

**BOARD OF SUPERVISORS
REGULAR MEETING
MAY 10, 2005**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, May 10, 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; 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 Chairman Ingram.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the invested cash and cash in office as of May 10, 2005. She reported County sticker sales were \$6500 over last year at this time. Tax tickets were in the citizens mailboxes on Friday. Unfortunately, the property description was not on the tax bill again, but the map number was included.

Mrs. Morris reported that, at 83% through the fiscal year, General Fund revenue receipts were at 80.5%. The June 5 tax payments are yet to be collected, ABC and Wine tax funds are slow in being received, but Comp Board reimbursements have been timely. Hope to receive the first EMS reimbursement in June. General Fund expenses are at 95% of budget, keeping a close eye on the department expenditures.

The minutes of April 12, 2005 and April 21, 2005 were presented to the Board for review and approval.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of April 12, 2005 as presented.

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Whitlock - abstain - not present at entire meeting

Supervisor Gerald - aye

Supervisor Ingram - aye

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of April 21, 2005 as presented.

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Whitlock - aye

Supervisor Gerald - aye

Supervisor Ingram - abstain - not present at entire meeting

Mr. Wendell Peters, Clerk of Court, appeared before the Board. He reported on the following:

- our land records, which I think affects the County more than most things we do, except for criminal proceedings, we are still running behind last year. Last month we had 256, which is approximately 12-15% behind the previous year. Whether that is due to refinancing, I don't know, we'd like to think that is what it is. We are holding steady for the year.

- I had one more comment, didn't particularly want to field any questions on it. I want to apologize for the embarrassment that the Courthouse is bringing upon the County. In my opinion it is totally uncalled for. Something should have been resolved two months ago and I apologize, not because I can help it, but on behalf of the people involved, I think it is an embarrassment on the County of Floyd.

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. Mr. Nester did comment that the Eagle system for the Commissioner of Revenue was an unappropriated expense. Did approve the purchase of a public terminal for her office where folks can come into the office and do research so staff does not have to take the time to do this. It will save money and time in the long run.

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 followed on the monthly disbursements.

Agenda Item 8a - Subdivision plats as approved by Agent for April 2005. Mrs. Lydeana Martin, Subdivision Agent, reported that three large plats were approved during the month. One involved a new road with two acre lots. 144 total new parcels were created from January - April, 2005. In all of calendar year 2004, 159 new lots were created.

Agenda Item 8b - Appointment to New River/Mount Rogers Workforce Investment Board. Mr. Nester reported that he had contacted local industries for a possible interested representative, but had not received any replies.

Agenda Item 8c - Funding Request from Registrar - \$6418 - for benefits for part-time employee. Held for discussion later in the day.

Mr. Garland Nester, Animal Control Officer, appeared before the Board. He presented a claim from Mr. John Blackwell, in the amount of \$640, for four ewes killed by dogs. The neighbor's sheep guard dogs chased the other dogs away, but not soon enough. We have been having problems with these dogs for six months, and have been checking the neighborhood regularly for them.

Mr. Nester also reported that they had 660 calls the last month, which averages 22 calls per day. The calls that are imminent threats take first priority, such as dog bites or livestock claims. Pickup of stray dogs sometimes has to wait until the next day.

Mr. Carl Ayers, Social Services Director, next appeared before the Board. He reported on the following items:

- First of all, want to thank you all for all that you did for us, budget-wise, to allow us to continue services the best that we can for the County population;

- Just wanted to make you aware of something that my office is going to be doing. We are going to be participating in a pilot program called the Medicaid Feasibility Project. It is an attempt to obtain more Medicaid funding for the County and research what the local social service offices do with the Medicaid funding, especially to obtain more Medicaid providers, to pull down more of the Federal Medicaid funds. There are four agencies that will be participating in the project which are Pulaski, Albemarle, Bedford and Floyd Counties. One of the reasons that I requested to do this is because these projects tend to focus on only the larger localities and they tend to not look at the impact it would have on the smaller localities such as ourselves. I particularly requested that we be allowed to participate. Just another area that we are looking into to bring more money to the County. This study will mainly look at the Medicaid providers and the reimbursement that they receive.

Mr. Bob Beasley, Resident Highway Engineer, next appeared before the Board. He reported that Route 679 repairs will be done under an emergency contract. The paperwork has been hand carried to Richmond. Hope to begin the work next week in the ½ million dollar range.

Supervisor Boothe - appreciate the machining, brush cutting and patching.

- Route 864 - the road was breaking up, now it is crumbling up, and needs grading work around the cul-de-sac;
- Appreciate the work on Route 8 bridges, seems to be going well.

Mr. Beasley reported that hourly patching crews will start working next week along with State crews.

Supervisor Belcher - Route 728 - letter from Mr. Nester to you?

Mr. Beasley - we will be fixing the road.

Supervisor Belcher - I have a lot of potholes on my roads.

Mr. Beasley - we are about 50% complete with patching on hardtop roads.

Supervisor Belcher - these are on the gravel roads.

Mr. Beasley - that will take machining, we will have to have some moisture to do that type of work.

Supervisor Whitlock - appreciate the work you are doing. Hope we can get some brush trimming done. Also appreciate the scraping you are doing. One observation - in Carroll County, I noticed that they were running three graders on one road.

Mr. Beasley - that would be the call of the Superintendent. I am not sure why he did it that way. May be more efficient for them.

Supervisor Whitlock - any other construction projects scheduled?

Mr. Beasley - will be next year before we do any more advertising.

Supervisor Ingram - gravel roads need machining, potholes need fixing. One question - I think we have lost 1-2 employees in Floyd County, will those slots be re-filled?

Mr. Beasley - I am not sure.

Supervisor Ingram - if you look at the number of employees in Floyd County vs. ten years ago, it shows why we can't do the things we need to do. We have to have the resources to do the work.

Mr. Beasley - I heard the Commissioner speak about three weeks ago. He said we would get smaller and better. We are trying to take up the slack with private contractors, especially for maintenance.

Supervisor Ingram - we need a core group here in the County to do the routine work that always has to be done.

Supervisor Boothe - the people in Richmond say smaller and better but they are not giving up their jobs, it is out here in the localities.

Supervisor Ingram - if at some point, you need assistance from the Board as far as a letter or something, we could probably do that.

Supervisor Gerald - Route 749, Rocky Hill Road - was paved last year, but it is breaking up very bad all the way up the hill.

- Route 619, Horse Ridge Road - have patched potholes but the pavement is very rough, and you have to slow down even more for the rough spots.

Supervisor Whitlock - is there a way to designate intersections where you have a hill or curve?

Mr. Beasley - we usually look at the accident data.

Supervisor Whitlock - such as Route 670/612 intersection.

Mr. Beasley - we can have traffic engineering look at it.

Mr. Beasley - the Oxford Street signs are being fabricated - the ones for truck traffic restricted.

Supervisor Gerald - Route 751, Sutphin Road - very large pothole in the middle of the road. Also, Route 757, Hylton Road - is this scheduled to be paved this year?

Mr. Beasley - it is on the schedule, will probably be late June or early July before they get started.

Supervisor Gerald - do you know the status of the Route 114 bridge?

Mr. Beasley - they had enough money to do a study, but not to fix it. I will look at the 6-year plan to see if it is included.

Supervisor Gerald indicated the high use of the bridge and the inconveniences/dangers of the two lane road.

Supervisor Whitlock - questioned if the bridges on Route 221 have been put out to bid yet?

Mr. Beasley - will be this Fall.

Supervisor Whitlock - what about the one at Ray's Restaurant? I saw a survey crew there.

Mr. Beasley - we are doing preliminary engineering for that bridge and the one over Burks Fork. We will have the plans ready if we get some construction funds.

Supervisor Boothe - do you know the status of the rumble strips at the Park?

Mr. Beasley - we are still studying that issue, we are thinking that pedestrian crossing signs might work better than the strips.

Supervisor Belcher - have you heard about a request for a slower speed limit behind Mabry Mill?

Mr. Beasley - we did receive an inquiry from the Ranger about the lower limit because of his concern about the pedestrian traffic. We did a study but the Parkway folks did not want to do it. The paving was done under the Rural Rustic Road Program. We could do a crosswalk and pedestrian signs. A speed study is being done.

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

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

Agenda Item 8c - Funding request from Registrar. Mr. Nester reported that, after reviewing the personnel policy, that the policy was approved with no benefits provided for part-time employees. The part-time employees already receiving benefits were grand fathered into the policy. Consensus of the Board was for the County Administrator to inform the Registrar, by letter, of the Board's policy. It was also noted that any new part-time hires will not be receiving County benefits.

Agenda Item 8d - Appointments to various boards/commissions.

Agenda Item 8d(I) - Floyd - Floyd County Planning Commission, 4 year terms, Locust Grove, Little River and Burks Fork Districts. Mr. Nester reported receipt of three responses for the Locust Grove position - Ernest Bryant; Jack C. Holden and Mary Smith. For the Little River District, one response received from Evelyn Janney. For the Burks Fork District, one response received from Connie Harmon.

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, and unanimously carried, it was resolved to re-appoint Mr. Ernest Bryant for a 4-year term as the Locust Grove District representative on the Floyd - Floyd County Planning Commission.

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 re-appoint Mrs. Evelyn Janney for a 4-year term as the Little River

District representative on the Floyd - Floyd County Planning Commission.

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

Supervisor Belcher requested that the Burks Fork appointment be deferred for later in the day.

Agenda Item 8d(ii) - New River Community College Board of Directors - Mr. Nester reported that one response was received from Dr. Linda Petrie.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to appoint Dr. Linda Petrie for a 4-year term to the New River Community College Board of Directors.

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

Agenda Item 8d(iii) - Floyd County Social Services Board, Indian Valley District. Mr. Nester reported that one response was received from Mrs. Eleanor Cunningham.

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, and unanimously carried, it was resolved to reappoint Mrs. Eleanor Cunningham for a 4-year term as the Indian Valley District representative on the Floyd County Social Services Board.

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

Agenda Item 8d(iv) - VASAP Advisory Board, 1 year term. Mr. Nester reported that one response was received from Mr. Edsel Duncan.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to reappoint Mr. Edsel Duncan for a 1-year term to the VASAP Advisory Board of Directors.

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

Supervisor Ingram - aye

Agenda Item 8d(v) - New River Valley Community Services Board, 3 year term. Mr. Nester reported that no letters of interest were received. Consensus of the Board was to re-check with the Community Services Board to ascertain if the incumbent is eligible to serve another term.

Consensus of the Board also to advertise the New River Community Action appointment.

Dr. Terry Arbogast, School Superintendent, next appeared before the Board. He reported/presented information on the following items:

- Copy of School Board meeting highlights of May 9, 2005;
- Schedule of Summer Enrichment Camp;
- SOL testing schedule;
- Indian Valley Elementary School peer review;
- Willis Elementary School peer review;
- School enrollment report as of April 30 - 2075 students;
- Final approved budget copy.

The Board recessed for lunch.

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

Agenda Item 7g(I) - Ordinance to allow Deputies to perform law enforcement duties outside regular employment. Sheriff Shannon Zeman also joined the discussion. Sheriff Zeman reported that he had conferred with the County's insurance provider as to workers comp and liability concerns. They have no problems with the deputies performing this type of work. They do require that the County pay the employees instead of the payment coming directly to the officer from the outside agency. In speaking with Risk Management, Sheriff Zeman reported that this is a routine item for them. The officers are covered at \$1 million per incident. They do require that trained law enforcement officers work in this capacity, not an untrained employee such as a dispatcher. The County should notify them at such time an ordinance is adopted. Propose that a memorandum of understanding be executed between the Sheriff's Office and County and a policy be prepared by the Sheriff. The policy would cover such items as payment amount, percentage rate for the County to receive, scheduling would be done through the Sheriff, would specify that the Sheriff would do the billing and the County would pay the employees. Sheriff Zeman also reported that school officials have unofficially agreed to pay the officers for their security work at events such as ball games.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on the proposed ordinance for the regulation of employment of off-duty deputies at 7:00 p.m. on Tuesday, June 14, 2005 in the Board Room of the County Administration Building.

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

Sheriff Zeman also reported on the following items:

- Monthly report - calls are running about the same, around 800 per month;
- Have an inmate in the New River Valley Regional Jail, who was shot. When he was shot, naturally I could not serve the warrants. The law says I am to serve them forthwith. To serve those warrants I had to have a bond hearing so I had to wait until the inmate was removed from ICU and take a Magistrate and have Montgomery County serve the warrants and do a bond hearing. So technically, this individual spent Wednesday night, Thursday, and Friday and was removed on Saturday to the jail. I don't know who is going to be responsible for the medical bills. Technically he wasn't under arrest until Wednesday evening. I just plant that seed because I don't know what's coming there yet but naturally I will keep you informed. There may be a point where I need some County Attorney advice. I did wait until they moved him to a regular room, so if we are responsible, I hope its from that point.
- Budget issues - still several line items that are pretty short. If you remember from last year, the Compensation Board approved some transfers. We will be asking for them again this year. These funds will be used mainly for office supplies and police equipment. We are trying to not spend any money right now, because of the County's request and we don't have much left anyway. If I'm able to get this money transferred, I would like to be able to spend it because it helps us get through next year's budget. If we go through several months and don't buy batteries, film, ammo, flares, we start out with the new budget and it gets drained at the start. We are going to ask for the transfer next month and I'll work with George and Terri, but you may see a number of bills. I realize that you are paying for it even though the State is reimbursing it.
- Supervisor Gerald questioned if the shooting in the Courtroom in Alabama made our local force look at their policies closer for security?
- Sheriff Zeman commented that he thought this made everyone in the country review their procedures. When our inmates are brought in, they are in leg irons and waist chains and they are chained to the front with handcuffs. When they are taken to the courtroom and their attorney requests release, we take one hand out of the handcuffs. They are in individual secure cells, its called court lockup. We keep the courtroom locked when court is not in session. We have a part-time employee, Mr. Jimmy Howery, a long-time trooper in the County, who is helping us on court days with searches before court. The room is not unlocked until officers are in the courtroom. I think we have a pretty good grip on our courtroom security and the Judges seem to be comfortable with it.
- Concerning the question on one of our bills for a handgun cleaning system - there were actually two of them, total cost around \$800. Half of it was purchased through Floyd Cares and the Commonwealth's Attorney purchased the other half with drug asset funds.

If you want to know what it is, its not like a little gun cleaning kit. Its an ultra-sonic vat that you put the whole gun in, and it cleans in areas that you normally can't clean. We've looked at them for years but they were \$1400. They made a down-sized version and we felt it was something that we could purchase with some of the money that is being contributed outside the taxpayers. You put the gun in the vat, it is ultra-sonically cleaned, you take it out and put it in a vat of water and then it goes into an ultra-sonic vat of lubricant that re-lubricates the gun. It does a really nice job. A lot of gun-smiths have this type of system.

Agenda Item 7g(ii) - Amendments - County Ordinance Article II: Flood plain Hazard Reduction. Mr. Cornwell reminded the Board of the letter received by Mr. Whitten from the Department of Recreation and Conservation recommending some changes to the County's Flood plain Ordinance. Have made the recommended changes and presented a draft for the Board's review. Also brought the ordinance into compliance with language in the County's manufactured home park ordinance. The Board will review the draft and discuss next month.

Agenda Item 7g(iii) - Report on coyote damage and options for County. Have nothing new to report on information you've already received.

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.7, consultation with legal counsel 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.

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 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 potential litigation in accordance with Section 2.2-3711, Paragraph A.7, of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number (1) or number (2)? If so, identify yourself and state the substance of the matter and why in your judgement it was a departure.

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

Agenda Item 8e - Report - Rural Development Grant/Loan Projects Application. Mr. Nester reported that he and Mrs. Martin had met with Rural Development staff concerning the application. One item that was changed from previously reported is that they would require a debt reserve fund. They had told us before that this was not a requirement. Have checked with VACo on their lease purchase program and this seems to be the best option for the equipment purchase and use Rural Development for the library and fire station projects. We will continue to explore the possibilities.

Agenda Item 8f - Report - New River Watershed Roundtable Steering Committee - Mr. Nester presented a request for an appointment to this committee. The County is also part of the Roanoke River Basin Steering Committee, of which Mrs. Evelyn Janney serves as the Board's representative.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to appoint the County Administrator as the Board of Supervisors' representative to the New River Watershed Roundtable Steering Committee.

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

Supervisor Ingram - aye

Agenda Item 8g - Reminder of DEQ Public Hearing at 7:00 p.m. tonight at the Library on the landfill permit modification.

Supervisor Whitlock left the meeting at 2:55 p.m.

Mrs. Lydeana Martin appeared before the Board to remind them of the visit from Virginia Tourism Corporation personnel, May 25-27. The tourism staff will be visiting Floyd County, Patrick County and Carroll County. A kick-off joint reception will be held on May 25 at Woodberry Inn at 7:00 p.m., to which the Board is invited. Patrick County has requested that each County contribute up to \$350 for reception expenses.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to authorize the expenditure of up to \$350 for the tourism reception on May 25, 2005.

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

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to appoint Ms. Connie Harmon for a 4-year term to the Floyd - Floyd County Planning Commission as the Burks Fork representative.

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

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

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