

**BOARD OF SUPERVISORS  
SPECIAL MEETING  
JANUARY 30, 2002**

At a special called meeting of the Board of Supervisors of Floyd County, Virginia, held on Wednesday, January 30, 2002 at 5:30 p.m. in the Board Room of the County Administration Building thereof;

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

The Vice Chairman called the meeting to order at 5:50 p.m.

Agenda Item #3 - Authorization to advertise for a public hearing on an application for Community Development Block Grant funds. Mr. Nester noted that there are available grant funds for use by localities. A public hearing is one of the required steps in the application process. The application would be for funding for .

Consensus of the Board was for the County Administrator to advertise for the public hearing on February 12, 2002 at 2:00 p.m.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to go into closed session under Section 2.2-3711, paragraph A.7, consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

Supervisor Whitlock - aye  
Supervisor Boothe - aye  
Supervisor Belcher - aye  
Supervisor Ingram - absent for vote  
Supervisor Gerald - aye

Supervisor Ingram entered the meeting at 5:55 p.m.

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

carried, it was resolved to come out of closed session.

Supervisor Whitlock - aye

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Ingram - aye

Supervisor Gerald - aye

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, 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 legal matters in accordance with Section 2.2-3711, paragraph A.7 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 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 Whitlock - aye

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Ingram - abstain - not present for the entire closed session

Supervisor Gerald - aye

This Certification Resolution was adopted.

Mr. Cornwell presented a proposed agreement between the County, Industrial Development Authority of Floyd County, and Branwick Associates, for the construction of a shell building in the Floyd Regional Commerce Center. Two changes in the agreement are: 1) Page 6, paragraph 5a will now read "Basic Utilities. Owner shall pay all costs of bringing to the development parcel, telephone, propane, gas, or natural gas, if available at the site for a user, electrical, sewer and water utilities, fully adequate for the building, and Owner shall pay all connection, hook-up and similar fees and charges imposed in connection with hooking up the

building to any available utilities”; and 2) Page 7, paragraph 6, will now read “Lease-Up/Tenant Search. Owner and BAI shall each seek to secure suitable and appropriate tenants for the building on economically appropriate terms. BAI shall consult and reasonably cooperate with Owner to develop a prospective tenant list acceptable to both parties and to develop and implement appropriate lease-up strategies for the lease-up of the building. The Owner and the Company shall have the right to accept or reject any tenant in the building ”.

Mr. Cornwell questioned Mr. Bob Smithwick, present from Branwick and Associates, if these changes were agreeable to him. Mr. Smithwick stated that they were.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the agreement as amended between the County of Floyd, Industrial Development Authority of Floyd County, and Branwick and Associates, and authorize the Chairman to execute any necessary document (Document File Number \_\_\_\_\_).

Supervisor Whitlock - aye  
Supervisor Boothe - aye  
Supervisor Belcher - aye  
Supervisor Ingram - aye  
Supervisor Gerald - aye

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

Supervisor Whitlock - aye  
Supervisor Boothe - aye  
Supervisor Belcher - aye  
Supervisor Ingram - aye  
Supervisor Gerald - aye