

**BOARD OF SUPERVISORS
REGULAR MEETING
MAY 11, 2004**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, May 11, 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 Vice Chairman Gerald.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the invested cash as of May 11, 2004 and the cash in office as of the same date. She requested that the Board adopt a resolution authorizing the other Deputy Treasurer in her office to sign County warrants. The Board will consider the matter later in the day. She reported that tax tickets have gone out for the first half of the year. Comments, both good and bad, have been received. A few of the taxpayers have paid the entire amount.

Supervisor Boothe commented that several of his constituents have questioned why the land description was not on the tax ticket.

Mrs. Thomas commented that their office heard so many comments when the description was on the ticket, that it was removed from the new ones. But, it will be on the form next year, more have complained that it was not on the form.

Mrs. Morris reported that the balance sheet and revenue/expenditure reports will be sent to the Board later in the week, due to computer problems and other delays.

The minutes of April 13, 2004 and April 21, 2004 were presented to the Board for review and consideration.

Supervisor Boothe commented that, on the April 13 minutes, page 7, that he did not think he seconded the motion on the New River Community College appointment. Staff will check notes from the meeting.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of April 21, 2004 as presented.

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Whitlock - aye

Supervisor Gerald - aye

Supervisor Ingram - abstain - due to not being present for entire meeting

Sheriff Shannon Zeman next appeared before the Board. He reported on several items:

- Received letter from Jim Shortt, Town Attorney, asking that the Sheriff's Office enforce the Town decal ordinance. I have no objection to this, but we have not enforced the Town ordinances in my 16 years with the office, but if something can be worked out, we will be glad to do it.
- Compensation Board funding (additional) has been received for equipment and office supplies, around \$12,000. We did receive these funds which have to be spent immediately. You will see a lot of bills for these things over the next couple of months, for office supplies, ammo, rifles, etc.
- Received fax from Virginia Sheriff's Association that a 4.82% increase was approved for Sheriff's deputies effective December 1, 2004, and 3% for other staff members.

Supervisor Gerald questioned if any speeding tickets had been issued from the radar units?

Sheriff Zeman - yes, some. Our list of problem areas is growing where people are calling in. The Christiansburg Police Department donated some of their old radar units to us, and they will be installed soon.

Mr. Nester commented that VDOT is performing a safety study on Route 221 because of the great number of fatalities. I am sure that the Sheriff's Department will be contacted for suggestions and information.

Sheriff Zeman also reported that the grant application for Selective Enforcement had been completed and submitted for additional officers on patrol.

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

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.

Further discussion and questions followed on the monthly disbursements.

On a motion of Supervisor Belcher, it was resolved to approve the monthly disbursements, plus additions, as presented.

Motion withdrawn for further discussion.

Mr. Nester presented a report from Mr. Garland Nester, Animal Control Officer, concerning a dog claim from Mrs. Phyllis Beall. Her claim for \$247 included goats, hens, pullets and rabbits killed. The dog was finally found and killed by the Animal Control Officer. This bill is included in the monthly disbursements.

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

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

Agenda Item 8a - Subdivision plats as approved by Agent - April 2004. Mr. Nester reported that 24 lots were approved by the Subdivision Agent.

Agenda Item 8b - Appointment to Montgomery-Floyd Regional Library Board - 4 year term. Mr. Nester presented a letter from Ms. Molly Cox expressing her interest in a position on the Board.

On a motion of Supervisor Gerald, seconded by Supervisor Belcher, and unanimously carried, it was resolved to appoint Ms. Molly Cox to the Montgomery-Floyd Regional Library Board for a four year term, beginning July 1, 2004.

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

Agenda Item 8c - Renewal of dental/life insurance plans with Guardian Insurance Company. Mr. Nester reported that this is an employee funded plan administered by the County. The dental insurance portion increased 11%, and the life insurance portion realized no increase.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously

carried, it was resolved to authorize the continuation of the dental/life insurance contract with Guardian Insurance Company for a one year term.

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

Agenda Item 8d - Request for increase in recycling reimbursement fund. Mr. Nester presented a letter request from Mr. Sherrell Thompson, Recycling Coordinator, requesting an increase from \$1000 to \$1500 in the recycling reimbursement fund. The request hinges on the increased volume of aluminum and copper being received, along with the increased cost.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize an increase in the recycling reimbursement fund from \$1000 to \$1500.

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

Agenda Item 8e - Retirement - Ellen Johnson, Department of Social Services Director, effective July 31, 2004. Mr. Nester reported that the DSS Board is receiving applications for the position until May 21, 2004. The State DSS exercises a tremendous amount of oversight over the program, but the final decision rests with the local DSS Board.

Agenda Item 8f - Recommendation from Community Policy Management Team (CPMT) to appoint Dr. Betty Etzler as a service provider representative. Mr. Nester reported that this two year appointment has been vacant for several months, and Dr. Etzler's firm serves as the Coordinator for the Safe and Stable Families grant that the CPMT administers.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to appoint Dr. Betty Etzler as service provider representative to the Floyd County Community Policy Management Team (CPMT) for a two year unexpired term, term ending December 31, 2005.

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

Agenda Item 8g - Budget work session - Mr. Nester reported that with the adoption of the State budget by the General Assembly, that updated numbers should be received by the end of

the week or early next week. The Board may want to consider setting up a budget work session next week. Consensus of the Board, after discussion, was to meet at 7:00 p.m. on May 19, 2004.

Mr. Junior Goad, Resident Highway Engineer, and Mr. Bob Beasley, Assistant Resident Highway Engineer, next appeared before the Board. Mr. Goad reported on several items:

- Route 221 speed study - recommendations were for 25 mph from West Corporate limits to 0.02 Mile North Route T-694; 35 mph from 0.15 Mile S. West Corporate limits to West Corporate limits; 45 mph from 0.02 Mile S. Route 719 to 0.15 Mile S. West Corporate limits;
- Received a request from Town Council for a pedestrian signal at the Route 8/221 intersection;
- Per the request for a signal at the Route 221/615 intersection - after a study by traffic engineering, the intersection did not warrant a signal. The yield sign was changed to a stop sign. Suggestion to work with Sheriff's Department and State Police to handle traffic at busy times.
- Ditching is complete on gravel roads.
- Chloride is being put down.
- Have completed primes on paving projects from year before last.
- Adams Construction will begin contract paving work in August.
- Bridge projects - Route 221 - latex overlay will be done next week; Route 8 - coming along well and on schedule. Hope to get ten years of service out of these repairs.

Supervisor Gerald - appreciate white/yellow line painting along roads, it is a great help in the fog.

- Route 751, Windy Hill Road - coming apart on lower end close to Route 787, where construction was done. The traffic is about having to stop to go across it.

- Route 787/622 intersection - requested rumble strips - any word on that?

Mr. Beasley - they will be installed soon, and also a larger stop sign.

Supervisor Gerald - Route 636 - asked you to check sight distance, it is not on the six year plan, but can anything be done?

Mr. Goad - we will check it.

Supervisor Gerald - Route 751 - Adopt a Highway sign, needs to be moved to West end of road next to the intersection of Macks Mountain Road and Sutphin Road.

- Route 730 - road is wavy and coming apart - from Route 750 to Indian Valley.

Mr. Goad - we are working on it.

Supervisor Gerald - Route 787 - the filler has been there about a month but it still sticks to your tires when you drive through.

Mr. Goad - probably sealed with a winter asphalt, we will check it.

Supervisor Gerald - hope you will continue to work on the potholes in Indian Valley.

Supervisor Gerald - for a Recreational Subdivision, do the people have to donate money for the road to be taken into the system?

Mr. Goad - yes, either the people or the developer. VDOT will no longer take these roads into the system under rural additions. The roads can be done at their cost, not with taxpayer funds.

Supervisor Belcher - Route 799 - culvert replacement has been done, when is it scheduled to be improved?

Mr. Goad - sometime this summer. We are doing pipe work in advance of the paving work, to have everything ready to go.

Supervisor Belcher - appreciate the line painting. Dirt roads have a lot of potholes that need attention. Concerning the request from the Bishops on Route 8 South, have you heard anything?

Mr. Beasley - we will not put in guard rail at the site, it is just a slight grade with no drop off, and there have been no accidents.

Supervisor Belcher - appreciate the patching of hardtops.

Supervisor Ingram - Route 221/610 intersection - this is the site of the latest fatality. It is a dangerous intersection with a business, parking lot and greenbox site diagonally across from the store. Need to look at the intersection to see what we can do. A lot of the trouble is on Route 221. Can you look at it and see what we can do different? We have the same situations at the Route 221/642 and Route 221/795 intersections. Can we do some speed studies looking at these dangerous intersections?

Mr. Goad - I actually reviewed all of these situations last week with staff. Our traffic engineer will be studying the situations and we will be looking at the entire section.

Supervisor Ingram - Route 642 - have had good comments from the citizens on that road on the new pavement, also from folks on Route 680.

Mr. Tom Moser, resident on Route 699, Bluebird Road, next appeared before the Board. Mr. Moser commented that he had been going to road meetings for several years. Have several neighbors on the road who do not want the road paved. Supervisors Whitlock and Boothe have indicated that they would talk to the neighbors. The Rural Rustic Road program would allow it to be improved. The State regulations require a 40' right-of-way but some folks will not give the 5' required. If the right-of-way cannot be obtained, would like the Board to pass a resolution for this road to be improved under the Rural Rustic Road Program.

Mr. Goad - two landowners will not sign for the needed improvements. I suggest that you talk to Jim Salyer at our Check office to get the names of those folks, then if the Board members want to talk to them, that would be great. I have looked at the road and it is not wide

enough in some spots to qualify for the Rural Rustic Road Program. We need at least 16', would prefer 18', to do the Rural Rustic Road Program. The Program requires minimum work such as extending pipes or ditching.

Supervisor Boothe - suggest that if we cannot get the two landowners to sign for the improvements by the November revision of the plan, that we move the project to the end so it won't be totally off the plan.

Supervisor Whitlock - reiterate appreciation for work on roads, glad to see the side ditches again.

- I had requested last year, that when you do the paving on Route 681, to extend the pavement back from the intersections to make it easier to enter Route 681, would like to request this again.

Supervisor Boothe - talked with John about industrial access road off of Penn Avenue, need to stop that work, it is not needed.

Mr. Goad - it was stopped after we checked it.

Mr. Goad reported that he had met with some of the Town Council members. According to them, homeowners along Oxford Street have already given enough right-of-way for the project, down to Newtown Road. We should have an estimate this week.

Supervisor Boothe - do appreciate work on gravel roads, we are way ahead of the pothole situation from just a month ago.

Supervisor Gerald - appreciate work in getting the rumble strips and bigger stop sign on Route 622.

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 Board meeting highlights from April 19, 2004 meeting;
- Presented copy of school calendar for 2004-2005;
- Presented copy of technical plan - all teachers are required to meet these technical competencies to keep their teaching license (renewed every five years);
- Presented copy of Summer Enrichment Camp program - students can have choices within a four week period, in conjunction with the June Bug Center;
- High School construction is 98-99% complete, elementary schools are all on schedule with the exception of Floyd Elementary's media room may be delayed somewhat. Three phase power at Indian Valley is scheduled to be complete by the middle of May.

Supervisor Gerald questioned Dr. Arbogast as to being approached about a charter internship at the High School?

Dr. Arbogast stated that he had not been approached, but the High School itself could have been.

The Board recessed for lunch.

Mr. James Cornwell, County Attorney, appeared before the Board. He presented a list of property for sale with delinquent taxes. The list was filed May 7, 2004 and the individuals will have until June 14, 2004 to appear before the Court to pay costs. A sale will be held sometime this summer.

Mr. Nester presented a proposed resolution for signing of County warrants for the Board's consideration. Discussion followed on amending the ordinance to include the words "and/or" after the respective persons so both signatures would not be required.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the resolution as amended for signing of County warrants (Document File Number _____).

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

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.1, discussion of specific personnel; 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 or negotiating strategy of the public body; and Paragraph A.7, consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

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 Gerald, 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, potential litigation and legal matters in accordance with Section 2.2-3711, Paragraph 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 Belcher, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion of specific personnel; 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 or negotiating strategy of the public body; Paragraph A.5, discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; Paragraph A.7, consultation with legal counsel and briefings by staff members pertaining to

actual or potential litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body; consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

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

Supervisor Whitlock left the meeting at 3:00 p.m.

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

Supervisor Boothe - aye
Supervisor Belcher - aye
Supervisor Whitlock - absent
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 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, prospective business or industry, potential litigation, legal matters in accordance with Section 2.2-3711, Paragraph A.1, A.3, A.5, 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 - absent
Supervisor Gerald - aye
Supervisor Ingram - aye

This Certification Resolution was adopted.

Mr. Nester presented a letter from the New River Valley Planning District Commission indicating their receipt of a \$35,300 grant to study the possibilities of keeping military bases, such as RAAP, active. The grant requires a \$16,500 match, of which Floyd County is requested to provide \$450. The grant match breakdown per locality is based on employment figures at RAAP. The Town of Floyd has authorized \$100 toward the County's \$450 match.

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, and carried, it was resolved to approve the grant match of \$350 toward the New River Valley Planning District Commission's grant concerning military bases.

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

Mr. Nester reported that he had been contacted by the attorney's office for Mr. Kenneth King concerning the easement along the Industrial Park road. This situation has been on-going for several years. A public hearing has already been held on the matter.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and carried, it was resolved to authorize the Chairman to execute any necessary documents in regard to the conveyance of property to Mr. Kenneth King, with the stipulation that such conveyance will not result in an independent lot, but as part of Mr. King's property.

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

Discussion followed on the April 13, 2004 minutes. It was the consensus of the Board that on page 7, concerning the appointment to the New River Community College Board of Directors, that Supervisor Belcher had seconded the motion, and not Supervisor Boothe.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of April 13, 2004 as amended.

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

Supervisor Gerald - aye
Supervisor Ingram - aye

Supervisor Gerald left the meeting at 4:47 p.m.

Chairman Ingram commented that he and Supervisor Whitlock had been contacted concerning a junkyard in Supervisor Whitlock's district. Mr. Cornwell advised that it is regulated under the State Code and should be addressed to the Commonwealth's Attorney.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to adjourn to Wednesday, May 19, 2004 at 7:00 p.m.

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