

**BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 12, 2011**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, April 12, 2011 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: J. Fred Gerald, Vice Chairman; Virgel H. Allen, Case C. Clinger, William R. Gardner, Jr., Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

ABSENT: David W. Ingram, Chairman.

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

The Opening Prayer was led by Vice Chairman Gerald.

Board Member Clinger led in the Pledge of Allegiance.

The minutes of March 8, March 17 and March 28, 2011 were presented to the Board for review and approval.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to approve the minutes of March 8, March 17 and March 28, 2011 as presented.

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

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

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

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

There were no reports from the Constitutional Officers for the month.

Ms. Lydeana Martin, Subdivision Agent, appeared before the Board. In discussion of Agenda Item 8a, she reported that subdivision plats are picking up a little with the spring season. She also reported on recent workshops held: SCORE information workshop with 6 participants; Managers customer service workshop with 50 attendees; Front line employees customer service workshop with 20 attendees. Another workshop on intergenerational issues is scheduled for May 11.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and carried, it was resolved to amend the agenda to include discussion on tourism issues from Ms. Martin, later in the meeting.

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

Agenda Item 8b – Proposed Six-Year Improvement Program – Mr. Campbell commented that the New River Valley Planning District Commission is seeking transportation projects for a regional plan. They are requesting that each locality submit three priority projects for inclusion in the State’s six-year plan. The Board deferred the matter for discussion with VDoT officials later in the day.

Agenda Item 8c – Local match request – Health Department - \$2328.00 from Floyd County. Mr. Campbell presented an amended contract from the Health Department for the current year to include the requested match for payment of the 3% bonuses paid by the State in December to State employees. The current budget amount is \$120,533; the amended contract indicates the match in an amount of \$122,860.

On a motion of Supervisor Clinger, seconded by Supervisor Gardner, and carried, it was resolved to deny the request from the Health Department for supplemental funding in the amount of \$2328.00 for payment of 3% bonuses for State employees.

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

Agenda Item 8d – Appointment – New River Community Action – term July 2011-June 2013.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to reappoint Mr. John McEnhill to the New River Community Action Board of Directors, term July 2011 – June 2013.

Supervisor Clinger – aye
Supervisor Gardner – aye

Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – absent

Agenda Item 8e – New River Valley Sustainable Communities Consortium Partnership Agreement. Ms. Martin reported that a \$1 million planning grant had been received by the Planning District Commission for the next three years. There are nine key areas that this plan will look at: affordable energy, transportation, arts and culture, etc. I am particularly interested in the economic development work force and the agriculture components, which would be very helpful to us here in Floyd County, particularly the food systems and agriculture, which is part of the task force that you recently authorized. This would be an opportunity to share resources. This is a multi-County plan with no local match required. The PDC and Blacksburg are providing the match that is required. The PDC has hired two additional people to coordinate the effort. There will be plans developed for each of those nine areas and then in the end, they will be integrated to analyze how they all fit together.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, it was resolved for Floyd County to participate in the New River Valley Sustainable Community Consortium Partnership Agreement and authorize appropriate officials to execute documents.

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

Motion failed.

Agenda Item 8f – Letter of Agreement with DEQ. Defer for discussion with engineers later in the morning.

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

Mr. Jack Wall, Little River District – I represent the Partnership for Floyd as its Chairman for this year. I want to invite the Board of Supervisors to attend the Land Sakes conference going on at the high school this Saturday from 9:30 to about 3:30. We think that this is an important gathering to invite the citizens to come out and discuss the future of our County, particularly as it affects the land use. Where we have a lot of change going on in Floyd and the need to have some say-so in that direction, we'd like to have the citizens involved in discussing the many aspects of that. This meeting on Saturday is the beginning to establish some dialogue with the citizens to look at the issues that are here. They are complex and we do feel that we may be losing some of our control over the agricultural heritage, we've seen a lot of the land developed in ways that may not be in the best interest of the future of our County, and we want to address that. Hope you will consider attending and we look forward to continuing to work with the Board of Supervisors.

Mr. Jesse Lawrence – I have been here several times, I think five times in the last eight months about the tourism plan which will be covered more thoroughly at 10:30. I understand that we still have not gotten a positive reaction from the Board. Mr. Clinger and Mr. Gerald, I appreciate your vote against this ridiculous tax increase that was proposed on us, hope to address that next Wednesday night. I called up here to suggest that you have another venue to have that meeting because I don't think you're going to have space here to accommodate the people. I plan to fill this room up myself and also get a little reaction from the Tea Party before it is over with. In any case, just a suggestion. The other thing is that the two of you, Mr. Clinger and Mr. Allen, I think, who are trying to question the School Board and get some details about what they're doing over there and so forth, I applaud the Board for trying to do that. Somehow or another, the details need to be looked at rather than just the bottom line. I appreciate your time.

Mr. Joe Montague – I've been around here for about 45 years, have gotten to see you a few times in that period. My main thing to do by coming here is to keep the governing body from doing something stupid, I've been able to do that in a couple of instances, maybe I'll get the opportunity to do that again. I'm speaking for myself today, not the Tea Party, who will probably have a position for the hearing. Right now I'm speaking from experience that I have. First of all, I'm still confused. I have a whole stack of papers over there that you're doing about a budget, what the School Board is doing about a budget. I went to the School Board meeting and hearing. That brings up something else. I'm trying to get unconfused. I think those folks are confused about the definitions of necessary and nice. One instance of this, is a couple of years ago in 2007, you were hurting for funds because of State and Federal cuts and you decided to adjust your budgets to suit that. We're hurting worse now, and you don't need to do that. The School Board said the other day that they're going to give each of the 330 employees a \$775 bonus. The last time I heard, a bonus was something that you got for doing something extraordinarily good, you helped the company make a lot more money or did your job exceptionally well. I'm not aware of any exceptional performance from anybody in the school administration in the last four years. That's what they're complaining about, no raises in four years. I haven't had a raise and I've supported the system that's supposed to support me since 1937. There seems to be considerable disagreement which was contributing to my confusion, about almost \$500,000 of funds that came in from Federal and State funds, about where they come from, what the strings were, and there are always strings when they come from Richmond or Washington, they don't come any other way. What's been done with that money? There was particularly a remark from the School Superintendent about getting \$770,000 from Governor McDonnell, now the Governor didn't take this out of his wallet, but he did take it out of my wallet. Where did it come from, what's going to be done with it, and what could have been done with it if they weren't doing what they are going to do with it? For now and in the future, it would be helpful to me and the public in general, if a public body is going to make a significant change, I'm talking about you guys and the School Board, when I presented a budget when I worked for some of the biggest companies in the country, I got my budget together and I had to make a presentation. When I asked them to spend money, they wanted to know how much, well, let's take it back to what I call 1, 2, 3, 4, 5, 6 letters – who, what, when, where, how and why – somebody in authority ought to get up and make a statement about it. Answer the questions. You're asking us to spend money, tell us the answers to these questions. I've written a letter to the editor which will appear on Thursday, expressing my confusion and asking the public in general to come to tell you how they feel about it. I've cited the references in all the Floyd Press

announcement, I've given your e-mail addresses, your phone numbers and addresses, and asked them to write, call, or appear at the hearing to tell you how they feel about what you're doing and ask you questions. I'm not far enough into it that I could ask you significant questions now, I wish I could. Also, with respect to the Comprehensive Plan in particular and things in general that you do, you invite focus groups to tell you what they think ought to be done. A focus group is an interest group, there's no question about that. One of the things that I found in the comprehensive plan in the hearing they had several months ago, that we had a bunch of people invited in to suggest how we perform and most of them were interested in what contribution you were going to make to them, not to the County in general. As far as tourism is concerned, and other economic development attempts, really the Board of Supervisors and County government should have a minimum financial involvement in that, as far as I'm concerned. In upper New York State where I used to live, everybody in the summer came there and in the winter they went to Florida. We can't afford to do that. We can hardly take care of what we have here. May I suggest that you get some type of amplifying system so everyone can hear you all.

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

Agenda Item 8g – Security at Commonwealth's Attorney office. Mr. Campbell reported that a request had been received to add a more secure door at the hallway to her office. It is not a controlled situation at the present time. We think we can do the work with our staff and a door that was salvaged from the library at a minimal cost. One other feature that I gave you was an intercom system, which is another item that the Commonwealth's Attorney would like to have placed. The Judge has been contacted and he has concurred with the plan.

On a motion of Supervisor Clinger, seconded by Supervisor Gardner, and carried, it was resolved to approve the request of the Commonwealth's Attorney to improve security at her office with a more secure door and intercom system, as presented.

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

Agenda Item 8h – Courthouse repairs. Mr. Campbell reported that he had been contacted recently by staff at the Courthouse concerning allergens, bronchitis issues flaring up; staff have been to the doctor recently and out for a period of time. There is a concern from staff that there are perhaps some issues with the building. I have looked at it closely but would like your permission to do some air quality testing in the building, particularly mold testing. I have made a contact with a firm that can do the work, in Vinton; they have worked in the area. I like their approach because he would test inside and outside the building. He does not seem to be concerned that it is mold; a lot of it is public relations considerations. He indicated to me that plaster is not susceptible to mold as is drywall, particle board; however there could be some other issue. The estimated cost for the testing is \$1250. I have documentation from staff in the building referencing health concerns and we do have some signs of water infiltration. I have looked at the building closely and there is some water infiltration and moisture around the

windows in particular around the granite entranceway and the front windows. There is also concern that with the driving rains that moisture is actually being absorbed by the masonry between the brick and block. It is not dripping water but moisture content.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to authorize the County Administrator to proceed with air quality testing at the Courthouse in the amount of \$1250 and continue investigation into other needed repairs.

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

Mr. Dennis Anderson, Area Forester with the Virginia Department of Forestry, next appeared before the Board. I have a suggestion for you that won't cost a dime and would hopefully make you some money. There is ten acres of land next to the transfer station and I don't know the EPA regs and how much dirt is over the landfill, but I have people who are in the tipping business. They will pay for the planting and seedlings and pay the County \$350 per acre and in return they would get to tip the pine trees until they are 11-12 years old and then you could put it back in grass, cut the timber, whatever. The main concern is root penetration but white pine tends to be pretty shallow. I don't think it would be a problem. If it was a concern, you could take a piece of equipment, push them up and put them back in grass. The only other problem I could think of is that I think you have someone cut the hay on the property. For 10 acres, the fellow would be willing to pay the County \$3500 so perhaps you may consider that.

Mr. Campbell – I don't think it will work since that is protected space but I can check with our engineer. We can't let anything with root structure get a hold on the capped area. I will check with our engineer to verify.

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

- Budget – in the Governor's budget amendments, most items that were detrimental to us were rejected. One was the CSA therapeutic foster match rate, another was TANF cuts, 5% VRS contribution for local government employees with no raise like State employees.
- April is Child Abuse Prevention Month – gave you a fact sheet on this issue. We had one fatality in Floyd County last year. It turned out to be an unfounded accident. I also gave you an article on stress of child welfare workers. The State recommends a worker only handling 12 cases at a time. Our child protective worker has 17 cases right now, with 9 on-going. The State has not increased funding for this program since 1991 but we still do the increased work with the same number of staff.
- 2125 people on food stamps for the month of March with a payout of \$225,687.

Mr. Mike Lawless and Mr. Billy Newcomb, Draper-Aden Associates, next appeared before the Board.

Mr. Lawless – there is a new director of what used to be the waste division of DEQ; it is now the land protection and revitalization. He is trying to implement some changes that will allow us to take a more flexible approach, more site specific, risk based approach to each of these facilities. In theory, over time, things could change. His staff is continuing to make decisions as they have in the past, so I think change will be slow but I am cautiously optimistic that over the next few years we may see some tangible changes.

Mr. Campbell – does that mean the unreasonable nature of some of this stuff may subside?

Mr. Lawless – we hope. If he is true to his word, then it should. I spoke with him at a conference last week to let him know that his message that he's been getting out to the regulated community has been inconsistent with some of the recent decisions that his staff has made. He asked that we continue to let him know when those decisions are not consistent with his new flexible regulatory approach. So, we'll continue to bring these issues to him but it really is the first positive sign that we've had in 15 plus years that they may be able to look at these things on a site specific, risk based basis. So that's the good news and hopefully we'll see some real change.

Mr. Billy Newcomb – I've been involved with the groundwater monitoring program at this landfill for many years off and on. As Mike said, there are a couple of different fronts that we're pursuing with DEQ right now, the administrative and what I'm going to talk to you about which is the facility itself and the groundwater program. As we've been talking with you for a few years now, there is a well off-site on an adjacent property that continues to present some challenges for us. We have been doing corrective action at the site, which includes the closure and capping, to control the source. Also we've done monitoring to look at the groundwater chemistry and document the natural processes over time are degrading the constituents. We, in early 2010, had some discussions with DEQ who said that those processes are not happening fast enough. We got a couple of strong letters from DEQ highlighting that fact. To get you oriented (showing on a map) the entrance is here, the power lines come here, so this is on the far side. We had a back and forth letter campaign but what has transpired at this point, is that DEQ submitted a letter of agreement which is in your packets today. The purpose of letters of agreement is to implement a set of activities and schedule where we would drill an additional well further down on the adjacent property and sample that well. The adjacent property owner has been very good to work with, don't see any limitations in that respect. What DEQ wants to see is, if we have groundwater constituents here, if they are further down. This would set up that process. Between now and December 15 we would have installed wells here at this location and sampled it and have a look at the groundwater chemistry. Two possible scenarios, best case/worse case, this pair of wells, shallow and deep, if nothing is detected except naturally occurring metals, then we go back to DEQ and say all right, everything is limited to right here coming off the landfill and doesn't migrate much further than this, and our corrective action as it stands is the most appropriate and we continue the monitoring program and work this out of the program over time when the constituents degrade over time. The worst case scenario is that we continue to exceed the constituent levels and at that point we would have to take other options and work with DEQ to come up with some strategies. A little glimmer of good news in all news, under this scenario if you approve the letter of agreement and we do this, install the two wells

here, what we discussed with DEQ back in 2010, by installing two here, we would take out three of the wells that are within the landfill property itself. The reason for taking these out is that they don't do us any good any more; we've gone beyond that issue for monitoring as to what is going on inside the property. DEQ is mainly concerned with what is going on outside the property. So, if we add two we get to take away three. They are not paired. The new wells are about 700' from the landfill property. We pushed those back as far as we could given the terrain to give us as much buffer as allowable. Distance equals flow in groundwater flow, so we need more time for the constituents to degrade in the chemical or biological process. The idea that is by the time that groundwater flows to here, all of that will be gone, that's what we're hoping for. These are single wells here, but there are three of them. The cost of monitoring would decrease which obviously is a help. The choices now to sign the agreement and move forward or not. If not, we'll enter into more stringent discussions with DEQ. If you do approve it, we'll move forward as soon as possible to give us as much time as we can. Under this agreement, we have until December 15 to get all this figured out. We don't want to go out there doing anything in the bad weather and tear up the ground. We've been very respectful of the adjacent property owner and his land and want to be as responsible as we can.

Mr. Campbell commented that there is a proposal in the Board's pack that breaks down the costs of well installations, monitoring, etc.

Supervisor Clinger – the new well, how was the site chosen for it?

Mr. Newcomb – this map doesn't show the topography, but there is a drainage swell, so it was selected as the area that made the most sense, that it will direct groundwater flow in that direction, it was pushed back as far back from the landfill as we could get, to have as much buffer as possible. If we had gone any further, we would be implementing a stream crossing and that is another whole set of regulations. We would have to come up on the Route 8 side if we went further back. What we see in this off-site well that we have in place now, those concentrations, there are three constituents, we're only exceeding the protection standards at this well by one or two parts per billion, that's like one or two seconds over 32 years, and it is a really small amount. In my estimation as a hydrologist, this is a reasonable assessment of distance to allow for such a low concentration to dissipate by the time it gets here. The only other issue would be if there is something different going on between the two wells that we don't know about yet. From a reasonable point of view, this amount of distance is reasonable.

Supervisor Gerald – can you elaborate on what would happen if we don't do the letter of agreement?

Mr. Newcomb – I'm not an attorney so I can't elaborate on the legal issues, but if we don't pursue this, we would undoubtedly receive a notice of violation and fall under more stringent regulations and significant environmental fines.

Mr. Campbell – we would also have significant environmental law fees. The cost of this work is \$49,550 not including the road which we will do ourselves. If we don't do this, you should be prepared for litigation at a very high cost.

Mr. Lawless – these concentrations are fairly low so we feel comfortable with this. But, they still exceed the regulations of what was written in your permit for the landfill. Some of these are based on Federal drinking water standards, some are based on calculations that DEQ does. Even when they only exceed the limits in an infinitesimal amount, the black and white regulatory view, it does exceed and they have the right to enforce it. We have to look at it from that perspective. On the surface water issue, Calvin re-directed the surface water flow into one of the old sediment ponds before it is discharged. The most recent samples we collected were clean so we're submitting a request to DEQ to amend the permit to remove some of the surface water mitigation reporting requirements.

Mr. Campbell – we feel that this request is reasonable and should be approved by them.

Mr. Lawless – right. When we sat down with them, they said face to face that if we submitted a request it would be approved.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to approve the Letter of Agreement with the Virginia Department of Environmental Quality, as presented (Document File).

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

Agenda Item 8i – Draft resolution concerning uranium mining. Mr. Campbell reminded the Board of their request last month for a resolution to not lift the moratorium on uranium mining which has been in place since 1983 State-wide. The bottom line is that this resolution would be shared with legislators and committees that are studying this issue, that you would be in opposition to lifting the ban on uranium mining unless and until it can be scientifically demonstrated with a high level of certainty that no release of radioactive materials can escape from any uranium mining operation or location. It does not make reference to any particular site; I made it reflective to the State as a whole.

Discussion followed on expanding the resolution to include in the 3rd Whereas paragraph, other companies besides Virginia Uranium Mining; deletion of “unless and until” section in the paragraph beginning Now, Therefore.

On a motion of Supervisor Clinger, seconded by Supervisor Gardner, and carried, it was resolved to adopt the resolution concerning opposition to lifting of the moratorium on uranium mining, as amended (Document File).

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

Mr. Derek Wall, Hotel Floyd, next appeared before the Board. Other members of the Floyd Lodging Association with Mr. Wall were Shep Nance, Woodberry Inn; Chris Moreno, Mountain Song Inn in Willis; Judy Bryant, Oak Haven Lodge in Floyd; Ed Kohn, Miracle Farm Bed and Breakfast; Jesse Lawrence, Bent Mountain Lodge.

Mr. Wall – I wanted to point out that five of the six here are in the County, I am in the Town. We're here to talk about tourism in general. We've got a lot that we've been working on, the tourism plan with Lydeana; we came to you with a proposal for spending money. I think it was 5-6 months ago, that I came to you that I didn't think it was beneficial to spend the money on the VTC Guide advertisement which is around \$4000, that this money could go to better things rather than just an advertisement. So anyway, I think we need to get somewhere with the tourism plan. It takes the County and Town working together. We're not saying that we need you all to put a certain amount of money into the pot, we're saying support, voices from the County and Town, that's the reason that I'm here. I'm a town business and I set up meetings with Will and Lance and it is kind of like a finger pointing game. The County says they don't talk to the Town and the Town says they don't talk to the County, seems no one is working together.

Mr. Nance – I am in the County and part of the group that worked on the tourism plan. Have to give Lydeana a lot of credit for what she did. It has come to the point that we need to move forward one way or the other.

Ms. Moreno – I get something every week from Abingdon, people there get it. Abingdon is a lot bigger than Floyd but I think Floyd can lose people if we don't get a plan, get out there on the internet with a web site, etc. We need to get it together.

Ms. Bryant – I also was involved with the tourism plan and all the meetings we sat through and were educated on. I would like to see a review of that plan and pull out some of the really good parts that would be beneficial to Floyd County, not just to lodging but to restaurants, stores, mercantiles. We can help one another. When people come to stay, they are going to eat, buy gas, visit family, etc. I really feel if we want to continue to grow and bring money into the County, if the funds go back into a pot, I would like to see us look at that tourism plan seriously and pull out the parts that are good for everybody.

Mr. Kohn – my view is in light of the budget shortfalls and concern with money, it seems very clear to me that tourism could be a major source of income for the County. To focus on that, we need to bring people here and have them spend money. If they spend the night, all the better, they spend more money. It seems like a win/win situation all the way around.

Mr. Lawrence – I'm also concerned about the budget situation in light of tourism. We really need to get as much tourism in the County to generate funds to ease pressure on our folks. The lodging tax, we are concerned as to how it gets spent and what makes sense to us. We're not hurting; we're having a good year. We're full every weekend until the end of July, weddings, family reunions, and people from all over the country. We send people to Floyd but it gets a little frustrating. The Town of Floyd doesn't seem to care one way or the other, they have their own axe to grind I guess. I remind you again, 90% of all the lodging and the things that you get

the taxes from, are County. Very little of it is in the Town, we're all in the County, and we try to support the County. With this tourism plan, we've been over here and over here. All we want is for you to say, hey, that's a good idea, this looks good, that looks good, we're not looking for money we're looking for support, we really need it.

Supervisor Gerald – I thought the County was in support of the tourism plan and I asked Lydeana if she could comment on it and what has transpired.

Mr. Lawrence – I had the same discussion with David. He said the Board had approved it. I said David, you have not formally said anything. Lydeana can talk to that. I think that you all think you have.

Mr. Campbell – the Board made one change and before you approved it, you had discussion about approving it, but as a courtesy you wanted to send it to the Town first. You made one or two changes.

Ms. Martin – the main emphasis was to make sure that there was discussion beyond the Town limits, that there was emphasis on the rest of the County.

Mr. Campbell – I think it was clearly understand that if that were to come back from the Town and they were ok with it, the Board would approve it. That was the discussion.

Mr. Lawrence – that's great, but the Town is sitting over there only worrying about running the show. I don't care who runs the show, we just need to get the show going. We're not together. We need something proactive done. Derek is working himself to death trying to get something done.

Mr. Wall – I'm about to the point where I tried it through the Chamber of Commerce, got a dead end there. I come to talk to the Board, dead end. I go to the Town, dead end. I'm about to the point where we'll start our own initiative, Floyd Tourism Association, and we'll run with it there and not have any backing from the Town or County. Maybe that's what you guys want, it's not on your back that way. But it seems difficult to get the Town and County involved so you have backing from a public group.

Mr. Campbell – the Board of Supervisors did not want to approve it without it going to the Town. If they had approved it and then it went to the Town, the Town says we don't like any of it and don't want to be a part of it.

Mr. Wall – who's the liaison between the Town and County? We could sit here forever. It is the same thing when you go to the Town.

Mr. Campbell – it was a simple procedure. The Town had a chance to look at it, if they liked it, it could have come back to the Board and I think they were prepared to approve it. They made one change and sent it over there.

Mr. Lawrence – since 90% of the lodging and businesses are in the County, who cares what the Town is doing? You should be taking the lead.

Mr. Clinger – we have taken initiative. We made one suggestion and passed it on to the Town. You could withdraw the Town from your presentation.

Mr. Wall – that would be fine with me. I make presentations to them every month. Lance said he has come here to ask for support and can't get anywhere. I worry about the action steps. Are you all going to appoint an advisory board? Actions do have to take place besides voices just being heard. None of us have a problem taking initiative to do these things but we have to have it publically set up.

Mr. Lawrence – we're already taking the initiative. We spend \$3000 ourselves advertising all over the country every year and the rest of these guys are doing the same thing. At least we expect the cooperation from the County and Town.

Mr. Wall – with that all being said, we'll work on the Town. I know that you have a budget to approve and all the other things. I'll go to the Town and dig on them just like I'm doing to you. We just need simple approval right now and then go from there.

Supervisor Allen – due to lack of staff, would it make you all feel better if we rescinded the occupancy tax?

Consensus of the group was that it was a good tax if it is properly used. Mr. Campbell indicated that he had received discontent on the tax.

Supervisor Allen – we don't have the staff to do all the things that you all want done.

Mr. Wall – but we do. If that means taking some of the work off Lydeana's back, we're willing to help with that. I think that's what you all are saying. You don't have the staff to handle all the e-mails that we get for information, we can handle it. Maybe appoint an advisory board to handle tourism for you guys. That's what I think needs to be done.

Supervisor Allen – so you're happy with the tax.

Consensus of group that they are happy with the tax as long as they know where it is going.

Mr. Campbell – we have given you a spreadsheet on at least two occasions that shows how it was spent. We've done that. We met in here before Christmas and showed you how it was spent. You may not agree with all the information, but we did document it.

Mr. Lawrence – we also gave you a letter suggesting ways to redirect some of that money because we didn't think it was the most effective way to do it. We wanted to participate in that since we're generating the tax funds.

Supervisor Clinger – I think if the tourism plan is approved, that would be your guide as to how the funds are spent.

Mr. Lawrence – we can't wait for that, the money needs to be spent. We've already lost all this time, from last fall to now. You used to have funds that went for tourism; I think this tax supplanted those funds instead of adding to them.

Mr. Campbell – we don't have the resources and that tax doesn't generate a lot, we have to focus on certain items such as the Blue Ridge Parkway ad, Crooked Road, Round the Mountain, as examples. The Board makes the decisions as to what they want to use general funds for.

On a motion of Supervisor Allen, seconded by Supervisor Clinger, it was resolved to authorize the abolishment of the transient occupancy tax.

On a motion of Supervisor Allen, seconded by Supervisor Clinger, and carried, it was resolved to rescind the previous motion for abolishment of the transient occupancy tax.

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

After further discussion, it was the consensus of the Board for the lodging group to return to the May meeting for discussion of the tourism plan and their suggestions for a lodging association to collect the tax and spend the funds as they see fit. The indication was made that County staff would not have a lead role in the organization; the actual work would be done by the association.

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

- Presented copy of School Board meeting highlights from March 2011.
- Kindergarten registration was very good, already at level of what was projected;
- Construction of amphitheatre at Check Elementary is complete. Over \$30,000 in grants for the project were received. Working with the Building Trades class and design class at high school to help with the project. The outside concession stand was also upgraded.
- Presented copy of policy for posting of materials at the high school.
- Presented copy of school calendar for the next year which was recently adopted.
- Presented copy of the School Board meeting highlights from April 2011.
- Reported that the School Board approved a one-time bonus for staff from the Stimulus Funds. I had talked to you about this at an earlier meeting. They will be using about \$300,000 of the \$491,000 funds approved; the rest will be carried over to next year's budget to support revenue. We shared that with you on several different occasions.

Supervisor Clinger – in the newspaper it mentioned that one of the School Board members mentioned if the budget shortfall continued that they would have to do away with sports. I was curious in looking at your budget because I don't see any line items related to sports.

Dr. Arbogast – we don't have any line items related to sports. The only thing related to sports is the stipends that are paid to coaches. We do not fund sports. If the article had been continued with the comments from the Board member, another Board member reminded him that our budget does not pay for sports, only the stipends for coaches and assistant coaches. I've talked to other school systems and they've been surprised that we don't fund sports. One system has \$200,000 to support the sports program over and above the stipends. I talked to one with \$65,000 in their budget. I never knew systems did this; I've never been a part of a system that supported sports. The gate receipts have always supported the programs. We do provide the transportation for the athletes and cheerleaders by buses.

Supervisor Clinger – I was just trying to figure out exactly how much goes to sports.

Dr. Arbogast – we would have to cut the coaching positions and that would be the only money we would save.

Supervisor Clinger – it would be a miniscule amount.

Dr. Arbogast – our whole salary scale, stipends, covers other areas besides sports, like debate team, MACC, etc. It would be part of the salary scale if the Board adopts it. Traditionally the Board has given a percentage increase in stipends at the same rate as the percent raise that staff receives on the salary scale. But, since we've had no salary increase, there have been no stipend increase. I don't know if that will happen this time.

Supervisor Clinger – so even the increase in number of years service has been frozen?

Dr. Arbogast – everything was frozen.

Supervisor Allen – off the top of your head, do you know how many full-time and part-time employees you have?

Dr. Arbogast – in terms of stipends, it is around 365 full and part-time people. It may be closer to 375. That doesn't include substitutes or hourly employees. That is only people that work with us under what we call salary notification that work daily at a regular job coming in for so many hours. We do have people that mow grass or other types of seasonal work, I'm not counting them. We think in general of around 400 employees. That includes cafeteria workers, bus drivers, everybody.

Ms. Paula Alston, Montgomery-Floyd Regional Library Director and Ms. Ginny Gardner, Library Board member, next appeared before the Board.

Ms. Alston presented a proposed resolution in recognition of Library Week for the Board's consideration.

On a motion of Supervisor Clinger, seconded by Supervisor Allen, and carried, it was resolved to adopt the proclamation in recognition of National Library Week (Document File Number).

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

The Board recessed for a tour of the library with Ms. Alston and Ms. Gardner and lunch.

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

Agenda Item 6j(i) – Proposed Ordinance for exemption from Floyd County Real Estate Taxes to Certain Real Estate owned by the Floyd County Historical Preservation Trust. As you know, the Trust has requested, and filed an application with you, pursuant to an application process that you approved, to ask that their property be considered as exempt from County real estate taxes. You asked me to draft an ordinance for your consideration, which I have. Of course, adoption of an ordinance requires a public hearing if you wish to take the next step to do that. It is entirely up to you as to whether you want to have a public hearing or not, consider the application or not. They are asking for three properties to be declared exempt from real estate taxes, the Oxford Academy which has an assessed value of \$43,500; Ridgemont, which has a tax assessed value of \$95,200; and the Phlegar Farm, which has a tax assessed value of \$41,000. Based upon your current tax rate and current assessed value of the property, it is my understanding that the County would lose initially, approximately \$518.64 annually in real estate taxes. The rates would depend on the assessed values of the properties.

Supervisor Clinger – would this go into perpetuity?

Mr. Cornwell – the Code is very clear, it would come out of exemption if they change the use or sell the property. As far as you being able to repeal it, I would suggest that you probably can. Again, by ordinance. You would have to have a public hearing to withdraw it. If they sold it or changed the use, it would automatically come out of exemption.

Supervisor Allen – when would this go into effect?

Mr. Cornwell – could go into effect immediately unless the Board picked some other date.

No action taken by the Board.

Agenda Item 6j(ii) – Proposed Ordinance for Redistricting. Mr. Cornwell presented the draft ordinance for the Board's review. He commented that the ordinance had been revised

according to the changes made by the Board. From the information given to them, it seems that the boundaries were all set on roads or power line easements so it would meet the statutory requirements. The State is pushing to get this done by April 29 which will not be feasible. You are required by law to redistrict and in order to adopt the redistricting ordinance; you must have a public hearing to receive comments.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and carried, it was resolved to authorize the County Administrator to advertise for a public hearing on the proposed redistricting ordinance at 3:00 p.m. on May 10, 2011 in the Board Room of the County Administration Building.

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

Mr. Cornwell commented that a summary of the proposed changes must be listed in the advertisement for the public hearing.

Mr. Cornwell presented a proposed resolution for the Board's consideration. He commented that his firm discovered that the Commonwealth of Virginia owes the County around \$4000 and we'd like to get it for you. Through the School Board, there was a 2003 refinancing through the Virginia Public School Authority. The VPSA later went out and refinanced that borrowing to the extent that there was a savings to the jurisdictions that participated in that original issue. Obviously the amount of money coming out of that savings is split among the jurisdictions participating based upon the amount of their participation. We confirmed that there is money owed to Floyd and yesterday we confirmed that the amount is \$4053.28. In order to get those funds, by the way the money is earmarked and can only be used for the same purpose the original financing was used, which were capital improvements in the school system. In order to get that money, the Board would need to adopt a resolution requesting the funds. I know this is short notice and you haven't seen the resolution but basically it says that the documents needed to be executed can be done in order for the County Administrator or Chairman of the Board to obtain these funds. It will take about two hours of the firm's time.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to adopt the resolution as presented for receipt of VPSA refinancing funds (Document File Number).

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

Mr. Dan Huff, Mr. David Clarke and Mr. Stacy Keith, Virginia Department of Transportation, next appeared before the Board.

Mr. Huff reported that the speed study for Route 615 had been completed, just waiting for someone to sign and seal it. Once that's done, we'll get a copy and forward it to you.

Mr. Clarke reported, on maintenance issues, working around the weather of rain, snow and tornados, they have performed patching, machining, ditching, pipe replacement to start soon. Hope to start pipe replacement on Paradise Lane on Monday if weather allows.

Mr. Keith reported, in the staffing area, there remains one vacancy at the Check headquarters and two vacancies at the Willis headquarters. Hope to have these positions filled in the next 30-45 days. With full staff, there will be ten operators in each area.

Supervisor Clinger – I have one question, not sure if you all are the ones to take care of the problem. In the Little River, at one spot there is an island and debris is building up and it is getting very close to the road. I wasn't sure if this was a VDoT issue or Department of Inland Fisheries, or who.

Mr. Clarke – we can check on it, we work with the other agencies.

Supervisor Clinger – I'll get the specifics to you as to where it is at. Also, on Route 705, there are ditching issues that need to be addressed when you are installing the pipe.

Supervisor Gardner reported a deteriorating culvert on Springdale Road. There are large holes in the road and ditches are filled up and closing the road in.

Supervisor Allen – Route 612 between Wild Cherry and the intersection of Daniels Run Road – the asphalt is busted up really bad in the lane toward Christiansburg Pike.

Supervisor Gerald – Route 655, Sumpter Road, 2.5 miles off of Route 754. A 3' hole has washed out on top of the culvert. Somebody has put a big limb down in the hole so people will see it. The school bus does go through this road. On Route 754, Macks Mountain Road, potholes are coming back where the tar/gravel was put in. Could asphalt be put in the potholes this time? Appreciate all you're doing.

Mr. Clarke – we will be using asphalt now that the plants are open.

Supervisor Clinger also reported large potholes on Fox Street that need to be repaired.

At 3:00 p.m., the Vice Chairman called for the Public Hearing on the proposed 6-year secondary road plan and the 2012 secondary road budget.

Mr. Huff read the notice for the public hearing and served as moderator for the hearing. He reported that Route 750, Alum Ridge Road, from Route 735 to Route 739, curve widening, is the only project in the plan. This road has had the highest accident rate of any road in the County.

Mr. Huff opened the public hearing for comments.

Mr. Rob Campbell – Reedsville Road, Wade Road and Ferney Creek Road. I have written a letter to VDoT, not sure if the Board has seen it. Mr. Gardner has visited the roads. Where I'm talking about, Reedsville Road, Wade Road and Ferney Creek Roads, fall into several of your districts so it affects several districts within the County. What I'm asking for, and I've spoke to neighbors who are in agreement. These are roads that have been neglected for years. VDoT does the best they can with what they have, but they are dirt gravel roads that are narrow. Basically, if anyone wants to look at them today, I'd be glad to take you out there. VDoT has been working on it this week. Since they scraped it this week and it rained last night, my wife actually called back this morning and said to be very careful because her car was slipping on the road. Once the road is scraped, it is well packed down, trying to fix the potholes, and then it rains, which is out of their control, but it becomes very slippery. A couple of years ago in the spring, Mr. Gardner came out there to look at it. If you didn't have 4-wheel drive vehicle, there was a good chance that you weren't going to get across the roads. In the summer, it is mud. VDoT has done what they can with the road as it is. What I'm looking to do is, we'd like to see it surface treated. I talked to several neighbors. We're not asking you to pave it, widen it, put stripes on it, just use tar and gravel, make it a hard surface where we don't have potholes one week after VDoT repairs it. That's all we're asking for. I'm very realistic, the economy is down and now is probably not the time to do it, but it is the time to talk about it so when the economy comes back, it can be somewhere on that list. Someone from Senator Webb's office told me to ask the question, where does that road rank on the 12 year plan? I thought that was a good question to ask. I would like for these roads to be considered, it is a growing part of the County, new houses are being built out there. I'm not even addressing the issue of safety but that does play into it. They are very narrow, if you meet the school bus or someone driving too fast in one of the curves, it is a little scary. But the constant dust and mud, we either have one or the other 90% of the time, is something that I'd like to be addressed. I feel we pay the same taxes as everyone else and we're just asking for equal services. Delegate Poindexter pointed out to me that road taxes come from fuel taxes and DMV fees. Well, most of us on the road have more vehicles tagged than we have drivers in the houses so we're paying our fair share of DMV fees. We're driving, so we're paying our fuel taxes, where are the services that we deserve for paying those taxes. If we're not ever going to get it paved, then I think those of us who live on these roads and don't get the services, ought to get a tax rebate every time we go over here to Exxon. I know that's not going to happen but we have to put in extra money for vehicle maintenance to deal with dust, front-end alignments, etc., we're paying taxes and fees, we're not getting the services that come out of those fees. Realistically, tar and gravel. One of the road blocks that we talked about last time, is the State has the gold standard that you have to do it right. To my knowledge, there was a bill introduced in the House this year that repealed that. That gave you some more flexibility dealing with the roads. Some of the people I talked to said the bill passed and gave VDoT a little more flexibility with how they handle certain roads. That should open the door when some funding becomes available for this to be taken care of.

Mr. Tom Hensley – Starbuck Road. The previous speaker could speak for me as well. But what I want to talk about is a road that really doesn't get any maintenance. Last week was the first time since I've lived on the road for two years, that we got gravel. That really didn't do the job. The road, in the first place, was not engineered very well. It is very narrow, the ditches were non-existent on one side, there is no crown, and the ditches have long since filled up. One

of the entrances down close to the Parkway, the culvert has stopped up so the water runs across the road to the other side. Many times in the past year we've not been able to get out of our house except to get on the Parkway. You know in the wintertime, the Parkway is closed so we've been pretty well isolated where we live. On the way here today, I noticed that the gravel that was put on has washed away so there is about a foot and a half ditch down the center of the road. The road has been graded over time but it is down to rock nodules now. There is nothing there to hold it. What needs to be done to the road is to have new ditches cut; a crown put in the road, and then maintain it. Once this is done, I think it could be a passable road. It is a school bus route. It is a single lane road. The line of sight comes up over a crested hill so that you cannot see an oncoming bus, truck or car. I have a 4-wheel drive so I've been able to pull out in the field across the road to get out of the way of an oncoming car but many do not have the ability to get off the road. I'm just asking you for some maintenance on the road, cut a ditch, maintain them, put some gravel down, and I think with proper drainage, that road will be in pretty good shape.

Ms. Brittany Edmonds – Lick Ridge Road, Route 790. My husband and I have lived on this road for three years. The property has been in our family for three generations. We are about .6 miles out from where the dirt begins. Our road is actually featured on the Floyd County Public Schools web site in January 2010 as one of the reasons why the school could not go back into session. All the other roads were cleared and fine but unfortunately because of how steep our road is and because of the dirt and washboards, they basically just had to wait for the ice to melt. That seems to happen every year. The road is very difficult. We've had neighbors spend about two seasons living there and then move because the road is so bad. There is a cliff on one side with no guard rail which is a serious safety issue especially for the first couple of snows. Where there is not a bank built up on that side, the road has very minimal upgrading. Even after grading takes place on the road, washboards are back again almost immediately. It seems very costly for the amount of maintenance that has to be done. It is very narrow; it is not even two lane. There is property that has been subdivided out further past us, so there is concern that in order for that property to be able to be used, more families will be moving into the area so it will be necessary for this road to be paved. People are trying to improve their property; there are a lot of older homes built in the 1950's. Many young families are moving into the area as my husband and I did, to improve these properties and keep their value up. So there is concern about how our property values will be affected because the road conditions are so bad.

Ms. Karen Edmonds – Lick Ridge Road, Route 790. I know you all have a tough job. I grew up on the property that my son and daughter-in-law now own, lived there my entire life. My mother lived there before me and her mother lived there. The road is basically the same as it was way back then. It has had very little help in terms of widening and bringing up-to-date to the standards. Even as VDoT has had to cut back on trimming, the road gets narrower and narrower in the summer because they don't have the funds to come out now and keep the sides mowed. I just feel like other roads in that area have been upgraded. I understand that there are limited funds but I just think this road has been overlooked for a long time. There are real safety issues having to do with that cliff road that has never had a guardrail. We would like to think that there will never be an accident but I would hate to make a guess on that. I'd really like to request that you consider making improvements to that road from Route 659 at least a mile out to

make that portion of Lick Ridge Road better and safer for the families and children that are there. Thank you very much.

After no further comments, the Moderator declared the Public Hearing closed at 3:17 p.m.

Supervisor Allen questioned if Haycock Road, Route 646, is still on the 6-year plan?

Mr. Huff – it was taken off the 6-year plan with the funding cuts. It could be considered along with the other requests that you received today.

Agenda Item 8b – Proposed Six-year Improvement Program. Mr. Campbell reminded the Board that any County road can be listed. The PDC is requesting three target roads from each County and they will then pick the worst areas in the entire district area.

After discussion, it was the consensus of the Board to target the three roads that were mentioned at the public hearing today.

On a motion of Supervisor Clinger, seconded by Supervisor Allen, and carried, it was resolved to adjourn to Wednesday, April 20, 2011 at 7:00 p.m. for the FY12 proposed budget and tax rate public hearing.

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

Daniel J. Campbell, County Administrator

David W. Ingram, Chairman, Board of Supervisors