

**BOARD OF SUPERVISORS
REGULAR MEETING
JULY 8, 2008**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, July 8, 2008, at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: Jerry W. Boothe, Vice Chairman; Virgel H. Allen, William R. Gardner, Jr., J. Fred Gerald, Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

ABSENT: David W. Ingram, Chairman.

The Vice Chairman called the meeting to order at 8:30 a.m. with the reading of the handicapping statement.

The Opening Prayer was led by Supervisor Gerald.

Supervisor Gardner led in the Pledge of Allegiance.

Mrs. Mary Turman, Treasurer, appeared before the Board. She presented the invested cash and cash in office as of July 8, 2008. She also presented a copy of last year's report so the Board could compare fiscal year end figures.

Mrs. Morris reported that the financial statements would be available later in the week for the Board's review.

The minutes of June 10, 2008 and June 25, 2008 were presented to the Board for review and approval.

On a motion of Supervisor Gerald, seconded by Supervisor Gardner, and carried, it was resolved to approve the minutes of June 10, 2008 and June 25, 2008 as presented.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

Sheriff Shannon Zeman appeared before the Board. He had nothing to report today.

Vice Chairman Boothe – could you explain the new position with the Town? I know there have been some articles done on it, but could you explain it to us?

Sheriff Zeman – we haven't come to a complete agreement on it yet. I want a memorandum of understanding and we've drafted the first one, but we have a few things to work out on it.

Supervisor Boothe – the agreement is between your department and the Town?

Sheriff Zeman – it is.

Supervisor Gerald – I read articles on how some police departments are trying to cut back on gas, what have you done to help with the gas situation in Floyd?

Sheriff Zeman – we're still doubling as much as we can on second and third shift. Anytime that the officers are just patrolling, we try to spend at least 15 minutes of every hour sitting at a business, school, church. Also, the construction project is moving along very well, hope to get a roof on soon.

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. Questions and discussion followed.

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

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

Agenda Item 9a – Subdivision plats as approved by Agent for June 2008. Mrs. Lydeana Martin appeared before the Board to deliver the report. She thanked Jim Whitten for taking care of this item in her absence. She reported six plats approved in June, with about one-third as much acreage divided at the same time last year.

She also discussed with the Board the possibility of placing tourism ads again in the Virginia Travel Guide and the Parkway Directory. A one-third page ad was placed last year in the Virginia Travel Guide and one-half page the year before that. For the one-third page ad, the cost this year is \$4984.65 plus \$100 for the hot-link capability to the County's web site. The Parkway Directory, which is the only publication allowed on the Parkway itself, would be \$2850 for a one-half page ad.

On a motion of Supervisor Gardner, it was resolved to authorize the placement of a one-third page ad in the Virginia Travel Guide and a one-half page ad in the Parkway Directory, at the reported costs.

Motion died due to a lack of a second.

Agenda Item 9b – Appointments to the Montgomery-Floyd Regional Library Board, two appointments, two and four year terms. The Board deferred the matter until after interviews are held later in the day.

Agenda Item 9c – Appointment to Workforce Investment Board. Mr. Campbell reported that no letters of interest have been received from two different advertisements.

Agenda Item 9d – Appropriation of FY09 budget.

On a motion of Supervisor Gardner, seconded by Supervisor Gerald, and carried, it was resolved to appropriate the FY09 budget in the amount of \$31,995.860.00.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

Agenda Item 9e – Request for abandonment of section of old “Floyd-Christiansburg Turnpike” from Dale Proffitt. Mr. Campbell reported that he and Mr. Beasley, VDoT Residency Administrator, had visited the site, and could find no indications that there was a road there. Mr. Beasley had sent a letter indicating same, that no proof has been found that the road was ever in the State system. He does not recommend the abandonment process, since it seemed to be a private access to a farm, and was never in the State system. The Board deferred the matter for further discussion with Mr. Beasley later in the day.

Agenda Item 9f – FY 2007-08 Local Health Department Agreement. Mr. Campbell presented a copy of the agreement between Floyd County and the Health Department in the amount of \$133,925.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to approve the agreement between Floyd County and the Health Department for 2007-2008, in the amount of \$133,925; authorize appropriate officials to execute same.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

Agenda Item 9g – Consideration of deed of easement for Fire Department. Mr. Campbell presented a copy of the proposed deed, indicating that Mr. Cornwell had prepared it. This will be for the easement for the well site at the Indian Valley Fire Station. There is no cost to Floyd County for the easement. The Board deferred the matter for discussion with Mr. Cornwell later in the day.

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

Mr. J. C. Holden, Locust Grove District – What I have here this morning, I don't think I can quite get done in four minutes. I've talked to Mr. Campbell and Mr. Ingram about it. There is a piece of property abandoned back in 1995, not 1995, first part was abandoned in 1985. But I won't get into that. I've got something that is hard to explain without something to look at. I want to give every one of you a copy. I've color coded it so we'll all be on the same page as to what I'm talking about. I'm going to try to keep this in order. What we have is this piece of property, the triangle that you're looking at, in the red and the blue on the sheet. The green represents the property that my wife and I own. January 9, 2001, this abandonment of this prescriptive right-of-way, which is the blue, was brought up here and the Board went through the whole process, which I think has been reviewed, or supposed to have been, since I talked with Mr. Campbell and Mr. Ingram. Then, the regular meeting on November 15, 2001, that was after this was proposed to be abandoned, we came up and went over it. It was supposed to have been, when it was brought before the Board, it was decided that the ownership of the property around it, wasn't determined, and couldn't be determined until it was done in court. That was on May 8, 2001. Then at the regular meeting on November 15, 2001, the Board of Supervisors met and agreed to vacate it, just agreed to what they had. On September 4, 2002, it was recorded. Now, there was a red flag raised when we went back and checked it. It took from November 15, 2001 when the Board vacated it, it took to September 4, 2002 before it was recorded. Now, I, myself, was opposed to the abandonment of this because it was not clear whether it was half of the part that was left in the State of the prescriptive right-of-way. What happens somehow, and I asked Mr. Campbell and David Ingram to find the answer to this, and I know you don't answer questions here. I don't know what happened. But it got turned from, when this was done, it was advertised in the paper as being done. It said, we now therefore resolve, that it is the intention of the Board of Supervisors of Floyd County to abandon a part of the section of State Secondary Route 649, heretofore discontinued, a distance of 0.05 miles, located approximately 1.25 miles west of Route 221 as shown in blue on the attached sketch. Now you see this sketch, they've even got the color wrong, its red. This is what was represented. Can everyone see that arc? That was what was represented, the part in red, was going to be abandoned. The part in white had already been abandoned to me in 1985. Now, from the time that this was brought before the Board and ownership was proven, it changed from 0.05 miles, which was what the State had an easement over, it was changed by Mr. Profitt from that to what you have, this triangle representing what he wanted to be abandoned, being 0.045 acres. The next time it was listed, and it came up before the, well I have my notes here, when it got up here on November 15, at 2:00 p.m., it was by Mr. Bedsaul who gave a brief, I think Mr. Bedsaul was the Assistant County Attorney at the time, gave a brief synopsis of the purpose, and I'm quoting the minutes of the meeting, that this public hearing is for the vacation of a portion of the plat as mentioned for 0.045 portion only. This is a triangle of property at Conner Road and a private right-of-way, when the plat was recorded; it appeared that the public right-of-way was not identified. The purpose of the Board's consideration of this portion, is to identify the public right-of-way, we would like to clarify that this does not change the remainder of the plat, only this one triangle portion, this would make the land records correct and easily identifiable. That I suppose was written by Mr. Profitt, I do not know. Then the surveyor was brought up, Mr. Quesenberry, and he said, I am the surveyor of this property, you are correct in stating that I did not show the southeastern property line of 0.045 acres as the center line of the discontinued road. I have revised the plat that shows this, and this is what we had. Then Mr. Profitt said, paraphrasing it for the sake of time, it says, Mr. Profitt testified that the reason he changed it was under a

different statute. According to the minutes, there were times that this was discussed with the Board, in private, but it's not public record in any of the minutes, and I have them all from 2000 up. Then Mr. Nester, the County Administrator at the time, said back in 1975 this same portion was vacated by the Board of Supervisors and VDoT. Why would it be treated any different? Mr. Profitt said it was under a different statute. What happened in 1975 was that it was discontinued, meaning that the State no longer maintained it, I'm sure you're familiar with that. I brought to their attention that it was supposed to be my property under it, according to the deed that we had. And that we didn't want it abandoned because of the complications that might arise. It was voted on and abandoned. What was abandoned was described, it says that it's this triangle that has the red and the blue in it. Now, there's two things wrong with this. It was wrong then and it's wrong now. And the reason I'm here is that at 10:30 I have to be in Circuit Court in Christiansburg because there was a lawsuit initiated against my wife and myself for this property, proving ownership. Now this lawsuit was filed November 21, 2001, these dates are important, by Mr. Profitt. This was vacated on November 15, 2001. Already Mr. Profitt had claimed ownership for the Birkeland's, had taken this triangle and added to Mr. Peters' property, here what you're looking at this a lot-line revision, and had put it on Mr. Peters' as collateral when he bought a double-wide. Yet, in 2002, we go to court to prove ownership. Then a month, no excuse me, not a month, seven days later, we're filed suit to prove ownership. We went to the Clerk's Office to find out if this had been vacated for our lawsuit, it hadn't, when we were getting evidence together, it had not been, because it hadn't been recorded. But, during the lawsuit, on September 4, 2002, it got recorded. Nobody, as I've been able to find out, why. I understood from Mr. Campbell the other day that Mrs. Morris here didn't take care of that, because one of the ones involved in the suit is her brother-in-law that Mr. Nester took care of it personally. I think that is what I told. I don't have any problem with Mrs. Morris, I'm just trying to clarify things. When it came back though, if you look at your triangle, you see what's in blue? The blue part there. The triangle only covers half of that. The blue part is the prescriptive right-of-way. If this had of been explained in detail, I can't believe the Board of Supervisors would leave, why would they leave 15' of State property between the triangle and Mr. Peters' property that they were trying to get it for? What purpose could the State need that for? Now, the purpose of this whole matter this morning, and if you see the red in the triangle that you vacated, that was deeded property to us. It's not in the prescriptive right-of-way. In effect, the Board of Supervisors vacated a boundary line that they did not have the authority to do, because it was not in a prescriptive right-of-way. If a prescriptive right-of-way is abandoned, it goes to the property owners under it. One other thing here that is very important is, Mr. Birkeland sold the property on the left side of the road, down at the bottom on this sketch. That's property that Mr. Birkeland sold, and in the lawsuit he claims, as he does here, that he still owned that triangle, that he didn't deed that to us. He took a 0.045 remnant of a piece of property that he had deeded and the plat was signed off on by the Agent, and it was recorded as a lot-line revision and it was all done with the promise that Mr. Peters would acquire it from Mr. Birkeland. Its 3 years, 2 months, last Saturday, since we went to court and it was ordered that we get this done again. To this date, it's never been deeded to Mr. Peters and for 3 years, he's been in violation of the Subdivision Ordinance, not complied with it, and I think the penalty for that is \$500/day if you wanted to impose it, that'd take care of your budget. And he'd be back up in New Jersey and everybody would be happy. Or some would. Today, I have the final order from the Circuit Court Judge Grubbs. Grubbs ruled that this green here is ours and no one is supposed to be on it. I put a sign there to tell them and put a post there. The day the order was finalized,

the Morris' and the Peters' made a road through it and have been using it continually. I called my lawyer about it. I talked to him. I happened to see Mr. Profitt in the Clerk's Office over here, the last day of June, and the order said they had to be gone by the first day of July, and Mr. Peters' has to have his right-of-way moved off our property over on this triangle. Mr. Profitt tells me, I said, Mr. Profitt did you tell your clients that they're supposed to be off our property tomorrow? He said, we've got a problem. I said I'm not concerned about your problem. I'm saying that the court order says you have to be off my property tomorrow. My attorney said to put a chain across it, it's mine. They are not to be using it. He said, don't do it. I said who are you to be telling me what not to do? I'm going by what the Circuit Court Judge said to do. He said, well, there's a problem. This triangle can't be deeded. Now I have yet, I hope Mr. Campbell has found something on that, but I have yet to find out why it can't be deeded except that Mr. Beasley told me he thought he muddied the water when he took this triangle and made it a triangle instead of the other half of that arc. Mr. Beasley said they're not interested in keeping this 15' back down here. But now, as of today, Mr. Profitt is saying that the end of this white strip that comes down on the green, there's 15' there that you all didn't abandon. So that's still public right-of-way and the Circuit Court Judge gave it to us and told them to stay off of it. And it was by agreement when we got the final terms. I guess why I'm here, I guess here is where it has to be done, I've asked all the officials that I know to ask, like I said, on May 5, 2005, Marty Parks was the Commissioner in Chancery. He ordered Mr. Profitt to get this abandoned and taken care of so that Mr. Peters' could have his road off of it by the 1st of July, 2008. Three years, two months, and I haven't found anybody on the Board of Supervisors or anywhere else that Mr. Profitt has come to get the remainder abandoned if that's what necessary. This was just done, and he used the Board to muddy the waters and draw attention down here to the bottom, when the gist of the suit was up here at the top. Now, what I'm asking is that you find out, if you can, Mr. Campbell has some information, I think he was going to see what happened to these times when it was in closed session or something, the minutes, because I've read all the minutes. If it's true that you didn't intend to abandon this white, the extension of the white portion down into the green, and this 15' between the triangle and the Peters' property, that since I've been ordered by the Judge, there's no doubt who owns it now I would think. I would like to have it abandoned. However, in closing, if you'll look at the map I gave you, the plat, and you see the blue part. You see the blue part that is outside the triangle, the 0.045 triangle, the longest part of it? Are we on the same page? All right, that is part of the prescriptive right-of-way. Why did Mr. Profitt remove that from the triangle when that 15' is between the triangle and the property that he's trying to absorb it to? In the minutes, Mr. Profitt said there's no use doing that 15' because it already goes back to the owner; it already belongs to Mr. Peters. But it still has a prescriptive right-of-way across it. I'm only giving you my opinion, but my opinion is that he left that 15' in there with the prescriptive right-of-way so a road couldn't be put across it and he could come back three years later, or whenever after he lost the suit, and say that well you can't do it. Also, there has been a violation of the Subdivision Ordinance for three years something should be done about that. I have plenty more information if you need it and would be glad to meet with you. I have to get to Christiansburg.

Vice Chairman Boothe – the proper people are looking into the situation.

Mr. Campbell – I spoke with Mr. Holden and his wife toward the end of last week. It needs to be looked at. To be honest with you, I was not here and will need to take some time to research it. I may need some assistance from Mr. Cornwell and I will try to do this shortly.

Mr. Holden – if you look at where the blue ends at the green that is supposed to be a drawing of the prescriptive right-of-way. That’s supposed to be depicting that. You’ll notice that it does not go over into the green. Our main thing, I believe Mr. Bedsaul said it, the line between the green and the blue is the left part of the white extension.

Ms. Linda DeVito, Little River District, representing Across the Way Productions and Blue Cow Arts – we are having our annual Floyd Fest music festival and I just wanted to just come before the Board and thank you for your continued support of our festival. I wanted to submit to Assistant County Administrator Morris, some tickets for which you and some of your support staff here in the office might be able to avail yourselves in coming to our festival on July 24-27. Again, we just want to thank you for your continued support of our efforts and helping create a music festival that brings in excess of \$1.5 million to Floyd County and the surrounding environment.

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

Mrs. Phyllis Beale, representing the Floyd Community Wellness Center, next appeared before the Board. She commented, I think that you all have been advised of why we’re meeting today. Since we don’t have much time, I want to let you know that I have been blessed to have been working with some other community minded people for several months now with a goal in mind for all the citizens of Floyd to establish a community wellness center. Without further delay, I would like to introduce to you Mr. John Getgood, our first Vice President. I appreciate your time and attention to this matter.

Mr. John Getgood – our reason to address the Floyd County Board of Supervisors today is the purpose, mission, direction and status of the Floyd Community Wellness Center. First, some background. The Floyd Community Wellness Center evolved from an August 2005 survey conducted by the Blue Ridge Institute for Community, better known as the BRIC survey. I’m sure you’ve all seen it. The survey was distributed mostly by mail to a random sample of 1020 households in Floyd County. 579 usable surveys were returned, which equated to a 57% response rate. The purpose of the survey was to assess the needs of the County’s residents. Over 64% of the respondents indicated a need for a community center which would support all segments of the County’s population. This slide summarizes some of the significant results of the BRIC survey. Not surprisingly, many of the results focused on the needs of our senior citizens and youth. Not shown on the slide, is a result indicating a need for an indoor track to be used in inclement weather. Seizing on the results of the BRIC survey, a group of concerned citizens formed the coalition for the community center in February of 2006. Organizations and activities contributing input at the initial meeting are shown on the slide. After the initial meeting, it was decided to conduct a public forum in April 2006. This slide depicts some of the speakers and organizations that attended to address the forum. The methodology used by the coalition to inform the attendees is shown on the next slide. Armed with the results of the survey

and the public forum, the Coalition met several times during the spring/summer of 2006 to refine its organization and to develop a mission statement. In addition, members visited several wellness centers in the region to bring additional information. Different events occurred during this period: 1) selecting the name of the organization, the Floyd Community and Wellness Center; 2) decision to incorporate and form a non-profit organization. In the fall of 2006, we selected an initial Board of Directors and continued to focus on the activities depicted on this slide. The Mission Statement selected was: to promote health, wellness, recreation and education through programs and services to enhance the quality of life for all Floyd County residents. The Carroll Wellness Center in Hillsville was selected as a preferred model for the Floyd Community and Wellness Center. The Carroll center is a non-profit, member based entity and was formed in the mid-1990's. After seven years of fundraising, ground was broken for the 24,000 square foot facility in 2001 and completed in 2003, at an approximate cost of \$2.6 million. The facility includes an indoor pool complex including dressing rooms, a fitness center, general purpose rooms, an elevated indoor track, and a multi-purpose room, on-site child care room. In June 2007, we incorporated and as indicated on this slide, began our site selection process. Criteria established for the site included close proximity to the Town of Floyd, access to Town water/sewer infrastructure and be reasonably level. We obtained blueprints of the Carroll facility, which gave us an approximate footprint to plan our facility. Our desires for the Floyd Community and Wellness Center include an aquatic center, including a 25 meter pool and separate therapy pool, both handicapped accessible, male/female dressing rooms with showers, a child waiting area with bathrooms, sort of an on-site day care where people could leave their children while they were exercising, an elevated indoor walking/running track, a multi-purpose gym which could support basketball, volleyball and perhaps indoor tennis, an incubator kitchen furnished to commercial standards, a senior fitness center, we have no intention of trying to compete with the Floyd Fitness Center, a senior citizen lounge with a small kitchen, and two special purpose rooms. We looked at several sites, including the old Shortt's Fitness Center property before it was acquired by the present owners; we rejected this site due to its existing condition, high acquisition costs as well as prohibitive costs to renovate/adapt it to our needs. We looked at a parcel adjacent to and owned by the Recreation Authority. After thorough site reconnaissance by several general contractors, we also rejected it because of the extremely rough terrain and it would necessitate water/sewer pump stations to extend Town water/sewer to the site and extensive site preparation. The last site considered and currently our preferred one is a 5.4 acre parcel on Appalachian Road adjacent to the Appalachian Power work yard, which is currently owned by the County. We were made aware of this property during a meeting with the County Administrator and staff. The bottom line, we would like to enter into discussion and negotiations with the County to use/buy this site. You might say that we're currently exploring the potential of joint occupancy of this site with the Floyd Community Health Center, temporarily located at the Jacksonville Center. This slide shows the Board of Directors named last fall. The last slide presents some of our current projects. We have a draft business plan and budget for your review.

Mr. Michael Maslaney, Town Manager, next appeared before the Board. He commented: introduced Korene Thompson as the new Assistant Town Manager. I invited her here today to meet you, I'm sure many of you know her. We're very happy to have her with us, she's doing a good job, she will be a great asset to the Town. Some of the grant activities, the CDBG grant is closed as I told you last time. The restrooms were opened last weekend, believe it or not. The

holiday opening was a rush, they were opened over the weekend, and they survived it. There was a little bit of graffiti on some of the walls, right off from the start, they were in pretty good shape come Monday morning. We closed them down Monday since we still have a punch list to complete. At least they were opened for the weekend, which was a good time with all the things going on. I think people really appreciated them being open, especially on Friday night with the two venues going on at the Country Store and Winter Sun. We haven't quite figured out what the operating hours will be though since we have the issue of who's going to open it and lock it up. We're looking at electronic locks, in the meantime, we're going to give the key to Woody Crenshaw at the County Store and he's going to open/lock it on the weekends as the same hours as the store. We're still learning and making adjustments. The enhancement grant, we're getting ready to make the 50% submittal after years and years of effort. The innovation grant is moving forward. We should be issuing contracts in the next couple of weeks. The Town has approved the contracts between the Town and the two building owners. Those will be going forward. The final advertisements were done last week and some final letters. The rezoning meeting was moved from July 24 to July 21. It seems to take a long time, it's a lengthy process. The Town Council is interested in having a joint session with the Board with respect to issues that affect the Town and County. This is not an immediate importance but we would like to get it on folk's calendars and start thinking about agenda items. We are working with the Sheriff's Department on a letter of understanding for the part-time deputy. The Town is updating its accounting system, with an emphasis on separation duties, and has hired a part-time bookkeeper. The Town audit will be done August 4. We do have a new Mayor, Robert Shelor, new Vice Mayor and new Council member.

Supervisor Gardner commented that someone had mentioned the placement of benches in other parts of the Town, since it is such a walking town.

Mr. Maslaney – that is all part of the plan, for folks to be able to park possibly at the Library and have walking trails to the Town park, etc. Oxford Street improvements would also help.

Agenda Item 9h – Local Sesquicentennial Committee for the American Civil War. Mr. Campbell presented information on the possible formation of a local committee to commemorate the American Civil War. Several jurisdictions have already agreed to participate in heritage tourism activities.

Supervisor Gardner commented that several people in Floyd County are interested in the Civil War through re-enactments and other activities. They might be interested in serving on the local committee.

Consensus of the Board was for the County Administrator to contact named individuals to gauge their interest in serving on a local committee.

Agenda Item 9i – Transfer from Contingency for FY08 budget - \$129.20 to Local Planning Commission. Mrs. Morris commented that an error had been made in the transfer amount during the year, and the department had ended up over budget.

On a motion of Supervisor Gerald, seconded by Supervisor Gardner, and carried, it was resolved to transfer \$129.20 from Contingency to 4-001-0818010-5510 for the FY08 budget.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

Mrs. Morris also presented a carry-over request from the Sheriff's Department for additional drug seizure funds that had been received after the Board's June 25 close-out meeting.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and carried, it was resolved to approve the carry-over of \$819.54 for the Sheriff's Department, to the FY09 budget, as presented.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

Mrs. Myra Grim, EMS Administrative Clerk, appeared before the Board. She presented the June 2008 EMS report. She commented that all accounts that are completed will be removed at the end of June; aging summary still does not reflect the accounts that were written off; rest of report is routine information.

Mr. Steve Love, Rescue Captain, next appeared before the Board. He reported 61 calls for the month, with 34 transported, 7 cancelled and 2 not found. There are only 3.5 trucks running now in the fleet; steering is out on 3 trucks, the one new one has a major antifreeze leak.

Mr. Gene Dalton, EMS Operations Manager, next appeared before the Board. He reported 54 calls total, with 39 transported, 1 transported by Lifeguard, 8 not transported, 3 cancelled, 1 not found. The Response Unit had 34 calls, 11 transported with the Volunteers, 2 cancelled, 1 fire stand-by. The total calls for both groups were 88. The nursing home had 7 calls for the month, with a total of 65 for the fiscal year-to-date.

Mr. Ford Wirt, Emergency Services Coordinator, next appeared before the Board. He presented the Regional Jail report for June, 2008, indicating 30 inmates for Floyd County, up from 28 last month. Total jail population for June was 658, up from 651 the prior month. The jail renovation project is on schedule, with no major problems at this time. For the County radio system, necessary paperwork has been received from the State for the grant reimbursement. Ads for RFP's were placed in the Sunday newspaper. Once a vendor is selected, paperwork can be submitted to Richmond for the grant. Easement for the Indian Valley Fire Station has been reviewed and is in order. Once it is signed by both parties, the well placement can proceed quickly.

Dr. Terry Arbogast, School Superintendent, next appeared before the Board. He presented the June 2008 financial statement and the fiscal year end financial statement. Also presented were highlights of the School Board meeting on June 30, 2008. In discussion on the proposed renovation projects, Dr. Arbogast reported: Have received bids for the windows and that will be awarded today. We get the bids for the electrical upgrade tomorrow at 1:00 p.m. Then the other piece of that is the roof component for the high school and Indian Valley, which we're in the process of finalizing the decision on what we're going to do.

Supervisor Gerald commented that there have been a lot of problems with the roof leaking at Indian Valley. With some of the recent storms, the water has been pouring into the classrooms.

Dr. Arbogast – that was part of the total package that we were looking to do. The degree of all that is predicated on the total dollar that we anticipated everything costing. Our anticipated costs are probably four months old. We realized that when we got our first bid in for the windows at about \$30,000 more than we had anticipated but didn't surprise us with gasoline and everything else going up, we probably should have figured on a 15% increase. It will be interesting to see what tomorrow's bids will bring with the electrical side, the a/c side, and then we'll be able to identify the scope. The hope is that the funding is all going to be there to replace the entire roof at Indian Valley and replace the entire roof in the six sections at the high school. That's what our goal is.

Supervisor Gerald – what if the money becomes short, what will you decide on?

Dr. Arbogast – we'll have a slight problem

Supervisor Gerald – how will you address that?

Dr. Arbogast – we'll have to think about that, we haven't decided on that, we haven't gotten that far. Let's just expect that not to happen. The thing that really caught us off guard is that they want us to do more roof repair at the high school than we had anticipated doing. We wanted to do two of six sections; they want us to do six of six sections. They want it all done based on the company that assessed the roof itself. So we'd be smart to do it all if we have the money to do it.

Supervisor Gerald – what's the time line on getting all this information back on the bids?

Dr. Arbogast – I'll have the bids tomorrow on the large component, I'll be looking at the total funds available and will have a new projection on the roof costs so it won't take long to decide how much we can do and how soon we can do it. Our goal would be to finalize that and get it out to bid as soon as possible. They are ready to go out for bid now. I don't want to put them out if there is a large discrepancy in the dollar amount because then it's a waste of time because we'd have to change it anyway. I'll know a whole lot more in the next couple of days. Our goal is that it should all be done. I think it should all work out, I'm hopeful for that. Any additional funding that we could have utilized to support any other improvements is pretty much going to be gone with the increase in windows, I expect an increase on the electrical. Of course,

you know what roofing is, it's all oil, that thing that is up there sky-high. When we got the estimates, they are four months old, things are going up. I'll know a whole lot more tomorrow at 1:01. It would be our expectation to do it all, but we don't know about the unexpected pieces that there is no money for. Most of the time you leave 10% for unexpected costs, but we don't have that. When all of a sudden you have an unexpected problem you didn't know was there and you have to do change orders. I don't see a lot of that. This is not construction, so I don't see that to be a problem. That's what I'm talking about. You never know about roofs, what you might have to do underneath it, that you didn't anticipate having to do. You think all is well underneath, and then you take the roof off, and have moisture problems or asbestos, for example. Everything like that is an additional cost. Our goal is to get it done. I'll know at 1:01 tomorrow. We need to move on the roofs right away to get the prices locked in.

The Board recessed for lunch.

Mr. Bob Beasley, VDoT Residency Administrator, next appeared before the Board. He reported that mowing was completed in the Check area on June 27, will be completed in the Willis area by mid-July; machining is being done; patching secondary road for surface treatment which will start at the end of July; prime/double seal is being done on secondary roads that were completed last year; brush spraying is completed; have not started cutting brush, will be done in the fall.

Supervisor Gerald – already spoken with Mr. Beasley concerning paving issues. Appreciate paving on Indian Creek Road.

Supervisor Allen – there is a sink hole on Route 221 southbound before Ingram's Store, seems to be getting worse. It has been patched before but it keeps getting deeper.

- Had a complaint from a citizen about gravel/tar being swept on adjoining property and dulling his mower blades – talked to him about the State 20' right-of-way.

Supervisor Gardner – appreciate paving that has been done in my district.

Mr. Beasley – the center lines will be painted soon.

Supervisor Boothe – appreciate the mowing, brush cutting will be done later on?

Mr. Beasley – late September is the plan, we hope the brush spraying will show results.

Supervisor Boothe – according to newspaper reports, Route 8 is scheduled for repaving?

Mr. Beasley – we have applied for Federal matching funds for Route 8 and Route 221. We were told that with the higher costs of asphalt, it was cancelled but then told it was back on. We have looked at a segment of Route 8 South of the stoplight that will be done for sure.

Supervisor Boothe – will the stop bars be set back further at that time?

Mr. Beasley – yes, traffic engineering has already done the plans for those.

Supervisor Gerald – do you have an update on the Peppers Ferry bridge replacement?

Mr. Beasley - \$3 million is accruing to be applied to that bridge. The price of steel has doubled again, so the project has been slowed again. Estimates are re-done every three months and are in the State 6-year plan on the website.

Discussion followed on Agenda Item 9e – Request for abandonment of section of old “Christiansburg-Floyd Turnpike” as requested by Attorney Proffitt. Mr. Beasley commented that he and Mr. Campbell went to look for the fabled road that came off of Route 686. It was supposed to have moved to the west. We went by the old map, looked for any road bearings, structures, drainage, or ditch lines, or something that would hint that there was a State road in there. We found absolutely nothing. It appears that it could easily have been a private road that went to a couple of homes out that way around the turn of the century or the early 1920’s. I see no evidence that there was ever a State road that was in the system out there. We looked at every source of documentation that should normally have some evidence of that and we came up with nothing. If that had been a State road, something would exist either in the Courthouse or in our records. I went to Salem to the right-of-way records as well, nobody could come up with anything. My assumption, unless there is evidence to the contrary, that it was a private road.

Supervisor Boothe – there were a lot of roads when the Byrd Act was enacted, that were used as County roads that were not taken into the State system.

Mr. Beasley – correct.

Supervisor Boothe – if I remember my history correctly, the Counties stopped the road business when those roads were turned over to the State.

Mr. Beasley – correct, you authorized the State of Virginia and VDoT to act as your agents on the secondary system.

Supervisor Boothe – even if it had been a County road prior to that Byrd Act, when the Act came into effect, it was no longer a public right-of-way either.

Mr. Beasley – right. We don’t have anything saying that it was ever transferred. I looked at the 1932 Floyd map, which by the way has both County and State roads during that transition period. The key they used to make those maps is so similar that you have to have a magnifying glass to see them. It is not on that map. There are a good number of them that were not taken into the system.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.

Supervisor Gardner – aye

Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

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

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

On a motion of Supervisor Gerald, seconded by Supervisor Gardner, 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 in accordance with Section 2.2-3711, Paragraph A.1 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 Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

This Certification Resolution was adopted.

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

At 3:00 p.m., the Vice Chairman called for the Public Hearing on the proposed amendments to the Motor Vehicle License Tax/Fee Ordinance.

The County Administrator read the call for the meeting.

Mr. Cornwell gave a brief synopsis of the proposed amendments: The advertisement appropriately summarized the changes that are before you. We did incorporate some definitions that you have in the present Code; we just simply made the definitions as listed in the Code of Virginia so you don't have to repeat them, in case the definitions change. You are requiring a license fee to be imposed. We did change the license year from April to March, to January through December. Beginning January 1, 2008, it's a license tax due for 2008 on December 5. The Commissioner of Revenue bases the tax upon the records in her office which the Virginia Department of Motor Vehicles provides. We did have seven different classifications of fees for vehicles, we have reduced that to four. Automobiles/trucks, regardless of tonnage, will be \$25, where before if it was 4000 pounds or under, it was \$25. If it was 4000 pounds or over, it was \$30. That is a reduction. Farm vehicles did not change, it was \$15 and will be \$15. Motorcycles are now \$15, increased from \$10. Trailers did change, we made that \$10 regardless of weight whereas before it had ranged from \$6.50 to \$20, depending on weight. There is no proration of the tax; people need to get the tax paid within a certain amount of time once they move into the County. We simplified it, and we no longer have decals.

Supervisor Allen – there has been some concern about cars that do not have State registration, they are still exempt if they do not have State license tags?

Mr. Cornwell – if they do not, there is a presumption if they do have a current license plate, they have to pay the tax.

Supervisor Allen – if they don't, they don't pay the fee.

Mr. Cornwell – right.

Supervisor Allen - the other one is on permanent tags for trailers.

Mr. Cornwell – you cannot charge more than the State fee.

Supervisor Allen – I've had a trailer for ten years, I've \$66.50 over a ten year period for a County decal. I paid \$50 for the original tag. What's the answer?

Mr. Cornwell – I'll let the Commissioner answer that, but my understanding is that you cannot charge more than the State.

Mrs. Turman (Treasurer) – but that was a decal and this is a fee, they are different. A fee is something set by the Board of Supervisors and it doesn't fall under the same thing.

Mr. Cornwell – our ordinance says that no County license fee imposed shall be imposed on any antique vehicles, and no County license fee herein imposed shall exceed the amount permitted for the applicable fee per State law. State law says that you cannot charge more for a tax nor a fee than the State licensing tax.

Supervisor Allen – will I get a \$16.50 rebate?

Mr. Cornwell – no sir. We appreciate the donation.

Supervisor Allen – so I won't pay the fee this year since I'm over the limit?

Mr. Cornwell – I would say no, but I would defer to the Commissioner.

Mrs. Turman – the permanent trailer tags have been raised up to \$70.

Mr. Cornwell – it's a one time fee so we would probably impose the fee the first year and not the extra?

Mrs. Turman – there is no way of keeping up with those. This is a County fee, not a DMV fee.

Mr. Cornwell – we can't charge more than the DMV. My answer is no.

Vice Chairman Boothe called for comments from the audience.

J. C. Holden, Locust Grove District – I have a question to be answered. How is the enforcement of this going to be? I think the way it is now, if you don't have a County sticker you get a ticket. If you haven't paid your personal property taxes you can't get a County sticker.

Mr. Cornwell – there will be no more County stickers.

Mr. Holden – what I'm saying is, some of the Counties have this and if you haven't paid your personal property taxes you can't buy your State license.

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

Vice Chairman Boothe – now, from here forward, there will be a DMV listing and if you haven't paid this fee and you go to get your driver's license or tags renewed, they will not renew them until you pay this fee to Floyd County. So there's a lot of people that have gotten by over the years that won't be able to get by now.

Mr. Holden – well now if they don't have a County sticker and get caught they get a ticket. And they can just get a ticket over and over until they get their taxes paid.

Vice Chairman Boothe – from here forward the individual citizen, if I haven't paid this, I don't get my driver's license renewed or my tags or registration renewed until I pay the fee and it is cleared by the Floyd County Treasurer's Office.

Mr. Holden – well I would have to definitely be opposed to this thing then because if you're not able to pay personal property taxes and need to get to work, but they're going to say you can't drive your car to work until you pay your personal property taxes.

Vice Chairman Boothe – there are instances where the Treasurer's Office will work with people on payment plans if they have financial problems. This is our only way of enforcement.

Considerable discussion followed between the Board, staff and audience on the proposed ordinance and enforcement.

On a motion of Supervisor Gerald, seconded by Supervisor Gardner, and carried, it was resolved to repeal and re-adopt Article XI of the Floyd County Code, Motor Vehicle License Tax.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

Agenda Item 7k(i) – Final Approval – Transient Occupancy Tax. Mr. Cornwell commented that the Board needs to make a final decision on whether to enact the tax; time to begin the tax; and the percentage amount that will be charged.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to adopt the Transient Occupancy Tax Ordinance, effective January 1, 2009 at the 5% level.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – nay
Supervisor Boothe – aye
Supervisor Ingram – absent

Further discussion followed on the tourism ads for the Virginia Travel Guide and the Parkway Directory as presented earlier in the day. Vice Chairman Boothe pointed out that these ads were incorporated as part of the budget itself, under the tourism line item. Also, since the Transient Occupancy Tax has been enacted, any amounts collected above the 2% will be used for tourism efforts. Mrs. Martin also pointed out that 3614 specific inquiries were made to the Blue Ridge Highlands area for information just from the ads. These were specific inquiries, not hits on the web page.

On a motion of Supervisor Gardner, seconded by Supervisor Gerald, and carried, it was resolved to authorize a one-third page advertisement in the Virginia Travel Guide at a rate of \$4984.65 plus \$100 for the hot link; and a one-half page advertisement in the Parkway Directory at a cost of \$2850, as presented.

Supervisor Gardner – aye
Supervisor Allen – aye

Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

Agenda Item 9g – Deed of Easement for Fire Department. Mr. Cornwell commented that he had prepared the deed of easement for the well lot for the Indian Valley Fire Department. There will be no charge to the County for the well site. The other party will need to review the easement and execute before work can proceed.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to authorize acceptance of the easement, as presented, for the well site for the Indian Valley Fire Station; any changes made by the other party will come back to the Board of Supervisors for review.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

Mr. Cornwell commented that, on the road abandonment request from Attorney Profitt on Route 615, the Board needs to take no action since VDoT was unable to find proof of the road's existence in the State system. Attorney Profitt can check the Book of Road Viewers in the Courthouse to ascertain if it was ever a County road.

Agenda Item 9b – Appointments to Montgomery-Floyd Regional Library Board, two and four year appointments.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to appoint Mr. Lawrence McCutchan to the Montgomery-Floyd Regional Library Board for a four year term.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to appoint Ms. Ann Margaret Shortt to the Montgomery-Floyd Regional Library Board for a two year term.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – absent

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

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram - absent