

**BOARD OF SUPERVISORS
REGULAR MEETING
FEBRUARY 10, 2009**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, February 10, 2009, 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 February 10, 2009. She reported that fifty-eight letters had been sent last week for delinquent 2005 and older taxes. She informed the citizens that taxes must be paid by March 1, 2009 or the property will be sold. Some taxpayers have been in the office to make payment arrangements. Also, over 200 dog tag applications have been sent this week, with approximately 100 more to be mailed later in the week.

Mrs. Morris presented the balance sheet and revenue/expenditure summary reports as of January 31, 2009. She reported at 58% through the fiscal year, General Fund revenues are at 62% collected, and expenses at 60%. She also presented a copy of the cash flow report through January 31, 2009 for the Board's information. She reported that she continues to check State reimbursements to the County through the APA quarterly report. Although reimbursements are about two months behind, they are consistent.

The minutes of January 13, 2009 were presented to the Board for review and approval.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to approve the minutes of January 13, 2009 as presented.

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

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

Ms. Joyce Spencer, Animal Control Officer, appeared before the Board and presented a livestock claim for various fowl killed by dogs. One dog was found, the other one involved was not. Price request from the citizen was reasonable compared to the Department of Agriculture's on-line site. The claim is included in the bill list under the Board's consideration.

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

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

Sheriff Shannon Zeman next appeared before the Board. He reported that the communication center is operating very well, with no problems. Have had two cars torn up from incidents, are working on those. Fuel costs were \$1700 last month, over \$6000 a few months ago, so happy about that.

Agenda Item 8a – Subdivision plats as approved by Agent for January 2009. Mr. Campbell reported that he and Mr. Bryant, Planning Commission Chairman, continue to meet to review plats. The January 2009 report indicates a slight increase in the number of plats; 20 standard subdivisions and 9 family divisions were approved. A report showing subdivision data from the last two years was also presented, which Mr. Campbell indicated is very revealing as to what is going on in the County.

Agenda Items 8b and 8c – Contingency transfers - \$6000 for salary supplement for DSS employees and \$7000 for the County portion of the CSA Coordinator's salary.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to approve the transfer requests from Contingency to 4-110-051020-1100 for \$6000 for DSS salary supplements; and \$7000 to 4-110-051020-1100 for County portion of the CSA Coordinator's salary.

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

Agenda Item 8d – Appointments to Building Code Board of Appeals.

On a motion of Supervisor Allen, seconded by Supervisor Boothe, and unanimously carried, it was resolved to appoint Mr. Dwayne Grubb to the Building Code Board of Appeals for a four year term.

Supervisor Gardner – aye
Supervisor Allen – aye

Supervisor Gerald – aye
Supervisor Boothe – aye
Supervisor Ingram – aye

Agenda Item 8e – Virginia Sesquicentennial of the American Civil War Commission. Two appointments were made by the Board last month, but other members are needed. Mr. Campbell commented that he does need to submit the committee name list to the State and will do so this week, but the Board can still appoint other members later. Consensus of the Board was to continue to work to find citizens willing to serve.

At 9:00 a.m., the Chairman called for the Public Comment Period.

After no comments from the audience, the Chairman declared the Public Comment Period closed.

Agenda Item 8f – Appointments to Economic Development Authority, two positions, four year terms. Mr. Campbell reported that three letters of interest were received in response to the advertisement. Interviews will be set up for the Board's March meeting.

Agenda Item 8g – Floyd County Humane Society volunteer initiative. Mr. Campbell reported that he, Supervisor Boothe, Animal Control Officer Spencer, and two members of the Humane Society have met and discussed issues/concerns. The discussion was very good, very cooperative, with another meeting planned in the near future. The two Humane Society members took the information back to their Board of Directors for discussion. All agreed that the second Animal Control Officer needs to be on board and trained before any volunteer assistance is provided. Hope to have more information for the Board's March meeting for a decision.

Agenda Item 8h – Board of Supervisors Planning Retreat. Mr. Campbell reported that the retreat is set for Saturday, February 28, 2009 from 9:00 a.m. – 2:00 p.m. The proposed location is the upstairs room at the Country Store. A discussion outline has been provided to the Board previously.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to set up a Planning Retreat on February 28, 2009 at 9:00 a.m. at the Country Store meeting room.

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

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to amend the agenda to include discussion of a proposed proclamation from the Farm Bureau.

Supervisor Gardner – aye

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

On a motion of Supervisor Allen, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the Proclamation for Food Check-Out Week as presented (Document File Number _____).

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

Mr. Harold Wingate, President and Mr. Don Thomas, Project Supervisor, representing Wingate and Associates, next appeared before the Board.

Mr. Wingate – We appreciate the opportunity to work with the County again. I don't have to tell you that it's not a good time to be doing a reassessment. We've had some pretty hard lessons in Dinwiddie and Pulaski Counties. No matter what you talk about in the area of sales, sales ratios, and sales after the assessment, it still doesn't change the fact that people are real upset about the economy in general. That's understandable; all of us are going through some tough times that we've never seen before. Our company has been in business since 1962. I started doing this work in 1955 with the State Tax Department; I can tell you right now that I've never seen anything like this. It's got to get better, but it may get worse first. What we have done, we have made a thorough study of sales in this County, primarily concentrating on the 2008 sales. We will continue to monitor on-line as we move forward to see what the market is really doing. What we're finding is that there is not as much increase in houses and lots as most of you probably already know, as there is in land. Land in this County, as has been the case for many, many years, every time we think it's gotten as high as it can possibly get, it still goes higher. The land sales in this County for 2008 indicate assessments ranging in the neighborhood of 50-60% of what it is selling for. A lot of that land will be in land use and that will absorb a lot of the increase. We're going to take a close look at it, try not to be overly aggressive but we have to look at the sales and do our very best to do what State law says, and it says 100% market value. We're not going to push any harder than we have to push, but we can't ignore the sales. We have to look at the sales, some are difficult to analyze, and we have to put in some extra time on some of them. What we're looking for is what the general market indicates and not what isolated sales indicate. Not just in Floyd, but anywhere we go, we hear people say you can't take what these outsiders are coming here and paying as the market. Of course our answer has always been the same thing. We can ignore a couple of those and we can ignore those that obviously are out in left field compared to other sales. But the outside market anymore, is pretty much the market. People coming into Floyd County buying property from outside the County, you'll have some sales here where Floyd County folks are bought, or where somebody has bought a piece of adjoining land and that sort of thing, but an awful lot of these sales are the outside market. So, we look for what the general sales indicate. If you have one that says that property should have sold for \$5000/acre and here based on the typical sales, then one all of a sudden sold for \$8000-

9000/acre that's comparable to it, there's something wrong with that one and we don't use it. Or an adjoining owner sometimes pays extra for a tract because they're buying some insurance against what might happen to it, or they're expanding their operation, or whatever, we try to take all that into consideration. We intend to do our very best that we possibly can to look at the sales and be as fair as we can be. All of you know where the buck stops, after this finishes, then you have to set a rate, and we're not trying to transfer the burden here, but all of us understand the situation. The State law is very clear when it says 100% market value.

Supervisor Boothe – I always try to explain to people that this Board doesn't dictate to you how you do your assessments or anything else, the State Code dictates how every assessor all across the State what you have to follow and look at. It is hard to get people to understand. We make the decision as to which firm to go with, but from then on, it is all under the Code of Virginia.

Mr. Wingate – that's absolutely right. We certainly emphasize that. There is always a certain amount of people that think we are given specific instructions from the Board. We've even had people ask us if we work on commission, do we get a percentage of the increase. I say well, that would be nice, but it doesn't work that way. We have another segment that doesn't think the Board of Supervisors is doing this, but the Commissioner of the Revenue. We'll try to keep you updated every 2-3 months.

Mr. Campbell – given the difficulties experienced in Pulaski and Dinwiddie Counties, is there anything that we could do in terms of educating the citizens and communicating with them?

Mr. Wingate – we'd be glad, as you know, to speak to any civic groups or clubs that would like to have us there. As far as any mail-outs or publicity, we'd be glad to work with the newspaper and that sort of thing. Sometimes things done create more problems than they solve. In Pulaski County, they decided after we finished with our work and the hearings, to have a series of community meetings. Go back out after everybody is already mad and have five community meetings. I was asked the direct question as to my opinion of doing this. I said it may help some but it'll probably cause as many or more problems than it solves. At each one of those meetings, we had 60-100 people just mad as hops and it created a lot of extra work for the Board of Equalization. The County tried to present the situation, but it didn't work. Getting the word out early and meeting with some of the organizations is the best thing that we've found. In those organizations are usually some of your community leaders who are active in the community and the County. The better they understand it and the process, the more it helps. It helps them understand that this is not by the Board's dictate but the Code of Virginia. A reassessment is intended to equalize the tax burden based on the values. If one property is worth \$500,000 and another one is worth \$100,000, they should be assessed that way so everybody pays their proportionate share. That's the whole purpose of reassessment. It's not done to raise revenue; this Board can do that at any time by just setting your tax rate. If you can get that message out, that the purpose is to distribute the burden of taxation, that helps a lot. In this economy, all of the national things that are going on, and all the problems that are out there, and problems with retirement funds and other things, they will permeate in spite of our best efforts. It is still Floyd County values at the end.

Supervisor Boothe – you have to do a realistic valuation also. There are some Counties right now that did not get a good reassessment the last time, and the assessment now is bringing things to the proper value. It's making for some terrible messes in those Counties. 35-40% increase is a lot, but that's nothing like having to do a 75-80%. There are some that will have to do that.

Mr. Wingate – Patrick County, I'm really glad we didn't do the job. I recommended one of our good friends. A lot of the firms, several, go in and they don't push the market value at all. One of our competitors, in five reassessments, four were in the 60% ratio. One was just above 80%. When you do that kind of job, one of the Commissioners in one of those 60% ratios, said I told them before they got close to finishing, that the values were too low and they needed to do something about it. The head of the firm said we're trying to do you a favor. If you're not realistic it can be damaging. The last time that we were here, we knew basically what the market was doing, our values by the time we got them on the books, were conservative, because the market was heading straight up. We knew that, but we couldn't react to it. So, we had some high years. We keep thinking it is going to taper off, but it hasn't.

Supervisor Allen – do you have a projected finish date?

Mr. Wingate – our projected date is to finish the field work by the first of November, we may still have some clean-up. We would like to be able to have our hearings here in the last part of November. Our plans, barring complications, are to complete everything this calendar year.

Because of the Town Manager's inability to attend the meeting, a written report from her was presented to the Board

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

Case loads – food stamp case loads throughout Virginia went up 48,000 last year. For Floyd County, we are up 10% over case load last year. It had been steady for the last five years, but has gone up 10% over the last four months. Applications, last year, January 2008, we had 94 applications, January 2009, we took 153. That's followed up by the 90 we took in December 2008, compared to 30 in December 2007. You can see the path that we're going down.

Energy Assistance – we have already passed all of last year's numbers. We ended up with a total of 518 applications. Those applications ended in November. The fuel crises program ends the first week of April. Last year we had 40 applications, we are already at 70. These are not good indicators.

S-CHIP – Federal program, called FAMIS in Virginia, the children's health insurance program. It was re-authorized by the Federal government last week. As part of the reauthorization process, the poverty level went from 165% to 200%. There are approximately 7 million on the program throughout the U.S.; this will bring it to 11 million. As part of the funding, they passed a 60 cent increase in the cigarette tax as a way to pay for it. That's goes into effect April 1. You'll have another influx of children coming on the Medicaid roles. It's all funded through the general Medicaid program. You can expect to see an increase in Medicaid expenses. As you go through the budget process, I put this in my letter, the County's Medicaid

expenditures last year went up over \$2 million. It was approximately \$10 million plus year before last, this last fiscal year it was almost \$12.5 million. As you add people to the roles, it impacts our percentage that we pay.

Legislation – for us, the two State budgets that came out on Sunday, with the House and Senate changes, they do not do anything administratively to our agency. But there are numerous amendments that change what we look at with the TANF program itself. There are a couple of proposals in there, one to increase the TANF payment by 10%. It's not a local match so it doesn't impact you. However, we've got to go through each case and change those. That is in both versions. There is also a Senate amendment that says that TANF would increase each year that the salaries are increased. That would be a yearly change. There is language in there to increase the Auxiliary Grant payment by \$55/month. That does have a local match. If that were to go through, what you're looking at and based on the budget reductions that you've asked me to give, you're actually looking at payments going up in that program. There is also, in both versions, a budget amendment looking at individuals who've been convicted of a felony or possession of a controlled substance, eligible to receive Medicaid benefits. That would be paid via State money. There is additional funding for domestic violence, there's no local match with regards to that. The only other big one that our League has taken a stance in opposition to is that there is an amendment in the Senate budget that would provide the funding for the Office of Children's Ombudsman. I think I spoke with you about this over two years ago. They want to develop this office, which is kind of like an oversight agency which would be similar to the Adult Ombudsman, which is run out of the Agency on Aging. It would allow anybody that has a child being served through any State agency to have a place to complain to. They would come out and do an investigation as to whether we followed policies and procedures, and then give recommendations as to changes. We just see that as an additional bureaucratic oversight that is not needed. We're already under State and Federal code. It's just something that is not needed. Its \$100, 00 for this fiscal year and \$314,000 for next fiscal year. This could certainly be spent wiser in other area.

Through my efforts with the DSS League, the legislation that we put forward in conjunction with VACo and VML, concerning CSA, they are actually being pushed forward. One is specifically to freeze the match rate for CSA, so the penalty match rate that is set to go up in July, one of those would be to stop that match rate now. The other was for intensive case management which was required by Code last year to be provided by the Community Service Boards. That's something that we feel could be provided by somebody else through contract. At least we've had some impact from our efforts.

Supervisor Boothe – on the addition to the TANF, is there any way that you could project how many that will impact?

Mr. Ayers – the estimated cost is \$567,000 in Senate, \$1.5 million in the House. This is non-general funds.

Supervisor Boothe – the work load addition will be tremendous.

Ms. Marti Holliday, New River Valley Planning District Commission, next appeared before the Board. She was before the Board representing CEDS, which is the Comprehensive Economic Development Strategy, for the entire New River Valley. In Floyd, on March 12, from

6-8 p.m., at the Country Store, we will be having conversations about the strategy. Hope that all Board members can attend. Also presented a copy of the SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis as compiled by members of the New River Valley Planning District Commission. Also presented was a “wish list” for the New River Valley in the next 2-5 years.

Mr. John McEnhill, New River Community Action Board of Directors, and Ms. Tammy Lemons, Area Office Director, next appeared before the Board.

Mr. McEnhill presented a copy of the 2008-09 Annual Report for the Board’s information. Some highlights about our organization in general. The service area for NRCA includes Giles, Pulaski, Montgomery and Floyd Counties and the City of Radford. Currently, Floyd is represented by myself, Nolen Goad, who serves as the target representative for Floyd County, and Beth Swarnez, a licensed attorney, who fills the civic representation piece. The Board members that represent Floyd serve on a member of committees. I chair the resource development committee and also on the executive committee. Nolen Goad serves on the Board’s program committee and Beth serves on the Board’s personnel committee. We have recently restructured the area office staffing. Before the restructuring, each area office in each jurisdiction had an area office director and then also community service workers. I’m pleased to report that Tammy Lemons has been promoted to Regional Area Emergency Assistance Coordinator and she will be working with all area offices, they will all be reporting to her. She will be based in Floyd. The other change in the Floyd office is that Nelthia Barton has been promoted to Lead Community Service Worker. There are a number of benefits that can come from this but the primary benefit is that Tammy is able to coordinate emergency services resources on a more regional level. A specific example, there are some businesses that are not based in Floyd County, Tammy can work with those businesses to support the emergency assistance program on a regional level and pull some of the resources into Floyd County. We recently underwent a Federal on-site review of the Headstart Program, which occurs every three years. It is an intensive review of the program. We do have a Headstart program based out of the Floyd area office. The initial assessment when they were leaving last week was that we had gotten an A+. This is critical to maintaining the funding for the Headstart program for the New River Valley. NRCA serves as a grantee agency for the program. The Headstart review was a little complex this time because of the changes in regulations that have come down from the Federal level. One of the changes was the make-up in the Board itself. We had to have a finance professional, a licensed attorney, and an early childhood education specialist. By bringing Beth on board as a Floyd representative, we have accomplished all three of those. The primary dollars that come in to fund NRCA services have been by and large under a continuing resolution. The Federal dollars seem to be ok at this point, even though there is still a state of flux in Virginia. The emergency assistance requests are up, as per the current economic situation in America. I do want to leave you with one scary trend – some of our former donors are now seeking assistance. That’s really an eye-opener to me. We have stabilized the food bank program with six local food banks, all of which are run by churches except for the one at NRCA. We continue to partner with the churches to make sure that if their resources are exhausted, that people can come to our office for food assistance. Back in October, Tammy appeared before this Board seeking a proclamation for Poverty Awareness Month. We had a number of activities during that month. A bake sale, fashion show, golf shoot-out, whose efforts raised over \$5000. We also ran a

weekly article in the Floyd Press concerning some area of emergency assistance. The Backpack Program, which is a program that serves Floyd County elementary students that receive free meals through the school system. This rose from the concern that many of these children do not have food over the weekend. This program functions to send 72 students home for the weekend, with a backpack filled with kid friendly foods, foods they can prepare themselves. We have an empty bowl fundraiser scheduled for March 29; it raised \$4900 last year. This fundraiser sells people a bowl of soup, and then they take the bowl home after a hardy meal. The local advisory board, as part of an annual requirement by the Community Development Block Grant, has to rank top needs. This year, the advisory board ranked transportation as the number one need in Floyd County. The rationale is that without transportation, other services cannot be accessed. Affordable and safe housing was ranked second. Specialized health care and medical services have decreased so people in rural areas continue to be under-served. Affordable child and adult care was ranked as number four. There are services in Floyd County but the barrier seems to be the cost for many people.

Ms. Tammy Lemons – thank you for allowing me to be here. We at the local office, day to day, we are seeing an unfortunate trend of people who are first timers. We get people who come and need different services within the same family and we may serve them in different areas, but we're seeing people that we've never seen before. We're seeing people that a year ago would never have thought they would need our services. It is a really disturbing trend with the economy being what it is, jobs being lost. We're seeing people who've always given us donations now needing the services. Our numbers have increased by 12%. Our fiscal year runs from July 1 – June 30. When I ran last year's report, I really saw the numbers increased. We had twelve clients just yesterday. The trend is that a lot of people are coming in that can't afford their electric service. These are working people, I want to stress that. Our clients are not unemployed, with no money. At least 60% of our clients are working, most of the time with both parents working; the ends are just not meeting. That is one reason that our Backpack Program is so important. This was not a mandate program; we felt as the Floyd office, that it was something that we wanted to do. We looked at the trends of people coming in to the food bank, they have children. I had read an article about the program and we decided to try it here. The first year we had 16 kids participating, this year we have 72. The numbers continue to rise. The school system has worked very well with us, with applications, and providing a place to distribute the bags and pick them back up. This is just part of that trend. We partner with different agencies to help our clients. The way our system is set up and the way our funds are received, we cannot just pay \$300 on an electric bill, for example. We have to reach out into the community. We partner with DSS frequently, what we can't do, they may be able to. We work with the local churches and the Ministerial Association. I have to brag on Floyd, we have the most generous, giving people. We get calls from people telling us their neighbor needs help, they are concerned about them. Floyd folks really seem to have a focus on looking out for each other. In my new position, I want to improve and enhance our services, not just here in Floyd, but area-wide. This could be any of us in this situation at any time. Our agency motto is "a hand up not a hand out". We try to help people to plan for the future so we're not in this situation again.

Mr. McEnhill – commented that there is a separate report provided with Floyd County numbers only. The annual report is an agency-wide report.

Mr. David Rundgren, New River Valley Planning District Commission, next appeared before the Board. He reported on several issues:

2010 Census – The U.S. Census is preparing for the 2010 Census and they had asked the Planning District to assist Floyd in taking a look at the census tract boundaries. We did that a decade ago and they came back and asked us again. There are two issues to deal with. On the first page, the thresholds of population and housing units for census tracts is identified there as optimum population of about 4000 housing units of 1600 and then you see the minimum and maximums there. In 2000, you had two census tracts, 9901, which is essentially the eastern part of the County, and 9902 which is the western portion of the County. 9901 exceeds both housing and population numbers for the optimum levels. So, in dealing with that, we looked at several alternatives and brought you the one that seems easiest to deal with. That would be to divide 9901 into two parts, using 221 as the divider. So there you get the 9201.01 and 9201.02 as a way to divide those. That would leave us population and housing levels for the 9201.01 numbers of 5378 and 3390 for 9201.02. So those two changes would make things in the center of the maximum. So that division works out easily to tell where the dividing line is, in the highway and takes care of that part. Obviously, one of the things that it does is cut through the Town of Floyd. But the Town of Floyd will still be a census designated place so the data will all be there, even though it will be divided between the two. It is our recommendation to you that you accept the division of that which was 9901 into those two parts and the block groups will just line up back to the road. That will not be significantly different. Leaving that boundary to the west of Route 221, and adding the 9201 sections together, we'd have aerial data. The other issue you notice, as I jump back between the numbers of 9901 and 9201.01 and 9201.02, that's because the U.S. Census decided the numbers with a preface of 9900 will be used for areas on water. So we had to take Floyd out of the 9900 since we're not on the water. The second part is changing the number. Essentially we left the number the same with the exception of changing the second nine to a two.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to accept the new design of 2010 census tract numbers, as presented.

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

Conservation Easements – Mr. Rundgren presented a light primer on conservation easements for the Board's information. All easements need to be confirmed that they are in compliance with the County's Comprehensive Plan. An easement is a voluntary agreement that allows the landowner to limit the type of development that is taking place on their land. Those easements, whoever grants them, are granting them into perpetuity. You're breaking out some public values from that private land within your easements, open space, agricultural, forestry, recreation, and those kinds of uses as listed in the Code of Virginia. Who are the holders of the easements? The largest holder that we have in Virginia is the Virginia Outdoors Foundation. They have a general set of requirements that a parcel must be at least 100 acres. It sets up

restrictions on buildings and the ability to build into the future. That's one of those places that when you set up those restrictions and say there will be five more houses on this parcel, they still have to come through your subdivision ordinance to deal with that issue. It's not just that the conservation easement gives them permission to do additional houses, doesn't mean that you're exempt from the processes of the County. That's one that's not necessarily clear when people talk about doing easements. There are also other easements for utility, transportation, corridors, whether electric, water or sewer, or alternative transportation. Any corridors should be documented in the easement if it is associated with your plan. The easement shall conform in all respects to the comprehensive plan. Your current comprehensive plan has a goal that you want to protect natural resources. That often is part of that justification for the conservation easement. The other place that is very specific that is in place is to protect working farms. The interpretation is that your planning commission has to decide if they are or are not in conformance. That becomes a bit of a question. That's one that you need to take a look at. There are other holders of smaller easements. Department of Forestry holds some easements on forest land and the Nature Conservancy holds easements, and there are also other organizations that will hold easements. People want to do the easements to pull the public value out of their private land. Part of it is the desire to protect natural resources, the family farm, or a parcel of land that they own. The part that comes out also is kind of a temporary benefit to the owners in terms of tax benefits, both Federal and State law provides tax benefits. The Governor has a goal of putting 400,000 acres under easement during his term. There are a little over 300,000 in the program at the moment, and still working hard to make that goal. The tax credits are what drive those donations. Some of the cons of the program, and that is probably too strong of a word, I'm not against the program, but they are permanent and there's not much flexibility. It becomes a permanent land use change, however it is done. If you do it as a farm, it is going to be a farm forever, whether it needs to be something else or not. The piece that we've been running into is some of the disruptions that can be caused by planned land development. If you have an alternative transportation piece that you're thinking about, and it's not in the comprehensive plan, so the proposed easement conforms, but you want to try to get that easement, you've created a number of issues. If you have the route in the plan to begin with, it's not hard to say, ok, we can agree with this easement, but leave us an easement across for the development of a trail, utility line, or those kinds of things. So there are some of those conflicts that are beginning to come up, because comprehensive plans don't clearly state what your policies are relative to conservation easements. They are good things in the right places but they can create an issue otherwise. You need to look at that.

Mr. Campbell – if there was an existing easement for future utility across a parcel, do you think that would prohibit or negate the consideration of the Outdoors Foundation?

Mr. Rundgren – they have a process that they're open to. My current experience with AEP doing a power line is that they are not going through that process. They will not go through it; they will either go around or look at other ways to get the site instead of going through the process to get a utility easement through it.

Supervisor Boothe – I think it is set up that the individual deed holder can set up their own restrictions that would be there into perpetuity that would address the situation that you're

talking about. Say the Foundation may not agree, but they can still go through another part of the process and achieve the open space being held.

Mr. Rundgren – they can do deed restrictions that accomplish the kinds of things the conservation easement does. Breaking the public and private apart, you now have at least two parties to get easements from, the landowner and the Outdoors Foundation. My experience to date is that AEP won't even talk about going across land with a conservation easement. If there is a mention in the easement for a line across there, then you've got that easement made available.

Mr. Campbell – would the Outdoors Foundation move forward with an easement with such a provision?

Mr. Rundgren – yes. If you think far enough ahead with the things that might come up, and plan forward, you can have the easement in conformance with the plan. Being a relatively new concept and process, working through all these things is hard, but the comprehensive plan is the piece that establishes your position relative to easements.

Comprehensive Plan – The PDC will begin meeting with the local planning commission on February 17 to begin the review process. We will begin work on the demographic data this spring because there are a lot of changes. Hope to have a public meeting in early summer to review the goals and policies. After the goals and policies are completed, then we move into the transportation plan, future land use plan, trails in Floyd and interconnections with other areas, utilities – where they are, public infrastructure, affordable housing, and cluster development – how to increase densities in certain areas.

Mr. Kenny Bartlett, EMS Operations Manager, next appeared before the Board. He reported 57 total calls for the month, with 43 actually transported. Seven calls to the nursing home for January, with 33 calls to-date. The response person responded to 45 calls, for a total combined call rate of 102 calls.

Ms. Myra Grim, EMS Administrative Clerk, next appeared before the Board. She reported that January 2009 was pretty much as usual. The report does list a new percentage collection of 49%. She and Mr. Campbell will be meeting soon with Diversified Ambulance Billing to try to ascertain reasons for the decline. She commented that a memorandum was placed in the Board's pack as to their questions from last month. Our charge rate seems to be right in line once the Medicare rates are raised 5%, as far as their reimbursement. Other localities on the list indicated to me that their rates are going to be increasing.

Supervisor Allen requested that the private pay amount be included in the report along with the number of private pay clients.

Mr. Love, Rescue Captain, did not appear before the Board as scheduled.

Mr. Ford Wirt, Emergency Services Coordinator, next appeared before the Board. He reported:

Regional Jail – construction is on schedule – both time and money-wise. Do not have definite budget numbers at this time because of the State budget crises – hope to have that for the Board next month. A Job Fair was recently held in Christiansburg, several good applications were received.

Radio repeater – Parkway – installation is completed and everything is working better than we had hoped. There are some areas on the back side of the Buffalo and the Indian Valley area that still don't have great coverage.

Indian Valley well – Mr. Campbell has been talking to the citizens involved and will meet with the family on Thursday to sign the paperwork. We'll move forward with the logistics and getting the well installed after that time.

Accident with one of the ambulances of the Rescue Squad – received word yesterday that the vehicle has been totaled. Have discussed the situation with Mr. Campbell and Rescue members, some logistical issues that need to be worked through. As soon as we receive the insurance check, we'll continue to work forward with what needs to be done with procurement, etc.

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

Presented copy of January School Board meeting highlights. Memorandum of Understanding was approved with New River Community College. For years, we've been concerned with students at the high school having long-term suspensions or expulsions, that there were no educational opportunities. NRCC asked us if we'd be interested in sharing their site to assist this group of students. The site is just outside of Town, already set up with computers, etc. instead of putting these students out on the street for a long-term suspension or expulsion. We'd go into a joint venture with them, sharing utilities and rent, they'd provide all technology, computers and software, and we can place students there to continue their education. We have already had one student placed in the program. If we can save some students and keep them moving educationally in the right direction, we believe that will be a significant deterrent to decreasing our drop-out rate. If the students are out for a period of time, they're not getting any credit and they are further behind when they come back. At a certain age, they lose interest. This will allow them to keep their high school credits and keep them motivated and get themselves together. For an individual student to be re-enrolled back into the school system, they have to submit a letter request and meet with the School Board, and they must complete whatever requirements the Board has placed on them. In one case, this program was one of the requirements. If they don't complete the requirements, they may not be allowed to come back. It will cost us around \$600-700/month for the 10 month program and they can be counted in our ADM. Whether we have two or ten students, the cost remains the same.

Supervisor Gerald – with the economy the way it is, will you have to cut back on teachers and office personnel with the State budget cuts? Will there be layoffs?

Dr. Arbogast – I'd prefer at this particular time not to share what we are looking to do, only because we have decided that we need to get all the revenue pieces in place first. The Senate and House of the General Assembly approved half of the budget, and gave themselves a window for the re-forecasting of the revenue projections, so we really do not know our revenue stream from the State. We are trying to understand what the stimulus package will do and how it

might help us. We have taken a position that before we go out there and state all these things we're going to do and they not be right because we might have to do more or less, we'd rather do everything at one time. I've met with all the faculty and shared where we are now, but we're going to wait until the revenue pieces come in around the end of February, and then we're going to look at what we need to do. The only thing I say is that everything has to be on the table, it is a significant issue if everything stays the way it is today. I don't believe that's going to happen, I think there will be some variables that will either make it worse or the stimulus package will make it better. I've looked at everything, staff has reviewed, and I have a potential list of areas that we will look at. I anticipate we will share this with the School Board in early March.

Presented a copy of a pamphlet from the School psychologist for the Board's information.

A new student management system is being purchased for all student data.

Presented copy of the January 2009 enrollment report – 2042 students.

A foundation has been created, called the Floyd County Public Schools Foundation, for contributions from citizens, such as from wills, general contributions, etc. Funds can be earmarked for specific purposes. A nine member Board of Directors has been established and has been regularly meeting.

The Board recessed for lunch.

Ms. Lee Chichester, Jacksonville Center Director, and Ms. Martha Sullivan, President, Jacksonville Center Board of Directors, next appeared before the Board.

Ms. Sullivan – we are here today seeking support of the local government action grant from the Virginia Commission for the Arts. We are hoping to split the grant with the Crooked Road. You received a letter from Johnathan Romeo indicating their support and a copy of our application from last year, so you can remember what the process was like. The reasons that we are here today are several: application deadline is coming up very quickly and it would be very helpful if you could vote on this today for us so we could move forward with the application process. There are several important points that you should note and were addressed in the letter from our Executive Director. A “yes” vote today in no way obligates you when your budget comes through to have this be a final line item. This vote today qualifies us today to receive this money if it's possible. Without this qualification early, we would not be able to receive it later on. One of the reasons that this is important this year, with budget constrictions we're all worried about money. We are a priority one designation agency for the Commission on Arts, which is a great honor for us. We often have preference in grants, with this local government match grant is the first grant that the VCA will offer this year. Anything else besides this one is subject to budgetary cuts from the State which we all know are likely to come down. This may be our only opportunity to receive money from VCA, which is critical to our general operating support. We have a stream of traditional fund-raising, private donors, corporate sponsorship, but the VCA is an important connection for us. Few organizations give directly into general operating support as the VCA does. That is really the reason that we're here to talk to you. The largest grant that we could be offered is \$5000, which would be split with the Crooked Road 50%, and anything below that would still remain at 50% between the two organizations.

Ms. Chichester – I just want to remind you that the County is the applicant. We are following through with the application process on your behalf so you need to authorize the movement forward for us to get into the possible income stream that could come down if you decide to make that application. The deadline is close and we would like to go ahead and get the application in so that we're at the head of the line. There will be other government localities that will be applying as well. The VCA does set aside the money for this program and funds it first above and before everything else that they do. But, being at the head of the line would be great.

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize the County Administrator to submit a grant application to the Virginia Commission for the Arts to allow joint funding for the Jacksonville Center and the Crooked Road, with the local government commitment being \$5000.00.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – aye

Mr. Bob Beasley, VDOT Residency Administrator, next appeared before the Board. He reported: Commonwealth Transportation Board met on February 5 and received changes to the 6-year plan. They will meet again on February 19 and hope to adopt the plan at that time. We can then hold the County's public hearing when we know the exact figures. In the last thirty days, we've dealt with snow, threat of snow, cutting brush, placing stone on secondary roads, potholes, down trees, leaning trees.

Supervisor Boothe – any news on the guard rail placement at the pond site?

Mr. Beasley – I'm still trying to find somebody to pay for it. I have a meeting tomorrow in Salem to try to obtain information.

Supervisor Boothe – appreciate what you are doing, especially with the weather conditions.

Supervisor Gardner – appreciate work done on Springdale Road.

Mr. Beasley - I did check on the stone, it is all coming from Sisson and Ryan. I think the different coloration comes from the way we machine the roads and how we clean the ditches out and put the stone back up on the roads. I believe that is where people get the impression that we are using dirty stone.

Supervisor Allen – a pole was placed on Cannady School Road to mark the hole but I think it was knocked down by the snow plow.

Supervisor Gerald – have had more complaints about stone being mixed with mud. I tried to explain the situation to them but I'm not sure they understood. Any word on the Peppers Ferry bridge?

Mr. Beasley – It will go to construction in 2010. The water line would be a separate issue with VDoT. Utilities are one of the first things that are done after right-of-way is obtained. The project does go to bid in January 2010, construction should start in April or May.

Supervisor Gerald – hasn't the money already been spent?

Mr. Beasley – whatever phase of development the project is in, the money has to be there for that phase. The project was already through preliminary engineering. There are still no guarantees but it is still on the construction list. I would advise the Board to look at the 6-year plan when the Commonwealth Transportation Board approves it to see if it remains.

Supervisor Ingram – thank you for the work on Route 653.

Supervisor Allen – is the bridge at Rays Restaurant still in the plan to smooth out the hump?

Mr. Beasley – yes, bridges are very important and it is still on schedule.

Supervisor Ingram – secondary roads need machining when possible and as weather permits. Brush cutting is also needed.

Mr. James Cornwell, County Attorney, next appeared before the Board.

Agenda Item 7m(i) – Proposed Ordinance to Impose Administrative and Collection Fees Upon Delinquent Accounts. The Code allows an administrative charge of \$30 upon delinquent accounts which would allow those persons who have not paid their money on time, to pay a little more for penalty. Fairly universal in the Commonwealth of Virginia, we were a little surprised that you didn't have it. We would recommend that you adopt this fee. Those people who don't pay their bills on time impose a burden on those who do. We would need to schedule a public hearing for the proposed ordinance.

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 March 10, 2009 at 3:00 p.m. in the Board Room of the County Administration Building on the proposed ordinance known as "Ordinance to Impose Administrative and Collection Fees Upon Delinquent Accounts".

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

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.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.5, discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

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

On a motion of Supervisor Boothe, 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 Gerald, seconded by Supervisor Gardner, 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 acquisition/disposition of real property and a prospective business or industry in accordance with Section 2.2-3711, Paragraph A.3 and A.5 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.

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and carried, it was resolved to amend the agenda to include discussion on the proposed stimulus package.

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

Chairman Ingram suggested that we as a locality, possibly with Board of Supervisors members, Economic Development Authority members, and staff, meet with Congressman Boucher, Senator Webb and Senator Warner, to discuss what Floyd County can do to be prepared for the stimulus package opportunities. After discussion, it was the consensus of the Board for the Chairman, EDA Chairman and Mr. Campbell to schedule such a meeting and discuss possibilities with the above mentioned people.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to adjourn to Thursday, March 5, 2009 at 6:30 p.m. for a budget workshop.

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