

**BOARD OF SUPERVISORS
REGULAR MEETING
FEBRUARY 11, 2003**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, February 11, 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 Chairman Ingram.

Chairman Ingram led in the Pledge of Allegiance.

Supervisor Belcher entered the meeting at 8:38 a.m.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Trial Balance ending December 31, 2002 and the Invested Cash as of December 31, 2002 and February 11, 2003. She reported that invested cash is \$595,850 less than last year at this time. She reported that the certificate of deposit interest rate was 1.73% in December at the Bank of Floyd, so all funds were just placed on statement savings, but look for that rate to drop also. She also stated that she didn't know whether the Board wanted to continue to put her on the agenda or not, they can think about it.

The minutes of January 14, 2003 and January 21, 2003 were presented to the Board for approval.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to approve the minutes of January 14, 2003 and January 21, 2003 as presented.

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

Supervisor Ingram - abstain - because of not being present at the January 21 meeting

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

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the monthly disbursements, and additions, as presented.

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

Mrs. Lydena Martin and Mr. Woody Crenshaw next appeared before the Board.

Mr. Crenshaw - We would like to present information on a new organization that has been formed, "The Floyd Fund". This is a chartered organization that has been formed in the County in the last few months. Not here today to ask the Board for anything - just wanted to make you aware of the organization, which is locally funded and controlled.

Mrs. Martin - commented that the people of Floyd are giving people, whether it be time, resources, or of themselves. This is a permanent endowment for years to come, for environmental, cultural and historical means of the County. It is established through the New River Valley Endowment Fund, as a branch. \$40,000 has been raised already. Grants are made to local organizations. This year grants were made of \$500 each to the Old Church Gallery, the Joy Jammers, a kids section of New River Community Action. Four \$500 grants will be awarded this Fall. These funds can also be used to leverage State and Federal grants.

Mr. Crenshaw - this program is using private resources to put money back into the community, based in part on tax law changes over the past 30-40 years. Floyd is the smallest community fund in Virginia, there are 26 such funds in the State. Ours is a branch of the Blacksburg Foundation, solely for Floyd County functions. This enables us to make use of their staff and management, without hiring our own. The Foundation has several standards that we liked: 1) excellent quality of people; 2) complete transparency of financial accounting; and 3) \$0 from gifts goes to administration, it is raised separately.

The Chairman next called for the Public Comment Period. After no comments from the audience, the Chairman declared the Public Comment Period closed.

Agenda Item 8a - Subdivision plats as approved by Agent for January 2003 - 32 new lots created this month - for the Board's information.

Agenda Item 8b - Virginia Department of Game and Inland Fisheries request for input on

2004 hunting and trapping regulations. Mr. Nester presented a request for input from the Board on the regulations. The Board had previously expressed concern over the deer population because of disease and number of accidents in the County. This revision process is required every two years. The Board passed a resolution in March 2002 concerning extension of the season for kill of either sex. After discussion, it was the consensus of the Board for the County Administrator to attend the public hearing to be held by the Department and present the County's resolution and also to pass along that the Board supports any deer control measures.

Agenda Item 8c - Tire Amnesty Program. Mr. Nester presented a copy of the proposed program plan for the Board's information. The first amnesty week will be March 29 - April 5, 2003. There will be no charge for the first eight tires brought to the Transfer Station by any citizen. After the 8th tire, the normal \$2/tire charge will be in effect. The second amnesty week will be August 30 - September 6, 2003. Any type of tire will be accepted under the amnesty program. The Board also requested that tire shredder prices be provided for the budget process for possible inclusion.

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented a transfer request for insurance funds received for an automobile accident.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the transfer of \$2051.38 from 3-001-018030-0005 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

Ms. Weddle also provided an update on their grant process for the crime information data system. She commented that four companies provide this type of system and all have been contacted and given their department a presentation. The grant application was submitted. The CRIS has been band-aided for the time being. December reports were able to be submitted last week, and hope to have January reports completed and submitted this week.

Mr. Nester questioned if numbers could be obtained from their office as far as number of deer accidents, carcasses along side of road reported, etc. to provide to the Virginia Department of Game and Inland Fisheries along with the Board's resolution. Ms. Weddle stated that she could provide this information.

Supervisor Belcher also suggested contacting the local insurance agents for claims numbers to support the Board's request.

Agenda Item 8d - Regional funding of agricultural extension agent. Mr. Nester reported that he attended a meeting yesterday with the other localities on the matter. Presented a copy of

the cost formula for the remainder of the fiscal year. Pulaski and Montgomery definitely want to participate along with us. We have two retired agents who are willing to work three days each week, which would provide two days in each jurisdiction. The cost share by locality is \$9003 for Pulaski, \$8994 for Montgomery and \$9112 for Floyd County. Our share is slightly higher because Dave Gardner was at a higher step and paid more. Our costs for February - June, 2003 will be \$11,196. One agent is in Floyd today and already has a full schedule. Would request that the Board approve the Memorandum of Understanding for the remainder of the fiscal year.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, it was resolved to approve the Memorandum of Understanding between the Virginia Cooperative Extension Service and the Counties of Floyd, Pulaski and Montgomery as presented (Document File Number).

Supervisor Boothe - questioned fringes, workers comp, insurance, etc.

Mr. Nester - the agreement provides that Montgomery County will be the fiscal agent and will cover all the costs with the other Counties providing their shares. The agents will actually be considered employees of Montgomery County.

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

Mr. Bob Beasley, Assistant Resident Engineer, VDoT, next appeared before the Board. He reported on the following:

- March 25 - Six Year primary roads public hearing - Salem Civic Center - 9 am - noon
- Revenue Sharing Program for FY04 - applications due by March 28

Supervisor Boothe - appreciate all the work you do, especially the snow removal.

Supervisor Belcher - ditto the appreciation, it is great for the citizens that need to get out.

Supervisor Whitlock - ditto the appreciation. This is the time of year that you have to put maintenance off to the side and just take care of the snow.

Mr. Beasley - we have looked at the Route 750 intersection. Traffic engineering is scheduled to come up today from Salem to look at it. We are recommending that they do away with the yield intersection and just have a wide intersection.

Supervisor Gerald - you have done an excellent job with the snow removal. I hope that you will continue to put up the snow fences in Indian Valley.

Supervisor Whitlock - when the fences are put up, do you get permission from the landowner?

Mr. Beasley - yes, we do get permission from the landowner.

Supervisor Whitlock - on the road beside of Slaughters Supermarket, the mail carrier brought to my attention the need for a snow fence.

Mr. Beasley - sometimes the property owner will not let us put up the fences.

Supervisor Ingram - I also want to thank you for the snow removal - please pass that along to the folks up above and below.

Mr. Nester - Industrial Access Grant for the Commerce Center. Do you need to inspect the site? We are ready to submit a draw-down request.

Mr. Beasley - yes we do. We will get that done soon.

Supervisor Ingram - an area that will need some attention in the Spring is the bridge over Beaver Creek on Route 221.

Mr. Beasley - we have already been in touch with the bridge folks, it is not only this one.

Agenda Item 8e - Appointment to Floyd - Floyd County Planning Commission - Burks Fork District. Mr. Nester reported that no responses were received from the recent advertisements. Supervisor Belcher will attempt to find someone for the position.

Agenda Items 8f and 8g - Transfers for the Clerk's office for the copier and copier toner.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the transfer of \$178.50 from 3-001-018030-0003 to 4-001-021060-6001; and \$467.96 from 3-001-018030-0003 to 4-001-021060-3320.

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

Agenda Item 8h - Proposed Resolution Authorizing the County Administrator to Apply For, Implement and Administer Grants Under the Domestic Preparedness Grant Program. Mr. Nester reported that as part of the Homeland Defense Act, the County is eligible to receive funds from the Federal government, administered through the State government. Even though we have been allocated funds, we still must have our programs approved. This resolution allows the County Administrator or Assistant to sign any necessary documents. One possible project could

be the upgrade of the communication system.

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

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

Agenda Item 8i - Transfer - \$8000 - Route 615 spill costs. Mr. Nester reported that the \$8000 had been received from the insurance company for the spill costs and needs to be transferred over to the expense line item. The Board had previously transferred the rest of the cost from Contingency.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the transfer of \$8000 from 3-001-018030-0005 to 4-001-035050-8109 in the FY03 Emergency Services budget.

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

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.3, acquisition of real property for public purposes or the disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position; and Paragraph A.7, consultation with legal counsel and briefings by staff members concerning actual or probable litigation where public discussion would adversely affect the negotiating or litigating posture of the County.

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

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

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

- Enrollment report - January 2003 - 2020 students;
- Reported on a \$1.8 million grant received by 40 participating Counties. The grant amount is spread over a five year period, which will mean \$10,000 or less for Floyd County. This grant is for the "No Child Left Behind" program and will be used for staff development and training for the SOL requirements;
- Fall 2002 SOL scores including the 8th grade scores - must have a 70% pass rate;
- School Board will meet tomorrow with the architect concerning the school renovation plans. The architect will be at the office at 3:00 if any Board member wishes to come by to review the plans and ask questions. The School Board will meet with the architect at 6:00 p.m. We hope to have everything ready for an April bid.

The Board recessed for lunch at Floyd County High School.

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

Agenda Item 7f I) - Expansion options for Jessie Peterman Library. Mr. Cornwell commented that he had been asked to review any deed restrictions for possible future expansion of the library. The County was given 2.37 acres in 1983, specifically for a library site. In 1985, the Floyd County Library Building Fund, Inc. was given 5.88 acres as a deed of gift, with no restrictions. We reviewed deeds back to 1926, and did not find any language concerning use of property or restrictions from selling any parcel. This review was only to clarify options for long-term planning.

Supervisor Boothe questioned if staff could find out if the Incorporation is still valid and who the current members are.

Agenda Item 7 f ii) - Manufactured Home Park Ordinance. Mr. Cornwell reported that the Planning Commission took the matter up at their last meeting. They wanted to have a chance to review and discuss it more before a work session is held.

Agenda Item 7f iii) - County codification of ordinances. Have received the draft code from Municipal Code Corporation. Mr. Bedsaul (of Sands, Anderson, Marks & Miller) has reviewed the draft and made comments in a letter to Mr. Nester. Mr. Nester is reviewing the draft at this time. The Corporation commented that several of the ordinances are decades old and may need to be reviewed for legality.

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.1, discussion of personnel; Paragraph A.3, acquisition of real property for public purpose or the 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 Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the following resolution:

**CERTIFICATION RESOLUTION
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel, property and legal matters in accordance with Section 2.2-3711, Paragraphs A.1, A.3, 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.

Mrs. Morris presented the Revenue/Expenditure Summary as of January 31, 2003; and the Trial Balance as of January 31, 2003 for the Board's information.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adjourn to Wednesday, March 5, 2003 at 6:00 p.m.

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