

FLOYD TOWN COUNCIL MEETING
W. SKIP BISHOP JR., TOWN HALL
August 4, 2016
6:30 P.M.
MINUTES

MEETING CALL TO ORDER – Mayor Griffin called the August 4, 2016 meeting of the Floyd Town Council to order.

ROLL CALL – Councilman Patton, Vice-Mayor Turner, Councilman LeMay, Councilwoman Bingham, Mayor Griffin, Town Attorney Shortt, Town Manager Cox, and Town Clerk Mandzak were present.

CITIZENS COMMENTS-

None.

CONSENT CALENDAR-

- A. July 7th and July 21st minutes-**Councilwoman Patton asks why the July 21st minutes reads that the meeting was recessed; Town Clerk Mandzak states that it should have read adjourned. Councilman Patton makes a motion, seconded by Councilman LeMay, to approve the July 7th and July 21st minutes as amended.

Councilman Patton-aye
Vice-Mayor Turner-aye
Councilman LeMay-aye
Councilwoman Bingham-aye
Mayor Griffin-aye

ITEMS FOR DISCUSSION-

- A. Annual Conditional Use Permit Renewals-** Town Manager Cox reviews the Conditional Use Permit list that she provided to Council. Councilman Patton asked if there was any positive or negative feedback from the Town Manager’s request made to the property owners to update their Conditional Use Permit; Town Manager Cox states that she created a form for all of the Conditional Use Permit holders and the only business that she received comments from was Green Man Inn concerning the vegetative state of their art in front of the building. Councilman Patton asks if anyone mentioned not having to pay a fee; Town Manager Cox states that she didn’t receive any feedback concerning not having to pay a fee. Town Manager Cox states that the only CUP that had to pay a fee was LCF Group for the radio tower that is located on top of the Station building but that was an original condition of the permit and that the owner was perfectly fine with paying the fee. Town Manager Cox states that several people were confused but that she and Town Clerk Mandzak had to explain the process to a few people that it would help the office keep up with the CUPs.
- B. Solid Waste/Recycling Policy-** Town Manager Cox provides Council with a copy of the Solid Waste/Recycling Policy and asked how they would like to proceed. Mayor Griffin asks if Council could review and come back to the subject in two weeks.

TOWN MANAGER'S REPORT-

Town Manager Cox states that VDOT has put up the "No Thru Trucks" signs on Oxford Street as well as the speed limit signs and that VDOT is still working on the verbiage for the signs on Route 8 and 221 concerning Oxford Street.

Town Manager Cox states that she received an email from the local VDOT representative concerning a sinkhole that came up near the Town parking lot and that VDOT is going to come and replace the culvert and pipe underneath the road the following Sunday night and that they were also beginning the paving of Route 8 on August 14th. Town Manager Cox states that the paving will be done at night.

Town Manager Cox states that she spoke with Paul Brown from VDOT concerning the right-of-ways letter to be sent out to property owners and that Mr. Brown informed her that he has not sent them out but that he has spoken to some of the landowners in person when he walked the streets. Councilman Patton asks if there was any reason why the letters have not been sent out; Town Manager Cox states that Mr. Brown did not give her a reason but that there have been changes in staff and job responsibilities so she is unsure whose responsibility it is to send the letters out. Vice-Mayor Turner states that he spoke with Will Dotson from VDOT and that Mr. Dotson told him that there have been changes in job responsibilities. Town Manager Cox states that she will find out whose responsibility it is to send out the letters. Councilman Patton states that at some point maybe the Mayor should call VDOT to see what he can find out. Town Manager Cox states that she hopes to also speak with Kevin Byrd from the Regional Commission and David Clark from VDOT about these issues get a little more understanding on how where the responsibilities lies and she will report back. Vice-Mayor Turner suggests letting the County know what our concerns are as well. Councilwoman Bingham states that the Council is the governing body of the Town and that the issues within the Town would fall on the Council. Mayor Griffin states that the he feels that the County would say that is issues within the Town limits are Town issues. Town Manager Cox states that the funding goes to the County. Councilman Patton states that once they have more of an idea where they are that they should encourage the supervisor that represents the Town to come to our meeting so that the Council may voice their concerns with them. Mayor Griffin states that he has gone to the Supervisors meetings and voiced his concerns before and that his concerns have seemed to have been followed up on in the past.

Town Manager Cox states that she spoke with Blain Kessee from Draper Aden and that Mr. Kessee informed her that the local VDOT comments should be back by the end of the week and then VDOT will give those comments to Draper Aden by the end of next week so they are approximately two weeks away from being able to submit a right-of-way certification letter stating that all easements have in hand. Town Manager Cox states that there are still two easements that need to be signed.

OTHER-

Councilwoman Bingham asks about not received ribbon cutting invitations; Town Manager Cox states that she receives a Chamber email and that she would be glad to forward those emails to the Council.

Councilwoman Bingham asks who is responsible for cutting brush along the road in a house that is not occupied. Town Manager Cox states that is VDOT's responsibility if it's in the right-of-way.

CLOSED SESSION-

Councilman Patton makes a motion, seconded by Councilwoman Bingham, to go into closed session for Section 2.2-3711, Paragraph A.3, discussion or consideration of the acquisition of real property for 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.

Councilman Patton—aye
Vice-Mayor Turner—aye
Councilman LeMay—aye
Councilwoman Bingham—aye
Mayor Griffin—aye

Councilman Patton makes a motion, seconded by Councilman LeMay, and unanimously carried, it was resolved to come out of closed session.

CERTIFICATION RESOLUTION

WHEREAS, this Council convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss 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 in accordance with Section 2.2-3711, Paragraph A.3 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council 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.

Councilman Patton—aye
Vice-Mayor Turner—aye
Councilman LeMay—aye
Councilwoman Bingham—aye
Mayor Griffin—aye

This Certification Resolution was adopted.

Councilwoman Bingham makes a motion, seconded by Councilman LeMay, to go into closed session for Section 2.2-3711, 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.

Councilman Patton—aye
Vice-Mayor Turner—aye
Councilman LeMay—aye
Councilwoman Bingham—aye

Mayor Griffin—aye

Councilman Patton makes a motion, seconded by Councilman LeMay, and unanimously carried, it was resolved to come out of closed session.

CERTIFICATION RESOLUTION

WHEREAS, this Council convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss 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 in accordance with Section 2.2-3711, Paragraph A.3 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council 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.

Councilman Patton—aye
Vice-Mayor Turner—aye
Councilman LeMay—aye
Councilwoman Bingham—aye
Mayor Griffin—aye

This Certification Resolution was adopted.

Vice-Mayor Turner makes a motion, seconded by Councilman LeMay, to go into closed session for Section 2.2-3711, Paragraph A.7, discussion or Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Councilman Patton—aye
Vice-Mayor Turner—aye
Councilman LeMay—aye
Councilwoman Bingham—aye
Mayor Griffin—aye

Councilwoman Bingham makes a motion, seconded by Councilman Patton, and unanimously carried, it was resolved to come out of closed session.

CERTIFICATION RESOLUTION

WHEREAS, this Council convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discussion or Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probably litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific matters requiring the provision of legal advice by such counsel, in accordance with Section 2.2-3711, Paragraph A.7 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council 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.

- Councilman Patton—aye
- Vice-Mayor Turner—aye
- Councilman LeMay—aye
- Councilwoman Bingham—aye
- Mayor Griffin—aye

This Certification Resolution was adopted.

Councilman LeMay makes a motion, seconded by Councilman Patton, and unanimously carried, to adjourn until August 18, 2016 at 6:30 pm at the Floyd Town Hall.

William R. Griffin, Mayor

Chrissy Mandzak, Clerk