

**BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 8, 2002**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 8, 2002 at 8:30 a.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, Board Members; George W. Nester, County Administrator; Terri W. Morris, Assistant County Administrator.

ABSENT: Kerry W. Whitlock, Board Member (entered the meeting at 3:45 p.m.).

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

Supervisor Gerald led the Board in the Opening Prayer.

The Pledge of Allegiance was led by Chairman Ingram.

Mrs. Mary Turman, Deputy Treasurer, appeared before the Board. She presented the Trial Balance ending November 30, 2001; the Invested Cash as of January 8, 2002; and the Expenditure/Revenue Summary as of November 30, 2001. She also reported that real estate tax collections for 2001 were 93.5% and personal property tax collections were at 89%, as of December 31, 2001.

The minutes of December 11, 2001 and January 2, 2002 were presented to the Board for review.

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

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

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to approve the minutes of January 2, 2002 as presented

Supervisor Gerald - aye
Supervisor Belcher - aye
Supervisor Boothe - aye
Supervisor Whitlock - absent
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 Boothe, and carried, it was resolved to approve the monthly disbursements and additions, as presented.

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

Agenda Item 8a - Subdivision plats as approved by Agent for December 2001. Mr. Nester reported that three divisions were approved during the month. Reminded the Board that we are now operating under the new subdivision ordinance and the Board will not be required to approve any subdivisions. Any appeals, however, would still come to the Board of Supervisors.

Agenda Item 8d - Request to block exit from Courthouse parking lot to Route 8; all ingress and egress from Oxford Street. Mr. Nester reported that a request had been sent to VDOT for assistance and suggestions on this change in traffic flow. Reply has been received that it is on their list of things to be done, and suggestions will be forthcoming soon. Supervisor Boothe suggested that the Town or VDOT be contacted also to limit the parking spaces both at the stoplight intersection and the Oxford Street intersection. Mr. Nester commented that this is part of the plan, especially to improve sight distance.

Agenda Item 8e - LEOS Retirement Plan for Law Enforcement - Sheriff's Office. Mr. Nester reported that the request for the actuarial report had been made to the State. The VRS office had requested additional information from the County, which has been sent in. We are awaiting a response from them.

Agenda Item 8f - Resolution for signing of County warrants.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to adopt the resolution for signing of County warrants as presented (Document File Number).

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

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.

Agenda Item 8g - Resolution - Application to Tobacco Indemnification Fund for grant to create incubator. Mr. Nester reported that the application to ARC for the same project had been denied, but can re-apply later in the year. Suggest that an application be sent to the Tobacco Indemnification Fund for \$200,000 for the same project. First choice shown in the application would be for the purchase of the Cross Creek building, second choice would be the Donkenny building, and third choice would be the erection of the County's own building. The New River Valley Planning District Commission has been very helpful in trying to obtain these grants. The local match was \$343,000 in the ARC application, and would be \$250,000 local match in the Tobacco Indemnification Fund application. The application is due this Thursday.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt the resolution, as presented, authorizing the County Administrator to submit an application to the Tobacco Indemnification Fund for an incubator building (Document File Number).

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

Chairman Ingram introduced David Denny with Thompson and Litton, who was a member of the audience.

Mr. Nester next presented a proposed resolution in support of a change in the \$2 For Life Fund to a \$4 For Life Fund. This fund provides training and equipment monies for EMS agencies around the State. Our estimated share would increase from \$6500 to \$13,000. These funds are obtained from the vehicle licensing fees assessed on vehicles registered in Virginia.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt the resolution, as presented, in support of a change from the \$2 For Life Fund to \$4 For Life Fund (Document File Number).

Supervisor Gerald - aye
Supervisor Belcher - aye
Supervisor Boothe - aye
Supervisor Whitlock - absent

Supervisor Ingram - aye

Agenda Item 8b - Appointment to CSA Management Team - family representative.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and carried, it was resolved to appoint Mary Wiley to the CSA Management Team as a family representative, contingent upon her agreement to same.

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

Agenda Item 8c - Appointment to Industrial Development Authority - four year term - defer this matter for interviews later in the day.

Supervisor Boothe questioned if an appointment needed to be made to the Criminal Justice Services Board to replace Supervisor Harris. Consensus of the Board was for staff to check requirements and report back to the Board.

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented four requests for fund transfers: vehicle damage - \$3497.54; deer damage - \$420.44; employee resignation, annual leave reimbursement from Compensation Board - \$416.84; and radio equipment reimbursement from the Compensation Board - \$3156.06.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to approve the transfers for the Sheriff's Office as presented: \$3497.54 from 3-001-018030-0005 to 4-001-031020-3310; \$420.44 from 3-001-018030-0005 to 4-001-031020-3310; \$416.84 from 3-001-023020-0001 to 4-001-031020-1106; and \$3156.06 from 3-001-023020-0001 to 4-001-031020-8103.

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

Discussion followed on options for dealing with the deer population in the County and the problems they cause, both with vehicle and crop damage. Some options included: extension of hunting season, extension of antler less hunting days. Information on accidents and damages would possibly be obtained from the Sheriff's Office Dispatch, Game Warden (number of special permits issued), insurance agents. Consensus of the Board, after discussion, was for the County Administrator to obtain the necessary background information and submit same to the Department of Game and Inland Fisheries before their meeting in February. Discussion also on Board or staff attendance at one of the public hearings held by the Department concerning these

options.

Mr. Nester reported that the Commerce Park development, Dreaming Creek building erection and the Courthouse renovations are all progressing on schedule.

Mr. Junior Goad, Resident Highway Engineer, and Mr. Burlin Hill, Contracts Administrator, VDOT, next appeared before the Board.

Supervisor Gerald - Posey Road, Route 740, has the speed study been done as requested?

Mr. Goad - has been sent to Salem, but we have not heard anything back from them.

Supervisor Gerald - have you checked for guard rail on Lost Bent Road, where the trees have been cut down?

Mr. Goad - we have not, but we are going by there as soon as we leave here.

Supervisor Belcher - we really appreciate the new bridge at Slaughters.

Supervisor Boothe - Route 8/Route 730 intersection - is there any possibility of a turning lane. I have personally been involved in an accident there.

Mr. Goad - will have to go to the Pre-Allocation hearing with that since it is a primary road.

Supervisor Ingram - the gravel roads still need machining when the weather is right. We also appreciate all the bridge work.

Mr. Nester - we had a lady fall in front of the Courthouse because of a hole in one of the parking spaces there. The tax maps seem to show that they are in the public right-of-way. We need to know who is responsible for them so the repairs can be made.

Supervisor Gerald - could you please also check the drain out in front of this building, there is a large drop-off where the pavement heights are not even. Someone is really going to damage their car.

Supervisor Boothe suggested adopting a resolution in recognition of the high school's football team recent accomplishments for the year.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and carried, it was resolved to adopt a resolution in recognition of the Floyd County High School football team's recent accomplishments (Document File Number _____).

Supervisor Gerald - aye

Supervisor Belcher - aye

Supervisor Boothe - aye
Supervisor Whitlock - absent
Supervisor Ingram - aye

Discussion followed on a resolution in recognition of the years of County service for the Animal Control Officer retiring at the end of this month.

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, and carried, it was resolved to adopt a resolution in recognition of the years of County service of Mr. Virgel Allen, Animal Control Officer, who will be retiring January 31, 2002 (Document File Number _____).

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

Mr. Nester presented a copy of a resolution adopted by the Patrick County Board of Supervisors in support of Branch & Associates constructing a portion of Route 58 in Patrick, Carroll and Floyd Counties. The firm's proposal was accepted by VDOT. The Board was requested to adopt a similar resolution several months ago, but was awaiting action by the Boards in Carroll and Patrick Counties before any action was taken.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt a resolution in support of Branch and Associates' construction of a portion of Route 58 through Carroll, Patrick and Floyd Counties (Document File Number _____).

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

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

- Have received notice from the State that the composite index has dropped from .3496 to .3470, which is to our advantage;
- Presented copy of enrollment report for December 2001, at 2029 students. He also presented a comparison chart of enrollment at 1964 on the first day of school to 2029 students now. He also presented the ADM figures at March 31 at 1910 students for 1999, 1906 students for 2000, and 1962 students for 2001.

The Board recessed for lunch at Check Elementary.

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

Agenda Item 7fi) - Mutual Aid Agreement with surrounding localities - still awaiting response from Carroll County.

Agenda Item 7fii) - Report on sale of properties with delinquent taxes. Suits will be filed on thirteen pieces of property within the next ten days. They have 21 days to respond. A real estate appraisal then has to be completed. The court is then approached for an order of sale. Advertise for two weeks, and then 30 days for sale date. Will probably take 3-4 months to complete the process. The next set of properties (eleven total) will receive notices this week.

Agenda Item 7fiii) - Request of Park Ridge Development regarding road systems - Section 46.2-100 Code of Virginia. Still waiting on reply from Attorney General's office per the Sheriff's request.

EDA grant - there was some question from EDA concerning ownership of the Commerce Park by the IDA and the grant being in the name of the County. We will be meeting with EDA representatives on Thursday to discuss this issue.

Question concerning Parkway officials review of subdivisions along the Parkway. Concur with the County Administrator's opinion that this is a courtesy review unless there is a scenic easement in effect. The Parkway officials have met with developers in other areas if they have had an issue.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to go into closed session under Section 2.2-3711, paragraph A.3, discussion or consideration of the acquisition of 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 or negotiating strategy of the public body; and paragraph A.5, discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

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

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

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

On a motion of Supervisor Belcher, 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 a prospective business or industry in accordance with Section 2.2-3711, paragraphs A.3 and A.5 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 Gerald - aye

Supervisor Belcher - aye

Supervisor Boothe - aye

Supervisor Whitlock - absent

Supervisor Ingram - aye

This Certification Resolution was adopted.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to go into closed session under Section 2.2-3711, paragraph A.1, candidates for employment or the appointment of employees.

Supervisor Gerald - aye

Supervisor Belcher - aye

Supervisor Boothe - aye

Supervisor Whitlock - absent

Supervisor Ingram - aye

Supervisor Whitlock entered the meeting at 3:45 p.m.

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

Supervisor Gerald - aye

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

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, 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 personnel matters, appointment of employees, in accordance with Section 2.2-3711, paragraph A.1 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 Gerald - aye
Supervisor Belcher - aye
Supervisor Boothe - aye
Supervisor Whitlock - abstain - because of not being present during the entire closed session

Supervisor Ingram - aye

This Certification Resolution was adopted.

Agenda Item 8c - Appointment of representative to the Industrial Development Authority of Floyd County - four year term.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to reappoint Mr. Leon Moore to the Industrial Development Authority of Floyd County for a four year term.

Supervisor Gerald - aye
Supervisor Belcher - aye
Supervisor Boothe - aye

Supervisor Whitlock - aye
Supervisor Ingram - aye

Mr. Cornwell reminded the Board of the VACo/VML Legislative Day in Richmond on January 31, if anyone is interested in attending.

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

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