

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 19, 2003**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 19, 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.

Chairman Ingram led in the Opening Prayer.

The Pledge of Allegiance was led by Chairman Ingram.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Invested Cash as of August 19, 2003. She also presented the delinquent real estate and personal property lists for 2002, and reminded the Board that they would need to decide whether to advertise the lists. Around 20 additional accounts were collected after the advertisement over the previous year with no advertisement. She reported that collections were the same as last year - real estate 98% and personal property 96.8%. Had received an e-mail from DMV that it would be 18-24 months before they would be discussing satellite offices such as hers.

The minutes of July 8, 2003 and July 30, 2003 were presented to the Board for approval.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the minutes of July 8, 2003 and July 30, 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 review and consideration. A

list of additional disbursements were also presented. Questions and discussion followed.

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

Ms. Dawn Barnes, Virginia Cooperative Extension Unit Coordinator, introduced Ms. Beth Massey, the new 4-H Agent for Floyd, to the Board.

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

Further discussion and questions followed on the monthly disbursements.

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

Mr. Bill Whitsett, New River Community Action Director, next appeared before the Board. He reported that a 1995 van for their RSVP program needs to be replaced. This presentation will be for informational purposes only because their agency has come up with some other options for purchase. The agency, in following the National Highway Safety regulations, have limited the number of occupants of the van and required seatbelt use. We hope to obtain grants or partner with local churches to purchase a new vehicle.

Mrs. Judy Weitzenfeld, RSVP Coordinator, next appeared before the Board. She presented an outline of the history of the van. She reported that Community Action is requiring that occupants of the vans meet all Highway Safety recommendations: 1) less than 10 passengers; 2) trained drivers; 3) seat belt use by all occupants. A needs assessment will be performed and we would like to come back to the Board to report on the results. There is around \$4500 in a savings account for van purchase, and we should be able to sell the current van for at least \$6000, which could go towards the cost.

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

- need to schedule the public hearing for the 6-year secondary plan - consensus of the Board was to schedule the meeting at 7:00 p.m. on October 14, 2003.
- surface treating has been greatly delayed by the weather but they did get started in the County yesterday.
- we are working on repairs as fast as we can but we will probably not get everything done before winter, because of the weather delaying us and also causing more repairs to be done.

Supervisor Boothe - Route 692, Low Gap Road on Route 730 side - there is a very soft spot in the middle of the road. A spring is not running through the culvert and is cutting a ditch across the road. The culvert is probably full.

Supervisor Belcher - appreciate all your work and help.

Supervisor Ingram - echo the appreciation. Route 639 off of Route 664 - first culvert under the road appears to be stopped up. The creek there is draining from springs and running across the road.

Supervisor Whitlock - echo the sentiments of the Board on appreciation for work. You have to do a herculean job to keep up with the weather.

Supervisor Gerald - Route 751, Windy Hill Road - when will construction begin?

Mr. Beasley - should be in there very shortly. Contract had three different roads on it, and the contractor does them as he sees fit. He is on the second part of the contract now. Should be there in early September.

Supervisor Gerald - Route 619, ½ mile West of Route 787 - pavement has come up and there is a big pothole. VDoT fixed it once but it came back the same.

Supervisor Gerald - Route 754, Macks Mountain Road, one mile West of intersection - bank has washed out all the way to the road.

Mr. Beasley - we will get to it as soon as we can, we are repairing the worst spots first.

Supervisor Gerald - Route 787 - sharp curve where water washes out - why are cones put up instead of it being fixed?

Mr. Beasley - we are required to obtain environmental permits to put the stone back, it does take some time.

Supervisor Gerald - there is also a big hole in the middle of the road at the same site, could some type of concrete barrier be put up instead of the rock, something permanent?

Mr. Beasley - we put in really large rip-rap last time. The rocks are as big as a concrete barrier and it would come out also. A retaining wall would have to be 6' high at a high cost, we couldn't do it right now.

Supervisor Gerald - could the pavement be extended? It is very narrow there.

Mr. Beasley - I will look at it myself, sounds like a lot of different issues involved.

Mr. Nester - we received a citizen request from Mrs. Edna Turman for "Children at Play"

signs, at 745 Reese Road.

Mr. Beasley - has to be by resolution of the Board of Supervisors and comes out of secondary construction funds.

Supervisor Boothe - do you do a site survey?

Mr. Beasley - we can, but it is a tough call. It is two signs for one home.

Supervisor Gerald commented that he would look into the situation and report back to the Board.

Supervisor Whitlock - has Mr. Cardukas at 2101 Cannaday School Road contacted you about having a drainage problem? He is concerned about West Nile virus because he says the culvert is too high and not draining.

Mr. Beasley - it is a designated wetland. I have asked our Environmental Specialist to look at it to see if we can lower the culvert. We don't drain wetlands.

Supervisor Boothe - have you heard anything on the Route 705 speed study?

Mr. Beasley - it did not warrant a reduction, I will send you a copy.

Supervisor Whitlock - Route 705 - low water bridge - have you had an incident report? During a recent storm a deputy had to get from one site to another quickly and she ended up in the creek on her top because of the water current.

Mr. Beasley - high water is a whole different category. The bridges are designed for water to run over them but the structure approaches may be washed out and that's what people need to watch out for.

Mr. Nolen Goad and Mr. Mike Maslaney, Electoral Board members, next appeared before the Board. Mr. Maslaney presented a letter request from the Electoral Board for the County to proceed with purchase of new voting machines. By purchasing the machines now, we can cost-share with surrounding Counties to obtain lower bid prices. Training can also be shared, and if a machine breaks down, a spare can also be shared. The Electoral Board would like to have one sample machine in each precinct for the November election so citizens can try them out and get used to them. The actual machines would then be used for the February primary and for the November 2004 election. The State will pay for one ADA machine and one replacement machine for a lever machine at each precinct. Fairfax County has already contracted with Advanced. Roanoke County, Roanoke City and Bedford County are now negotiating with Advanced. We expect most of the surrounding Counties to go with the Advanced system. There is a 90-day turn-around time between order and delivery.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to authorize the County Administrator to negotiate and execute a contract with Advanced for voting machines for Floyd County with the stipulation of obtaining the most favorable price.

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

Supervisor Boothe - I am not against the Electoral Board or contract negotiation, just against the Federal and State mandates making us do this.

Mr. Nester - we did receive notice from the Justice Department approving the change of polling place from the Courthouse to Floyd County High School.

Dr. Terry Arbogast, School Superintendent and Mr. Douglas Phillips, School Board Chairman, next appeared before the Board. Dr. Arbogast reported on several items:

- presented copy of school calendar;
- presented athletic events passes to the Board and staff;
- presented copy of School Board meeting highlights from August 11, 2003;
- reported that all five County schools are now accredited;
- presented copy of SOL scores - objective is to be at 80% pass rate;
- presented copy of staff development activities;
- reported that school starts tomorrow.

The Board recessed for lunch.

At 1:30 p.m., Mr. James Cornwell, County Attorney, appeared before the Board.

Mrs. Maggie Sutphin, Commissioner of the Revenue, also appeared before the Board. She requested that the Board change the filing date in the ordinance for elderly and disabled exemptions. The current date is May 1, and she suggested an April 1 filing deadline, or earlier. This will enable her office time to complete information to go to the Treasurer. This change is requested because of the change to semi-annual tax billings.

Mr. Cornwell commented that the State Code only allows for an April 1 deadline. Supervisor Boothe suggested adding this item to the list to discuss with the legislators, either to be changed, or for special legislation.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on a change of filing date in the ordinance known as "Tax Relief for the Elderly Ordinance", on

October 14, 2003 at 3:00 p.m. in the Board Room of the County Administration Building.

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

Agenda Item 7g I) - Manufactured Home Park Ordinance (proposed) - Mr. Cornwell reported that the Planning Commission is still working on the ordinance and should be completed in the next couple of months.

Agenda Item 7g ii) - Approval of Codification - Floyd County Code - Mr. Cornwell reported that an ordinance needs to be adopted by the Board accepting the codification. Municipal Code did make some recommendations to include selected State law requirements, but all recommendations are requirements, not optional items. Any State regulations would be in the language directly from the State Code.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing at 3:00 p.m., or as soon thereafter as possible, on October 14, 2003 in the Board Room of the County Administration Building, for acceptance of the Floyd County Codification.

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

Agenda Item 7g iii) - Dominion-Greenbrier Pipeline report - will be discussed in closed session.

Agenda Item 7g iv) - Request from Woody Crenshaw - abandon portion of unused right-of-way on Parkview Road. Mr. Cornwell reported that the abandonment process as outlined in the State Code would need to be followed just as any other abandonment. There is some question as to whether the ownership belongs to VDoT or Floyd County. Staff will research this matter and report to the Board at the September meeting.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a change in the November regular meeting from Tuesday, November 11, 2003 to Thursday, November 13, 2003 at 8:30 a.m.

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

Supervisor Ingram - aye

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on November 13, 2003 at 3:00 p.m. in the Board Room of the County Administration Building, for possible abandonment of a portion of a right-of-way on Parkview Road, and also to complete other necessary requirements as far as notification of property owners and posting of site.

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

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

This Certification Resolution was adopted.

Agenda Item 8a - Subdivision plats as approved by Agent for July 2003 - for the Board's information.

Agenda Item 8b - Proposed resolution - Authorizing a Contingency Plan to Allow the Short Term Borrowing of Funds to Meet Cash Flow Needs in Anticipation of Taxes in December 2003. Mr. Nester reported that this would be a line of credit for up to \$1 million, to be re-paid by January 15, 2004.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to adopt the resolution as presented "Resolution Authorizing a Contingency Plan to Allow the Short Term Borrowing of Funds to Meet Cash Flow Needs in Anticipation of Taxes in December 2003" (Document File Number).

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

Agenda Item 8d - Proposed resolution - Designation of Applicants Agent for Virginia Department of Emergency Management Homeland Security Grant Program. Mr. Nester reported that a \$78,675 grant was received for domestic preparation. This is a Federal grant with no local match required. A designated agent is required to receive the funds.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the resolution as presented, "Designation of Applicants Agent for Virginia Department of Emergency Management Homeland Security Grant Program"

(Document File Number).

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

Agenda Item 8f - Action regarding County service as Fiscal Agent for New River Valley Community Services Board. Mr. Nester commented that the County had provided this service for several years, and the Treasurer had requested that the County discontinue this service.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to notify New River Valley Community Services Board that Floyd County will no longer serve as fiscal agent after June 30, 2004.

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

Mr. Nester offered congratulations to the Floyd County Volunteer Fire Department for their receipt of a \$201,000 grant for fire equipment. The department was fifth in line of receipt of funds.

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

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