

**FLOYD TOWN COUNCIL MEETING  
W. SKIP BISHOP JR., TOWN HALL  
November 4, 2021  
5:30 P.M.  
MINUTES**

**MEETING CALL TO ORDER** – Mayor Griffin called the November 4, 2021, meeting of the Floyd Town Council to order.

**ROLL CALL** –Councilman Turner, Councilman Whitaker, Councilman Bond, Mayor Griffin, Town Attorney Murrell, and Town Manager Cox were present. Vice Mayor Patton was absent.

**MOMENT OF SILENT PRAYER-**

Mayor Griffin called for a moment of silent prayer.

**PLEDGE OF ALLEGIANCE-**

Councilman Whitaker led those present in the Pledge of Allegiance.

**PUBLIC COMMENT-**

Ms. Linda Wagner congratulated all who were successful in their reelection. She asked that when they take their oath of office, they commend it to their heart and soul and govern accordingly. Her first point was on the appointments that were made last time, Councilman Patton made offerings of a couple of people and votes were taken with little discussion and the vote was 4-1 in both appointments. In one of the appointments, Mr. Patton questioned one of the other Council members, in my opinion this was out of line, I'm not sure if this is Roberts Rules or not. I am very happy that Mr. Whitaker showed integrity to voice his concerns that he did not know these people. The person that was voted to the Board of Appeals, which is a judicial appointment, is the same guy that threatened to shoot me and all of the flag waivers on a Friday night. This does not show integrity, moral compass, or a virtue that should be on any appointment, much less a judicial appointment. The other thing, cats and skunks are very apparent, if my dogs were running free, I know I would be the first one to be jumped on. The next thing is, I brought up the handicapped accessibility of this building months ago, I've had some agility issues and when I brought it up, Mr. Patton said when I had my malady, and I don't even know what it is, I didn't need special accommodations, well I need to tell each of you, none of what you do here at this table or beyond this table for this town is about any of you, it's about our community as a whole and we should be accessible to this building at all times for any kind of handicap. But that brings up another point, there has never been a CUP or an occupancy permit for this building because that is a code violation, so therefore in my mind this is an illegal gathering and I think that is egregious in itself but what is more egregious to me is the fact that you took the opportunity with a mandate of handicapped accessibility to expound and use tax payer dollars to do lot line revisions so you can join the two buildings, and have extra bathrooms. In all my years here, I've never seen one person have to leave this meeting to go to a bathroom and I know they are limiting people in the other office, it just seems like gross overreach by this town government. Another thing, going through the minutes, it seems to me since I was present at the last meeting that there were a lot

of information missing from the minutes, and I don't know how you address that, I know how I would address that if I were on your board, but because that is the actual record of the meeting it needs to be accurate. Thank you.

There were no other citizens comments.

**CONSENT CALENDAR-**

**A. October 7<sup>th</sup>, October 21<sup>st</sup> and October 26<sup>th</sup> minutes-** Council reviewed the minutes provided in their packets. Councilman Whitaker stated he would abstain from the October 21<sup>st</sup> minutes because he felt there were some omissions he noticed.

Councilman Turner asks that the minutes be tabled until the Clerk can go back and make sure they are in accordance with the recording. Mayor Griffin concurred, as did Councilman Bond.

**ITEMS FOR DISCUSSION-**

**A. Application for Parade Permit-Floyd County Merchants & Businessman's Association**

Town Manager Cox stated that the application for the Christmas Parade from the Floyd County Merchant's & Businessman's Association came in after their packet had been sent out. The date for the parade is Sunday, November 28<sup>th</sup>, with a snow date of Sunday, December 5<sup>th</sup> with the start time being 3 pm. They have also submitted their VDOT application and are awaiting their review and approval.

Councilman Whitaker makes a motion, seconded by Councilman Turner, to approve the parade permit for the Christmas Parade.

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

**TOWN MANAGER'S REPORT-**

Town Manager Cox shared the status of the office, tax payments are rolling in, and we have received several FOIA requests that are being completed, as well as a couple of zoning permits. The traffic in the office has been heavier than normal. She shared that she is trying to keep projects moving, the advertisement for the Clerk's position was placed and we have received 7 or 8 applications, with hopes of doing interviews at the next Council meeting.

**OTHER BUSINESS-**

Councilman Whitaker stated he had received a complaint about skunks at Angel's in the Attic. I believe this has been reported, but I'm not sure if anything has been done. Town Manager Cox replied that she did receive their notification of the skunk, and it was relayed that there was a hole under the building that would need to be repaired. In the past, once we have received multiple complaints, I have brought a proposal before Town Council to contract with a local company to remedy the situation. Councilman Turner talked of all of the other creatures we have around town, I would love to do

something about the deer, but not sure what we could do, I think we have all had damage to our property and them eating our flowers. If we are going to do something about the cats and skunks, I would like to see something done about the deer as well.

**CLOSED SESSION-**

Councilman Bond makes a motion, seconded by Councilman Turner, to go into closed session for discussion of legal suit by Mr. David Whitaker under Section 2.2-3711, Paragraph A. Section 7, 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. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

- Vice Mayor Patton-absent
- Councilman Turner—aye
- Councilman Whitaker—abstain
- Councilman Bond—aye
- Mayor Griffin—aye

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

- Vice Mayor Patton-absent
- Councilman Turner—aye
- Councilman Whitaker—abstain
- 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 7, 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. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

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.

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

This Certification Resolution was adopted.

Mayor Griffin asked for any additional business. Councilman Turner asked Town Manager to start thinking about the holiday dinner and wait for Councilman Patton to help with the planning.

**ADJOURNMENT-**

Councilman Whitaker makes a motion, seconded by Councilman Bond, and unanimously carried, to adjourn until November 18, 2021, at 5:30 pm at the W. Skip Bishop Town Hall.

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**Will Griffin, Mayor**

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**Kayla Cox, Town Manager**