

**FLOYD TOWN COUNCIL MEETING
W. SKIP BISHOP JR., TOWN HALL
November 18, 2021
5:30 P.M.
MINUTES**

MEETING CALL TO ORDER – Mayor Griffin called the November 18, 2021, meeting of the Floyd Town Council to order.

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

MOMENT OF SILENT PRAYER-

Mayor Griffin called for a moment of silent prayer.

PLEDGE OF ALLEGIANCE-

Councilman Bond led those present in the Pledge of Allegiance.

CITIZENS COMMENTS-

No citizens comments were made.

ITEMS FOR DISCUSSION-

A. Financials-

Council members reviewed the October financials provided in their packets. Revenues are exceeding our budget, mainly due to Meals & Lodging taxes coming in. Real Estate and Personal Property taxes are coming in. Mayor Griffin noted the revenues received for Meals Tax are way ahead of where we've ever been in the past 7-8 years. Town Manager Cox noted there is approximately \$60,000 in loan funds available. Mayor Griffin asked about the one loan from the Town's Loan Pool that is not current, and Town Manager Cox reported they are only one month behind.

TOWN MANAGER'S REPORT-

Town Manager Cox reminded the Councilmembers of the Conflicts of Interest training that needs to be completed by the end of the month. Mayor Griffin asked when they were required to have it completed, Town Manager Cox stated December 31, 2021 is the last day.

Town Manager Cox shared a thank you note that was received from Mrs. Katie Holfield for the gift the Councilmembers gave her.

Town Manager Cox updated Council on the Town Hall project. The bid documents have been advertised this week, we have hard copies available in the Town Office and on our website for interested contractors to review. Bids are due back December 17th, 2021. Town Manager Cox pointed out a few highlights of the project to address public comments that had occurred at

previous meetings. The Councilmembers have always had the understanding that the building was grandfathered into the building code. Ms. Wagner filed a complaint with the Building Officials office which started the process to require the building be brought into building code and ADA compliance. We met with several contractors to understand what needed to be done, however, they all advised that it would be best to have a set of building plans to follow that showed exactly what the project entailed. At that point, the Town received proposals to work with an Architectural & Engineering firm. Thompson & Litton provided the town with a Preliminary Architecture Report. In the report were recommendations for the proposed facility upgrades which were focused on providing ADA accessibility, two ADA toilet facilities (required because of the occupancy of the building), and an ADA parking space to the Town Hall building. All options provided would address the need to widen the door entrances, provide ramp and handrail to the building, and provide adequate accessible parking to the building. These items would be addressed at a minimum to meet the requirements. The report also noted water infiltration in the basement of the Town Hall. The Council has discussed the water issues in the basement many times in the past, as well as their desire to connect the buildings to create one complex to allow for more uses of the space. It was decided by the Council to move forward with the extensive upgrades to the building and facilities after weighting the options provided to connect the buildings or to no connect them. Once evaluating the cost estimates, Council decided to move forward with the plan that provided the best options to meet the standards and connecting the buildings. As Thompson & Litton continued with the construction plan, and had additional conversations with the building official, it was determined that if the buildings were connected, we would not be required to have 2 ADA restrooms in the Town Hall space, thus eliminating one from the construction plans. We would, however, need to have a lot line revision to combine to the 2 lots of land, or add firewall to the buildings to meet code requirements. I have spoke with a local land surveyor as discussed at a previous meeting and they are able to complete the survey and vacation of the lot line for us by the end of the year. The project is moving forward nicely at the moment. We will know more once the bids are opened in December. Thompson & Litton will be presenting the bids at our first meeting in January.

Mayor Griffin noted that Thompson & Litton had put a buffer in the estimates we were presented with. Town Manager Cox stated she still is fearful the prices will come in higher than the estimates based on the current supply & demand of construction materials.

Town Manager Cox asked the Councilmembers if they wanted to participate in the Christmas Parade on November 28th. It was a consensus of the Council to not participate this year.

Town Manager provided an update on ARPA guidelines, the final guidance has not been finalized, but they are hopeful it will be approved by the end of 2021. The Town's first report on the ARPA funding is not until April 2022.

OTHER

Councilman Patton reported he is proceeding with the holiday meal planning. He is looking at the second week of January and is working with the owners of Blue Ridge Diner to host this year. We may also work with another new town restaurant for appetizers.

CLOSED SESSION-

Councilman Bond makes a motion, seconded by Vice-Mayor Patton, to go into closed session for interviews of the Town Clerk position under Section 2.2-3711, Paragraph A. Section 1, Discussion, consideration, or interviews of prospective candidates for employment and/or appointment to boards and commissions.

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

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

- Vice Mayor Patton-aye
- Councilman Turner—aye
- Councilman Whitaker—aye
- 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 discuss §2.2-3711 A.1., interviews of the Town Clerk position, 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
- Councilman Whitaker—aye
- Councilman Bond—aye
- Mayor Griffin—aye

This Certification Resolution was adopted.

Vice-Mayor Patton makes a motion, seconded by Councilman Bond, to go into closed session for discussion of the Town Manager position under Section 2.2-3711, Paragraph A. Section 1, Discussion, consideration, or interviews of prospective candidates for employment: assignment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

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

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

Vice Mayor Patton-aye
Councilman Turner—aye
Councilman Whitaker—aye
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 discuss §2.2-3711 A.1., discussion of the Town Manager position, 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
Councilman Whitaker—aye
Councilman Bond—aye
Mayor Griffin—aye

This Certification Resolution was adopted.

Vice-Mayor Patton makes a motion, seconded by Councilman Turner, to go into closed session for interviews of the Town Clerk position under Section 2.2-3711, Paragraph A. Section 1, Discussion, consideration, or interviews of prospective candidates for employment and/or appointment to boards and commissions.

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

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

Vice Mayor Patton-aye
Councilman Turner—aye
Councilman Whitaker—aye
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 discuss §2.2-3711 A.1., interviews of the Town Clerk position, 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
Councilman Whitaker—aye
Councilman Bond—aye
Mayor Griffin—aye

This Certification Resolution was adopted.

Councilman Bond makes a motion, seconded by Vice-Mayor Patton, to go into closed session for performance, duties and salaries of the Clerk and Town Manager positions under Section 2.2-3711, Paragraph A. Section 1, Discussion, consideration, or interviews of prospective candidates for employment: assignment, promotion, performance, demotion, salaries,

disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Vice-Mayor Patton—aye
Councilman Turner—aye
Councilman Whitaker—aye
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
Councilman Whitaker—aye
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 discuss §2.2-3711 A.1., performance, duties and salaries of the Clerk and Town Manager positions, 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
Councilman Whitaker—aye
Councilman Bond—aye
Mayor Griffin—aye

This Certification Resolution was adopted.

Councilman Whitaker excuses himself from the meeting.

Councilman Bond makes a motion, seconded by Vice-Mayor Patton, 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—aye
Councilman Turner—aye
Councilman Whitaker—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
Councilman Whitaker—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 discuss Section 2.2-3711, Paragraph A. Section 7., discussion of legal suit by Mr. David Whitaker, 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
Councilman Whitaker—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, to recess until Monday, November 22, 2021, at 5:30 pm at the W. Skip Bishop Town Hall for the sole purpose of closed session.

William R. Griffin, Mayor

Kayla Cox, Town Manager

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