At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, February 10, 2004, at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman; J. Fred Gerald, Vice Chairman (entered the meeting at 10:10 a.m.); Diane B. Belcher, Jerry W. Boothe, Kerry W. Whitlock, Board Members; George W. Nester, County Administrator; Terri W. Morris, Assistant County Administrator.

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

The Opening Prayer was led by Chairman Ingram.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Deronda Thomas, Treasurer, appeared before the Board. She presented the Invested Cash and Cash on Hand as of February 10, 2004. She also reported that she and the Commissioner of Revenue are working together to mail the decal applications and personal property listing sheet together for postage savings.

Mrs. Morris presented the Balance Sheet as of January 31, 2004; the revenue/expenditure detail ending January 31, 2004 was also presented for the Board’s information. She reported that the auditor hopes to have the audit completed this week.

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

- Attended a meeting recently of the training academy. The Academy has experienced budget reductions for four years. Floyd County comprises 4% of the academy population. Have written letters to Senator Reynolds and Delegate Dudley requesting no further reductions in State funding for the Academy.
- New DayPro computer system - have added the civil module and evidence room module. Both are working very well. The company does provide free training one day a month, which we will try to send someone to.
- The Office answered 8417 calls over the past year.
- Mileage for January 2004 was 24,900.
- Was recently informed by the State Police Lt. that Floyd County will be receiving a 5th trooper - will probably be 8-10 weeks before that happens.

Mr. Nester requested that the Sheriff send the monthly report to him, so it can be shared with the Board.

Mr. Gordon Hannett, Commonwealth’s Attorney, next appeared before the Board. He also reported on several items:

- Would also like to attend each month’s Board meeting to report on items from his office.
- One case that will be coming to trial this month for two people involves 17 burglaries in the County between 2001-2002. This should result in several years in prison for both people. While the two were out on bond, they committed more crimes in Floyd and Montgomery Counties.
- Budget - requested that the Comp Board convert the part-time position into a full-time position - have not heard from them yet. Also asked for restoration of full State funding.
- CLE training - attend at least four times a year - would like to be on County insurance so it would be possible to drive a Sheriff’s Office vehicle instead of charging mileage. Mrs. Morris informed him that he was already on County insurance.

The minutes of January 13, January 21, January 25, January 27, January 28, January 29, and February 3, 2004 were presented to the Board for review.

Supervisor Boothe - January 29, 2004 minutes, page 2. I made the motion instead of Supervisor Whitlock. Also, on the next motion, it should be 9:30 instead of 10:00. Could you also please check the January 13 minutes, when the Treasurer was reporting on tax collections, to be sure the percentages are correct? Mrs. Morris checked her meeting notes, and they were correct, but will check the printout from the Treasurer.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to approve the minutes of January 13, January 21, January 25, January 27, January 28, February 3, 2004 as presented; and January 29, 2004 as corrected.

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

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

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

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.

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

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

Mrs. Evelyn Janney next appeared before the Board. As a member of the New River Valley Planning District Commission, she was appointed to serve on the Roanoke River Basin Study Committee. She serves on the agriculture and forestry sub-committee. They have reviewed Best Management Practices and also practices for forestry. Have attended several meetings held recently in Blacksburg and Richmond. At the Richmond meeting, Frederick Fisher, from the Attorney General’s office, spoke on riparian rights. When the river comes through your property, you can take out of it what you want as long as it still flows. But, who decides what is a reasonable amount to remove and to flow? Another of the committee’s concerns is where the Roanoke River flows out of Virginia into North Carolina, and back into Virginia again. Does it leave clean and come back clean or dirty? Senate Bill 406 makes it clear as to directives to follow, but no funding was approved for it. Senate Bill 543 and House Bill 1212 request the establishment of a Department of Agriculture and Forestry, and also request the appointment of a Secretary of Agriculture and Forestry. The Floyd County Farm Bureau and Virginia Farm Bureau both endorse these bills.

Mrs. Janney also presented a proposed resolution for the Board’s consideration, in support of the creation of a position of Secretary of Agriculture and Forestry.

On a motion of Supervisor Whitlock, seconded by Supervisor Belcher, and carried, it was resolved to adopt the resolution in support of the creation of a position of Secretary of Agriculture and Forestry (Document File Number  ).

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

Mr. Junior Goad, Resident Highway Engineer and Mr. Bob Beasley, Assistant Resident Highway Engineer, next appeared before the Board.
Mr. Goad - revenue sharing program - will the Board be participating this year?

Chairman Ingram - not this year.

Discussion followed on the weather over the last few months, and all the repairs that will be needed once warm weather arrives.

Supervisor Boothe - suggested speed signs on Route 705 - have you heard when they will be installed?

Mr. Beasley - they said when they did the assessment for the speed study, that there were 4-wheelers on the road. They did not know what the issue was and have talked to the Sheriff’s Office about it. They did not recommend the signage at this time because they saw no need.

Supervisor Gerald entered the meeting at 10:10 a.m.

Mr. Goad (To Supervisor Boothe) - will set up a meeting to discuss Oxford Street when the weather breaks.

Supervisor Boothe - I just wanted some preliminary figures to be able to talk to the citizens before we get a lot of cost involved if we have someone that will not sign.

Mr. Beasley - last time we went from a full-blown plan to just drainage problems off the secondary road.

Supervisor Boothe - we may just fix one section and not the other.

Supervisor Belcher - I have several items: 1) Route 727, in sight of Route 221, several potholes that need repair; 2) Route 780, Turnip Patch Road, needs maintenance at the culvert; 3) Route 771, Chestnut Creek Lane, coming off of Route 799, looks like part of the culvert is broken off and water is standing.

Supervisor Boothe - Route 8 guard rail - this section is actually in Supervisor Belcher’s district, so if you can let her know when you get the information.

Supervisor Whitlock - appreciate work on the edges of the roads before the storms hit, especially on Route 221. Also appreciate work to keep the road open during the storms, but when Spring comes, there will be a lot of ditching to be done.

Supervisor Gerald - Route 751, Sutphin Road, children at play and adopt a highway signs are both gone from the West end of the road.

Supervisor Gerald - Spring Run Drive - there are three homes on this road now, and the residents want the State to take over the maintenance. It is off of Route 754.
Mr. Goad - would have to be considered as a new addition. We would have to look at an estimate as to bringing it up to State standards.

Supervisor Gerald - please check it out to see what costs would be involved. Also appreciate all the snow removal.

Supervisor Ingram - also appreciate the work with the low temperatures to make it as good as it can be.

Supervisor Ingram - Route 796, Copper Hill Road, speed study - do we have anything back yet?

Mr. Beasley - they have a 30-45 day backlog right now.

Agenda Item 9a - Subdivision plats as approved by Agent for January 2004 - 18 new lots created - for the Board’s information.

Agenda Item 9b - Transfer - from Contingency to 4-001-031020-1101 - $4972.00 - for payment of vacation, holiday, comp time for outgoing Chief Deputy.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to approve the transfer of $4972.00 from Contingency to 4-001-031020-1101.

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

Agenda Item 9c - Rescind motion to abandon portion of Parkview Road - access from shell building. Mr. Nester reported that VDoT had reviewed the situation again, and decided that the right-of-way is actually in the State right-of-way and would not be able to be done. He and Mr. Crenshaw, requester of the abandonment, had visited the site, and he understands what has to be done. He presented a proposed resolution for rescinding the previous motion.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to adopt the resolution as presented to rescind previous motion concerning abandonment of a section of Parkview Road (Document File Number ).

Supervisor Whitlock - aye
Supervisor Belcher - aye
Supervisor Gerald - aye
Supervisor Boothe - aye
Supervisor Ingram - aye
Agenda Item 9d - Status report - meeting of various health officials to review health needs of County. Mr. Nester reported that a meeting was held January 30 with a group of people representing various health agencies, local people, two Board of Supervisors members. Some of the items discussed were: 1) why Floyd County is classified as an under served area; 2) staffing of medical centers; 3) transportation. After discussion, there seemed to be no one problem, but a series of many problems. The group will try to identify the problems, we are no where close to coming up with a solution at this time.

Agenda Item 9e - Rocky Knob - Planning Committee formation as requested by Congressman Boucher. Mr. Nester reported that the Congressman envisions an arts/crafts center in the Rocky Knob area similar to the one outside Asheville, North Carolina. Patrick County has contacted our office for a preliminary meeting before the group gets started. Consensus of the Board was to discuss the matter further later in the day.

Agenda Item 9f - Annual Report - Animal Control. Mr. Nester reported that for calendar year 2003, the animal control officers answered 3904 animal related calls, for an average of 16.2 calls per day. This included 774 dogs received where owner was unknown, 623 dog damage calls, 174 dogs were adopted, 120 dogs were picked up and returned to owners, 78 dogs turned over to Humane Society for adoption, 242 dogs and 151 cats euthanized.

Agenda Item 9g - Public meeting schedule - I-81 Corridor - Mr. Nester reported that these VDoT conducted meetings will be held concerning the I-81 study. The first meeting is tomorrow (February 11) - one in Christiansburg and one in Salem. Reminder that the Board adopted a resolution back in November to support the improvement of I-81 with no tolls imposed. Consensus of the Board was for staff to forward this resolution again to VDoT since they will be in a meeting tomorrow night and unable to attend the VDoT meetings.

Agenda Item 9h - Request - Blue Ridge Institute of Community (BRIC) - Mr. Nester presented a letter request from BRIC for any questions from the Board to be included in the survey they are getting ready to send to County citizens. They also requested a support letter from the Board to assist in their grant funding applications. The Board deferred the matter for discussion later in the day.

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

- enrollment report - January 30, 2004 - 2094 students;
- problems with AEP at Indian Valley Elementary School have been worked out - they should have the work completed by May 1;
- have used eleven of the fifteen banked days for snow.

The Board recessed for lunch at Check Elementary School.

Mr. John Rife, County Attorney, next appeared before the Board.
Agenda Item 8g I) - Manufactured Home Park Ordinance (proposed) - nothing new to report.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion of personnel; Paragraph A.7, consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

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

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

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

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the following certification resolution:

CERTIFICATION RESOLUTION - CLOSED MEETING

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel and legal matters in accordance with Section 2.2-3711, Paragraph A.1 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 Whitlock - aye
Supervisor Belcher - aye
Supervisor Gerald - aye
Supervisor Boothe - aye
Supervisor Ingram - aye

This Certification Resolution was adopted.

Mr. Nester reported that he had heard from Congressman Boucher’s aide, concerning the appointments to the Rocky Knob Planning Committee, that the list from the Board would be suggestions, and the Congressman would contact the individuals.

The Board concurred on the following list of suggested persons for the Rocky Knob Planning Committee:
- Diane Belcher
- Gary Collins
- David Morrisette
- Robert Weeks
- Jack Lawson
- Tom Ryan
- Catherine Pauley
- Noel Wood

Mr. Rife reported that in researching the proposed HB 358, concerning Virginia Code Section 37.12 - process for closed session - one requirement was that closed sessions be recorded. The proposed house bill did not make it out of committee, and will not be considered at all by the General Assembly.

Agenda Item 9h - Request - Blue Ridge Institute of Community. No action taken.

Agenda Item 9i - Workforce Investment Board - Term of April Hylton ends March 31, 2004 - replacement.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, it was resolved to appoint Jack Wall to the Workforce Investment Board of Directors, contingent upon his acceptance.

Motion and second retracted.

The County Administrator was instructed to contact Mr. Wall to see if he will serve since there is some time until the current term ends.

Agenda Item 9j - Grant Proposal - Virginia Recreational Trails Fund - to repair pedestrian trail at Buffalo Mountain - to Department of Conservation and Recreation. Mr.
Nester reported that the grant would provide funding for improvements to the walking trail up Buffalo Mountain. Would be 3400’ of improvement, especially for handicapped accessibility. It would also be a designated spot on the Virginia Birding Trail. This would only be for a letter of support, with no local funding involved.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to authorize the County Administrator to write a letter of support for the grant application of the Virginia Recreation Trails Fund to the Department of Conservation and Recreation.

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

Agenda Item 9k - Update - County Solid Waste Disposal Plan to meet DEQ requirements. Mr. Nester reported that this update is due by June 30, 2004. Have requested the New River Valley Planning District Commission to assist in this process, which will cost around $9000. We have $7000 remaining in Tobacco funds and $2000 from the Solid Waste budget under monitoring to cover the cost. Consensus of the Board was to authorize the update of the plan, to be performed by the NRVPDC.

Agenda Item 9l - Memorandum of Understanding - Peppers Ferry Regional Wastewater Plant to receive and treat septage from Floyd County through December 2004. Mr. Nester reported that a letter was received in October that Floyd County septage would no longer be accepted. But they changed their mind and now will accept the County waste through December 2004 if the memorandum of understanding is executed. They still will not accept waste from Hollingsworth & Vose. Mr. Nester reported that he had executed the memorandum of understanding with Peppers Ferry Regional Wastewater Plant and returned it.

Agenda Item 9m - Authorization for RFPs for audit services for FY04, FY05 and FY06. Mr. Nester commented that the ability to perform a management audit, if the Board so desires, had been added to the audit specifications. This would be at a separate cost.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to advertise for RFPs for audit services for a three year period - for FY04 through FY06.

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

Agenda Item 9n - Authorization for RFPs for General Engineer and Architectural
Services on an as-needed basis. These services would be for civil, architectural, environmental and structural services for January 2004 - December 2006. We have an open ended contract with several firms depending on what is needed. These RFPs would be for non-exclusive proposals.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to advertise for RFPs for general engineering and architectural services.

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

Agenda Item 9o - Appointment to New River Community Criminal Justice Board. Mr. Nester reported that Supervisor Belcher serves on the Board currently.

On a motion of Supervisor Whitlock, it was resolved to reappoint Supervisor Diane Belcher to the New River Community Criminal Justice Board for a two year term.

Motion died due to lack of a second.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, it was resolved to reappoint Supervisor Diane Belcher to the New River Community Criminal Justice Board for a two year term.

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

Motion failed.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to appoint Supervisor Kerry Whitlock to the New River Community Criminal Justice Board for a two year term.

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

Agenda Item 9p - Regional Hazard Mitigation Plan. Mr. Nester presented a copy of the page from the regional plan that applies to Floyd County. Drought and wildfire were considered to be the most serious threats to the County. This plan provides a regional tool if any grant
applications would need to be submitted. This plan would also be helpful with any water issues in dealing with agencies like FERC, concerning our limited water supply.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved that page 114 of the Regional Hazard Mitigation Plan has been reviewed and approved by the Floyd County Board of Supervisors.

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

The Board recessed for the 5:00 p.m. public hearing.

At 5:00 p.m., the Chairman called for the Public Hearing on the proposed ordinance known as “Ordinance Authorizing Employee Background Checks”.

The County Administrator read the call for the public hearing.

The Chairman declared the Public Hearing open for comments.

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

On a motion of Supervisor Belcher, seconded by Supervisor Gerald, and carried, it was resolved to adopt the ordinance known as “Ordinance Authorizing Employee Background Checks”, as presented (Document File Number ).

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

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion of personnel.

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

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

   Supervisor Whitlock - aye
On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the following certification resolution:

**CERTIFICATION RESOLUTION - CLOSED SESSION**

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 matters 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 judgement it was a departure.

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and unanimously carried, it was resolved to authorize the County Administrator to advertise for RFPs for contract ambulance services.

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

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adjourn to Wednesday, February 11, 2004 at 7:30 p.m.
Supervisor Whitlock - aye
Supervisor Belcher - aye
Supervisor Gerald - aye
Supervisor Boothe - aye
Supervisor Ingram - aye