

FLOYD TOWN COUNCIL MEETING
W. SKIP BISHOP JR., TOWN HALL
December 1, 2022
6:30 P.M.
AGENDA

<u>FROM</u>	<u>TO</u>	<u>ITEM</u>
6:30 PM	6:30 PM	MEETING CALL TO ORDER
6:30 PM	6:30 PM	ROLL CALL
6:30 PM	6:30 PM	MOMENT OF SILENT PRAYER
6:30 PM	6:30 PM	PLEDGE OF ALLEGIANCE
6:30 PM	6:45 PM	CITIZENS COMMENT PERIOD*
6:45 PM	7:00 PM	CONSENT CALENDAR A. October 6, 2022 B. October 20, 2022
7:00 PM	7:30 PM	ITEMS FOR DISCUSSION/ACTION
7:30 PM	7:45 PM	TOWN MANAGER’S REPORT
7:45 PM	8:00 PM	OTHER BUSINESS
8:00 PM	8:15 PM	CLOSED SESSION (If needed) A. §2.2-3711 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. B. §2.2-3711 A.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.
8:15 PM	8:15 PM	ADJOURNMENT

Any resident wishing to submit comments may do so via email or request to speak via phone during the public comment period and their comments will be entered into the official minutes of the Floyd Town Council and read by the Mayor or designee at the Council meeting.

VIA EMAIL: Email comments should be sent to andrew@townoffloyd.org by 4:00pm Wednesday, November 30th, 2022. Emails must include your name, phone number and any comments. If you do not have access to email, please call the Town office at 540-745-6073 to leave a message with your comments.

VIA PHONE: Residents requesting to speak via phone during the public comment period should call the Town of Floyd office at 540-745-2565 by 4:00pm Wednesday, November 30th, 2022, and provide your name and telephone number. The resident will be called during the public comment period of the meeting.

Any comments received will be shared with Town Council and will be added to the meeting minutes, making them a matter of public record.

**FLOYD TOWN COUNCIL MEETING
W. SKIP BISHOP JR., TOWN HALL
October 6, 2022
6:30 P.M.
MINUTES**

MEETING CALL TO ORDER – Mayor Griffin called the October 6, 2022, meeting of the Floyd Town Council to order at 6:30 p.m.

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

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.

CITIZENS COMMENT - none

CONSENT CALENDAR-

A. September 1, 2022

Councilman Whitaker motioned, seconded by Councilman Bond, to approve September 1, 2022 minutes as written.

ROLL CALL:

Councilman Patton – yes

Vice Mayor Turner – yes

Councilman Whitaker – yes

Councilman Bond – yes

Mayor Griffin – yes

B. September 15, 2022

Councilman Patton said the date for dinner, page 4, paragraph 4, the date for the holiday dinner should be October 3rd, not September 3rd.

Councilman Whitaker motioned, seconded by Councilman Bond, to approve September 15, 2022 minutes with correction made for holiday dinner date.

ROLL CALL:

Councilman Patton – yes

Vice Mayor Turner – yes

Councilman Whitaker – yes

Councilman Bond – yes

Mayor Griffin – yes

PRESENTATIONS – none

ITEMS FOR DISCUSSION/ACTION-

Virginia Department Of Transportation (VDOT)– Project Planning

Town Manager Morris said he met with staff at VDOT. The town manager was asked to provide them with a list of projects for the upcoming year. The town manager asked the town council members to provide input on the list. He said he understood there is nothing too large or too small to be included on the list.

Town Council members said they would give it more thought but needed projects that immediately came to mind were:

1. Mayor Griffin, Councilman Whitaker, and Vice Mayor Turner both mentioned the two traffic lights at intersection was still a major issue and mislead people to think there was a turning lane. Councilman Bond asked if it would be possible to mark the lanes so they are clear there was only one lane.
2. Councilman Whitaker mentioned the hole on East Oxford near North Locust Street needed repair. He, Councilman Bond and Mayor Griffin both mentioned other holes on East Oxford and indicated the patches do not hold. East Oxford needed to be repaved.
3. Councilman Patton mentioned repair needed on a hole on Wilson Street near West Main Street. Someone covered the hole with some metal.
4. Mayor Griffin said sidewalks in town need repair. In some areas the sidewalks have settled, uneven, and were trip hazards.
5. Councilman Whitaker asked if VDOT could create more two parking spaces in front of Warren G. Lineberry Park, hereinafter referred to as “the park”. He said the fire hydrant was removed that was in front the park, by Angels in the Attic so there is no need for a marked off area. Town council members discussed the possibility of changing the marking to allow for at least one parking space.
6. Town Manager Morris said another project he included on list were uneven sidewalks on Locust Street and Main Street near the stoplight. Vice Mayor Turner said he saw several people trip near the bank and the diner on East Main Street. The town manager said the public works staff painted that area recently to help pedestrians see the transition.
7. The town manager said he spoke with VDOT representatives about the North Locust Street sidewalks near intersection with Main Street and continued further north. He said there were areas that sidewalk dipped for driveways that were no longer active. Councilmen Whitaker and Patton mentioned issues for people in wheelchairs and trip hazards from sidewalk design. They also mentioned one driveway which had visibility issues due to proximity to intersection.
8. Town Manager Morris said he asked VDOT representatives to evaluate town-owned streets and update the town of required improvements for VDOT assume maintenance responsibility.

9. Councilman Patton asked town manager to let VDOT know we want them to include Willis Street in the evaluation.
10. Vice Mayor Turner asked to include request for crosswalk solution for areas around East Oxford, East Main Street, and Barberry Street. He said drivers do not always use blinkers so it is difficult for pedestrians to know whether or not they can cross.
11. Town Manager Morris said he reached back out to VDOT regarding lights at intersection of Barberry and East Main Street but had not received a response.
12. Councilman Bond and other town council members asked the town manager to include repair wall at corner of Penn Avenue and North Locust Street. Councilman Bond also asked Town Manager to let them know if the list needs to be prioritized before giving it to VDOT.

TOWN MANAGER'S REPORT -

Town Manager Morris said the old garbage truck was picked up and the town had received payment.

Town Manager Morris said he would like to stick to planning items and would like to work on various things over the next few months. He asked if the town council would like to continue blocking off part of East Oxford for Halloween Trick or Treating. He said if they agree to continue this year, he had a VDOT permit form that he will need to complete. He said Sheriff Craig would take care of all he had done in the past. He asked if they wanted to also continue with "Trunk or Treat" and plan on having spaces available because people had already contacted the town. He asked if they had a preference between tents or vehicles.

Town Council members discussed blocking off East Oxford and Halloween festivities on Monday, October 31, 2022. They agreed it provided a safe place for families to bring their children for Halloween since there would not be any traffic there. It was very popular in previous years. Members agreed the Town of Floyd should have a space and hand out candy. The town manager and Councilman Whitaker volunteered to pass out candy on behalf of the town. Mayor Griffin said anyone who would like to set up a canopy to pass out candy could set up in his yard. East Oxford Street would be blocked between Tise Street and Pedigo Alley.

Town Manager Morris said a citizen on Pine Street reached out to him because they had a lot of water damage to their property. The citizen/property owner he had an agreement with the town council at some point. The town manager said he researched the issue for quite a while, he read minutes as far back as the 1990s, and he could not find any written agreements.

The town manager showed a photo of the area, including the damaged property, to town council members. He pointed out the owner's property and surrounding properties, including a creek on one side. The town manager showed where there was an undersized culvert pipe and pointed out the other properties, such as Oxford Street and a church, had run-off which also drained through the pipe. Town Manager Morris pointed to a culvert pipe which is causing sink holes.

Town Manager Morris said when VDOT fixed the drainage and added sidewalks on Oxford and an owner of adjoining property fixed their drainage, the damage worsened. He said he spoke with VDOT representative who said they were not liable. He also spoke with the town's attorney who

said the town did not have a stormwater plan and without a copy of the agreement, the town was not liable. The town manager said he was not sure what else could be done to help the citizen. In response to Councilman Bond's question as to type of agreement, Town Manager Morris said the citizen indicated he gave the Town of Floyd easements to his property. In exchange for the easements, the town agreed to repair or replace the culverts as needed to fix the issue.

The town manager responded to Mayor Griffin that he could not find record of easements on the property deed. The mayor and Vice Mayor Turner discussed previous issue in which a church's culvert pipe, to the same creek, collapsed.

The church replaced the pipe without aid from the town. Vice Mayor Turner mentioned some agreements and the town manager said the only agreement he found was with a different citizen for a cul-de-sac.

Town manager Morris said he found records of discussions for Pine Street to become part of the VDOT system. The responsibility did not change because the culverts underneath Pine Street would need replacement to VDOT requirement of four culvert pipes that were 36-inch diameter.

Town Council members discussed the other areas that had storm water drainage issues and the property owners had to make the repairs on their properties. Some of the issues preceded the sidewalk project on Oxford Street which was in the mid-1990s.

Councilman Whitaker said he looked at the issues with the citizen. He said the citizen installed a wall but it did not resolve the problem because the culvert pipes are too small. Councilman Whitaker asked who would be responsible. He said the pipe was 2-foot but should not be four foot or no less than three feet. He asked who was responsible for replacing the culverts. None of the councilmen knew but agreed it was not the Public Service Authority's responsibility.

Council members and the town manager discussed how to determine responsibility and what could be done to help resolve the issue. One commented the rains seemed to have intensified the last several years which had caused more flooding in areas. Asked if VDOT could have any responsibility, Mayor Griffin said VDOT is responsible for storm water but not sure to what extent. When Councilman Patton asked about who put in Pine Street, no one knew but said it was probably when the subdivision was developed.

Town Manager Morris said when he spoke with VDOT representative, the representative felt like VDOT had done what they needed to do as far as the easement. Vice Mayor Turner asked what would happen to the storm water if the culvert was fixed on the one property. What kind of issue would it cause for someone else along the creek?

Mayor Griffin, Town Manager Morris, and council members discussed storm water issues. One mentioned the stormwater was supposed to drain into a field. Another mentioned the culvert pipe by Woods Gap Road was replaced with what looked like a 48 inch pipe. They talked about what resources may be available to help. They discussed various options and that the property owner was willing to help. They discussed the possible need for engineering assessment.

The town council members agreed the town manager would first contact the county building inspector for his opinion and find out what VDOT said before contacting an engineer. Town Manager Morris said he would report back on the matter at the October 20th Town Council meeting.

Town Morris said he had received a complaint about feeding feral cats and he researched the matter. He said the town attorney told him person who fed the cats could be considered the custodian or owner of the cats. He said he was also told the town had no ordinance against feeding feral cats so they could not do anything unless it was determined to be a nuisance. If a nuisance, he would send a letter to the person who fed the cats. There was no clear path on how to handle the situation.

Upon Councilman Patton's request for town council members to read and ensure the complainant's concerns were addressed, the town clerk printed a copy of the complaint. When asked if he had consulted with anyone at the New River Valley Regional Commission (NRVRC) to find out what ordinances other localities had, Town Manager Morris said he had. There did not seem to be any ordinances, Blacksburg's only seem to describe types of animals, including a feral cat.

Town Councilman Whitaker asked if there was not some type of ordinance about animals, if someone complained? He gave the example of farm animals in town but nothing done because no one ever complained.

Town Manager Morris said he also checked with the Floyd County Animal Control and found out they did not deal with cats. They said there was nothing they could do they refer people to a non-profit rescue, Floyd County Humane Society. There was more discussion as to whether the cats were spayed and neutered but no one could say which were spayed or neutered. They also discussed how anyone could tell which cat belonged to people feeding them.

The town councilman named in the complaint indicated he and his wife were unwilling to let any animal starve. They did not think they owned the cats, multiple people could have fed the cats. The councilman said he wanted it brought up because he and his wife needed to be treated like any other. They discussed there was no ordinance regarding feral cats. One member said if the cats were trapped for spay and neutered, the cats would need a place to go. Members discussed the Floyd County Humane Society (FC Humane) helping and were told they could help but cats would have to be returned to area they were trapped. Another member mentioned they had used FC Humane in past and would do it again.

The councilman named in the complaint said his wife and a neighbor were in the process of getting the cat and kittens spayed and neutered. Town Manager Morris agreed to respond to the complainant there was little the town could do without an ordinance. His response would also include what steps the people named in the complaint would take to make sure the cat and kittens were spayed and neutered.

OTHER -

Councilman Bond said members of the Town of Floyd Planning Commission requested a iPad. He said there was a lot of paper generated and it may help members maintain documents that were sent by email. When asked his opinion, Councilman Bond said he thought it would make it easier on members. He said he would not need one because he already had one.

Town Manager Morris said he thought they could get six for the planning commissioners at approximately \$550 each including cover and pencil. He said there were some others in office but they are old and not sure if they can be used. The town manager said he and the town clerk do not need new iPads because they just use their laptops. He said if the town council agreed to buy iPads for planning commission members, they would also need their own emails which would add a little more to the cost monthly.

Councilman Patton motioned, seconded by Councilman Whitaker, to purchase new iPads, including covers and pencils, plus setting up emails for each member.

ROLL CALL:

Councilman Patton – yes
Councilman Whitaker – yes
Vice Mayor Turner – yes
Councilman Bond – yes
Mayor Griffin – yes

Mayor Griffin suggested the iPads be purchased from ARPA funds. Town Manager Morris said Councilman Whitaker’s iPad was old and had issues. Council members discussed another who may need new iPads. They all agreed to purchase new iPads including covers and pencils, for Councilman Whitaker and Councilman Patton.

Mayor Griffin mentioned invoices that were provided to all town council members. He said the PSA needed a sewer camera for their use. He said the PSA chairman checked into cameras. When he determined the one they needed, he contacted the supplier and was told they only had one left. The supplier said it could take a while to get more into stock. Mayor Griffin told the chairman to buy the camera and he would bring to town council for approval to pay invoices out of ARPA funds the council had approved for PSA. Mayor Griffin said he knew it was unorthodox. He said when PSA used the camera, they found unexpected issues to repair.

Councilman Patton motioned, seconded by Councilman Whitaker, to approve payment of the invoices for the camera and required accessories, to be paid with ARPA funds.

ROLL CALL:

Councilman Patton – yes
Councilman Whitaker – yes
Vice Mayor Turner – yes
Councilman Bond – yes
Mayor Griffin – yes

CLOSED SESSION-

Mayor Griffin said the Floyd Town Council needed to go into a closed session and read the Code of Virginia:

§ 2.2-3711, Paragraph A, Section 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 Whitaker made a motion, seconded by Councilman Patton, to go into closed session in accordance with Code of Virginia § 2.2-711, Paragraph A, Subsection 3, as read by Mayor Griffin.

ROLL CALL:

Councilman Patton – yes
Councilman Whitaker – yes
Vice Mayor Turner – yes
Councilman Bond – yes
Mayor Griffin – yes

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

ROLL CALL:

Councilman Patton – yes
Councilman Whitaker – yes

Vice Mayor Turner – yes
Councilman Bond – yes
Mayor Griffin – yes

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 of 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 in compliance 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.

ROLL CALL:

Councilman Patton – yes
Councilman Whitaker – yes

Vice Mayor Turner – yes
Councilman Bond – yes
Mayor Griffin – yes

This Certification Resolution was adopted.

Town Council members discussed suggestion for appraisal for all property owned by the Town of Floyd. Town Manager Morris agreed he would contact a real estate appraiser.

Councilman Bond motioned, seconded by Councilman Patton, to get a real estate appraisal for all property owned by the Town of Floyd.

ROLL CALL:

Councilman Patton – yes
Councilman Whitaker – yes

Vice Mayor Turner – yes
Councilman Bond – yes
Mayor Griffin – yes

ADJOURNMENT-

Councilman Whitaker motioned, seconded by Councilman Patton, and unanimously carried, to adjourn until Thursday, October 20, 2022, at 5:30 pm at the W. Skip Bishop Town Hall.

William R. Griffin, Mayor

Lynn Gregory, Town Clerk

DRAFT

**FLOYD TOWN COUNCIL MEETING
W. SKIP BISHOP JR., TOWN HALL
October 20, 2022
5:30 P.M.
MINUTES**

MEETING CALL TO ORDER –Mayor Griffin called the October 20, 2022, meeting of the Floyd Town Council to order at 5:30 p.m.

ROLL CALL – Councilman Patton, Vice Mayor Turner, Councilman Whitaker, Councilman Bond, Mayor Griffin, Town Attorney Murrell, Town Manager Morris, and Town Clerk Gregory 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 – None

PRESENTATIONS -

Mr. Alan Graf, organizer for the Floyd Americana Festival, said he would provide an update on the event in September but would provide a proposal for 2023 at a later date. He said he felt like the event was successful and he had received very positive feedback. Mr. Graf said he hired a Virginia State Trooper to direct traffic and to have a presence at the event. He said it was a local, community based event. He said Town Manager Morris indicated he had also spoke to business owners about the event and was curious of what feedback he received.

Town Manager Morris said he spoke with quite a few business owners, which all provided positive feedback. He said several business owners said they were very busy. He said from what he saw, the town was packed.

Mr. Graf said Councilman Bond asked before the meeting what he planned to do next year and he said he was not sure. He said he was asked about a 2-day festival and he it would be possible. He said it would be a lot more work. This year he broke even rather than lose money as he had in previous years. He will come back to the council once he knows more. He said he would like more stages and the owner of the brewery was interested in having his business as a stage and he considered another business on another end of town.

Mr. Graf said the Town Council members provided funds last year and he will send town council members with a complete in the upcoming year. He would like the town council members to let him know if they want a longer event and any other feedback of what they would like from the festival.

Mr. Graf commented on the Friday night music scene provided the Floyd Town Council with a proposal to reinvigorate it. He said when he first moved to Floyd, the Friday night street music scene was very vibrant. He said he met many of the old timer musicians when they were playing on the sidewalks. He said he learned in the 1970s that tourists came from all over the world to hear music or play with other musicians. He said over the last few years, the Friday night street scene has not been as special.

Mr. Graf proposed the town council put together an official committee to reinvigorate Floyd’s Friday night music scene. He suggested the committee setup up a website, which may require town to fund, to let the public know about the town’s music scene.

Councilman Whitaker commented the Friday night street music is organic, not organized. He said people came to Floyd and wanted to play music and it just happened. Sometimes it would develop into a couple of groups and other times it would grow to several groups that played on the sidewalk. He was not sure how to bring in more people on Friday night and asked Mr. Graf for his idea to incentivize people.

Mr. Graf said he was not sure which was why he suggested a committee together to develop ideas.

ITEMS FOR DISCUSSION/ACTION-

A. Financials –

In response to Mayor Griffin’s inquiry about grant funds received, Town Manager Morris told him it was pass-through grant funds for the Floyd County Volunteer Fire Department.

Vice Mayor Turner asked about the Economic Development balance, and Town Manager Morris said the reflected balance is after 50% of funds were invested into 2 Certificates of Deposit (CD).

Vice Mayor Turner asked about the Community Development Block Grant (CDBG-Loan Pool) balance, and if anyone had shown interest in obtaining a loan.

Town Manager Morris responded no one had expressed or submitted a loan application.

Vice Mayor Turner motioned, seconded by Councilman Bond, to invest \$50,000 into a CD at the bank with the highest interest rate.

Roll Call:

Councilman Patton— yes

Councilman Whitaker—yes

Mayor Griffin—yes

Vice Mayor Turner—yes

Councilman Bond—yes

B. Warren G. Lineberry Park Use Policy / Application Evaluation –

Town Manager Morris provided town council members with a copy of the current park use policy and application for Warren G. Lineberry Park, hereinafter referred to as Lineberry Park. He said he had reviewed the policy and application and wanted to update it. Suggested updates included reduce required application submission from 45-days to 30-days prior to events. He asked if council would like to change and Councilman Patton asked what other municipalities required for similar permit applications. The town manager said there were some who required more but minimum of 30-day requirement was standard with majority.

Councilman Whitaker agreed on reduced application submission requirement and said it must be enforced. He said Town Council should not agree to any exceptions so everyone would abide by the same rules.

The Councilmen and Mayor Griffin discussed giving Town Manager Morris the authority to approve or deny all Lineberry Park Use applications. After discussing, they agreed the town manager would only bring applications before the council for which he wanted their input. They agreed the hours on application and approved for Lineberry Park Use would include setup and cleanup.

The town manager said he would meet with the event coordinators at Lineberry Park prior to the event to go over everything, such as water valves, etc. for which they would be responsible. He also said he wanted to add to the Lineberry Park Policy that vendor list should also include non-profits with booths, even if they are not charged for business or event license, just so we know who is there.

The town manager asked and town council members all agreed to include a statement that vendors are not allowed on sidewalks and in the alcoves. Town Manager Morris agreed with Councilman Patton to revise to include business licenses must be obtained prior to the event. They discussed and agreed the licenses must be obtained at least 5 business days prior to the event.

The town manager also said he would like to change the regulations that everyone, including non-profits, must provide a damage deposit. The deposit would not be cashed and would be returned to the non-profit as long as there was no damage. Town council members agreed a \$500 damage deposit for anyone using Lineberry Park for a scheduled event was fair, no matter their financial or IRS status.

The town manager asked if a sign permit was necessary, in addition to Lineberry Park usage permit, if the sign is used just on day of the event. Town council members agreed a separate sign permit would only be required if the applicant wanted to put up signs days in advance of the event. They agreed it would be ok on day of the event the applicant or event coordinator could hang a sign on the stair rails to Lineberry Park on the day of the event.

When asked, town council members agreed the town manager should include a statement which advises the applicant they are required to use full venue name, Warren G. Lineberry Park, in all marketing for the event.

Council members discussed the statement in the Lineberry Park Usage Policy regarding supervision of children. Attorney Murrell said she recommended the statement remain in policy as written.

Councilman Whitaker also asked who was responsible for enforcing the section on “safety, health and welfare”. Attorney Murrell said that section was geared towards approval decision.

The town council members also discussed if they could include no amplified events in Lineberry Park on Friday evenings. They discussed Friday hours, including limited to 8:30 am – 5 pm or they

should allow it to go until 7 pm. Town Council members had received complaints about some of the events held this past summer on Friday evening. Councilman Whitaker mentioned the possibility of eliminating all Friday evening events. When Councilman Patton asked Town of Floyd Attorney, Ms. Murrell, if they could limit Friday hours in Lineberry Park Use Policy, she responded yes, if it was enforced without exceptions; the town cannot discriminate.

The town council members agreed the town manager should make revisions and submit to town council for next meeting.

TOWN MANAGER’S REPORT-

Town Manager Morris said he researched Pine Street situation more. He did find easement from property owner to the Town of Floyd. He said the owner gave the easement at the beginning of sidewalk project after meeting with town council and VDOT. In the meeting, the town council wanted an easement due to possible stormwater issues.

Attorney Murrell said if there is an easement, then the town would have some responsibility to take care of stormwater repairs.

The town council members, the mayor, and town manager discussed next steps. They agreed the town council needed to know what would be involved, including costs, for the repair. They may need an engineer so it may become so expensive and do not want to learn repairs caused issues elsewhere. They talked about one company who may be able to provide advice and repair estimates. Town council members agreed Town Manager should move forward contacting an engineer or contractor then report back at the next meeting. Town Manager Morris said he would also reach out to VDOT and he had already spoken to one contractor.

Town Manager Morris said the packet on the

Town Manager Morris said he cannot get Flower Power group to let the town reimburse them for any of their costs for all they had done in 2022 for planting flowers. He asked if the town would be agreeable to provide a donation to them.

Mayor Griffin said there was money in the town budget for beautification so they could use some of the budget to make a donation. Town Council members discussed the donation. Members of the Floyd Flower Power group have paid for plants and supplies out of their own pockets. They did all the work and also hired some help.

Councilman Patton motioned, seconded by Councilman Whitaker, to make a \$2,500 donation to Floyd Flower Power, using beautification funds, as recommended by the town manager.

Councilman Patton— yes

Councilman Whitaker—yes

Mayor Griffin—yes

Vice Mayor Turner—yes

Councilman Bond—yes

OTHER BUSINESS –

Councilman Bond said he met with Councilman Whitaker about a resolution to the lawsuit brought by Councilman Whitaker. Councilman Bond said he spoke to the town’s lawyer who said he had spoken with Councilman Whitaker’s attorney. The town’s attorney would like to attend the town council meeting on November 17th. Councilman Whitaker said he had not heard if his attorney would attend.

CLOSED SESSION-

Mayor Griffin said the Floyd Town Council needed to go into a closed session and read the Code of Virginia:

§ 2.2-3711, Paragraph A, Section 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 Whitaker made a motion, seconded by Councilman Patton, to go into closed session in accordance with Code of Virginia § 2.2-711, Paragraph A, Subsection 3, as read by Mayor Griffin.

ROLL CALL:

Councilman Patton – yes
Councilman Whitaker – yes
Vice Mayor Turner – yes
Councilman Bond – yes
Mayor Griffin – yes

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

ROLL CALL:

Councilman Patton – yes
Councilman Whitaker – yes
Vice Mayor Turner – yes
Councilman Bond – yes
Mayor Griffin – yes

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 of 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 in compliance 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.

ROLL CALL:

Councilman Patton – yes

Vice Mayor Turner – yes

Councilman Whitaker – yes

Councilman Bond – yes

Mayor Griffin – yes

This Certification Resolution was adopted.

ADJOURNMENT-

Councilman Whitaker motioned, seconded by Councilman Bond, and unanimously carried, to adjourn until November 3, 2022, at 6:30 pm at the Floyd Town Hall.

Will Griffin, Mayor

Lynn Gregory, Town Clerk