

**BOARD OF SUPERVISORS  
REGULAR MEETING  
SEPTEMBER 9, 2003**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, September 9, 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.

Supervisor Gerald 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 September 9, 2003. She questioned if the Board had reached a decision on advertisement of the delinquent tax list. There were 428 delinquent tracts last month, there are 246 now.

Mrs. Morris presented the balance sheet and revenue/expenditure summary as of August 31, 2003 for the Board's information.

The minutes of August 19, 2003 were presented to the Board for review.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of August 19, 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 consideration and approval.

Questions and discussion followed.

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

Ms. Jane Cundiff - I live in the Little River District. I would like to comment on the meeting concerning the Enterprise Zone. It was a good meeting, very interesting about trying to get some control of business areas and getting funds for that. I have not lived here very long, and am trying to meet everyone and find out what is going on. When you mention the word zoning, people have an opinion from one end of the spectrum to the other. Perhaps a series of educational articles on what zoning could do and what we can defend ourselves against. Outline the pros/cons. There are wonderful people in this area, but we must have rules. I am a teacher, and no matter how good your students are, you still must have rules. It is the same in a community. People do not know enough about zoning. I hope that you will consider putting articles in the newspaper, maybe 5-10 articles to let people know about what we can do and what we shouldn't do.

Supervisor Gerald - the Planning Commission had some meetings in each district to get input on zoning and other issues along with the Comprehensive Plan. They were beneficial. There is a little friction between the natives and the new people.

Ms. Cundiff - Yes, I attended those meetings and they were very helpful. I think it is that people don't understand. Need to educate them so it is not just opinion vs. opinion. As an educator I know that the more real information you give people, the more they come together with intelligent decisions and not just opinions.

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

Agenda Item 8a - Subdivision plats as approved by Agent for August 2003 - Mr. Nester reported that 16 new lots were created - for the Board's information.

Agenda Item 8b - Designation of representative and alternate - New River Valley Agency on Aging, one year term.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to reappoint Mr. Lowell Boothe as representative and the County Administrator as alternate, to the New River Valley Agency on Aging Board of Directors for a one year term, term October 1, 2003 - September 30, 2004.

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

Agenda Item 8c - Request for funding for 15<sup>th</sup> Annual Wildlife Habitat Evaluation Program of 4-H. Mr. Nester reported that this is a national event to be held in Blacksburg. They are requesting any type of contribution to help with the event. The Board held the matter for further information on local participation and donations from other parts of the State.

Agenda Item 8d - Delinquent real estate/personal property lists - decision on advertisement. Mr. Nester presented a breakdown of the accounts, delinquent amounts, advertisement costs previously, etc.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to advertise the delinquent 2002 real estate and personal property tax lists.

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

Agenda Item 8e - Request for child warning signs - 745 Reece Road - Mr. Nester reported that one additional request from Mr. And Mrs. Randy Turman had also been received for the signs. The Board will need to adopt a resolution if they desire to erect the signs.

Supervisor Gerald reported that the road is in the Burks Fork District, but he had talked with the first resident who requested the signs, and also visited the site. There is about 50' of pavement when you turn off of Route 221, the rest of the road is a dirt road. It is a curvy road, not much sight distance. I don't feel the signs are justified since you shouldn't be going over 35 mph because of the road conditions. After discussion, no action was taken by the Board.

Agenda Item 8f - Report on public hearing on Potential Enterprise Zone application. Mr. Nester reported that the public hearing was held on September 5 with very low citizen participation. The County is eligible for one of five designated areas. He explained the enterprise zone, its mission, and the three main distress criteria regulations of the program - of which the County must meet one, and the State incentives. The application is due by the end of the month. Current industries or businesses in the enterprise zone would not be eligible for assistance except in the case of an expansion. The enterprise zone designation lasts for twenty years, local incentives only last three years, such as for tax incentives. The industries must meet requirements of the program within the three year period. The Board held the matter for further discussion later in the day.

Mr. Bob Beasley, Assistant Resident Highway Engineer, next appeared before the Board. Mr. Beasley reminded the Board of the 6-year secondary road public hearing scheduled for October 14, 2003 at 7:00 p.m. Would like to set up times to meet with individual Board members for their district concerns. After discussion, the Board set times as follows: September 18, Supervisor Belcher - 9:00 a.m.; Supervisor Ingram - 10:00 a.m.; Supervisor Whitlock - 11:00

a.m.; Supervisor Boothe - 12:00 noon. Supervisor Gerald will meet with VDoT staff at their Hillsville office.

Mr. Beasley reported that staff are diligently working on storm damage, especially slides and pipe replacement, particularly in the hard-hit Willis area.

He also reported that the 6-year Plan Program Public Hearing for Urban and Primary roads for 2005 - 2010, will be held at the Christiansburg High School on November 12, 2003, with an informational session from 5-7 p.m., and the traditional public hearing at 7:00 p.m. Details are available on the VDoT web page.

Supervisor Gerald - Route 754, ½ mile past the intersection with Route 622 - this is the section that had caved in, the cones are still there, what will be done?

Mr. Beasley - hope to get it repaired by the end of this week or early next week.

Supervisor Gerald - Route 787, did you get to look at it?

Mr. Beasley - we got the pothole patched, I did check the width of the road, it is 4' of shoulder at the most narrow point.

Supervisor Gerald - they put shale along where the shoulder washed out, it won't stay.

Mr. Beasley - they will put large rock on top of that. The retaining wall idea is a good one, but the cost would be astronomical.

Supervisor Gerald - what is the solution? Apply for an environmental permit, wait a month, do it all again?

Mr. Beasley - that is about the only option at this point. We use the small rock to fill in and then cap it off. There are some very large rocks in there, some as big as a VW, but the water will still move them.

Supervisor Gerald - so when the citizens ask me about it, what do I tell them?

Mr. Beasley - we will keep it operational with the rip rap. If we wanted to set up a project for a retaining wall, we could, but there is only so much money to go around.

Supervisor Gerald - Route 751, Windy Hill Road - is this project still a go for the middle of the month?

Mr. Beasley - yes, the contractor had three roads to work on in one project, he has completed the other two. They have until November 1 to complete the project, per the contract.

Supervisor Whitlock - feel that all the problems on my roads have been relayed to you

and they are being taken care of. I do hope that the brush can be better taken care of next year on the gravel roads if the weather cooperates. Do appreciate the work you are doing.

Supervisor Gerald - Reece Road - we had a request for warning signs for children at play. Do you usually put these signs on gravel roads?

Mr. Beasley - we really discourage it because the speed should be limited anyway because of it being a gravel road. We have done them in extreme circumstances.

Supervisor Ingram - appreciate work you are doing. Maybe the weather now will allow you to catch up some.

Supervisor Belcher - thanks for the work you have done and appreciate you keeping up as best you can.

Supervisor Boothe - appreciate the attention to Low Gap Road, your work took care of the problems.

Supervisor Boothe - Route 705, the speed study did not warrant a change, but what about signs on the end off of Route 8 indicating the curves ahead?

Mr. Beasley - we can check it.

Supervisor Boothe - do appreciate all the work you are doing.

Supervisor Whitlock - have you heard anything about the speed study on Route 221 toward Pine Tavern?

Mr. Beasley - was done to the Town limits, I think they are going to review it again.

Supervisor Whitlock - the passing lane needs to be taken out on Route 221, or at least checked with all the different entrances for the Rescue Squad, subdivision, vet clinic, etc.

Supervisor Gerald - appreciate the prompt way that you take care of the things that we bring to your attention. They are usually taken care of in a day or two after we mention them at the meeting.

Mr. Nester presented a printout concerning the Via's Truck & Tractor bill that was in question from earlier in the day. He also reported that the bill covered the period from June through August 2003.

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

Supervisor Boothe - aye

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

Agenda Item 8g - Reminder - Jacksonville Center Grand Opening Celebration, September 12-14. At 11:00 a.m. on Saturday, Congressman Boucher will headline the Inaugural Event, to which the Board is invited.

Agenda Item 8h - Report - Virginia Heritage Music Trail Program. Mr. Nester reported that the amount required for match from localities has been exceeded. The program is shaping up very nicely. More detailed planning will now be undertaken.

Mr. Nester reminded the Board that they need to be thinking about requests for the legislators for the upcoming General Assembly session. They have requested items to be sent to them early.

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

- Presented copy of School Board meeting highlights from September 8, 2003 meeting;
- Invited the Board to a ceremony and cookout on September 26, 2003 at 3:45 p.m. to showcase the ABS system;
- Presented copy of the No Child Left Behind application for Phase II, which the County will receive \$472,039.47 in Federal funds;
- Presented copy of State No Child Left Behind Adequate Yearly Progress Report - only one area in one school failed, which was students with disabilities in the English area at FCHS - these are unofficial results;
- School Board received improvement plans from each school at their meeting on September 8 - will be glad to provide copies to the Board of Supervisors for your individual schools if you would like;
- Presented copy of student enrollment report from September 2 - 2097 students - there were 50 new students at the high school alone.

Supervisor Whitlock questioned if the cornerstone at the high school will be removed with the construction?

Dr. Arbogast - no, it will not get touched, the entranceway will be enlarged, but the cornerstone will not be removed.

Dr. Arbogast reported that the construction at all schools is progressing well. There have been minor problems, but things have been worked out.

Supervisor Gerald questioned the 3-phase power at Indian Valley, thought this was part

of the original expense not a separate expense.

Dr. Arbogast - it was one of the expenses of the total project.

Supervisor Gerald - thought it was part of the original contract.

Dr. Arbogast - not part of the construction cost at all. The 3-phase power would be soft costs, not construction costs. \$200,000 was our original estimate for the power. We had several soft costs for various items.

Mr. Phillips - they are several weeks behind so we do need to get it approved so they can move ahead.

Supervisor Whitlock - will it be on Route 787 or through the mountains?

Mr. Phillips - they hope it will be on the road, probably Route 730 instead of 787. If it is put close to the road, it can be worked on easier, we are out of power a lot in that area.

Dr. Arbogast - approval was given to go ahead several weeks ago.

The Board recessed for lunch at Floyd County High School.

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

Agenda Item 7 e I) - Manufactured Home Park Ordinance (proposed) - complete copy of all changes will be submitted to Planning Commission in draft form at their next meeting for one more review before submittal to the Board for review and public hearing.

Agenda Item 7e ii) - Request from Woody Crenshaw - abandon portion of unused right-of-way on Parkview Road. Mr. Cornwell reported that this is a 60' State road. The County will have to abandon the requested portion. Have asked Mr. Crenshaw to survey the area. The public hearing is scheduled for the next meeting. Should have something back from the surveyor in the next 10 days.

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 potential litigation where public discussion would adversely affect the negotiating or litigating posture of the County or 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 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 Belcher, and 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, Paragraphs 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 - abstain - absent for part of closed session

Officials from Greenbrier/Dominion next appeared before the Board. They included Ms. Eva Hardy, Mr. Robert Orndorff, and Mr. Bryant Brooks. Mr. John Rife, County Attorney, and Ms. Becky Coleman, Congressman Boucher's aide, also joined the discussion.

Dominion officials expressed their interest in working with the County, especially in the area of the water study, both from the pipeline standpoint and long-term. After considerable discussion, the Board declined their offer because of two previous attempts for collaboration, which were unsuccessful. Both sides expressed their desire to wipe the slate clean of past misunderstandings and collaborate for a satisfactory resolution.

Agenda Item 8f - Enterprise Zone decision.

On a motion of Supervisor Gerald, seconded by Supervisor Whitlock, and carried, it was resolved to authorize the County Administrator to proceed with the application for an Enterprise Zone for Floyd County.

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

Mr. Nester reminded the Board of the September 23, 2003 dinner meeting with writers from outdoor/recreation magazines, which will be held at the Jacksonville Center.

On a motion of Supervisor Belcher, 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