

**BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 13, 2004**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 13, 2004, at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman; J. Fred Gerald, Vice Chairman; Diane B. Belcher, Jerry W. Boothe, Kerry W. Whitlock, Board Members; George W. Nester, County Administrator; Terri W. Morris, Assistant County Administrator.

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

The Opening Prayer was led by Supervisor Gerald.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the invested cash and checking account balances as of January 13, 2004. She also presented a summary of 2003 calendar year tax collections. The percentage rate of collection for real estate was 94.2% and 87.72% for personal property.

Mrs. Morris presented the balance sheets for November 2003 and December 2003. She reported that through December 31, 2003, in the General Fund only, that 75% of revenue budgeted had been collected, and 45% of budgeted expenses had been used.

The minutes of December 9, December 23, 2003 and January 5, 2004 were presented to the Board for review and approval.

Supervisor Whitlock - December 9 minutes, page 3 - appointment to Recreation Authority - do not think Supervisor Boothe seconded the motion when he was the one being appointed.

Mrs. Morris checked her notes from the meeting, it was correct that Supervisor Boothe seconded the motion.

Chairman Ingram indicated that there had been comments over the years that the minutes

were too detailed and too involved, but I personally like the way they are done. Questioned if any Board members had a problem with the way they are done? They seem to provide the discussion and action and are detailed enough. No other comments from the Board.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the minutes of December 9, 2003, December 23, 2003 and January 5, 2004 as presented.

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

Sheriff Shannon Zeman next appeared before the Board. He reported on several items that have occurred since he assumed office:

- appointed Bruce Turner as Chief Deputy, Tim Dulaney as Supervisor of the patrol officers;
- for the last several years, all deputies have served papers, now one deputy is taking care of that job;
- computer system upgrade - everything has been installed, a few bugs, but they have been worked out. Chris King and Ford Wirt were a great help, we couldn't have done it without them. We don't have the system up 100% yet, but we are working and learning. We will implement the different phases as we can.
- Three search warrants issued since January 1 - one was a drug seizure, and one led to the solving of another case;
- Will be looking at the employee personnel policy, especially the earning of annual and comp time. Will use the County policy as reference;
- Would like to speak with the Board concerning the budget when the time is appropriate;
- New guns for all officers were received last year outside of the budget;
- All new bullet proof vests were also received with outside funds;
- Expandable batons will be received next month with outside funds;
- One semi-automatic rifle will be purchased each quarter with outside funds.

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

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

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

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

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

Mr. Brecc Avellar, representative of Edward Jones, Inc., next appeared before the Board. He presented information to the Board concerning tax free municipal bond financing. Towns and Counties have the authority to issue tax free bonds. It is a cheaper way to finance things that the County wants to do. Income that results from the bonds are not taxed and the interest rate is lower. The County can issue tax free bonds and sell them to finance projects in the community, which enables an even lower rate of interest. The County can work with a bank or a brokerage firm with the addition of a bond counsel.

Mr. Jack Wall, Ms. Kamala Bauers and Mr. Sam Moore next appeared before the Board representing the Partnership for Floyd. They presented a power point presentation outlining their group's goals and ideas. Some of the items mentioned:

- are working on a hotel project on part of the Rakes mansion property;
- restoration of the Jacksonville cemetery;
- have applied for 501-C-3 status;
- Woman's Club has provided match funds for downtown lighting;
- enhancement of the walking areas between sights;
- improved signage;
- TEA-21 grant - available through VDoT for sidewalks, destination routes, landscaping, destination routes; lighting and benches. The Town will actually apply for the grant with assistance from the Partnership for match funds;
- want to discuss some problems, particularly with AEP, concerning the area around the stoplight. Some interest from AEP because they are near capacity at that site. Also want to work with them to bury utilities or use some type of decorative lighting on the poles if they are not buried.
- would request a support resolution from the Board for the grant application

Mr. Nester presented an outline to the Board showing the tourism dollars for the years 1988 - 2001. The State average was a 71% for that time frame, with Floyd County's increase 252% which equals out to \$12.1 million/year from tourist dollars.

Mr. Bill Whitsett, New River Community Action, next appeared before the Board. He reported on several items:

- served 1,620 clients over the past fiscal year, which was a 4.2% increase from the previous year;
- Radford University has a mobile clinic which will be providing services at our agency on the 1st and 3rd Tuesdays of each month from 12-6 pm (presented brochure on the clinic);
- CHIP program, which serves children from birth to 7 years, was added in Floyd this year. Have a nurse and counselor both on staff now for this program;

- computer literacy program started this year. Hope to have it set up by March;
- Tech students developed a brochure of the agency outlining the services we provide, and also the services provided by other agencies housed in our building;
- gardening project started last year for fresh produce for the food pantry.

Mrs. Brenda Doyle next appeared before the Board and praised the service agencies in the County, especially New River Community Action. The agencies have been a tremendous help to her family. She gave a personal testimony of her life and illnesses and how the agencies have assisted her. She commented that money given to NRCA is going for action to help people.

Mr. Junior Goad, Resident Highway Engineer, and Mr. Burlin Hill, Contract Administrator, next appeared before the Board.

Mr. Goad reported that the Revenue Sharing Program is being offered again this year and the Board will need to decide by March 1 if they wish to participate. \$30 million is available in the program.

Supervisor Gerald - how many residents have to be on a road to take it into the system?

Mr. Goad - normally three unless it is a connecting road, then it can sometimes be fewer.

Supervisor Whitlock - some wet weather springs are showing up but I know you will take care of them when you can. Also appreciate the work during the snow removal. People need to slow down and watch the condition of the roads so we would have fewer problems.

Supervisor Belcher - appreciate all your work.

Supervisor Boothe - have the speed signs on Route 729 been installed? Can you please check? Also, I have had some questions about snow removal where individuals are contracted. What kind of arrangements are made?

Mr. Goad - they are under the supervision of the Superintendent in the area. They are paid by the hour. The Superintendent in that area is to keep up with them and make sure they are doing the right thing.

Supervisor Boothe - if school is in session, and must be let out early, if some attention could be given around them, it would greatly help.

Mr. Goad - the first priority is to keep the primaries clear. We do prioritize on the secondaries, getting the highly traveled ones first.

Supervisor Boothe - appreciate all the work as always.

Supervisor Ingram - could you give me a quick outline of the Rural Rustic Road program? I have had some questions about it.

Mr. Goad - I am required now to look at any improvements to first see if the Rural Rustic Road funds can be used. (He then outlined the basics of the program - will send a copy of the guidelines to the County Administrator).

Supervisor Ingram - so it is a sub-standard road?

Mr. Goad - in some situations. We don't have any roads that are not improved that have under 100 vehicles per day.

Supervisor Ingram - what is the minimum width?

Mr. Goad - it is usually 18' but it comes back to 16' sometimes but we like it to be 18'. The projects also have to be in the 6-year plan, it is the same pot of money.

Mr. John Alexander, Sales Manager for BFI, next appeared before the Board.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.30, discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to come out of closed session.

Supervisor Boothe - aye
Supervisor Whitlock - aye
Supervisor Belcher - 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 contractual matters in accordance with Section 2.2-3711, Paragraph A.30 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 Whitlock - aye
Supervisor Boothe - aye
Supervisor Gerald - aye
Supervisor Ingram - aye

This Certification Resolution was adopted.

Dr. Terry Arbogast, School Superintendent, next appeared before the Board. He reported on several items:

- December 11, 2003 school board meeting highlights;
- request for supplemental appropriation request in the amount of \$607,745.00 with no local funds involved;

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the supplemental appropriation request in the amount of \$ 607,745.00 to the Floyd County schools for the FY04 budget to accounts as requested.

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

- composite index has decreased 2%, which is a positive note because the State will be picking up more. The composite index supposedly equalizes State funding State-wide according to local ability to pay based on a two-year period;

- School Board meeting highlights from January 12, 2004;
- Public hearing held last night on the FY05 budget with five speakers. Teacher salary scales, benefit program, art program and additional special education staff were the main topics.
- Enrollment report for December 2003 - 2094 students - looking at 2125 students for next year's budget;
- SOL scores for 1st semester - at the High School, tests were done on the computer for

the first time. Grades are received immediately and re-tests can be scheduled if needed;
- very big concern with the construction - had a call last week from AEP to make sure that we are still interested in 3-phase power at Indian Valley. We have talked to them for a year. It is obvious that they do not want to do the work. We need your help. They do have a meeting on Wednesday concerning the matter and are supposed to let us know their decision.

The Board recessed for lunch at Floyd Elementary School.

Mr. John Rife, County Attorney, next appeared before the Board.

Agenda Item 7i I) - Proposed ordinance for employee background checks. Mr. Rife commented that the ordinance was put together at the fullest extent possible so anything less stringent can be considered. Discussion on deleting volunteers from the ordinance, but consensus was to leave them in at this time. Also include clarification that the County Administrator may or may not perform the background check, at his discretion.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and carried, it was resolved to authorize the County Administrator to advertise for a public hearing on February 10, 2004 at 5:00 p.m. in the Board Room of the County Administration Building, on the proposed employee background check ordinance.

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

Agenda Item 7i ii) - Manufactured Home Park Ordinance (proposed) - Mr. Rife reported that the Planning Commission is still working on the ordinance. Supervisor Gerald commented that the Commission members would like to meet with the Board to discuss the ordinance. Consensus of the Board was to meet with them at their regular meeting on February 3, 2004

Mr. Nester presented the proposed budget schedule for the Board's consideration.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to set a budget workshop on January 21, 2004 at 6:00 p.m.

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

Mr. Rife updated the Board on the delinquent tax property sale situation. The title company has finished all its work, but there are questions remaining on two properties. One property had been sold previously and one property didn't exist because of being included in the

surrounding properties. Sands, Anderson had already paid for the title work. Spoke with Mr. Nester and he agreed that the County should pay for the work that had already been done. Hope to have the sale by early May.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.3, discussion or consideration of the acquisition of real property for a public purpose or of the disposition of publicly held property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; Paragraph A.7, consultation with legal counsel pertaining to actual or probable litigation, where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the public body; and Paragraph A.30, discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

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

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, 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 real property, actual or probable litigation, and contractual matters in accordance with Section 2.2-3711, Paragraph A.3, A.7 and A.30 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 Whitlock - aye

Supervisor Belcher - aye

Supervisor Gerald - aye

Supervisor Ingram - aye

This Certification Resolution was adopted.

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

Agenda item 8b - Report - Virginia Heritage Music Trail. Mr. Nester reported that each locality will be allowed two listings each on the Music Trail web page. He had chosen the Jacksonville Center and County Records. From these two sites, links will be placed to all other areas of interest in the County. At this time, Carroll County is the only locality that does not wish to participate in the Music Trail.

Agenda Item 8c - Waste management disposal options. Mr. Nester reported that proposals had been received but would recommend that the Board table this matter to ascertain the changes that will be coming with the State trash surcharge. Consensus of the Board was to delay a decision on this matter.

Agenda Item 8d - Proclamation for WWII Veterans Recognition Day - May 29, 2004. Mr. Nester suggested that the resolution be amended to include the Merchant Marines in the 5th paragraph. The Board is also invited to a prayer breakfast on this date, further details will be forthcoming.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the proclamation for WWII Veterans Recognition Day as amended (Document File Number _____).

Supervisor Boothe - aye

Supervisor Whitlock - aye

Supervisor Belcher - aye

Supervisor Gerald - aye

Supervisor Ingram - aye

Agenda Item 8e - Report on AEP Electric Rates/VML/VACo. Mr. Nester reported that the present contract expires June 30, 2004. The contract has been extended through June 30, 2007 with no change in rates. AEP reserved the right to consider future rate adjustments and if

they do, VACo has the right to challenge the rates. For information only, no action is needed by the Board.

Agenda Item 8g - Report - Phlegar Homestead. Mr. Nester reported that the Phlegar Homestead has been accepted into the Virginia Landmarks Register and National Registry of Historic Places. This was part of the agreement between the County and Historical Society when the property was transferred. As part of the agreement, architectural plans must be complete by July 2005 and the property must be open to the public by July 2007.

Agenda Item 8h - Amendment to Subdivision Ordinance - 5 year certification as related to family divisions. Mr. Nester commented that the Board has two options: 1) amend the ordinance or 2) require a signed affidavit from the subdivider that no divisions have occurred. Consensus of the Board was to handle the matter administratively with a signed affidavit from the subdivider.

Agenda Item 8i - Feasibility of health care facility for Floyd County. Mr. Nester reported that Congressman Boucher is willing to assist the County in obtaining funding from the Federal level for a health care center for non-emergency cases. Have a meeting tomorrow with the Tri-Area Health Clinic to see if they will locate a satellite office in Floyd County. On January 30, Mr. Boucher's office will facilitate a meeting in Abingdon with folks from a clinic in far Southwest Virginia to discuss options also.

Agenda Item 8j - Invitation from the Floyd County Women's Club for a Board representative to attend their information sharing session on County/Town issues on February 10, 2004 at 7:00 p.m. Consensus of the Board was for the County Administrator to respond that it is the Board's regular meeting date and they will probably not be able to attend.

Agenda Item 8k - Request from Social Services for an supplemental appropriation for additional expenses in the VIEW program. Said appropriation request is for \$39,000, of which \$1200 is the local match.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the supplemental appropriation of \$39,000 (\$1200 local match) to Social Services' FY04 budget, said amount to be transferred from Contingency.

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

Agenda Item 8l - Mr. Nester reported that a \$14,550 grant had been received from Pet Smart for assistance in the animal shelter expansion. Mr. Garland Nester had prepared the grant application, which was approved.

Supervisor Boothe questioned the Jacksonville Center request - does the Board need to decide something today?

Supervisor Ingram - part of the request was for budget funding which we can do in the budget process. \$3000 was for funding now for the visitor center.

Mr. Nester - would recommend that if the Board does contribute towards the visitor center, that some type of agreement be adopted instead of just making a contribution with no control.

Supervisor Ingram - I will relay to the Jacksonville Center that it will be considered in the budget process.

Supervisor Boothe suggested that a plaque be placed on the monument at the new Commerce Center recognizing the former Board members and others who had the foresight to purchase the property. Consensus of the Board was for staff to pursue the plaque placement.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adjourn to Wednesday, January 21, 2004 at 6:00 p.m. for a budget work session.

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