

**BOARD OF SUPERVISORS  
REGULAR MEETING  
MAY 8, 2001**

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

The Pledge of Allegiance was led by Chairman Ingram.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Trial Balance ending March 31, 2001; the Invested Cash as of May 8, 2001; and the Revenue/Expenditure Summary as of March 31, 2001.

She also reported that she had received a letter from a citizen concerning a vicious dog in the County. She had ordered vicious dog tags. Understand that the situation is under the direction of the Animal Control Officers to determine if the dog is vicious or not. A sign also has to be placed in the yard by the owner.

The minutes of April 10, 2001 and April 17, 2001 were presented to the Board for approval.

Chairman Ingram - April 10 minutes, page 9. The first motion on the page should show that the vote was not unanimous, his vote was nay.

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the minutes of April 10, 2001 as corrected, and the minutes of April 17, 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 approval. A list of additional disbursements was also presented for the Board's consideration. Questions and discussion followed.

On a motion of Supervisor Belcher, 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

Agenda Item 8a - Subdivision plats as approved by Agent for April 2001. Mr. Nester reported that 14 tracts were divided, 8 of which were in Country Ridge Estates, which was approved by the Board at their April meeting. Mr. Nester also reported that the subdivision at the intersection of Routes 681 and 860, which the Board questioned last month, was subdivided and approved in 1986, so it is still current.

Agenda Item 8b - Appointment to Workforce Investment Board to replace Dan Ryan - defer the matter since the Board had no replacement.

Agenda Item 8c - Appointment to New River Community College Board of Directors, four year term. Mr. Nester reported that one response was received to the advertisement for letters of interest.

On a motion of Supervisor Belcher, seconded by Supervisor Harris, and unanimously carried, it was resolved to reappoint Mr. William Gardner to the New River Community College Board of Directors, for a four year term.

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

Agenda Item 8d - Proposed proclamation for designation of May 20-26, 2001 as Emergency Medical Services Week.

On a motion of Supervisor Harris, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adopt the proclamation as presented, designating May 20-26, 2001 as

Emergency Medical Services Week (Document File Number \_\_\_\_\_ ).

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

Agenda Item 8e - Request for carry-over of \$13,743.73 in grant funds to the Clerk of Court's FY02 budget. Mr. Nester reported that the funds will not be expended this fiscal year and the Clerk has requested a carry-over of the grant funds.

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the request of the Clerk of Court for carry-over of \$13,743.73 in grant funds to the FY02 budget.

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

At 9:05 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 - Transfer - \$25 from Fire/Rescue Operation/Maintenance to E-911 Fund for sale of County maps.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the transfer of \$25 from the Fire/Rescue Operation/Maintenance Fund to the E-911 Fund for sale of County maps.

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

Agenda Item 8g - Recommendation for change of employee dental plan. Mr. Nester explained the proposal from Guardian Insurance, the problems that have been encountered with the current insurance carrier, and the reduction in premiums for the employees.

On a motion of Supervisor Harris, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the proposal from Guardian Insurance for employee dental insurance.

Supervisor Gerald - aye  
Supervisor Harris - aye

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

Agenda Item 8h - Report on natural gas pipeline (Greenbrier Line) study - Dominion Power. Mr. Nester explained that a letter will be mailed to residents on the proposed corridor by Dominion Power. The first time that staff was aware of this proposal was March 2000. The County was advised that the company was evaluating the establishment of a pipeline through a four County area from West Virginia to North Carolina. Nothing else was heard from the Company until March 2001. At that time, the Company advised that they had been conducting studies in their offices to cross Floyd County along the Route 8 corridor. We do not have enough information at this time to know exactly where it will go. This project is regulated by the Federal Energy Regulatory Commission (FERC) since it is an interstate project. The County will have no regulatory power since it is an interstate project. There has been no encouragement or support from the County. The Company will be holding a public hearing on May 29, 2001 at 6:00 p.m. for persons along the proposed corridor. Once the study is complete, it is submitted to FERC, which has three options: 1) review and approve the plan; 2) review and recommend changes to the plan; 3) deny the plan. There will be a public comment period for the proposed plan. This will be an underground project regulated by the FERC. The Company has eminent domain power. It will probably take at least a year to complete the study and at least a year for FERC to complete the review process. There is also another proposed pipeline, the Patriot Line, which will go through Carroll, Patrick, and a corner of Floyd County. That project is further along than this one. Discussion also followed on the construction of a compression station. The station takes the natural gas and reduces it for use in natural gas appliances. It usually takes between \$500,000 - 750,000 to construct one of the stations.

Agenda Item 8i - Work session on proposed FY02 budget. The Board deferred the matter for work later in the day.

Agenda Item 8j - Work session on proposed Subdivision Ordinance. The Board deferred the matter to set a date later in the day.

Work session on proposed FY02 budget. The following changes were made:

- Department 1101 - ok
- Department 1201 - ok
- Department 1208 - ok
- Department 1209 -
  - 12090-8108 - add back \$2000 - approved by State Compensation Board
  - 12090-1103 - delete extra position not approved by State Compensation Board
- Department 1210 - ok
- Department 1213 - ok
- Department 1301 - check salary rates of Board

Mr. Junior Goad, Resident Highway Engineer, and Mr. Burlin Hill, Contract Manager,

next appeared before the Board.

Mr. Goad reported that Adams Construction had received the contract for all paving in the County, but have not begun their work yet. State crews have been doing regular maintenance work to prepare for the paving.

Supervisor Whitlock - appreciate the scraping of the roads.

Supervisor Belcher - appreciate your work on Route 799, it is much better.

Supervisor Belcher - Evergreen Lane and Route 750 - there are lots of potholes.

Mr. Goad - we will be strengthening Route 750 before the paving is done this summer.

Chairman Ingram - Route 642 - when will construction begin?

Mr. Goad - I'm not sure of the date, I'll have to let you know.

Chairman Ingram - appreciate your work on scraping the gravel roads, it has really helped.

Supervisor Harris - when will the bridge at Slaughters be done?

Mr. Goad - probably will start in June.

Mr. Nester - I received a call from James Woods concerning the road at Sowers Mill Dam. Is this road being maintained by VDOT?

Mr. Goad - it is maintained to the end of maintenance sign. If he wants something changed, it would have to come through this Board. Posts have been put up by another gentleman on the road. He has been asked to move them, but has not done so yet. He will be asked again.

Supervisor Gerald - Route 757 - when will the work be completed?

Mr. Goad - hope to have it done in the next couple of weeks. There is a lot of material there that had to be moved.

Supervisor Gerald - when will the signs at the Post Office be installed?

Mr. Goad - some have been put up, but we are not finished.

Supervisor Gerald - not unless they have been up in the last 2-3 days.

Mr. Goad - we are very far behind. We may have to do it ourselves instead of waiting for

Traffic Safety staff to install them.

Supervisor Whitlock - questioned the entrance onto Franklin Pike from Franklin Pike Mini Farms. It is between two bridges, with very limited sight distance, and very dangerous. Has this been approved by VDOT?

Mr. Goad - I will check to see whether it is a driveway or an entrance to the subdivision.

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 and briefings by staff members about actual or probable litigation or 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 Gerald, seconded by Supervisor Harris, 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 Gerald, 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 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. Jeff Smith, Draper-Aden Associates, next appeared before the Board. He reported that since 1998, DEQ has been trying to get groundwater monitoring standards established. Floyd County's report was sent to them by Draper-Aden in 1998, and was finally approved August 25, 2000. They found that eight organic parameters exceed the GPS (Groundwater Protection Standards). Because of this, an Assessment of Corrective Measures will be required. The source is decreasing at the closed landfill, but the impact is spreading. The first step is to find the degree of progress of impact. The firm recommends installation of two wells on the property boundary, one shallow - 20-30', and one deep - 80-100'. The County is required, by October, to submit an Assessment of Corrective Measures report. A 180-day extension can be requested. The next monitoring event is in July. Recommend that the two wells be installed before then so they can be included in the July monitoring.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to proceed with the plan of action as outlined by Draper-Aden Associates to install two new wells along the landfill property border, and proceed with any required testing.

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 reported on several items:

- Presented the enrollment report for April 2001 - 1955 students.
- Enrollment for March 2001 for the official State count was 1962 students.
- SOL testing will be conducted the week of May 14-18.
- State has made provisions for expedited retakes of SOL tests under certain circumstances - applies only to math.

- Remediation Recovery for SOL tests have also been established by the State - these are only for Math and English.

The Board recessed for lunch.

Mr. Mike Bedsaul, Sands, Anderson, Marks and Miller, next appeared before the Board.

Agenda Item 7gi) - Mutual Aid Agreements with surrounding localities. Have not received the agreements from Roanoke, Montgomery or Carroll Counties. Feel we should proceed with agreements with other localities that have responded.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and unanimously carried, it was resolved to proceed with terms of agreements for mutual aid with the following: Patrick, Franklin and Pulaski Counties, City of Radford and Town of Christiansburg.

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

Agenda Item 7gii) - Report on sale of properties with delinquent taxes. Mr. Bedsaul reported that after speaking with Richmond counsel this morning, that an advertisement of the sale of property will be placed in this week's paper. It has to be advertised for 30 days prior to the date of the actual suit being filed. Once it is placed in the paper, you will probably see a lot of activity because when people see it in print, they finally realize that you are serious. I have asked our Richmond counsel to send an update to the Board and Treasurer each month before the Board meeting.

Agenda Item 7giii) Update on proposed Redistricting Ordinance. Mr. Bedsaul reported that the public hearing will be held tonight and the ordinance can be adopted at that time. Discussion followed on changing the polling place for the Little River District since the Crenshaw Annex is for sale, and also because of the danger/safety factors with parking and crossing the road.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, it was resolved to amend the polling place for District 2001B by moving from the Crenshaw Annex to the Floyd County Rescue Building, Station #1, in the proposed Redistricting Ordinance to be presented for public comment at the public hearing tonight.

Discussion followed on whether to amend the ordinance at this time since it had not been adopted by the Board, only proposed.

After discussion, Supervisor Whitlock and Supervisor Harris rescinded their motion and second, respectively.

Consensus of the Board was to change the proposed polling place from Crenshaw Annex to Floyd County Rescue Building, Station #1, for the public hearing tonight.

On a motion of Supervisor Harris, seconded by Supervisor Gerald, and unanimously carried, it was resolved to go into closed session under Section 2.1-344, 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, and paragraph A.7, consultation with legal counsel and briefings by staff members and consultants about actual or probable litigation where public discussion would adversely affect the negotiating or litigation posture of the County 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

Supervisor Whitlock left the meeting at 2:45 p.m.

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

Supervisor Gerald - aye

Supervisor Harris - aye

Supervisor Belcher - aye

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 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 - aye  
Supervisor Whitlock - absent  
Supervisor Ingram - aye

This Certification Resolution was adopted.

Work continued on the proposed FY02 budget.

- Department 1209
  - 1209-5210 - move back to \$1500
  - 1209-1300 - back to \$7300
  - 1209-6001 - back to \$1500
- Department 1213
  - 1213-1300 - move back to \$6280
- Department 1301
  - 1301-1100 - back to \$6000
- Department 1302
  - 1302-5210 - back to \$2000
- Department 2101 - ok
- Department 2102 - ok
- Department 2103 - ok
- Department 2104 - ok
- Department 2105 - ok
- Department 2106 - ok
- Department 2201 - ok
- Department 3102
  - 3102-1300 - \$16,952
  - 3102-3310 - \$15,000
  - 3102-5550 - \$ 0
  - 3102-5520 - \$250
  - 3102-5530 - \$500
  - 3102-5540 - \$700
  - 3102-5810 - \$800

- 3102-6001 - \$1000
- 3102-6010 - \$2500
- 3102-8101 - \$2000
- 3102-8105 - \$66,000
- Department 3301
  - 3301-6011 - \$7000
  - 3301-6022 - \$1300

Supervisor Whitlock re-entered the meeting at 4:50 p.m.

- Department 3401 - ok
- Department 3501
  - 3501-5540 - \$200
- Department 3503 - ok
- Department 3505
  - 3505-5230 - \$1600
  - 3505-8109 - \$1000
- Department 4302
  - 4302-3310 - \$10,000

The Board recessed for dinner.

The Board continued their work session on the proposed FY02 budget.

- Department 5101 - ok
- Department 5201 - ok
- Department 5305 - ok
- Department 6401 - ok
- Department 7102 - \$40,000
- Department 7301 - \$190,000
- Department 8101 - ok
- Department 8106 - ok
- Department 8107 - ok
- Department 8203 - ok
- Department 8205
  - 8205-5645 - \$29,500
  - 8205-5647 - \$500
  - 8205-5652 - \$3000
  - 8205-5660 - \$4000

At 7:00 p.m., the Chairman called for the Public Hearing on the Proposed Redistricting Ordinance.

The County Administrator read the call for the public hearing.

The County Attorney gave a brief synopsis of the proposed ordinance and how an equitable distribution, as close as is reasonably possible, of population between districts is attained.

The Chairman called for comments from the audience on the Proposed Redistricting Ordinance.

Ms. Amy Ingram, General Registrar - noted that in the materials from the State Board of Elections, that a citizen shouldn't drive past one polling place to get to their polling place.

Supervisor Whitlock questioned the audience as to thoughts/objections of moving the Little River Polling Place from the Crenshaw Annex to Floyd County Rescue Squad Building, Station #1.

Mr. Cody Hale, Chairman, Electoral Board - I have no problem with it, but feel some voters would have a problem with it. The Registrar gets a lot of flak from people who have to drive further to vote. We all drive to Christiansburg or Roanoke to eat, but we don't want to drive further to vote. I really don't know what the reaction will be.

Mr. Nolen Goad, Secretary, Electoral Board - We have had a lot of questions over where the voting place will be. A lot of people complain about going further to vote. Could the County look into purchasing the Crenshaw Annex? People are comfortable where they are and don't like change. We wouldn't get as much harassment for the Registrar that way. We do not need to be harassed over moving a precinct if anything else could be done. People like it where it is. Voters that were moved last time over on Route 8 to go to Indian Valley quit voting. They express their opinions to you on Election Day.

Mrs. Evelyn Janney - I do not have a problem with changing the polling place as long as I have a place to vote. It is a privilege. I will drive three minutes, thirty minutes, or whatever. I have no problem as long as I have the opportunity to vote.

Ms. Amy Ingram, Registrar - in the disability survey that Ms. Morris and other staff did last year, the Annex did not meet any of the requirements. The Rescue Squad Building would be in compliance. There is also a big problem with parking at the Crenshaw Annex.

Mr. George Nester - (reading from the Polling Place Requirements) - the polling place has to be within the precinct, 1500 yards within the boundary. The polling place should be located in a public building when it is an option.

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

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously

carried, it was resolved to adopt the Redistricting Ordinance with the polling place for the Little River District to be changed from the Crenshaw Annex to the Floyd County Rescue Squad Building, Station #1, and designate the districts as A-2001, B-2001, C-2001, D-2001, and E-2001.

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

The Ordinance and related maps will be submitted to the Department of Justice and State Board of Elections by County staff and County Attorney for approval.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adjourn to Thursday, May 17, 2001 at 6:30 p.m. for a budget work session.

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