

**BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 8, 2013**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 8, 2013 at 8:00 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: Case C. Clinger, Chairman; Virgel H. Allen, Vice Chairman; J. Fred Gerald, Joe D. Turman, Lauren D. Yoder, Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

The County Administrator called the meeting to order at 8:00 a.m.

The Opening Prayer was led by Supervisor Gerald.

Supervisor Allen led in the Pledge of Allegiance.

The County Administrator called for nominations for Chairman for the 2013 calendar year.

Supervisor Gerald nominated Supervisor Clinger.

Supervisor Turman seconded the nomination.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – abstain

The County Administrator turned the chair over to Chairman Clinger.

The Chairman called for nominations for Vice Chairman for the 2013 calendar year.

Supervisor Turman nominated Supervisor Allen.

Supervisor Gerald seconded the nomination.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – abstain
Supervisor Clinger – aye

Agenda Item 5 – Setting of date and time for 2013 regular Board of Supervisors meetings.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to set the 2013 regular Board of Supervisors meetings at 8:30 a.m. on the second Tuesday of the month and 7:00 p.m. on the fourth Tuesday of the month, both to be held in the Board Room at the County Administration Building.

- Supervisor Yoder – aye
- Supervisor Turman – aye
- Supervisor Gerald – aye
- Supervisor Allen – aye
- Supervisor Clinger – aye

Agenda Item 6 – Setting of alternate date and time for 2013 regular Board of Supervisors meetings in case of inclement weather.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to set the Thursday after the second Tuesday and fourth Thursday as alternate dates for the regular 2013 Board of Supervisors meetings in case of inclement weather, same time and place.

- Supervisor Yoder – aye
- Supervisor Turman – aye
- Supervisor Gerald – aye
- Supervisor Allen – aye
- Supervisor Clinger – aye

Agenda Item 7 – Consideration of Roberts Rules of Order as meeting protocol.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt Roberts of Rules of Order as meeting protocol for the 2013 Board of Supervisors meetings.

- Supervisor Yoder – aye
- Supervisor Turman – aye
- Supervisor Gerald – aye
- Supervisor Allen – aye
- Supervisor Clinger – aye

Agenda Item 8 – Minutes of December 11, 2012.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the minutes of December 11, 2012 as presented.

- Supervisor Yoder – aye
- Supervisor Turman – aye
- Supervisor Gerald – aye
- Supervisor Allen – aye
- Supervisor Clinger – aye

Agenda Item 9 – Approval of monthly disbursements. A list of additional expenses was also presented for the Board’s review.

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

- Supervisor Yoder – aye
- Supervisor Turman – aye
- Supervisor Gerald – aye
- Supervisor Allen – aye
- Supervisor Clinger – aye

Agenda Item 11a – Subdivision plats as approved by the Agent for December 2012. Mr. Campbell noted one large family division approved by the Planning Commission; 45 total lots created for the year which is slightly more than last year; family subdivisions are also up from last year.

Agenda Item 11b – Appointment to Floyd County Planning Commission, one year term, one Board of Supervisors member.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and carried, it was resolved to reappoint Supervisor Fred Gerald to the Floyd County Planning Commission for a one year term.

- Supervisor Yoder – aye
- Supervisor Turman – aye
- Supervisor Gerald – abstain
- Supervisor Allen – aye
- Supervisor Clinger – aye

Agenda Item 11c – Appointment to New River Valley Planning District Commission, one year term, one Board of Supervisors member.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and carried, it was resolved to reappoint Supervisor Fred Gerald to the New River Valley Planning District Commission for a one year term.

- Supervisor Yoder – aye
- Supervisor Turman – aye
- Supervisor Gerald – abstain
- Supervisor Allen – aye
- Supervisor Clinger – aye

Agenda Item 11d – Appointment of VACo Legislative Contact, one year term, one Board of Supervisors member.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and carried, it was resolved to reappoint Chairman Case Clinger as the VACo Legislative Contact for a one year term.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – abstain

Agenda Item 11e – Appointment to Floyd/Floyd County Public Service Authority, Town/County representative, four year term.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to reappoint Mr. Paul Faulkner as the Town/County representative to the Floyd/Floyd-County Public Service Authority for a four year term.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

Agenda Item 11f – Appointment to the New River/Mount Rogers Workforce Investment Board.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to appoint the County Administrator to the New River/Mount Rogers Workforce Investment Board.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

Agenda Item 11g – Appointment to CPMT, Service Provider, four year term.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to reappoint Dr. Betty Etzler as the Service Provider Representative to the Floyd County CPMT, for a four year term.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

Ms. Stephanie Shortt, Commonwealth’s Attorney, next appeared before the Board. She reported:

Compensation Board action update – I was requesting temporary emergency funding for an Assistant Commonwealth’s Attorney experienced in capital murder trials. Mr. Hapgood has been in this position and we were hoping he could continue. Once again, I requested a total

amount of \$56,320. They approved \$24,200 through May 31, 2013. They approved the funding in the amount of 50% of what was requested for 22 weeks. They indicated specifically that the Compensation Board does not anticipate further emergency funding approval for this matter. That is the first time that they've put that down in writing. Obviously our case still continues whether the Compensation Board believes they will approve any more emergency funding or not. At this point, the preliminary hearing is scheduled for January 25. It does look like it will proceed for that day. I expect that I would still request funding but I wanted to make you aware that they had made that stipulation about the emergency funding. I did speak with them, based on our staffing; we are eligible for a full-time Assistant. I will continue to ask for that in our budget request. It is really up to the General Assembly as to whether any additional positions will be allocated for any constitutional positions. My understanding is that they have not approved any new positions since 2008. I am not sure that there is movement in the General Assembly to approve additional officers. I wanted to update you about that; I will address it further in my office's budget request for the County. The need still continues whether the State feels they can find the funds or not. The Governor introduced an increase for Assistant Commonwealth Attorneys. The current Assistants, the push is to maintain funding, their compensation has not gone up for several years. The disparity in the actual salary for an Assistant is such that a Magistrate is making more than a full-time Assistant. That does not affect Floyd County since we don't have an Assistant at this time. What we need is for them to find additional positions. The more urban areas already have funding for their Assistants and want to maintain quality people in their positions. That was the Governor's budget request. In a small locality, we don't have the numbers or power in the General Assembly to help them see how this is proportionally affecting smaller localities. They see the numbers and see that jurisdictions are having trouble recruiting good quality prosecutors which is an issue. We also have the issue that we don't have the resources we need to provide the best service that we can. And once again, we don't fall in the State bonus category and have not had a raise since 2008 except for the County's generosity

Sheriff Shannon Zeman next appeared before the Board and reported:

- Met with Captain Denny and First Sgt. of State Police after you all wrote to the Superintendent in Richmond. I'm going to use you all more often, because I got a phone call yesterday that we'll be getting another trooper January 25. He is originally from Carroll County. The Captain and someone in Richmond agreed to give up someone and Richmond approved it right away. I thank you for coming to the meeting and the letter.
- Cars – we have two of the new cars on the road being used now. We are changing the graphics on the sides of the cars to hopefully be a little more visible. The last one will be put into service on January 16th.
- Working on our budget;
- Calls for the year totaled 16,056, increasing every year;
- At full staff now, one of the officers that left came back to work for us;
- Would like for you to think about and consider that there may be funding available for Resource Officers. Hope to have discussions with Dr. Harris and apply for grants when they become available. Would like to have another officer to float between the elementary schools and build a rapport with the students at a younger age. If it comes down to grant funds, we'll need the Board's support;

- Around the Courthouse, we've gotten through the parking lot project, we appreciate that. I would like to look at getting a building to put outside the Courthouse, would need your permission and the Judge's. We could pay for it out of Drug Seizure funds. We need a place to put our traffic cones, bicycles, click-it or ticket signs, those types of things. They are being stored in the Courthouse now, in the halls and basement. We might could get a local firm to build it, to blend in with the Courthouse.

Agenda Item 11h – Appointment of Emergency Services Coordinator. Mr. Campbell noted that, according to the County's Emergency Operations Plan, that the Coordinator be officially appointed by the Board.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to appoint Mr. Kevin W. Sowers as Floyd County's Emergency Services Coordinator.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

Agenda Item 11i – Appointment to Floyd County Social Services Board, one Board of Supervisors member.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and carried, it was resolved to reappoint Supervisor Case Clinger to the Floyd County Social Services Board for a four year term, representing the Courthouse District and Board of Supervisors.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – abstain

Agenda Item 11j – Membership Renewal – New River Valley Home Consortium. Mr. Campbell reported that the County has been a member of the Consortium for several years and he has been attending the meetings. They are the recipient of some HOMES funds. The regional board involves Floyd, Montgomery, Giles, Pulaski Counties and Radford City. The aim is to enhance affordable housing opportunities in the region. By virtue of our membership in the Consortium, we, on a rotating basis, have the opportunity to capture some funds for housing related projects to benefit LMI. We have been able to obtain a planning grant for the New Town neighborhood. We have an engineer on board, our planning assistance is through the PDC and we are moving forward with the project. We expect to submit the application by the end of March in excess of \$1 million. This is very competitive and we may not get it, but we'll put our best foot forward. It would look at infrastructure and housing improvements in the New Town neighborhood. This HOME Consortium has been greatly beneficial to that effort in that we stand to receive through the Consortium approximately \$187,000 which will be put in as local leverage

monies and make the application look more attractive and perhaps more successful in receiving funding. We have to reaffirm if we are interested in continuing to participate in the Consortium and then you need to look at a couple of appointments. I had been appointed by the Board previously. The other appointment, they are encouraging an appointment from the Town. The Town Manager has attended some of the meetings in the past.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to continue Floyd County's membership in the New River Valley HOME Consortium.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to reappoint the County Administrator to the New River Valley HOME Consortium Board of Directors.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

Agenda Item 11k – Statement of Agreement between Floyd County and Virginia Department of Health. Mr. Campbell noted that this is the annual agreement for the current fiscal year. It indicates an appropriation of \$120,532 which is consistent with our budget. One thing new this year is that Dr. O'Dell included a spread sheet of their services provided in Floyd County. Dr. O'Dell would be glad to come present the agreement to you and provide an update on their services. The County pays about 33% of their costs which is consistent with amounts paid by other Counties in the region. This is a standard mid-year agreement that I would ask for your approval.

After discussion, it was the consensus of the Board to invite Dr. O'Dell to a future meeting to present the agreement and an outline of their services.

Agenda Item 11l – Proposal from Floyd County Agricultural/Forestry Viability Task Force for standing committee. Defer for presentation later in the morning.

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.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.3,

Discussion or consideration of the acquisition of real property for a public purpose or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

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

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

On a motion of Supervisor Allen, 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 discussion property in accordance with Section 2.2-3711, Paragraph A.3 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 Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye

Supervisor Allen – aye
Supervisor Clinger – aye

This Certification Resolution was adopted.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to renew the lease agreement between the County of Floyd and Legacy Linens, LLC for a one year term.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

Mr. Mark Bolt, Building Official, next appeared before the Board to discuss the addition of a building permit fee for tents over 900 square feet. He commented that this has been a requirement for several years in Chapter 3 of the Building Code but had not been added to the County's fee schedule.

Discussion followed over charging a minimum fee for residential use tents vs. commercial type tents, number of inspections required, etc. Consensus of the Board was for staff to provide a draft fee proposal for the Board's review, possibly minimum fee for residential and minimum fee plus square footage cost for commercial.

Mr. Dale Profitt, Chairman of the Floyd County Electoral Board, next appeared before the Board. He reported on the following:

- Do not know at this time if we will have a Primary or not. If we are required to have one, we may have to shift funds around within budget to finance it. We will let you know when we find out for sure.
- Little River District voting place – request that the Board contact VDoT for consideration of a lower speed limit, possibly from Rays Restaurant back past Rescue Squad building. We do have an election officer directing traffic but people do not always pay attention to them. We had trouble with voters parking in other places and a lot of traffic congestion. At one time we had a State Trooper and several deputies there trying to sort out the mess. We had asked the State Police for additional signage but all we received were congested traffic ahead signs.
- Voting machines – we have had some difficulties with some of the machines. Had trouble with some machines communicating with the others. We do request the Board to consider accruing funds over the next several years to replace them – we anticipate an estimated cost of \$115,000.

Supervisor Allen left the meeting at 9:45 a.m.

Mr. Dean Gall, representing the Agricultural/Forestry Viability Task Force, next appeared before the Board. He reported:

- The Task Force has organized and will be sponsoring a meeting with the local stakeholders. The list is very large, of which the Board is invited. The meeting will be February 4, 2013, 6:30 p.m. at the Floyd Eco Village. The group will present the same findings that they presented to you, have some discussion, and provide an opportunity for these stakeholders to interact and communicate with each other about activities, programs, interests. We're looking for a good turnout and the group is really excited about pulling this together.
- Summary of proposal for standing committee with the County. They would like to continue meeting, at least twice/year or as needed, depending on what situations may arise. The reasons are: various entities involved with agriculture, whether food or forestry, need to continue to be aware of other folks' activities. Some of the opportunities that have already occurred are exchanging of information that probably would not have happened, connection of groups for a better outcome. This group would also like to stay in touch with other entities such as the Chamber, regional, State and Federal agencies. Part of the interest of the group in staying in contact with these groups is that all of them have an agenda or plan for what they want to accomplish. They would like to be able to communicate with each other to take full advantage of the programs. Another reason is that there are grant opportunities that this group could spearhead and be charge of that grant. Right now there is not a system to take care of those. Some of them are written specifically for agricultural or forestry groups in the County. And if there is some topic that comes up that the Board or County would like further study on, we'd be willing to do that. The group is asking for some type of standing.

Considerable discussion followed on the proposal. Concerns discussed included overlap of services with other agencies, lower number of actual producers on the committee, grant opportunities being the main interest. No action was taken on the proposal.

Mr. David Clarke, Virginia Department of Transportation, next appeared before the Board. He reported that brush cleanup from the storm, brush cutting, ditching, and pipe cleanout have been the main maintenance concerns/work completed over the last month. Reported that the County's trash truck has added to the problem of pavement breakup on Route 615 – will be taking care of that issue. Have had an inquiry from a citizen on a private road to add it to the State system through rural addition. Will be meeting with him to explain the process and lack of funding available.

Supervisor Gerald – large concrete culverts near Pleasant Valley Church of the Brethren on Alum Ridge Road – dirt is washing out around the culverts and causing a dangerous situation when two cars are meeting on the road.

Supervisor Yoder – appreciate all the cleanup work after the storm, there was a lot of tree damage in my district.

Supervisor Turman – several soft spots on Wade Road and Ferney Creek Road. Mr. Campbell and I have checked the roads but they seem to be in the same shape as all our other dirt roads in the County. There is a culvert on Wade Road that needs to be cleaned out.

Mr. Clarke reported that they do have a permit application in for that work and will do that as soon as it is approved.

Supervisor Turman – Mr. Jolly is still concerned about the cross-over for his business on Route 58. The ones on either side of him, one goes to a closed business and for is for a private residence. He wants to expand his business but will be unable to do so without the crossover.

Mr. Clarke – will have to contact Traffic Engineering to review it.

Supervisor Turman – appreciate all the work the crews did from the storms, they really worked hard.

Supervisor Clinger – nothing to report today. Do appreciate the speed studies being done for Routes 695 and 693. VDoT will be receiving a request from the Electoral Board for a speed reduction on Route 221 around the Rescue Squad Building. They had a great deal of problems on Election Day.

Mr. Campbell – could we work with VDoT for extensive signage?

Mr. Clarke – we can put up electronic message boards for them.

Dr. Kevin Harris was unable to attend Board meeting due to a conflict meeting in Richmond.

Agenda Item 12 – Old/New Business. Nothing brought up by the Board members.

On a motion of Supervisor Turman, seconded by Supervisor Yoder, and carried, it was resolved to adjourn to Thursday, January 17, 2013 at 4:00 p.m. at the Floyd County School Board office for a joint meeting with the School Board.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – absent
Supervisor Clinger – aye

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors