

**BOARD OF SUPERVISORS
REGULAR MEETING
JUNE 14, 2005**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, June 14, 2005, 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 (entered the meeting at 1:30 p.m.); Diane B. Belcher, Jerry W. Boothe (entered the meeting at 8:55 a.m.), 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 Belcher.

Supervisor Belcher led in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the invested cash as of June 14, 2005. She reported 92-93% collection of the first installment of real estate taxes which were due June 5, 2005. She commented that the deadline did slip up on a few folks.

Mrs. Morris provided the remainder of the financial report and noted that we are 92% through the fiscal year. For General Fund only, collections are at 97% and expenses at 90% of budget. The Contingency budget, which began at \$211,497, has a balance of \$132,286 at May 31, 2005. Five departments are over budget, and gas/oil line items are over in most departments, as we expected with the rising rate of fuel over the last few months.

The minutes of May 10, 2005 were presented for the Board's review and consideration.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and carried, it was resolved to approve the minutes of May 10, 2005 as presented.

Supervisor Boothe - absent

Supervisor Belcher - aye

Supervisor Whitlock - aye - with the exception that he was not present at entire meeting

Supervisor Gerald - absent

Supervisor Ingram - aye

The monthly disbursements were presented for the Board's review and consideration. Questions and discussion followed.

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

Ms. Barbara Bell - I live in the Town of Floyd at Pine Ridge Apartments. I moved here from Colorado, it will be two years in September. I am visually impaired. My first comment is that the roads are very not user friendly for walkers. I can walk to most places in Town, to the pharmacy, to the post office and the store, but it is really dangerous to walk on the side of the road, we need a walk space. It would be a lot easier for people to get around. I do love it here and my children have moved here also. It's a little bit of heaven. My other comment is, where I came from, and all the other little towns, had senior centers. One took their old post office building and made a senior center out of it. I am involved with the RSVP here. I've done a lot of volunteer work in Colorado and I can't just sit around. But there are a lot of people that just want to sit around with the others, and talk. We have talked with the Ministerial Association to bring ones that live in the country into Town. My thought was, the Farmers Foods building is empty now, could a senior center be included into that building, maybe in cooperation with a day care center. I know a lot of places do this type of thing and its good for the kids and good for the adults. Just thought that I would like to bring this to your attention. If there is anything that we can do as citizens here, I would be glad to try and do it. I have a voice, a telephone and I can walk anyplace around town and drum up interest.

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

Further discussion followed on the monthly disbursements.

Mr. Ford Wirt, Emergency Services Coordinator, next appeared before the Board. He presented a synopsis of the year's expenditures for road sign purchase/maintenance. He reported that \$10,000 was budgeted for this item, with \$7025.88 spent to date. He also noted that funds for two new subdivisions appear on the report, which have been received but not expended. Will be submitting a request for carry-over of these funds to the FY06 budget.

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

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Whitlock - aye

Supervisor Gerald - absent

Supervisor Ingram - aye

Agenda Item 8a - Subdivision plats as approved by Agent for May 2005. Mrs. Lydeana Martin, Subdivision Agent, appeared before the Board to present this report. She reported that in

the first five months of 2004, that 58 parcels were approved. In the first five months of 2005, 150 parcels have been approved. In all of 2004, 159 parcels were approved. She reported that the Planning Commission will be reviewing the Subdivision Ordinance over the next few months to examine some areas that they think are lacking.

Agenda Item 8b - Appointment to New River/Mount Rogers Workforce Investment Board, business representative. Mr. Nester reported that he had attempted to locate a business representative but have had no success. Have contacted Crenshaw Lighting, Dreaming Creek, H&V but they have not supplied any possibilities. Suggestion from Board was to contact Chamber of Commerce, Merchants Association and Farm Bureau for possible appointments.

Agenda Item 8c - Appointment to New River Valley Community Services Board - 3 year term. Mr. Nester presented one letter of interest received for the position, from Rev. Richard Gregory.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to re-appoint Rev. Richard Gregory to the New River Valley Community Services Board, for a three year term.

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

Agenda Item 8d - Transfer of FY06 budget funds from Extension to Registrar - \$6417.60. Mr. Nester reported that with the change of part-time staff from Extension to the Registrar's office, that funds budgeted for benefits need to be transferred also. The Extension Unit Coordinator is aware of the County's policy, that new hires will not be eligible for benefits. This request comes on the advice of the County Attorney, that benefits follow the person, not the position, of which the person was grand fathered in under the old policy of providing benefits.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to approve the transfer of \$6417.60 from the FY06 Extension budget to the FY06 Registrar budget for part-time employee benefits.

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

Mr. Carl Ayers, Social Services Director, next appeared before the Board. Supervisor Whitlock questioned if the fuel assistance funding will be any better for this year?

Mr. Ayers - have no idea at this point, will probably not find out our allocation until September as far as the actual heating assistance. This caused so much discussion last year in regards to the cost and how much assistance each locality would get. Our cooling assistance program actually begins tomorrow. Our cooling assistance program, folks get assistance one time, such as the purchase of an air conditioner, so pretty much everybody has gotten what they are eligible for. This is not really a big portion of our assistance, the heating program is much larger. This program used to be open only to aged and disabled, but now it is open to all individuals that are entitled under our programs. The program used to be handled by Community Action, but it was changed a few years ago with all the other unfunded mandates, that our agency would handle the program.

Mr. Bob Beasley, Resident Highway Engineer and Mr. Jeremy Hendricks, Operations Manager, next appeared before the Board.

Mr. Beasley reported on the following:

- Revenue Sharing Program - deadline for final application is July 22, with a \$1 million limit;
- Route 8 bridge work should be completed in the next 2-3 weeks;
- Mowing, machining, and pothole patching are progressing well.

Mr. Nester questioned recent correspondence received concerning the Rural Road Program. It discussed the subdivision ordinance, with the requirement for three houses to front on a road - does this apply to us?

Mr. Beasley commented that this is different from the Rural Rustic Road Program. This means you can still bring roads into the secondary system but they should be built to VDoT standards whether public or private.

Supervisor Whitlock - I, along with Chairman Ingram, want to thank you for the reflectors on Route 221, they really help the situation. Hope we can get Route 221 between there and Hillsville done also.

Mr. Beasley - as we pave sections, we will install the reflectors.

Supervisor Whitlock - are there bridge repairs in the schedule?

Mr. Beasley - Big Run and Pine Branch will be advertised this Fall.

Supervisor Whitlock - appreciate the mowing/grading, but the brush is becoming a big factor again.

Supervisor Whitlock - Route 1030 - this road has been widened but there was not enough vehicle count for surfacing. People are wondering what it would take to get back in the plan.

Mr. Beasley - would still have to be under the 6-year plan. Has to have 50 vehicles per

day. The vehicle count so far has been 47.

Supervisor Whitlock - several new homes are going in.

Supervisor Belcher - I've already discussed my concerns with Mr. Beasley.

Supervisor Boothe - appreciate the brush work and mowing.

Supervisor Boothe - concerning Route 693, would you give us an idea where this is?

Mr. Beasley - Needmore Lane - this is about my 3rd or 4th meeting with this individual and its regarding a drainage complaint where the higher ground surrounding this individual's property is draining down and during heavier rain events, it is creating flooding. He has a spring that is located pretty much in the middle of his property. To begin with, on our State right-of-way, there was a complaint that the water was backing up and backing up into the spring. I took a look at that and he had about a 6'-7' tall fill in for an entrance at that location and a couple of pipes which had collapsed. That was acting as a dam, and causing the heavy rain to damage his pond and damming back up into the spring. We took that out for this individual, he bought the pipe, and we moved that entrance back up the hill where its on a grade, so we won't have that damming effect now. We've not really had a rain event to see if this thing is going to pond any more but also had the pipe analyzed for drainage standpoint to see if the capacity was correct for that drainage area. And it was found to be perfectly sized. Two weeks ago, myself and my District Administrator met Mr. Adams regarding his problems and complaints. We looked at the area and we are willing to do anything we could, but once again our concern is with the roadways and right-of-ways. In fact, for a lot of reasons, that has to be our focus. I actually went to Local Assistance in Richmond and had some discussions with them as to whether it was even appropriate to consider taking measures for the development up above. There is a lot involved. The runoff, by the way, is still going the same route its always gone. The only effect would be that with the paving and increased improvements up there in the development, the water comes off faster. But that burden is basically on the developer and the County and those things have been done properly. So I have told Mr. Adams that we can't solve his problems. If there are problems with the pipes, right-of-way, we can help. Beyond that, it deals with a new configuration on the property owner's part under new regulations. The ditches could be re-figured.

Supervisor Boothe - are those pipes actually in the VDoT right-of-way?

Mr. Beasley - That's a good question, I'm not totally certain about that. There's 40' of right-of-way and I've not measured it. I assume its on the VDoT right-of-way, that's what my associate told me anyway. It should have been installed by permit, and a lot of things don't get done that way, and this was one of them.

Supervisor Boothe - if it is not on the right-of-way, and those culverts are creating the problem, you do have the authority to remove them and just put a ditch there, don't you?

Mr. Beasley - We do. We want to be as cooperative with the property owners as we can. An open ditch is a very simple solution to the situation. But Mr. Adams has problems coming not from one direction, but from all directions. The problem is equally distributed in all directions. On three sides he is bordered by higher ground. I don't know the solution but I told Mr. Adams, he wants somebody else to solve it. He called DCR and had an assessment made by them. And they did not find a great deal of erosion. And basically told him the same thing that the properties above him, are going to drain, and it has to have a place to go, and it will find its way to a natural water course, which is exactly what its doing. I guess when the next rain event takes place, I going to take a look at this and see how it is functioning.

Supervisor Boothe - but it has all been done properly.

Mr. Beasley - yes, but my function is with the road. We talked about a retaining wall on the adjacent property to hold the water, so it would come out slowly. Mr. Nester offered a 1/3 acre to install the retaining pond, but Mr. Adams wanted us to construct the retaining pond but we cannot do that.

Supervisor Boothe - retaining pond created a problem one side, it slows it down to a point. Sometimes it adds more to the problem than it helps. He seems to be looking for a solution on the other side that causing the problem on the other side.

Supervisor Whitlock - they are only designed to hold back so much.

Mr. Beasley - the key is in the design. It would have to be engineered for a certain storm threshold. It would have to be calculated for a certain capacity which would dictate a certain area, certain volume for that pond to hold, and it would have to have a certain amount of outflow which would be relatively minimal, so you have to do preliminary engineering.

Supervisor Boothe - once you get to that level, we all know that 5-6 years ago, we were in a drought situation. The last 2-3 years we have had more rain, I think our water table is still below where it should be if we had been normal all along. But this has compounded the situation. Even with the retention ponds, after they retain a certain amount, they are free-flowing and they can be overwhelmed.

Mr. Beasley - you have a spillway and once that thing fills and exceeds the capacity, its coming over. You have to be reasonable and we design them for 3-10 year storms.

Mr. Hendricks - DCR standards at a minimum are going to be a 25 year storm, and some of them are up to a 100 year storm event. You can design them to where it would take a heck of a storm to even overflow. Most that are installed today don't meet the standards that DCR sets forth.

Supervisor Boothe - did DCR approve the other one?

Mr. Nester - yes, they did approve it.

Supervisor Boothe - even when you go to the extreme, we are going to have instances where it is not always going to take care of it.

Mr. Beasley - we had several last year that exceeded the limit.

Supervisor Boothe - do you think it is a fair statement that both sides have exhausted their powers to try to fix this situation?

Mr. Beasley - it appears that way. We have had numerous meetings with all parties and have listened to Mr. Adams complaints. We have taken all the action that we can to improve the situation. We all have limits to our authority and their interest, so that's where we are. DCR did not find unusual erosion.

Supervisor Boothe - The Town people looked into the situation also from their standpoint and they are in the same boat we are.

Mr. Beasley - it really is difficult to assist in a 30 year old project approved under different regulations.

Supervisor Boothe - how much of the street in that subdivision is in the Town?

Mr. Nester - it is all in the system now.

Mr. Beasley - the Town can take in a quarter of a mile per year. Most of it was in Town anyway.

Supervisor Boothe - did you ever decide whether you were going to do rumble strips at the Park or signs?

Mr. Beasley - we have got our guys looking at it. The signs will actually do better, the pedestrian green signs. The County can put up whatever signs it wants as long as they are off the State right-of-way.

Supervisor Ingram - thank you for Route 653 for painting of middle lines. Also appreciate the reflectors on Route 221. Do need patching, mowing and grading work. On Route 790, we need to look at this road sometime.

Mr. Beasley - I would like to ride with each Board member some time this summer before the public hearing in October to look at some roads that need attention.

Mr. Terry Thompson next appeared before the Board to request that the abandonment

process be started for discontinued State Secondary Route 688. Have developed a subdivision along the river off of Route 615 and some of the people buying the lots are concerned about the discontinued road going through their lots.

Mr. Beasley stated that VDoT could verify the information and then the public hearing process could begin.

Supervisor Boothe questioned the access for other property owners.

Mr. Thompson stated that they have access from Route 615.

Supervisor Whitlock questioned if anyone could access the property across the river?

Mr. Thompson - Gino and Larry Williams own that property and have access off of Route 615. Tract #1 has an indention owned by the State which is being used as a canoe landing right now. We would love to see that come back to the property owner.

Mr. Beasley stated that they would research that matter also.

Agenda Item 8g - Request - Great Oaks Country Club regarding planned bridge development at Pine Creek. Mr. Nester reported that a request had been received for a turn lane or widening of the road at the Country Club entrance when the bridge work is being done.

Mr. Beasley reported that he had sent the request to the bridge engineer but that is a different set of funds. I will keep the Board posted on the matter. Approach improvement is usually kept within 50' of the bridge.

Agenda Item 8e - Cooperative Coyote Damage Control Program. Mr. Nester presented a letter request from Montgomery County for formation of a study committee on the coyote problems. Representatives from Floyd, Montgomery, Giles Counties and the USDA would be included.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to appoint Supervisors Boothe and Whitlock as representatives to the Cooperative Coyote Damage Control Program Committee.

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

Agenda Item 8f - Appointment to New River Community Action Board of Directors - 2 year term from July 2005 - June 2007. Mr. Nester reported receipt of one letter of interest from Mr. John McEnhill.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to re-appoint Mr. John McEnhill to the New River Community Action Board of Directors for a two year term, July 2005 - June 2007.

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

Agenda Item 8h - Report on rolling stock and real property capital improvement financing. Mr. Nester provided a synopsis of the quotes received. Four quotes were received for the rolling stock and two quotes for real estate improvements. The money would not be drawn down until public procurement regulations were followed.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to authorize the County Administrator to proceed with necessary paperwork for financing options as outlined: Rolling Stock - Bank of Floyd; Real Estate Improvements - USDA Rural Development.

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

Agenda Item 8i - Emergency replacement of skidsteer loader, Solid Waste Department. Mr. Nester reported that this item was included in the financing program. The company from whom the piece of equipment was purchased agreed to a July billing date. The loader is the same kind as the one the County currently owned, so parts will be interchangeable.

Agenda Item 8j - Report - Department of Veterans Affairs regarding emergency transport of Veterans to emergency rooms. Mr. Nester presented a copy of a letter received from the Veterans Administration that they will consider payment of a claim, in an emergency situation, if a Veteran is transported to a non-VA hospital. Their required procedures were outlined. A copy of this correspondence was shared with the Commanders of both the VFW and American Legion.

Agenda Item 8k - Funding for Help America Vote Act - Floyd - \$27,549. Mr. Nester reported that the Electoral Board has received a grant for voter access improvements in the amount of \$27,549. Would need the Board to approve the expenditures up-front and then the County would be reimbursed within a four week period.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to authorize funding for the Help America Vote Act grant in the amount of \$27,549.00.

Supervisor Boothe - aye

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

The Board recessed for lunch.

Supervisor Gerald entered the meeting at 1:30 p.m.

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

Agenda Item 7h(I) - Amendments - County Ordinance Article II: Floodplain Hazard Reduction. Mr. Cornwell commented that a draft was presented at the Board's last meeting if there were questions/concerns to address.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on Tuesday, July 12, 2005 at 3:00 p.m. in the Board Room of the County Administration Building, on proposed amendments to the Floodplain Ordinance.

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

Agenda Item 7h(ii) - Report on coyote damage and options for County. Already discussed earlier in the day.

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.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 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 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 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 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 legal matters and contract award in accordance with Section 2.2-3711, Paragraph 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 Belcher - aye
Supervisor Whitlock - aye
Supervisor Gerald - aye
Supervisor Ingram - aye

This Certification Resolution was adopted.

Agenda Item 81 - Discussion and possible planning of Community Health Center. Mr. Nester reported that the deadline is December 2005 for applications. The Tri-Area Clinic operates as a community health center and might be interested in a satellite office here. There is a lot of interest in the community for the program. We would need proper designation for a new site if we decide to do our own. After discussion, it was the consensus of the Board for staff to provide a suggested list of interested citizens to serve on a planning committee.

Mr. Nester requested that the Board set a fiscal year end meeting for close-out of expenditures and transfers. Consensus of the Board was for a meeting at 7:00 p.m. on June 29, 2005.

Mr. Nester reminded the Board of the LGOC meeting in Charlottesville on August 13-15, 2005. Need to let Terri know if attending so proper registrations can be prepared.

Mr. Nester presented a proposed amendment to the Floyd County Personnel Policy. He reported that any locality which has a transportation department where drivers are required to have a CDL must have a drug/alcohol policy to perform random drug testing. This policy would apply to the Solid Waste Department and Public Safety. Presented a draft, as prepared by the County Attorney, for the Board's review. The draft comes straight from the federal regulations. The Board will review and discuss further at next month's meeting.

Supervisor Belcher presented a proposed proclamation in recognition of Chateau Morrisette's 25th anniversary.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to adopt the proclamation, as amended, in recognition of Chateau Morrisette's 25th anniversary (Document File Number _____).

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

The Board recessed until the 7:00 p.m. public hearing.

At 7:00 p.m., the Chairman called for the Public Hearing on the proposed ordinance known as "Ordinance to Regulate the Employment of Off-Duty Deputies".

The County Administrator read the call for the public hearing.

Mr. Nester - the ordinance before you is intended to do one thing. It to provide a policy whereby off-duty Sheriff's Department employees may operate in a role as private security at events such as gatherings, ballgames, etc. But for that to happen, the Code of Virginia requires that the Board of Supervisors adopt an ordinance which we have prepared and is before the Board at this time. The policy that will be implemented will be under the direction and control of the Sheriff. He will be responsible for how the policy is applied, for the personnel that will be used. No off-duty activities will occur in any type of private security role without the approval of the Sheriff. Any revenue that is received from fees charged for this will be paid to the Treasurer of the County and the fee of the deputies would be off-set by the revenues.

Chairman Ingram declared the Public Hearing open for comments from the audience.

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

Consensus of the Board was to delay approval of the ordinance until final details are received from the Sheriff and since there is a 60-day approval window.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adjourn to June 29, 2005 at 7:00 p.m. for a fiscal year-end meeting.

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