

**FLOYD TOWN COUNCIL MEETING
W. SKIP BISHOP JR., TOWN HALL**

July 3, 2019

6:30 P.M.

MINUTES

MEETING CALL TO ORDER – Mayor Griffin called the July 3, 2019 meeting of the Floyd Town Council to order.

ROLL CALL – Vice Mayor Patton, Councilman Turner, Councilman Bond, Mayor Griffin, Town Attorney Shortt, Town Manager Cox and Town Clerk Holfield were present.

PLEDGE OF ALLEGIANCE-

Vice Mayor Patton led those present in the Pledge of Allegiance.

CITIZENS COMMENTS-

Mr. David Whitaker voiced his thoughts about the park usage request to have vendors set up at the Americana Festival in September. He stated that there are many outlets for artist and crafters in Floyd, the Artisan Market on Friday nights, 16 Hands, the Artisan Trail and Floyd Center of the Arts just to name a few. It was Mr. Whitaker's suggestion to allow the Americana Festival to showcase instrument makers and allow the musicians to sell their CDs and merchandise.

Mr. Jerry Boothe, Courthouse representative on the Board of Supervisors, noted that he is going to try and make it to at least one Town Council meeting per month. He stated the pedestrian project at the stoplight has went out to bid and should start around October or November and will carryover into the New Year. Mr. Boothe noted that it is his understanding the VDOT should be approving the final paperwork on the Town sidewalk project soon. Mayor Griffin stated that all the paperwork has been approved and the pre-construction meeting was earlier this week. Mr. Boothe noted that the final budget of the supervisors was approved, Mr. Boothe voted against the approval of the budget because it included a new department that he did not think was needed.

CONSENT CALENDAR-

A. June 6th and June 20th minutes- Council reviewed the minutes provided.

Vice Mayor Patton makes a motion, seconded by Councilman Turner, to approve the June 6, 2019 and June 20, 2019 minutes.

Vice Mayor Patton-aye
Councilman Turner-aye
Councilman LeMay-absent
Councilman Bond-aye
Mayor Griffin-aye

ITEMS FOR DISCUSSION-

A. Warren G. Lineberry Park Usage

Council members discussed the pros and cons to vending in the park. Vice Mayor Patton spoke against the need for vending in the park. At the last meeting Mr. Graf had spoken about booth spaces, rental fees of the booth spaces and the type of arts and crafts that would be displayed. Vice Mayor Patton stated that there still a lot of unknowns and the park was not created to be a commercial space. Vending in the park was not our intent, unless we (as council) want to change that but I don't think commercial selling was what we original had in mind for the park.

Councilman Turner feels that the original park policy needs to be reviewed. He didn't feel it necessary to grant any exception to the policy until the council has had a chance to put some thought into changes. In all fairness we (Council) need to stick to our current policy until we have had a chance to review the policy for needed changes.

Mayor Griffin stated that the park is used for about 12 events a year. Council has really built a nice place and the Thursday night Town sponsored events have helped to spur business on a slow evening. Mayor Griffin stated that if Council revised the park use application and requests and regulates the vending information (how many vendors, what type of vendors, location of the vendors, etc...) during the review process then Council would have oversight of vending.

It was noted that as part of the current park usage policy a copy of the organizers insurance liability policy must be submitted before the event can be held.

Members discussed the purpose of the park. Was the intended purpose of the park to be as recreational space, green space, event space or all three. A different use policy would be needed for all three. Vice Mayor Patton stated that a park is a place for rest and relaxing for all ages. If events with large headliners are allowed in the park it could be damaging. Big crowds would be damaging for the grass and all the space around the park. Councilman Turner stated that it's very unlike for a small venue like the park to draw a headliner that would draw a really large crowd. Plus, we have the means on the park use application to limit the number of people. We (council) review the application.

It was consensus of Council member to begin reviewing changes the park policy at the first meeting in September. Town Manager Cox will review policies in other localities and have examples for the Council members to review. It was also suggested that an ad be ran in the Floyd Press stating that Council will be reviewing changes to the current park usage policy. If citizens have suggested changes, they can be submitted to the Town office or can be presented during public comment period at a Town Council meeting. Council also suggested getting feedback from Mr. Dylan Locke about changes to the policy. Mr. Locke has been a valuable resource for the Small Town Summer Events and can contribute insight from his prospective as an event organizer.

TOWN MANAGER’S REPORT-

Town Manager Cox shared a mockup of the suggested splash page created by Citizens for the free WiFi that will be installed at the Park. The mockup also included Terms and Conditions for the use of the WiFi. Town Manager Cox had Ms. Janet Murrell from Town Attorney Shortt’s office review the Terms and Conditions. Ms. Murrell’s changes have been included on the handout. Members discussed regulation of the use of the WiFi for inappropriate content. Upon conclusion of the discussion it was consensus to use the Terms and Conditions suggested by Ms. Murrell and use the splash page created by Citizens.

Town Manager Cox shared a photo of the new Town of Floyd benches with Council members. The new benches have been installed at the public restrooms and along the Heritage Trail. The chairs that have been used at the restroom site will be removed and Mr. Dylan Locke will help get them back to their owners. There are still two new benches that need to be installed at the playground. The old benches from the Heritage Trail will be washed and painted and can be reused in other locations.

Town Manager Cox walked the Library Trail with Ms. Jane Conduff. Ms. Conduff has suggested that Partnership for Floyd would like to add a bench at the crest of the existing trail. There is plenty of space within the existing 15 feet easement for the bench. The bench would be mounted in the ground and installed by the Partnership of Floyd.

Vice Mayor Patton makes a motion, seconded by Councilman Bond, to approve the installation of a bench by Partnership of Floyd along the existing library trail within the 15 feet easement at the location agreed upon by Town Manager Cox.

- Vice Mayor Patton-aye
- Councilman Turner-aye
- Councilman LeMay-absent
- Councilman Bond-aye
- Mayor Griffin-aye

Town Manager Cox stated that the entryway sign that was on the milk house on 221S near Food Lion has been removed. The milk house base that the sign was installed on is in disrepair and the sign was removed to prevent further damage. Town Manager Cox asked Town Attorney Shortt to review the existing easement for the sign. Town Attorney Shortt stated that the easement is specific to the sign being located on the milk house and suggested that if the sign needs to be moved from the existing locating not affixed to the milk house, Town Manager Cox should contact the property owner for approval.

Town Manager Cox and Clerk Holfield attended Freedom of Information (FOIA) training last week. Town Manager Cox stated that previous Clerk, Ms. Chrissy Mandzak, was the Town of Floyd appointed FOIA officer and after her resignation a new FOIA officer was not appointed.

Councilman Turner makes a motion, seconded by Vice Mayor Patton, to appoint Town Manager Kayla Cox and Town Clerk/Treasurer Katie Holfield as Freedom of Information (FOIA) officers for the Town of Floyd.

Vice Mayor Patton-aye
Councilman Turner-aye
Councilman LeMay-absent
Councilman Bond-aye
Mayor Griffin-aye

Town Manager Cox stated that the TEA-21 sidewalk project is moving along. The land use permit with VDOT has been filed and a preconstruction meeting for the project was held yesterday. We are still waiting on an exact start date, but the contractor does plan to try and be onsite by the 3rd week of July. Town Manager Cox will share the project timeline with Council members as soon as she receives it from the contractor.

Town Manager Cox reported that a gentleman came by the office yesterday and requested that a pedestrian sidewalk crossing sign be placed at the crosswalk on 221S between Food Lion and the library. Clerk Holfield sent in the request through the VDOT online system and Town Manager Cox plans to follow up with local VDOT representatives next week. Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that he will share the request with VDOT representatives at the Board of Supervisors meeting next Tuesday.

Councilman Turner stated that Maberry Funeral Home has placed signs on their property stating that cars will be towed if they are not patrons of the funeral home. Councilman Turners suggested that Council and Mrs. Roberson come up with a compromise so cars will not be towed. Councilman Turner felt that if cars were towed it would bring a negative light to the Town. Town Manager Cox spoke with Mrs. Roberson's sister, Mrs. Ann Phillips, yesterday about the signage. The main problem the funeral home faces it that people are not respectful of the parking area and they use the lots when there is visitation or funeral taking place.

Council members stated that they understand the need for the signs. Tourist of the Town need to be respectful of the funeral home property. They also should not use the property when the funeral home has visitations and funerals in progress. Could Council pay for additional signage (visitation being held, funeral in progress, etc...) to help mitigate that problem? Council members understand the need for a vehicle to be towed if it is left over night. The lot should never be used for overnight parking. Council would like to work with Mrs. Roberson to create a solution and asked that Town Manager Cox speak with Mrs. Roberson about additional signage that could be purchased at the Towns expense.

Mayor Griffin noted that Sheriff Brian Craig has requested that a new memorandum of understanding between the Town and Sheriff office be drafted. The current MOU was established with Sheriff Zeman. Town Attorney Shortt will review the existing agreement and bring his suggested back to Council at one of the next meetings.

OTHER BUSINESS-

Mayor Griffin stated that a joint meeting between Town Council, the Floyd-Floyd County Parks and Recreation Authority and the Board of Supervisors has been set for Tuesday, July 30th at 7:30pm at the County Administrative office. Mayor Griffin noted that he and Vice Mayor Patton attended the Board of Supervisors last week and Ms. Kendra Edgell, Chairman of the Floyd-Floyd County Parks and Recreation Authority, spoke with supervisors requesting time to create a plan of action for the authority.

Mayor Griffin stated that in preparation for the joint meeting at the end of the month Council members need to compile questions they would like answers to regarding the authority. What is Council's expectation of the authority, how long does Ms. Edgell feel that she needs to be make the authority viable again, what is the 30, 60 and 90 plan of the authority, if Council does not feel the authority has reached their goals in the time allowed, does the Council feel the authority should dissolve and how will any assets at that time be divided.

It was noted that Mr. Richie Clinger and Mr. Richie Leonard had submitted letters of resignation to the authority. Town Manager Cox did not receive a copy of those resignation letter because the seats they held were County appointments. Vice Mayor Patton stated that the Town should still receive a copy of those letters and there is a need for better communication between the three groups.

Councilman Turner stated that he would like to see a couple plans from the authority, an immediate plan to get the authority back on track and a long-term plan for authority. Mayor Griffin stated that by having the joint meeting later in the month, that should give Ms. Edgell time to get an immediate plan of action together and give her time to review the financial documents of the authority. Ms. Edgell still had not been granted access to the financial information for the authority as of last week.

Council members voiced concerns about the lack of members on the authority. Does the County plan to advertise and fill the open positions? Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that he was not sure of the County's plan for reappointing members to the authority. That will probably be something the board discusses next Tuesday the Board of Supervisors meeting.

Mr. Boothe stated that the County has created a recreation department that will handle all the sports programs for the youth for the County. It is his understanding that the recreation authority will begin handling other activities and will continue the maintenance the property owned by the authority.

Vice Mayor Patton stated that he is not sure he supports the idea of two separate groups, a recreation department and a recreation authority. He thought that once the authority chose to dissolve the

authority would cease to exist and the County and Town would divide the assets as the group saw fit. He never imagined there being two separate groups. If there are two groups, will the County have an agreement with the recreation authority to use the recreation park, where are the kids going to play the sports offered by the County Recreation Department? Based on the conversation at the Board of Supervisors meeting Thursday night, sports will be played on the fields and facilities at the schools. The Board of Supervisors feel that they will have top priority over those facilities.

Mayor Griffin asked Council members what will define success of the authority? If the County and the Town signed resolutions to dissolve, the authority will cease to exist, what would Council member like to see happen with the assets (the recreation park and the equipment) and who will be responsible for any outstanding debt of the authority? Mayor Griffin stated that he can see Ms. Edgell's passion but still does not fully understand her motivation. What value is the authority since the County has budgeted for a recreation department to handle sports. These are all questions that need to be answered between the boards at the joint meeting.

Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that the value would be similar to other counties around us. The authority could offer other activities such as tours, small events at the park, and non-athletic activities. Funds for the authority could be raised through those activities.

Mayor Griffin stated that given the current state of the authority, how do they get back to an active board?

Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that the Town nor the County is obligated to contribute to the authority.

Councilman Turner asked Mr. Boothe if there are any plans to appoint members to the authority. Mr. Boothe stated not at the moment. This is something the Board of Supervisors needs to figure out once the fate of the authority is decided at the joint meeting.

Councilman Turner stated that if there are people willing to serve on the authority why not see what they can contribute to the authority. Does the County plan to continue to contribute funding to the recreation authority and if so where would that money come from?

Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that he is not sure about funding for the authority. All the money in the County budget for recreation has been allocated to the new County Recreation Department. Members questioned if the authority had requested funding for the County and Town for the FY2019-20 year. Town Manager Cox stated that the authority had requested funding from the town, then the authority choose to dissolve and due to the unforeseen future of the authority, Council did not contribute any funding. Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that he was not sure if the authority submitted a request to the County, if any funding is given to the authority it would have to come out of contingency or the

budget stabilization fund. Councilman Turner stated there is money there for a department but that only exists on paper.

Councilman Turner noted that everyone sitting on these boards says they are making their discussions in the best interest of the kids, but if the two boards (the Town and County) decide not to help fund the authority, we are only hurting the kids.

Mayor Griffin asked what is the timeframe for a director being hire for the County Recreation Department? Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that there are three candidates for the position. If the candidates don't meet the expectation of the Board of Supervisors then the position will be re-advertised.

Councilman Bond asked Mr. Boothe if the Supervisors have purchased equipment for the sports they plan to offer, equipment will be a large expense for the new department. If the Supervisors do not plan to purchase the equipment, is there an agreement in place to lease the equipment from the recreation authority? Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that he is not sure of the plan for equipment, if the authority does not plan to lease or sell the equipment, we (the Board of Supervisors) may have to buy equipment. When Council members asked where the money would come from for the equipment, either lease or purchase, Mr. Boothe stated that if the money was not allocated under the recreation department line item it would come out of contingency or the budget stabilization fund.

Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that forms are already being created for fall youth sports and most of the trial and error was already worked out when the programs were initially created by the authority a number of years ago. But we (the Board of Supervisors) know that there are still obstacles that may arise.

When discussing the lack of funding and shortfall of funding, members stated that those topics as well as the park property would need to be discussed if and when the County and Town chose to dissolve the recreation authority. Board of Supervisors Courthouse representative, Mr. Jerry Boothe stated that the County plans to move forward with youth sports in the fall under the new recreation department. He did not see any need to make a quick decision on dissolving the authority. Lease or sell of the authority's equipment is a matter of the Board of Supervisors and the Recreation Authority. Hopefully a decision will be made on Tuesday regarding equipment and the next steps of the Recreation Department.

A five-minute recess was granted.

Upon returning for the recess, Councilman Bond stated that had spoken with Mrs. Allie Mannon regarding her off premises sign. The sign was brought to the Town Manager Cox's attention by Mr. David Whitaker. Mr. Whitaker stated that the sign did not meet the sign ordinance. Town Manager Cox has spoken with Mrs. Mannon about the sign. Under the sign ordinance off premise signs are not

permitted. Town Manager Cox stated that solutions have been found to bring all other sign violations into compliance that have been brought to her attention, however in Mrs. Mannon’s case there is already a CUP in place on the property that Mrs. Mannon rents and there is no allowance under the CUP for additional signage without having to complete the CUP process again. Councilman Bond stated that Mrs. Mannon may be writing a letter to council or visiting a Town Council meeting to discuss the sign issue.

CLOSED SESSION-

Vice Mayor Patton makes a motion, seconded by Councilman Bond, to go into closed session for discussion of pay rates for staff under personnel Section 2.2-3711, Paragraph A. Section 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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals.

- Vice Mayor Patton-aye
- Councilman Turner—aye
- Vice Mayor LeMay—absent
- Councilman Bond—aye
- Mayor Griffin—aye

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

- Vice Mayor Patton-aye
- Councilman Turner—aye
- Vice Mayor LeMay—absent
- Councilman Bond—aye
- Mayor Griffin—aye

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 of pay rates for staff under personnel Section 2.2-3711, Paragraph A. Section 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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals 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 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.

Vice Mayor Patton—aye
Councilman Turner—aye
Vice Mayor LeMay—absent
Councilman Bond—aye
Mayor Griffin—aye

This Certification Resolution was adopted.

Councilman Bond makes a motion, seconded by Vice Mayor Patton, and unanimously carried; it was resolved adjust the Public Works employee hourly wages; Mr. Tyler Wood \$15.00 per hour, Mr. Jason Slusher \$14.50 per hour and Mr. Jeff Hale \$16.50 per hour affective on the next paycheck.

Vice Mayor Patton—aye
Councilman Turner—aye
Vice Mayor LeMay—absent
Councilman Bond—aye
Mayor Griffin—aye

OTHER BUSINESS-

It was consensus of Council members that a member of Council attend the Floyd-Floyd County Recreation Authority meetings hereafter and that Town Manager Cox request a notification of all authority meetings and agendas for the next 30 days.

Councilman Turner asked about the VML Conference that will be held in Roanoke in October. Town Manager Cox will email information on the conference to all Council members.

ADJOURNMENT-

Vice Mayor Patton makes a motion, seconded by Councilman Bond, and unanimously carried, to adjourn until July 18, 2019 at 6:30 pm at the Floyd Town Hall.

William R. Griffin, Mayor

Katie Holfield, Town Clerk