

**BOARD OF SUPERVISORS  
REGULAR MEETING  
FEBRUARY 12, 2002**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, February 12, 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; George W. Nester, County Administrator; Terri W. Morris, Assistant County Administrator.

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

The Opening Prayer was led by Vice Chairman Gerald.

Vice Chairman Gerald led in the Pledge of Allegiance.

Mrs. Mary Turman, Deputy Treasurer, appeared before the Board. She presented the Trial Balance ending December 31, 2001; the Invested Cash as of February 12, 2002; and the Expenditure/Revenue Summary as of December 31, 2001.

Supervisor Boothe questioned investments in the Local Government Investment Pool (LGIP) as to how recently it has been invested with them.

Mrs. Turman - this year.

Supervisor Boothe - notice that the rate has dropped off, does it fluctuate?

Mrs. Turman - not as much as the banks do.

The minutes of January 8, 2002 and January 30, 2002 were presented to the Board for approval.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to approve the minutes of January 8, 2002 as presented.

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

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to approve the minutes of January 30, 2002 as presented.

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

Supervisor Ingram entered the meeting at 8:50 a..m.

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

The Vice Chairman turned the chair over to the Chairman.

Agenda Item 9a - Groundwater monitoring report. Mr. Nester introduced Mr. Mike Lawless and Mr. Jeff Smith, from Draper-Aden Associates, to bring the Board up-to-date on recent developments.

Mr. Lawless - in August of 2000, Groundwater Protection regulations were approved at the facility. If parameters are exceeded, there are additional tests that have to be performed. All of the last quarterly testing exceeded the parameters. For the most part, concentrations are relatively low and are spread over a wide area, which will break down over time. We need to know how big the problem is and if this strategy will work by using natural sources. The County is required to have a public meeting to obtain citizen input on choice of abatement plan. Once the public meeting is held, information is summarized and data submitted to DEQ. The initial report will probably not be the final corrective action report (assessment of corrective actions). The corrective action plan has to be put together with the objective being to focus the monitoring program to ensure that people and the environment are being protected. DEQ will then hold a

public hearing for the permit amendment process and specific action plan.

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

Ms. Mary Wiley - thank you for your service to the community. My husband and I have been residents of Floyd County for nine years. We are developing the Blue Ridge Institute for Community (BRIC) which is an organization to create community together through education and participation.

**What is the project and what are its goals?** “Community Voices” is a project sponsored by the Blue Ridge Institute for Community (BRIC) and a coalition of local organizations, centered in Floyd County, Virginia. With our widely disparate voices and constituencies, we are coming together in a process to find our common vision, work that is larger than the sum of its parts. We agree on two common goals: to outline the character of the community that we wish to create, and to define ways to move forward in making that community joyful and sustainable - building upon Floyd’s rich heritage in rural land use, in the healing, musical and visual arts, and in its emerging excellence in science and technology.

**How will we move forward?** We approach our task utilizing the Dialogue process - a specific method refined by William Isaacs at the Massachusetts Institute of Technology’s Sloan School of Management. The Dialogue is a highly successful generative process that creates a “container” for an interchange of ideas, and a visioning that includes the many valuable voices in our community, particularly those who tend to be under represented in the usual fray. The Dialogue asks and supports its participants in active listening, from a place of personal quiet. It encourages participants to temporarily suspend judgements and assumptions, to focus and listen for the “common thread”. It involves speaking from the “I” point of view, suspending one’s standard “repertoire” of responses, being improvisational, and elongating the spaces in conversation so that there is sufficient time to absorb, to consider and to examine one’s own relationship to what is being said. Dialogue also invites its participants to inquire of others - to hold the desire to understand above the need to be understood. Dialogue is a respectful and powerful process that provides the tools for us to come together and create a “collective journey”. **Where will the project begin?** The Town of Floyd - nestled on a plateau in the Blue Ridge Mountains, close to the Appalachian Trail, home of the famous Friday Night Jamboree, a half hour from Virginia Tech, and on the edge of the “Technology Corridor” - is the center of the rolling mountain County of Floyd, Virginia.

**Who are we?** Floyd is an unusual County of diverse resources. First, we are a County of farmers and rural land owners whose families and traditions stretch back for many generations. Our community center is often the church, and our grounding is the land. We are also a closely knit “alternative community”, drawn to this place by an esthetic and spiritual calling, by the crystal pure water springing from rich green hollows, by serenity and thankfully inexpensive land, and more recently, by each other. We are also young or retired professionals who have chosen this area for its welcoming beauty and the opportunity to participate in earth-centered activities, and for its proximity to work and diverse cultural opportunities. Some of us are here by happenstance, but we are drawn together by a love of the land and rural lifestyle, and find that Floyd is “in us” to stay. In addition to the beauty, and potential for growth, we sometimes experience difficulties and divisive forces. We tend to form insular “groups”. Our population is

aging. Unemployment is significantly higher than Virginia and the nation, and income is significantly lower (60% of that of Virginia at large, and down from 1991). Almost half of our wage earners “out-commute”, and of those, about half travel thirty to ninety minutes. Over 8% of our housing lacks complete plumbing facilities, and wood stoves account for about 36% of home heating. About 34% of the acreage in our County is owned by non-residents. Though our County has proportionately invested more money in education in the last five years, our school system continues to spend less money and provide fewer services, relative to neighboring communities - though compensated in part by the dedication of many of our educators.

**What are some of our strengths and resources?** Our potential is clear! The New River Valley Planning District Commission states: “Due in part to its mountains, its natural beauty and its history, Floyd County has grown a rich base of talented, renowned artists and artisans”. The arts in Floyd and the surrounding area cover an impressive range of skills. Further, the NRVPC states: “Its many natural and cultural assets and its prime location along the Blue Ridge Parkway have helped make Floyd County the fastest growing market for tourism in western Virginia”. Forty miles of the Blue Ridge Parkway are in Floyd County. Mabry Mill, the most photographed site on the Blue Ridge parkway is in Floyd County. The Jacksonville Center, located just outside of town, on Route 8 coming from the Parkway, is a center for art, music, theater, dance, crafts, and rural heritage. The June Bug Center for Healing and the Arts, with numerous practitioners and teachers, and a busy schedule of musical, dance and theater production, as well as seminars, musical and dance instruction, and a teen music “drop in center”, is located nearby on Route 8. Floyd County supports five active retreat centers, several bed-and-breakfasts, several dynamic intentional communities, innumerable agricultural nurseries, a cooperative organic farm, a successful natural food store that is about to expand and many arts and crafts outlets. A 1998 Land Planning and Management Study by Virginia Tech, encouraged “creating or establishing a heritage area” in the County. As a heritage area, the vision would combine tourism, economic growth, and community pride with historic preservation and the conservation of natural resources. The Virginia Tech study suggested that a “heritage-based arts and crafts industry” could be the magnet that attracts visitors. Tourism and the arts have a symbiotic relationship: “the arts create attractions for tourism and tourism supplies extra audiences for the arts”. The Virginia Tech study indicated that some of this is already happening in Floyd County. But we also need to ask ourselves, “What kind of ‘growth’ can bring not just a stronger economic base for our community, but can also maintain and even increase the quality of life that we seek and, in so many ways, already experience in Floyd County?” The potential is great. The questions that we ask, and how we come to our answers, will have a profound effect on us, and on the children and grandchildren of our community

**What is our mission?** The Blue Ridge Institute for Community is an organization whose mission is to support the process of coming together in a way that builds trust in our neighbors and respect for the opportunity to have and advocate different points of view. It is based on the conviction that we have the capacity to develop a new “language”, to overcome fragmentation within the community, and to find the means for common inquiry and understanding. When each “voice” is respectfully heard and thoughtfully considered, the collective solutions discovered are significantly more powerful than either the individual “piece” or the sum of the parts. With intentionality, and with a clear process, we can discover our shared goals. “Change” is a “given”. The form of that change involves many choices. Together, we can find ways to

conserve our rich natural, agricultural and cultural heritage and gifts, ways to develop a broader and stronger economic base for our community, and ways to practice our democratic principles more fully.

**When do we start?** On Saturday, March 30, BRIC is sponsoring a day-long Introduction to Dialogue Training, from 9 am to 4pm, with an hour lunch break. Please consider becoming a participant in this endeavor. We need your experience, your points of view and your dreams for community. I would be delighted to meet with you as a Board or individually on our program.

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

The Board next presented Mr. Virgel Allen, retired Animal Control Officer, with a resolution and gift in recognition of his twenty-six and half years of service to the County.

Coach Winfred Beale and Coach David Turpin next appeared before the Board and were presented a resolution in recognition of the Floyd County High School's football team's winning season and advancement to the State finals.

Mr. Jeff Smith, Draper-Aden Associates, next appeared before the Board to continue the discussion on the groundwater monitoring program. He reported that two additional wells had been installed, one shallow and one deep, at the property boundary. Two contaminants were detected, but were below the parameter limits. Eight constituents were detected above the limits. DEQ has recommended that two more wells be installed closer to the impact area, because they want to see exactly what the impact is. We concur with DEQ that this is warranted because of the data that we have collected. Most of the contaminants are either petroleum or chlorine based, such as household products. Some of the increases may be due to the drought we have had over the last few years because the groundwater is not flowing as much. An example is the upgradient well installed ten years ago has dried up.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public informational meeting on March 12, 2002 at 2:00 p.m. on the proposed action plan for the closed landfill.

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

Ms. Ellen Johnson, Social Services Director, next appeared before the Board. She reported on several items:

- A budget proposal was in the legislature to consolidate Social Service agencies across the State. Was going to discuss this matter, but understand that this has been pulled out of the

General Assembly.

- Presented a request for supplemental funding for CSA for children currently being served. \$629,884 has already been appropriated, projected to spend \$699,360 by the end of the current fiscal year, for a difference of \$69,476, with \$16,147 being the local share. Staff have been working very hard to find alternative funding sources and have found some new avenues since my last report. We have received two additional children since the last request and I have a meeting today with the FAPT team, and may receive another child. We will probably be back before you again by the end of the fiscal year.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve a supplemental appropriation in the amount of \$69,476 to the Comprehensive Services Fund (CSA) from Contingency.

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

- Fact Sheet presented outlining the differences between Governor Gilmore's and Governor Warner's budget on the CSA program. Shows a 23.25% match rate for Floyd County under Warner's budget. Also very concerned about the performance standards and supplemental funds reimbursement, and am trying to obtain specific information on these items.

Mr. Junior Goad, Resident Highway Engineer, next appeared before the Board. He reported on several items:

- VDOT funding conditions as per the State budget - major concerns are: 1) maintenance needs to be at the top of the list and not reduced, especially with the growth factor; 2) need a realistic transportation plan, with good estimates and proper funding - primarily on the 6-year plan; 3) establish criteria for public/private transportation plan.

- Letter for request for Revenue Sharing program has been sent out to local governments. A reply has to be received by March 30. Consensus of the Board was to discuss the matter further at the March 12 meeting.

Supervisor Boothe - Route 705 at intersection with Route 615 - there have been several accidents at this site, any help for sight distance would be appreciated. Also, on that same road, 1.6 miles from the Route 615 intersection, would like to request guard rail. There is a 20-25' drop off there, one car has already gone over the drop, and others have come very close.

Mr. Goad - we will check it.

Supervisor Boothe - request speed study to continue 25 mph speed limit on Route 798 to

the Route 710 intersection back to Route 8 on Route 710.

Supervisor Belcher - Route 603 progress?

Mr. Goad - should know more by the next meeting as to when work will be done.

Supervisor Gerald - Route 740 - Posey Road - speed study, have you received?

Mr. Goad - I am not sure, I will check.

Supervisor Gerald - Route 742, Lost Bent Road - guard rail?

Mr. Goad - do not have enough room because the road is too narrow unless we can get an easement from the adjacent property owner to remove the bank to get the width we need.

Supervisor Gerald - I would like you to check further on it, to see if you can get the easement - it is a very dangerous place.

Supervisor Gerald - appreciate you fixing the drain outside this building so quickly.

Mr. Nester - we had a request from a citizen concerning the possibility of the addition of a left-turn lane coming from Barberry Street onto Route 221 because there always being such a bottleneck situation there.

Supervisor Whitlock - how about a stoplight that blinks at certain times. We also need one at the Route 221/Oxford Street intersection.

Mr. Goad - we will look at the situation to see what we can do.

Supervisor Whitlock - appreciate trimming on secondary roads. It really improves things.

Supervisor Whitlock - Route 705 - I was also contacted about this situation as Supervisor Boothe was. I talked with Jim Salyer about it and he suggested that we have to slow the traffic down that is coming down the hill. There is not much possibility of improving the sight distance.

Supervisor Ingram - appreciate the gravel and scraping on the secondary roads.

Supervisor Ingram - Route 221 on Blue Hill, where the bank is falling off. I am sure you are checking on this. The bank has given way almost to the guard rail.

Supervisor Whitlock - I talked with Jim Salyer about this situation also. He said that a pipe was giving them some problem and causing the erosion. They are waiting on someone to

install new pipe.

Ms. Deanna Cox, Auditor with Robinson, Farmer, Cox & Associates, next appeared before the Board. She presented the annual audit of County funds ending June 30, 2001. She reported no problems with the audit. The fund balance is down a little bit because of capital projects that have been completed, but is still at the 10% range that they like it to be in. All required forms/reports have been submitted.

Supervisor Boothe - on page 49, it shows a reconciled overdraft - I know the explanation for this that it is the school payroll that is written, but not given out, but the average citizen is going to see this as an overdraft.

Ms. Cox - there is no way that we can really change it. It is the June, July and August school payroll that is written in June but not released. We could include a note on that page to explain it.

Supervisor Boothe - could the procedure be changed to not cut the checks without a lot of problem?

Ms. Cox - it may could be changed, we will be glad to assist you in researching the matter.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, paragraph A.1, personnel matters - assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees.

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

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, 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 Boothe, 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 personnel matters 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 Boothe - aye  
Supervisor Belcher - aye  
Supervisor Whitlock - aye  
Supervisor Gerald - aye  
Supervisor Ingram - aye

This Certification Resolution was adopted.

Sheriff Donnie Pratt next appeared before the Board to discuss several items:

- Request of Park Ridge Development regarding road systems - after meeting with the Board, I sat down with the Commonwealth's Attorney in November to submit a letter to the Attorney General's office for an opinion concerning the matter. Gino was skeptical since we do not have an ordinance. On January 23, I received a letter from the Commonwealth's Attorney saying that the Board would probably need to adopt an ordinance because the Attorney General's office will probably require it. He gets into the liability issues, etc. in the letter. My opinion is that we should talk with the people from Park Ridge and inform them that if an ordinance is adopted, that this will open them up to all laws, not just specific ones like they want, and all will be enforced. The Commonwealth's Attorney addresses the problem with the gate being closed and the Attorney General's opinion on that will probably be that it would have to come out.

Supervisor Boothe - is this an area that we need to be getting into?

Sheriff Pratt - that is your decision, we will enforce the ordinance, but it is up to you to decide.

Supervisor Boothe - if there is an accident on that street, is it treated the same?

Sheriff Pratt - no, it is a private street unless someone is hurt.

Supervisor Boothe - there are a lot of subdivisions with private roads that the homeowners association takes care of. I think your department has enough problems with what they have to do without involving more.

Supervisor Gerald - the people need to be talked to about the gate removal, they may not want it removed.

Supervisor Whitlock - I think if we write to the Attorney General and they say the gate has to be removed, that they will drop the matter.

Sheriff Pratt - that is what the Commonwealth's Attorney is saying. You need something to base it on. State law gives all the details.

Supervisor Whitlock - I talked with Wayne Angell, Franklin County Supervisor, it has not been brought up to them.

Chairman Ingram - I suggest that we forward a copy of this letter to the people at the development to put the ball back into their court.

Supervisor Boothe - proper procedure would be for it to come from the Sheriff since the correspondence is addressed to him.

Sheriff Pratt - you can give this to the County Attorney and he can send it to whoever.

Chairman Ingram requested that the Sheriff send a letter to the Board with a copy of the letter from the Commonwealth's Attorney, so it could be sent to the individuals at Park Ridge Development.

Sheriff Pratt - We are continuing to lose deputies, mainly because of salaries, and no increases. February 15<sup>th</sup> is the last day for another officer who is going to another jurisdiction with better pay and benefits. Would like an update on the LEOS request.

Mr. Nester - we have made a request to VRS and they are running the actuarial study. Have provided all information they requested but have not received the rate back from them. It is in the process, but just have not heard anything. Did survey the surrounding jurisdictions, and they all have the LEOS coverage.

Supervisor Gerald - how many officers have you lost?

Sheriff Pratt - four - the game plan now should be not necessarily hiring more people but see what we can do as an added benefit to the ones we have. Morale needs to be brought up, it is very low. You will have a higher quality of people if the morale is high. I think we need to do something for what we have left to improve the quality. We have problems with coverage now and will have more at vacation time. I cannot see hiring people and keeping them for two years

and they go somewhere else. We are not getting the benefits. With these two grant positions, I asked that the two positions' funds be used for LEOS. On December 1, we usually get raises, but we didn't this year, and then the Blue Cross went up, some as much as \$100/month. In December, our people actually took cuts, that is why some people are looking at other jobs. We are forcing them to go. With these two positions, is there a way to use these funds to give our people a raise to offset these costs? I am asking for a lot but this County deserves a lot.

Supervisor Boothe - what is your staff number now?

Sheriff Pratt - 17 road deputies.

Supervisor Boothe - what is the dispatcher situation?

Sheriff Pratt - the Compensation Board furnishes five dispatchers, the County furnishes four through the E-911 Fund. We have one full-time Secretary and two part-time secretaries funded by the Compensation Board.

Supervisor Whitlock - when you have to make a run to Christiansburg to meet the Magistrate, it puts you tight doesn't it?

Sheriff Pratt - there will be no officer in the County if an arrest is made and they have to go to Christiansburg.

Discussion followed on the Magistrate situation.

Supervisor Whitlock - what is the average time of service for the road deputies?

Sheriff Pratt - around twelve years.

Supervisor Whitlock - when you get into a turnover, you lose that continuity.

Sheriff Pratt - and you lose quality My proposal is that I do not advertise the four positions and we address the problem of not losing the people we have and look at giving them the benefits that other localities have. We may not be comparable to all the others but at least get it up some and they can't afford to leave for the travel costs. Help the deputies all we can, it is a thankless job.

Supervisor Boothe - even if you don't get it to that level of the others, at least we could be trying.

Chairman Ingram - this won't be decided today, but we will discuss it.

Dr. Terry Arbogast, School Superintendent, next appeared before the Board. He presented and discussed several items:

- presented copies of the School Board meeting highlights for January and February 2002;
- presented 7<sup>th</sup> grade SOL history scores at Floyd Elementary. They have changed their plan to concentrate the subject all in one semester instead of all year, the scores have increased. This will be tried with other courses next year;
- High School Fall SOL scores were presented - above 70% rate in all areas;
- presented copy of proposed 2002/2003 school calendar;
- presented copy of January 2002 membership report - 2024 students;
- presented copy of proposed FY03 school budget - the School Board has two work sessions scheduled.

The Board recessed for lunch.

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

Agenda Item 7ji) - Mutual Aid Agreement with surrounding localities - still waiting on Carroll County.

Agenda Item 7jii) - Report on sale of properties with delinquent taxes - still progressing.

Agenda Item 7jiii) - Request of Park Ridge Development regarding road systems - copy of letter to Sheriff from Commonwealth's Attorney was presented to Mr. Cornwell, and the Chairman commented that the Board had requested that the Sheriff write a letter to the Board, with a copy of the letter, so a copy could be sent to the Park Ridge Development attorney. Mr. Cornwell commented that this would be an appropriate route to follow.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, paragraph A.7, consultation with legal counsel and briefings by staff members about actual or probable litigation where public discussion would adversely affect the negotiating or litigating position of the County - specific nature is the possibility of litigation by the County.

- 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 Gerald, 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 potential litigation 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 Boothe - aye  
Supervisor Belcher - aye  
Supervisor Whitlock - aye  
Supervisor Gerald - aye  
Supervisor Ingram - aye

This Certification Resolution was adopted.

At 2:00 p.m., the Chairman called for the Public Hearing on the Application for CDBG Funds for projects in the community.

Ms. Lydena Martin, New River Valley Planning District Commission, presented guidelines for the CDBG objectives. The funds are provide by HUD, and can be used for economic development projects, housing project, or water/sewer projects. \$13 million is available State-wide for projects, and it is very competitive. Any project has to meet one of the following three objectives: 1) low/moderate income persons are benefitted; 2) action which will aid in the prevention/elimination of slums or blight areas; 3) community need having a great urgency (such as declared emergency by the Governor). A second public hearing will be held in March to outline specific details that the Board has come up with.

The Chairman opened the public hearing for comments from the audience.

Ms. Judy Hayse - I am interested in pursuing information about the planning grants for purposes of assisted living for the elderly. Wanted more information and I will pursue it further.

Ms. Annie Guppy - I was hoping to get information about any proposals that Floyd County has already in the works to use this money. I also wanted some clarification about whether an economic development grant could be used to get education sources for adults, particularly to prepare them for the job market.

Ms. Mary Wiley - I am interested in looking at this program under the community service facet for grants for Floyd County. To see if these funds could be used for programs such as Head Start, music/movement programs to enhance cognitive skills especially to include families as part of the program.

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

Agenda Item 9b - Subdivision plats as approved by Agent for January 2002 - for the Board's information.

Agenda Item 9c - Authorization for County Administrator to advertise for bids for an ambulance. Mr. Nester reported that this ambulance will replace a 1994 model at Station #1. They are on a 7-year replacement schedule.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to authorize the County Administrator to advertise for bids for an ambulance for Station #1 Rescue.

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

Agenda Item 9d - Request to block exit from Courthouse parking lot to Route 8; all ingress and egress from Oxford Street - no information received from VDOT yet as to suggestions.

Agenda Item 9e - LEOS Retirement Plan for Law Enforcement - Sheriff's Office. No update yet.

Agenda Item 9f - Request for supplemental appropriation for CSA - done earlier during Ms. Johnson's presentation.

Agenda Item 9g - Appointment to Criminal Justice Services Board - Board of Supervisors representative.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to appoint Supervisor Diane Belcher to the New River Criminal Justice Services Board.

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

Agenda Item 9h - Irrevocable Letter of Credit/Surety Bond - to VDOT - for Industrial Access road. Would like the Board's authorization for the County Attorney to look into the matter as to which option would be best for the County. Consensus of the Board was for the County Attorney to research the matter and report back to the Board with his opinion.

Agenda Item 9i - Proposals for contracted ambulance service. Mr. Nester presented two letters received from the Floyd County Rescue Squad in support of the County accepting the proposal from Carilion Patient Transport for ambulance service from 6:00 a.m. - 4:00 p.m. Monday through Friday. Mr. Nester reported that the proposal from Lifeline would cost \$264,000 per year, and the proposal from Carilion would cost \$120,000 per year.

Supervisor Boothe - in the Lifeline proposal on page 2, under compensation/terms, their equipment and staff were not as great as Carilion's.

Mr. Nester - radio equipment and fuel will be an expense to the County with either proposal.

Supervisor Boothe - in the Lifeline proposal on page 1, they call for one staff ALS ambulance and one quick response vehicle. Is Carilion's the same?

Mr. Nester - yes.

Supervisor Boothe - we had discussed having two teams, this looks to be one team.

Mr. Nester - it is a three person team with two vehicles under both proposals. Carilion has a backup plan included in their proposal. They would have a backup ambulance on standby if they are out of the County, Lifeline does not.

Supervisor Boothe - there is no conflict of interest since they helped set up the specifications and went before the Rescue Squad and discussed what was needed?

Mr. Nester - we told them what was needed and then we learned that Lifeline could do this service also. In the procurement process, you can request a like or comparable item.

Supervisor Whitlock - what will be the added cost if a second unit has to come into the

County?

Mr. Nester - no additional charge. We have to develop an operating agreement with whomever we select. The Rescue Squad want to be the first responder if they can. Need provisions that if we see the program is not working, that the agreement can be terminated.

Supervisor Boothe - I understand the thinking, but also, if we are not careful, we will end up being a transportation facility, such as for the nursing home.

Mr. Nester - that is a concern and the Squad has addressed that by meeting with the nursing home staff. If the event is not an emergency, then a private service must be used.

Supervisor Boothe - the payment can come from the Fire/Rescue Fund?

Mr. Nester - yes, State law says that it can be used for contracted fire or rescue services.

Supervisor Boothe - these people will answer to you as County Administrator?

Mr. Nester - would answer to the County with me as manager, then down to the management team made up of rescue members, staff, etc.

Supervisor Belcher - how does this affect the volunteer people if they happen to be available during the day?

Mr. Nester - they will take the call if they are available. Would have a case of volunteers and service providers operating on the same call together.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to accept the proposal from Carilion Patient Transport subject to the County Attorney and County Administrator preparing an agreement outlining operating details and approval of same by the Board.

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

Agenda Item 9j - Agreement for electric service. Mr. Nester reported that VACO and VML have partnered in negotiations with AEP for local government rates due to deregulation. They did negotiate an agreement for July 1, 2002 - June 30, 2007. Will see an increase of between 6-11% over the contract period. Would suggest that the Board adopt the resolution because if it is not adopted, we will be on our own, and we will be picked up at the private rate, which is much, much higher.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt the resolution, as presented, to join with VACO and VML in the Agreement with AEP for local government electric rates (Document File Number ).

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

Agenda Item 9k - Resolution in support of the New River Competitiveness Program. Mr. Nester reported that this endorsement would assist in the recertification of the program. The New River Valley Planning District Commission, who administers the program, would then be able to qualify for grant from EDA. This recertification is required every three years.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the resolution, as presented, to endorse the New River Competitiveness Program (Document File Number ).

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

Mr. Nester presented a resignation letter from Supervisor Belcher, as the Board of Supervisors representative, on the Floyd County Social Services Board.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to appoint Supervisor Jerry Boothe to the Floyd County Social Services Board, representing the Board of Supervisors.

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

Mr. Nester reported that the County receives funds from the Virginia Criminal Community Corrections Program. The program is administered in our area by New River Community Corrections. Montgomery County has been discussing with us, the possibility of our two Counties pooling our funds together and hiring a part-time employee to administer our program. Even though we will receive less funds this year because of the State cuts, we would actually get more services because of the employee only serving our two Counties instead of several. Montgomery County received \$140,000 this year and will receive \$112,000 the upcoming year. We received \$18,000 this year and will receive \$14,000 next fiscal year. We would like to give it a try and see how it will work. There is no local match required for this

program.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to enter into an agreement with Montgomery County to provide services previously provided by New River Community Corrections.

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

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to rescind the earlier motion approving the payment of monthly disbursements.

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 approve the monthly disbursements, plus additions, excluding the bill to Southern Engineering, in the amount of \$750.00.

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

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to approve the disbursement to Southern Engineering, in the amount of \$750.00.

Supervisor Boothe - aye  
Supervisor Belcher - abstain  
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 go into closed session under Section 2.2-3711, paragraph A.3, acquisition of real property for public purposes 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 and briefings by staff members about actual or potential litigation and public discussion would adversely affect the negotiating or litigation

posture of the County.

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

Supervisor Belcher left the meeting at 4:10 p.m.

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

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

On a motion of Supervisor Boothe, 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 real estate and potential litigation 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 - absent  
Supervisor Whitlock - aye  
Supervisor Gerald - aye

Supervisor Ingram - aye

This Certification Resolution was adopted.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and carried, it was resolved to adopt a resolution indicating the Board's adamant opposition to the Duke natural gas pipeline, the Jackson Ferry Axton route, or any other route, and authorize the County Administrator to prepare a public announcement of the proposal (Document File Number     ).

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

Chairman Ingram commented that the proposal from the Sheriff concerning raises for his staff would have to be discussed during the budget process - the Board concurred.

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

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