

**BOARD OF SUPERVISORS  
REGULAR MEETING  
NOVEMBER 17, 2009**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, November 17, 2009 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

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

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

The Opening Prayer was led by Supervisor Gerald.

Chairman Ingram led in the Pledge of Allegiance.

Ms. Mary Turman, Treasurer, appeared before the Board. She presented the invested cash and cash in office as of November 17, 2009.

Ms. Morris presented the balance sheet and expenditure/revenue summary as of October 31, 2009. She reported that, at 33% through the fiscal year, General Fund revenue collections are at 18% and expenditures at 35% of the budgeted amounts.

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

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

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – abstain – not present for entire meeting

The monthly disbursements were presented to the Board for review and approval. A list of additional disbursements was also presented for the Board's consideration. Questions and discussion followed. Supervisor Allen noted that a payment for Election Day service for Ms. Betty Conner was omitted.

On a motion of Supervisor Allen, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the monthly disbursements, plus additions as presented and include payment for Ms. Betty Conner serving as an election official.

Supervisor Gardner – aye

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

Sheriff Shannon Zeman appeared before the Board. He had nothing to report this month.

Supervisor Gerald questioned if school zones could be patrolled more often – speeders have been noticed frequently in the 25 mph zones.

Sheriff Zeman noted that all school zones are patrolled regularly; Indian Valley area had been worked twice the week before.

No report this month from the Commonwealth's Attorney or Clerk of Circuit Court.

Agenda Item 9a – Subdivision plats as approved by Agent for October 2009. Mrs. Martin, Subdivision Agent, presented the monthly report to the Board. She reported 132 lots created for the year, 1587 acres created, fewer agricultural parcels have been divided. Divisions tend to slow down at this time of year. She also presented the October report indicating individual properties and related information. She reported that the Planning Commission has begun work on the comprehensive plan update. They are trying to reach more of the community for their ideas. There will be community meetings in each area as have been done in the past. One new idea being tried is a questionnaire sent to each community group to share their concerns/goals/ideas. This will assist in the development of a strategic plan and to avoid overlap of projects between the groups.

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

Ms. Veronica Santo, Courthouse District – thank you for your service, being here all day on a Tuesday. The thing I would like to talk about is the salaries in the school system. I have a friend who is working in the school system full-time and she makes \$10,000 a year. Her rent takes \$6000 and then she's got \$4000 a year to support herself and two small children. It looks like property taxes are going up, whether you like that or not. It looks like from this week's paper, that this is what is happening. If land values are going up, I'm wondering how much of that increase in property taxes can be directed toward a decent living for the people who serve our children.

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

Agenda Item 9b – Appointment to Floyd County Social Services Board, Indian Valley District – defer for interview later in the day.

Agenda Item 9c – Memorandum of Understanding with Peppers Ferry Regional Wastewater Authority for disposal of leachate. Mr. Campbell reported that this is the annual

agreement update for disposal of up to 500 gallons/month of leachate. There is no increase in the cost of disposal.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the agreement as presented with the Peppers Ferry Regional Wastewater Treatment Authority as presented (Document File Number \_\_\_\_\_).

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

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

1. Community Development Block Grants – completed! The Town has met compliance and we will have periodic reviews of job compliance, etc.
2. Sustain Floyd’s Split Rail Eco Fair, which was held on October 24, 2009. We had a good turnout, the event was very successful. Mr. Crenshaw was proud of the use of his new farmers market for the event.
3. Updates:
  - a. Zoning Request at 124 Wilson Street – was approved by the Council, from residential to business for a two unit duplex for overflow from the Hotel Floyd.
  - b. The Station conditional use signage – also approved by Council. They actually conducted a late night walking tour to look at the proposed signs.
  - c. Transportation Enhancement Grant Application, Phase IV – have completed Phase IV application which is the Oxford Street project. We’re getting the Phase I application ready for submittal, which is the 90% submittal. The environmental reviews have been completed, easements have been signed, it is ready to go and we hope to get the word back soon that we can begin. Phase I starts at Locust Street, comes down by the old cemetery, through Hotel Floyd property, behind Old Church Gallery and back to Main Street. Phase II and III, which is the walking pathway, has been combined. This goes from Pine Street apartments, to Food Lion, to the Library, past the Administration Building, and Oxford Street at both ends. Phase IV is the completion of Oxford Street. We received very favorable reviews when we went before the Transportation Commission, so we’re hoping for favorable results. They like to see communities use the funds and want projects completed within four years.
  - d. Energy Efficiency Block Grant Application – application was submitted on November 6. We hope to retrofit Town Hall to make it energy efficient.
  - e. Town Zoning Map – request to Planning Commission at their meeting tonight to schedule a public hearing.
  - f. Town Boundary Map – public hearing scheduled November 19, 2009 at Town Hall. This is only a clean-up of the map, not annexation.
  - g. Town hosted the October Planning District Commission meeting. We also provided a walking tour of the town.
  - h. Warren G. Lineberry Park Committee will make a presentation to Council on November 19. Publicity, brochures, fund-raising are all being worked on.

4. 2010 Census collaboration – working with County staff on education and publicity.
5. Town street light review – found we are paying for a lot of lights that are in the County. We will be reviewing the lighting to see what is needed.
6. Upcoming events – Dickens Weekend – December 4, Dickens Night and December 6 the holiday parade. Holiday lights were installed yesterday.

Agenda Item 9d – Amendment of FY10 County budget – State cuts to Constitutional Officers. Mr. Campbell reported that there is uncertainty with the Registrar and Electoral Board amounts – the Registrar will be speaking to the Board later in the morning. A letter was received from the Governor yesterday indicating that further cuts are forthcoming. State revenue collections fell 8% in October, with a 7.6% drop year-to-date, which is 1.6% under budget forecasts. A meeting will be held on November 23 of the Governor’s economists to discuss future forecasts.

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve amendments to the FY10 budget as presented, resulting from State cuts to Constitutional Officers.

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

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

- Energy Assistance – as of yesterday’s deadline, 582 applications were received compared to 478 last year. Have only denied 13 so far because of being over the income level. The benefit level will be decided later in December. It will probably be half of last year’s amount because of the Federal government’s 40% cut in funding. Floyd County Cares did donate \$10,000 for additional assistance to our citizens. We do not know now if the benefit will be enough for the 100 gallon minimum delivery of oil or propane with our local vendors. We’ll have to work through that when we get our funding allotment.
- Presented copy of presentation made to the Senate Finance Committee on behalf of the Virginia League of Social Services Executives. Had a thirty minute time frame to give the status of the local departments, how we’re faring. The total benefit cases (cases only) have increased 34% since 2005, State-wide. Food stamp cases have gone up 115% since 2001, 148,000 cases (not individuals) to 319,277. Medicaid has grown over 38%. The number of people on Medicaid is now 659,969. The National Bureau of Economic Research, the Bureau that actually determines when recessions begin and end, determined that the recession actually began in December 2007. They’re predicting the recession to last at least through 2010. Childhood poverty rates are at a twenty year high. Local agencies, State-wide prior to the recession, were already understaffed by 1038 positions. If you look at caseloads in 2007, when this study was done, prior to the huge increases that came along with the recession, we were already short. There was a new mandate in 2008 that required all children in the custody of local departments to be seen every month. In order to meet that requirement, that added another 120 positions.

At that time, that was 1150 positions short that were needed to do that work. Food stamp and Medicaid error rates are up to 12-14%, which should be less than 2%. This is because of the large case loads. The system is failing, was the main point that I made. They can cut whatever they decide to cut, but they are looking at a safety net that is already missing people. Additional budget cuts will mean that more people will be missed.

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, and unanimously carried, it was resolved to amend the agenda to include Registrar Amy Ingram at 10:30 a.m. and a presentation by Don Thomas with Wingate & Associates at 10:00 a.m.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – aye

The Board recessed for a presentation by Mr. Don Thomas with Wingate & Associates concerning the reassessment process. He walked the Board through the actual process that a citizen would take in speaking with their team for an appeal. He discussed comparable sales, sales study, discussions with real estate agents as to how they see the market, how values are actually reached, steps in the process, etc. He reported that they have seen 134 people to-date, which is comparable to the last reassessment.

Ms. Amy Ingram, Registrar, next appeared before the Board. She requested help, assistance and guidance concerning the State budget cuts. She commented that she has not received information from the State Board of Elections as to a definite cut amount, thinks it is \$5001 for the Registrar and Electoral Board combined. She presented a spreadsheet indicating budget balances as of November 16. Do not feel that there will be enough funds to carry the departments through the end of the year, much less with 10% more cuts. The uncertainty of having a June primary is the main problem. Will not know until March as to if one is to be held. Those funds could be cut if it is not needed.

After discussion with Ms. Ingram, it was the consensus of the Board for her to make the required cuts as she sees fit from the line items for the Primary. The Board agreed to re-consider the situation again in the spring if a Primary is held.

Agenda Item 9e – Approval of Proposed Resolution for County Emergency Operations Plan. Mr. Campbell commented that Mr. Wirt will discuss this issue during his presentation.

Agenda Item 9f – Local Government Agreement between the Virginia Department of Health and Floyd County. Mr. Campbell commented that this is the annual agreement with the Health Department and the budget amounts listed are correct. Discussion followed on the site location for the local Health Department, if a site had been found. Mr. Campbell reported that several options are being discussed, but nothing has been finalized.

After discussion, it was the consensus of the Board to defer approval of the agreement until the December meeting to ensure a local building location has been found in case the operating numbers were to change.

Mr. John Steely, Assistant EMS Operations Manager, next appeared before the Board. He reported 73 total calls for the month with 60% transported. 53% were ALS calls and 1 call was for transfer of care to Lifeguard. Most calls were transported to New River Valley Medical, few were transported to Roanoke. There were a few more calls to the nursing home, which is typical of the season. The response unit had 41 total calls, of which 27 were with the volunteers.

Ms. Myra Grim, EMS Administrative Clerk, next appeared before the Board. She presented her report for October 2009 and indicated the new collection total of 57%. This percentage is for January through December 2008, of which write-offs are not included.

Mr. Rusty Stanley, Floyd Rescue Captain, next appeared before the Board. He reported 81 calls for October, with 57% BLS calls, 35% ALS calls and 8% standbys or no transport. He noted the average turnaround time of 3.5 hours is being discussed. They are trying to shorten this time. Initial research seems to indicate that it is coming from increased on-scene time due to the types of calls. Will also be meeting with nursing home staff again to discuss calls for altered mental status, which are not emergency calls.

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

- Regional Jail – building construction is still on schedule and under budget; opening is planned for January 2. Pleased to report a 100% score on a Department of Corrections unannounced inspection on October 15 and 16. Our average daily population hit 756 one day in October, our highest to date.
- Emergency Operations Plan – presented copy of the draft plan for the Board’s review. Worked with the State on the Plan and it meets all guidelines for the basic plan. The plan does not cover individual agencies; they must do their plan to correlate. Supervisor Boothe provided a list of corrections/questions for Mr. Wirt’s review. Supervisor Gardner asked that the line of succession be checked on page 37, some of the positions listed are not in the local school system. He also questioned if this plan covers pandemics? Mr. Wirt stated that the basic plan does not cover them, they would be included in an annex

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to adopt the resolution approving the County of Floyd Emergency Operations Plan, as amended; adopt the resolution for the NIMS program as presented (Document File Number \_\_\_\_\_).

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

Mr. Wirt also presented an invitation to the Board for the Fire Department's Annual Christmas Dinner/Installation of Officers.

Mr. Billy Robinson, Brown, Edwards & Company, next appeared before the Board. He commented: I want to thank you for your time. We appreciate the opportunity to serve the County. It is a great place to come work, great people, and we really enjoy the relationship we have with the County. We feel like we provide a good service and they are always very responsive, the staff is great to work with. I really want to commend your staff and you, the Board, especially for taking such an interest in the financial role. There are some boards that don't care much about that stuff, and you do, and that speaks very highly of all of you. There are three reports that we issued that are of major concern to the Board. There is a management letter, which I will not go over in detail; it is not a required communication to those charged with governance. There is the financial report, your audited financial statements. The good document, I think, which is not required, we just do it as a benefit for members of the Board and management, the financial analysis report. It is easy to understand. I told you about the management letter and if there are comments/questions, I'll be glad to answer those. The financial report, the most important thing is on page 2, is our opinion of the financial statements. We issued an unqualified opinion, that's the best opinion that you can receive. That basically the opinion states that your financial statements, in our opinion, are materially stated in all material respects. It doesn't mean that it is 100% accurate but materially we believe that the financial statements are presented that anything we may have missed would not change the mind of a decision maker who was using this financial statement. One thing that I want to make clear is that this is not an audit for fraud, which is a little bit of a public misconception. We have a responsibility if there is material fraud; it is our responsibility to find it. If we find any indications of fraud, whether they are material or not, we are required to report them to you. We found no such indications in our audit, but wanted to make that clarification. The financial statements contain a few highlights I want to point out for you to read at a later time. The management's discussion and analysis on pages 3 through 12. This is management's synopsis of changes in financial condition. This is them telling you or users of the financial statements, what changed and why. The statements go through, and I'll talk a little more about it later, a lot of good numbers that most people don't understand. One thing that was implemented this year, on Note 14, is Other Post Employment Benefits. It does not apply to the County but it does to the school system. Retirees are allowed to stay on the health insurance at the school system, therefore, the new accounting standards related to health insurance benefits and retirees came into effect. So that was a new change in the current year. That is being amortized, that liability. The estimated liability determined by the actuary was \$1.1 million, that's being amortized over 30 years, so you'll recognize the cost of that over 30 years plus any current contributions moving forward. The net OPEB obligation was \$67,000 related to that, which will increase. This is an unfunded plan. Some localities have funded this liability and started putting money in a trust. I think VML/VACo has set up a trust for some localities. Once you do that, the money goes over there and you can't touch it again. It has to be used for those health care benefits. I've not seen any of the smaller localities do it, a couple of the larger ones like Roanoke County and Roanoke City are doing that. Health care insurance, Note 16, is a change from the prior year. The School Board did switch to a self-funded plan in the current year which created an IBNR Liability (incurred but not reported claims). They have stop-loss coverage for excessive claims. They did

that as a method to try to control their health care costs and it turned out well in their favor in the current year. The compliance section starting on page 77, it gives our report on internal control, compliance with OMB Circular 133, which is the Federal program, and schedule of findings, a summary of our audit findings. I'll be happy to discuss any of those if you wish.

Supervisor Gardner – back to the health insurance for retirees, that's for managing the system, because we don't pay the insurance for the retirees.

Mr. Robinson – that's correct. What is created is called a blended rate. The retirees pay the same amount as employees do as far as the entire premium. The School Board does not contribute but they pay for use of the system. What is occurring in that and what GASB 45 says, is that it is really a subsidy, you're subsidizing retiree's insurance because generally they would not be able to get that type of premium, it would be much larger. So what there is is an implicit rate subsidy so that creates the liability that's going forward. If retirees paid exactly what it cost to provide insurance to them, this would not apply. Since they pay the same premium as the employees, that creates the implicit rate subsidy.

Supervisor Boothe – it is really considered as an additional perk.

Mr. Robinson – yes basically. You're earning the benefit. What OPEB does, governments in the past were giving out great benefits and that's not uncommon. What happens is you're not recognizing the cost for providing the service. You're not recognizing the cost until the future when you're paying higher premiums for those retirees on the plan. Not that you're paying specifically for those retiree premiums, but as a group it is higher. This is a method to recognize those costs over the employee's service. The retirees pay 100% of the premium, but the school system is paying for administration of the plan. The financial analysis is really the bread and butter. This gives you charts and graphs of the financial situation. Given the economic situation, you had a pretty good year. You didn't blow it out of the water, you controlled costs. You really had a little bit of advantage rolling into this economic situation in the fact that you've not had money for a long time. You've adjusted to your costs as you've needed to. You've been building on your budget and trying to increase your fund balance, you've made adjustments a number of years ago whereas a lot of localities didn't. A lot of them with high real estate taxes, especially in the Northern area, they had a lot of income and sales tax coming in due to growth and they went gang busters, expanding their services and costs, then when everything fell they had a lot of trouble. Of all the localities I audit, I think you all had the best year in terms of maintaining your costs and going forward. In the financial analysis, page 4, Level of Unrestricted Net Assets, shows resources not invested in capital assets or for a particular purpose, those rose considerably this year. Page 5, change in net assets, shows the improvement in the overall financial condition of the County. Page 6 shows the amount of fund balance as a percentage of the annual revenue, which has improved. This chart also shows the months of fund balance that you have where you could pay your bills. Page 7 indicates the Assets to Liabilities, which shows your equity in your assets, which is at a very good rate. Page 8 shows the Quick Ratio which is your ability to pay your short-term obligations, anything over 1 is very good, which yours is 1.13. Pages 9 and 10 show the condition of your capital assets and the amount of life left in them. The Debt Service Load on page 11 indicates your amount of debt as a percentage of property tax revenues. The Bonded Debt Per Capita shows the amount of

debt for each citizen, which has gone down. The Sales Tax growth on page 13 has gone down, as everywhere, but you all are not heavily dependent on sales tax. Page 14 shows the full value per capita which has increased. The Employee to Population Ratio on page 15, how many citizens do you have for each government employee. For each County employee there are 172 residents and for each School Board employee there is 40 residents, which has stayed steady over time, which says you're not any bigger than you need to be. Per Capita Ratios on page 16 shows what you spent your money on. School Board Intergovernmental Revenues on page 17 shows how much money came from Federal, State and Local sources. Over \$14 million comes from State and Federal and \$5 million from local sources. That's pretty standard. Your Expenditures per Pupil on page 18 shows what you pay in debt service and operating costs per student. That shows what the County is contributing in total per student, that's a pretty standard percentage.

Supervisor Boothe questioned the carry-over funds to the School Board, are they included in the County's fund balance?

Mr. Robinson – they would be, but what is included in the School Board's fund balance is the \$203,000 for the Anthem stock proceeds and the cafeteria funds.

The Board recessed for lunch.

Mr. Bob Beasley, VDoT Residency Administrator, next appeared before the Board. He reported some flooding in Floyd County, mostly in the Check/Copper Hill area. There were some washouts on stabilized roads and gravel was hauled. In the last 30 days, installed the last of the private entrance pipes under permit, replaced cross pipes, machined and hauled stone, moved some guard rail, took several backhoe complaints, worked Route 8 south and Route 221 with the guard rail mower, mowed brush, patched tar/gravel on various routes, cut trees and hauled them to Salem for grinding, installed snow fence on Route 221 north and Route 8 south, swept the stone from Routes 750, 787, 727. That is where patching had been done and we had a complaint of floating stone at those intersections. Snow preparation has been done – we've completed a dry run where we get all our equipment together for a day and have an inspection of all equipment to make sure it is in operating order, calibrated. We've got everything pretty much in working order for the upcoming season. We did get an e-mail from the Commissioner that a decision will be made in early January as to the status of my office for final closure.

Supervisor Boothe – any indications on the next round of cuts?

Mr. Beasley – we're hearing all kinds of things, I'm afraid to speculate. The public hearing for primary roads will be December 1 at 6:00 p.m. in Salem – focus will be on what to cut instead of what to add

Supervisor Boothe – thank you for the work being done. Glad to see primary roads cleaned up but secondary roads need it worse.

Mr. Beasley – we hope we can work on some of the other roads if we don't get snow before the holidays.

Supervisor Gardner – nothing to report – appreciate work on Route 221, it looks good.

Supervisor Allen – Franklin Pike/Route 221 intersection – there are large pine trees there and you have to pull up further and turn to be able to see down the road. Could those be cut?

Mr. Beasley – I will check it out.

Supervisor Gerald – Route 787, there are two bridges at the Floyd/Montgomery County line. The one on the Floyd County side has not been refurbished, but the one on the Montgomery County side has. Can we get the one on the Floyd side done also?

Mr. Beasley – on the inspection report, the Floyd County one is rated much higher. Every bridge is inspected every 6-12 months and they receive a numerical rating. Once they go below a certain threshold, they are refurbished. The Montgomery County one went below the threshold, the Floyd County one is still way above the threshold.

Supervisor Gerald – Route 787, 1 mile west of Route 758, a person who owns a Christmas tree business has cut the bank down about 100 yards to be able to get his trucks out. Would it be possible for VDoT to cut another 50' of the bank to improve the sight distance 100%?

Mr. Beasley – I will check it.

Supervisor Gerald – at Indian Valley Elementary School, on Election Day, I noticed three cars coming by the school at a very, very fast rate of speed on the straight-away. During school time, the 25 mph sign is on. Could the speed limit be lowered there?

Mr. Beasley – the 25 mph signs are very effective. If we lower a speed limit, we usually do it from one intersection to another, or from points that are logical. I will check out the situation and discuss with Salem before we ask for a full-blown speed study which costs around \$5000.

Supervisor Ingram – Route 661, North of Route 221 about 2 miles – sign needs to be replaced or cleaned up because of graffiti. Appreciate whatever work you can do on the secondary roads from machining to ditch work.

Supervisor Gerald suggested that a letter be sent from the Board for the December 1 public hearing listing the Board's concerns.

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

Supervisor Allen questioned if Mr. Cornwell had researched raising the courtroom security fee. It is now \$3.

Mr. Cornwell stated that he had not, but the General Assembly did change the rate in July up to \$8 maximum.

After discussion, it was the consensus of the Board for the County Attorney to review the matter and report back to the Board next month.

Discussion followed on the EMS billing of citizens in the County. Mr. Cornwell commented that he had not done the criteria list for waiver of fees as the Board requested. Discussion continued on the current billing practices. After discussion it was the consensus of the Board to include full or part-time employment as bearing on waiver decision, and also for the same information to be included on the information cards sent out by the administrative clerk. Further discussion will continue next month on the criteria list.

At 3:00 p.m., the Chairman called for the Public Hearing on the proposed Erosion and Sediment Control Ordinance.

The County Administrator read the call for the public hearing and commented that this change is being driven by requirements imposed by the State.

Mr. Cornwell – the State has made the new requirements mandatory. They changed some of the definitions and tightened up some of the requirements as far as what can and can't be done. It does, however, leave open some of the same exemptions that we have now. There are exemptions for minor landscaping activities, public utility lines, septic tanks and drain lines are not covered, surface mining is not covered, agricultural processes are predominantly not covered, railroads, bridges, right-of-ways and so forth are not covered, less than 10,000 square feet of disturbances are not covered, fences, sign posts are not covered, and emergency work is not covered provided it is stabilized later. The exemptions related to agriculture, horticulture and forestry crops are not covered but there are other requirements that protect the soil. Interestingly, these efforts to control erosion and sediment control arose basically out of the dust bowl situation in the Midwest several years ago. To protect the soil, and the issues of runoff into the watershed. Basically, this ordinance is the one that the State is requiring us to adopt, nothing is negotiable.

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 once the ordinance is adopted, that certification will need to be sent to the State in order to comply with State law.

Mr. Campbell – several contractors did pick up the ordinance and we answered questions. At least one other citizen had indicated that he would be submitting written comments but as of now, they have not been received. We have had some contact with Skyline Soil & Conservation regarding a couple of questions and we are working through the final details of an alternative inspection program with the local office. We've submitted our first quarterly report under the corrective action plan. If you approve the ordinance, I'll verify that it has been done.

Supervisor Allen – what is the penalty if we don't approve it?

Mr. Campbell – I don't know if there is a monetary penalty, but they could stop issuance of building permits in the County.

Mr. Campbell – other jurisdictions have been threatened with a daily fine, which they can withhold from your State reimbursements.

On a motion of Supervisor Gardner, seconded by Supervisor Boothe, it was resolved to adopt the proposed Erosion and Sediment Control Ordinance as presented.

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

Discussion followed on how to proceed – serious staffing issue to administer the ordinance, negotiations with Skyline Soil for contract assistance, etc.

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and carried, it was resolved for re-consideration of the vote for the Erosion and Sediment Control Ordinance at the Board's December 2009 regular meeting.

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

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to accept the FY09 audit as presented.

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

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

**CERTIFICATION RESOLUTION  
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel 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 session 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 Allen – aye  
Supervisor Ingram – aye

This Certification Resolution was adopted.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to appoint Mr. Robert G. Stauffer to the Floyd County Social Services Board, Indian Valley District, for a four year term.

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

Mr. Campbell presented a letter request from the Floyd County Merchant's Association for payment of \$300 by the County for law enforcement for the Christmas Parade. The Sheriff had indicated this amount would have to be charged because of recent budget cuts. No action was taken by the Board.

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

Supervisor Gardner – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Boothe – aye

Supervisor Ingram - aye