

**BOARD OF SUPERVISORS  
REGULAR MEETING  
JULY 10, 2001**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, July 10, 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 Supervisor Gerald.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Trial Balance ending May 31, 2001; the Invested Cash as of July 10, 2001; and the revenue/expenditure summary as of May 31, 2001.

Supervisor Harris questioned if any further information had been obtained concerning the regulations for antique vehicle tags. Mrs. Thomas commented that she had not heard back from other localities that she had contacted. She will contact the Montgomery County Commonwealth's Attorney to see what Code sections he used for regulation of their program. They charge a flat fee for antique vehicles.

Supervisor Whitlock questioned the time frame after the Board approves the bills, and the checks are ready to go out, are you ready with the funds? Mrs. Thomas commented that when funds are available, it is ok to send out the checks. Sometimes I do ask to hold the checks until the middle of the month when State reimbursements are received. Supervisor Whitlock stated that he wondered if the Board needed to change their process because of having to pay late fees,

etc.

The minutes of June 12, June 19, and June 26, 2001 were presented to the Board for approval.

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and carried, it was resolved to approve the minutes of June 12, June 19, and June 26, 2001 as presented.

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

The monthly disbursements were presented to the Board for their consideration. A list of additional bills was also presented for the Board's review. Questions and discussion followed. Consensus of the Board was for bills from Via's Truck & Tractor, from this time forward, to contain a better itemization of hours of labor and materials.

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

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 June 2001 - for the Board's information. Mr. Nester reported that twenty-seven new lots were created, with none over five lots.

Agenda Item 8b - Request for abandonment of section of old State Secondary Route 680 (now Route 888). The Board deferred the matter for discussion later in the day.

Agenda Item 8c - Resolution for change of August Board of Supervisors regular meeting. Mr. Nester commented that with several Board members attending the Local Government Officials Conference August 12-14, that the Board may wish to change the meeting date since it falls on August 14.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and carried, it was resolved to adopt a resolution for change of the August Board of Supervisors regular meeting to Tuesday, August 21, 2001, and authorize the County Administrator to advertise same (Document File Number ).

Supervisor Gerald - aye  
Supervisor Harris - aye

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

Agenda Item 8d - Request from Planning District Commission - Annual dues payment. Mr. Nester reported that due to delays in the Commission receiving grant reimbursements, that their cash flow is extremely low. They are requesting the total appropriation for the year instead of it being paid quarterly.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and carried, it was resolved to approve the total appropriation of \$9327 for the New River Valley Planning District Commission for the FY02 budget year, and add it to the monthly disbursements to be paid.

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

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

Mr. Chris Prokosch - presented a petition of 273 names who are in favor of starting consideration of zoning for Floyd County. I am a builder in the County, and have lived here for 26 years. There has been a lot of changes in those years and it is high time to take steps to try to preserve the County and its important areas. We need zoning to preserve the character of the Floyd County farm life, protect property values from haphazard development, and also to attract better jobs for the area with more responsible industries. In the Roanoke Times last Saturday, there was an article stating that a lot of responsible businesses are scared away from areas that do not have zoning because there is a less stable tax base. With more industries, we can finance more improvements, have better schools and facilities, have more infrastructure, etc. The Subdivision Ordinance cannot accommodate these types of things. People will still try to build in the worst possible site on their property. A lot of good zoning models are out there that can be reviewed to see how they can apply to Floyd County. I have one model with me that I can give to the Planning Commission. We shouldn't just adopt something, we need to tailor it to our needs. There are consultants who can help in this area, but they cost money. There are also interested citizens who would be glad to help. We could set up a voluntary advisory panel to assist the Board. Why do it now? The State will probably mandate zoning in a few years. We need protection before the County turns into a 300 acre clear cut trailer park which is where we are headed.

Mr. Hampton Turner, Jr. - I live in Roanoke County but have three tracts of land near the Radford Cemetery on Route 888. You are talking about abandoning the old road. How do you expect us to get to our property? You would be causing a 77 year old widow to go through a corn field to get to her property. I would be totally blocked off from my property. We would appreciate you leaving the road like it is, or have it upgraded. In talking to the folks from

Richmond, especially Jim Kline, he said he would gravel the road but no snow removal or grading. 14 graves are already on the VDOT property now. Leave the road like it is and let the State do what they agreed to. Please do not abandon it, I would like a way in and out to my property.

Mr. L. J. Quesenberry - I am a land surveyor and have been employed by the Turners to survey their property in question. Presented a survey plat for the Board's review. State Secondary Route 680 is still in the State system, no action has ever been taken to discontinue or abandon it. If it is abandoned, it will be cutting off the property of Hampton & Pat Turner, and also the remaining property of Arlene Turner on the Southwest end. The dashed area shows the existing right-of-way between Route 888 and the Blue Ridge Parkway on the Northern end at 145 square feet, and the Southern end of 196 square feet. If Route 680 is abandoned, there is a possibility that the Parkway will deny access across the property further cutting off the Turners. Jennings Bolt did the survey for the Turners for the family division through the Subdivision Ordinance. That is why it is shown as the entrance being through State Route 680 for access.

Mr. James Turner - I am here concerning Route 888 on the right side of the road. I have a road going out into the woods. If this road is abandoned, it will also concern my drive-way. It will shut some road frontage off on my property besides my brother and mother. I sure would like you to keep this road open. We would appreciate any help you can give us.

Mr. Mike Litcho - I am a new employee with the New River Valley Community Services Board as a Prevention Specialist. My primary area will be Floyd County in the High School and upper Elementary School. Just wanted to introduce myself to the Board so you would know who I am when you see me.

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

Agenda Item 8e - VDOT Road Hearing - July 11, 2001. Mr. Nester presented a proposed resolution of primary road projects for the Board's consideration.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and carried, it was resolved to adopt the resolution for primary road projects to be presented at the VDOT Road Hearing on July 11, 2001, as presented (Document File Number \_\_\_\_\_).

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

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

Mr. Goad presented each Board member with a copy of the new secondary road traffic

counts for their information.

Mr. Goad reminded the Board and staff of the Pre-Allocation road hearing tomorrow in Salem.

Mr. Goad reported that the paperwork for the Revenue Sharing Program for the Oxford Street project has been submitted to the State. The County's part should be approved by the State Transportation Board at their meeting on July 15.

Mr. Goad reported that several new laws were passed by the legislature to go into effect July 1. One that was passed concerns projects on secondary roads. This has not happened in Floyd County before. If the Board sets up a project on the 6-year plan and funds are set up for it, and pre-engineering has been done, and the project is dropped from the plan, VDOT can come back and ask for the funds from the County that were spent on pre-engineering. This could involve a lot of money when you talking about a big project like a bridge.

Mr. Goad commented that concerning the Industrial Access Road for the Commerce Park, that they had originally thought it would have to bid as a separate project from the rest of the items to be done. After checking further, it can be bid in conjunction with the entire project, as long as the accounting is kept separate. That way there is no question as to what is highway project funds.

Mr. Nester - we will have a separate section in the bid for the road only. The project elements for the road will be listed separately.

Mr. Goad - you will have to prove to me where the costs were incurred and I will have to do a final inspection.

Mr. Nester - we were very concerned about this in that we would have two contracts for this project - one for the road and one for all the other parts. This will be much easier and we should be able to get a better bid.

Mr. Goad - Anderson and Associates is working on the agreements? Everything is moving along?

Mr. Nester - everything is starting to move. The right-of-way should be deeded very soon and the road plan can move quickly.

Mr. Goad - if the agreements are ok, I will need to get back with the secondary road people to get their approval.

Supervisor Gerald - Route 749 - Rocky Hill Road - appreciate the paving. Can you look at the top of the hill when you first start out the road? It looks a little soft and wavy, it may not be packed down very well. If you could please check it.

Mr. Goad - we have a couple of pipes we need to lengthen also on that road. We should be doing the work very shortly.

Supervisor Gerald - Route 757 - Hylton Road - appreciate you getting that finished, but it does need oil, it is very dusty.

Supervisor Gerald - Route 697 - Deerfield Lane - it is in Supervisor Harris' district, but I appreciate the paving for my son who lives on the road who has allergies and a new car.

Supervisor Gerald - Route 655 - Sumpter Road - ditch is stopped up and mud is washing over the bridge. There is about 6-8" of mud on the bridge.

Supervisor Gerald - Route 740 - there are 40 mph speed limits on this road. Wondered how these folks got the speed reduced and I couldn't get it reduced in front of the post office? Wondered if the neighborhood watch in that area had something to do with it?

Mr. Goad - no, a speed study has to be done by our traffic people.

Supervisor Gerald - can you get that information for me as to how and when it was done?

Supervisor Harris - concerning maintenance of roads in general - is there a schedule, do all roads get some maintenance, or mainly on the roads being re-done? Route 719 for instance, the edges drop off the sides of the road very badly.

Mr. Goad - we try to do maintenance on all roads. In the early Spring, we really concentrate on the ones that will be getting paved in the summer.

Supervisor Gerald - appreciate the signs at the Post Office. I know you did what you could in that situation.

Mr. Beasley reported that the three Children at Play signs as requested by the Board have been installed.

Supervisor Whitlock - appreciate the mowing on the secondary roads.

Supervisor Whitlock - when you are doing plant mix for spot work - who comes back and takes care of the edges?

Mr. Goad - it is according to what they are doing - on primary roads, the contractor does the edges, on the secondary, State forces do it.

Supervisor Whitlock - Route 640 for example.

Mr. Goad - State forces would do it.

Supervisor Whitlock - how soon do you get back to do the edges?

Mr. Goad - we try to get them within a couple of weeks.

Supervisor Whitlock - we are happy to be able to see the end of our stop light in our area.

Mr. Goad - it should be finished in the next 1-2 weeks.

Supervisor Whitlock - Route 690/682 intersection - the surface is breaking up and mud is coming up.

Supervisor Whitlock - appreciate the work at the Franklin Pike Mini Farms - they have made some improvements there and it should help the situation greatly.

Supervisor Ingram - appreciate the mowing that you have done on the secondary roads. It needs to be done as soon as it can on the gravel roads. It is more of a safety issue than anything.

Supervisor Whitlock - appreciate the work being done on Route 664.

Supervisor Ingram - as far as you know now, will we be able to get all the plant mix work done this year?

Mr. Goad - as far as we know now. We also have some work left from last year that wasn't done.

Mr. Nester - for dust control, do you use liquid or crystal chloride?

Mr. Goad - we have been slow getting it out this year because of procurement problems. We use some flake in areas where people have breathing problems. The liquid actually works much better because it penetrates better and stays longer. There are only 1-2 contractors that do this type of work and they have a full schedule. We keep the flake on hand for emergency situations.

Agenda Item 8f - Subdivision Ordinance workshop - need to set date for workshop.

Mr. Nester presented a request from the Western Virginia EMS Council for a payment of \$2250 that was not received in the FY01 budget year. These funds would have to be transferred from Contingency since the FY01 budget year has ended.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and carried, it was resolved to approve a payment of \$2250 to the Western Virginia EMS Council for the FY01 budget year, and transfer \$2250 from Contingency to 4-001-082050-5643.

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

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

- School Board has made some changes in policy that were required by the General Assembly - will share those with the Board next month.

- Update on High School track project - steel and aluminum is on site for the bleachers. Footers will be finished this afternoon. Steel should be completed by next week. The entire project should be completed by the first week of August. Asphalt people are on site and grading and paving should be done in the next two weeks. We appreciate the Board of Supervisors sharing in this project.

- All teaching positions were filled by the end of April. Seventeen new teachers have been hired and we look forward to the new school year. New teachers will begin August 9, other teachers August 13, school will begin August 16.

Supervisor Whitlock - is there any plan to alleviate the car/bus situation at Floyd Elementary?

Dr. Arbogast - we have looked into different options. We have triple laned with the new pavement to try to keep the buses and cars in different areas.

The Board recessed for lunch.

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

Agenda Item 7ei) - Mutual Aid Agreements with surrounding localities - still have not heard from all localities, waiting on Roanoke and Carroll Counties. Agreements with other localities have been executed.

Agenda Item 7eii) - Report on sale of properties with delinquent taxes - title work has been completed on the first set of properties and advertised for sale. Per the Treasurer's request, we will hold off on the second set of properties to see how collections are going. Collections to date are at \$50,200 or 51.5% of the outstanding delinquent tax collections.

Agenda Item 7eiii) - Amendment of County's Erosion and Sediment Control Ordinance to comply with Virginia law. A certificate of competence is now required for the person doing the land disturbing activities. People such as surveyors, landscape architects, are automatically certified, excavators are not. Suggest adding a sentence to the ordinance that specifies the

individuals that are competent to do land disturbing activities without any further certification. It may make the ordinance easier to understand.

Supervisor Whitlock questioned the codification of County ordinances process. Should the amendment to the E&S Ordinance wait for that process?

Mr. Bedsaul replied that he had spoken with the staff attorney last week. An editorial conference will be set up late this month for review by County staff the changes and recommendations from the codification company. They will take changes as discussed to do a proof copy and a preliminary copy will be sent to the County for review. This process will take about six months. The change in the E&S Ordinance went into effect July 1, so feel the Board should proceed with the amendment to be in compliance with State law.

On a motion of Supervisor Harris, seconded by Supervisor Whitlock, and carried, it was resolved to authorize the County Administrator to advertise for a public hearing on the proposed amendment to the County's Erosion and Sediment Control Ordinance, at 2:00 p.m. on Tuesday, August 21, 2001, in the Board Room of the County Administration Building.

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

Agenda Item 7eiv) - Report on County options regarding proposed natural gas pipeline. Mr. Bedsaul reported that this is a Federal licensing program and not a County option. The firm has looked at a fee for building the pipeline but the Uniform Statewide Building Code does not address the matter so a fee could not be assessed that way.

On a motion of Supervisor Whitlock, seconded by Supervisor Harris, and carried, it was resolved to go into closed session under Section 2.1-344, paragraph A.3, acquisition of real property for public purpose 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 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 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 - aye  
Supervisor Ingram - aye

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, 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 property and specific 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.

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

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