of Supervisors.

Supervisor Gerald - abstain  
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 re-appoint Supervisor Kerry Whitlock to the Floyd - Floyd County Public Service Authority for a four year term, or until the expiration of the term on the Board of Supervisors.

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

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and carried, it was resolved to re-appoint Doug Thompson as the joint County/Town appointment to the Floyd - Floyd County Public Service Authority, for a four year term.

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

Mr. Nester reported that bids had been received for Phase III of the Floyd Regional Commerce Park. Low bid was from Sowers Construction in the amount of \$1,400,291.25. The engineer's estimate for the project was \$2,291,399.00. The engineers had recommended the acceptance of the bid from Sowers Construction, as it had met all specifications and their work has been found satisfactory.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to accept the bid from Sowers Construction in the amount of \$1,400,291.25 for Phase III of the Floyd Regional Commerce Center.

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

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

Agenda Item 7hi) - Mutual Aid Agreement with surrounding localities - still waiting on Carroll County.

Agenda Item 7hii) - Report on sale of properties with delinquent taxes - notices should be going out in the next month or so for sale of properties. Probably will be 6-9 months before sales are held.

Agenda Item 7hiii) - Request of Park Ridge Development regarding road systems - there was concern on the Sheriff's part about this being a private road in a gated community. The Sheriff has or will request an opinion from the Attorney General's office.

Agenda Item 7hiv) - Lease Agreement between Floyd County and Trustees of the Havens Chapel United Methodist Church. Mr. Nester reported that the Trustees have signed the Agreement and it is awaiting the Chairman's execution. Mr. Cornwell commented that this is a five year lease with \$1000 paid by the County for the placement of dumpsters on the site.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and carried, it was resolved to authorize the Chairman to execute any necessary documents for the Lease Agreement with the Trustees of the Haven Chapel United Methodist Church (Document File Number \_\_\_\_\_).

Supervisor Gerald - aye  
Supervisor Harris - aye  
Supervisor Belcher - absent

Supervisor Whitlock - aye  
Supervisor Ingram - aye

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1 - discussion of personnel; Paragraph A.3 - Discussion or consideration of the acquisition or real property for a public purpose or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and paragraph A.7 - consultation with legal counsel regarding specific legal matter requiring the provision of legal advice.

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

Supervisor Whitlock left the meeting at 2:45 p.m. and returned at 7:00 p.m.

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

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

On a motion of Supervisor Gerald, seconded by Supervisor Harris, and 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 2.2-3711 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3711 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 - absent

Supervisor Ingram - aye

This Certification Resolution was adopted.

Agenda Item 8f - Financing proposals for \$415,000 loan for industrial building.  
Discussion followed on the two proposals received, pros and cons of each.

On a motion of Supervisor Gerald, seconded by Supervisor Harris, and carried, it was resolved to accept the financing proposal from First National Bank at a fixed rate, for construction of an industrial building in the Floyd County Commerce Park, in the amount of \$415,000.00.

Supervisor Gerald - aye

Supervisor Harris - aye

Supervisor Belcher - absent

Supervisor Whitlock - absent

Supervisor Ingram - aye

Agenda Item 8e - Discussion of economic impact study of the proposed Dominion pipeline. After discussion, it was the consensus of the Board to not participate in the study.

The Board recessed for the 7:00 p.m. Public Hearing.

At 7:00 p.m., the Chairman called for a Joint Public Hearing with the Floyd - Floyd County Planning Commission on the proposed Subdivision Ordinance.

Chairman Ernest Bryant, of the Floyd - Floyd County Planning Commission, called the Commission to order and called for the public hearing. Commission members present included: Chairman Bryant, Sam Hassell, Larry Petrie, Evelyn Janney, Connie Harmon, Robert Shelor and Fred Gerald.

Other staff present were: Robert Britt, Subdivision Agent; David Rundgren and Lydena Martin, New River Valley Planning District Commission; and James Cornwell, County Attorney.

Mr. Nester reported that the advertisement for the public hearing had been run in the local newspaper on November 22 and November 29, 2001.

Mr. Cornwell commented that the purpose of the hearing was for the Board to consider

public input in revisions to the proposed Subdivision Ordinance.

The Chairman declared the Public Hearing open for comments.

Mr. Charles Richards - I own property on Conner Road. I don't know how the Ordinance applies to us. I have read it. I question how my only access to my property is a discontinued State road and I do not see anything in the proposed ordinance about how that would apply to us if this property were to be subdivided and sold. This property would only be sold in an emergency situation or left to our two children and grandchildren. What does this mean as to my access? The only access is on a discontinued road. The other problem is that, and I know the Board has heard me say this before, is that the ordinances are selectively applied and enforced. You also can't get an answer if someone says there has been a violation. Why are they enforced or not enforced and how do you get them enforced? The minimum enforcement on subdivisions that we can have would be the best.

Mr. Mike Ziegler - I live in the Alum Ridge area. The new proposed subdivision ordinance seems to be promoting small two acre subdivisions. The requirement for VDOT approved roads to satisfy frontage requirements, or 250' on State maintained roads, is steep. If a developer has to go and build these roads to State standards, he will try to maximize roads in the acreage. The building of roads will increase the prices of the property and most of the people that I have talked to seem to be looking for land in the 5-10 acre range, room for some livestock and horses. Seems that the frontage and set back requirements are working against that. Consider that in five acres or more that you allow a flag lot. Montgomery County has this for agricultural subdivisions and you can have one common road for several people depending on the roads. By including the larger lot size, it would help to maintain the rural atmosphere and natural beauty of Floyd County.

Mr. Jennings Bolt - I go along with what Mr. Ziegler has said. You should consider flag lots and maybe acreage more than two acres. People want to build big homes and don't care about road frontage. Think you should consider that. Two acre lots are ok but the well and drainage site should be considered more than the lots and not limited.

Mr. J. C. Holden - I oppose any change. I want to thank the Board of Supervisors and Planning Commission for helping the problems in the old ordinance. I like that if a piece of property is subdivided, the original piece has to be surveyed. I hope that is what it says anyhow. I still would like to see other changes. If we can get the enforcement of subdivisions, vigorously enforced, it would help a lot. A lot of problems will be settled in the future by what you have done here tonight.

Mr. David Larsen - I am thinking a lot like the previous speakers. I thank the Board of Supervisors and Planning Commission for their work. From only having two acre lots and going up to 25 acre lots, with nothing in between, is limiting. This eliminates a lot of opportunity for present land owners and people who want to buy in the County. You will see high density subdivisions that will only sell small lots. We can have some restrictions on flag lots.

Montgomery County had a good approach. 10 acre lots and 100 acre lots - there were different options for each. Just need some options between 2 acres and 25 acres. Want to encourage the Board of Supervisors and Planning Commission to look at something between 2 and 25 acres. Maybe 15 acre flag lots, with more restrictions than surrounding areas, but something in between. Even in Charlotte, North Carolina, they allow flag lots, and it is a highly populated area, and they allow the common use of private roads. Just something in between. The rest of the ordinance is good and I appreciate your work.

Mr. Jennings Bolt - The Subdivision Agent is limited to approve four lots or less. Think it should be changed that he can approve more lots, such as if they are on a State maintained road. Maybe ten lots would be a good amount.

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

On a motion by Mr. Shelor, seconded by Mr. Petrie, and unanimously carried, it was resolved for the Floyd - Floyd County Planning Commission to recommend that the November 6, 2001 draft of the proposed Subdivision Ordinance be adopted by the Board of Supervisors.

The Planning Commission recessed for five minutes to continue their regular meeting in another room.

Discussion followed between the Board members concerning the proposed subdivision ordinance.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and carried, it was resolved to adopt the November 6, 2001 draft of the proposed Subdivision Ordinance, with revisions as recommended by the Floyd - Floyd County Planning Commission, that any divisions with four or more lots be reviewed by the Commission themselves (Document File Number ).

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

Discussion followed on the subdivision plat for the Floyd County Regional Commerce Center. Decision was made that since the Planning Commission now approves all divisions over four lots, with the passage of the new ordinance, that the Board would not need to review the division.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and carried, it was resolved to adjourn to January 2, 2002 at 7:00 p.m. for a reorganizational meeting.

Supervisor Gerald - aye  
Supervisor Harris - abstain

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