

**BOARD OF SUPERVISORS  
REGULAR MEETING  
MAY 14, 2002**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, May 14, 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, Board Members; George W. Nester, County Administrator; Terri W. Morris, Assistant County Administrator.

ABSENT: Jerry W. Boothe (entered the meeting at 2:10 p.m.), Kerry W. Whitlock (entered the meeting at 3:05 p.m.), Board Members.

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 March 31, 2002; the Invested Cash as of March 31, 2002 and May 14, 2002; and the Expenditure/Revenue Summary as of March 31, 2002.

Mr. Nester reported that the County will be receiving several fairly large reimbursements back to the General Fund, in June, that we up-fronted the funds.

Mrs. Thomas reported that approximately 250 more County decals were sold this year, over last year at the same time.

The minutes of April 9, April 18, April 23, April 30, and May 4, 2002 were presented to the Board for consideration.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of April 9, 2002 as presented.

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

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to approve the minutes of April 18, April 23, April 30, and May 4, 2002 as presented.

this house and lose all my stock.

Mrs. Brenda Howell - We realized that there was the two acre requirement, but we thought it only applied to subdivisions - not a house already built.

Mr. Howell - we thought it would apply to a new lot, not an old structure. They have the loan approved already. Even if I could sell the two acres to them, they couldn't afford to buy them. I could not afford to sell it to them because it would take so much of my nursery stock and outbuildings.

Mr. Nester - I will be glad to call you and let you know what needs to be done, as far as dealing with the Planning Commission, etc.

Mr. Howell - if there is anything you can do to help us, we would really appreciate it.

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

Agenda Item 8a - Subdivision plats as approved by Agent for April 2002 - for the Board's information. Mr. Nester reported that four divisions were received and approved, all with two or fewer lots.

Agenda Item 8b - Appointment to New River Community Action Board of Directors - 3 year term. Mr. Nester reported that one response was received from the advertisement for letters of interest.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to appoint Mr. John McEnhill to the New River Community Action Board of Directors for a three year term.

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

Agenda Item 8c - Appointments to Floyd County Social Services Board - Little River, Burks Fork and Locust Grove Districts for four year terms. Mr. Nester reported that two responses were received for interest in the Locust Grove District term.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to appoint Mr. Randy Whitlow, contingent upon the candidate receiving information on the position and his acceptance, to the Floyd County Social Services Board, representing the Locust Grove District, for a four year term.

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

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to authorize the County Administrator to re-advertise for the Little River and Burks Fork District positions on the Floyd County Social Services Board.

Supervisor Boothe - absent

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

- Have lease agreement from Bank of Floyd to temporarily lease space for a courtroom and for the Clerk of Court. Our attorney had prepared an agreement, but the Bank's attorney completely revised it. The County Attorney is reviewing the agreement and will discuss it with the Board later today.

Agenda Item 8f and 8g - Report on Route 811 water/sewer extension to Commerce Center and Report on system-wide bids for PSA expansion and upgrade of utility system. Mr. Nester reported that bids were received on May 2 for both projects. Compton Construction was the apparent low bidder at \$428,112.45 for the Route 811 project. The bids did exceed the available grant funds. In our bid package specs, we reserved the right to negotiate with the three lowest bidders. If we are not successful in negotiating, we can try to get a supplemental appropriation from the grantor, or scope down the project to match the available funds. The Division I section that the PSA bid, will be re-bid because the bids were so high. This will be done very soon. The low bidder for Division I was contested by another bidder because all their paperwork was not completed. Division I is the PSA part only. Route 811 is the County project.

Agenda Item 8h - Work Force Investment Act Board of Directors appointment. Mr. Nester presented a resignation letter from Mr. Fred Newhouse from the Board.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to authorize the County Administrator to advertise for letters of interest for appointment to the Work Force Investment Act Board of Directors to fill the unexpired term of Mr. Fred Newhouse.

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

Agenda Item 8i - Request from Virginia - Maryland Regional College of Veterinary Medicine. Mr. Nester presented a letter request from the College for donation of surplus school buses to them. They have a service where they bring animals from rural areas to urban areas for adoption. They have already spoken with the School's Transportation Superintendent, and found that they have two buses which will be sold at surplus this year. After discussion, it was the consensus of the Board to speak with the local Humane Society to receive their thoughts on the matter.

Agenda Item 8j - Speed limit change on Route 8 from Town limits to Parkview Road. Mr. Nester presented a request from the Town Council requesting the speed limit change. They have suggested that the speed limit be lowered to 35 mph from the current 45 mph.

Chairman Ingram commented that Supervisor Boothe suggested that the speed limit be 45 mph from Parkview Road to the greenboxes. This would lower the speed limit in stages instead of going from 55 mph to 35 mph.

Consensus of the Board was to bring the matter up for discussion when VDOT officials are present later in the day.

Chairman Ingram suggested that staff get a copy of House Joint Resolution 81 for the other Board members to review and bring this matter back up again later in the day.

Mr. Junior Goad, Resident Highway Engineer; Mr. Bob Beasley, Assistant Resident Highway Engineer; and Mr. Johnny Hurst, Contract Administrator, VDOT, next appeared before the Board. They reported on several items:

- Six-year plan budget figures. Figures received show over \$4 million reduction for the six years for Floyd County. 31 items will be dropped off the plan if we take the available funds and go straight down the priority list. This is not the final allocation, but we expect it to be close. We will drop from 73 projects to 42 projects over the 6-year period. Suggest that we take the funds as far as they will go and do as many projects as we can, and then do an update in the Fall. This is a 41% reduction overall for the six years.

Chairman Ingram questioned how the percentage of cuts are made - is it the same all over the State?

Mr. Goad - it is based on a formula according to population, growth, miles of road, etc., but it is the same formula for everyone. The maintenance budget has not been cut, we do need to perform the maintenance on the roads.

- Revenue Sharing - we have a balance of between \$90 - 100,000 left from projects that were done over the last four years. In 1998-99 we worked on Routes 615 and 750; in 1999-2000 we worked on Routes 622 and 860; in 2000-2001 we worked on Routes 722 and 612; in 2001-2002 we worked on Routes 653 and 681. Would like the Board to pass a resolution stating that the projects were completed and that the balance be transferred back to be used for other projects for this year. Routes 719 and 615 to the Parkway are planned for this year, and also Route 610 as far as the funds will allow.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt a resolution requesting that VDOT apply remaining balance of revenue sharing funds to projects planned for this year (Document File Number \_\_\_\_\_).

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

- There was legislation passed that deals with a program called Rustic Roads Program. This is a policy set up for low vehicle count roads to be able to perform limited construction, such as surface treatment, and maintenance on VDOT's right-of-way. This would be a limited use program, but I thought of Route 603 as a possibility. We have tried for years to obtain right-of-way from the Parkway to improve this road, but have not been successful. This road would fit into the program well because we could do the improvements at a small cost without re-construction. The Board would have to pass a resolution in support of the program. About one mile of the road would be done. The funds for this road have been sitting there for years, and we need to use them.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt a resolution in support of the Rustic Roads Program for State Secondary Route 603 (Document File Number \_\_\_\_\_).

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

Ms. Jennie Cooper and Ms. Amy Adams, from the Floyd United Landowners Association, next appeared before the Board.

Ms. Cooper - presented copy of letter their group had sent to Congressman Boucher to request that alternate routes be considered for the pipeline. Dominion has been very unresponsive. Our biggest issue is our water. We feel that Dominion has not taken our concerns seriously. We are concerned about adjacent landowners and their water. Their study that was done on the quality of economic development was not professional. We were told not to contact the Professor at Virginia Tech who is doing the study. The route that we propose is the one that FERC proposed to Duke - they must feel that it is environmentally and economically feasible.

Ms. Adams - I have prepared maps for our scoping meetings that shows all the water sources in Floyd County. This project impacts a great deal of water in Floyd County. The alternate route crosses Little River three times. This is unacceptable. I got the map from the State Department of Waterways and then drew in the pipeline route.

Ms. Cooper - we request that the Board of Supervisors support our request to FERC for the requirement of one - two miles of pre- and post-testing of water adjacent to the pipeline. Also request that the Board develop a standard of the minimum distance that a pipeline can be from wells or springs - the best that the Health Department can require is 50'. A Radford University professor contacted stated that in one-third of the time, blasting causes no problems, in one-third of the time, it will cause wells and springs to dry up, and one-third of the time it will cause contamination. We also request that the Board of Supervisors become interveners in the case - FERC does take this into account as to the more environmental and social impacts there are, and the more the company has to prove the need for the line. There are no customers in Virginia who will benefit from the line and the economic statement did not support the need.

They are also beginning negotiations before they receive their certificate from FERC. They want a two-year option before they get their certification of approval. If they have all their options from the affected landowners, it would show to FERC that the people don't care about the pipeline coming through their property. We are very concerned also about the lack of information from Dominion, Duke is very willing to provide information.

We would really appreciate the Board's support of our letter and to become an intervener in the case. We hope to have a scoping meeting in Floyd County later this Spring.

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

- presented copy of School Board meeting highlights for April 15, 2002;
- presented copy of School Board meeting highlights for May 13, 2002;
- Willis Elementary - lost their ballfield with the new construction - are taking bids now for the field construction, should be done in the next six weeks. Will keep the present smaller field for the younger children;
- Southern Association committee came to the High School for a visit - they were very positive about the high school environment. Presented copy of the commendation/recommendation report;
- Membership report ending April 30, 2002 - 2014 students, 2025 students projected for next year;
- Presented copy of SOL writing scores;
- Presented request for supplemental appropriation for additional funds received for increased enrollment, Sliver grant, Title I, Title VIb, Technology Literacy Challenge grant, and construction funds carry-over. The change total is \$459,929.00.

apples to apples, we received only \$15,000 in new State funds this year.

The Board recessed for lunch at Willis Elementary School.

Mr. John Rife, Sands, Anderson, Marks & Miller, next appeared before the Board.

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

Agenda Item 7gii) - Report on sale of properties with delinquent taxes. We have started the appraisal process; the deposition date will be scheduled soon; then the notice of auction will be published. Two more properties have had their delinquent taxes paid, so we are now down to eight properties in the first group. It will probably be 60-90 days before the sale date.

Agenda Item 7giii) - Discussion of ordinance for exemption from taxation - defer.

Agenda Item 7giv) - VDOT Industrial Access Road Bond. Have spoken with the VACo Leasing Program - they had questions as to what the bond will be used for. Will forward a copy of the contract to them, and we should be able to move ahead very quickly.

Lease Agreement with Bank of Floyd for Courtroom and Clerk of Circuit Court office space. The Bank's attorney has completely revised the draft we prepared. We have asked for the indemnification clause to be removed. Will be working closely with their attorney to resolve this matter.

Agenda Item 8k - Resolution in support of House Joint Resolution 81.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to adopt the resolution, as presented, in support of House Joint Resolution 81 (Document File Number \_\_\_\_\_).

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

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion of personnel matters; and Paragraph A.3, discussion 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 Boothe - absent  
Supervisor Belcher - aye  
Supervisor Whitlock - absent  
Supervisor Gerald - aye  
Supervisor Ingram - aye

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

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

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

This Certification Resolution was adopted.

Chairman Ingram presented a letter request from The Jacksonville Center for a \$1000 contribution toward their property note, as discussed at the Board's last meeting.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to authorize a \$1000 contribution to The Jacksonville Center, to be paid from the tourism development line item, and add to the monthly disbursements.

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

Supervisor Boothe entered the meeting at 2:10 p.m., Supervisor Whitlock at 3:05 p.m.

Agenda Item 81 - Presentation of proposed FY03 budget. Mr. Nester presented the budget, as proposed, for the FY03 fiscal year. Some of the highlights include:

- tax increase to \$0.61/\$100
- increase of E-911 fee to \$3/month
- have moved construction projects that are funded by grants and bonds to a capital improvement fund and out of the General Fund;
- funding included for employment of an additional Sanitarian for the Health Department;
- contract services with Carillon for daytime ambulance services;
- funding for the LEOS program for Sheriff's Office employees;
- total budget is \$23,065,213;
- net increase for schools from the State is only \$15,000 in new revenue, new revenue from the County is \$265,000

Discussion and questions followed on the proposed budget. Mr. Nester commented that he did need to add \$2400 under the contract ambulance service for gas and radio equipment that was not included.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on June 11, 2002 at 7:00 p.m. on the proposed FY03 budget and tax rates, in the Board Room of the County Administration Building.

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 adjourn.