

**BOARD OF SUPERVISORS  
ADJOURNED MEETING  
OCTOBER 22, 2002**

At an adjourned meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 22, 2002 at 7:30 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 Chairman called the meeting to order at 7:30 p.m.

Agenda Item 2 - Approval of disbursements. Mr. Nester presented two bills for the Board's consideration: 1) First National Bank, \$3041.00, for payment of principal and interest on the Dreaming Creek building; and 2) Citizens Telephone, \$1789.84, for payment of charges for Courthouse move, County Administrator's Office, and conduit. These bills were not received in time to be placed on the Board's agenda for the October regular meeting.

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

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

Agenda Item 3 - Consideration of resolution for credit cards for County purchases. Mr. Nester explained that the current credit card holder had sold their service to another institution. When proposals were taken from other financial institutions, it was found that the Bank of Floyd could offer the best service/plan. Each authorized employee will now have their own credit card account number, which should facilitate in reconciling of bills and also highlight any mis-use of the cards.

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

resolved to adopt the credit card resolution as presented, and authorize the Chairman to execute any necessary documents (Document File Number       ).

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

Agenda Item 4 - Update on waste disposal fees. Mr. Nester explained that the County's contract with USA Waste Management provides for an adjustment of rates each year. This adjustment is based on the Consumer Price Index for the preceding twelve months. Rates for transportation and disposal will be increasing 1.8%. The current transportation rate is \$441.99/ton, and will increase to \$449.95/ton. The disposal rate is \$24.45/ton, which will increase to \$24.89/ton. The contract will be eligible for re-negotiation in the Spring.

Agenda Item 5 - Update on State budget situation. Mr. Nester reported that the following reductions were made by the Governor: Electoral Board - 7%; Treasurer and Commissioner of Revenue - 11%; Commonwealth's Attorney - 7%; Clerk of Court - 11%; Community Service Boards - 10%; Mobile Home Sales Tax - 15%; Rental Vehicle taxes - 15%; Education - 0%; Public Safety - 0%. After discussion, it was the consensus of the Board for the County Administrator to contact constitutional officers as to how these reductions will be taken from their respective budgets.

Agenda Item 6 - Reminder of meeting with State legislators on Wednesday, October 23, at the Montgomery County Government Center. Mr. Nester commented that the County's legislators would not be able to attend because of the short notice of the meeting. They did ask that the Board write or call with their concerns. It was the consensus of the Board to not attend the meeting since the County's legislators would be unable to attend.

Agenda Item 7 - Consideration of proposed Floyd - Floyd County Comprehensive Plan. Mr. Nester presented a letter from the Floyd - Floyd County Planning Commission recommending approval of the plan and also an addition of establishment of a process to address environmental concerns - by establishment of a representative citizen group and coordination with other agencies.

Supervisor Boothe - on page 77, the map of the future land use guide - I have a problem with the growth area being shown up to the Blue Ridge Parkway boundary. I don't think we should encourage growth along the Parkway.

Chairman Ingram - I believe Mrs. Martin was going to change the map to show some more green area along the Parkway border.

Supervisor Whitlock - would this encourage the Parkway to expand their borders?

Discussion followed on the Planning Commission recommendation concerning the citizen group and how it could be handled.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and carried, it was resolved to adopt the Floyd - Floyd County Comprehensive Plan as recommended by the Floyd - Floyd County Planning Commission, with the exception of adding Objective 1.3 and its strategies.

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

Agenda Item 8 - Consideration of proposed Floyd County Subdivision Ordinance. Mr. Cornwell outlined the changes that had been made since the last draft.

Page 5 - added definition of "Alley".  
Page 5 - added definition of "Area".  
Page 10 - changed "Lot, Width" to "Width" and defined.  
Page 16 - 4-1-1 (d) - defined as Lot, Width.  
Page 17 - 4.2.8 - removed language duplicated in 4-2-6.  
Page 20 - 4-5-1 - frontage and width requirements.

Supervisor Whitlock questioned Section 4-2-9 on page 18 - the requirement for a professional engineer or land surveyor was to be removed. Consensus of the Board was for the section to read - "Notwithstanding any other provision of this Ordinance, the residual parcel of a Family Subdivision need not be surveyed or shown upon the plat, provided the plat of the Family Subdivision contained a notarized statement by the subdivider that the residual parcel contains one (1) acre or more and has the required Frontage on a public street or on an access easement of twenty (20) feet or greater in Width".

Chairman Ingram questioned Section 4-3(a) on page 18 - reference is to Section 5-6, which is cemeteries. Consensus of the Board was to remove the last sentence of the paragraph.

On a motion of Supervisor Whitlock, it was resolved to adopt the proposed Floyd County Subdivision Ordinance as presented, with the amendments to Sections 4-2-9 and 4-3(a) as discussed.

Motion died due to lack of a second.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to adopt the proposed Floyd County Subdivision Ordinance as presented, with the amendments to Sections 4-3(a) and 4-2-9 and the additional change to Section 6-2, changing the width from 200' to 175'; and the change to Section 2-48 to delete the last two sentences; and

repeal any inconsistent language in the Ordinance.

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

Mr. Cornwell gave a preliminary report on the delinquent tax sale that was held the previous Saturday. Eight parcels were originally advertised, two parcels were removed, since taxes were paid on Friday. Collected \$24,522.90 in delinquent taxes plus the \$8000 collected for the two parcels on Friday. Thirty people signed up to bid, around fifty people attended the sale. All property brought sufficient funds to cover attorney fees, etc. Closing will happen before the end of the year. Will give the Board a full report at the regular meeting.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.3, acquisition of real property for public purposes or disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position; Paragraph A.7, consultation with legal counsel regarding specific legal matters that require legal advice.

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

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

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

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, 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 property and legal matters in accordance with Section 2.2-3711, Paragraphs A.3 and 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 Boothe - aye  
Supervisor Belcher - aye  
Supervisor Whitlock - aye  
Supervisor Gerald - aye  
Supervisor Ingram - aye

This Certification Resolution was adopted.

Mr. Nester reported that notification had been received from the Governor's Office that Floyd County had been included in the Federal drought designation.

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

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