

**BOARD OF SUPERVISORS  
REGULAR MEETING  
OCTOBER 13, 2009**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 13, 2009 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

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

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

The Opening Prayer was led by Chairman Ingram.

Chairman Ingram led in the Pledge of Allegiance.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to amend the agenda to delete Dr. Terry Arbogast at 11:15 a.m. and move Mr. James Cornwell, County Attorney, to the 11:15 a.m. time slot.

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

Mrs. Mary Turman, Treasurer, appeared before the Board. She presented the invested cash and cash in office report as of October 13, 2009. She reported that tax tickets had been mailed last week.

Mrs. Morris presented the revenue/expenditure summary ending September 30, 2009. She reported that, at 25% through the fiscal year, that General Revenue revenues are at 9% and expenses are at 25% of the budgeted figures. Percentages are normal for this time of year. She reported that the FY09 audit draft is complete, which staff will be reviewing this week. The auditors will make a presentation to the Board at the November meeting.

The minutes of September 8, 2009 and September 15, 2009 were presented to the Board for review and approval.

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the minutes of September 8, 2009 as presented.

Supervisor Gardner – aye  
Supervisor Allen – aye

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

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of September 15, 2009 as presented.

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

The monthly disbursements were presented to the Board for review and approval. Questions and discussion followed.

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

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

Mrs. Stephanie Shortt, Commonwealth's Attorney, next appeared before the Board concerning the State budget cuts. She commented: I don't usually report to you on a monthly basis but felt I needed to discuss with you what my office is doing to address the budget crises. As you all are acutely aware, the Comp Board recently informed each of the Constitutional Officers about their budget cuts. How that impacted Commonwealth's Attorneys offices was 9.92%. Just by way of explanation, the Comp Board budget is separate from our County budget. The Comp Board budget includes really only three items, my salary, my full-time Administrative Assistant salary, temporary funds for a part-time employee, and office expense which is under \$5000. What happens is, when we bill for those matters, you all are reimbursed by the State for that amount of money. When they cut the 9.92%, they cut it from a limited budget area, so it is a very significant cut for a small office such as mine. In fact, across the State, there are many Commonwealth's Attorney offices that have large offices, may have 20 assistants, where a cut of that nature might not impact as significantly. When you're in an office with one attorney and one full time, that has a drastic effect. With that in mind, I have always taken the approach that I want to do whatever I can to work with the Board to try to get through this period of time, hoping that things will turn around. With the County's previous cut that they asked us to do for FY10, as well as the Comp Board's cut, for the Floyd Commonwealth's Attorney office, that is almost a \$9000 cut in one year. What I've had to do in extreme situations is take extreme measures. What I would ask you to do in considering a budget for next year is to consider that the measures that I'm taking are really of an emergency nature, they cannot sustain this office long-term. If there are going to be further budget cuts coming down in the next year, I don't think my office can run efficiently and run well if there are any more significant budget cuts. I just wanted to give you a sense of what I've done and explain how I think the impact is going to

be. As I stated, I have one part-time employee who works three days/week. I've had to reduce the allocation for her by \$2319. What my goal was, was to minimize the cuts to the employees in my office and take cuts within what I could. But I still, with that significant a budget reduction, had to cut my temporary employee by \$2319. As you are aware, our office is one of the few Commonwealth's Attorney offices that collect Fines/Costs for the County. How that benefits the County, the money is collected, less the expenses, is divided between the State and County. Since I've been in office, I wanted to alert you to the fact that we have increased every year, the amount of money that has been taken in, and reduced the expenses. For example, for FY08, just a little under \$17,000 was collected, the expenses were \$760 and the net to the locality was \$8098.40. For FY09, that increased to a collection of \$19,492 with expenses a little under half of \$487.92, so the locality received \$9500. My office has been looking at reducing the costs, while increasing the amount that is collected, in an effort to bring the County some additional funds. We will continue to do that. With that said, one area that already been reduced as far as the County budget, was the Cost of Collections. That had been reduced down to \$637. I chose, in an effort to deal with this situation, to reduce that down to \$200. If I go below \$200, the State will not understand. As far as the cost of paper and stamps, we just budgeted the low amount of \$200. Then what I ended up doing, the employees will have to do this work on their time during our office hours. As well, with office supplies, that was budgeted at \$600, I have slashed that by \$800 with the idea if there are any office supplies that we need this year, we'll have to be on a very strict budget. But, also, if there are any office supplies that we need, we have some Asset Forfeiture Funds that can be used if there is a case that involves drugs or distribution of drugs. There is a process that you go through to collect those funds, we receive a percentage of those funds for asset forfeiture. We have a small amount of money that in the past we were not able to use to supplement budgets. But recently, because of the crises, there is a one time exception for this year. That will not be a long-term fix but as far as dealing with some of the smaller things, I can use some of the funds this year. The Governor changed it so we could use the funds this year. Regarding books, publications, and continuing legal education, I have reduced that to \$400, which is a \$700 reduction. Again, as far as meeting requirements, I am required to get a certain number of CLE's. The books, we have already been trying to minimize the number of books that we receive but if there are some books that I can purchase out of asset forfeiture, I will. As far as mileage, I have reduced that to \$400 in light of the fact that \$396 has already been used to date. I have essentially eliminated any reimbursement in mileage and what I expect that I'll do is take it out of my pocket. The problem with mileage is that because all the Commonwealth Attorneys are state-wide, unfortunately most of our training is in Norfolk and Virginia Beach which requires an extensive amount of travel. That's where the mileage cost adds up. For Dues/Subscriptions, I have reduced that to \$300 which I have subtracted out \$200 which will basically cover my yearly dues to the State Bar. As far as travel, I have reduced that \$450 to \$1150 in light of the fact that if I need to go anywhere, I will try to supplement that with my own funding. Just to recap, I understand these are very tough times for everyone and I've done what I can as far as my office. I really don't know that I can do any more, other than very traumatic layoffs if we get any more significant budget cuts. We're operating on a very shoestring budget but I've done what I can and will continue to do so through this time period. I would say that I'm going to take these steps as far as this year. If there are any additional funds I would ask that you consider adding them to the Sheriff's budget because certainly if we are limited on the number of Sheriffs, we are limited on our ability to do my job effectively. I think I've taken the approach that I don't need to ask you this year but I would ask that you consider if

there are any additional funds that you supplement the Sheriff's Office because what they investigate and charge comes to me. If they don't have the resources to do that, then my office also is affected.

Supervisor Boothe suggested that Senator Reynolds and Delegate Poindexter be contacted and concerns relayed to them since these are direct State cuts and not County.

Mrs. Shortt – I will be glad to do that. I have contacted the Compensation Board for other options and they were very pessimistic about the situation. Our notice that we received that they were not going to cut specific line items now but that could come next year, depending on how the General Assembly felt. I absolutely agree that advocacy on the local front needs to occur. The Commonwealth Attorneys Association is also advocating as well, because it affects all of us. Some of the bigger offices have been able to weather these cuts better, because they had vacancy savings. If you had vacancy savings, you could roll that over and that would be the reduction, but we don't have vacancy savings. You're aware, that the level of crime and level of sophistication of criminal charges is increasing and it is taking a lot of time of both the Sheriff's Office and my time. Floyd County needs to be able to continue the approach if we can. I see that it is coming more and more to the local level to handle things. I felt the need to address this with you all.

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.

Sheriff Shannon Zeman – Mrs. Shortt touched on a lot of things that I also have concerns about. As you're aware, this is the third cut for the Sheriff's office. I know you're aware of the other two but I had a situation this morning that I want to bring you up to speed on. The first cut was part of the \$100 million cut from the Governor's plan. I have a letter from Mr. Campbell dated May 20 and I'm sure this is the number that the Compensation Board forwarded to Mr. Campbell, \$21,448 cut. It is now 5-6 months later, I continually check that Compensation Board budget on-line. We never saw this amount being cut from the Comp Board budget. I noticed this morning that finally did show up and the cut was \$26,911, so five months later, and very definitely to our disadvantage. Our second cut was the 10% across the board that you all asked for. I was willing to work with you and make those accommodations. Those cuts were made through equipment and vehicles. The first cut, that we thought was \$21,000, was overtime, part-time people. The third cut, the number is \$41,146, if that's actually what they're going to cut, they originally told us it was a 4.7% cut, that was on the Governor's plan on his website, when the numbers came in, it was a 6.9% cut. I want you to understand that I've made the cuts, and I'll tell you where I made them. I made them in the County budget; I did not cut employees because I don't feel I have enough employees to answer calls as it is. Doesn't do any good to have new vehicles with new tires if you don't have the employees to answer the calls. If I had extra employees, I would lay some employees off instead of taking it out of this County budget. It is all we can do to keep up with everything at this point. We are going to make the cuts after we sat down and went line item by line item. We cut \$9000 out of maintenance/service contracts; \$875 out of travel; \$1000 out of police supplies; \$882 out of police uniforms; \$1500

out of radio equipment; \$14,000 out of fraud reduction, \$10,000 out of tires; there was about \$8000 left out of the Compensation Board part-time, we cut \$4000 out of that. I'm trying to keep the part-time secretary for one day per month when we do bills and the State Police report at the end of the month. For the last several years, Fran has worked diligently to obtain as many grants as we could get. I've had the part-time employees doing a lot of the secretarial work. It has come to the point where Fran will basically be doing the required duties of the office, if she gets time she'll apply for grants. That's where we intend to make the latest cuts. A few things that the department is continuing to do to save money – all our meetings now, we don't have one meeting with all the employees. If you bring 30 employees in and have a 2-hour meeting, you have 60 hours of overtime. We have meetings at shift change. We have cancelled all schools except the minimum training standards that DCJS requires. Have five officers attending a specialized school for the school entry team, been cancelled. All my instructors that help instruct at the Academy, that's part of our agreement that we have an Academy and all participating agencies provide general instructors, that's how we keep the per diem rate down to \$315/officer. I've had to cancel all my instructors going over instructing at the Academy. I cancelled one firearms range session; we only go once per year. We normally shoot the carry ammo at the range and replace it with new. Carry ammo costs a lot more than the practice ammo, so we use the practice ammo and use the carry ammo for a second year. No overtime unless it is an emergency and I'll talk about some examples of that in a moment. The part-time employees have been laid off except for the Court Bailiff; I continue to ask you all for that money that comes through the Courtroom Security Fund as funds are available. You know there are no new vehicles in the budget. The Task Force is being paid for out of Asset Forfeiture money. I've met with all the employees and we're trying to handle some calls over the phone when we can, they have to ride together on second shift, I just have to save the tires and vehicles, so that's a reduction of 50% of the patrol time, I hope to see mileage go way down. I had three requests last week for Town events. The Chamber contacted me and wanted us to do Dickens of a Night, we've always done the Christmas Parade. I'll be quite honest with you, the third one was the Veterans Day Parade, and it was one of the most embarrassing things I've had to do as Sheriff, but I had to inform them for us to do that, they would have to pay us the overtime money to do the event. Also last week we had a bomb threat at the High School. That's the emergency kind of overtime that we're continuing to put on the books and will have to address at some point in time. Myself, the investigators, when we pay this overtime back, we try to fill the shifts as much as we can. We try to keep the overtime number at a very minimum. For example, this bomb threat, we also had an alarm going off at a house out close to the Parkway. It went off over an hour. We had to prioritize that the bomb threat was more important than an alarm. This particular home has been recently broken into two weeks ago. I had to call men out; it was close to noon, two men, and six hours of overtime. That's the kind of overtime that we have to deal with. I want you to know that we're still in the middle of a homicide investigation, we have some trials that are coming up, we recently served over 100 jury summons, we have trials coming up that will require additional manpower for security reasons, and those are all overtime issues that we have to deal with. We are committed to keeping Floyd County as safe as we can with the amount of funds that we have. I do want you to know that in the last 60 days, I asked Investigations to go back and see how many break-ins we've had, to give you an idea. There have been 24 break-ins in the last 60 days. I haven't read the logbook this morning but I understand there has been some graffiti over the weekend, at the schools and bus garage. I don't know how much more cuts we can sustain and continue to provide the services. I'm not here to

ask you this morning for the money because it is my understanding that there are no funds available to deal with this. I'm like Mrs. Shortt, please in the upcoming budget cycle, law enforcement is going to have to be brought to some different level of priority when the funds are available. I know in the past there have been disagreements on whose responsibility this is, I'm under the same circumstances as Mrs. Shortt. The employees are coming from the Comp Board and all the other stuff is paid for by the County. You all have worked great with the Sheriff's Office and we have grown but our number of calls and the things that are going on in our community have grown more than we can accommodate with people and equipment. I really feel that we have inadequate funds to operate the Sheriff's Department from this point forward. Please don't think that I am here to criticize, I have to let you know what is going on. I have a lot of concerned employees and citizens who talk to me. Some of you may think this is just a State issue, but it is not. I have contacted our legislators by letter and phone calls. They still won't do anything today, they are looking long-term. Our concerns are also with today, we are having some of the most serious crimes today in Floyd County that have been since I've been working here in 21 years. Two homicides in the last year, the first five years I was Sheriff there were none. There are a couple of positive things I want to tell you about. We did receive a DMV grant for \$11,881. As you know, that has to be used for Selective Enforcement; it can't be used for anything else. We got the new radios in from the radio grant; seem to be working very well. Appreciate Ford helping me with that project. We have had an excellent Internet Crime training program recently with a retired State Policeman. We hope to have training sessions with parents to help them protect their children, at a later date. Also, Joe Turman worked for me in a part-time position for some time. He would work so other officers could use their overtime. This doesn't help our overtime but I had been working with the Town for some time for a part-time officer on Friday and Saturday nights. This went on for almost a year and we weren't quite able to work that out. I actually didn't have a person to put in that position. He did work the last Friday and Saturday night in Town, hope we'll get some good coverage here in Town on the weekends.

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

1. Town's CDBG final reports are being completed – there is a two year window for job creation;
2. Developments in the Town:
  - a. Farmers Market – development well under way;
  - b. Rezoning request at 124 Wilson Street – public hearing has been set for October 15 for Council, October 20 for Planning Commission – request is to rezone from R-3 to B-2 – property directly behind Hotel Floyd office.
  - c. Conditional use signage request – The Station – public hearing has also been set for October 15 for Council, October 20 for Planning Commission – this request is for directional signs;
  - d. Permits issued for upcoming events – Split Rail Eco Fair; Veterans Parade, Dickens Night and Host Venue for NRVPC's November meeting.
3. Pine Street – installation has been completed for a turn-around. Working with VDOT to include this addition in the State system.
4. Application for Phase IV – T21 Enhancement Grant – easements have been the hold-up.

5. Application for Energy Grant – Council is pursuing this grant with the assistance of the Planning District Commission – grant would be used to bring Town facilities up to current energy efficiency standards.
6. Town Land Development Regulations – final component of the zoning map and fees schedule is nearing completion. Discussion at Thursday night’s meeting should complete this issue. The boundary line map is also being worked on through this process also.
7. Town Comprehensive Planning – we will be participating in the discussion at the Planning Commission’s October 20 meeting.

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

- Applications continue to run significantly higher – presented a chart showing application numbers for the last five years – significant spike in the last year.
- Budget cuts – two major cuts as relayed to the Board last month – Companion Program will be reduced by 15%, which will reduce the number of people served; 11% reduction to a subsequent line item that is used when Companion Program funds are depleted. These are non-mandated programs.
- Presented draft proclamation request from the Local Advisory Board of New River Community Action recognizing October as Poverty Awareness Month.
- Fuel program applications are being accepted beginning today – payments will be made in December.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and unanimously carried, it was resolved to amend the agenda to include consideration of the request for a proclamation for Poverty Awareness Month.

- 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 proclamation as presented, recognizing October 2009 as Poverty Awareness Month in Floyd County (Document File Number \_\_\_\_\_).

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

Mr. Harold Wingate and Mr. Don Thomas, Wingate Appraisal Services, next appeared before the Board. They commented:

Mr. Wingate – at the moment, we are basically through with the field work except for a few building permits to check. We’re doing some edits and audits, looking for any problems or something that we overlooked. Our target date, right now, for mailing notices of the new values, would be early-mid November. We can’t give you an exact date until we complete our clean-up

work. We are looking toward having the public hearings sometime around the 2<sup>nd</sup>-3<sup>rd</sup> week of November. Everything has gone very well. The last work done here was in 2004, effective 2005, and that was based primarily on 2003 sales. One thing that is confusing is that 2004, 2005 and 2006, values were going up very sharply and they are not reflected in the current assessment. There will be some increases but we don't have a feel for that right now. We also know that a lot of folks are going to say, well, you can't increase anything because of the current economy. But, we're bound by the sales and again, most of us know what was going on in 2004, 2005 and 2006. The market was going up steadily. We're looking at 2008 and 2009 sales, and we're doing our very best to do what the State law says, and that is to reflect market values and keep similar property in line. That is in essence is where we are. We do not have any estimates of increases. We will have those soon, but at the moment we don't have them.

Mr. Thomas – we've been able to make a few appearances to some community and civic groups along the way, as requested. We have been able to get in front of the Chamber of Commerce, the Check Ruritans and the Lions Club.

Mr. Wingate – we would have done more if asked. The County Administrator sent a letter to all the groups but we only had requests from those three groups. I don't know why the interest wasn't greater, but that's how it worked out.

Supervisor Boothe – we appreciate you doing that. Some of the people that attended said it was very informative, very professional and they actually recommended that more organizations should take advantage of it. I just wanted to let you know, since we met during the early part of the process, everything reported to me was good, no complaints, very courteous staff, have not had one negative comment this time. It is a testament to the way the process has been done this time.

Mr. Wingate – we appreciate that. We are representing the County and our Company when we're out. We've spent a lot of years, starting in 1962, to try to build our reputation and we're aware it doesn't take long to tear one down.

Supervisor Boothe – back to what you were talking about, people's expectations – would it be fair to say that any market downturn would probably not show up until the next reassessment, is that a possibility?

Mr. Wingate – generally what we saw, and this was pretty well true in most of the State. We saw that starting in 2003; the increase was starting pretty fast. 2004 and 2005 were extremely high years, State-wide. We're doing a job now in Rappahannock County, which was done in 2005. At that time, some of the prices they had in 2005, we started out being pretty critical of them, trying to figure them out. But if you go back to 2005, you could sell just about anything that you could find for any price, particularly in that end of the State. They were high years. By the last of 2006, we began to see some leveling out. In 2007, still level, no real increases or decreases. But then in 2008, we began to see some decreases and foreclosures and that sort of thing. I think that question is best answered by saying that we have looked at the 2008 sales. Normally we would not have looked at 2009, because you stay a year behind. In order to get the work done, you have to stop your sales study at a certain point. That's what

happened in the last reassessment; we stopped with 2003 and did not react to 2004. We actually missed the low market value last time and we knew it, but we couldn't react because 2004 took off. What will happen here, those high years will be reflected in your assessments, but we're watching 2009 and monitoring it to try to reflect some of the downturn. But when we say downturn, we say downturn from where? Not from the last reassessment. From the last time, the market was entirely different. From a year ago, it flattened out and some downturn. Interestingly enough, unique to Floyd County, acreage here, particularly small tracts, doesn't seem to be hard hit at all. We're still seeing increases in acreage sales. That's true in most localities, particularly in Southwest Virginia, the demand is still there. What we've tried to do is take each community in the County and look at the sales, by category such as single family dwelling, acreage, etc. This is the toughest time we've had to come up with market values. Also note that foreclosures are not used in market analysis.

Agenda Item 8a – Subdivision plats as approved by Agent for September 2009. Mr. Campbell reported nine new lots created in September, with 123 new lots year-to-date. Other types of divisions are holding steady.

Agenda Item 8b – Appointment – Floyd County Social Services Board, 4 year term, Indian Valley District – defer for interview.

Agenda Item 8c – Appointment – Montgomery-Floyd Regional Library Board, unexpired term to end June 2012 – defer for interview.

Agenda Item 8d – State budget cuts to Constitutional Officers. Mr. Campbell commented that information from the Compensation Board had been included in the Board packets detailing the various cuts. Also included was a memorandum from the Treasurer as to how she will handle the cuts. The Commissioner will take the cuts in part-time assistance to cover the entire amount. The Clerk of Court will cut equipment maintenance and upgrades in that area. While he is concerned, he did not want to address the Board at this time. I cannot account for the \$5000 difference that the Sheriff mentioned, the figures came directly from their data, but we will check it out. I also have shared with you, some information on public education, the Superintendent's Report. They are held harmless this year but we don't know what next year will bring.

Agenda Item 8e – Glass recycling report. Mr. Campbell reported that a vendor has been located in Wilson, North Carolina that will take the glass. We will have to sort the clear glass, but he will take the mixed colors. We will have to install a basic bunker system behind the recycling building but it shouldn't cost much more than \$800. We will have to ensure that the glass isn't contaminated with refuse. If we can maintain a good quality of glass material and pay him by the mile, we should break even or make a buck or two. Consensus of the Board was to move forward with the proposal – contracting with the vendor, advertising in local newspaper, re-working collection boxes as needed, installation of bunker area for sorting.

Agenda Item 8f – Designation of VACo Voting Representative for VACo Annual Meeting.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and carried, it was resolved to designate Supervisor Gerald as voting delegate at the VACo Annual Meeting.

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

On a motion of Supervisor Gardner, seconded by Supervisor Gerald, and carried, it was resolved to designate Supervisor Boothe as alternate voting delegate at the VACo Annual Meeting.

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

Agenda Item 8g – County Industrial Building parking lot repair. Mr. Campbell reported significant repair items needed at the industrial building, where Legacy has been located for over nine years. A bid was submitted to the company, not the County, to make the repairs as needed. There are repairs needed on the upper and lower parking lot entrances and some drainage problems. The total cost is \$2900; the proposal is to split the cost between the County/company. Suggest that this be tied in with the rental cost that the County receives from the company, and this would be a one-time deal, and any further maintenance is the responsibility of the company. It is felt that these problems tie back to the original design.

On a motion of Supervisor Boothe, seconded by Supervisor Gardner, and carried, it was resolved to authorize the County Administrator to proceed with repairs to the County Industrial Building as presented by the bid proposal; emphasize that this is a one-time transaction and any further maintenance is the responsibility of the company.

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

Agenda Item 8h – Erosion & Sediment Control Ordinance and alternative inspection program. Mr. Campbell commented that a model ordinance was included in the pack, as prepared by the State. The County Attorney has reviewed it also and it is satisfactory to him. The County really doesn't have much of an option. The ordinance that we were operating under was fine when it was set up, but there have been changes at the State level. Those primarily involve enforcement items and recordkeeping. As part of the corrective action program that we considered a couple of months ago, the first two steps involve adoption of the modified ordinance, which you have, and adoption of alternate inspection program. We hope to submit this and they will affirm that it meets their requirements. Our proposal may not be acceptable to the State but the inspection schedule, even as listed, is going to be very difficult for our limited

staff. A public hearing will need to be scheduled for the proposed ordinance. We have improved/organized our recordkeeping and will continue to work on that area. We have notified the State that we have lost our Building Official and are working to replace that position in the very near future. The Board deferred the matter for further discussion with the County Attorney.

Agenda Item 8i – Proposed proclamation for designating October as Schedule a Mammogram Month.

On a motion of Supervisor Gerald, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the proclamation as presented, designating October as Schedule a Mammogram Month (Document File Number \_\_\_\_\_).

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

Agenda Item 8j – Floyd County Equalization Board appointment recommendations. Mr. Campbell commented that he had contacted David Peters, Judy Anderson and Evelyn Janney, who had served on the Equalization Board before. They are all willing to serve again. Supervisor Boothe suggested Monty Moran, a certified home appraiser, who is willing to serve. Supervisor Ingram suggested Jim Richards, retired, who is willing to serve.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to submit the names of David Peters, Judy Anderson, Evelyn Janney, Monty Moran and James Richards to the Judge of the Circuit Court as nominees for the Floyd County Equalization Board.

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

Agenda Item 8k – Homeland Security Grant. Mr. Campbell reported that a grant had been approved in the amount of \$29,200, with no local match, from Homeland Security. The grant would be used for the purchase of eight Toughbook computers for installation in various public safety vehicles. The purchase would be made from the State bid program.

On a motion of Supervisor Boothe, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize acceptance of the Homeland Security Grant in the amount of \$29,200 for purchase of eight Toughbook computers; authorize appropriate County officials to execute same.

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

Supervisor Ingram – aye

Agenda Item 8l – Administration Building roof bid tabulations. Mr. Campbell reported six bids received from the County’s RFP. Roofing Solutions had the low bid of \$17,200. We know there will be some additional cost over the bid amount once we see the water damage to insulation and ceiling tiles. They expect a five day installation process. The roof has a ten year warranty with a site visit by the factory representative who will guarantee the work.

Supervisor Boothe suggested that any equipment on the roof be inspected and any necessary maintenance be done before the new membrane is installed to reduce foot traffic on it.

On a motion of Supervisor Gardner, seconded by Supervisor Boothe, and unanimously carried, it was resolved to authorize the County Administrator to accept the bid from Roofing Solutions in the amount of \$17,200 for replacement of the Administration Building roof; authorize County Administrator to execute contract.

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

Mr. Don Johnson, Floyd County Rescue, next appeared before the Board. He reported 68 total calls for the month, with Rescue responding to all calls. He presented, for the Board’s information, a list of new officers for the upcoming year. He reported that the Squad will celebrate their 35<sup>th</sup> anniversary on Saturday night.

Ms. Myra Grim, EMS Administrative Clerk, appeared before the Board. She commented that Mr. Bartlett is out on an emergency call, but she would be happy to relay concerns/questions. She commented that the aging section on her report is zero because information was not received from the billing company in time to include. A new percentage collection will be relayed to the Board next month.

Agenda Item 8m – Proposed Stormwater Regulations. These regulations would be assigned to the Soil & Water Conservation Board. We received a number of responses from our representatives in Richmond. A copy of the proposed regulations and letters were included in the Board’s pack. It is interesting that we could opt out of the local stormwater program and the State would then have to administer it on our behalf. The Department of Conservation is very concerned as to if they can handle the additional responsibility and are hopeful that the localities will take it on. The risk is that if all the localities decline administration of their program, it would slow the process down for the citizens. Because of the great number of comments the State received, they are extending the comment period for another 30 days. After discussion, it was the consensus of the Board to delay a decision until after the public comment period is closed.

On a motion of Supervisor Boothe, seconded by Supervisor Gerald, and unanimously carried, it was resolved to amend the agenda to include discussion on recognizing the Floyd County Rescue Squad on 35 years of service.

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 authorize the County Administrator to prepare a proclamation recognizing the Floyd County Rescue Squad on their 35<sup>th</sup> anniversary and expressing appreciation to all past/present volunteers for their dedication to Floyd County (Document File Number ).

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 adopt a resolution changing the November regular Board of Supervisors meeting to November 17, 2009; authorize County Administrator to advertise same (Document File Number ).

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

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

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 authorize the County Administrator to prepare a proclamation recognizing the Floyd – Floyd County Parks & Recreation Authority for 25 years of service to the community (Document File Number ).

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

Supervisor Boothe – aye  
Supervisor Ingram – aye

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

- Bomb threat incident at the high school was resolved with no complications this morning;
- Regional Jail – had our highest inmate population on September 26 at 748; October 9 showed 755 inmates;
- Appreciate Board of Supervisors action on Homeland Security grant;
- Still working on another grant received – applied for \$265,000, \$150,000 was approved. Hope to be able to carry over the funds to use with additional funds in next year's budget for equipment purchase;
- Regional Jail – audit indicated that the year was ended in the black;
- Sheriff's radio system is complete – funds came from the E911 Fund.

Mr. James E. Cornwell, County Attorney, appeared before the Board in reference to agenda item 7j(i) – Draft road closure abandonment process. He reported: Basically, when we got into this process, we realized that there are actually two issues instead of one. We tried to make it simple and cover both issues in one policy but it was too confusing so we separated them. What you've generally been doing is abandonment of roads that have already been discontinued. There is a State policy for abandonment of these roads. You also, however, occasionally have to petition the Commonwealth Transportation Board to take a public road out of the secondary system. So instead of trying to do everything in one policy, we did two policies depending on what the applicant wanted. I expect that about 90% of the time you'll get an applicant who wants a discontinued road abandoned. What we've tried to do, as you know in your previous procedure, that staff would try to do the work. When someone came in or wrote a letter requesting that a road be abandoned, staff would do all the initial research, kick it over to my office, I'd send somebody over to look at the road, take pictures, research all the owners and who might have an access to the road. County staff or our staff would do all the work and handle the additional burden. This policy basically shifts the burden to the applicant who wants the road discontinued or abandoned. They have to file a petition with you to initially accept the petition. There is no use in going further in the process of abandonment if for whatever reason, you don't want to consider the abandonment. So without the payment of an application fee, I made that an important part, they can file a petition with you, staff will then review, give to you with their recommendations as to whether to consider the petition or not. Information that would be in that petition would be the names, current addresses and phone numbers of the people that want the road abandoned. The percentage, and this is something that needs to be ironed out, how many of those people actually on the road, who want the road abandoned. The names, addresses and phone numbers of all persons that have land on that road, or who own land adjacent to the road, have a driveway or easement adjacent to the road, or otherwise use the road. Some kind of plat, it can be right out of the highway book in the Courthouse, a survey that somebody has done or can find, to show what they want abandoned. Photographs of the road, so you can see what it looks like. Is there is any other way that people who front the road have any other access to their property. Maybe VDoT built another road to replace this road. Why do they want it abandoned – are people coming down there and partying, or whatever? Once they file that petition with the

County, staff reviews it, brings it to you with the information in the petition and any other information that staff has developed. Then you get to see it, and decide if the process should continue. Once you decide to accept the application for abandonment, then there's an application fee due. I just picked a figure of \$200, you can change it to whatever you want. Applicants have to pay that to you within ten days of notice that the Board is going to consider the application. Then, there are certain things that the applicant has to do that are required by State law, posting of the notice at the Courthouse and along the road, giving the County a form that we will create for public notice in the newspaper, mailing a notice to the people that are listed on the petition with any interest in the road, giving notice to the Commonwealth Transportation Board. The County advertises it, they give us a form and we put it in the paper, but they have to pay the cost of advertising in addition to the application fee. Then they file with you an affidavit saying that they've done all those things, and then you take it to public hearing. If you decide to abandon it, we file a resolution of abandonment. If you decide not to, the matter is over. There is a one year time frame before they can come back to request abandonment again. The policy for the discontinuance is the same except for advertising it only once, one week ahead of the public hearing, and the petition sent to the Commonwealth Transportation Board.

Supervisor Boothe – my question is, in the first paragraph of each policy, could we add something in there that would include private/public entities requesting the action? It has been my experience, on the discontinued part, very rarely a private landowner would request this. But we've had a public entity come before this Board many times and ask for discontinuance. Is there any reason that VDoT shouldn't have to follow this policy also? The cost of advertising is my main concern.

Mr. Cornwell – we can add that easily, to include any person or entity. I'm not aware of anything that would preclude that. I would suggest saying "any owner of land which is adjacent to or has access from any public road within Floyd County which public road is within the secondary highway system or which is not maintained by the Virginia Department of Transportation or any person or entity, public or private, may file a ...". After discussion, it was the consensus of the Board to set the agreement percentage at 70% of the landowners/those utilizing the road.

On a motion of Supervisor Gardner, seconded by Supervisor Boothe, and unanimously carried, it was resolved to the adopt the Policy Regarding Abandonment of Public Roads Within the Virginia Secondary Highway System and Roads Not Maintained by the Virginia Department of Transportation and the Policy Regarding Discontinuance of Public Roads in the Virginia Department of Transportation Secondary Highway System as amended – inclusion of agreement percentage at 70% of landowners/adjacent property owners and inclusion of policy applying to any person or entity, public or private (Document File Number \_\_\_\_\_).

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – aye

In discussion of the E&S Ordinance requirements, Supervisor Boothe questioned if the administration of the process could be given entirely to the Skyline Soil Conservation Service.

Mr. Cornwell – no, not allowed under the State Code to shift the burden to them completely. But, the County could contract with them or anyone else to perform the duties at a cost.

The Board recessed for lunch.

Mr. Bob Beasley, VDoT Residency Administrator, next appeared before the Board. He reported that, in the last 30 days, crews have been working on: dry runs on snow removal; patching on Routes 750, 787 and 726; mowing; grass mowing is complete; machining; shoulder repairs; installed last of private entrance pipes that VDoT will be doing; ditching; picked up numerous deer. He commented that after today, VDoT will no longer be installing private entrance pipes. The landowner or contractor will still have to obtain a permit from VDoT. An engineering plan will have to be obtained if there is a live stream involved. An environmental permit will still be required. Also, the public hearing for the 6-year plan will be shifted from the Fall until next Spring.

Supervisor Boothe – appreciate what you are doing.

Supervisor Gardner – nothing to report.

Supervisor Allen – nothing to report.

Supervisor Gerald – intersection at Horse Ridge Road/Indian Valley Road, about 300' in from the intersection, damaged guard rail needs to be fixed.

Mr. Beasley – it has been noted on our list, the contractor does not come to do repairs until there is at least 200' that needs to be repaired.

Supervisor Gerald – intersection of Indian Valley Road/Route 758 – the sign has been used for target practice and needs to be replaced.

Supervisor Ingram – boom axe is really helping with the brush situation when time is available – it especially helps with safety/sight distance.

The Chairman turned the chair over to the Vice Chairman at 2:00 p.m. and left the meeting.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to authorize the County Administrator to advertise for a public hearing at 3:00 p.m. on November 17, 2009 on the proposed Erosion & Sediment Control Ordinance.

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Boothe – aye

Supervisor Ingram – absent

Consensus of the Board was for the County Administrator to explore options/alternatives with Skyline Soil Conservation for administration of the E&S program for the County.

On a motion of Supervisor Gardner, seconded by Supervisor Gerald, and 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 – absent

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

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

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

**CERTIFICATION RESOLUTION  
CLOSED SESSION**

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 – abstain  
Supervisor Allen – aye  
Supervisor Gerald – aye  
Supervisor Boothe – aye

Supervisor Ingram – absent  
This Certification Resolution was adopted.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and carried, it was resolved to appoint Virginia (Ginny) Gardner to the Montgomery-Floyd Regional Library Board, to fill the unexpired term ending June 30, 2012.

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

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

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