

**BOARD OF SUPERVISORS
ADJOURNED MEETING
JUNE 24, 2003**

At an adjourned meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, June 24, 2003 at 6:00 p.m., in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman (entered the meeting at 7:25 p.m.); 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; John Rife, County Attorney.

The Vice Chairman called the meeting to order at 6:00 p.m.

Agenda Item 2 - Approval of fiscal year-end disbursements. Mr. Nester presented a list of disbursements for the Board's consideration. Questions and discussion followed.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to approve the fiscal year-end disbursements as presented.

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

Agenda Item 3 - Approval/Payment of Bear/Deer Fund claims. Mr. Nester presented three claims received during the year: Carl Randolph - \$1500 for corn damage; Coy Wade - \$1640 for corn damage; Charles Wood - \$392 for personal garden damage. Mr. Nester recommended that the personal garden damage not be paid, the ordinance was not set up in that way, it was for commercial/agricultural damage only. Since the Fund will be dissolved at the end of this fiscal year, the remaining funds can be given to the Fire Department, per State statute, for a one-time donation.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to approve the Bear/Deer Fund claims in the following amounts: \$1500 to Carl Randolph; \$1640 to Coy Wade; and \$789.20 to Floyd County Volunteer Fire Department for a one time donation.

Supervisor Boothe - aye
Supervisor Belcher - aye

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

Agenda Item 4 - Approval of routine, general transfers for the FY03 budget. Mrs. Morris commented that these were for grant funds received during the year and for a vehicle sold by the Fire Department. The revenue needs to be transferred to the expenditure side of the budget to allow release.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to approve the FY03 general transfers as presented: \$1935.00 from 3-010-032030-3210 to 4-010-032030-8000; \$3777.72 from 3-001-024040-0034 to 4-001-035050-8110; \$5877.22 from 3-001-024040-0034 to 4-001-035050-8111; \$5916.41 from 3-001-024040-0034 to 4-001-035050-8112; \$15,175.51 from 3-001-024040-0034 to 4-001-035050-8113; and \$7770.00 from 3-001-024040-0035 to 4-001-035050-8115.

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

Agenda Item 5 - FY03 year-end budget transfers. Mrs. Morris presented several reports indicating the transfers needed for LEOS, Blue Cross, and employee raises. The amounts shown need to be transferred back to the individual departments. Also, she presented the year-end transfer amounts needed from Contingency to individual departments who had gone over their budgeted amount.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to approve the transfers as presented for LEOS, Blue Cross, and employee raises, back to the individual departments as listed (Document File Number).

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

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to approve the year-end transfers from Contingency to individual departments as listed (Document File Number).

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

Agenda Item 6 - Requests for carry-over funds to FY04 budget. Mrs. Morris presented a summary of requests, along with copies of individual requests from the departments, for the Board's consideration. Most items are grant funds or capital outlay projects not yet completed.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to approve the carry-over fund requests to FY04 as detailed (Document File Number).

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

Agenda Item 7 - Appropriation of FY04 Budget.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to appropriate the FY04 budget in the amount of \$ 24,571,194.00 to departments/agencies as listed.

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

Agenda Item 8 - Proposed Resolution for Interim Borrowing in Anticipation of Taxes. Mr. Nester presented a draft resolution for the Board's consideration. This resolution would provide for the borrowing from the Fire/Rescue Fund by the General Fund if and when the need might arise. This would enable the County to borrow from itself without having to go through a bank if the cash flow is as it was last year and the need arose. The auditor suggested this route to save on interest rates/legal fees instead of going through a bank.

After discussion, it was the consensus of the Board to hold the matter for legal counsel to review.

Agenda Item 9 - Appointment to New River Valley Planning District Commission - term of Evelyn Janney. Mrs. Janney is eligible for re-appointment.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to re-appoint Mrs. Evelyn Janney to the New River Valley Planning District Commission for a three year term, term July 1, 2003 - June 30, 2006.

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

Supervisor Gerald - aye
Supervisor Ingram - absent

Agenda Item 10 - Easement request for abandonment from Woody Crenshaw - Parkview Road. Mr. Rife reported that a 30' easement owned by the County connects Route 693 and Parkview Road. The County acquired this 30' easement and another 30' easement in a land exchange years ago. The County requested, at that time, for VDOT to take the entire 60' into the State system, which they did.

Chairman Ingram entered the meeting at 7:25 p.m.

After discussion, it was the consensus of the Board for the County Administrator to meet with Mr. Crenshaw at the site, and discuss the situation. Also, the Board directed legal counsel to work with VDOT to determine if there are any special considerations for abandonment of only a partial (30') section of State road. Staff was also directed to work with the PSA as to location of water/sewer lines along the route.

Agenda Item 11 - Proposed Courthouse Grounds Use Policy. Mr. Nester presented a revised draft with the changes suggested by the Board. Would like the Board to review before it is sent to the Judge for his approval. Added an indemnification section, a section on signs, and a section allowing sales on the grounds by non-profit groups.

After discussion, it was the consensus of the Board to send the draft to the Judge for his review.

On a motion of Supervisor Boothe, seconded by Supervisor Ingram, 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 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 and briefings by staff members concerning actual or potential litigation.

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

On a motion of Supervisor Whitlock, seconded by Supervisor Ingram, 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 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, Paragraph 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

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to authorize the County Administrator and County Attorney to collaborate on two items: 1) press release concerning the Greenbrier pipeline status, subject to Board of Supervisors confirmation; and 2) issuance of a no trespassing order on County property to Dominion Power and any subsidiaries, such as Greenbrier.

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

Supervisor Boothe suggested that a letter of thanks be sent to the Water Study Technical Committee for all their effort and hard work.

On a motion of Supervisor Boothe, 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