At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 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; 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 as of August 10, 2004. She also presented the delinquent real estate and personal property lists for 2003 and reminded the Board that they would need to make the decision as to whether to advertise the lists. As of June 30, 2004, real estate collections were at 98.38% and personal property collections were at 96.50%.

Mrs. Morris presented the Balance Sheet as of June 30, 2004. She commented that due to some new reporting requirements for school funds that she and the Treasurer are learning, that the July balance sheet will be delayed. Through one month of the new budget, revenue and expenditures are both at 8%.

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

- Equipment for the Lifesaver Project has been received and training is completed. Hope to have the equipment available for the citizens within the week.
- Have one Dispatcher position open, advertisements are running.
- Have received purchase order from Carroll and Patrick Counties for equipment for grant.
- Floyd Fest is this weekend, we will have three officers per shift on duty dedicated to the area. The State Police, Park Service and Sheriff’s Department will work together.
Supervisor Gerald thanked the Sheriff for taking care of the situation where people were running the stop sign in his area by issuing tickets.

Chairman Ingram suggested a radar check on Route 796. Sheriff Zeman stated that the area is already on their list, particularly with one specific vehicle.

Supervisor Boothe expressed appreciation for the assistance with the speeding problem on Park Road.

Commonwealth’s Attorney Gordon Hannett next appeared before the Board. He reported that funds for his office’s participation in the Drug Task Force Committee are periodically received. These funds must be used for particular law enforcement activities such as equipment, overtime, training, travel, etc. Would like to use these funds to assist the Sheriff’s Department for equipment purchases, will be giving the Board more detail at a later time.

The minutes of July 13, 2004 and July 28, 2004 were presented to the Board for review and consideration.

On a motion of Supervisor Whitlock, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of July 13, 2004 and July 28, 2004 as presented.

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

The monthly disbursements were presented to the Board for review and consideration. A list of additional disbursements was also presented for the Board’s review. Questions and discussion followed.

At 9:10 a.m., the Chairman called for the Public Comment Period.

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

Further questions and discussion followed on the monthly disbursements.

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

Supervisor Boothe - aye  
Supervisor Belcher - aye  
Supervisor Whitlock - aye  
Supervisor Gerald - aye  
Supervisor Ingram - aye
Mr. Carl Ayers, the new Social Services Director, next appeared before the Board. He introduced himself to the Board, and offered any assistance that his agency may provide.

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

Agenda Item 7g I) - Enforcement of Town Decal Ordinance by Sheriff’s Office. Mr. Cornwell reported that he had conferred with the Town Attorney, and both the County and Town will have to adopt ordinances. The County would have to hold a public hearing. Also discussed with the Attorney that all personal property owned either to the Town or County would have to be paid before a decal is issued. Would suggest that the Board schedule the public hearing at their next meeting.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on enforcement of the Town motor vehicle decal ordinance by the Floyd County Sheriff’s Office, at 3:00 p.m. on September 14, 2004 in the Board Room of the County Administration Building.

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 unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on amendment of the Floyd County Animal Control Ordinance to delete the Floyd - Floyd County Recreational Authority from the ordinance to allow them to establish their own rules for Authority property, at 3:00 p.m. or as soon thereafter as possible, on September 14, 2004 in the Board Room of the County Administration Building.

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

Agenda Item 7g ii) - VPSA Resolution for permanent financing. Mr. Nester reported that the advanced funding prospectus had been received from VPSA. It indicated Floyd County in the lower third of the list. We will not be included in the funding for this year. The County will be eligible for funding in the Fall of 2005 per our original timetable.

Agenda Item 7g iii) - Agreement between Floyd County, Floyd County Rescue Squad and Floyd County Emergency Services, Inc. Mr. Cornwell reported that the draft had been circulated for review by all parties. The Rescue Squad, at their meeting last night, agreed to the
draft agreement with a few changes:

- President, instead of Captain, would sign on behalf of the Squad;
- The Agreement would be reviewed annually;
- 90-day termination clause by any party.

Of 18 Rescue Squad members present, all 18 voted in favor of the agreement with noted changes. Consensus of the Board was to review/discuss the Agreement at their August 18 meeting.

Agenda Item 7g iv) - Addendum to Dreaming Creek Timber Frame Lease Purchase Agreement - extending purchase date to April 22, 2007. Mr. Cornwell commented that he had reviewed the proposed change and saw no problem with it. Consensus of the Board was for the County Attorney to make the change and bring back for the Board’s review.

Mr. Cornwell reported that his office is working on the next set of delinquent properties for sale. On September 1, the suits will be taken before the Judge for his review. Hope to set a sale date for the six properties before the end of September.

Mr. Junior Goad, Resident Highway Engineer and Mr. Bob Beasley, Assistant Resident Highway Engineer, next appeared before the Board. Mr. Goad reported on several items:

- Route 221/750 intersection island has been removed. New markings will still need to be completed.
- Route 799 - can’t get right-of-way on 1.92 mile section to be re-done. With a resolution to change the scope of work, we can still repair/replace the drainage and strengthen the pavement.
- Route 739 - can’t get right-of-way for this road either. Would be a good candidate for the Rural Rustic Road Program. Have proposed resolution for the Board’s consideration.

On a motion of Supervisor Belcher, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the resolution as presented concerning State Secondary Route 799 (Document File Number  ).

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

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the resolution as presented concerning State Secondary Route 739 (Document File Number  ).

  Supervisor Boothe - aye
  Supervisor Belcher - aye
  Supervisor Whitlock - aye
Mr. Goad further reported that all surface treatment is complete in Floyd; Route 727 paving needs completion; Route 221 paving is completed; machining, patching and mowing continues; chloride will be put down soon.

Supervisor Belcher - Route 727 paving, the second section is not as high quality as the first section; Route 799 - getting lots of good comments on the paving; some of the routes that I mentioned last month have been graded - appreciate that.

Supervisor Boothe - appreciate work on Route 810; we have a draft resolution for speed limit at 25 mph on Park Road (Route 1000).

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to adopt the resolution as presented concerning Route 1000 (Document File Number ).

Supervisor Boothe - after I attended the Town Council meeting, they asked if we could investigate the possibility of installing a pedestal type sign in the middle of the crosswalks that indicate the pedestrian crosswalk. They have this type of sign in Salem. Mr. Goad commented that he would check on the matter, it may be something that only cities are allowed to do.

Supervisor Boothe - could we ask Donnkenney to put up some type of temporary barrier across their parking lot? I’m getting a lot of complaints about speeding across the lot. Mr. Nester will check on the matter.

Supervisor Boothe - trees on the corner of the Courthouse sidewalk, could they either be trimmed or cut down? Its very hard for people to walk under them. Mr. Nester will check on the matter.

Supervisor Whitlock - appreciate all the work you are doing.
- reflectors on Route 221 - will those be done? Mr. Goad will check on the matter.
- Route 661 between Route 668/661 intersection - pipes are stopped up.
- Route 681 - large potholes between Smartview and Parkway.
- Route 640 - large potholes between Cypress Road and Parkway.
- Will trimming be done on secondary roads? Mr. Goad - yes, we will do some with State forces and contract workers will do some.
- Route 679 - water has washed out edges, especially on end toward Route 681.
- Route 661 - appreciate work on that road.
- Route 668 - pipes were replaced recently, but they look like they need to be bigger pipes.

Supervisor Gerald - Route 655 - new culvert has been installed but rain has washed out really bad around it.
- Route 787 - where the creek washes out into the road, there are potholes that have been patched, but they are just washed out again. Maybe some plant mix would help.
- Route 619 - Adopt a Highway sign needs to be moved (presented diagram of proper placement point).
- Route 619 - numerous potholes that need to be patched.

Supervisor Ingram - appreciate work you are doing, especially like to see the maintenance work being done.

Mr. Nester - reminder that shoulders of road going into the Transfer Station are washed out very bad and need attention.

Mr. Jim Cornwell, County Attorney, came back before the Board.

On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion of specific personnel; Paragraph A.3, discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and Paragraph A.7, consultation with legal counsel pertaining to actual or probable litigation, where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the public body.

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

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, 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 Whitlock, 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 personnel, property and potential litigation in accordance with Section 2.2-3711, Paragraph A.1, A.3 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 - abstain - not present for entire closed session
Supervisor Belcher - aye
Supervisor Whitlock - aye
Supervisor Gerald - aye
Supervisor Ingram - aye

This Certification Resolution was adopted.

Dr. Terry Arbogast, School Superintendent, next appeared before the Board. He reported on several items:
- provided passes to all athletic events for the Board and one guest;
- presented copies of SOL test dates for 2004/05 school year;
- reported that all school facilities will be substantially complete for the opening of school next week with the exception of the media center at Floyd Elementary and the multi-purpose room at Check Elementary;
- open houses will be held at all schools, will provide those dates for the Board;
- invited the Board to the school staff opening celebration on Wednesday, August 18 at 8:00 a.m. at the High School.

The Board recessed for lunch.

Mr. Adam Miracle, Legislative Aide to Delegate Allen Dudley, next appeared before the Board. He reported that office hours will be held in each area of the District for citizens to bring concerns for the Delegate’s knowledge. The first meeting in Floyd will be September 3, 2004.
from 10:00 a.m. - 1:00 p.m. Also, the Delegate has been reappointed to the Tobacco Commission, Southwest Virginia Joint Subcommittee for Economic Development (Floyd County West), Appropriations Committee, and House Committee of Towns, Counties and Cities. If the Board has any legislative requests for the Delegate, they need to be submitted very soon.

An additional bill for cleaning service was presented to the Board for consideration. The charges for the Courthouse and Administration Building were inadvertently omitted from the bill approved earlier in the day.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and unanimously carried, it was resolved to approve the bill to Finn and Fenwick Cleaning Service, as presented.

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 go into closed session under Section 2.2-3711, Paragraph A.1, discussion, consideration or interviews of prospective candidates for appointment.

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

Supervisor Gerald left the meeting at 3:30 p.m.

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

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

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

CERTIFICATION RESOLUTION
CLOSED MEETING

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel 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 Boothe - aye
Supervisor Belcher - aye
Supervisor Whitlock - aye
Supervisor Gerald - absent
Supervisor Ingram - aye

This Certification Resolution was adopted.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to appoint Mr. Olin Griffin to the Industrial Development Authority of Floyd County, to fill the unexpired term of Evelyn Janney, term to end December 10, 2007.

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

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to authorize the County Attorney to amend the Agreement with Dreaming Creek Timber Frame Homes to extend the purchase date to April 22, 2007.

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

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to amend the Floyd County Personnel Policy to change the probationary period for new employees from six months to twelve months.

Supervisor Boothe - aye
Supervisor Belcher - aye
On a motion of Supervisor Belcher, seconded by Supervisor Whitlock, it was resolved to authorize and approve the establishment of an emergency medical services department of County government; to go forward with the employment of emergency medical service employees as County employees, under direct authority of the County Administrator, through the Board of Supervisors.

After discussion, the motion and second were withdrawn so further discussion could be held at the Board’s adjourned meeting on August 18, 2004, when all Board members are present.

Agenda Item 8a - Subdivision plats as approved by Agent for July 2004. Mr. Nester reported that fifteen new lots were created during the month.

Agenda Item 8b - Appointments (2) to the Industrial Development Authority of Floyd County - one appointment previously done earlier in the meeting; other appointment interview will be at the Board’s next meeting.

Agenda Item 8c - Carry-over request, $500, for Virginia Cooperative Extension. Mr. Nester reported that this carry-over request would be for payment of 4-H Camp scholarships. Extension staff didn’t realize they needed to use these funds before the end of the fiscal year, and camp is in early June.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to approve the carry-over request of $500 to 4-001-082050-6050, for Extension 4-H Camp scholarship funds, as presented.

Agenda Item 8d - Appointment of representative and alternate to New River Valley Agency on Aging Board of Directors, term October 1, 2004 - September 30, 2005. 

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to reappoint Mr. Lowell Boothe as representative, and the County Administrator as alternate, to the New River Valley Agency on Aging Board of Directors, for a one year term, term October 1, 2004 - September 30, 2005, contingent upon Mr. Boothe’s acceptance of same.
Supervisor Ingram - aye

Agenda Item 8e - Request from New River Valley Economic Development Alliance - Support of Port of Entry 1481 and Free Trade Zone 238. Mr. Nester reported that Floyd County is the only local government that did not fund the request this year. They are very close to obtaining a Customs Agent (Federally funded) to be stationed there. Floyd County’s share request is $12,145. Discussion of the Board as to Floyd County having funded in the past when other localities did not. Consensus of the Board was to have a representative at the next meeting to explain the program fully.

Agenda Item 8f - Expansion planning for Floyd Library. Mr. Nester reported that the Library Board are obtaining plans for expansion at the present site. More information will follow as it becomes available.

Agenda Item 8g - Request from Rescue Captain for quick response vehicle. Mr. Nester reported that all Fire Chiefs have a quick response vehicle for their use. When the request was received, was not aware that it had not gone through the proper channels of the Rescue Squad organization. Consensus of the Board was to return the request to the Squad for submittal through proper channels, and re-submit the request to the Board at budget time.

Agenda Item 8h - Permanent school financing cycle, Fall 2005, 3%/20 years - already discussed earlier in the meeting.

Agenda Item 8i - Annual meeting of VACo, November 7-9, 2004 - reminder to the Board that reservations have been made and the November regular meeting will need to be changed.

Agenda Item 8j - Resolution - Virginia Tobacco Commission - Public Water System for Rocky Knob and Chateau Morrisette communities. Mr. Nester presented a proposed resolution for the Board’s consideration. As part of the grant application, a resolution is required from the Board, but no commitment is required, only support of the project. Consensus of the Board, after discussion, was the change the word “domestic” to “commercial” in the 4th paragraph of the resolution.

On a motion of Supervisor Whitlock, seconded by Supervisor Boothe, and carried, it was resolved to adopt the resolution, as amended, in support of the grant application to the Virginia Tobacco Commission for the Rocky Knob public water facility project (Document File Number ).

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

Agenda Item 8k - Resolution - Virginia Tobacco Commission - Economic Development
Marketing Grant. Mr. Nester reported that this support resolution was for the grant application for a marketing consultant for the Branwick building and other properties available in Floyd County.

Supervisor Boothe - because of this service definitely being needed for marketing Floyd County’s assets and since the request is coming from representatives of Branwick and Associates, I feel we should adopt this resolution.

On a motion of Supervisor Boothe, seconded by Supervisor Whitlock, and carried, it was resolved to adopt the resolution of support for the grant application to the Virginia Tobacco Commission for a marketing consultant (Document File Number ).

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

Chairman Ingram - in Mr. Nester’s memo to us last week, there was a note concerning fees for tire disposal and recycling, etc. I’ve had several people who crush cars in the County, come to me with the suggestion of a reduced tire disposal rate for them, if they submit all their numbers to the County for use in our recycling reporting.

Supervisor Boothe also commented that Town Council had discussed the possibility of using brush/leaf weight disposal tonnage in the recycling numbers. We could probably do this also if proper numbers could be established.

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to authorize the County Administrator to reduce tire disposal rates for car crushing companies in Floyd County, if their recycling numbers can be included within the County’s required submittal; per consultation with County Attorney on legality of same.

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

On a motion of Supervisor Boothe, seconded by Supervisor Belcher, and carried, it was resolved to adjourn to Wednesday, August 18, 2004 at 7:00 p.m.

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