

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

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 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 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.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Trial Balance ending January 31, 2002; the Invested Cash as of March 12, 2002; and the Revenue/Expenditure Summary as of January 31, 2002.

Mrs. Thomas commented that in regard to the Board's questions concerning the bank report and her report not agreeing - there are several explanations. In the checking account, the bank report does not show all the outstanding checks. One account on their list was not even ours, it was a General District Court account. On the cd's, the interest is put back into the account. When the cd is redeemed, I show the interest earned then. The bank shows accrued interest.

Supervisor Boothe - will the bank take off the one account that is not ours?

Mrs. Thomas - I feel sure it will be since it is not really Floyd County's.

Supervisor Belcher - you said that interest that the County gets is put back into the cd, when that is put back, isn't that what is reported?

Mrs. Thomas - the bank reports it, but I don't show it until it is redeemed.

Supervisor Belcher - the amount that you report is the original cd, not interest?

Mrs. Thomas - right.

Supervisor Whitlock - we were just trying to get the right amount.

Mrs. Thomas - I highlighted on your report the three amounts that make up the invested cash and I usually redeem them between the 1-5th of each month.

The minutes of February 12, 2002 were presented to the Board for approval.

Supervisor Whitlock noted on page 7, the road questioned by Supervisor Belcher should be Route 602 instead of Route 603. Also, on page 12, item 7jiii) last part of sentence should read "should be" instead of "could be".

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of February 12, 2002 as amended.

Supervisor Boothe commented that on page 20, in the motion showing Supervisor Belcher as absent for the vote on the Duke power line, but the actual resolution shows her present and voting. The resolution would need to be corrected.

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

The monthly disbursements were next presented to the Board for approval. A list of additional bills 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 Gerald - aye  
Supervisor Whitlock - aye  
Supervisor Boothe - aye  
Supervisor Belcher - aye  
Supervisor Ingram - aye

The quarterly appropriations resolution was next presented for the Board's consideration.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the quarterly appropriations resolution as presented (Document File Number \_\_\_\_\_).

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

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

Jenni Cooper - I have been working with the landowners affected by the Dominion pipeline through the Floyd Unified Landowners Association. We would like to work with the Board of Supervisors and County as much as possible to see safety concerns addressed. The members of our group are mostly on the alternate route, but some are on the other route. Our main goal is to share information and to make decisions about negotiations and surveying. We have tried to develop a system of feedback for surveying problems with Dominion. Negotiations will be next. We are trying to find people to give us information on this matter. We are very worried about safety. We would like to work with the Board of Supervisors on this and have you attend one of our meeting. The pipeline distance from people's wells is a big problem. The Health Department has no standards for a pipeline. We have land owners where the pipeline is closer than 50' to their wells. We talk about research to develop standards and to develop documents. In other areas, well testing distances of up to a mile from the pipeline have been required. If you do speak at one of the scoping meetings, please put this in as a condition. Pre- and post-testing of wells within a mile should be required. If my well goes dry as an adjacent landowner, the mile limit would help, otherwise, I have no recourse. We have also wondered about arsenic in the ground. The backfill could be tested. We have not been able to document any mines along the route, but testing could be done. Regarding safety, how can it be monitored? The State Departments do not do a good job. We would have to rely on Dominion to do this. The initial risk report has been done by Dominion, but we don't know if they will share the report. We need an inspector for the County to maintain procedures and monitor the company during construction. Problems can come up and may not be addressed as well as they should be. Monitoring every year is required. In 25% of the time, problems arise from improper maintenance. We would like to request that you attend the scoping meeting in Floyd County. Floyd County is very delicate and needs to be protected. A study is being done at Virginia Tech and hope to have a copy of it soon. Our next meeting is March 19 at the Floyd Library at 7:00 p.m. We meet every two weeks on alternating Mondays and Tuesdays.

Eva Claytor - My concern is that I have a fish pond on Route 221 North. Around five years ago I went to the VDOT meeting in Salem. What I want and need is guard rail on Route 221 where my pond is. I have some pine trees growing there, but they would not stop a car. There are a lot of deer crossing there, and deer crossing signs were put up, but the deer can't read the signs. People drive very fast through there. We have had several cars run through our yard, one almost hit the house one time. I don't know the cost of guard rail, but I pay taxes here in Floyd County, and my assessment was doubled last year. My daughter talked to the Assessors but they made all kinds of excuses. I feel as I pay taxes like that in Floyd County, that I deserve some consideration. I would like you to speak to VDOT and I will talk with them also.

Mary Wiley - I represent the Blue Ridge Institute for Community. Last night I went to a concert in memory of 9/11 and want to say that it means a lot. I was nervous last month when I talked to you. I told myself that this is part of what it means to be responsible as a citizen. I am asking you to participate in our March 30 Dialogue Workshop. The workshop is on information that I gave you last month. We have been overwhelmed by the response from Floyd County citizens. We need your help and support in our efforts to increase civic responsibility, to increase working together to establish a broad vision for our community. Thank you for all you do and please join us on March 30 if you are able.

Danah Beagle - I am also a member of the Floyd United Land Association. I echo my support of this group in their efforts to provide information, share concerns, and provide routes to get questions answered in dealing with Dominion on various issues. I do hope you join us at our meeting. I want to address one main concern with the pipeline that my husband and I have. We were able to be at home during the survey and environmental assessment process. We walked the line looking for hot spots, environmental concerns, etc. The environmental assessment covers a large amount of land affected by the pipeline. My husband walked the line with the environmental assessor. The assessor walked the entire property but never looked at anything, he only talked. My background is in forestry, but I would think you would need to look at things to make an assessment. My husband followed the grievance procedure and is going to write letters to them about our concerns. I suspect this is typical of environmental surveyors. Dominion did tell us there is a third party environmentalist that also assesses it, but they do not walk the land. We have a rare environmental piece of land here and Floyd County needs more attention by environmentalists to make sure we don't do more damage than we should.

J. C. Holden - we still have the same problems in our area and now are finding out they are County-wide. People are coming in and reading your minutes and call me and ask what the problems are with our Subdivision laws and Building Code laws. Two years ago I came here and gave you notice that there were four additions built next to us without building permits. Mr. Britt sent out letters and you sent the matter to the County Attorney. Nothing has been done. There are three subdivision law violations in this same area. I would expect you to see that these laws are enforced. In the first attempt to enforce the ordinance, the people went to their lawyer to see if it could be changed. Either you are in violation or you are not. I am a preacher and I tell my people if the Bible says do it, do it. If the Bible says don't do it, don't do it. It is the same with the ordinance. If it says do it, do it. If it says don't do it, don't do it. I sent a letter about a dump being operated on the adjacent property. Its still there. The County Attorney was supposed to handle the situation. I told you about two subdivision ordinance violations. The people deeded a piece of property to someone else since you wouldn't abandon it. This took only 90 days. Still the other things have not been settled and its been two years. Now a house is going in with no permits. This is a violation. When they tried to subdivide more property, the plat wasn't correct. Mr. Britt sent it to Mr. Profitt and he re-wrote it. Another violation. I ask you to put it where it belongs. The agricultural section of the subdivision ordinance was used. But it has to be 25 acres excluding one to keep for a home site. One lot was one acre, another lot

was eight acres. He kept a part that no one knows about. Mr. Britt said that he asked the man four times if the 50' was a right-of-way or road frontage. I have the deed that says it is a 50' right-of-way. This does not affect me as much. There are septic systems that belong to adjacent property owners that are on my property. Two years, nothing has been done. This is the third time he has violated the ordinance and nothing has been done. There are fines, etc. The County could get rich on the enforcement problem. People are told to fix things and nothing is done. There are all kinds of State departments coming down there, with Sam Morris leading them around. He has four warrants against him for trespassing. I am building a pond and have complied with all departments. I put up a silt fence, it gets torn down that night. I put up a stone wall, it was torn down. The price of the wall boulders were \$0.07/lb. This is a \$1200 rock. It is still laying on their property and I can't disturb it. Nothing has been done about any of these things. Others were going to be here today but could not be. They are all concerned and have they have legitimate complaints and are going to court. Everything comes back to a lawyer somewhere. They did not obey the Subdivision Ordinance, it gets sent to the County Attorney. If he can't handle the problem, hire a private attorney to handle this one problem. You could get your money back on fines. I know there was a letter sent by Mr. Nester to the Building Inspector to check everyone in the neighborhood, including me. They came and they checked us and nothing was wrong. We have been visited in excess of 100 times in the last year from various agencies but nothing is being done. We are finding that there are more and more deeds messed up. Houses with no final inspections, people kept from moving in house because it has no siding, then people in the next house with no siding are allowed to move in. I sent another letter to the County Administrator on March 27. Are you doing anything on this? Can't you tell your officials that I am exempt since I am a farmer and my property is agricultural? I am a farmer, I have a sore back, no money, a F tag on my truck, that is a farmer.

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

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented a request for transfer of funds for reimbursement received from the Compensation Board for vacation pay for an employee who left.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the transfer of \$583.22 from 3-001-023020-0001 to 4-001-033010-1101 for the Sheriff's Office FY02 budget.

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

Mr. Dennis Anderson, Forester with the Virginia Division of Forestry, next appeared before the Board. He requested that the Board consider exemption of persons paying back taxes when they change their land use to plant trees on open land. When they find that they have to pay back taxes, they don't want to do it. They would still be paying their taxes, but would not be

subject to the penalty. We, of course, would like to see more trees planted, especially on the steeper land.

Supervisor Boothe - are we talking about long-term planting and not nursery stock?

Mr. Anderson - this would be for long-term planting. Nursery stock is under the horticulture section.

Chairman Ingram - we would need to talk with the Commissioner of Revenue because her office has a lot of leeway in the administration of this program. There is a section in the ordinance that I think you can have 20 acres of land in woods and still be in the land use program. I am not sure exactly how it works, but we can check it.

Mr. Anderson - my question would be if they already had the acres in the program and were coming out.

Supervisor Whitlock - I am not inclined to take off the penalty but feel we should go back and add the agriculture section. I think the 20 acres is a little narrow.

Mr. Anderson - we would love to see the agriculture section added in.

Consensus of the Board was for Mr. Anderson to check with the Commissioner of the Revenue on how the program could be worked out, and also for staff to research the matter and report back to the Board.

Supervisor Gerald reported that in speaking with Marty Hall, Senator George Allen's aide, that there are transportation safety grants available for various items. Would like the Board to consider authorizing the County Administrator to apply for these grants.

Supervisor Boothe questioned if they were matching grants?

Mr. Nester - usually they are 75/25. The grants are for various things such as lights for police cars, fuses, safety vests, Jaws of Life equipment, etc. The application process does not seem to be too time consuming except for each item requiring a separate application. Cities and Towns usually do better in the receipt of the grants, but Counties are also eligible.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and unanimously carried, it was resolved to authorize the County Administrator to apply for any Transportation Safety Grants available.

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

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to declare this Board of Supervisors meeting as a meeting of the Transportation Safety Committee of Floyd County.

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

Agenda Item 10a - Subdivision plats as approved by Agent for February 2002 - Mr. Nester reported that there were eight divisions of property during the month.

Agenda Item 10b - Report on Courthouse parking lot ingress and egress from Oxford Street. Mr. Nester reported that a report had been received from VDOT's safety division and they concurred with the proposed plan. They suggested eliminating two parking spaces at the Route 8/Oxford Street intersection to improve sight distance. They also provided guidelines for remarking of the Courthouse parking lot to improve ingress/egress and congestion at the Oxford Street entrance. This could easily be done as part of the Courthouse project. Town Council would also need to approve the change and request installation of warning signs on their right-of-way. Will prepare a diagram of the new layout and provide to the Board at the next meeting.

Mr. Junior Goad, Resident Highway Engineer and Mr. Bob Beasley, Assistant Resident Highway Engineer, next appeared before the Board. Mr. Goad reported on several items:

- Pre-Allocation Hearing will be April 9 at the Salem Civic Center;
- Meeting today in Richmond to determine how the new formula will work within the new State budget. We could lose as much as 41% of secondary funds under one formula. This is the worse case scenario. I will let you know exactly how it will all fall out once I get the final figures. Once we get the final figures, we can sit down and see how we need to re-work the 6-year plan and if we need to have another public hearing;
- I-81 - Toll road for trucks - this was approved by the Legislature - this action will provide for the construction of two additional lanes on each side of the interstate for truck traffic only;
- Revenue Sharing - need a decision from the Board before March 30 as to your interest in participation in the program this year. Last year you participated at the rate of \$175,000.00.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to participate in the Revenue Sharing program in the amount of \$75,000 for the 2003 budget.

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

Supervisor Ingram - aye

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to prepare any necessary documentation for participation in the Revenue Sharing Program.

Supervisor Gerald - aye

Supervisor Whitlock - aye

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Ingram - aye

Supervisor Boothe - Route 705 intersection - have you checked on it?

Mr. Goad - no, but we will.

Supervisor Boothe - Route 798/710 speed study - has this been completed?

Mr. Goad - will have to check.

Supervisor Boothe - Route 705 - there has been some type of utility digging. Several places where equipment has broken up the edge of the road. Another spot on Route 705, the fill is sliding off - needs to be checked because it is in a curve, and could easily cause someone to wreck.

Mr. Goad - it is supposed to be paved this summer so we need to do the maintenance before the paving is done.

Supervisor Whitlock - appreciate the trimming on the secondary roads, it really helps a lot.

Supervisor Whitlock - Route 612, just across the County line, some re-patching was done, but there is one hunk of asphalt that people are jumping. It is in Montgomery County.

Mr. Goad - I will let the Christiansburg office know.

Supervisor Gerald - appreciate what you have done on my concerns.

Chairman Ingram - we had a guard rail request this morning from Mrs. Eva Claytor, North on Route 221. She is concerned about safety of traffic near her fish pond. If you could look at that, I would appreciate it.

Chairman Ingram - appreciate the machining on the gravel roads, it really helps.

Agenda Item 10c - LEOS Retirement Plan for Law Enforcement - Sheriff's Office. Mr.

Nester reported that the actuarial study was completed. This program will apply only to the sworn officers, not dispatchers or other staff. For the County to implement the plan, it would cost \$49,747.33. This covers only Law Enforcement but it affects all County employees as far as the rate. If the Board is looking for a benefit to provide to employees, I would suggest looking at the health insurance coverage. You are required to adopt a resolution before June 30 if you wish to start the program July 1.

Supervisor Whitlock - we would be the only County that does not have the LEOS program within the Regional Jail system. Wythe County is adopting the program this year.

Chairman Ingram - is this the only difference in what Floyd County does compared to the other localities?

Mr. Nester - no, some other jurisdictions supplement the salaries along with the LEOS.

Further discussion continued with the consensus being to include it in the budget process for further consideration.

Agenda Item 10d - Appointment to New River Valley Community Services Board - term expires June 30, 2002. Mr. Nester presented a resignation letter from Mrs. Sue Hubbard because of health and other reasons. Consensus of the Board was to advertise the position both for the unexpired term and new term.

Agenda Item 10e - Transfer - \$900.07 for Fire Department grant received.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the transfer of \$900.07 from 3-010-032030-3206 to 4-010-032030-3212.

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

Agenda Item 10f - Request for use of dumpsters by Floyd County property owner residing in Carroll County. Mr. Nester presented a letter request from Mr. Hollis Goad requesting the use of Floyd County dumpsters for his household waste. After discussion, it was the consensus of the Board to deny the request since it does not follow the Solid Waste Ordinance. If he insists on the matter, he will be directed to contact Carroll County administration to enter into a contract on his behalf such as the County has with Franklin County for a limited number of their residents.

Agenda Item 10g - Deer Management Plan - input from County. Mr. Nester reported that the Department claimed that no response was received from the County last time the issue was

discussed. The Board may want to adopt some type of resolution this time as to change in season, etc. These changes will be for the 2003 hunting season.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt a resolution requesting that the Department of Game and Inland Fisheries extend the Floyd County firearm season from two to four weeks and continue with the kill of either sex for the full season (Document File Number \_\_\_\_\_).

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

Agenda Item 10h - Report on bids for front end loader truck. Mr. Nester reported that twelve bids were received in response to the advertisement. Lowest, most responsive bid was received from Cavalier Equipment in the amount of \$139,965.00. This is a budgeted item with a lease-purchase plan. Typical life of the vehicle is eight years, lease-purchase is for four years. VACo has a leasing program now and the rate came in at 4.4% for the four year period.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to accept the bid from Cavalier Equipment in the amount of \$139,965.00 for a front end loader truck, and authorize the County Administrator to set up the lease-purchase plan with the VACo Leasing Program.

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

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

- Presented copy of the School Board meeting highlights for March 2002;
- Presented copy of the school calendar for the 2002/2003 year as adopted by the School Board;
- Reported that three additional days would be added to the Easter holiday and school would end three days earlier than planned, because of the unused snow days;
- Presented copy of February 28, 2002 enrollment report - expected enrollment for March 31 is 2019;
- Supplemental appropriation request will be presented in April to the Board for additional State funding received;
- Presented copy of SOL testing schedule for both elementary and high school levels;
- Presented copy of resolution adopted by the School Board in reference to a moratorium being placed on the SOL scores being counted toward accreditation and graduation since the

State will not fund the mandates fully - if the Board of Supervisors would consider adopting a similar ordinance, it could be submitted also;

- Budget workshop for the School Board will be held March 25, 2002 at 7:30 p.m.;
- Virginia High School League - there is a lawsuit pending for 4 or 5 schools that have gone from the Triple A League to the Double A League, which moves girls basketball into conflict with the boys basketball season. 19 States have gone to court over this same thing and all have lost. We really had no choice but to make the change because we had a three year time frame to make the change. We will change to having boys and girls basketball both in the Fall season in the year 2004. This will also hurt our revenue because people will not be able to attend games four nights a week. We are faced with the dilemma of what to do with six basketball programs trying to practice at one time. The girls volleyball will be moved to the Spring season. This will also hurt the Sandlot programs because the high school teams will have to use the elementary gyms for practice.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt a resolution requesting moratorium on SOL mandates for high school graduation and school accreditation, as presented (Document File Number \_\_\_\_\_).

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

The Board recessed for lunch.

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

Agenda Item 7g ii) - Report on sale of properties with delinquent taxes. Mr. Cornwell presented a list of properties that their firm is working on, and the various stages at which they are at. Some have been paid, some are eligible for sale. The sale will probably be held in late Summer or early Fall for the first group. After that sale, work will begin on the second group. The person who purchases the property will also have to pay the attorney fees and costs, so the Board's up-front expenditure can be recouped.

Agenda Item 7gi ) - Mutual Aid Agreement with surrounding localities. Carroll County is the only Agreement that we lack, and it is scheduled to be on the April Board agenda for discussion.

Agenda Item 7g iii) Request of Park Ridge Development regarding road systems - Section 46.2-100 Code of Virginia. Have received no response from the Sheriff as to the Board's request for a copy of the letter from the Commonwealth's Attorney.

Agenda Item 7g iv) - Discussion of ordinance for exemption of disabled from taxation. Your ordinance was amended in 1989 from a previous ordinance, but it only references an

exemption for the elderly. State Code outlines the exemptions allowed. They are the same as are allowed for the elderly if a person is permanently handicapped. The classification for permanently disabled is also specified in the State Code and proof requirements are listed. Consensus of the Board was for the County Attorney and County Administrator to check further into the matter and obtain some figures for the Board's consideration.

Agenda Item 7g v) - VDOT Industrial Access Road Bond or Irrevocable Letter of Credit. Mr. Nester requested assistance from the County Attorney for a bond in the amount of \$387,000 for the Industrial Access road at the Floyd Regional Commerce Center. Need this for the April Board of Supervisors meeting.

At 2:00 p.m., the Chairman called for the Public Informational Meeting on the Groundwater Assessment Monitoring Report.

Mr. Mike Lawless and Mr. Jeff Smith, Draper-Aden Associates, were present to explain the process.

Mr. Lawless - in the twice yearly monitoring, several contaminants were found in the groundwater. This further assessment will find where the contaminants are, what the limits are, levels which have been exceeded. The Public Comment Period runs for 30 days from advertisement date and then the results are submitted to DEQ.

Mr. Smith - reported that well #8 had the first contaminants shown. They have mitigated toward wells #7 and #2. Even though they are above the standard, the levels are very low. Two additional assessment wells will be added to try to determine what is going on and where the migration is going. The report to DEQ will include the last monitoring well results from January 2002; the assessment of corrective measures report; and notice of public meeting copies, comments received, etc.

Supervisor Boothe - what is the average depth of the wells?

Mr. Smith - usually 80-90'.

Supervisor Boothe - any impact from the potential pipeline as to where the wells will be placed?

Mr. Smith - it could be possible that the wells may need to go where the pipeline is and we would have to move them. It would be unlikely, because they would probably go around the landfill as much as they can.

Mr. Nester - have you picked up any indication of the surface water?

Mr. Smith - we have done a trend analysis. We have determined nine constituents, but they show no trends different from the wells. Items detected in the springs are the same as well

#8 but are barely showing up.

After no comments or questions from the audience, the Chairman declared the Public Meeting closed.

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, for the purpose of Paragraph A.1, Personnel Matters; and Paragraph A.3, Real Property, 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.

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

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

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

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, 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 and real estate in accordance with Section 2.2-3711, Paragraphs A.1 and A.3 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 Whitlock - aye  
Supervisor Boothe - aye  
Supervisor Belcher - aye  
Supervisor Ingram - aye

This Certification Resolution was adopted.

At 3:00 p.m., the Chairman called for the Public Hearing on the Application for Community Development Block Grant Funds for projects in the community.

The County Administrator read the call for the Public Hearing.

Ms. Lydena Martin of the New River Valley Planning District Commission, gave a brief outline of the application process. She reported that a three page letter, maps and any support letters from the community are included in the application. The County has sixty days to submit the application for the planning grant funds. The three main questions that need to be answered in the application process are: 1) what space and programming are needed? 2) what should the operations look like? 3) which building would best fit these needs and which is the best public investment?

Mr. Nester reported that last month the Board held a similar public hearing and directed me to submit an application for an incubator building. After that public hearing, we found that there were areas of need that we had not identified. Because of that finding, we felt the best approach would be to apply for a planning grant to include all areas of public interest.

The Chairman declared the Public Hearing open for comments.

Mary Wiley - I think this sounds like a wonderful idea, to look at this more as a community. We appreciate Mr. Nester's suggestion. I would like to suggest that part of the process involve dialogue with the community and BRIC would be glad to support the process.

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

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to apply for a planning grant from the Community Development Block Fund for community projects.

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

Supervisor Belcher - aye  
Supervisor Ingram - aye

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion of personnel matters; and Paragraph A.7, Consultation with legal counsel regarding specific legal matters that require legal advice.

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

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

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

On a motion of Supervisor Gerald, 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 personnel matters and legal matters in accordance with Section 2.2-3711, Paragraphs A.1 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 Gerald - aye  
Supervisor Whitlock - aye  
Supervisor Boothe - aye  
Supervisor Belcher - aye  
Supervisor Ingram - aye

This Certification Resolution was adopted.

Agenda Item 10i - Report on bids for backhoe. Mr. Nester reported that specifications did not specify a hydraulic controlled thumb, so the backhoe has been re-bid. This is a budgeted item, but was also going to be financed along with the garbage truck. Budget amount for this piece of equipment was \$80,000.00.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and unanimously carried, it was resolved to authorize the County Administrator to obtain financing for a backhoe, through a lease purchase agreement, along with a garbage truck.

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

Agenda Item 10j - Report on animal control facility. As of July 1, 2002, regulations will require an isolation area. This area will be for animals, such as one involved in a dog bite case, that are awaiting a court action. Presented a proposed diagram for a new building, at a cost of around \$25/square foot. Would also like to develop an entrance to the Animal Control shelter separate from the Solid Waste Center. All work can be performed by County staff. Discussion followed on different options for the shelter.

Agenda Item 10k - Mr. Nester presented a resolution as adopted by the Radford City Council to request that the General Assembly delay the implementation of electric deregulation.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt a resolution requesting the General Assembly to delay the implementation of electric deregulation (Document File Number           ).

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

Agenda Item 10 l - Resolution from Farm Bureau in recognition of March 18-22 as Agriculture Week in Floyd County.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt a resolution in recognition of March 18-22, 2002 as Agriculture Week in Floyd County (Document File Number \_\_\_\_\_).

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

Chairman Ingram commented that BRIC had requested a letter of support for their program. Consensus of the Board was to wait until someone could attend one of their meetings to see exactly what their program involves.

Discussion followed on a possible change of the April regular Board meeting since the VDOT Pre-Allocation Hearing is the same day. Consensus of the Board was to see if one of the Industrial Development Authority members could attend on the County's behalf.

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

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