

**BOARD OF SUPERVISORS  
REGULAR MEETING  
JANUARY 14, 2003**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 14, 2003 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 Supervisor Gerald.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Invested Cash as of November 30, 2002 and January 14, 2003; and the Trial Balance as of November 30, 2002. She also presented a summary of collections for real estate and personal property. Real estate collections were 94.12% and personal property collections were 88.97%.

Supervisor Gerald commented that some localities have a monthly payment plan for the citizens to pay their taxes, do we have that ability?

Mrs. Thomas stated that some taxpayers do pay monthly or quarterly, we do not send them a bill, they just come in and make payments. We try to let people know about this option, but not many people seem to be aware of it.

The minutes of December 10, December 26, 2002 and January 2, 2003 were presented to the Board for approval.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the minutes of December 10, 2002; December 26, 2002; and January 2, 2003 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 were also presented for the Board's consideration. Questions and discussion followed.

On a motion of Supervisor Belcher, 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 the Agent for December 2002. Mr. Nester reported that nine new lots were created during the month.

Agenda Item 8b - Appointment to CSA Management Team. Mr. Nester presented a copy of a resignation letter from Mr. Gino Williams from the CSA Management Team. Mr. Williams was appointed as a local government representative, and it is the Board's choice as to whether to replace him or not. The Board deferred the matter for discussion later in the day.

Agenda Item 8c - Transfer of funds. Mr. Nester presented a copy of a letter from Ms. Dawn Barnes, Extension Service, requesting the approval to transfer \$250 from their office supply line item to their mileage line item. Funds are available within the specific line item for transfer.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the transfer of \$250 from 4-001-083010-6001 to 4-001-083010-5510.

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

Agenda Item 8d - New River Valley Community Services Board funding formula. Mr. Nester requested that this item be deferred until next month's meeting. Some preliminary information has been received, but I do not understand it, and would like to obtain more information before I make my report to the Board.

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

Ms. Annie Guppy - I have a question concerning the Comprehensive Plan that was recently adopted. The plan that was sent up by the Planning Commission had some wording regarding zoning that was changed. The wording by the Planning Commission was they wanted to adopt some form of zoning and it was changed in the final form to study some zoning. So the questions are what's your plan around that? When do you plan to do the study and how will you involved citizens in that? Because there is so much dissension and diversity of opinion around this issue and so many factors to think about. It feels like it would require lots of heads to actually make a document that would work in this community. So, that's my question. I don't know if you will answer questions.

Chairman Ingram - we don't during Public Comment Period but we are writing them down and George or myself or someone will try to give you some answers at a later date. Its just our procedure and I hope you understand, we just don't answer questions. We are here to listen to you and whatever comments and questions that you have, and we will try to answer those questions later. But at this point we do not.

Ms. Guppy - all right, it feels incomplete, but if that's how things are.

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

Agenda Item 8e - Report on addition of retirees on County health plan to age 65. Mr. Nester reported that we are under a one year contract with Anthem. The contract would have to be amended, if possible, or changed at the next plan year. Anthem has to approve the addition of retirees to our plan. They have to confirm that the employees are qualified, such as the employee's participation in VRS for a set number of years. Because we are a small group, under 100, we are only allowed 10% of our enrollment to be retirees. The County would have to pay 50% of the premium cost. One of the risks is that claims costs are usually higher with retirees on the plan, because at their age they usually have more health problems. The School Board does provide coverage for their retirees, but they do not pay any of the premium.

Discussion followed on allowing only those that retire at age 62 to be on the plan until age 65 - deferred for legal opinion.

Mrs. Ellen Johnson, Social Services Director, next appeared before the Board, representing the CSA Management Team. She reported that five members of the team are mandatory members, with no term limits, which include: School Superintendent, Health Department Director, Social Services Director, Mental Health Director, Court Services Unit Director. There are two other positions - parent representative and private provider representative. There have not been term limits on these positions in the past. In the case of the private provider, since there are several agencies that serve the County, if we could have term

limits, we could have some “new blood” so to speak, with new ideas. Would request that the Board consider term limits for the two positions, such as two years. The Board deferred the matter for further discussion.

Ms. Deanna Cox, Robinson, Farmer, Cox & Associates, next appeared before the Board. In an overview of the audit, there are no major problems to report, and no management comments. The low fund balance is a concern, but the County has done several large capital projects over the past few years, so this is understandable. The requirements for the new financial schedules to comply with the GASB 34 requirements are also in place in this audit. A training session for the Board and staff will be held later on this year to familiarize everyone with the new requirements.

Agenda Item 8f - Resignation of Sam Hasell from Floyd - Floyd County Planning Commission - Burks Fork District, term expires June 30, 2005.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to authorize the County Administrator to advertise for letters of interest for the Burks Fork representative on the Floyd - Floyd County Planning Commission, to fill the unexpired term ending June 30, 2005.

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

Agenda Item 8g - State Secondary Route 741 - Request from County Attorney as to whether to have right-of-way opened. Mr. Nester presented a letter from the County Attorney's office indicating that the barricades have not been removed from this discontinued road, and would like the Board's direction on how they would like to proceed. Consensus of the Board was to defer the matter for discussion with the County Attorney later in the day.

Agenda Item 8h - USDA Black Vulture Abatement Program. Mr. Nester reported that USDA has a proposal to attempt to reduce the population of black vultures. They are not an endangered species. They are asking the New River Valley jurisdictions to donate a token amount toward the abatement program. The following have pledged support: Army Ammunition Plant - \$2000; Montgomery County - \$2000; Pulaski County - \$1000; and Giles County - \$400.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize a contribution of \$200 toward the USDA administered Black Vulture Abatement Program.

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

Supervisor Ingram - aye

Agenda Item 8i - Proposal to regionally fund Agricultural Extension Agent. Mr. Nester presented a request from Montgomery County to regionally fund and share an agricultural extension agent. The four Counties would contract with an Agent to serve all the Counties. The cost would be on a percentage basis according to the number of participating Counties. The funds are already in the local budget from the retired Agent, so no new funding would be required. Consensus of the Board was for the County Administrator to negotiate the contract with the other Counties and report back to the Board with details, for a final decision.

Mr. Junior Goad, Resident Highway Engineer, next appeared before the Board.

Mr. Goad questioned the Industrial Access road at the Commerce Park - is it ready for them to take into the system?

Mr. Nester reported that paving is complete, the shoulders have been stabilized, seeding has been done but growth has not begun. Feel VDOT may want to wait until Spring to ensure that the seeding has begun growth. Snow removal can be handled by County forces.

Supervisor Boothe - Route 221 and Route 8 speed study - are they complete?

Mr. Goad - Route 8 is complete and approved, signs are up. Route 221 study is not complete.

Supervisor Boothe - there had been a request made, maybe by the Town, for sidewalk along Route 8 down to Family Dollar, do you know the status of this?

Mr. Goad - you would have to have curb, gutter, the works. It has to be designed, and it is expensive. This would come out of primary funds. The hearing is set for March 25.

Supervisor Boothe - can you check to see if the request was actually submitted?

Supervisor Boothe - appreciate all the good work you have done.

Supervisor Whitlock - appreciate all the work, hope we can get some trimming done soon.

Supervisor Boothe - the lines on Route 705 have really helped, especially with speed control.

Supervisor Ingram - appreciate all your work. The gravel roads do need machining when the weather cooperates.

Supervisor Whitlock - are any bridges on Route 221 scheduled to be upgraded?

Mr. Goad - in the District plan, there is one on Route 221 and one on Route 8 scheduled.

Mr. Steve Davis, District Emergency Planner with the New River Health District, next appeared before the Board. He presented a handout to the Board on the smallpox threat and vaccination program. Some of the highlights were:

- there is no creditable threat, all work being done is only preparatory;
- smallpox is transmitted person to person over a long exposure period;
- last smallpox case in the United States was in 1949;
- last smallpox case in the World was in 1976 in Somalia;
- there are only 15-40 adverse reactions from one million inoculations;
- 30% fatality rate from smallpox;
- Regional Response Plan and a Regional Response Team have been formed;
- Meeting tomorrow night in Roanoke for education of first responders.

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented a request for a fund transfer for restitution received for damage to a police vehicle.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the transfer of \$28.13 from 3-001-014010-0002 to 4-001-031020-3310 in the Sheriff's Office FY03 budget.

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

Joining Ms. Weddle were Shannon Zeman, Chief Deputy, and Butch Johnstone, Senior Technical Analyst with the Department of Criminal Justice Service. Ms. Weddle and Mr. Zeman reported major problems with their CRIS (Criminal Reporting Information System). The system has been down since December 23. This system is actually the backbone of their entire network and records management. The system was purchased in 1994 and is DOS based. Have had a lot of trouble with the system over the past several months, but have always been able to get it back up and running. One of the features of the system is the reporting done to the State, which in turn enters into the funding formula that is returned to the locality.

Mr. Johnstone presented some of the options available for grant funding for purchase of new records management systems. These are Federal funds that are passed through to DCJS for the localities. The application deadline is February 5 for the next round of funding.

Consensus of the Board was for the Sheriff's Office to apply for the grant program, with review by the County Administrator. It was also agreed that any technical assistance that could be provided by County staff or advisers for the CRIS system would be done.

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

- School Board meeting highlights from January 13, 2003;
- notice that the School Board changed their meeting time to 6:00 p.m.;
- copy of Reimbursement Resolution adopted for school construction;
- SOL Fall 2002 scores;
- Membership report for December 2002 - 2026 students;
- Phase II General Project Scope copy.

The Board recessed for lunch at Indian Valley Elementary School.

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

Agenda Item 7j I) - Report on research of abandonment of section of State Secondary Route 714 - ready for posting of site and notification of landowners, public hearing scheduled for March 11, 2003 at 3:00 p.m.

Agenda Item 7j ii) - Report on research of abandonment of section of State Secondary Route 661. Chairman Ingram reported that he had inspected and driven the section of road. Part of the road was so grown up that it was not accessible by vehicle. Would like to request that the Board consider beginning the abandonment process by advertisement of the public hearing.

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 April 8, 2003 at 7:00 p.m. in the Board Room of the County Administration Building, on consideration of abandonment of a section of State Secondary Route 661, that is now discontinued.

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

Agenda Item 8e - Addition of retirees on County health plan to age 65.

Supervisor Boothe questioned Mr. Cornwell as to if it would be discriminatory to only allow retirees from age 62 to 65 to be on the health plan, instead of employees who may retire earlier. Mr. Cornwell stated that it would be.

Discussion followed on Anthem's regulations for only 10% of participants to be retirees, if it would be discriminatory to have a waiting list of employees. Mr. Cornwell will check on the matter and report back to the Board.

Agenda Item 8j - Possible grant for incubator building. Mr. Nester reported that the time frame is beginning again for Tobacco Indemnification and CDBG grants. Am preparing some options for the Board's consideration for these grant programs.

Agenda Item 8k - Draft resolution for equalized taxing authority for Counties such as Cities and Towns have. House Bill 1397 encourages the General Assembly to consider this equalization for Counties to be able to assess such taxes as meals tax, cigarette tax, admissions tax, etc.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adopt the resolution as presented in support of House Bill 1397 (Document File Number \_\_\_\_\_).

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

Mr. Nester presented the first draft of the County Code codification. Mr. Cornwell reported that Municipal Code researches all the County ordinances to determine that they meet State Code. They bring the ordinances up-to-date and recommend any additional ordinances that may be needed. They also recommend deletion of any ordinances that do not meet State Code any longer. The Board will need to conduct a public hearing to adopt the Codification in its entirety. If any new ordinances are adopted throughout the year, we just send a copy to Municipal Code and they print a supplement once a year. We can also get a copy on cd and put it on the County's web page so citizens can access it easily.

Mr. Nester presented two additional bills for the Board's consideration. The telephone bills for the County Administrator's and Emergency Services' Offices were received this morning if the Board would consider their payment.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve payment of the two bills to Citizens Telephone Cooperative as presented and add to the monthly disbursements.

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

Mr. Cornwell reminded the Board of the VACo/VML Legislative Day on January 23, 2003. Their firm will sponsor a seminar on procurement procedures that morning if the Board is interested in attending. Dinner with the legislators is also scheduled for the evening.

Supervisor Boothe questioned if the Board would consider adopting a resolution concerning the County's ability to assess an income tax locally? The legislators indicated that they would enter the bill if the Board adopted a resolution. Also, would the Board consider a resolution to assess additional sales tax locally?

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adopt a resolution requesting State Senator Reynolds and Delegate Dudley to enter bills on the County's behalf for authorization to assess a County income tax and County sales tax, with all revenues returned to the County's General Fund (Document File Number ).

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

Supervisor Gerald reported that the Planning Commission had requested a joint meeting with the Board to discuss the draft manufactured home ordinance. Consensus of the Board was to discuss the ordinance later in the day if time allows.

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

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

On a motion of Supervisor 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 Belcher, 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 property and legal matters in accordance with Section 2.2-3711 of the Virginia Freedom of Information Act;

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

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

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

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

The Chairman turned the chair over to the Vice Chairman.

Supervisor Ingram requested that the Vice Chairman poll the Board that he be allowed to change his vote on the last motion from aye to abstain.

Vice Chairman Gerald polled the Board for their approval of the change of vote. The Board approved the change.

Record shows that the last vote be changed to the following:

Supervisor Boothe - aye  
Supervisor Belcher - aye  
Supervisor Whitlock - aye  
Supervisor Gerald - aye  
Supervisor Ingram - abstain - not present for entire closed session

The Vice Chairman turned the chair over to the Chairman.

Agenda Item 8b - CSA Management Team representatives. It was the consensus of the Board, after discussion, that staff prepare a list of Team members and terms for further discussion at the next meeting.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was

resolved to appoint the Chairman of the Board of Supervisors to the CSA Management Team as a local government representative.

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

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, and unanimously carried, it was resolved to authorize bond counsel to prepare necessary documents for the borrowing of up to \$500,000 for clean-up and demolition of Camp #5.

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

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adjourn to Tuesday, January 21, 2003 at 6:30 p.m. for a work session on the proposed manufactured home ordinance, ending time 10:00 p.m.

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