

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

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 10, 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 (entered the meeting at 1:30 p.m.); 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 Supervisor Gerald.

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 March 10, 2009. She also presented three other items for the Board's consideration:

- Proposed payment plan service for citizens who wish to pay taxes by credit or debit card, or other banking on-line options. The charge for the service would go back to the citizens using the service, with no cost to the County. The rates are much lower than the program that is now being used. Would need the Board's approval to enter into contract with the company.
- Have sent 58 letters out to taxpayers with unpaid delinquent taxes from 2005 and back. They had until March 1 to either pay the entire amount or enter into some type of payment plan. Several have either paid in full or set up the payment plan. With the Board's approval, am ready to send the remaining ones to the County Attorney for sale of property.
- Requesting authority to purge data information of paid records. The Library of Virginia retention program allows purging of records after six years.

The Board will consider the three requests later in the day.

Mrs. Morris presented the balance sheet and revenue/expenditure summary as of February 28, 2009. She reported that, at 67% through the fiscal year, General Fund revenue collections and expenditures are both at 66%.

The minutes of February 10, 2009 were presented to the Board for review and approval.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to approve the minutes of February 10, 2009 as presented.

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

Mr. Wendell Peters, Clerk of Court, appeared before the Board. He presented a copy of a letter from the Compensation Board, for the Board's information, indicating full restoration of State funding for the Constitutional Officers.

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

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

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

Sheriff Shannon Zeman next appeared before the Board. He reported: Have received \$4800 for in-car camera; have applied again to DMV for additional equipment and patrol check points. As soon as funds are available we should receive that grant. Did have some unusual calls over the weekend, some trash, two cases of those, and we did get a meth lab over in the Alum Ridge section of the County. There will be a press release on it today.

Mr. Campbell – were the refuse cases illegal use of greenboxes or dump sites?

Sheriff Zeman – illegal use of greenboxes.

Supervisor Gerald – how's the gas situation?

Sheriff Zeman – its going good, looks like we'll stay within budget. We're still doubling up at night and that's working out fine. Last month was \$1700 vs. a high of over \$6000. Myself and Dan will be attending a meeting in Draper tonight concerning the Academy and the possibility of a new academy being built over at the jail site.

Agenda Item 9a – Subdivision plats as approved by the Agent for February 2009. Mr. Campbell reported six lots approved, one family division for a total of seven for the month, with 26 year to date. January 2009 was high compared to last year, but February 2009 was lower. He and Mr. Bryant continue to meet to review subdivision plats.

Agenda Item 9b – Appointments (2) to Economic Development Authority, 4 year terms. Defer until interviews later in the day.

Agenda Item 9c – Appointments to Building Code Board of Appeals.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to appoint Mr. Benny Harris to the Building Code Board of Appeals for a four year term.

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

Agenda Item 9d – Resolution for signing of County warrants. Mr. Campbell presented a proposed resolution for authorized signatures, adding the new Accounts Payable Specialist.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to adopt the resolution, as presented, for signing of County General Fund warrants (Document File Number ).

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

Agenda Item 9e – Resolution for signing of County Administrator Petty Cash Fund warrants. Mr. Campbell presented a proposed resolution, also to add the new Accounts Payable Specialist.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and carried, it was resolved to adopted the resolution, as presented, for signing of County Administrator’s Petty Cash Fund warrants (Document File Number ).

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

Agenda Item 9f – Resolution for signing of Recycling Center Petty Cash Fund warrants. Mr. Campbell presented a proposed resolution, adding himself and the new Accounts Payable Specialist.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to adopt the resolution, as presented, for signing of Recycling Center Petty Cash Fund warrants (Document File Number ).

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

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to amend the agenda to include discussion on the Anthem renewal and Flexible Benefits Plan agreement.

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

Mr. Campbell presented a copy of the proposed renewal with Anthem for the Local Choice Program. He commented that a commitment has to be forwarded by April 1, 2009 for a July 1, 2009 renewal. There is no increase in premiums, and rates are steady until June 30, 2010.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to authorize the County Administrator to submit renewal confirmation to The Local Choice Program for Anthem coverage, effective July 1, 2009.

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

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

Mr. Tom Reed – Courthouse District – I talked to Jerry before on this issue. On July 5, 2007, my home was broken into and property was stolen. I have gone through all the necessary channels and stuff to try to get this pursued. I'm getting nowhere with it. This was a criminal act and I want to know why it isn't being pursued. It took the Sheriff's Department nearly an hour to answer these calls. I have information that I believe played a part with one of the deputies in this matter. I believe this is why it is not being pursued. I talked with Stephanie Shortt. I actually have a Judge that would take charges out on this; she killed it and wouldn't let it go to court. I feel sure in a court of law that I could prove what I'm talking about. I want to know why the Sheriff's Office will not pursue it. I've talked to Jeff Dalton on it. There is also an issue where there was a stolen vehicle, from Curtis Sowers. That was over five years ago and the case is unsolved. I recovered the vehicle, Curtis and I got together and came to the Sheriff's Office. To my knowledge, there has been no conviction. It's pretty well known who stole the vehicle. I think there is incompetence here that needs to be looked into.

Mrs. Ramona Dixon – Courthouse District – I am here today in regards to the Humane Society. I'm not a member of the Humane Society, however, but I do support them and donate

to them and I do believe they are a wonderful organization that does a lot of good for this County. I was told by my Board of Supervisors member last year that the reason it was voted down for them to help at the Dog Pound was because the citizens of Floyd did not want this. I have here to give to you gentlemen, if you would like, 25 pages of signatures from all over the County, a lot of business people have signed it. 99.44% of people that I have spoken with have agreed that the Humane Society does a lot of good. With the dog pound only being open a few hours a week, they can't understand why the Humane Society is not allowed to help out. The only answer that I could give them was the answer I was given when I asked why, and that was that the citizens of Floyd did not want this to happen. These 25 pages should prove different; I know I've only scratched the surface of the people who live in Floyd. If I'd had more time, I probably could have gotten 100 pages. But as it is, there are over 400 signatures here; I would like to give this to you gentlemen. If we don't have compassion for animals and the lower forms of life, and this is something that I've taught my grown children from the time they were tots, you can't have a whole lot of compassion for humanity. That's just my way of thinking. That's what I taught my children.

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

Mr. Campbell presented a copy of the Integrated Flexible Benefits Plan Agreement for the Board's review. He commented that the agreement was adopted in 1989. It's one of the things that have probably been subjected to a lot of changes with pre-tax issues. At that time, the one thing that was being deducted from employee's paychecks prior to taxes was the Anthem. Since then, we've added some ala carte items such as AFLAC, Colonial, Dental, VRS Group Life. Those things have been added and are pre-tax. The form that I gave you is out-of-date. Annual reports have been filed as required with the IRS. What we feel we need is to solicit some input from the County Attorney's firm to get this plan updated. Consensus of the Board was for staff to have legal counsel review same and report back to the Board.

Discussion followed on the requests from the Treasurer earlier in the day.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to authorize the Treasurer to purge real estate records from 1990-2002 and personal property records from 2000-2002, as per Library of Virginia guidelines.

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

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to authorize the Treasurer to proceed, in conjunction with the County Attorney, with sale of delinquent property.

Supervisor Gardner – aye  
Supervisor Allen – aye  
Supervisor Gerald – aye

Supervisor Boothe – absent  
Supervisor Ingram – aye

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

1. Warren G. Lineberry Memorial Park – development/fundraising for the Town Park is being spearheaded by the Partnership for Floyd. The Partnership, of course being a non-profit organization, has been formed to promote activities and projects within our community. The previous Partnership President, Kamala Bauers, and myself, are co-chairs for the park's development. Kamala is no longer the President, it is Karen Grosshands. Kamala is representing the Partnership and myself from the Town. We average two meetings a month and the park development is moving forward much faster than we expected and we are quite pleased with that. The Town Council has given approval for clean-up, to remove the brush and limbs, and do some landscaping. There has been a consensus to maintain as much green space as possible. Our Phase I that I've mentioned before, is just to fill in the potholes and crevices, level up the area at the base of the steps from our public restrooms, and clean up the excessive brush/bushes within the park. We've set March 14 at 10:00 a.m. as a day for our community volunteers to get together for clean-up. There will be an ad in the paper this week to encourage our citizenship to join us. There will be a liability form that everyone will have to sign if they volunteer to work with us.
2. Celebration for Town of Floyd – we've had interest expressed and we are underway with the planning for a Town of Floyd celebration to be held on June 20. The conception is to truly showcase what Floyd has to offer and let this be a kickoff for the use of our Warren G. Linberry Memorial Park. This is contingent upon the park being made ready, prepared, safe and ready for such a celebration. The committees for the park and the town celebration are working together to make this happen. The festival committee would like to see all the businesses in Town and volunteers meet with us and take an active part. The next meeting is today at 5 at the Country Store. By being involved in the planning, each business can see how to better promote themselves and showcase their business. We want to celebrate our arts, crafts, music, growers, and just have everybody involved. Year one of course, will not be a massive festival and have a great impact on the Town but as we grow, we hope to see something that is similar to other localities.
3. Town has completed the revisions on the zoning ordinance and is scheduled for public hearing with the Planning Commission on Tuesday, March 17 at 7:00 p.m. Town Council will then hold their session on March 19 at 6:30.
4. T-21 enhancement grant – we've finally gotten the easements drafted by our attorney and they're out for signatures. It would be nice if everyone was local but some of the landowners are out of town, so it's taken some time to get signatures. I do have a meeting with Michael Hedgepath, who had worked initially on some of the development and the T-21 grant, this Friday. He has completed the budget revisions and time lines. Once we get the last easement signature, we'll send it back to VDoT for approval.
5. Crosswalks updates – we did get our Oxford Street painting done. Through the VML matching grant, we have purchased three of the in-street pedestrian signs that you see in some of the other communities. These will be imbedded in the cement. As we do our new crosswalk at Angels in the Attic, the sign will be imbedded. It will be up to the

Town to be diligent to be sure to get them in and out during snow removal times so they won't be mowed down. VDoT is working on the crosswalks and getting the ADA requirements met. We've been given a choice of colors and detectable warnings. I hope you'll see some significant improvements before the Spring season.

6. The Town vehicle license tax notices have gone out and we're in the collection process. We've run into several instances where County taxes have been paid in lieu of Town taxes, but we're working to resolve those issues.
7. Request for month of May – The Town has been approached by the Agency on Aging for their concept of promoting May as Senior Health Awareness Month. There are a lot of people that get lost between the service agencies like Community Action, Social Services, and so forth. So Agency on Aging would like to have guest speakers and present topics on what the services offer. This concept will promote the month of May as an awareness month. The folks can pick from different venues on topics that they are interested in.
8. FY10 budget work sessions will begin on April 16.
9. Trash cans are being installed; I hope you've seen a couple of them. One is near the public restrooms. Having a little difficulty getting equipment to get them installed, it's not the easiest mounting system. We hope to move the older stone trashcans strategically throughout the town.
10. I'm sure you probably received information on the community conversation event regarding the Vision 2020 plan on March 12, 2009 from 6-8 pm at the Country Store. I quote, "this is an opportunity to share ideas on how our region is to survive this current economic crises and continue to build a sustainable economy for the future". I feel that our local officials need to be represented at the community meeting.
11. Town/County deputy – we do anticipate having a deputy soon. We do hope to have this in place before the music goes really start up again. We did sign a memorandum of understanding with the Sheriff and the deputy will soon start.

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

- Energy Assistance Crises Program hit 100 this month. This is a 20% increase from last year. The program ends March 15, shouldn't be a lot more on top of that.
- Applications – for February, we were up 27% in applications, which is unfortunately, the trend that we've been seeing every month. As far as a year-by-year comparison, we are at 653 Food Stamp cases, which is a 15% increase; 500 Medicaid cases, 7% increase over last year; 47 TANF cases, which is a 19% increase over last year.
- Stimulus Package – as far as what impacts our agency that we know about right now. The Food Stamp payment is increasing by 13%, that should be done as a mass change and hopefully won't cause us too much extra work. Just so you all are aware, whenever you see things out there, Food Stamps are not Food Stamps any more, it is called the Supplemental Nutrition Assistance Program, or SNAP. We have not issued food stamps for 7-8 years; we issue a card similar to a debit card. For example, a family of four, they might average \$15-20 more per month, which would average \$315-320. For elderly citizens who get the minimum benefit of \$11/month, a 13% increase would mean they get \$12 a month. This is why we started our food donation program last year because this program just does not cover the needs.

- Removed A-BOD requirement. There is a Federal labor program in the Food Stamp program called Able Bodied Adults Without Dependents. These are adults, in Virginia, in order to get the benefits, you have to be participating in a work program unless you are in a locality that has a higher than 10% unemployment rate, then you are exempt. Effective with this, through September of next year, that requirement is gone. People in Floyd County that meet requirements can start receiving these benefits.
- There are no additional funds for DSS block grants – as usual, more work with no funds.
- \$200 million in Community Service Block Grant funds, throughout the nation. Floyd County gets very little of this money.
- They are maintaining the Federal Medical Assistance Percentage (F-MAP). This is the Federal government’s match to Medicaid. They are maintaining that through 2011. It was put into place several years ago, to decrease the amount the Federal government is subsidizing the States to help pay for Medicaid, this percentage was supposed to go down each year, but they have put that on hold. That helps the State budget to be balanced. In order for Virginia to pull down the monies through the F-MAP program, Virginia Medicaid requirements cannot be more restrictive than the Federal requirements. Virginia has to look at that, because Virginia is much more strict on a lot of their requirements. I do not know the details of this yet.
- Virginia General Assembly changes – there wasn’t a lot that came out of it that affects our agency. Individuals will now be able to receive diversionary assistance one time per year. It used to be one time every five years. This is for individuals who are eligible to receive TANF, they can receive a one-time lump sum payment of up to four months of their benefits. They are ineligible for TANF for those months. It is not any additional money; it is just a lump sum payment to help pay mortgage bills, cut-off notices, etc. It does not change the two year limit that a person can be on the program. S-CHIP program (FAMIS) did receive extra funding, but we don’t know how it will affect us. The applications come to us but we have to send them to Richmond for approval. There are already 7 million on the program nation-wide, and they expect to add 4 million more. Discussion is continuing as to whether to provide Medicaid to the unemployed through the stimulus package.

Discussion followed on the request from the Treasurer concerning the payment program.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to authorize the Treasurer to enter into an agreement with Paymentus for tax payments from citizens (Document File Number \_\_\_\_\_).

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

Mr. John McEnhill, President, Floyd County Chamber of Commerce, next appeared before the Board. He commented on the Chamber’s highlights from the last year:

- Chamber's 20<sup>th</sup> anniversary was last month, will be having a celebratory event soon;
- One important accomplishment last year was the establishment of the After Hours Social, which is held bi-monthly for members. The next one will be March 18 at 5:30 p.m. at the Salon & Day Spa. Chance for members to network, which is especially valuable for new members.
- Tourism brochure in 6<sup>th</sup> year. 40,000 were distributed last year, underwritten by paid advertisements. Because of the economy this year and decreased participation, 30,000 will be distributed.
- Cooperative advertising has been a great success. The Crooked Road Guide is a prime example; we had seven pages in the guide with over 30 businesses participating. Much more than any other locality. We continue to encourage our members to do more cooperative advertising.
- New web site went up in the Spring of last year. As of the end of the year, we had 18,864 visits to the web site.
- We have been participating in advocacy efforts. One example is the Shooting Creek Brewery which was applying for a license. The Chamber Board voted to send a letter of support on their behalf.
- Member of the Virginia Chamber of Commerce. We follow closely the advocacy efforts at the State level. Do want to stress that we don't follow in lock-step with what they do at the State level.
- Membership right now is currently 213. Have been very successful in bringing in more traditional businesses.
- Chamber has been working with the County in the destination organization role. One way that we are currently doing that is with the Crooked Road Guide. Try to remain in close contact with Dan and Myra to see how the Chamber can assist.
- Dickens of a Night has been an annual event and this December we'll be celebrating our 10<sup>th</sup> anniversary.
- Strong representation on planning for the 75<sup>th</sup> anniversary of the Blue Ridge Parkway, Harvest Festival and Town Festival.
- We are now open six days/week at least five hours per day. We have an Administrative Assistant who works four days/week and RSVP volunteers work the other two days.
- We average 90 walk-in visitors a month over the last year and average 90 call-in visitors. Usually mail out around 10 packages a month of information, while most obtain information from our web site.
- Our goals for the coming year include recognizing economic challenges that everyone is facing; have a planning retreat in April to plan direction of the Chamber; hold various workshops/training sessions on specific economic issues; member-to-member exchange to supplement the local economy either by special deals, bartering, introduction of new businesses; marketing retreats; golf tournament on April 18 to benefit the Floyd County Emergency Assistance Fund; and volunteer recruitment.

Mr. Mike Lawless, Draper-Aden Associates, and Mr. Calvin Reed, Sanitation Superintendent, next appeared before the Board. He reported to the Board on a recent meeting held with DEQ, Mr. Campbell and Mr. Calvin Reed, Sanitation Superintendent.

Mr. Lawless – Spring S-4 and Monitoring Well 10, are the two areas that DEQ is concerned with, and have been concerned with for some time. Two reasons for that. In the past, this spring has discharged low levels of organic compounds to the creek. We have not detected any organics above the quantization limit since November 2006. We still detect trace levels but they're below the quantization limit. What that means is that you have a quantifiable concentration and a detected concentration. So if it's below the quantifiable limit, we can say it's there but we can't say what the concentration is. But that it is very low. We're talking about parts per billion. And they are below drinking water standards, so we're talking about very low levels. Up here, the concern is that in the past we have detected organics above the groundwater protection standards which are based on drinking water standards, and it's off the property boundary. Those are DEQ's two concerns. They would like to see an additional well down gradient of MW10 to see how far that impact goes. Or they would like to see some sort of active treatment on the property before that groundwater leaves the property. On the last monitoring event in November, we didn't detect any organics in monitoring well #10. That hasn't changed.

Mr. Campbell – could you describe the groundwater standards, as I understand them, is like 75 years assumption?

Mr. Lawless – drinking water standards that EPA sets are based on you drinking a liter of water every day of your life for 70 years. There's nobody here drinking that water. The residences that are down gradient of here, we have tested. We tested them this past fall, and back in 2004, and have never detected anything, even at trace levels. What that allows you to do is lower your risk. The risk is minimal. The residents are protected; the things that we're detecting at these two locations are very, very low.

Supervisor Gerald – could you explain a little more about drilling wells on the property?

Mr. Lawless – yes. One option, and DEQ's favorite option, is to draw 1-5-8 wells on the property line and inject a compound into the aquifer to break down the contaminants before they leave the site.

Supervisor Gerald – what would be the cost of that, per well?

Mr. Lawless – it is roughly \$15,000/well. That would include drilling the well and purchasing the injection to inject into the well. That's the low end of the cost, that's us doing the injection and not hiring a contractor. The concern is that groundwater flows through here through fractured bedrock. If you miss a fracture, you're not treating the groundwater, it is hit and miss and very risky. If you're looking at \$15,000/well, that's a lot of money to be gambling with when on the last monitoring event we didn't detect anything.

Supervisor Gerald – so drilling those wells, we're just rolling the dice?

Mr. Lawless – yes, correct. We can see the fractures on aerial photographs and take the best guess at it, but you're trying to hit it in three dimensions, not only horizontally, but other angles as well. It is not easy. If we were on the coastal plain and had a nice sand aquifer, where you could inject it and it would be a nice diffused injection, it would be a more viable option.

Mr. Campbell – this option has not been proven in the Commonwealth, this is just a direction that DEQ is trying to push.

Mr. Lawless – it works in the laboratory. Its only been tested recently with some other municipalities. The City of Bedford and Franklin County have both tried it. In regard to our budget situation, this is probably not the year to be trying this, with that level of money. Spring #4 is even more complicated. We are not detecting any organics above the quantization limit, there are still trace levels every now and then, but the groundwater is iron rich. So, as that water comes from the low oxygen aquifer and hit the air and surface water, iron rusts. So it has turned the creek orange.

Chairman Ingram – as it does in a lot of places in Floyd County.

Mr. Lawless – without landfills or contaminants. DEQ's concern is it's not pretty, and the iron precipitate and bacteria feeding on the iron, have settled on the bottom of the creek, so bugs can't grow in the bottom of the creek. But if we go just a short distance from the end of that pipe, we have a healthy creek. We found some very sensitive bugs, mayflies, and others that are among the most sensitive species out there. Calvin is looking into one relatively inexpensive option which would be to clean out the old sediment pond up above that spring and pipe the water up to the sediment pond, let the iron precipitate, settle out into the pond, and then discharge it.

Mr. Campbell – the agency is trying to urge us to consider construction of a wetland of some size big enough to hold..

Mr. Lawless – there is a natural wetland there that's doing its job cleaning up the water. When the water leaves the wetland, it's clean. They want an artificial wetland constructed before the natural wetland so when the water flows into the natural wetland, it's clean. The other option at that spring is to set up a series of plastic tanks, 3-4 tanks, and let the water flow through the tanks, and let the iron settle out in each of those tanks. That's what I've priced for you at the top of the second page. Options to address the discharge, we'd have to prepare a surface water mitigation plan to tell them what we want to do, for about \$6000; install a system for about \$7500; annual maintenance around \$3500; the permit amendment paperwork would be around \$2500. It should be a minor permit amendment for which there is no fee. Their hang-up now is that the corrective action permit specifies that you have to submit the surface water mitigation plan. We haven't detected organics in the spring since November 2006, so in 2007, we said that we understand the permit says we need a plan, there's no longer anything to mitigate, therefore, our position is that we're not required to submit the plan. Their position is the permit still says, thou shalt submit a plan. One option, and the cheapest, is submitting a permit amendment request that says there are no longer pollutants being discharged, let's remove this requirement from the permit. But that doesn't address the iron, but the iron is not regulated. And they're probably not going to accept it.

Mr. Reed – can you address having the permit amended before we do anything on the monitoring wells?

Mr. Lawless – yes, one of the things that we advise, is don't do anything quickly, because we're chasing a moving target with DEQ. The groundwater detection standards, which are the levels if you exceed, you have to continue with corrective action. They change those twice a year so it's hard for me to recommend that we need to be out there in a month, drilling another well down gradient of here. The owners of this property live in Pennsylvania, we have notified them by letter at the end of 2008 that DEQ has requested an additional well on their property, but we haven't pursued beyond that letter, because we weren't sure where DEQ was coming from. When we were out there, we can get 250-300' down gradient on the road that is already there. 250-300' doesn't buy you much. If we put a well in there that's clean, it could very well show low-level impact within a year or two, without putting another well in. To put in another well, we need to be greater than 500' down gradient so we can be certain that we get a clean well. The problem with that is we have to get property from the other side and that would be major road building, tree cutting, grading, I can't imagine any property owner going along with that. So that's the picture of what we're dealing with. Again, my recommendation is not to move too fast but to show DEQ that we're not just doing nothing. That's easier to do down here at S4 where we can tell them we're looking at retro-fitting that sediment pond. It's going to be more difficult to appease them up at this off-site well unless we continue trying to contact the property owner and see what their opinion is of us coming across their property. That's going to buy us time because the owner is out-of-state and it will take longer to get in touch with them for some sort of agreement. If it comes to a point where they don't want us to build a major road on their property, then DEQ is going to be looking for some type of treatment. Unless we get lucky and continue not detecting any contaminants, which is possible. The levels that we've been detecting out here have been between 7-10 parts per billion, the drinking water standard is 5. Even when we were detecting it at 10, it was not significantly high, at parts per billion.

Mr. Campbell – we have to submit some type of course of action within 90 days.

Mr. Lawless – we have until May 26 to let them know what we want to do. Regenerisis is the vendor that has this proprietary option that you inject into the groundwater and it speeds up the degradation. These organics naturally break down into the aquifer, what they inject speeds that up. They have had several test cases where they have tried this in fractured bedrock, and they admitted that it is hit or miss, there will be no guarantees. That's the frustration when you look at what the real risk is out here, and you talk about tens of thousands of dollars with no guarantee in having an effect on it, it is difficult for me to stand up here and recommend that you do something. We're monitoring 16 municipal landfills across the State and all of them are dealing with this in one degree or another. When the latest groundwater protection standards came out in January, you had one compound that was at 330 parts per billion, dropped down to 1.8. So you have landfills that haven't done correction action, because they haven't exceeded groundwater protection standards, all of a sudden DEQ changes the way it calculates groundwater protection standards and what was ok at 330 parts per billion, is now exceeding the limit. Right now, I would say that we try to continue to contact the property owner. That buys you time and our next sampling event is in May. We have to submit the letter to DEQ by May 26. In the meantime, we can work with Calvin about trying to retrofit that sediment pond at the spring and see what turns up.

Mr. Reed – it might be beneficial for the County to see if they can purchase that ten acres.

Mr. Lawless – that is a possibility. You'd still have to put in another well to show that you have a clean well down gradient but you would not have to have active remediation. The reason that they want to see active remediation is because it is off-site. Again, that's your decision. It would be very expensive to buy the land but it is an option.

Supervisor Gerald – so all we're doing is buying time.

Mr. Lawless – yes, with the idea that in the amount of time the rules may change again and we continue to not detect anything. We can't justify spending \$75,000 when nothing is being detected. The language that we would have to put in the permit amendment is that, since we're not detecting anything now, no action is needed. However, if we were to detect something in the future, we would deal with it at that time.

Chairman Ingram – all the Boards that I've worked with, not one person wants in any way to harm the health, safety and welfare of our people, but this seems to be extreme in the things that they want. We've even tested the wells several times of surrounding landowners.

Mr. Lawless – that's the concern, the natural system is doing its job. It's cleaning itself up as it flows downstream in the wetlands. The concern is that if we start digging around in there, we might disrupt the natural system itself. The best thing is that we end up in a situation like we have now; the worst case is that we mess it up.

Chairman Ingram – I'm trying to be fair and realistic, but if we continue to contact the landowner, and go back with the test results showing no contaminants, is that being fair that we have no problems? I don't think we need to do anything right now. We need to be fair and protect everyone.

Mr. Lawless – you did a survey in 2004 of that creek. That's when problems first began to be noticed. It indicated that the creek is healthier than any others in the County, especially ones with cattle access. DEQ sent their biologists out to do their own assessment, which was completely different from ours. They have finally given us the report, it is really data sheets with not a lot of information; it is hard to evaluate what they did. DEQ is willing to come back out and do it again with us so we can all see the same thing at the same time. The concern there is that they are not going to listen to our folks; they will come out and confirm what they found last time, which was focusing on the first 50' of that creek closest to the end of the pipe. They won't look at the whole length. The concern is that if they were to do that, and do another form of assessment, that the creek ends up on the impaired water list. We have not requested them to come back out. Our opinion is standard. Even if we put in a response, we're still going to tell them again that there is nothing out here and nothing needs to be done.

Consensus of the Board was to obtain more information from monitoring tests, and communicate with DEQ further, and report back to the Board at their May meeting.

Mr. Kenny Bartlett, EMS Operations Manager, next appeared before the Board. He reported 35 transports for the month of February, 1 patient transfer, and 10 non-transports. The response unit had 37 calls – 15 with volunteer ride-in and 20 with volunteer help on scene, for a total of 87 calls for the month. There were 2 calls to the nursing home with a year-to-date total of 42.

Ms. Myra Grim, EMS Administrative Clerk, next appeared before the Board. She presented her report for February 2009, and noted the addition of amount of private pay dollars received. She also provided two years' data on same. Have not received other information from Diversified as requested by the Board, will relay as soon as received.

- Round the Mountain – have been meeting with the group designing the brochure. Floyd County has 31 confirmed paid participants in the brochure and another 20 verbal commitments. There are a variety of sites – agri-tourism, hotels, businesses, etc.
- Harvest Festival – will be September 19 – planning group is beginning to meet.

Mr. Steve Love, Rescue Captain, did not appear for his scheduled time.

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

- Regional Jail – Floyd's inmate population was 35 for the month of February, 30 for January; overall population is up due to Montgomery County moving to the new regional jail and using our facility for temporary holding; addition/renovation is still on schedule, January 2010 is the projected completion date; the Board is invited to a safety luncheon/tour on Friday at 11:30 provided by the contractor.
- Well at Indian Valley Fire Station – easement has been completed – we are working toward the actual drilling of the well and coordinating with the family as to plans.

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

- Presented copy of School Board meeting highlights from the March 9, 2009 meeting;
- Presented copy of Spring testing schedule;
- Presented copy of draft school calendar for FY10;
- Presented copy of enrollment report for February 2009 indicating 2035.5 students, ADM budget is based on 2040 students;
- Will tour renovation project at FCHS at lunch with the Board;
- Researching new program for academic opportunities for students who are advanced/accelerated in math. This program would provide an Algebra credit toward graduation. The class would be taken by students in the second semester of the 7<sup>th</sup> grade, at the high school. Have 30 students now in the accelerated program.

The Board recessed for lunch at Floyd County High School.

Supervisor Boothe entered the meeting at 1:30 p.m.

Mr. Bob Beasley, VDoT Residency Administrator, next appeared before the Board. He reported the following activities over the last month: Route 750, brush cutting; side mower being used on various roads; mowing in the Check area; ditch work/clean-out; stone hauling, snow removal.

6-year secondary road public hearing – Mr. Beasley reported that figures still have not been received yet from the State. They were promised over a month ago. By law, a public hearing has to be held every two years. We at least have to have a yearly public hearing to approve the coming year's budget, which is the first year of the plan. The preliminary figures we've received are worse than previously thought. There are only three projects left in the 6-year plan that we might possibly do. We previously had nine funding pots to draw from, that has been reduced to three. Maintenance work has to come first, so any construction funds will be rolled into maintenance if needed. After discussion, it was the consensus of the Board to have an adjourned meeting with Mr. Beasley at such time final figures are received and how they can be used, as to collector routes, etc.

VDoT Blueprint – has three legs to the stool, as the Commissioner says. The first is reduction of construction because by Code, that is what goes first, and rolls into maintenance. Until that money is gone, maintenance will continue to be reduced if the figures continue to go down. The second leg of the stool is streamlining resources, personnel and structures. The Hillsville Residency office has been designated for closing. Right now, it is a plan, but it seems to be a very serious plan that has been caused by insufficient funds, and this is one method of creating an economy of scale. Where every residency now has 3-4 counties as opposed to 2, so you have a much larger area being administered by a residency office. The process also eliminates the shops, both in Carroll and Floyd. There are plans for taking care of equipment in some fashion, I don't know what that plan is. Our two area headquarters will remain. It is the residency offices, shops and mechanics are the ones that will be affected. By the plan, Floyd County is being rolled into Christiansburg, which will make four counties for the Christiansburg residency. The other three are Montgomery, Pulaski, and Giles. Painful, painful thing, this is tough. We don't know the fate of our folks yet. We know that State-wide, 1450 positions will be eliminated of which 450 are hourly, 1000 are full-time classified positions. They will include the residency workers, materials labs are being closed, shops being closed. The third leg is lowering the level of service that VDoT provides today. With fewer resources, people and facilities, our level of service is simply going to go down. There is a draft plan for that, I've seen it, but it has not been released yet. There is a meeting in Roanoke tonight at Northside Middle School, beginning at 6:00 p.m., for public input into the Blueprint Plan. There are a lot of folks going, a lot seem to be interested in the closing of rest areas on the interstate. That seems to be the burning issue that's caught the public's interest. These other areas are much more grave. This is a wide-scoped plan that affects everything to do with transportation throughout the State of Virginia. The plan also comes up with priority; safety is still our first priority. Preserving and keeping the system intact will be the second and it goes from there. The service levels will be prioritized by traffic levels and volume. Roads with 10,000 vehicles or more being in the upper echelon. All options are being looked at. Anything that can be looked at is being looked at. I'm thinking right now, there's a lot of information and records that have to be taken in by Christiansburg before our closure, which will take a while. I think it will be Fall before we fold up the tent. Carroll will go to Martinsville. Floyd going to Christiansburg is much more

reasonable, you're within 30 minutes, which is as close as Hillsville. Martinsville is a long way from Carroll. There are a lot of concerns there. We have been told that there is four phases to all these changes. The first is the shops and mechanics, engineering, design folks. It is not just the residency offices that are being cut. It is the district office and central office in Richmond. There are second, third and fourth phases to this. The residencies are in the third phase, which begins in the Fall sometime, and concludes by January 2010.

Supervisor Boothe – guard rail, have you found out anything?

Mr. Beasley – have received no word back. The only thing that is prohibited is using our embankment as part of the pond. The rest is a private property issue.

Supervisor Boothe – one of my constituents contacted me concerning a rumor that new entrances on secondary roads will be eliminated because of sight distance, according to some new legislation just passed by the General Assembly.

Mr. Beasley – that is for Route 58 only. It has been declared a development corridor (high volume). There is a different set of commercial entrance standards that apply to that entire route; they do not apply to other routes.

Supervisor Boothe – appreciate work you have done, especially appreciate attention to Franklin Pike.

Supervisor Gardner – nothing to report today.

Supervisor Allen – Stonewall Road just beyond Coles Knob intersection – big potholes at the end of the paving.

Supervisor Gerald – nothing to report today.

Supervisor Ingram – nothing to report today.

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.

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 Boothe, seconded by Supervisor Gerald, 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 in accordance with Section 2.2-3711, Paragraph A.1 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.

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

At 3:00 p.m., the Chairman called for the Public Hearing on the proposed ordinance known as “An Ordinance to Impose Administrative and Collection Fees Upon Delinquent Accounts”.

The County Administrator read the call for the public hearing.

The Chairman commented that the ordinance title pretty much outlines what the ordinance will be enacting, and the fee structure will be in line with the changes in the Code of Virginia.

The Chairman called for comments from the audience.

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

Mr. Cornwell commented that this ordinance was basically brought about from changes in the State Code regarding the fee structure.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to adopt the ordinance known as “An Ordinance to Impose Administrative and Collection Fees Upon Delinquent Accounts” as presented (Document File Number            ).

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

On a motion of Supervisor Gardner, seconded by Supervisor Boothe, and 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; and Paragraph A.7, consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body.

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

On a motion of Supervisor Allen, seconded by Supervisor Gardner, 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 Gardner, 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 property and potential litigation in accordance with Section 2.2-3711, Paragraph 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; (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.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – aye

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to appoint Mr. Michael Maslaney and Mrs. April Hylton to the Economic Development Authority of Floyd County, Virginia, for a four year term, terms ending December 10, 2012.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – aye

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to adjourn to Wednesday, March 18, 2009 at 6:30 p.m. for a budget work session.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram - aye