

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 11, 2009**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 11, 2009 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman; Jerry W. Boothe, Vice Chairman; Virgel H. Allen, William R. Gardner, Jr., J. Fred Gerald, Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

The Chairman called the meeting to order at 8:30 a.m. with the reading of the handicapping statement.

The Opening Prayer was led by Chairman Ingram.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Mary Turman, Treasurer, appeared before the Board. She presented the invested cash and cash in office report as of August 10, 2009.

Mrs. Morris presented the balance sheet and revenue/expenditure summary as of July 31, 2009. She reported that at 8% through the fiscal year, General Fund revenue collections are at 3% and General Fund expenses are at 12%. Expenses are skewed for the month because of the large debt payments that are paid in July. She reported that the auditors are here working, plan to be here two weeks for field work. Should have a draft audit early.

The minutes of July 14, 2009 were presented to the Board for review and approval.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of July 14, 2009 as presented.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

Sheriff Shannon Zeman appeared before the Board. He reported:

- Auditors were here yesterday, seemed to all go fine;
- Grants – COPS grant for another officer in the schools, the elementary schools. We did not receive that grant. There were 138 that applied, only 8 localities got officers, and they only awarded 30 officers total. I thought it was quite interesting that Roanoke got 5, Norfolk got 8, Manassas got 4, Richmond, Petersburg, the bigger departments got officers and they forgot about Southwest Virginia again. We'll keep trying.

- Grants – we did receive \$11,881 from DMV that was awarded to us.
- Grants – have applied for a Rural Development grant for \$21,000, another equipment grant. It is a grant that would pay for vests for the school entry team. They are very expensive, \$12,000 for five vests. The Federal government would pay 50%, we raised the other 50% with outside tax dollars. This grant would pay 35% of that, and the government would pay 50%, so at least the funds that people have contributed to help our department, we'll have to use less of those funds to pay for these vests.
- Mileage – 24,000 miles for July, down 8-10,000. The reason being is we're still riding two officers/shift as much as possible to save fuel. Total calls so far this year is 7,237. July calls was up, 1152 calls for service, largest month so far.
- Reduction in Funds – have laid off the part-time road officers, we're still using the Courtroom Security Officer, paying out of other funds. We have the Civil and Investigations Officers working the road schedule also. What that means is, a lot of times the Investigators come in at 1 and get off at 9; try to work them at the time that they can get the most accomplished. Because there are times that we have only one on a shift, we want to make sure that we have other officers out there so the investigators and civil officers are covering shifts some now. Means less time on investigations, more time answering calls, but we have to answer calls first, that is our priority. Anybody that has approached me, for example the Jubilee, Schools for the 5K run, if it requires an officer that is not working a shift to come out and work and may require overtime, I tell them they have to pay for them. I have to keep the overtime from getting out of hand because there is no way to pay it back. Same way with the Academy. We participate in the Academy in that we all provide instructors to keep the per diem rate down. I can only send officers when they are on day shift. I've cut back in that area. I did have a meeting with all the employees to explain the situation to them. I tried to be very factual, not putting the blame on anybody, just stating the facts. We're making it work.

Clerk of Court Peters and Commonwealth's Attorney Shortt had no reports for the month.

The monthly disbursements were presented to the Board for review and consideration. A list of additional bills was also presented for the Board's review. Questions and discussion followed.

On a motion of Supervisor Gardner, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the monthly disbursements, plus additions, as presented.

- Supervisor Gardner – aye
- Supervisor Allen – aye
- Supervisor Gerald – aye
- Supervisor Boothe – aye
- Supervisor Ingram – aye

Agenda Item 8a – Subdivision plats as approved by Agent for July 2009. Mr. Campbell reported that the month had not been quite as busy, with only 1 family division, 1 agricultural division, 1 lot division and a few lot-line divisions. 105 new lots have been created in 2009 compared to 88 last year and 113 in 2007 in the same time frame.

Agenda Item 8b – Appointment – Floyd County Social Services Board – 4 year term, Indian Valley District. Defer for consultation with County Attorney later in the day.

Agenda Item 8c – Appointment – Floyd – Floyd County Parks & Recreation Authority – Courthouse District. Mr. Campbell reported that no letters of interest were received for the position.

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and unanimously carried, it was resolved to appoint Mr. Terry Akers to the Floyd – Floyd County Parks & Recreation Authority, representing the Courthouse District.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – aye

Agenda Item 8d – Appointment – Montgomery-Floyd Regional Library Board, unexpired term to end June 2012. Mr. Campbell reported that no letters of interest were received, but the current officeholder of the two year term is willing to take the four year term. Supervisor Boothe suggested that the bylaws be reviewed to ensure the terms limits would be legal. Board deferred for further discussion later in the day.

Agenda Item 8e – Floyd County Erosion & Sediment Control Program review. Mr. Campbell reported that Mr. Taylor, E&S Officer for the County and Supervisor Allen, attended the meeting with the Department of Conservation in Richmond on July 23. This was a very formal meeting with other localities attending, several in the same situation we are. We are being required to enter into a corrective action program. You as the Board of Supervisors, now have to consider whether or not to enter into the corrective action plan. The letter just came in yesterday for your review. We have to consider entering into the agreement within 30 days, at that point we would have 180 days to make the changes required. While we're in an inconsistent category now, the corrective action strategy would, once we confirm that you've approved this, would be changed to conditionally consistent pending accomplishments in the corrective action plan. In essence, what this will require is more administration; more administrative meetings for staff, Board would need to adopt a revised ordinance with certain statutory language required by the State. The ordinance would need to be adopted within the 180 day stage. The big thing that will really jump up is the enforcement and inspection activities that we have to take on.

Supervisor Gardner – what is the alternative?

Mr. Campbell – we looked at the alternative inspection program. You would be given an opportunity to refine the ordinance. It does scale back the inspection number, but it would still be dramatically higher than what we're used to. We would have to categorize the land disturbing activity as a Class I, II or III depending upon the size, slope, potential/severity of erosion and runoff. Class III would be the highest section requirement. If this alternative plan was approved by the State, we would have to inspect at the beginning and completion of a project and at least every two weeks. How many active sites we would have at one time, I'm not sure. Class II, it is

the same thing at beginning and completion, but at least every five weeks. Class II, less slope, that potential impact at beginning and completion of the project, and every eight weeks. One of the caveats there is that we will increase the frequency due to runoff producing storm events or if we have another violation during one of our inspections, we have to go out more often. Each inspection we have to use their report form and complete that with each inspection. If we note concerns or violations while we're there, then we have to go in and inspect more frequently, perhaps the next week.

Supervisor Boothe – does it still fall under the 10,000 square feet?

Mr. Campbell – the footage is correct, I believe, but in terms of severity 0-7% slope could fall in the Class I category, less frequent inspections. Slopes of 7-15% require the Class II, which is every five weeks. Anything 15% or greater is every two weeks. Mr. Taylor feels he can take care of the alternate inspection plan but it will be very difficult. We have not drafted that plan yet. Within this corrective action plan, I don't think we have much negotiating room. The only thing we can do to lessen the impact on us is to ask them to modify the inspection protocol and then we have to submit the alternative inspection program. I think they will do that. I'm pretty confident that we'll get this thing through. They won't change the numbers that I just quoted, that's the minimum, but they might change the other parts. I do have concerns about the Building Official trying to do all this extra work, he has enough to take care of just with the building.

Consensus of the Board was to defer the matter for further discussion later in the day.

Mr. Buddy Staples appeared before the Board. He commented: I want to thank you for allowing me to speak to you. I've always considered it a privilege to live in Floyd County. What I have to say is not as much complaint as concerns. The first part has been resolved I think. I got a bill in January for \$760 for ambulance service. Mr. Ingram told me not to worry about it and I haven't. But what concerned me is that the bill came from Virginia Beach. Why are we having people from Virginia Beach bill us? People here in Floyd County could bill us. As far as I know, I don't need to pay this.

Chairman Ingram commented that they would discuss the matter privately later.

Mr. Staples – the other concern is, I don't know the exact dates, but I had an alpaca killed by a couple of dogs. I was only able to shoot one of them. This is a series of things that could not be helped; it was no one's fault. This was right after Bucky's mother died. He came by, I showed him the animal and then he got into his troubles, and then Joyce inherited what was there. I'm not blaming anyone but I got lost in the shuffle. I'm out a \$500 alpaca through no fault of my own. I did what I was told to do, called and reported it, Animal Control came out to investigate. The thing that concerns me is that we identified the owner of one of the dogs, the one that I killed. He admitted it and then told Joyce that he was going to pay, and didn't. This went on and on. This is no criticism of Joyce. Then it had been a year, and I had to call Mrs. Shortt. She told me to get a warrant. But now the man couldn't be found, he's lived here all his life. He has to be in Floyd County. I want my \$500 is what I'm saying. With Bucky and Virgel, they would shake a knot in a person until they wrote a check. This guy is hiding from his

responsibility. I'm not saying the County should pay it, if you want to, I'll accept it, but I'm out \$500 for an alpaca that meant a lot to us. He was killed by a dog that we knew who the owner was. He's admitted it, he needs to be brought in, and somebody needs to pay me, preferably him. Anything that could be wrong went wrong. I'm sorry about all the things that happened within weeks. I'm asking you to help me in any way that you can. I thank you so much.

Ms. Joyce Spencer, Animal Control Officer, next appeared before the Board. She commented: What Mr. Staples said happened, did happen. This happened on May 18 and we have a year to file claims, which has passed. Normally we take them to court. This was a neighborhood thing and he didn't want to take them to court. It turns into a civil case at that point. I did try to track down the people, they agreed to pay, and then they didn't pay him. I did talk to Stephanie and she said to go after the son and press charges. I tried to do that for months, I couldn't track him down. I went to the parent's house; they wouldn't tell me where he's at. I went door-to-door through the neighborhood. I tracked down his friends; I did everything possible and couldn't find him. We didn't go to court when we should have. There was another dog involved but the owner went into rehab and gave the dog away and I couldn't track the dog, and she's still in rehab, in an institution. We did try, but we should have gone to court.

Mr. Staples – I would be satisfied with \$250 since there were two dogs involved and I would only have gotten half anyway.

Consensus of the Board was to discuss the matter with the County Attorney later in the day.

Ms. Korene Thompson, Town Manager, next appeared before the Board. She reported:

- Crosswalk at Angels in the Attic – pleased with the success of this site. Personally have noticed cars stopping immediately when a person steps into the crosswalk. If we've saved one life, it was well worth it.
- Rezoning Approval – Warren B. Sweeney – did have the joint public hearing with the Planning Commission on the rezoning of property at Autoville. Town Council voted to approve that rezoning from R-2 to B-2. That's the new home of Smith's Heating & Air.
- Signs – The Town is obtaining updates of our signs, applications and conditional use permits. Our recent land use regulations were recently updated. I am currently working on updating compliances and also to address the needs of the businesses. Even though our sign ordinance is pretty stiff, we do have some issues with some businesses, such as the stores on the back side of Village Green that need to be more visible. We'll look at ways to solve issues.
- T-21 Enhancement Project – still being pursued. There is a new employee with the grant program who has asked for a continuous pathway experience from South Locust from Main Street. There was a break in that, so we're meeting tomorrow to work to connect the two pathways to receive the funding.
- Sidewalks – Town Office is getting calls and there are letters to the editor concerning the need for sidewalks along Route 615 to Blue Ridge Manor Apartments. This is County jurisdiction but perhaps we might be able to explore some joint opportunities.
- Secondary Street Acceptance Requirements – on the back of your agenda there is a copy of the letter to me from VDoT discussing additional training opportunities for localities.

I think this might be a good opportunity for the County and Town both to learn about the new regulations. Town Council is very interested and would like to set up a meeting.

- Town Subdivision Review – Council is holding their session on August 20 at 6:30 p.m. if anyone is interested in attending.

Supervisor Boothe commented that there was discussion with the previous Town Manager concerning the Route 615 sidewalk being extended through the Clearview Subdivision to Main Street instead of using Route 615. May want to check to see if anything was done along that line.

Mr. Carl Ayers, Social Services Director, next appeared before the Board. He reported:

- Cooling applications – up 40% State-wide, Floyd County up 25%. Program ends August 14.
- Food stamp applications – In 2002, we had 159,000 cases in Virginia, there were 319,000 cases in Virginia in July 2009. But, not one extra position has been added to handle the load.
- Heating Assistance Program starts October 1. This is a fully-funded Federal program. Last year the Federal government allotted \$5.1 billion to run the entire program throughout the United States. This year the President has only allotted \$3.1 billion, a 40% reduction in that program. This does not change the number of cases, only the amount of benefit provided to homeowners.
- TANF case loads – these funds pay for destitute individuals to get them back to work. This is the only program that we actually give cash to individuals. State-wide, case loads are growing, as well as in our locality. The program is already \$10 million over budget at this point. To make matters worse, the way that money has been allocated to that program over the years, they say there is a structural imbalance, a \$28 million imbalance. They will reduce programs such as our Children's Advocacy Center in Radford, homeless intervention programs, healthy family programs for new parents, etc. Very serious program reductions that are coming down.
- Should know by Labor Day as to the final State reductions. We are expecting a 10% cut.
- Will be at VACo Health/Human Services Committee meeting on August 14. We will be discussing legislative issues to be presented to the General Assembly if you have anything you'd like me to present.

Mr. Terry Hall, American Electric Power, next appeared before the Board. He reported: Thank you very much for arranging your schedule to allow me to bring some information to you. Rather than do a slide show, I'll give you a copy of 2-3 slides and we'll walk through them together. I'll give you some background information on cases that AEP has before the State Corporation Commission this year. I'll talk about background information on page 2 and each of the cases that have been filed. One case the SCC ruled on just last week. On the background on page 3 – over the last 10-12 years if you've followed what Virginia has chosen to do legislatively. If you remember back in the late 90's, there was a lot of discussion nation-wide about ways to deregulate the electric power industry. The purpose of that was to see if there were ways that customers could lower their utility bills by choosing their supplier. The goal in 1999 legislation, which was led by a Southwest Virginia Senator, led that effort and discussion in the legislature. In the 1999 session, there was actually legislation passed to take a long-term 8-

year view on exactly what steps could be taken by the Commonwealth to deregulate part of the electric industry. If you remember, the goal was to deregulate only generation. The idea was that there would be suppliers/generators/independent plants located within the State or out of the State. Renewables, gas, all kinds of ideas were floated at that time. As those plants came on line, they would be certified by the State SCC as able to do business and offer their generation services to not only residential, but commercial and industrial customers, to choose their suppliers. So theoretically, the idea was that a windmill farm in a certain part of the Commonwealth, or another nearby State, could be soliciting a residential or commercial/industrial customer to supply the generation only, but always transmission and distribution was still going to be regulated by the SCC. The idea was to launch this in 2007 and the other component was that the ones regulated by the SCC would have their rates capped, or frozen, for that period. The exception for Appalachian was that for many years the actual fuel costs were floated through and reviewed by the SCC every year, sometimes they went up, sometimes they went down. But they were adjusted on a yearly basis and that was the exception to that law. That entered a phase where we did a lot of presentations on advising customers on how to choose your supplier. There was actually a pilot program put in place by the SCC to determine the response to see what questions customers had when we entered that era. If you remember that era, that was the California, Maryland, Texas, those states were just gung-ho in moving forward with that type of approach. Nearby states were also considering this, West Virginia got within one vote of the legislature saying we will or won't. By 2004, it became evident that there was not anyone to come in as a supplier to be certified to supply the generation services in the Commonwealth. So, to give us more time, the legislature decided to extend this time and take a little more time to see whether or not this would ever come to fruition within the Commonwealth. So 2004 legislation actually modified the original 1999 session legislation. It extended the rate cap period through 2010. For Appalachian Power, that was an extremely difficult predicament because we had actually had a rate decrease in our base rate, just before we entered this cap free period in the late 90's. We did not know how we would be able to accommodate that type of approach going forward. We were allowed to file two base rate filings in that period of time, to 2010. There was another piece that was added to the legislation, called ENR surcharge. ENR stands for environmental reliability. That was the extraordinary costs that were mandated by Federal legislation. Those types of legislation that were put into place, and plus those mandated by other Cap and Trade costs from the early 90's, as we continue to improve our power plants and meet Federal/State Clean Air Statutes. There was also power line construction that was going on, reinforcing of transmission grids. It took 14 years to site a transmission line and 2 years to build it. That was the line that went from the central part of Wyoming County, West Virginia to Jacksons Ferry. That was finally put into place. So, during that 2004 legislation, then we saw Enron, we saw California go the other way, we saw Maryland still struggle with this deregulation issue, and Texas, bless their hearts, continued on, and they have a customer choice type deregulated market, even today. In 2007, it was clear that within Virginia there were no interested parties coming in to compete for the generation component. So the legislature passed comprehensive legislation with a number of parties sitting at the table saying, let's go back to the regulated environment, we called it a re-regulation legislation. It would end the cap occurring at the end of 2008. It would also begin a predictable, open review by the SCC on a two-year basis of each utility's costs, where we would not really come into the SCC at our schedule, or not at the SCC's order, but we would come in at the same time as everyone else, open our books from stem to stern, and allow the SCC and the public to look at

the costs that we attest to, and determine are these valid and prudent, and go through the process that the SCC continues to use today. That is where we are today with this biennial type process. This year, May 15, we filed two cases, the ENR, which we think is the last piece to collect costs for environmental charges in Phase I of Federal statutes. These costs are coming back and we filed a case for a 3.5% surcharge that will be effective January 1, 2010, pending the SCC's review and their order to see if that will be appropriate to continue on and collect those funds that have been extraordinary environmental costs and some reliability charges as well. We also filed a fuel factor case. There were a number of steps in this. We requested an amount that was approaching the 12% range. The SCC just issued their order, recognized a number of mitigating factors that not only accompany the offer, but what the Commission staff offered, and other people commented on. They approved something lesser for the residential customers, a little over 7%. On July 15, we came in for the regulated legislation, which is the pre biennial filing, to get ready for establishing rates for a two year period, which would be 2010-2011. We presented our costs for 2008, so 2008 costs are before the SCC, for all the public and interveners to look at, to put into place whatever the SCC decides is appropriate rates for a two year period. When I said the word predictability, in 2011, we'll be called in to begin the process for the next two year period. We'll open our books from stem to stern, everyone will walk around the table, look at them, everything will be out in the open, we know it is coming, we know there will be process, we know we have full review. The last case that we filed in July averages 14% increase on the 2008 costs. The costs will be out there for everyone to review, that is the increase that we suggest, and this shows the actual costs of service. We'll talk about the range of those percentages in a moment. We also filed a second case, a transmission rate adjustment clause which the SCC has granted consideration for. That will be at a hearing later this fall. The case hearing that I just referred to has not been set yet, it will be a lengthy process over the next several months. The transmission rate adjustment clause is merely the cost that the Federal government, says these are the costs of trading power on the transmission grids, that probably should come back and be allocated to every class of customer that share in where their power comes from and how it is transmitted. We filed a third case as no cost adjustment. It is called a demand response case. It has another link to it on the economic development side, which I think you would be interested in. Demand response is something that RTO (Regional Transmission Organization) has put out for large commercial/industrial customers to actually receive a break if they reduce their electrical demand, they'll receive a cost benefit that's beneficial to them. It helps them keep their product cost low, keeps employment going if they can take advantage of that. We have filed our own demand response provisions to make sure that we have that same offering for our customers. It is an adjustable rate that will reduce their demand on days when the load is strong, and when supplies are tight, they will receive a financial break. It lowers their cost of product, it lowers their cost of doing business, and it keeps them competitive and translates to keeping their business going. We also filed for the consideration of the SCC, something called an Economic Development Rider. This is something new, we don't know exactly how the SCC will look at what we're proposing. We are proposing if a commercial/industrial customer would expand their load or create new load in a certain location, if they expand by a megawatt or more, then they are eligible, if they create jobs with that expansion, to receive a 15-20% reduction on their service charge. For a CNR customer, this is a significant issue. We are trying to offer something that would benefit someone already in business, increase their standing, but it is tied to jobs. We don't know what the numbers will be but it is up for discussion. Discussions with SCC will determine how far we go down that road

in offering that service. The last page of the handout gives some additional information. As mentioned, base rates are based on 2008 costs that are laid on the table before the SCC, will be used to determine the rates for all classes of customers in 2010-2011. There is a lag time for the SCC to determine exactly what these rates should be going forward. For residential customers, even if these proposals were put into place, we're talking an average \$3.61/day cost, up about \$0.55, if the rates are put into effect as they are proposed right now. I will tell you that these rates are still being adjusted. The asking rates are going down as we look at Virginia Power's rates. Transmission rules on certain pieces have changed, so we're going back and making changes to our cases as well. The overall increases were 14%; however, adding the 2% on the transmission case put it at about 16% total for these July 15 cases I referred to. Residential customers are going to see a higher impact. Industrial customers a low impact. There is only one reason for that. Traditionally in Virginia, and many other states, commercial/industrial rates have subsidized to a certain degree the costs of service for residential rates. There have been steps taken over the last several years to act on adjusting that and truing up those costs. I don't know if the Commission will choose to go forward with that or further down the field than that. If these projected costs were adopted, that would be the average impact. Lower for the commercial/industrial, a little bit higher for the residential. Obviously, we've heard from a number of people on these cases, and I think your Board has made a statement. We've heard from legislators and customers as well. We obviously are in difficult economic times and it makes it even harder for everyone as we evaluate what is the prudent way to go. Our shareholders primarily approved increasing our Neighbor to Neighbor funds that we offer to the Department of Social Services to administer the program. We are raising our contribution to this program in the coming season from \$100,000 to \$500,000. I will tell you that in the first six months of this year, our customers in Virginia who were eligible for assistance from these funds, our customers received about \$10.5 million in energy assistance. There is money coming from various sources and we've said that we will step up a little bit further and provide more assistance as well. We've also taken steps to modify various deposit and payment plans provisions for customers who have difficulty. We've expanded ways to encourage customers to work with us and give them more time to get them standing on their feet and get balances paid. We understand these types of issues and want to work with them. We encourage our customers to not only get on equal payment type of plans, but to also call us as quickly as they can so we can work together on trying to find solutions to their particular situation. There are two things I want to mention in closing. Our prices from the mid-80's to the early part of December have been very stable. The actual true costs from 1985 to 2005, our prices basically stayed flat. There were some variations as fuel went up or down, but if we had increased our prices since 1985 due to inflation, we would be about where 2008 costs are. So we're not as far in increases over time as some other entities have seen. We have tried to really work to use technology; you've seen results of some of that. We have tried to solve issues internally, we have made changes to improve things, and we have delayed projects, to make sure we get through this hard time. The last thing I'll mention is that on January 16 of this year, two days after the legislative session started, was one of the coldest days that we've had. On Friday morning, about 8:00 a.m., which is highly unusual, schools were closed, temperatures were down, some commercial/industrial businesses were closed, and our customers asked of us to deliver a new internal peak record of electricity, another 1000 kilowatts of energy were requested on that Friday morning. We were pleased to be able to deliver and serve our customers. We talk about what we want in the future, we talk about all the issues, and yet we still want to ensure that we

are living a lifestyle to allow us to do what we want to do. On that day, our customers said we need this amount of electric power and we delivered that. But it is interesting in context, that a lot of conversation is going on these days, both legislative and otherwise, as to how we reduce this or that, and transfers to a difficult way of doing things. When a customer calls, we want to be ready to go.

Mr. Campbell – can you look into your crystal ball and make any projections beyond 2011?

Mr. Hall – we will be looking a number of things especially environmental issues which we are looking at closely. There will obviously be new costs. It will allow the Commission to take a look at the history as well as where we're going and they will have the ability to move us up, down or stay the same. Obviously the key issue to watch right now is what is going to take place on the Federal level with the CO2 environmental issue. We're involved in that, we're at the table and for one reason only. Because if someone is going to be debating our future and our ability to talk about how we adjust huge amounts of capital going forward, we need to be at the table. So we support the Cap & Trade provision because it is the same type of legislation that works successfully for CO2 and SO2 in the 90's. We also realize that if legislation is not passed, it has broad implications internationally, but it could be that another agency, such as EPA, starts to write the standards for how we're going to deal with issues. We're going to do our very best to work with whoever we can to put success into this, and to make sure that we have the ability to invest huge amounts of capital at the right time and the right way, so there is not a huge, terrible impact on our customers as well as the other interests we have. Unfortunately, I don't have a crystal ball. We are watching very closely what is happening.

Supervisor Boothe – can you touch briefly on what you are looking at doing to get away from coal and using other resources, new technology, to get ahead?

Mr. Hall – we are developing more and more, with diverse generation sources. We have committed within our system to go up to 2000 megawatts of generation from renewable. Everything that we've achieved so far has been from wind farms. We own our own wind farms in west Texas and some in Oklahoma. We have not had the opportunity to own our own generation stations with wind or other renewable in our eastern seven states at this point. We're buying output from those farms as they come up. That's just part of our mix. We've committed to have a significant output in addition to our existing hydro that we've developed. We've put out proposals for any kind of renewable, in the last year or so. We've put out a request for nuclear, because we have nuclear stations that provide some of our power. We're looking for diverse opportunities. At the same time, we are a predominantly coal fired utility, very good coal plants, very efficient. So that will continue to be the mix, with the main stay being the coal, for the next several years anyway, until we determine where we want to go. We made a proposal with technology, but we also made a proposal with gas supplying coal, upfront removing the pollutants, and then have a more efficient generation. West Virginia Commission was ready to go with us; the Virginia Commission was concerned about the cost and some of the unknowns at this point. We would still like to pursue that, but right now we're in a holding pattern with some of the new technology.

Supervisor Boothe – you all have looked at long-range projections and it is easy for some of us to sit back and say you need to go with wind or whatever. You said it; you're mainly coal fired generation. With that comes changes to those manufacturing processes, just like any process. Have you done any internal projections as far as what it would cost one particular station to switch from coal to the other, and where would those funds come from?

Mr. Hall – we've not built a new coal plant for over 20 years. So, that means the age of some of the plants, we're going to have to come in with some new generation plants because the old ones cannot continue. Even though they are efficient, even though they meet all applicable Federal/State Clean Air standards, we know we're going to have to look to invest in new technologies and new sources. We're still evaluating exactly what that would mean. We've also put into place a 2 megawatt, which is equivalent to a large windmill, liquid sodium storage facility battery. We're going to build to basically deal with liability issues, but also storage. Energy cannot be stored except like in pump storage. We're looking at technology like that. That's going to be part of the solution. We're looking at a variety of things to answer these questions moving forward.

Supervisor Boothe – you know you'll have to replace older existing equipment so there will be a certain set cost for that. If you switch to wind facilities or whatever, that's the time to make the change as those come on.

Mr. Hall – we want to be competitive, especially in economic development. We think we're still going to be in the ballgame, we won't be at a disadvantage of because of what's going on for all utilities. We'll still have one of the lower cost facilities and can be attractive. Obviously these are tough issues as they all come together.

Supervisor Boothe – the biggest complaint that I hear from citizens, is that you've applied for increases but current legislation allows you to put that rate increase in place until they rule. I have a lot of complaints about that part of the process.

Mr. Hall – interim rate is subject to bonds, interest and refunds which has always been a tool. Even in the old days, that was still a provision. That is likely to continue to be a provision. We'll just see how we manage the schedule and the time limits. I appreciate the comments.

Supervisor Gerald – we hear a lot nowadays about the environment, and we especially hear about clean coal. Is there such a thing as clean coal and what is the difference between regular coal and clean coal?

Mr. Hall – there have been efforts over the last several years, and this is a Federal program that started a few years ago, to demonstrate a zero emissions plant. They required many entities and utilities to go down that path. Because of the economy, we have pulled out of that. With our investments, we couldn't do it. The current administration has revived that program. We have not pursued that. We're pursuing what we think right now, with the SCC, looking at zero emissions plans, and edging toward that.

Mr. John Paul Houston, Chairman of the Floyd County Electoral Board, next appeared before the Board concerning electronic poll books. He commented: there are changes coming in our operations that I wanted to make the Board aware of, and possibly a rearrangement in our funding. We think the changes will be really good. In the past, when voters present at the polls to vote, we'll have a table set up with three people at the table. One keeps the poll book count, usually in the middle. One on each side with half of a document which shows all the registered voters, the actual poll book. People go through the line and we'll mark them off with a number. The State Board of Elections has come up with a new program that will be funded almost completely to replace this system. The new system, which they are recommending, will have 2-3 laptop computers that will back up on each other. The voter will present identification, instead of digging through the poll book, if David Ingram shows up, I'll press I, then N, and just like that, it shows up. It should speed the process up as to what's been a bottleneck for us at the poll book table. It should give us more accuracy because we're going to have everything in one place where before we had it in two. We had to call out a number and then that number had to be entered in the poll book count. The way the program works, these laptop computers are costing approximately \$1000/each. Through the Help America Vote Act, is a grant that will allow us to purchase these for \$100/each. What they've done to encourage us is, they said now where the poll books have been free in the past, now we'll have to pay for them. They have given us a great deal of motivation. The poll books will be \$200, so if we do a split primary, we'll spend \$400 just to get this paper. They've also informed us that we'll be paying for the courier service to deliver and pick up, and the scanning service to have these scanned. What we're going to need to spend on this, if you think this is a good idea, is about \$1500 to get these laptops. I'm reluctant to say this, but I feel like if we do this, we'll be able to operate the election with less personnel. I don't know this, but I think we'll be able to get by with two people at the tables once we're up and running. The new machines, it took us a while to get used to them, but at the Democratic primary in June, we ran that election with four poll workers. Our equipment is better than it used to be, so we did it with four and it went quite well. We have until September 1, 2010 to submit our orders. What we would like to do, if we can, is get the equipment now, and run two in this next election, and run this election with both systems to make sure we know what we're doing. Several localities are using them; Salem's last election went really well. We're not the first on board to use them. It is very hard for us to budget, because when we submit our budget, we don't know if we will have a June primary. We budget for a primary, but we don't always have one. I think there is a good chance that we won't have one this time, and those funds could be used to pay for the laptops. It costs us \$5054 to run a primary. There are some rumblings around that the political parties should have to pay for the primaries instead of the localities. We had 355 people vote in that primary so that's \$14.24/vote. We'll have assistance through the Help America Vote Act, and we're going to be buying \$1000 computers for \$100. If we buy them through this program, we'll be able to do that. We'll need 15 laptops, with two at each poll with one backup. We have 5 precincts so that would be \$1500. There are all kinds of fancy peripherals such as scanners that will read a person's drivers license. They are kind of pricey and we feel we can do without them or new printers. We can make do with the laptops to go along with what we already have.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to authorize the Floyd County Electoral Board to proceed with procurement of laptops as presented.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and unanimously carried, it was resolved to amend the agenda to include discussion from Mr. John Lewis on subdivision issues.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

Mr. John Lewis, licensed land surveyor in Floyd County, next appeared before the Board. He commented: I have a business in Floyd County which is located on the opposite side of the Parkway from Mabry Mill. I employ six employees. I've been licensed since 1979, for over 30 years. I've worked in land development for over 40 years. We went into business in 2001 in Floyd County. Since then, I've dealt with your Planning Commission and the Subdivision Ordinance many times. I don't have issue with the Planning Commission or the Board of Supervisors but I'd like to see some changes made in the ordinance which I think would be good for the citizens of Floyd County. That said, I volunteer my services as a resource to the County to work with the Planning Commission or Board in resolving some of the issues. One issue concerns the County line which is not very well established. You have certain tracts in the County that don't even lie in Floyd County that have become evident that fall within the jurisdiction of the Planning Commission because they're being taxed in Floyd County. Around Tuggles Gap, you run into that. The County line between Floyd and Patrick County is actually the dividing of the waters. Very simple to find but yet the property there that lies totally within Patrick County is being taxed in Floyd County. When we did a family division there, all of a sudden we had to bring that to the Floyd County Planning Commission for their approval. The family had to pay for extras involving that. Many things that say Patrick County do not require them. I think that could be easily resolved. We'd be glad to help establish that line simply through being reimbursed for our labor. Another issue is Carroll County. The line between the counties is very long and rounds lots. Maybe they were established in 1800 but no one really knows where they are. Our way of determining them is actually from the U.S. Geological Survey map and it is a graphic determination. There again, that line needs to be established. We live in a modern day, there could be stimulus money or whatever to do these things and get the tax records straightened out and clarify where the County Planning Commission has jurisdiction over what's being assessed in another County. A good example, and this has to do with Floyd County and also Carroll County. A piece of property that fronts on a state road, this is wrong and has nothing to do with proper land planning. It really has nothing to do with siting of a house. Setback on the front, and you can have rear and side setbacks that would control that but to reject that lot is ridiculous. It is a waste of land to have to do something otherwise. Another issue involves a piece of property where a landowner is selling a piece that is five acres and he has to put a well and septic site with reserve on that piece, but because the other piece that is

remaining is less than 25 acres, he has to do a well and septic site on that. He could divide, in this case, that lot four times. So, he's positioning a well and septic site somewhere that will probably never be used. He has no intention of dividing it but he has to spend that money. That is wrong, totally wrong. Another issue, they go on and on, but I'll be glad to work with the Board to resolve some of these. I don't like to see these poor old people spending their money, throwing it down a hole, totally needlessly, and wasting their land. Not allowing a man to have a driveway that is 600' long that fronts on a state road and have his property in the back, is wrong. That is a waste of resources of the County which is land, and making him do 175' of road frontage, but won't allow him to have a strip going to the back to a piece of land that has a view, that you can assess \$50,000 for that view, that is a waste of your tax money as well. That needs to be changed. These are things that I wish you would consider. With me as a resource, I'd like to be a part of the process and volunteer my services. I have done lots of work for the Town, donated work and for the County and churches. We do that because the County means a lot to us. I'm originally from Carroll County, still an outsider in Floyd County, live in the Burks Fork District. I'm proud of Floyd County, I'm proud of what you've done. I think we can help the growth of the County and the revenue of the County, by making a few changes. I appreciate your time.

Supervisor Gerald – have you presented your concerns to the Planning Commission?

Mr. Lewis – I always dread going to the Planning Commission because you have public dispute what you're doing and they make all kinds of comments against you, slanderous comments. I just hate it. It has been allowed and never been objected to, for people to say things. I just try to conform with what the Planning Commission wants. I'm always taken back by some of these things. If you were wasting money the way these people are being asked to waste money, you'd be eaten alive by the voters. These people are forced to do it because of the interpretation of the County Attorney on the regulations. I think the Planning Commission needs to listen to their own selves and read it and not necessarily what the County Attorney says.

Supervisor Gerald – can you put your concerns in writing and give it to each member of the Planning Commission?

Mr. Lewis – I know the Planning Commission is working on the Comprehensive Plan and I will be there and I will do that. I had another issue but I got here late. A man, say he has 200 acres and he wants to get a little piece of land from his neighbor and maybe that man has 200 acres but neither one of them border a state road. They have deeded access to the property but it doesn't specify a will. That would be rejected by the Planning Commission if he wanted to add to his land, say just a little bit of water, because you have to show a 20' easement through property, or you have to show that they each have 175' of road frontage. There is no telling how many owners they would have to go through. A deeded easement is better than a specified 20' easement. He can use any width of that he wants. But that's rejected by the Board. I'll bring these things up but I wanted to volunteer myself to you as well. The County line issue really needs to be resolved and straighten up the thing with the tax parcels that lie in both counties.

Supervisor Gardner left the meeting at 11:00 a.m.

Mr. John Steely, Assistant EMS Operations Manager, next appeared before the Board. He reported 54 calls total for the month, with 40 transported. ALS calls numbered 63% of the total. The response vehicle responded to 39 calls for a total of 93 calls. There was 1 call to the nursing home for the month. There have been 300 total calls for the six month period with 69% transported.

Ms. Myra Grim, EMS Administrative Clerk, next appeared before the Board. She presented the July 2009 report for the Board's review. She reported that deposits are down considerably which Diversified contributed to the Board's recent billing decision. Collection rates are holding at 53%. The last page of the report outlines information on Diversified's calculation of the rate of collections.

Mr. Don Johnson, Floyd County Rescue Squad, next appeared before the Board. He reported 56 calls for the month, responded to 55 with 1 cancellation. He reported the resignation of Steve Love as Chief Operations Officer and Amelia Stevens as Membership Officer. Mr. Jason Schumann is the acting officer in charge until an election is held next month. What this means is that I may not be here next month to give the report since Steve had asked me to do it. I hope the new officer will be able to meet with you. Jerry had asked the distance to a hospital as far as calls. One of the guys had gone around to different areas of the County, marking the distance from the nearest hospitals back to Floyd. You end up with different calculations following any road. So last night I asked the crew during our monthly meeting about how we actually are doing the calls. A fairly vigorous discussion ensued. The unanimous criterion utilized is patient medical need. That's what we look at rather than the distance to the hospital. That is determined by the Attendant in Charge, the medically trained person on the ambulance. This determination changes from call to call based on the AIC's medical certification, experience, confidence in performing the necessary interventions. For example, a paramedic can start an IV and push drugs and provide care during transport to a much more seriously ill or injured person than an EMT Basic. If I'm the attendant in charge, you're going to get oxygen, which is the only drug I can legally administer. I'll try to get you to where I think you'll get the best care in the quickest possible time. Hospital capabilities can also be a consideration. For example, Roanoke Memorial is the only certified hospital for heart attacks, trauma and strokes. So if we have a patient that we believe has one of those problems, we are most likely going to take them to Roanoke Memorial. If they are really bad, we may call the helicopter to get them there faster. The next most important criterion is travel time. The miles themselves to get the patient to the hospital. That's affected by the time of day or night, you'll run into traffic on some routes. The road conditions, like unpaved, is it clear and dry, or rutty, if you have a patient you don't want to juggle around too much. These are also taken into consideration. The bottom line is that distance to the hospital, measured by miles, is rarely the deciding factor. The travel time is a major factor though.

Supervisor Boothe – to the best of your knowledge, is this the official policy?

Mr. Johnson – this is what the people riding in the ambulance are doing.

Supervisor Boothe – the old story that Kings Store Road is the cut-off line is not accurate then. If I'm sitting right here and have a major heart attack, I'm going to Roanoke Memorial.

Mr. Johnson – that’s right unless as the AIC that I can be to Radford faster, I may want to get you there and have a medical doctor see you. I’ll make the decision on the spot.

Supervisor Allen – can a person request which hospital they want to go to?

Mr. Johnson – it is up to the AIC. We had a man last week having a heart attack and he said he wasn’t going anywhere. That’s his choice. It would be kidnapping if we took him otherwise. The people in the field are going to look at the patient and decide where this patient really needs to go.

Mr. Campbell – part of that decision is that the folks know that they have to go to the closest, most qualified facility.

Mr. Johnson – you’re going to do that anyway.

Mr. Campbell – I’m not going to say the law, but EMS protocol requires that they go to the closest, most appropriate facility.

Mr. Johnson – appropriate is the key word and it over-rides closest. It is based on my experience and training.

Supervisor Boothe – you may end up going to Roanoke anyway even if you go to Radford.

Mr. Johnson – that’s right. What the patient needs is what we’ll do.

Mr. Wirt was unable to attend the meeting today due to an injury.

Dr. Terry Arbogast, School Superintendent, next appeared before the Board. He reported:

- Heard about the new business coming to the County and was very excited about that – wanted to share with you folks that at any time we can be part of the process, the educational side for training for employees, we’d love to. We can provide or add to our training or provide facilities. If there is anything we can do, please let us know. We do want to keep the jobs in the community, it is very important to everyone.
- Presented projected enrollment report for the beginning of the new school year – indicating 2105.5 students. Budget was based on 2046 students.
- State accreditation – Advanced Ed, which used to be Southern Association (second accreditation source) – will be coming in September for three days with seven areas to review. Presented one page condensed version of the 30 page document of areas that will be reviewed. Will bring final report to Board in October.
- Presented copy of June 2009 School Board meeting highlights for information.

- New teachers begin tomorrow for orientation; there are 12-14 new teachers but also a lot of internal changes. Wednesday, August 19 from 8:30-10:30 is the Open House, with Board of Supervisors and staff invited.

Supervisor Gerald commented that he is a member of the VACo Education Steering Committee, which has a meeting on August 14. If any Board member or Dr. Arbogast has issues or concerns, he would be glad to submit them. Dr. Arbogast commented that his main concerns would be funding cuts and support staff ratio cuts.

Mrs. Mary Turman, Treasurer, came back before the Board to present the delinquent 2008 real estate and personal property lists. The Board will need to make a decision as to whether to advertise the lists in the local paper. In the past few years, the list has been made available in the Treasurer's Office for public review, with a notice in the local paper indicating same.

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and carried, it was resolved to authorize the County Administrator to advertise availability of public viewing of the 2008 delinquent real estate and personal property lists.

Supervisor Gardner – absent

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe - aye

Supervisor Ingram – aye

The Board recessed for lunch.

Supervisor Gardner returned to the meeting at 1:30 p.m.

Mr. Bob Beasley, VDoT Residency Administrator, next appeared before the Board. He reported that during the last thirty days that staff had worked on pothole patching, mowing, lot of machining on gravel roads from the numerous thunderstorms, installation of a cross pipe on Route 787, dust control measures when citizens call in. VDoT is now in Phase II of the Blueprint Plan, so 11 shop employees were laid off in Floyd and Carroll Counties, 3 in Floyd County, 8 in Carroll County. October 22 will be their last day of employment. They can take retirement, layoff or request transfer to another area that might have a position available. Maintenance will be done from the Dublin office with mobile mechanic trucks which will be dispatched to the break-down scene for minor repairs. Still awaiting the Governor's projections on revenues.

Supervisor Boothe – any progress on the ditch repair here in front of the building?

Mr. Beasley – do have the environmental permit now for this road and Route 810 – the work should be done soon.

Supervisor Gardner – nothing to report this month.

Supervisor Allen – on Franklin Pike, if you're coming back toward Floyd, Smartsview Road turns to the left – bushes are very bad on the curve on the right and the sight distance is terrible. You cannot see what is coming from the Floyd side, if you could check it. If you go further down the road and try to turn, you can easily get hit from the rear.

Supervisor Gerald – nothing to report this month, appreciate the work you are doing.

Supervisor Ingram – appreciate what you have been doing. Appreciate mowing when possible especially with school starting next week. Need all the machining, ditching, and pipes opened up that we can get.

Agenda Item 8f – Proposed Proclamation – National Alcohol and Drug Addiction Recovery Month, September 2009.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to adopt the proclamation as presented recognizing September 2009 as National Alcohol and Drug Addiction Recovery Month (Document File Number _____).

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

Agenda Item 8g – Consideration of action to close account number 0-099-0025-4100, D. D. Thomas Deferred Treasurer's Account - \$13.42. Mrs. Morris commented that this account should have been closed when the previous Treasurer retired but was overlooked by the auditors. This type of account is not in use anymore.

On a motion of Supervisor Allen, seconded by Supervisor Boothe, and unanimously carried, it was resolved to close account 0-099-0025-4100, D. D. Thomas Deferred Treasurer's Account.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

Agenda Item 8h – Schedule public hearing – September 2009 – Proposed Ordinance Repealing the Ordinance Authorizing the Formation of a Joint Entity Between the Counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Smyth, Washington, Wythe and the Cities of Bristol, Galax, Radford, to be Called the Workforce Investment Area Consortium. Mr. Campbell commented that the Ordinance outlines how the Workforce Investment Board and the CLEO (Chief Elected Officials) interact. The CLEO had the Sands, Anderson, Marks & Miller firm look at the Federal legislation that establishes the workforce training program. They noticed some items that necessitates all consortium members to adopt a new ordinance that

encompasses the new regulations and clean up some of the issues between the two entities. A public hearing will have to be held to receive comments on the proposed ordinance.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on September 8, 2009 at 3:00 p.m. in the Board Room of the County Administration Building on repealing the previous ordinance Authorizing the Formation of a Joint Entity to be Called the Workforce Investment Area Consortium and re-adopt the ordinance authorizing the formation of same.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

Mr. James E. Cornwell, County Attorney, next appeared before the Board. He commented: Upon inquiry from a Board member, I checked into the ordinance that the County has prohibiting hunting within 100 yards of a primary or secondary highway. I was asked whether or not the 100 yard restriction could be reduced or eliminated. Our opinion is that it is unclear, there is no Attorney General's opinion on the issue, nor are there any cases on the matter. It would appear that since you have the right to prohibit hunting within 100 yards, you can prohibit an area of less than 100 yards. That would be consistent with the statutory presumption allowing you to do so. The safest course is to do 100 yards or nothing, but we believe it is defensible to do a lesser amount.

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and carried, it was resolved to authorize the County Administrator to advertise for a public hearing at 7:00 p.m. on September 8, 2009 in the Board Room of the County Administration Building on the proposed repeal of the ordinance known as "Ordinance to Prohibit Hunting Near Primary and Secondary Highways".

Supervisor Gardner – nay
Supervisor Allen – aye
Supervisor Gerald – nay
Supervisor Boothe – aye
Supervisor Ingram – aye

On a motion of Supervisor Gardner, seconded by Supervisor Boothe, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.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; 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; Paragraph 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.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to come out of closed session.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the following certification resolution:

**CERTIFICATION RESOLUTION
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel, acquisition/disposition of real property, and legal matters in accordance with Section 2.2-3711, Paragraphs A.1, A.3, and A.7 of the Virginia Freedom of Information Act;

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

NOW, THEREFORE, BE IT RESOLVED, that the Board 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.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number (1) or number (2)? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure.

Hearing no statement, I call the question.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

This Certification Resolution was adopted.

Agenda Item 8i – Schedule public hearing – Proposed application for funding of police equipment with USDA, Rural Development. Mr. Campbell commented that the Sheriff has submitted the grant application as indicated. The public hearing requirement is part of the approval process.

On a motion of Supervisor Gardner, seconded by Supervisor Boothe, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on September 8, 2009 at 3:15 p.m. or as soon thereafter as possible, on the grant application by the Floyd County Sheriff's Department to USDA, Rural Development.

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

Mr. Cornwell commented that, on June 4, 2009, a motion to amend an economic development agreement between the Board of Supervisors and the Industrial Development Authority of Floyd County, which agreement had been entered into back in May of 1995. That's fine and was a proper action to take, and properly done. However, I would ask that you consider broadening that motion. If you recall, the IDA, which is now the EDA, had also entered into contractual terms and issues relating to industrial providers such as Dreaming Creek and other people in the park. I would ask that you amend your action that you took on June 4, 2009 to further ratify and approve all contracts entered into by the IDA or EDA effective as of today.

On a motion of Supervisor Gardner, seconded by Supervisor Boothe, and carried, it was resolved to amend action taken by the Board on June 4, 2009 to further ratify and approve all contracts entered into by the IDA or EDA effective as of today

Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – abstain
Supervisor Boothe – aye
Supervisor Ingram – aye

Agenda Item 8e – Floyd County Erosion and Sediment Control Program review. A corrective action plan has been set forth by the State for the County. There may be some alternate options that could be considered by the Board. The County is being asked to adopt this corrective action plan. We could ask them as part of this corrective action plan to accept an alternative inspection program which would alleviate the current staff burden and expense. It will not eliminate these issues but ease the burden somewhat. Question to Mr. Cornwell was what would happen if the County does not accept the corrective action plan?

Mr. Cornwell – you would be notified that your Erosion & Sediment Control Program is not in compliance with State law, there is a penalty for not being in compliance with State law. They would also notify your Building Official that he could not approve any further buildings in Floyd County until the program comes into compliance. They may impose a daily, monthly or weekly fine upon you. They could also withhold State funding from you from any other State

agency. The General Assembly amended the laws and are requiring you to bring your ordinance into compliance.

On a motion of Supervisor Gardner, seconded by Supervisor Boothe, and carried, it was resolved to authorize the County Administrator to execute the Erosion and Sediment Control Program Action Agreement with inclusion of alternate options.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – nay – vote is not reflective of having the E&S Program in Place but agency enforcement down on local governments

Supervisor Ingram – nay – opposed to the way it was brought to the County by DCR

Agenda Item 8j – Proposed Resolution concerning Stormwater Management Regulations. Mr. Campbell presented a proposed resolution for the Board’s consideration.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to adopt the resolution as presented and authorize appropriate officials to execute same (Document File Number).

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – aye

Agenda Item 8k – Reassignment of Subdivision Agent.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to designate Lydeana Martin as Floyd County Subdivision Agent and Daniel J. Campbell as Alternate Subdivision Agent.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – aye

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adjourn.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram - aye