

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

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 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, Kerry W. Whitlock, Board Members; 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.

The Opening Prayer was led by Chairman Ingram.

Chairman Ingram led in the Pledge of Allegiance.

Treasurer's Report - Mrs. Morris reported that the Treasurer would be unable to attend the meeting today. She did submit the Invested Cash report as of October 8, 2002 for the Board's information. The Trial Balance was not ready for submission to the Board. Mrs. Morris presented the August 2002 and September 2002 revenue/expenditure summaries for the Board's information. Discussion followed on the investment process and how recommendations could be made as to where the funds would be invested.

The minutes of September 4, September 10, September 18, September 23, September 24, September 27, 2002 were presented to the Board for their consideration.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of September 4, September 10, September 18, September 23, September 24, and September 27, 2002 as presented.

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

Supervisor Belcher - aye

Supervisor Whitlock - aye

Supervisor Gerald - aye

Supervisor Ingram - aye

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

Mr. Mike Saluta - I am a landowner on Route 741. I have lived there for 18 years and my comment is about an issue that will be brought to your attention later today, the request for abandonment of this particular road. As I understand, it is still a State right-of-way, still a public right-of-way. It is discontinued. Discontinued maintenance does not constitute abandonment. I have been traveling that road for 18 years. The area in question has been barricaded since April. This is not my primary ingress and egress, however, I have over the past 18 years, traveled that part of the road by vehicle or by walking. I oppose the abandonment. That road has been there and used by people for over 100 years, and I know that because my house is over 100 years old. I think it ought to continue to be a public right-of-way. I think people should have access to go, and have freedom to go, back and forth as they choose. Thank you for hearing me.

Mr. C. D. Grubb - about the same case on Route 741. I own the property along about half of that road. I do not wish to see it closed.

Ms. Yvonne Hodgkins - I also own land along this road. My house actually faces the road, although I am at the corner of Huckleberry and Route 741. But the front of my house is on Route 741. My land extends about a quarter of a mile down the road. I did use the road before it was closed. It actually has been barricaded for two and one half years, not as heavy. The barricades before that were barbed wire. I understand that an argument in favor of abandoning it is that no one uses the road. But I would like to point out that the people who barricaded it, barricaded it two and one half years ago, yet only moved in six months ago, so they really don't know who used it before they barricaded it since they weren't living there. I use it. The main reason that I would like to continue to be able to use it is that Low Gap Road is the only road that goes through Wills Ridge and Low Gap Road is right at the end of Route 741. For me, I could just take a left in front of my house and I'd be at Low Gap Road, and I could go right on the other side of the ridge. The other way to get around to the other side of the ridge would be more time consuming, it would take me much longer to get around there.

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

Supervisor Gerald commented that the New River Valley Planning District Commission had met at New River Community College two weeks ago on the future of the Valley in the next twenty years. Regional meetings will be held for review and comments by the public on the Vision 2020 Project. The meeting in Floyd will be held on October 28, 2002 from 5-8 p.m. at the Jessie Peterman Library. Would like to invite the Board to attend.

Mr. David Burdette, Vice President of Business Affairs at Radford University, next appeared before the Board. He first thanked the Board for their public service to the community. He commented that he was before the Board to discuss the proposed Virginia Education and Recreation General Obligation Bond to be on the November 5 ballot. He asked the Board to think of the bond as a three legged stool. The first leg is the economic development leg - the bond would assure jobs for our people for the next several years. The second leg is for higher education - buildings and building renovations for our colleges. The third leg is the recreation leg - to provide facilities and services for recreation. The question always comes up as to how this relates to the budget crisis. Debt service is already in the budget, the money is already there to pay back the bonds.

Chairman Ingram read the proposed resolution in the support of the Virginia Education and Recreation General Obligation Bond.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt the resolution in support of the Virginia Education and Recreation General Obligation Bond (Document File Number _____).

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

Agenda Item 8a - Subdivision plats as approved by Agent for August 2002 - for the Board's information. Mrs. Morris reported that 14 lots were created with the divisions.

Agenda Item 8b - Appointment(s) to Floyd - Floyd County Parks & Recreation Authority for Locust Grove and Little River Districts - 4 year terms - authorize County Administrator to advertise.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, it was resolved to authorize the County Administrator to advertise for letters of interest for the Locust Grove and Little River Districts for the Floyd - Floyd County Parks & Recreation Authority for four year terms.

After discussion of the term limits, Supervisors Belcher and Whitlock withdrew the motion and second respectively to allow staff to research the terms further.

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented two transfer requests for insurance reimbursements received. One for \$709.90 for repair of a 1999 Jeep; and one for \$123.75 for a broken windshield.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the transfer of \$709.90 from 3-001-018030-0005 to 4-001-031020-3310 for an insurance reimbursement; and \$123.75 from 3-001-018030-0005 to 4-001-031020-3310 for an insurance reimbursement.

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

Mr. Brandon Moore, Moore-King, Inc. next gave a computer presentation on the map parcels update. His presentation centered on the system itself ; how it operates; the particulars of the County's system; and future applications of the program. The State will have the new aerial photographs to the Counties by the Spring which will match the E-911 data/maps. They hope to keep on a four-year flying cycle of the entire State. This is at no cost to the Counties, and is made possible by the \$0.75 fee on cell phones. This system should also help with the reassessment program. The assessors will be able to find the parcels easier, and also the buildings on each parcel. Will also assist in the land use program as far as enabling the Commissioner's staff in determining the types of land, such as woodland.

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

Supervisor Boothe - appreciate the work on Route 705. The work has already been completed from the time we spoke last week.

Supervisor Boothe - have you seen the proposed layout for the Courthouse parking lot?

Mr. Goad - yes, it is ok.

Supervisor Belcher - we had several people in this morning concerning the abandonment of Route 741. The road has been blocked off, who is responsible?

Mr. Goad - if the road is discontinued, we will tell people when it was discontinued, and then we are out of it. The County is responsible. Most of the time the situation will wind up in court. We can write them and tell them that it is a discontinued road, and the differences between a discontinued road and an abandoned road.

Chairman Ingram - that way the people will know.

Consensus of the Board was for VDOT to write the interested parties, noting that the road is discontinued, not abandoned, and the differences therein.

Supervisor Whitlock - Route 672, about 1.5 mile from Route 679, between Rolling Fork Lane and Lovell Road. Have had complaints of moisture filling up the side ditch and freezing and freezing on the road too. Also, about a quarter of a mile past this site, there is a rock bluff where water ponds up and freezes also. The side ditches need to be cleaned out.

Supervisor Whitlock - brush also needs to be cut along the sides and overhead on the secondary roads.

Supervisor Gerald - Route 751/619 stop sign - have you looked at this site yet? I think just trimming the trees would help the situation.

Mr. Goad - I think Burlin has looked at it but I don't have the information with me, I will check on it.

Supervisor Gerald - appreciate the work on the curve at the Route 622/754 intersection. It really made a big difference. Presented pictures of the before and after site for the Board's review.

Chairman Ingram - Route 610 guard rail - have you looked at that yet?

Mr. Goad - Johnny has measured it. After looking at the site, I can see why accidents happen so easily. We will try to handle it as soon as possible. The guardrail will be an eyesore.

Chairman Ingram - I told the gentleman that he needed to be there to talk to you.

A proposed resolution concerning the Smart Road expenses was next discussed by the Board. The resolution was in opposition to taking the funding entirely from the Salem District since it is a state-wide project. If the expenses are taken entirely from the Salem District, it would be at least 6-8 years before another primary road project could be funded in the District.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt the resolution as presented in opposition to the Commonwealth Transportation Board's decision to require that expenditures for Virginia's Smart Road project be taken or diverted from other approved road projects in the Salem District (Document File Number).

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

Supervisor Whitlock - Route 750/221 intersection - there is a yield sign there coming off of Route 221. If a bus must stop there, its tail end is sticking out into Route 221. Seems to need to be changed to the other side of traffic yielding.

Mr. Goad - we will look at it on our way back to the office.

Supervisor Belcher - thank you for the work on the road behind Mabry Mill, have heard good comments about it.

Mr. Goad - we will do the surface treatment in the Spring.

Supervisor Belcher - the Route 783/799 culvert still needs to be checked - it needs to be cleaned out.

Chairman Ingram questioned whose responsibility it is to keep discontinued roads open?

Mr. Goad - it is the County's, but how you want to handle this is your right. I will get you a copy of the Attorney General's opinion.

Mr. Mike Lawless, Draper-Aden Associates, next appeared before the Board. He gave the Board an update on the groundwater monitoring program. He reported that since the beginning of the year, nothing is getting worse, in general, things are looking good. Monitoring wells 16 and 15 were installed this summer to further gauge impacts on monitoring wells 8, 2 and 9. Monitoring well 15 is clean with no contaminants. Well 15 is about 25' deep with around 5' of water. Monitoring well 15 found trace levels of contaminants, but they are not quantifiable and are not required to be reported to DEQ. The water in well 15 is about 60' deep and the well has a depth of 75'. The contaminants found in well 8 are localized. The corrective action plan identifies 21 organic constituents detected, with no change. In January, 2002, 8 constituents were found that exceeded the standards; in August, 7 constituents were found that exceeded the standards and will be listed in the corrective action plan. The corrective action plan will show that the clean-up will be done naturally, by natural attenuation monitoring. Long-term indicators are all positive at this point. Development (within a half mile) of the site will have an impact on things, as far as wells, etc. The corrective action plan will be submitted by the end of October. Do not see the need for any additional wells in the near future.

Dr. Terry Arbogast, School Superintendent, next appeared before the Board.

Dr. Arbogast presented the membership report as of September 30, 2002 indicating 2030 students. The budget is based on a projection of 2025 students.

Dr. Arbogast also reported that a Phase II application for federal funds will be approved by the School Board at their meeting on Monday. The option for a combined program of funds or an application for each pot of Federal funds could be chosen. Staff chose the combined program, which allows the School Board to move funds between the programs if needed. Title I

funds cannot be moved out of the program, but other funds can be moved into the Title I program if needed. They expect \$491,691.37 in Federal funds.

Supervisor Gerald - I noticed that Indian Valley Elementary is fully accredited now, are all schools accredited?

Dr. Arbogast - four of the five are. One school missed it by a few points in Social Studies.

Supervisor Gerald - this is for one year?

Dr. Arbogast - yes, if after two years, you are still not accredited, you go into a growth plan. The hard part is staying accredited.

Supervisor Gerald invited Dr. Arbogast to the Vision 2020 planning meeting in the County on October 29, 2002.

The Board recessed for lunch at Floyd Elementary School.

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

Agenda Item 7h i) - Report on sale of properties with delinquent taxes. Mr. Cornwell reported that the sale is set for October 19, 2002 at 12 noon. Eight properties will be auctioned. Property can be redeemed up to the time of sale.

Agenda Item 7h ii) - Request for abandonment of section of State Secondary Route 741. Research has shown that adjacent landowners want the road to remain open. If the Board does decide to abandon the road, no one would be landlocked.

Supervisor Belcher - the blockade that has been put there, who is responsible to keep it open?

Mr. Cornwell - the County in conjunction with VDOT.

Chairman Ingram - we asked VDOT to send a letter to the property owner that it is a public right-of-way and cannot be barricaded. There are also other issues with the road being moved involved.

Agenda Item 7h iii) - Subdivision Ordinance - discussion followed on the proposed ordinance.

Supervisor Boothe - Sections 4-2-6 and 4-2-8 on page 17 seem to be saying the same thing.

Mr. Cornwell - after review of the State Code, I will have to research it further. I don't

know whether the language is from the State Code or Health Department regulations.

After further discussion, it was the consensus of the Board to delete the section of Section 4-2-8 beginning with “Notwithstanding” down to “All deeds ...”.

Mr. Cornwell commented that the Planning Commission is receiving plats with different types of divisions, such as agricultural and standard on one plat. There is nothing wrong with it as long as they are identified.

Discussion followed on the setback line width - possible change from 200' to another figure. After discussion, it was the consensus of the Board to remain with 200'. (Check page 30, it says 250').

Also consensus of the Board to duplicate the language in Section 4-1-1 to Section 2-27, Section 4-3(e) and Section 4-2-3(a) to be more specific and ease confusion.

Add in Section 4-5-1 - “ Provided that if the retained parcel fronts on a public street, it shall meet the width and frontage requirements of this Ordinance”.

Consensus of the Board was to study the draft further and set an adjourned meeting to discuss and hopefully adopt the proposed ordinance.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.3, acquisition or 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 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 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 Boothe, seconded by Supervisor Belcher, 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.

The Board recessed for a tour of the Jessie Peterman Library.

Agenda Item 8c - Comprehensive Plan - Recommendation from Floyd - Floyd County Planning Commission - Mrs. Morris reported that a written recommendation had not been received from the Planning Commission to-date.

Agenda Item 8d - Legal representation for Department of Social Services - resignation of Gino Williams - effective December 31, 2002. Mrs. Morris explained that legal services can be provided by the County Attorney's firm through our general contract with them, or the Board can authorize advertisement for proposals from legal firms. There are no funds set aside in the Social Services or County budget for this item. Costs would need to be absorbed into the current budget or funds transferred from Contingency.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the inclusion of legal services for the Floyd County Department of Social Services in the County's contract with Sands, Anderson, Marks & Miller,

effective November 1, 2002.

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

Agenda Item 8e - Reminder - Groundbreaking Ceremony - Branwick & Associates - Tuesday, October 29, 2002 at 3:30 p.m. at the Commerce Center.

Agenda Item 8f - Reminder - Meeting on October 23, 2002 at 7:00 p.m. at the Montgomery County Government Center - New River Valley local governments with legislators to discuss mutual items, especially State budget cuts.

Agenda Item 8g - Transfer - \$605.98 - Animal Friendly Plates - Mrs. Morris stated that a bill had been approved by the Board earlier in the day for payment to the Floyd County Humane Society for the spay/neuter program. These are funds received from the State from the sale of Animal Friendly plates. These funds are required to be used for the locality's spay/neuter program which our local Humane Society manages. Transfer is needed from revenue to expenditures to allow payment of this bill.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the transfer of \$605.98 from 3-001-016060-0002 to 4-001-035010-8110.

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

Agenda Item 8h - Voting delegate and alternate for the annual VACo meeting in November.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to appoint Supervisor Fred Gerald as voting delegate and Supervisor Kerry Whitlock as alternate voting delegate to the 2002 VACo annual meeting.

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

Mrs. Morris reported that the Floyd Regional Commerce Park work is proceeding on schedule. Water/sewer lines have been installed, paving on the main entrance is complete, and

the cul-de-sac paving is almost complete.

Mrs. Morris also reported that the October 18, 2002 schedule to move offices back to the first floor of the Courthouse will be met. Work is proceeding on schedule and as planned.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adjourn to Tuesday, October 23, 2002 at 7:30 p.m.

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