

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

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 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; Susan C. Nunn, Secretary.

The Chairman called the meeting to order at 8:30 a.m. with the reading of the handicapping statement.

Supervisor Gerald led in the opening prayer.

The Pledge of Allegiance was led by Chairman Ingram.

Mr. Nester presented the Trial Balance ending February 28, 2003 and the Revenue/Expenditure Summary as of February 23, 2003.

Mrs. Deronda Thomas, Treasurer, next appeared before the Board. She presented the Invested Cash as of March 11, 2003.

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board. She presented two transfer requests for reimbursements received for prisoner extradition.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the transfer of \$441.47 from 3-001-018030-0003 to 4-001-031020-5550; and \$1431.45 from 3-001-018030-0003 to 4-001-031020-5550 for prisoner extradition reimbursement received.

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

The minutes of February 11, 2003 were presented to the Board for review and

consideration.

Supervisor Whitlock commented that on page 5, the reference to the road beside of Slaughters should be clarified to Route 719, concerning the discussion on erection of snow fences.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of February 11, 2003 as amended.

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

Mr. Gary Boring, Executive Director of the RC&D Council, next appeared before the Board. He presented a Stormwater Management Handbook for the Board's review and use. It contains samples of model ordinances that the Board may want to consider in development of the County's ordinance.

The monthly disbursements were presented to the Board for consideration. A list of additional bills was also presented for the Board's review. Discussion and questions followed.

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

Mr. Mark Schonbeck - I live in the Courthouse District. I would like to talk about a rail alternative proposal to upgrading I-81. As we all know, that has been a really serious problem over the last several years with the truck traffic exceeding the safe capacity of the road to bear. There have been two proposals before the Virginia Department of Transportation to upgrade the highway. One is a stop-gap proposal to add just two lanes for car traffic, to separate car and truck traffic. The other is to add four lanes which would cost much more. The Fluor proposal is \$1.8 billion, and that's the six lane total, and Star Solutions is \$7.8 billion. Both of these would entail close to a decade of construction delays, and the construction of gerity barriers, which are these nasty little walls that challenge you down and don't give you any slack in case something goes wrong with your driving, and would wipe out the median. Two voters in Virginia, or at least two, or several, are working on a proposal to upgrade Norfolk Southern Railroad in lieu of upgrading the highway. This would allow freight to move by rail. The East-West freight in this country, about 40%, moves by rail, but only 5% of the North-South route. Another advantage of upgrading the rail system, it costs \$2.4 billion, but it is a long-term solution instead of the stop-gap. We are investing in much less pollution, trains are far more efficient. I am here to ask the Board of Supervisors to consider submitting a resolution to the Virginia Department of Transportation in support of this proposal. I have a folder here that I would like to leave with you containing letters from these two citizens and also the resolution itself. I did mail the resolution to each of you in the past week. Thank you very much for your consideration.

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

Mr. Richard White and Mr. Doug Harris, Virginia Cooperative Extension, next appeared before the Board. Appreciate the Board's support of funding part-time Extension Agents for Floyd, Pulaski and Montgomery Counties. This is one full-time position shared by the two of us. It allows one day a week in each County for each of us. Presented a handout of the basic structure of the programming that will be addressed in 2003.

Supervisor Whitlock - I appreciate that you have taken the initiative to try to keep the Extension Service, that you have worked and served for so long, to keep it available for the public. That's a good credit to you, taking your retirement, still willing to work with the system and make it go, and try to keep it in some form that maybe it will become a priority again.

Mr. White - we appreciate those comments, we are committed to it. Hopefully the State will recover and positions will be filled, and you will have a full-time person again.

Mr. Harris - that is the best solution, we are just trying to keep the services available for people. I agree with you, the service is very valuable. My association with Extension goes back to 1961 when I joined 4-H and I think it is a very important public service. And I thank you for being willing to keep that service for Floyd.

Chairman Ingram - we've had a little different situation in this area with the way the retirements worked out. Without what's been done here, we would be without anyone and all the services on this paper. We appreciate you putting forth the effort and I'm glad the Counties could come together in cooperation and make this work out for the interim anyway to keep some programming here.

Supervisor Belcher - I just wanted to thank you in light of all the crazy budget things that have happened this year. It's really wonderful because it is obvious you care a lot about the programs. You don't have to do this.

Mr. White - As we tell our advisory groups, anytime you see a need that we may not be addressing, please let us know and we will work on it.

Further discussion and questions followed on the monthly disbursements. Mr. Nester presented an invoice from Montgomery County, to be added to the bills, for the Extension Service costs, for the Board's review.

Mr. Gary Crouch, Anderson & Associates, next appeared before the Board. He gave a status report on current projects.

- Route 811 (ARC) Water and Sewer Project - change order has been prepared for proposed cost reductions for Compton Construction to sign. Letter of assurance has been prepared by County Attorney and sent to Rural Development on March 6, 2003.

- System-wide (RD) Water and Sewer Project - Rural Development has approved the Contract Documents for Divisions I and II. Waiting on completion of Route 811 before all three projects will be closed. Letters of assurance have been prepared by PSA Attorney and submitted on March 6, 2003.

- Floyd Regional Commerce Center - VDOT has agreed to pay for items considered construction items. Final breakdown costs were submitted to them. VDOT is awaiting grass establishment before final inspection of the road. Sowers Construction will resume work as soon as soils are dried enough to compact.

Mr. Garland Nester, Animal Control Officer, next appeared before the Board. He presented a claim from Mr. Oscar B. Sowers for a cow and calf killed by dogs. Discussion followed on the fair market value of the animals. The matter was tabled for discussion later in the day.

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

Item I) - Revenue Sharing Program for FY04 - Board will need to decide in the next 10 days as to whether they wish to participate in the State matching program and which routes the Board would like to include.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to participate in the State Revenue Sharing Program for FY04, in the amount of \$75,000.00.

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

Item iv) - VDOT Industrial Access Grant Information - Mr. Goad reported that the Board would need to adopt a resolution to accept the industrial access road into the State system. The County has five years to get a qualifying industry into the park.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt a resolution as presented, bringing the industrial access road into the State system and authorize appropriate County officials to execute same (Document File Number ).

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

Agenda Item ii) - Re-scope Route 799 Project for VDOT - have not been able to obtain right-of-way for widening of the road. We will still be able to do the pipe replacement if the Board will adopt a resolution to change the 6-year plan.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt a resolution rescoping Project 0799-031-202N502, from .10 Mile South of Route 776 to .30 Mile South of Route 775, length 0.94 miles, from a widening project to a replacement of pipe and strengthening of pavement project (Document File Number ).

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

Agenda Item iii) - Route 714 - we are also having problems on this road obtaining right-of-way. Suggest the change of this road to a rural rustic road project from a widening project. This way we can still get the improvements on the existing right-of-way.

Supervisor Boothe questioned if things change, can we get out of the rural rustic road program?

Mr. Goad - you can't change things for at least five years, which I don't think will happen anyway. It allows us to improve the road without getting the right-of-way. This road has been widened before. We do the improvements on the existing right-of-way that we already have.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt the resolution as presented to move the Route 714 project from a widening project on the 6-year plan to the Rural Rustic Road Program, from 1 Mile East Route 712 to Route 710, length 1 mile, and authorize appropriate County officials to execute same (Document File Number ).

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

Agenda Item v) - Pre-Allocation Primary Plan meeting at the Salem Civic Center on March 25, 2003 at 9:00 a.m. - reminder to the Board. They are not setting up appointments for each County as they have done in the past, it is first come, first served.

Mr. Goad reported on a pot-hole patching blitz being done on interstate and primary

roads. There are a lot of repairs to be done everywhere with the weather that we have had. These are temporary repairs until we can get out of this weather.

Supervisor Gerald questioned at the Pre-Allocation Hearing, that the Peppers Ferry bridge is a major priority. Do you think this will carry some weight to get the bridge replaced?

Mr. Goad - you have to go and make your concerns known. I'm sure it will be a major priority for Montgomery County.

Supervisor Boothe - one shoulder on Route 8, straight across the road from the Jacksonville Center. The trash trucks use that shoulder so they are not on such a tilt when they pull out there and it is really rutted out.

Mr. Goad - it will probably take some stone. I assume they will continue to do this. We need to improve it if they are going to use it that way.

Supervisor Belcher - thank you for the work on Route 221, all the repair work on potholes and the bridges. I did want to ask about Route 783, a dirt road, it is really washed out and rough. People are running over in the ditch to keep off the road. And the culvert at the corner of Route 783 and 799 is full and running over.

Mr. Goad - I don't think we can work on it until April because of the environmental regulations. But as soon as the time is right, we will work on it.

Supervisor Whitlock - appreciate the work you have done on the bridge at Beaver Dam. People have lost hubcaps going over it too fast. Also the bridge between Route 664 and 651, appreciate that work also. I have seen a lot of damage because of side ditches being full and the water having no where to run. But you are making progress, and we appreciate it.

Supervisor Gerald - Route 751 - big pot hole coming out in big chunks in a curve, and people are going on the other side of the road to miss it. Also on Route 655, Sumpter Road, it is really washed out, people were having to use 4-wheel drives to get out. I called Gene Wallace and he got some stone right over there.

Supervisor Gerald - what is the trash situation along the roads? I notice a lot of trash along the roads, are the State folks supposed to pick it up?

Mr. Goad - we have a lot of the adopt a roads groups, but they have not been able to get out and work either.

Supervisor Gerald - I have heard a lot of good comments from the citizens on the work that you do. We really appreciate it.

Supervisor Ingram - I also appreciate all the work. I wish you all could make the decisions on where the priorities are and not someone somewhere else.

Mr. Mike Lawless, Draper-Aden Associates, next appeared before the Board. The routine groundwater monitoring (semi-annual events) are scheduled for April and October. The Corrective Action Plan was submitted in October 2002 and received comments back in January 2003. We do have a new project manager with DEQ and he has come up with a lot of comments. Even though the plan was approved by his predecessor, he says that it is not approved. Comments received from DEQ dated January 27, 2003 were: 1) additional wells are required to define the nature and extent; 2) a microcosm study is required to evaluate microbiological population of the aquifer; 3) Discuss capping of pre-1988 waste; 4) Evaluate surface water impact with regard to State Water Control Law; 5) Provide additional information on public meeting; 6) Compare monitoring natural attenuation (MNA) to other remedial technologies; 7) Submit revised CAP by July 30, 2003, in accordance with yet to be released Submission Instructions N. 17 - Corrective Action Plans. Our suggested response to the comments are: 1) Assessment of Corrective Measures approved by DEQ; nature and extent adequately defined; no additional wells needed; 2) Microcosm study not required by EPA guidelines; propose inexpensive alternative biological test (PLFA); 3) Source of impact appears to be post-1988 waste, so capping of pre-1988 area not relevant; 4) Surface water impact may require further evaluation to determine requirements under VPDES program; 5) Discussion of public meeting and remedial technologies provided; 6) Difficult to revise CAP based on unknown requirements in unreleased Submission Instructions; will continue to negotiate CAP with DEQ. The potential future activities include groundwater modeling to predict the fate and transport of the solid waste constituents and provide a way to measure the progress of MNA will likely be required. We suggest going the route of responding in a letter to the project manager. We will be basically giving him the same information, just in a different form. We will also remind them that the County is on a fixed budget, and these funds could be better used in monitoring and repairing problems instead of on regulatory permits.

Dr. Terry Arbogast, School Superintendent, and Mr. Douglas Phillips, School Board Chairman, next appeared before the Board.

Dr. Arbogast presented several items:

- revised draft copy of the school budget with approved State figures;
- School Board Meeting highlights from January and February meetings;
- additional appropriation request in the amount of \$372,010.49 for additional Federal and State revenue received and carry-over funds.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the additional appropriation request in the FY04 school budget in the amount of \$372,010.49.

Supervisor Boothe read the following statement:

I, Jerry W. Boothe, a member of the Board of Supervisors of Floyd County, pursuant to Section 2.2-3115(G) of the Code of Virginia, 1950, as amended, hereby declare that this matter affects the School Board of Floyd County; that my wife is an employee of the School Board of

Floyd County; that my vote on this matter will not affect either myself or my wife to a greater extent than any other member of the group of School Board employees; and, that I am able to participate in this matter fairly, objectively and in the public interest.

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

- Revised testing dates for SOL's because of inclement weather;
- January 2003 enrollment report;
- February 2003 enrollment report;
- Copy of Southern Association School certificates for accreditation for all schools;
- School calendar for FY04;
- School Board had the architect at their meeting again last night - presented the Board with copies of the slide presentation. Hope that the School Board will be able to adopt at their April meeting, the resolution authorizing the project, and then the project can be bid. We hope to get bids in by the last week in May or early June.

Supervisor Gerald questioned if the bids come in lower than expected, has it been determined what priorities would be followed as far as add/alternates are concerned? Would it be the windows, or the two rooms and the multi-purpose room at Indian Valley, or how would you prioritize that?

Dr. Arbogast - I would have to defer that to the School Board. They are the ones that would make that decision. They have not discussed in any conversation that I've been part of, how they would handle the add/alternates and what priority they would handle them. Our expectation, and the Board's expectation is that, the project goes out to bid and with the funding sources that we have available, and the savings that we hope to gain on it, that should be a issue that we do hope to fund them all. Other than that, there has been no discussion of absolute a, b, c, or d. You would have to look at how much money you are dealing with, how much you have saved, what would be the cost of the add/alternates. There are variables there to look at. It is the Board's anticipation, hope and confidence with the Architect that when this goes out to bid, with the savings we get, plus funding that could be available, that we will be able to fund what we have there.

Supervisor Gerald - I would like for you all to carry back to the Board that if there is a chance for add/alternates, that Indian Valley would be given priority. If you eliminate the two new classrooms and the multi-purpose room from Indian Valley, if these add/alternates don't come in, then again, Indian Valley will come up short. If you take away these two add/alternates here, Indian Valley is just getting a new kitchen and a few other things. So would you carry that back to the Board for me?

Dr. Arbogast - sure. It is all our hope and desire that this won't be an issue. That we can fulfill that building program initiative and that is our goal.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the monthly disbursements, plus addition list, plus the bill for the Extension Service, minus the dog claim bill.

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

Discussion followed on three-phase power installation for Indian Valley School. The upgrade is needed for efficiency for the heating and air systems. The cost is around \$50-75,000 per mile, 5.4 miles, which could be up to \$225,000.00. Consensus of the Board was for the County Administrator to negotiate with AEP to see what could be done. Supervisor Gerald commented that he had spoken with the Architect, and he suggested speaking with Congressman Boucher to seek his assistance. Also suggested speaking with Senator Reynolds and Delegate Dudley.

The Board recessed for lunch.

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

Agenda Item 7j I) - Expansion options for Jessie Peterman Library. Nothing to report at this time.

Agenda Item 7j ii) - Manufactured Home Park Ordinance. The Planning Commission has met and discussed the proposed ordinance. They would like the Board to adopt a stand-alone ordinance prohibiting pre-1976 mobile homes in the County. They are working their way through the ordinance. They are taking about an hour per meeting to work on the ordinance itself. Consensus of the Board was for the County Attorney to draft an ordinance prohibiting pre-1976 mobile homes in the County, with options.

Agenda Item 7j iii) - County codification of ordinances. Process is going well. We do need to check if any ordinances have been adopted since December 11, 2001 and send those copies to Municipal Code Corporation and include them in the Code.

- Changes in State law concerning fishing and hunting regulations - Mr. Nester had passed them onto us and Mr. Bedsaul is looking into them to see if any changes need to be made to our local ordinances.

- Received a letter from Mr. Nester concerning the agreement with the Department of Forestry with their requested changes. They wanted a 15 year agreement, or more, did not want

to invest in a building and be able to use it only for 10 years. They also could not agree with the indemnification, which I shouldn't have included anyway. We did this as an agreement to use instead of a lease, because of the DEQ regulations. The pole shed is 40' long, 16' wide, for storage of their equipment.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to authorize the execution of a 15-year agreement with the Virginia Division of Forestry, with one year renewals, with the deletion of the indemnification clause and authorize appropriate County officials to execute same (Document File Number \_\_\_\_\_).

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

Agenda Item 9f - Request of Floyd County Electoral Board to move Courthouse District polling place to Floyd Elementary School. Mr. Cornwell reported that the Board would have to advertise an amendment to the ordinance, hold a public hearing, and submit it to the Justice Department for their approval.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to table the matter of the Electoral Board request to move the Courthouse District polling place.

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

- Commonwealth's Attorney, Mr. Gino Williams, has been appointed as a Judge. Once his office becomes vacant, the Board has 15 days to petition the Court for a special election. As soon as the votes are certified in November, the person can immediately take office, and does not have to wait until January. Once the vacancy date is determined, I would like your permission to immediately proceed. Consensus of the Board was for the County Attorney to proceed with the court petition at such time as the vacancy date is known.

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

**CERTIFICATION RESOLUTION  
CLOSED SESSION**

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 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.

At 3:00 p.m. the Chairman called for the Public Hearing on the proposed abandonment of a 0.50 mile section of State Secondary Route 714 that is now discontinued.

Mr. Nester read the call for the public hearing and reported that proper notification had

been sent to affected landowners and that notice had been posted at the site.

The Chairman declared the Public Hearing open for comments.

Mr. Harry Roberson - I signed the right-of-way out there when they built the road. I was on a job, postal service part-time, and I didn't have much time, and they told me to come to the State shed to complete. I went ahead and signed it after they told me if you own both sides of the road, you would get the old road back. I own both sides down to the lower end. I found out since then that it was still open to the public since it was discontinued. I would like it to be abandoned so we don't have people coming through there.

Mr. Ed Broderick - I submitted a statement and map to Jerry Boothe and to all of you. Do you have any questions? It is just a brief statement because this matter is not urgent for the Supervisors. In 1968, I bought the old Cannaday farm on Route 714 located on both sides of Dodds Creek. In the 1970's, Route 714 was paved and relocated in front of me, with direct access to Route 714 from lot 73. I always wanted a better access to the cow pasture on lot 72. I cleared 11 acres up there, it is a wonderful pasture. The only way I could get to the top pasture was using the tractor road starting in lot 72. This road cut into the side of the hill and was very steep with two bad curves and was not usable during flood or icy periods. In fact, Randall Harmon, who is now keeping cattle on my land, said he nearly went off that corner on an icy spot with his tractor not too long ago. It is a bad situation there and many times I could not get up there. During calving time, I would have to go through the woods because I could not get up there any other way. The Highway Department and the resolution by the Board of Supervisors made Route 714 a public road so that I and my neighbor could use it. For several years, the Highway Department stored crushed stone on the road. Several years ago, my neighbor cut timber on lot 11 and hauled timber out using the old Route 714. I have used the road several times to haul off firewood, and have used it as a footpath to get to the top pasture during flood periods. I have always considered building a new tractor road to get to my out pasture. I probably would have if my old bulldozer had not broken down. I still wish to keep old Route 714 a public road. There is no maintenance expenses to the County or State. I think the map clearly shows why I need access to lot 73. The same thing is going to happen in a few years when the Highway Department gets enough money to work on Route 712. They are going to cut a big slice off of my property and the other neighbor across from me is Grey Lineberry. When they do, I'm going to tell him he can have the little strip so he won't be cut off from access to his field. When that happens will depend on when the Highway Department gets some money.

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

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; 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; 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 Gerald, 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 Boothe, 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, 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.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt a resolution to authorize the purchase agreement/finance options for the Donkenny building, and authorize appropriate County officials to execute any necessary documents (Document File Number \_\_\_\_\_).

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

Mr. Cornwell commented that the Board had appointed a water study group because of its concern of its possible effects of the Dominion pipeline on the water resources of Floyd County. The water study group met over a period of several months, interviewed engineering firms to do a study to determine what, if any, affect the pipeline would have on the water resources of Floyd County. I have made several recommendations to you relating to that issue. The water study group acted in good faith and acted with what it perceived to be the assistance of Dominion Transmission, Inc. However, the water study group feels very strongly that, that good faith was not reciprocated by Dominion Transmission, Inc. The water study group has desired a study of the area that the pipeline was to be located to determine water issues including recharge areas, remnants and fractures which may go outside of the area that Dominion Transmission, Inc. wanted to study. The water study group was also concerned about the testing procedure that Dominion wished to have done, including the period of examination for the baseline and the other procedures. They are very concerned about if and when there may be some impact, the definition of impact, and the percentage of loss, or how exactly that was to be determined. That issue is still very much outstanding. I think the water study group has met with you and recommended to you that the County, the Board of Supervisors, authorize me to file on your behalf, a motion to supplement the record before FERC, and also to take other actions to attempt to have these issues that they feel are important, that I just outlined, addressed. Mr. Chairman, and members of the Board, I would ask you to consider a motion and a resolution along the lines of what I've just stated to authorize that motion to supplement the record and other proceedings that went before FERC to challenge the proposed water study that Dominion has proposed.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adopt a resolution concerning the Dominion Transmission, Inc. water study as outlined by the County Attorney above (Document File Number \_\_\_\_\_).

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

Mr. Cornwell will research the lot 73 in reference to the Route 714 abandonment, and

will report back to the Board.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the dog claim to Mr. O. B. Sowers in the amount of \$445.00 and add it to the monthly expenditures.

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 carried, it was resolved to adopt the quarterly appropriations resolution as presented (Document File Number ).

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

Agenda Item 9b - Appointment to Floyd - Floyd County Planning Commission - Burks Fork District.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to appoint Mrs. Karen Hodges to the Floyd - Floyd County Planning Commission, representing the Burks Fork District, unexpired term ending June 30, 2005.

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

Agenda Items 9 c and d - Transfer of funds for Clerk's copier and supplies.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the transfer of \$326.50 from 3-001-018030-0003 to 4-001-021060-6001; and \$417.96 from 3-001-018030-0003 to 4-001-021060-3320 for the Clerk of Court's copier and copier toner.

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

Agenda Item 9e - Grant approval for Wireless E-911 services for emergency

communications center. Mr. Nester reported that a grant has been received in the amount of \$153,169.00 to implement the wireless E-911 system, per State requirements. It will be awarded in phases. The first phase will be to set up the data base, phase two will be to put in a mapping system where if someone makes a call from a cell phone, it will actually show on a map in the dispatch office, that way you can tell where the call is coming from. There are no local funds involved in this program.

Agenda Item 9g - Microwave link from emergency communication center to radio transmitter site - Fire/Rescue Fund. Mr. Nester reported that we are beginning to experience intermittent problems with the microwave. All communication will be lost if the microwave link goes out. We would like to use funds from the E-911 Fund to begin the replacement process. We would like the Board's permission to receive quotes on this replacement. The estimated cost is \$111,000.00.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to advertise for bids on replacement of the microwave link, with bids to come back to the Board for discussion on payment options and the bids themselves.

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

Agenda Item 9h - Recommendation of Department of Game and Inland Fisheries regarding hunting season. They are recommending adding 17 days to the season, but they are divided over rifle, muzzle and bow seasons. This is not really what the Board wanted to accomplish. Have prepared a draft resolution for the Board's consideration for extension of the season for either sex. The resolution also documents the amount of deer claims the County has, we have the highest rate in the State. Discussion also on thinning of the herds themselves, along with the extended season. Consensus also of the Board to attend the public hearing of the Department of Game and Inland Fisheries to reiterate the Board's position.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt a resolution reaffirming the Board's position on the need for an extended hunting season (Document File Number \_\_\_\_\_).

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

Agenda Item 9i - Greenbrier Pipeline Final Environmental Impact Statement received from FERC on March 3, 2003 - for the Board's information.

Agenda Item 9j - Resolution of City of Radford regarding appointment of local government representative on Community Services Board. They are requesting that as terms expire of current members, that local government representatives be appointed to fill one of the positions. They are requesting these changes so at least one member will be familiar with local government finances. Defer for more information as to if bylaws will need to be changed.

Agenda Item 9k - Dry Well Replacement Program - CDBG. Need authorization from the Board to apply for the program. The State has approved \$2.5 million to go toward persons classified as being low- and moderate-income where they will make a 100%, no interest loan, for replacement of the wells. We have an Indoor Plumbing Inspector who will act as the County's agent. I have already sent a letter to the State asking that we be designated. We are required to have two public hearings, which are already scheduled. The maximum amount of the loan is \$5000.00. Consensus of the Board was for the County Administrator to apply for the program.

Agenda Item 9l - Resolution request that Congress continue full funding of the Appalachian Regional Commission.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adopt the resolution requesting that Congress continue full funding of the Appalachian Regional Commission (Document File Number \_\_\_\_\_).

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

Agenda Item 9m - Department of Justice Domestic Preparedness Equipment Grant - Mr. Nester reported that the grant, in the amount of \$30,746.86, had been received. These funds will be divided over four fiscal years. These funds will be used for emergency response equipment, detection kits for hazardous materials, Geiger counters for radiation readings, etc. Staff have met with the different agencies to ascertain what they felt is needed.

Agenda Item 9n - Request for County to act as Fiscal Agent for \$500 Grant for Chamber of Commerce. The Chamber has requested that the County act as Fiscal Agent for grant they received from the Department of Game and Inland Fisheries. This grant was received for installation of signage indicating birding trails identified in Floyd County. No local funds are required. The grant can only be awarded to a local government or a non-profit organization - the Chamber is not eligible.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to act as Fiscal Agent for the Chamber of Commerce for the \$500 grant from the Department of Game and Inland Fisheries, provided there are no costs involved for the County.

Supervisor Boothe - aye

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

Mr. Nester commented that Mr. Russell had questioned if the Board would consider payment of \$1000.00 for this fiscal year to the Jacksonville Center, and also include an appropriation in next year's budget for \$1000.00. Chairman Ingram commented that these funds are used solely for retirement of the debt payment.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to approve payment of \$1000 to the Jacksonville Center from the Tourism line item.

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

Mr. Cornwell stated that the County is involved in a case with the Acree's concerning a house that they built. The Judge appointed a Special Commissioner to hear this case, and the Special Commissioner requested a \$3000 down payment toward his fee, which is usual, and he requested that it be paid equally among the parties. I protested that to the Judge, and the Judge made a determination that the County would not have to pay that, that the costs would be paid by the Plaintiffs. So we saved about \$1000.00.

Supervisor Boothe questioned if the request from Mr. Schonbeck concerning I-81 should be addressed. We discussed this ten years ago with our local industries. They were against it because of the uncertainty of delivery times with railroads.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to adopt a resolution in favor of improved rail service in Virginia to assist with major congestion problems on interstates (Document File Number           ).

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

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

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

