

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 20, 2002**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 20, 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 Invested Cash as of June 30, 2002 and August 20, 2002; the Trial Balance as of June 30, 2002; and the Revenue/Expenditure Summary Report as of June 30, 2002. She reported that invested cash as of today is \$1,187,000 less than last year at the same time. She also presented the delinquent real estate and personal property tax lists for 2001. Real estate collections for 2001 were 98% and personal property collections for 2001 were 96.8%. The Board will need to decide if they want to advertise the list in the local newspaper or just display the list at the Treasurer's Office.

The minutes of July 2, July 9, July 15, and July 22, 2002 were presented to the Board for approval.

Supervisor Whitlock - in the July 9 minutes, in the Public Comment Period, we received comments about possible asbestos in the Courthouse. We took a break and Mr. Nester went to the Courthouse to investigate. I think we need to reflect in the minutes that we took a break at that time and Mr. Nester investigated the situation. Minutes need to reflect that the concerns were taken seriously.

Supervisor Ingram - probably need to add that comment on page 3.

Supervisor Boothe suggested adding a sentence “The Board recessed so the Courthouse situation could be investigated by Mr. George Nester and Mr. Jim Whitten and reported back to the Board of Supervisors”.

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

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

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of July 2, July 15, and July 22, 2002 as presented.

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

The monthly disbursements were presented to the Board for approval. A list of additional disbursements was also presented for the Board’s consideration. Questions and discussion followed.

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

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

Further discussion followed on the monthly disbursements.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, 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

Agenda Item 8a - Subdivision plats as approved by Agent for July 2002 - Mr. Nester reported that seven new lots were created this month - for the Board’s information.

Agenda Item 8b - Appointment to Workforce Investment Act Board of Directors - business representative - term ends March 31, 2004. The Board deferred the matter as no

replacement has been found.

Agenda Item 8c - Appointment to Floyd County Social Services Board - Burks Fork District - 4 year term from July 1, 2002 - June 30, 2006. Mr. Nester reported that one response had been received to the recent advertisement.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to appoint Mrs. Brenda Howell to the Floyd County Social Services Board, representing the Burks Fork District, for a four year term of July 1, 2002 - June 30, 2006.

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

Agenda Item 8d - Revenue Maximization Program for the New River Valley Social Service Departments.

Mrs. Ellen Johnson, Social Services Director, appeared before the Board to explain this proposal. She reported that the New River Valley Social Service Departments have received a grant to fund a coordinator position for the revenue maximization program. This person would review all records of each agency to see if any Federal funds reimbursements could be found. There are no local funds required for the position. At the end of the grant term, we have the option of leaving the program if we find it is not cost effective. This program looks at the administrative portion of our programs. We have been told that we will receive half of the funds found as a reimbursement.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and unanimously carried, it was resolved for Floyd County to participate in the Revenue Maximization Program, as presented.

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

Agenda Item 8e - FY 2002-2003 Performance Contract between New River Valley Community Services Board and the Department of Mental Health, Mental Retardation and Substance Abuse Services. Mr. Nester reported that each County in the New River Valley is required to enter into a formal agreement with the Community Services Board so they can provide services to County residents.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to authorize the County Administrator to enter into a performance contract, on behalf of the County, with New River Valley Community Services Board.

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

Mr. Junior Goad, Resident Highway Engineer and Mr. Bob Beasley, Assistant Resident Highway Engineer, appeared before the Board.

Mr. Goad reported that the Revenue Sharing Program with the County had been approved and work should be completed before cold weather.

Mr. Goad commented that he had received a letter from the Check Ruritan Club concerning the intersection at Route 670/612. The group was asking if anything could be done to improve this intersection. I have looked at it, and the sight distance is very limited. We may be able to sign it to increase awareness of the dangerous spot.

Supervisor Ingram - at some intersections, you have extended the pavement back onto the gravel roads. This keeps people coming out of the gravel roads from spinning and enables them to get going quicker and out of the way of oncoming traffic.

Mr. Goad - it also helps us to keep so much stone from coming out onto the paved road. We will look at the site again to see what we can do.

Mr. Goad reported that the surface treatment crew will be in Floyd County beginning on Wednesday.

Supervisor Whitlock - have you found out anything on Cannaday School Road as far as the safety issue I asked about? One side of the road is owned by one person and he will give up to 10' for right-of-way.

Mr. Goad - we will look at it further.

Supervisor Boothe - thank you for the road signs on Storkers Knob and the 25 mph speed limit. I can see a difference in the traffic flow. Also appreciate the Route 705 widening and work on the curve. How is the lining of the road handled?

Mr. Goad - lining is based on three things: 1) road width; 2) road count; and 3) if it is a fog area.

Supervisor Boothe - the citizens on the road have requested that you look at it for lining.

Mr. Goad - we will look at it. The Route 8 speed limit study was also completed, but we have not gotten the signs up yet.

Supervisor Boothe - Route 706 entrance onto Route 615 - we were also going to look at placing guard rail about a mile past this intersection.

Mr. Beasley - I have looked at it, but wasn't clear about which site we were speaking of. There are several sites that could use it.

Supervisor Boothe - Route 8 South - surveying is being done, is the bridge being replaced?

Mr. Beasley - in 2004 - we will re-build the super structure. This comes out of district primary bridge maintenance funds.

Mr. Goad - we have re-built the bridge on Route 681 - will be re-doing one on Route 860. The road will be closed about a week.

Supervisor Boothe - have you heard anything about the Route 221 speed studies - from Route 719 intersection to Route 681 intersection.

Mr. Goad - have not heard from them yet.

Supervisor Boothe - Route 810 needs some maintenance attention. The maintenance work was started but not finished.

Supervisor Boothe - we do appreciate all the work on the dirt roads, especially with the type of weather that we've had.

Supervisor Belcher - thank you for the mowing that has been done on the secondary roads.

Supervisor Belcher - Route 758 past Woodberry Inn. Patching is being done, is it set for treatment soon?

Mr. Goad - we will have to check.

Supervisor Belcher - Tuggles Gap Road - could some grading be done to help with the washboarding?

Mr. Goad - we will work it in our schedule.

Supervisor Belcher - Route 603 status?

Mr. Goad - we have finally gotten approval from the Parkway on our proposal. They agreed to our plan of action.

Supervisor Belcher - Route 799, Conner Grove Road, at the intersection of Route 783, Thistle Hill Road. There is a culvert there that needs to be cleaned out. If we get any significant amount of rain, it will be in the road.

Supervisor Ingram - has the speed study for Route 610 been completed?

Mr. Beasley - have not heard anything at all.

Supervisor Ingram - appreciate the mowing on secondary roads, some will need it again. Also appreciate the grading on dirt roads.

Supervisor Ingram - there is a culvert on Kelly School Road that is stopped up, if that could be checked.

Supervisor Whitlock - appreciate work that you are doing. More trimming needs to be done, especially up higher. Notice several counters around - are new road counts being done?

Mr. Goad - they do the counts on primaries regularly, do counts on secondaries every two years.

Supervisor Gerald - appreciate all your work in Indian Valley. Do you know the status of the Peppers Ferry Bridge?

Mr. Goad - I have spoken with the Montgomery Resident Engineer on the situation. A contractor hit the bridge from one end to the other. I don't know if they are going to do maintenance on it, or re-build it, they have not decided. It will be expensive either way.

Supervisor Gerald - given the financial situation of the State, could you comment on the road projects for Floyd County?

Mr. Goad - we have several bids ready to go out in October ads. We don't know the full effects yet. VDOT is funded mostly from funds other than the General Fund. We are hoping that the projects stay on track.

Mr. Goad - after Labor Day we will be putting the second round of liquid chloride down in Floyd County. The liquid seems to work very well for us.

Mr. Goad - ask that the Board consider when you wish to hold the public hearing for the 6-year road plan. We usually hold it in November.

Agenda Item 8f - Transfer - Carilion contract service from General Fund to Fire/Rescue Fund. Mr. Nester explained that when the new fiscal year budget was adopted, that the expenses for the Carilion services were mistakenly placed in the General Fund. They should have been placed in the Fire/Rescue Fund. Would request that the Board transfer this budget item to the

Fire/Rescue Fund retro to July 1, 2002.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the transfer of \$122,400 from 4-001-082050-6052 to 4-010-032030-3213.

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

Supervisor Boothe commented that we also need the Rescue Squad to look into their vehicle rotation schedule to see if the Carilion service will lengthen the life of our vehicles.

Agenda Item 8g - Governor's request to include Floyd County in Declaration of Disaster Regarding Late Season Freeze. For the Board's information, received a notice on August 6 that the State has included Floyd County in its disaster declaration. It will now be sent to the Federal government for approval. This will provide primarily low or no-cost loans, not grant funds.

Agenda Item 8h - Transfer of funds received as reimbursement for Sensible Growth Seminar. Mr. Nester reported that State reimbursement funds had been received for the workshop and would need to be returned to the appropriate line items from which expenses were paid.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the transfer of \$5000 from 3-001-018030-0003 to 4-001-032040-8103; \$16.32 from 3-001-018030-0003 to 4-001-012010-5210; and \$168.25 from 3-001-018030-0003 to 4-001-082050-5656.

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

Mr. Nester next presented a proposed resolution for the Board's consideration. The resolution requested State and Federal consideration of relief for the drought conditions in Floyd County.

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the resolution concerning drought conditions, as presented (Document File Number _____).

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

Supervisor Ingram - aye

Mr. Nester next presented a copy of a report from the Department of Labor and Industry concerning their investigation of the Courthouse. The State conducted an investigation resulting from a complaint about asbestos in the building. The main point of the report was the sentence “investigation did not reveal any conditions which we consider to be violations of the law”.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to include the report from the Department of Labor and Industry concerning Courthouse conditions as part of the Board’s minutes and Document File (Document File Number).

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

Mr. Nester reminded the Board that the Reed property is being advertised for sale. The 60 day advertisement period will be up on August 27. We have received no responses to date.

Mr. Nester presented a letter from New River Valley Agency on Aging concerning the appointment of an alternate representative to their Board of Directors. The alternate needs to be either a Board of Supervisors member or County Administrator.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to appoint the County Administrator as alternate to the New River Valley Agency on Aging Board of Directors.

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

Chairman Ingram introduced Mr. Pete McCormick, representing BRIC, who was in the audience today observing the meeting.

Dr. Terry Arbogast, School Superintendent, next appeared before the Board. He presented several items for the Board’s information:

- Copy of school calendar;
- School Board meeting highlights from August 12, 2002 meeting;
- School enrollment report as of August 20, 2002 - 2022 students;
- Membership report as of August 20, 2002;
- SAT scores from 1997 - 2002 for Grade 2 students;

- SOL scores for 2001-2002;
- 2002 Summer In-service Activities that staff/teachers had attended.

Supervisor Whitlock questioned the space needs for sports that citizens had requested at the School Board's meeting.

Dr. Arbogast stated that the space needs, both for academics and sports, are being discussed.

The Board recessed for lunch.

Mr. James Cornwell, County Attorney, appeared before the Board. Mrs. Maggie Sutphin, Commissioner of Revenue, also appeared before the Board for discussion on the proposed amendments to the ordinance for exemption from taxation. Mrs. Sutphin commented that her main concerns were the inclusion of the disabled population and how the tax exemption calculation will be handled. She reported that for the elderly exemption now: 28 are eligible; 3 applied who were not eligible because of too much income; 2 applied who were not eligible because of too much net worth; 3 individuals eligible who received over \$200 in tax relief. The total amount exempted in 2002 was \$3712.13. The current ordinance requires an annual filing. The proposed ordinance calls for filing once every three years, with a certified statement the other two years. This would be very helpful for those citizens who have a difficult time coming to the office.

Mr. Nester commented that the low income level per HUD guidelines are: One person family - \$15,050; two person family - \$17,200.

After discussion, it was the consensus of the Board to defer the matter for further discussion.

Agenda Item 7ei) - Report on sale of properties with delinquent taxes. Mr. Cornwell requested that the Board be thinking about a possible sale date for the delinquent properties. Saturdays usually work well. There will be around a dozen properties to sell. An auctioneer is not hired, the firm will conduct the sale themselves.

Agenda Item 7eii) - Carilion Agreement. Mr. Cornwell reported that both Mr. Nester and Mr. Wirt had reviewed the agreement and found no problems. Carilion made the County's requested changes.

Supervisor Boothe questioned on page 3, item #3 - concerning the minutes of the committee being submitted - to whom will they be submitted?

Mr. Cornwell - should be to the Board of Supervisors.

Supervisor Boothe - I would like it to be added that an official copy of the minutes comes

to the Board of Supervisors.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the execution, by appropriate County officials, of the contract between the County of Floyd and Carilion Patient Transport Services, with the amendment that an official copy of the committee's amendments be submitted to the Board of Supervisors (Document File Number _____).

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

Agenda Item 7eiii) - Request for abandonment of section of State Secondary Route 741 - Mr. Cornwell stated that he had no report at this time, still researching the issue.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, Discussion of personnel matters; Paragraph A.3, Disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position; Paragraph A.7, Consultation with legal counsel regarding specific legal matters that require legal advice.

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

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

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

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adopt the following certification 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 matter,

property and legal matters in accordance with Section 2.2-3711, Paragraphs A.1, A.3 and A.7 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number (1) or number (2)? If so, identify yourself and state the substance of the matter and why in your judgement it was a departure.

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

Mr. Nester presented a letter from the New River Valley Radio Partners concerning a service on September 11, 2002 in recognition of the unsung heros from September 11, 2001. The service will be held at the Home Depot in Christiansburg. The Radio Partners were requesting that each jurisdiction adopt a resolution in recognition of the heros.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adopt a resolution in recognition of the unsung heros from September 11, 2001 and authorize the County Administrator to deliver same at the recognition ceremony on September 11, 2002 (Document File Number).

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 authorize the County Administrator to advertise for a public hearing on the proposed ordinance for elderly/disabled exemption from taxation, to be effective January 1, 2003, with the inclusion of figures of \$17,000 income level; \$200 exemption cap; \$6000 other relative income; and \$55,000 net worth.

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 set the public hearing for the proposed ordinance for elderly/disabled exemption from taxation at 3:00 p.m. on September 10, 2002 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 Whitlock, seconded by Supervisor Boothe, it was resolved to authorize the County Administrator to advertise the display of the delinquent real estate and personal property lists at the Treasurer's Office, and authorize the advertisement of the delinquent real estate tax list in the local newspaper.

The second and motion were withdrawn by the respective Board members.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, it was resolved to authorize the County Administrator to advertise the display of the delinquent real estate and personal property tax lists in the Treasurer's Office; and authorize the County Administrator to advertise the delinquent real estate list at the same time as the sale of delinquent properties are advertised.

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

Motion failed 3-2.

It was the consensus of the Board to have staff obtain the cost of advertising the delinquent tax list before a decision is made.

Discussion followed on the Huff vs. Huffman complaints that two Board members were dealing with. The County Attorney stated that he is still researching the matter and will report back to the Board.

The Board recessed for dinner.

At 7:00 p.m., the Chairman called for the joint Public Hearing, with the Floyd - Floyd

County Planning Commission, on proposed amendments to the Floyd County Subdivision Ordinance.

Members of the Floyd - Floyd County Planning Commission present were: Ernest Bryant, Chairman; Evelyn Janney, Fred Gerald, and Larry Petrie. Staff present were: Robert Britt, Subdivision Agent; Lydena Martin, New River Valley Planning District Commission.

The County Administrator read the call for the Public Hearing.

The County Attorney gave a brief synopsis of the proposed amendments:

- clarification of enforcement provisions;
- reduction of some requirements of the ordinance;
- VDOT approval on plats only if a new street;
- surveyor will certify whether water/sewer is available within certain distance of division;
- eases road requirements in agricultural divisions;
- family divisions - survey required only for section being divided, residual survey not required.

The Chairman opened the Public Hearing for comments from the audience.

Ms. Beth Honeycutt - I am here representing myself and also my uncle, Preston Hatcher. The first thing I would like to discuss, and I'm not sure if I totally understand the ordinance, but to my understanding, it says that in a family lot or acreage, that it is a minimum of two acres that you divide, which I oppose. I don't need to worry about that personally but I think as far as the people in Floyd County, our community. I can understand that in other areas that may have these ordinances, larger lots, where the income is much more substantial than our County. I think you have driven a lot of our young people out because they cannot afford to own property, nor are there jobs here. So if their parents want to leave them or give them one acre, and they only have four acres and they have three children, then someone is going to be shorted. And I also feel that our President, I don't know if any of you listen to his lectures, that he just made the comment that he would like to see all Americans, especially the under-privileged, own land and have the opportunity to own a home. Now I was born and raised in Washington, DC. I have lived in Northern Virginia, in Fredericksburg. I have family in Spottsylvania. Now, I don't know of any of those Counties, the homes are much larger, they don't even have a minimum required of two acres. And someone here tonight told me it was because of sewage, because of the traffic turnoff, the traffic. This County to me has very little traffic compared to the average County, at least in the Northern part of Virginia, it does not have this requirement. But I think you are doing an injustice to the people in this community and their families, to put a minimum of two acres. Those are my personal feelings on that, I think that is wrong. I think what it is really saying, and I may be reading it the wrong way, the people that have trailers, we don't want you here. Because there aren't many people, the average people in Floyd, our main people, that can afford to buy two acres of property at this time. Especially with the economy the way it is right now. There are fewer jobs, there is less income, our taxes keep going up. And now you are

saying that, in order to leave any property to your children, it has to be minimum of two acres. So who are you going to say that you don't like that much? You are my favorite child so you get the two acres and I can't divide it between my two children. Now I'm not saying that this my situation, but I am just trying to look at everybody in this County. My uncle, on the other hand, has a concern that he would like to leave each of his granddaughters one acre of property. But he can't do that because the minimum is two acres. I think that this is an injustice. I think that it is showing some sort of prejudice against the property owner and the family. His concern, Preston Hatcher's, is the fact that, and also my concern too, that he would like to give his church 2 acres of land. But he does not have 250' of road frontage. The dump is on one side and the other neighbor does not want to sell. So even though he can present this to the Board, or whoever, it doesn't necessarily mean that it will be approved. So he is put in a situation where what's he going to do? He can't give the property to his church because you require 250' of road frontage. The average home in a city does not have 250' of road frontage. I think that this needs to be re-thought. And I think that both of these situations, really rather than having our District representatives address it, I think it should go to the voters on the next election and let it be voted upon.

Mr. Jim Woltz - I have been in the real estate business for 29 years, selling Floyd County property for about that long. I have several questions to get some clarification. The offering of property for sale before a map has been approved. Recently our company had an auction up here and we moved it through the same approval process that we've used for years. I think the Planning Commission decided they wanted to make a precedent case out of it, so we were fined for offering the property for sale before the plat was approved. We tried to get it approved, but they wouldn't let it be approved in the normal channels that we always used. We were fined \$8000 and paid it. Subsequent to that though, there are lots of properties offered every week in the newspaper violating that same regulation that we were fined for. And I wanted to know whether that is still going to be part of the Subdivision Ordinance and who defines what is being sold. It says offering for sale, is that still the case? That is question number one. During that conversation, there was some discussion about wanting to prevent urban sprawl. I would have to agree with the lady that just spoke. I think somebody has been to too many seminars in Northern Virginia. I don't think that is going to happen here in Floyd County. We are licensed in about six states in the mid-Atlantic region and we do auctions all over this part. Where we see it is where jobs are being created and people are coming to put in industrial buildings and I don't see that happening here, so I think it is over-kill to a big extent. The second issue is private roads. You allow them in your ordinance. Just recently we came back before the Planning Commission again to ask to get a plat approved and were told it couldn't be approved because the surveyor wouldn't sign a statement certifying that the private road could be brought up to State standards in the future. I think this is pretty ridiculous. If you are going to have private roads in your subdivision and you want the surveyor to certify that that road can be brought up to State standards, it is somewhat ridiculous to have that on a plat that's for a 25 acre parcel with a private road off of a State road. If somebody wants to turn it into a State road, let them make the application then, and then it can go through the normal procedure as it is in most Counties. It costs about \$75 or more a foot to build a State road and I don't think it is cost effective to access 25 acre parcels, that would be only for small lot subdivisions. And there again if you are trying

to prevent urban sprawl, let your 25 acre minimums be in place and if the State road didn't go in, you are probably not going to have your urban sprawl. Last, in the survey of residue, I think you have taken care of that, in that it is not going to be required now. Also, you have a designated Agent that can approve plats. I am curious to know how many tracts that Agent can approve. Can he approve agricultural subdivisions or do they have to go before the Planning Commission? You are requiring a plat to be on record before a property can be sold. Well I agree with that but my definition is when something is sold, its when the deed is getting ready to transfer, not when it is offered for sale. By doing that, in our business, when we offer something at an auction, we have no idea how its going to be sold, what the final configuration of that tract of land is. To require to have it recorded ahead of time, I have no problem with it approved ahead of time, but to record it I think is something that when it goes to record, let it be recorded.

Mr. Charlie Richards - I have just a couple of points. (To Mr. Woltz) - I'm sorry that you were fined, but that's the first time I've heard of this ordinance being enforced. Now I don't know if it was an ordinance or a law. I don't see how they are enforced, so I don't see how it happened. I said the same thing when you voted on the other ordinances, I opposed most of the other ones. I think that as far as the one about surveying the remnant of the subdivision, you say that a surveyor has to certify that its at least two acres. And I don't know how you could do that without surveying it. Most of the deeds in Floyd say more or less. So if your deed says 30 acres and you subdivide it four ways and make four lots out of it, and you don't survey the last two sides of the last lot, I don't see how you know what the acreage is, I don't see how you could use that as a tax base. Of course that runs up the cost of a family subdivision. It also looks as though there can be no square lot. In other words, it has to be deeper than it is wide. I don't understand how that cookie cutter approach can fit everything around here when all the property doesn't lay out square. You said that it has to be approved by the State if you are going to have a road. Well, I don't have a problem with that. We came up here about a piece of property that belonged to the State that was trying to be transferred and you said well, that was right and it wasn't going to happen. But to the best of my knowledge, nothing has been done about it. I know you can't un-record something, but I thought there could at least be an addendum or something that was added to it that said that this was incorrect. That's all I have.

Mr. J. C. Holden - I don't guess I have to tell you who I am, I've been up here every meeting that you've had. I'm J. C. Holden and still have the same problems that I had when I was up here two and one half years ago. Its good to see that we have a County Attorney, I guess that's him sitting back there. He sure is hard to get hold of and even harder to get an answer out of. I'd like to talk to this fellow over here, I think my lawyer would, because he said he was fined \$8000 and we've been up here for two and one half years with a man next to us violating the ordinances, one after the other. I get answers such as, the County Attorney doesn't know what to do. I got an itch from him that he was going to take care of it two and one half years ago, and nothing has been done yet except there is 15 warrants ranging from misdemeanors to felonies over there in the court that can't be heard because the Circuit Court hasn't ruled that we own a piece of land that was bought. There was a piece of property that Charlie mentioned there that they wanted abandoned. We came up here and said it shouldn't be abandoned. The Board of Supervisors agreed to that. So the man deeds it to the man next door with a lot line revision.

So we bring it back to the attention of the Board of Supervisors. And the Board of Supervisors supposedly, and we got a letter from them, saying that this was rescinded. I was over in the Clerk's Office last week and the Clerk over there doesn't know that. The plat that they entered with them having that piece of property to be used as collateral on the loan that he has, there has been nothing on record in our Clerk's Office that this has been rescinded by the County, that it still belongs to the State. And occasionally we are still blocked from using it, which crosses our driveway. The man next to us has had four subdivisions since 1985, everyone of them was in violation of the ordinance. The last one, I talked to Mr. Britt and he said that him and Mr. Nester figured out that it was legal. And I've yet to figure that out, how it was. I got a letter today, Robert, from my lawyer, that says that piece of property across the line, that makes lot number 4, he is still claiming it, and he's already sold the other three lots, and this is not even on the plat. So, it looks like to me if I understand the way the ordinances are written, that there is a \$500 fine for each lot he does wrong, and each day until he corrects it, it wouldn't take long for our County to get wealthy and him to get broke, and he'd quit selling it, and sell it all and be gone. Maybe go back to New Jersey where he ought to be. But, anyway, he has another subdivision in the process now, that the plat I brought to Mr. Britt's attention, he agreed that it was improper. When I talked to Robert Friday, I believe that he said it was in Cornwell's office. And, that he had asked Mr. Cornwell, and Cornwell said he didn't know what to do. So, now why are we supposed to come up here and make comments, and how are you folks supposed to make laws that we are supposed to obey, and if I remember correctly, when we had this ordinance it was written one way by you folks and Mr. Cornwell decided that he ought to re-write it, so that we could understand it. The one that was approved is his revision of it. Yet, he doesn't know what it says and he wrote it. How in the world are we supposed to comply with these things when the man that wrote it and then re-wrote it so we can understand it, doesn't understand it. The two acre lot, according to this ordinance, you can't sell two acres square. You make it a 1/4" deeper than it is wider, you can sell it. But you can't sell it square because the ordinance says it has to be deeper than it is wide. Then it says that you are not going to issue building permits if your property is wrong. You are punishing the one that bought the property, not the one that sold it. He's out of it. We had a situation down there for two and one half years where the man sold us property that did not belong to them, property that he sold another man the same piece of property, it overlaps 31'. He sold it without surveys, some of it with surveys, some without. And all of those are violations of the ordinance. He sold a piece of property that was an acre with a 10' right-of-way, minimum was 5 acres at the time. All these things have happened. Mr. Cornwell told me he was going to take care of that two and one half years ago, it is still standing.

Chairman Ingram - you have about 30 seconds left.

Mr. Holden - my wife is not going to say anything, can I use her four minutes?

Chairman Ingram - no sir.

Mr. Holden - Carolyn, you read the rest of this. Are you sure that is proper David?

Chairman Ingram - yes sir, each person has four minutes.

Mrs. Carolyn Holden - Or Joyce Holden, I live on Conner Road in Copper Hill. We are going on three years with this ordinance stuff. It bothers me that you all want to revise and revise and revise, when you won't enforce what we already have. And that seems to be more important than trying to change it. Are you trying to confuse us where we don't know what in the world is going on? Because obviously you must be confused. But, you need to really concentrate on the enforcement of these laws. I mean you can sit here and make them all day long but if they are not enforced, they are of no value to no one. And we would like to have this remnant surveyed in our opinion. There is no way that you are going to know what anybody has without the remnants being surveyed. Its like vaccination of a dog for rabies, unless he stays at home, it really doesn't do much good, does it? I just think that you all have your focus in the wrong direction, you need to concentrate on enforcement of what you already have. Obviously, in the past you have not enforced it. Had you enforced it, there would be a lot of people that wouldn't be in trouble. Like this man over here that's already dished out \$8000. Why you picked on him, probably because he's a big auctioneer, or whatever he does is big time for you all, I don't know why when there is a man in our area that's doing worse things than he probably ever thought about doing, and you do absolutely nothing to him. Its already cost us \$8000 in lawyer fees in trying to get this straightened out. I really think you need to look a little deeper, obviously you are missing the point.

Mr. Blane Tanner, Jr. - Copper Hill District, Meadow Run Road - I had a situation happen to me, its about this survey, the remnant survey. I've been on my place 30 years, and I'm ashamed to say I've never had a survey done. I'm also ashamed to say that my neighbor across the road never had a survey done. The fellow is not really my neighbor, he just happens to live across the road. But, anyway, when they did have one done, come to find out what I thought and they had thought for 30 years, was about a 50' piece of land on the side of a hillside, turned out to be an acre and one quarter. Still isn't much, the land is not much good, but it just happened to take 200' of my frontage. When I thought about this remnant survey, I guess when the fellow and knowing him, I'm sure that he didn't do this on purpose. When he sold that little piece of property, which had a pond on it, I'm sure he didn't realize that it came over into his barnlot, up beside of his barnlot, and I'm sure that they didn't either. But of course now they claim that they did. At any rate, what I'm saying is that maybe this survey of the remnant or having something done there, might be something you want to re-think.

Mr. Sam Hardy - I wanted to clarify the survey of the residue of the properties. The way I understand it is that the change will be for family divisions only and I think that's unfair. The typical case, Randy DeHart here, he has 250 acres and wants to sell off 100 acres off the back, did not want the expense of surveying the rest of the land. I think you could use the tax rolls to see how much land he's got left. If he had five acres left, then you might say well, he needs a survey done. But it would cost him a lot of money to survey an additional 150 acres. Basically, the residue thing is my main point. If you've got 1000 acres and you want to sell off 25 acres in the back, the need to survey that 975 acres I think is very unfair. But if you do this for the family subdivision I think you should do it for the individual also.

Mrs. Linda Hatcher - I have got two girls and my father-in-law wants to give them each an acre of land. And they can't afford to buy any right now. I don't think it is right that you are going to take this away from them. Just because you all are rich and look down on the poor, I don't think it is fair. I mean that is just not right. Young kids coming up these days, they ain't got a pile of money. And I think it is wrong. If their grandpa wants to give them an acre of land, I think they should have it. If you got three or four kids and you ain't got but four acres of land, you cannot give them all an acre of land. I don't think it is right.

Mr. Jennings Bolt - I am a land surveyor. This thing of surveying the residue. If a man's got 200 acres and has to sell off a two acre lot to pay his taxes or something, and has to have the other surveyed, then he hasn't gained anything. It will cost him more to survey the land than he will get out of the lot and its not right. I'll go back to what I said last time. Take it back to one acre, require a perk test, if it takes more than one acre, then they have to have it, but make the minimum lot size one acre.

Mr. Dave Burris - Burris Soil Services, AOSE, CPSS, and I want to talk about the reserve area. Having a reserve area that's equal to the size of the drain field is quite a bit above what the State requires. In fact, most of the drain fields in Floyd don't require any reserve area and I think this will cause extra unnecessary burden. A lot of this soil does perk real well, but then we have mountains too, and some of these lots are not going to perk, even with two acres, if we have to go to 100% reserve area.

Mr. Mike Turman - this 4.52, it says access roads need not be constructed for agricultural subdivisions, plats must include 50' wide access easement for use as access road by all parcels. It shows up on the plat, the access easement, copy of survey shall be shown on the plat with either boundary or centerline meets the description. So I assume what you are getting away from is the engineered road into these 25 acre tracts. I don't know the answer to this, but one problem I see immediately is if a guy gets that and sees a 50' right-of-way, he is going to assume that at some point in time that he can put a State road in. This may or may not be true, but it needs to be clarified where he doesn't come back to you later on. I don't know the answer, but it needs to be clarified.

Mr. Kenneth Nolen - live on Ridgeview Road. This lot I bought, or part of it, was surveyed in 1978. I bought some tracts that adjoin that. My boy has got a trailer up here on one of the tracts and it just has an acre frontage to it, and then it widens back off. He has had a trailer up there for a long time and if you got to have 250' frontage, I have 150' frontage here, already have a septic tank on it and he is living up there. I was going to give him that acre off of it, because I have got access to the other 13 acres that would be left from the 14 acre tract. So what do you do in a situation like this when we've already spent the money for the septic tank being put in, and now it is subject to the two acres, but it has to be a certain width or depth, or whatever. What do I do in a situation like this? Do I have to give him the whole 14 acres? Because, I mean, the land was tracted up and sold back in 1978. This was I was wanting to know.

Mr. L. J. Quesenberry - I am a land surveyor from Carroll County. I want to restate what Jennings talked about, the two acres. This seems to be too much. I am from Carroll County. All Carroll County requires is 20,000 square feet and I don't know of any major problems. I'm sure there are some, but I don't know of them. The other thing is the road frontage requirements, which is 250' road frontage with residual property requiring 250' of road frontage. That is 500' of road frontage that the owner has to have before he can cut off one lot. Well, what about the greater than 50% of lot owners in Floyd County that do not have 250' of road frontage? I think you are stepping pretty heavily on the rights of these property owners.

Mr. Jim Belcher - I would like to also comment on Section 4.52 on the 50' right-of-way. I think there will be a lot of confusion on that right-of-way if it is not clarified, maybe in the deed or someplace like that, it does not necessarily meet the State specifications. The State specifications, you may not really be able to build a road in there because of drainage or the steepness of the grade, or the site distance, or many other factors that will go into it, it may be going through a swamp or something. If most people see the 50' right-of-way, especially someone that is not familiar with the Ordinance, and has never done one of these before, they may think that this 50' right-of-way, that you could build a road in there to State specifications. But you are going to have a lot of problems other than just having your 50' right-of-way. So you might want to consider having it put in the deed or on the plat or something that there are other things involved.

Mr. Steven Dalton - I would like to comment on the reserve area. Virginia ranks way up on the list as far as being stringent with drain field requirements, as it stands now. 100% added onto what you already have is probably over-kill especially if you check with the Health Department and see what the percentage failure rate is, as it stands now. At the same token, on some of these mountain tracts, where they are trying to get two acre tracts and cut them as small as they can, if it stands as it is, you may not have the acreage, it may take four acres to get the 100% reserve area on the drain field, even trying to cut them up as small as you can. That may be a problem on down the line also.

Mr. Raymond Underwood - A couple of things - I would like to reiterate the two acre deal. There are a lot of young people who cannot afford to buy the two acres, there are a lot of older people who don't want over one acre to take care of the rest of their days. It would be nice to be able to sell them a one acre lot. It is my understanding that anything under 25 acres has to be perked and a survey done to get the subdivision approved. You need to think about that, no two people think about building a house in the same place. Mr. Whitlock just had several perked and I bet they won't be used, they will be moved from where he had them perked. And that is just added cost to the people that are trying to build there. They have already paid the price for the perk one time for somebody else's thinking that the house might need to be at another place. Its really simple to get by that if you will stop and think about it. If you approve the subdivision and the owners have it like they want it, if it doesn't perk, you can't build. So why put that cost in there until its sold and the man knows where he wants to build a house, and you are not paying for 4 or 5 different perks on a 25 acre tract of land?

Mr. J. C. Holden - one question that I need to ask, and a lot of other people have asked, I've asked Mr. Britt, and Mr. Britt says he hasn't got an answer to it, someone here should be able to find out the answer to this. It affects everybody sitting here, surveyors included. If a main highway separates a farm on both sides of the road, is two lots already, or is it treated as one lot?

Mr. Terry Thompson - just like Jim, I was fined \$2000 on a plat. What I did wrong was not recording the plat before I advertised it and was fined \$2000, or my company and the land seller was. I was told by two Supervisors, I don't know whether it is true or not, that somebody else who was fined was warned twice before they were fined. If this is true, I ask you to treat everybody the same. If you are going to give warnings, give warnings. If you are going to fine on the first offense, then fine. If it is ever changed that the plat does not need to be recorded before you advertise the property, which I was charged \$2000, I would please think that if you think it is wrong, then \$2000 should be given back.

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

The consensus of the Planning Commission was to defer a recommendation to the Board until their September 3, 2002 meeting when the full Commission is present, and in case other comments are made.

Consensus of the Board of Supervisors was to defer the matter of the amendments to the Subdivision Ordinance pending a recommendation from the Planning Commission.

Supervisor Boothe stated that he would like the Planning Commission and Board of Supervisors to consider again the change from two acres to one acre for a division, since that did consistently come up at this meeting.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on September 24, 2002 at 7:00 p.m. in the Floyd County High School Auditorium on the proposed Floyd County Comprehensive Plan.

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 to August 27, 2002 at 7:00 p.m. for a work session on the proposed Floyd County Comprehensive Plan, with an ending time of 10:00 p.m.

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

Supervisor Gerald - aye
Supervisor Ingram - aye