

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 8, 2006**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 8, 2006, at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman; Jerry W. Boothe, Kerry W. Whitlock, Board Members; Terri W. Morris, Acting County Administrator.

ABSENT: J. Fred Gerald, Vice Chairman; Diane B. Belcher, Board Member.

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 report as of August 8, 2006. She also presented the 2005 delinquent real estate and personal property tax list for the Board's review. She commented that under Section 58.1-3924 of the Code of Virginia, that the advertisement of the delinquent list is under the Board's purview. For the past several years, the list has been placed in the Treasurer's Office for citizen review.

The minutes of July 11, July 24 and July 26, 2006 were presented to the Board for review and approval.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to approve the minutes of July 11, July 24 and July 26, 2006 as presented.

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

Ms. Fran Weddle, Sheriff's Office, next appeared before the Board to report in Sheriff Zeman's absence. She reported:

- DMV enforcement grant has been completed and was very successful. Received numerous hits from that. \$1500 was received for that grant. Hopefully this helped Floyd County citizens be a little safer.
- Three new vehicles have been purchased that were discussed earlier. One is in service and the other two are getting their sirens, radios and other equipment installed this week. We did obtain three used vehicles, felt that was the most cost efficient way to handle the situation. Two vehicles were 2006 models, one was a 2005 model, they were program vehicles so we received a better price, with lower mileage. We're very pleased with them.
- I just talked with Monty Mills, who is the Coordinator for Southwestern Virginia DMV Safety Project. About three months ago, I applied for a safety grant for patrol supplements. I do not have anything in writing, only verbally, that we would be receiving around \$10,000 for the supplement of overtime pay. I will be going for training on August 25 to receive all the criteria for the grant management. This will all be used for personnel costs. We have a year to spend the funds for selective enforcement in targeted areas. Our in-kind match was the insurance we provide on the vehicles, the vehicles themselves, etc. This will only pay overtime for personnel. We pay the officers up-front and are reimbursed by the State.

Supervisor Whitlock expressed his appreciation for the Sheriff Department's initiative in re-evaluating the vehicle needs and the Sheriff coming up with a plan on his own to work out maintaining the necessary vehicles.

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

Mr. Garland Nester, Chief Animal Control Officer, next appeared before the Board. He presented a dog claim from Mr. Winfred Thompson for two sheep killed and four others injured. There were two dogs involved, one dog was caught. It was kept for the required time, the owner did come and claim it, so they paid half the bill for the damage. The dog was also removed from the State of Virginia and is living in Georgia. It is no longer allowed in Floyd County. The other dog was just captured a little while ago. We kept the dog the required time, no one ever claimed the dog so it was euthanized. I did obtain the market rates that were current at the time of the attack and attached those.

Mr. Nester also reported that new laws that went into effect on July 1 require that veterinarians must pass along vaccination and rabies information to the Treasurer for cross-reference.

At 9:15 a.m., Chairman Ingram called for the Public Comment Period.

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

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

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

Agenda Item 8a - Subdivision plats as approved by Agent for July 2006. Mrs. Lydeana Martin, Subdivision Agent, appeared before the Board. She reported that total number of lots created this year has been 65 for the calendar year, which is about one-third of last year's rate at this time, which is a huge drop. The number of lot line revisions is running a little high, do not know the reason why. The Planning Commission will meet tomorrow night and they have been looking at the Subdivision Ordinance in terms of some corrections that they want to do, and some broader things. They will probably do it in two phases, first a clean-up phase, some things where the ordinance appears to contradict itself. Secondly, next year they may look at some other issues in the ordinance.

Agenda Item 8b - New River Valley Economic Development Alliance - Mrs. Martin reported that they are looking for a private sector representative from the County.

Supervisor Whitlock questioned if the representative could be an employee of the business or would it have to be the owner/manager?

Mrs. Martin stated that it could be an employee.

The Board deferred the matter for the September meeting.

Mrs. Martin also updated the Board on tourism issues which included: 1) feature in USA Today on the Crooked Road. Travel writers were in the area several months ago and really highlighted Floyd County in the article. 2) Blue Ridge Country Magazine will be visiting next week for a focus on the arts in their Fall edition; 3) the current President of the Virginia Tourism Corporation is a West Virginia native and the Vice President is also a West Virginia native and they very much get the mountain culture and they will help us a lot, with the Crooked Road and all the other areas. We've gotten more attention in the last six months from them than we have for several years and we think that will be a good thing.

Mr. Carl Ayers, Social Services Director, next appeared before the Board. He had no new information to report to the Board this month.

Supervisor Whitlock questioned the fuel assistance program. Where we see what is progressing in the news with fuel costs, we'll be hurting.

Mr. Ayers - yes, we will be in much worse shape than last year. But we'll also have to see what the State does. They stepped in last year and put money in the program. This is a Federal program, but the State last year stepped up and put State money into the Federal program

to make up the difference, where basically everybody got about the same amount that they did the previous year. If the State steps in and puts in the money the same way that they did last year, because the last I heard this morning, they expect it to be 10-15 cents more per gallon, just based on the situation in Alaska, it will put prices about \$3.15/gallon for a nation-wide average. If you look at that, you are still above \$2.49, which is where it ended up last year. We're almost 65 cents higher than that this year. We never received any private donations last year for that program from people in the community, at least the State did step in.

Supervisor Boothe - so if the State doesn't step in like they did last year and match the funds, you'll definitely be feeling it.

Mr. Ayers - absolutely. The checks normally go out about the middle of December. Last year, they did an extra supplement. Generally what happens is that the checks go out and people run out of fuel. It only helps with about 100 gallons. You all know that people who live in these big farmhouses or uninsulated houses, that will last about a month. We have our emergency assistance funds that we run out of donations, and a trust fund that we draw from, we help buy people's fuel that way. But every time it goes up, that's that much more that we're putting into the program. Its not looking promising unless the State is willing to step in. I really am not looking for that this year after what we've been through with the budget and the transportation issues, this won't be high on their lists. If prices continue to go up, I don't know what we'll do. The Federal government has not increased their assistance at all. Even as bad as it was last year, the Federal government never stepped in and increased their funding for that program. We had people that went cold last year and we had a relatively mild winter. It's a great concern and even more so this year because of the prices.

Supervisor Boothe - did we see an increase in applications for this program?

Mr. Ayers - yes, we had a 12% increase last year in applications. Usually our services grow 3-4% with the number of people growing that are coming in. 12% was just specifically for the heating component. I'll have the numbers for you next month on the cooling component of the program. We also have a crises program for folks who are completely out of fuel or broken furnaces, etc. There's a certain time frame for folks to apply and if they don't, they will not receive the first allotment. We will not know until December as to how much we will be receiving, how many folks that we can help, and the allotment each will receive. The impact may be really severe if the State doesn't step up to the plate. Our organization does have a group that will lobby for additional funds.

Agenda Item 8c - Resolution - Approving Equipment Lease Purchase Financing with Blue Ridge Bank for four brush trucks. Mrs. Morris presented the proposed resolution for the Board's review, as the final step in the financing process for the brush trucks. She reported that the resolution was prepared by our legal staff with concurrence by Blue Ridge Bank staff. Reminder that the lease is for \$225,000 for a 7 year term at a rate of 4.07%. This is subject to appropriation by the Board of Supervisors each year. We hope to close on the matter before the end of the month. The chassis have been manufactured and delivered to the County for the next

stage in production.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to adopt the resolution entitled “Resolution of the Board of Supervisors of the County of Floyd, Virginia, Approving Equipment Lease Purchase Financing” as presented (Document File Number).

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

Agenda Item 8d - Request for road abandonment - discontinued section of State Secondary Route 748. Mrs. Morris presented copies of the abandonment request, maps, etc. for the Board’s review. The matter was deferred since the road in question is within the districts of the absent Board members. The Board will discuss the matter further when they return. Staff will notify the attorney for the citizens who requested the abandonment.

Agenda Item 8e - Amendment to Floyd County Personnel Policy. Mrs. Morris reported that the General Assembly had changed the mileage reimbursement rate for State employees on official business to \$0.445/mile from the current \$0.325/mile. The County’s Personnel Policy follows the State policy as far as the reimbursement amount and would need amending to follow the same rate.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to amend the Floyd County Personnel Policy to indicate mileage reimbursement rate per State guidelines in effect at the time.

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

Mr. Gene Dalton, EMS Operations Manager, appeared before the Board. He presented the aging report for the month, indicating that the majority of calls are for folks over 50 years of age. The report for agency #1219 was also presented for the Board’s review. A total of 49 calls were handled for the month.

Mrs. Myra Grim, EMS Administrative Clerk, next appeared before the Board. She presented the financial statement for the month of July 2006. She commented that with the start of the new fiscal year, the deposits will only show July. The new percentage collected, as calculated by Diversified, is now at 68%. The last report indicated collections at 63%, so it is improving. In discussion of the post cards that are being sent to each citizen who uses the service, Mrs. Grim indicated that the process seems to be helping a great deal, mainly just to get

the information out to the citizens and to help them understand the system.

Mr. Steve Love, Floyd Rescue Captain, next appeared before the Board. He indicated that 55 calls were answered by the volunteer squad. No calls have been missed. When questioned, he indicated that around 85% of the calls have a paid staff member on the call along with the volunteer. The EMT class begins tonight with five applications received for the volunteer staff already. Five volunteers are taking classes to move up to ALS status, two nights a week with 72 hours in the hospital setting, from September through the end of March. Construction has begun at Station #4, hope to be in the building by January 1.

The Board requested that a combination report be prepared, if possible, indicating the calls where there are both paid and volunteer staff answering the calls.

Considerable discussion followed on the amount of time required for training vs. ten years ago, for the volunteers. Even the amount of time required to keep certifications intact is enormous. This is a charge that is picked up by the Squad if successfully completed.

Mr. Ford Wirt, Emergency Services Coordinator, next appeared before the Board. He commented that he would like to commend the paid and volunteer staffs for the work that they do and also Myra, who is doing her job, and that is a reflection of the 68% collection rate, because of the team approach. We did have a major spill in the Terrys Fork area, with over 50 gallons of some substance spilled. DEQ is still trying to figure out what the substance is. A sample has been sent to Richmond for final analysis. It did have some type of petroleum in it, so the Superfund account paid for it instead of the property owner. If it had not qualified for Superfund, the property owner would be responsible for clean-up even if they were not responsible for the spill. This site spill will cost around \$30-50,000. The brush truck chassis are in and will be sent to the manufacturer for installation of the skid units.

Supervisor Boothe questioned if mutual aid is used, do we get to bill for the other County's service?

Mr. Wirt replied that we can if they bill their citizens, otherwise we cannot. He also presented a map to each Supervisor indicating building permits issued per district, for the last five years, for the Board's information.

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

- Presented copy of school calendar for the 2006-2007 school year;
- Presented information on Summer Enrichment Camp - information from camps held during the summer, and comments from campers;
- Presented copy of staff development activities completed during the summer;
- Letter presented indicating school opening activities and invited each Board member;
- Reported that 38 staff were hired this year, which included 19 teachers and 2 central office staff.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to authorize the Acting County Administrator to advertise availability of viewing of the 2005 delinquent tax lists by citizens, in the Treasurer's Office; list will not be published in the local newspaper.

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

The Board recessed for lunch.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion of specific personnel; 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 Belcher - absent
Supervisor Whitlock - aye
Supervisor Gerald - absent
Supervisor Ingram - aye

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

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

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and 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 specific personnel and contracts in accordance with Section 2.2-3711, Paragraph A.5 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 - absent

Supervisor Whitlock - aye

Supervisor Gerald - absent

Supervisor Ingram - aye

This Certification Resolution was adopted.

Mr. Burlin Hill, VDoT, next appeared before the Board. He had nothing to report to the Board today.

Supervisor Whitlock - appreciate work that is being done, trimming is being done and it is really helping and also storm damage repair is helping. Some hard top secondary roads that are marked for patching, will surface treatment be done on those roads?

Mr. Hill - we lack 3-4 roads on the contract for surface treatment, we will get back to patching as soon as possible. The storm damage repair is almost complete.

Supervisor Whitlock - where streams have worked on the edges of the roads, I heard that the telephone company is going to shore up the edges.

Mr. Hill - I haven't heard about that, but if they have cables that are getting washed out, they sometimes will do repairs.

Supervisor Whitlock - bridge on Route 681 is scheduled for replacement shortly, when will that be done?

Mr. Hill - we are waiting on environmental permits, hope to get started soon, the steel is here to do the work.

Supervisor Boothe - appreciate what you have been doing and know that you are doing all you can do. When you all are doing brush cutting, you do a road and go all the way through, but there is a lot of growth around the signs that is not being cut. It is hazardous for drivers, especially those that don't know the road and at intersections.

Supervisor Ingram - appreciate the brush cutting and grass trimming on the secondary roads. They are narrow to begin with and the growth makes them worse.

Mr. Hill - the boom ax (bush hog on a motor grader) - hope to do more of that cutting this Fall.

Supervisor Ingram - the secondary hard top shoulders have a lot of damage from the storms, but I know you are doing all you can.

Mr. Hill - we are, and we have a lot of problems with dust. We are spraying a liquid chloride starting next Monday in Carroll County, and should be in Floyd County in a couple of weeks.

Supervisor Whitlock - emergency funds were received to fix roads from storm damage, when will those come back here?

Mr. Hill - they go into the General Fund at the State level. We have met with FEMA folks already. We will receive funds to fix Route 860 since it is a Federal road.

Mr. James Cornwell, County Attorney, next appeared before the Board. He reported on the following:

Agenda Item 7h(I) - Proposed Ordinance - In Reference to House Bill 1027 - Expenses incurred in responding to DUI or other traffic incidents. Last month, the Board said they would think about it a little bit more. We can draft an ordinance or you can continue to consider the matter. This would apply to DUI's, leaving the scene of an accident, several different things that could be put into the ordinance.

Supervisor Boothe - if we wanted to, could we just put DUI in the ordinance?

Mr. Cornwell - yes, you can limit it. You could do one or all.

Supervisor Boothe - I think there is a big difference in a DUI and a reckless driving offense. There's a big difference between somebody making a mistake and doing something intentionally. Irregardless, if they're driving under the influence, they're responsible and I don't have a problem with laying additional costs incurred on them. But I do have a problem with the other.

Mr. Cornwell - I can draft an ordinance with just the DUI included for your review.

Consensus of the Board was for the County Attorney to draft an ordinance indicating only expenses incurred for DUI offenses.

Agenda Item 7h(ii) - Proposed Mutual Aid Agreement with Carroll County - would

recommend that the Board approve the agreement. It covers assistance between our services and Carroll County's and indicates the statutes related to Mutual Aid provisions and keeps the sovereign immunity intact. We had sent a draft to them in 2000 but never received anything back from them until now.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to approve the Mutual Aid Agreement with Carroll County, as presented, and authorize appropriate County officials to execute same (Document File Number _____).

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

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion of specific personnel; Paragraph A.5, discussion concerning a prospective 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 or consultants 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 matter requiring the provision of legal advice by such counsel; 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 Belcher - absent
Supervisor Whitlock - aye
Supervisor Gerald - absent
Supervisor Ingram - aye

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

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

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and 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, prospective business or industry, legal matters, public contracts, in accordance with Section 2.2-3711, Paragraph A.1, A.5, 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 judgment it was a departure.

Hearing no statement I call the question.

Supervisor Boothe - aye

Supervisor Belcher - absent

Supervisor Whitlock - aye

Supervisor Gerald - absent

Supervisor Ingram - aye

This Certification Resolution was adopted.

Mrs. Lydeana Martin, Director of Community and Economic Development, next appeared before the Board. She presented advertising options in the Blue Ridge Digest magazine for the Board's consideration. This magazine prints three times per year, with a circulation of around 75,000. This request would be for the back page of the Fall issue. They usually charge at a rate of \$1930 for the back page, but have a special deal going for \$995. To do the advertisement with the other three groups in the Blue Ridge Plateau, it would be at a cost of \$248.75 each, if all five groups participate it would be \$199.00 each.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to authorize the Director of Community and Economic Development to advertise with other members of the Blue Ridge Plateau group in the Fall edition of the Blue Ridge Digest; payment to be made from the tourism line item of the budget; minimum participation of four groups.

Supervisor Boothe - aye

Supervisor Belcher - absent

Supervisor Whitlock - aye

Supervisor Gerald - absent

Supervisor Ingram - aye

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to accept the audit proposal from Brown, Edwards & Company for the fiscal years of 2007, 2008 and 2009; and authorize appropriate personnel to execute a contract with said firm.

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

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to adjourn to Thursday, August 10, 2006 at 7:30 p.m.

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