

**BOARD OF SUPERVISORS
REGULAR MEETING
MAY 9, 2006**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, May 9, 2006, 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 (entered the meeting at 3:30 p.m.); 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 9, 2006. She reported that tax tickets were in the citizens' mailboxes yesterday. She also reported that \$2700 more in County decals were sold this year over last year.

Mrs. Morris presented the balance sheet and revenue/expenditure summary as of April 30, 2006. She reported that, at 83% through the fiscal year, revenue collections were at 72% and expenses at 88% for the General Fund only. She also reported on the Contingency account, as to what was budgeted, amount spent and for what items, and the balance remaining.

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

- calls were over 1000 this month;
- grants from the last time I reported to you - the radar grant, we finished that one, and the officer has been trained; GPS grant, Brandon is to be here today bringing the equipment;
- budget - I will be sure to communicate with George or Terri - we are asking the Comp Board to roll some money over to help us in office supplies. If that happens, and we feel it will, we will work with your staff. Each year we've been pretty lucky to get some of that roll-over money which helps us in that area.

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

- presented a copy of the update of office web site for the Board's information. We added some things such as passport information and deed calculation. We get a lot of calls on this calculation since the Governor increased the rates and changed the tables.
- probably 1-2 years ago, George and I discussed the plats. Plats are constantly a problem in our office as far as storage, they take so much room. We've always laminated and hung the plats. Most people that use them take pretty good care of them, of course the ones that we have a problem with are the ones you think would take care of them, don't. They are constantly getting torn out of the sleeve, and its hard to repair them. I went down to Bedford and looked at the system they have, that has plats on a stand-alone computer. It kind of got my interest up, I didn't know anyone in the State was doing that. I got to inquiring around and found out that Wytheville has this system also. I took one of the Deputies with me and we went there to look at their system. We also found out that Botetourt has the same system that Bedford does so I'm at the stage now I'm inquiring to find some money to pay for it. I've got one call in that I hope will be returned this afternoon. I have some cooperation but I don't know if he will stick his neck out that far and follow through. We will find out and keep you posted.

Supervisor Boothe questioned if Mr. Peters had a price to get the system up and running.

Mr. Peters - I do not. I don't know what has been approved in my budget but I had a plat cabinet requested. I think the computer equipment can be purchased at the same place as the plat cabinet. But then you have a problem of getting all the plats over to the computer. I'm told it will cost about \$1/plat to microfilm and put in on the new system. We already have all the old plats basically on microfilm, so hopefully it will be less than that up-front. But while we're in the process of spending money for a plat cabinet, I thought this was the time to look to see what else we could do. Hopefully I'll get the funds to do this and the other funds can be returned to the County.

Mr. Nester commented that he had some ideas for the Clerk on the matter and would work with him on the project.

The minutes of April 11, April 24 and May 3, 2006 were presented to the Board for review and consideration.

Mr. Nester questioned the minutes of April 24, in reference to the Solid Waste Department. Was a full-time and part-time position both approved for the department, or just a change from part-time to full-time?

Supervisor Boothe commented that his intent was to change the part-time to full-time with no other part-time positions.

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

Supervisor Boothe - aye
Supervisor Belcher - aye
Supervisor Whitlock - absent
Supervisor Gerald - aye
Supervisor Ingram - abstain - not present for entire meeting

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to approve the minutes of May 3, 2006 as presented.

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

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

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

Mrs. Evelyn Janney - I would like to make a brief report about the Roanoke River Water basin meeting. Mr. Anderson worked with me to have the meeting the day before our State Board meeting so I only have to make one trip to Richmond. I did get to go to part of the meeting that day. You can find the minutes on the internet. It was a beautiful morning, but I think each morning that we get up, whether the sun is shining to where we can see it, or whether its hiding behind a cloud, its always a beautiful morning. The dogwoods were in bloom in Charlotte County. I didn't think I'd find anywhere that the office staff was as receptive as it was in our own County, but they came pretty close. The one thing that we have a problem with is being able to meet with the State legislators. Senator Ruff did attend but some came in later, the rest were not there because the Governor had called them back to Richmond. We do meet four times a year now. They were very appreciative, and I also am appreciative of the reception that we had here. I do thank you for that. Its always good to be at home and I didn't have to travel so far that time. Part of the time I've gotten up at 5 and 6 am and started out and Chester has been good to go with me. Really not a whole lot is happening right now. There was a bill, and I don't remember the number now, that dealt with drawing water from the river. Since I'm on the agricultural committee, I'm most concerned that agriculture does have the opportunity to draw that water because of their crops, and everybody's food depends on that. That has to be geared in with all the other demands that's on that river. The very first one that I think of for everybody is water to drink and how that's arrived at. That has to be first. In my opinion, agriculture is next. My opinion doesn't always count, but I can still have that opinion. And of course there's recreation and other things that go into that. I do have a copy of the different bills that was in the legislature this year on water and if you want a copy, I'll get Susan to make you a copy, but its also on the Roanoke River web site. As I said, I had to leave early, so I didn't get to see all of it. One thing that I've been most interested in, I used to think that my granddaddy didn't know a whole lot, but I've since learned that he must have been one of the smartest men around at his

time. They had a project through the Forestry Service that shows pictures of how they've changed the river, how they've cut through, and made it into a working situation. Granddaddy used to call it as the river meanders and that's the most stable. I looked at it and thought it should be straight down. But, the Lord knew what he was doing. The gentlemen took a saw blade and held it up and bent it. The more he bent it, the more it looked like when he got it to a certain point that it would have to pop. But it didn't. But he said as you move that saw blade and when its at its best, is when its real limber, its bent some, but it makes the nice curves. It was interesting. If I didn't learn anything else, I learned that sometimes we try to improve on nature, sometimes it works, sometimes it doesn't. I thank you again for the opportunity to serve and represent New River and Floyd County.

Mr. Garland Nester, Animal Control Officer next appeared before the Board. He presented two dog claims: James Cantrell in the amount of \$288 and Deborah Weinischke in the amount of \$45. He reported that these are part of a seven incident report. In the Cantrell case, three dogs were involved, two were found and the owners were charged and had to pay for part of the damage. The dogs were required to be taken out of State. In the Weinischke case, the dog was caught in the cage and couldn't get out. Kept the dog the required time but he was not claimed by the owner, and the dog was euthanized.

Supervisor Boothe commented that he thought the prices should be equalized, on one claim, it is \$8/rooster and the other is \$5/rooster. Feel we need to be equal in what we're doing unless they're different species, or something. Is that their requested price?

Mr. Nester - yes, it is the requested price from the owners.

Supervisor Belcher - is there any way to document the prices?

Mr. Nester - its hard. I do get a report on livestock prices, but not poultry. I just try to go by what the people tell me.

Supervisor Boothe - what would be your recommendation?

Mr. Nester - I would go with the \$5/each. I didn't notice the difference or I would have changed it.

Supervisor Belcher questioned the required covers for the vehicles, if prices had been able to be obtained.

Mr. Nester - talked with George yesterday, have been able to get three quotes, we went with Anchor Sales, in Salem. It is a better cover with doors on each side, open up the full length of the camper shell. That way we can get in them and spray them out, and carry more stuff in the front of the vehicle without having to climb over the cages, and have an empty space. With the type of equipment we use, it will be close. One item especially, if we go on a call for a vicious dog, our catch poles would be close to the driver's door instead of having to get out and go

around to the back of the vehicle.

Supervisor Belcher - so you've made a determination on that and I'm sure we'll get that information, I would like to have it for sure. Also, what was finally decided on the cement? Did we try anything?

Mr. Nester - we tried two different products. Both of them have come up. One we used was an epoxy, we didn't even have a dog on it and it just blew up. It just came up in big hunks. Then we tried a paint, which worked well, but when the dogs scratched it, it just bubbled up like a balloon and wouldn't stick. I have given George some information on another product which is expensive but they guarantee it stick to the concrete. We talked about it yesterday, and will order just one gallon to try it since its \$105/gallon. They use this product at the pound in Radford and it has worked well.

Mr. George Nester - we wanted to try this product since they've used it in Radford, with the same problems we've had. We wanted to just try the one gallon and see if it would work since we could apply it ourselves, we wouldn't have to contract anyone outside. We wanted to try this and see if it would work before we tried anything else.

Further discussion followed on the monthly disbursements.

Mr. Carl Ayers, Social Services Director, next appeared before the Board. He questioned the Board as to what they feel their agency responsibility is at the end of this month if the State has not decided to pass the budget before our fiscal year ends. We need input from you as to what we should do. Basically what that means is that we don't have a budget to operate on at the end of this month because we fall on a separate fiscal year from the rest of the State. Effective May 31, we do not have a current budget unless the State decides to come through and approve a new budget. What we will do at our next Board meeting is try to come up with a couple of different contingency plans on what we can do based on that. Those are also contingent upon having some type of funding for our office. Basically I just wanted to get your thoughts so I can talk with my Board contingency-wise. Look at cutting down to just a few key people, shutting the whole office down, and that includes all your benefits such as Medicaid and food stamps, CPS reports, without a budget we cannot effectively operate any program without a budget. I've put this off until the last possible moment hoping they would come through but from what I'm hearing, its not looking very promising by the end of this month. Just looking at what the County would want me to do.

Supervisor Boothe - with no funding, there isn't a lot you can do.

Mr. Ayers - my thoughts, this is clearly going to be up to you all. If we don't have a State budget, which will be approved at some point, but what we're going to run into is have a couple of key staff within the office and everybody else would have to be laid off until the time the State decides to approve a State budget, but that would be contingent upon the County funding the couple of people that would be essential staff until the funds come in to reimburse. I

have no reason to believe that the State won't approve the budget but in the time frame up until that point, I just don't have any funding to operate on.

Supervisor Boothe - we've approved our budget for the next year, and set the tax rates, and the tax tickets have even gone out. With this department's offset of one month, could this department draw its first quarter of the new year early?

Mr. Nester - not until July 1.

Supervisor Boothe - how does this work, you have bills and payroll, and they have to be paid, how does this get paid?

Mrs. Morris - it comes out of our cash flow and we get reimbursed by the State.

Supervisor Boothe - so in theory we're funding it anyway.

Mrs. Morris - and that's true with most departments, we up-front the funds and get reimbursed by the State.

Supervisor Boothe - I'd love to have everyone State-wide just shut down to get them off their sorry rear ends in Richmond but being realistic we can't do that. So we could operate that first month just like normal, we just don't know when we'll get reimbursed.

Supervisor Belcher - if we're operating like normal, we would just be putting in the part that we put in, but we'd have to fund everything else.

Mr. Ayers - not food stamps, assistance payments, those are Federal funds. But we're talking about running the agency, the programs.

Chairman Ingram - the programs would have the funding.

Mr. Ayers - no, the County fiscal year vs. our fiscal year falls, we do the June 1 - May 31 fiscal year and we seek reimbursement based on that fiscal year. The County gives me their portion for the running of the office. As far as Medicaid, Food Stamps, Foster Care payments, TANF, CSA, all those are different issues that are not directly affected with running the office. If we don't have some type of reimbursement from the locality with regards to our program areas, then I could have people there but you wouldn't be making payments to anybody based off these programs. We wouldn't be working up the cases and making them eligible because there's no benefits to provide to the folks. I'm just trying to come up with some type of contingency plan that I can recommend to my Board. I just wanted the County to understand where we are. I don't think it will be a big difference if we just keep a couple of key essential personnel because the way the County up-fronts the money anyway and the State reimbursed. But it won't be reimbursed until such time as the budget is approved. But it doesn't change the programs that we are required by Code section to do, just that you won't have people to do the benefit

programs. Basically we would keep three to operate. A service staff, an eligibility staff and myself would be the key essential people and everyone else would be laid off until such time as the budget is approved. Anytime you cut 75% of your staff off that certainly will affect the agency.

Chairman Ingram - I'm sure all our counterparts in the State are looking at the same things.

Mr. Ayers - we have certainly been pushing in our areas to give us some type of approval, even if its just an emergency approval, so that we know what to do. Even if they could put us on a separate fiscal year, just something to allow us to continue. All the legislators are so far apart that its hard to get them together.

Supervisor Boothe - on the positive side, it might be the time to get it back on the same fiscal year with the State.

Chairman Ingram - I don't want to see people that need assistance from your office go without that service. But I don't think it's the County's responsibility to fill in the gaps when the State can't make a decision. My point is, we may have to come back together and meet again later in the month to see if there has been any movement and see what the options are.

Supervisor Belcher - I know you all are doing what you can State-wide to push them along but it might not be a bad idea for this Board to send a letter of urgency to our elected officials and reminding them of this situation among others.

Mr. Nester - a resolution would probably carry more weight than a letter.

Chairman Ingram - why don't we try to get a resolution together and discuss it again later in the day?

Mr. Nester - what about the issue of asking that the budget cycle coincide with the State budget cycle?

Consensus of the Board was to include both issues in the resolution.

Discussion continued on the monthly disbursements. Consensus of the Board was for staff to attempt to obtain market rates from Floyd County Extension for the poultry.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to approve the monthly disbursements, plus additions, as presented, with the exception of the two dog claims, hold for further information.

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Whitlock - absent

Supervisor Gerald - aye
Supervisor Ingram - aye

Agenda Item 8a - Subdivision plats as approved by Agent for April 2006. Mrs. Lydeana Martin, Subdivision Agent, appeared before the Board. She reported: The number of lots created this year so far is dramatically below last year, we are at 34 now compared to 144 last year. The difference, I think, last year we had four large plats that had been approved by this time and we have not had any of those large ones this year. The Planning Commission will have a couple of plats tomorrow night to review. One of them is another town home development which will come in as a sketch plat, they had another one a couple of months ago. I don't know if either will actually go forward, the owners are just thinking about it and testing the waters. To follow up on last month, I had mentioned the Corps of Engineers' request to see plats that are going to the Planning Commission. I did get an e-mail from them documenting their request. Also following up on some months back, you had asked about a way to track the subdivision plats. For family subdivisions and lot subdivisions, there is a prohibition of doing another division within five years and we worked on a way to track that so someone doesn't violate that rule. Dawn has created a list now by road names of all the divisions within the last two years. That was the best way we could figure to actually follow through on it because tax parcel numbers can change depending on what's happening, so the list is by road name. It should help us to verify that people are following the rules.

Supervisor Boothe - we talked last month about the impact of them holding the plats for review. Did you get to talk to the County Attorney about that?

Mrs. Martin - we will talk about that tomorrow night also. I did pose the question to Mr. Leedom. I told him that although he can review the plats, he's not actually taking them out of the office, he just comes here to see them, and if he wants, he goes to the field to review. So, if something comes up that he sees an issue with, my thought on that is that it is his responsibility to notify the owner of the problem. If the owner wants to halt what the Planning Commission is doing, they could, because that would save them having to do something twice.

Supervisor Boothe - but just because he has a concern, that doesn't constitute a denial by the Planning Commission either. We would just continue on.

Mrs. Martin - that's what I'm saying. We would continue to go forward. Again, I think it would be good for them to notify the owner that they saw a problem because it could save some time. My thought is that the Planning Commission would ask the owner if they want to withdraw the plat for a month or so to get the problem resolved with the new knowledge.

Supervisor Boothe - just because it is a concern to them, we can't deny it just based on their concerns. If the property owner wants to move forward with it, whatever the Planning Commission says goes.

Mrs. Martin - I don't have a letter from the Department of Conservation and Recreation

and they are a State agency. So if they had an issue, it would hold up the plat because the ordinance does say that the Planning Commission has 35 days after a State agency review.

Supervisor Boothe - if that does take place, we should notify the property owner in writing as to the number of days.

Mrs. Martin - we've had that posted on the window where Dawn is, but folks don't always read it. I also wanted to update you on the media tour this past week. It seemed to go really well. We had 12 travel writers and photo journalists in the area. We did get some really great complimentary restaurant meals and lodging for them and that's what made it possible. We should see the results from that over the next few months, some up to a year.

Agenda Item 8b - Report on VOLSA Program for emergency volunteers. Mr. Nester reported that this is an incentive program for retirement savings for the volunteers. Part would be paid by the County, part by the volunteer, and the local department also has an option to contribute a part. A representative from VRS came to Floyd and made a presentation to the fire and rescue volunteers. They seem to be interested but are concerned about the reporting responsibilities by the departments. I asked Ford Wirt to meet with Montgomery County, who also has this program, to see what is involved in making this work. After his report is done, we will get a consensus from the volunteers. They are interested but are concerned about the manpower for the reporting requirements.

Agenda Item 8c - Appointment to VASAP Advisory Board for a one year term. Mr. Nester indicated that Mr. Edsel Duncan had notified the office that he would not be seeking consideration for reappointment. He had served in the office for over 26 years. No other letters of interest were received. Consensus of Board was for staff to research meeting date, time, place for them to find a replacement.

Agenda Item 8d - Appointment to New River Valley Planning District Commission - 3 year term. Mr. Nester reported that one letter of interest had been received from the incumbent, Mrs. Evelyn Janney.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to reappoint Mrs. Evelyn Janney to the New River Valley Planning District Commission, for a three year term.

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

Agenda Item 8e - Appointments to the Floyd County Social Services Board - Locust Grove, Little River and Burks Fork Districts - 4 year terms. Mr. Nester reported that no letter of interest was received for the Locust Grove District, the incumbents responded with interest for

another term for the Little River and Burks Fork Districts.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to reappoint Mrs. Brenda Howell to the Floyd County Social Services Board, for a four year term, representing the Burks Fork District.

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

Agenda Item 8f - Appointment to New River Valley Community Services Board - 3 year term. Mr. Nester reported that no letters of interest were received, and that Supervisor Boothe had been serving in this capacity.

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to reappoint Mr. Jerry Boothe to the New River Valley Community Services Board for a three year term, term ending June 30, 2009.

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

Agenda Item 8g - Report - Achievement Award - Virginia Society of Certified Public Accountants. Mr. Nester reported that Mrs. Morris, while graduating from New River Community College this week with honors, had also received the Outstanding Accounting Student Award for the year, and an Achievement Award from the Virginia Society of Certified Public Accountants.

Agenda Item 8h - Report - National Incident Management System. Mr. Nester reported on a new requirement for law enforcement, rescue members, Board members. This requirement is actually an off-campus training program required after the 9/11 incident. FEMA came up with a protocol to follow in case of major emergencies for all agencies. The first unit on the scene becomes responsible for the incident until they are relieved of the command by someone with more experience and knowledge. That's the background of the program. It does require some additional information as to how the emergency will be reported. When we make a determination locally that we need outside assistance, in that case it would be handled through a pre-existing series of mutual aid agreements with adjoining jurisdictions. Once it becomes past the ability of the mutual aid agreements and the localities to handle the incident, an appeal is made to the State. The State will then mobilize to provide what support it can muster. If it becomes an incident beyond the State level, then the Governor will ask the President to declare an emergency which would release the resources of the Federal government. That seems to be common sense, but in an emergency things don't always seem to happen, so this purpose is to

make sure that everyone who is in a decision making role, will know the rules of the game if we have a major emergency.

Supervisor Boothe - this started with 9/11, but it really came into play after Hurricane Katrina.

Mr. Nester - this was actually in place before that but Katrina became the emphasis on the reason this needs to be done. It would probably be good for two members of the Board to be certified if there is a major emergency and a disaster is declared, for the sake of continuity if the Director is not available, that person is essential to declare an emergency.

Consensus of the Board was for the Chairman, Vice Chairman, Assistant County Administrator and the new Administrator to all take the required test for certification.

Mr. Gene Dalton, EMS Operations Manager, next appeared before the Board. He reported: For Agency 1219, career staff, also should have a breakdown of age demographics. Two of the biggest age groups that we had calls for last month, 7 calls were for 71-75 years of age. That was anything from falls to medical problems. Five calls were for the 31-35 age group, that were mainly medical and vehicular accidents. The other sheet is broken down by type of call. Last month we were fairly slow as far as nursing home calls, only three, but this month that has doubled. Calls handled by the career staff totaled 47, with the majority of calls from 8-9 a.m. ALS handled 46% of the calls, 31 medical emergencies, and 6 auto accidents.

Mrs. Myra Grim, EMS Administrative Clerk, next appeared before the Board. She presented the April 2006 financial report and indicated that the report does reflect the new rates enacted by the Board.

Mr. Steve Love, Rescue Captain, next appeared before the Board. For Agency 216, he reported that 89 calls were handled by the crew. Sunday always is the busiest day for them. They had 11 auto accidents and 45 medical emergencies. Reported that in the grant application submitted for a six-wheeler, that 3500 applications were received. They did issue 65 grant awards, of which Floyd County was one of the successful ones. There will be no cost to the County or crew whatsoever.

Mr. Ford Wirt, Emergency Services Coordinator, next appeared before the Board. He reported that Station #4 Fire Department addition is in final stages of completion. The final inspection will be done next week and an occupancy permit will be issued. For the Regional Jail, every three years the State completes a compliance audit. The Jail was in 100% compliance, which is very rare. The Jail budget was also approved, balanced, with no increase in per diem for the upcoming year. It is dependent on preliminary projections from the State. The National Incident Management System (NIMS) program is approximately 70% complete. These requirements have to be completed by October 1 to be in compliance. This affects every agency in the County that applies for Federal funds.

Agenda Item 8i - Report - Preserve American Community Designation. Mrs. Martin reported that this is a White House initiative to promote and celebrate heritage and appropriate local resources, and there are actually funds associated with the program now. \$5 m was approved this year and \$10 m for the next year for assistance to communities. A community applies for this based on their interest in their heritage. The first grant awards were given in March, and the next round is in May. The cycle happens four times a year to actually get the designation and the grant award rounds are at different times. Presented a draft resolution for the Board's consideration, and indicated that a paragraph was added to highlight the County's 175th anniversary celebration this year. The grants range from \$20,000 - 100,000 and the only requirement is a project within the last five years. The birthday celebration should fit into this classification.

Supervisor Boothe suggested that the wording "will promote" be deleted from the resolution.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and carried, it was resolved to adopt the resolution, as amended, requesting that Floyd County be considered for the "Preserve America Community Designation" (Document File Number).

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

Agenda Item 8j - Draft Deer Management Plan - Mr. Nester reported that the State is asking for comments for the plan that will be used for the next several years to guide the Department of Game and Inland Fisheries for deer management in different areas. June 16 deadline for comments.

Consensus of the Board was for staff to assemble previous comments/correspondence concerning the matter for the Board's review before the next meeting.

Agenda Item 8k - Request to amend County personnel policy - Mr. Nester reported that notice had been received from the Electoral Board that State Code had been changed to allow employees serving as poll workers/officers shall not have to use their annual or sick leave for election service time, such as for jury workers.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to approve the amendment to the Floyd County Personnel Policy to include the new requirement for poll workers to provide election day service without use of annual or sick leave.

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

Supervisor Ingram - aye

The Board recessed for lunch.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and carried, it was resolved to appoint Mr. Doug Thompson to the VASAP Advisory Board for a one year term.

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Whitlock - absent

Supervisor Gerald - aye

Supervisor Ingram - aye

Mr. Jeremy Hendricks, VDOT Assistant Manager, next appeared before the Board. He had no new information to report.

Supervisor Boothe - what is the status of Baker Street, where I requested gravel to be filled in along the edge of the pavement? Now, also toward the Route 8 end of Baker Street, it needs patching.

Mr. Hendricks - I'm not sure of status, but I'll check on it.

Supervisor Boothe - also appreciate all the milling and brush work.

Supervisor Belcher - I called your office last week with a number of items, do you know the status?

Mr. Hendricks - I know Mr. Beasley gave the Superintendents a number of items, but they have to be worked into the schedule.

Supervisor Belcher - have some other issues that have come up - Route 602, lots of potholes; Route 799, South of Route 775, where patching was done, it is very rough; Route 603, grading has been done but we need gravel now; lots of pothole maintenance needed on all roads.

Supervisor Gerald - Route 787, need work on potholes back toward Floyd, you fixed the ones next to the bridge.

Supervisor Ingram for Supervisor Whitlock - thanks for the work on Route 612; need gravel swept back from entrances to intersections; Route 683, Harvestwood Road, needs scraping, the drainage and slopes also need checking; appreciate all the work done in the last month.

Supervisor Ingram - Route 888 - appreciate work on opening culverts and cleaning out; potholes on secondary roads need attention and I know you are working on them as you can; gravel roads always need scraping when weather permits.

Mr. Hendricks - we are alternating between machining and pothole repairs before paving is started. Surface treatment work should start around August 1 and paving will begin the 2nd-3rd week of July.

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

Agenda Item 7i(1) - Report - County decals for vehicles with antique tags. Mr. Cornwell reported that he and the Treasurer had discussed the issue and thought it was settled, but it obviously was not. The question has arisen as to whether an antique vehicle has to have a County decal. The answer is yes, it does. There is no provision in the Code of Virginia which exempts antique vehicles from a County decal. However, there is a provision in the Code that says we cannot charge more than the amount of the license tax imposed by the Commonwealth on any motor vehicle, trailer or semi-trailer. The Commonwealth, in its wisdom, has decided to charge a fee of \$10 for an antique automobile for titling the vehicle and the title is good as long as the vehicle stays in that owner's name. So, the ultimate outcome is that we cannot charge more than \$10 for an automobile decal and we can only charge it once when the person acquires and gets the tag for his antique vehicle, and we have to issue free ones thereafter until the title changes hands again, in which case we can only charge another fee of \$10.

Supervisor Boothe - one decal for the life of the vehicle?

Mr. Cornwell - as long as that person has it. They buy one for \$10 and then you give them one each year after that.

Supervisor Boothe - so the color corresponds with the current decal.

Mr. Cornwell - exactly.

Supervisor Boothe - what constitutes the antique vehicle classification?

Mr. Cornwell - an antique vehicle is defined as a vehicle more than 25 years old. Antique motor vehicle means every motor vehicle as defined in this section which is actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collectors item. There is an exception. You lose your antique vehicle status if you drive the vehicle more than 250 miles or use it in the regular course of life. You lose the tag. You could get stopped by a police officer and challenged on the fact that you have an antique tag, in which case you can then go back and get a regular tag and be subject to the regular licensing requirements. The Treasurer seemed to be under the impression that some jurisdictions had exempted antique vehicles from the decals. She mentioned to me that Pittsylvania County had done so. She also advised me that she talked to the Attorney for the Treasurers Association of Virginia and he agrees with me that there is no exemption in the Code for antique motor vehicles for granting an exemption. Those jurisdictions that have exempted them have no authority to do so. There are several jurisdictions out there that have codified this very thing that I'm talking about, making

the charge at \$10, once for a vehicle, such as Chesterfield County. The City of Harrisonburg does the same sort of thing. I've advised the Treasurer that antique motor vehicles are not exempt from our decal ordinance. However, our statutory fee does not apply to them, because we cannot charge a greater fee than the law allows and that if an application is made to her for a decal, she should issue the decal for \$10 and then the person is eligible for free decals every year after that as long as they own the vehicle. The Treasurer's Association may talk to the General Assembly at some point to exempt the antique vehicles from obtaining a decal.

On a motion of Supervisor Belcher, 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; 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 regarding specific legal matters requiring the provision of legal advice by such counsel.

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

Supervisor Whitlock entered the meeting at 3:30 p.m.

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 Boothe, seconded by Supervisor Belcher, 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, prospective business or industry, and legal matters in accordance with Section 2.2-3711, Paragraph A.1, A.5 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 - abstain - not present for entire closed session

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 adopt a resolution concerning the problems caused local governments by the lack of adoption of a State budget, particularly as concerns the Department of Social Services; request that the Department of Social Services be placed on the same fiscal year as local and State governments; encourage surrounding localities to adopt a similar resolution (Document File Number _____).

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Whitlock - aye

Supervisor Gerald - aye

Supervisor Ingram - aye

Supervisor Gerald left the meeting at 5:15 p.m.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to table the two dog claims until the next meeting for price verification.

Supervisor Boothe - aye

Supervisor Belcher - aye

Supervisor Whitlock - abstain

Supervisor Gerald - absent

Supervisor Ingram - aye

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, it was resolved to adjourn to May 22, 2006 at 7:30 p.m.

Motion and second withdrawn.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to adjourn to May 24, 2006 at 7:30 p.m.

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