

**BOARD OF SUPERVISORS
REGULAR MEETING
April 14, 2015**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, April 14, 2015, at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

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

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

The Opening Prayer was led by Supervisor Gerald.

Supervisor Turman led in the Pledge of Allegiance.

The minutes of March 10, March 24, and April 2, 2015 were presented to the Board for review and approval.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of March 10, 2015 as presented.

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

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of March 24, 2015 as presented.

Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Yoder – aye
Supervisor Clinger – abstain - not present for meeting

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the minutes of April 2, 2015 as presented.

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

Supervisor Clinger - aye

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

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

Supervisor Turman – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Yoder – aye

Supervisor Clinger - aye

Ms. Lydeana Martin, Subdivision Agent, next appeared before the Board. She presented the plat report for March 2015 and noted the month had been slow. Things have been picking up some in April.

In economic development news, she reported that the Small Business Development series is going well. The second session was held last night with 22 attendees. The first session brought out 30 attendees. The grant was received from DHCD to provide prizes for the top two business plans developed and pitched to the group. The grant would also provide funding for the speakers at the sessions. The grant application was for \$12,000 but was awarded in the amount of \$16,000.

Also have two leads for small spaces at the Innovation Center. Hope to have one sign a lease by the end of the month.

Agenda Item 7b – Resolution – National Crime Victim's Week. Ms. Teresa McKinsey, Assistant Director of the Radford-Floyd Victim Witness Program, appeared before the Board. She reported that they work in the Commonwealth's Attorney office. Her boss works in the Radford Office and I work for Eric Branscom in the Commonwealth's Attorney office here. What we do is work with crime victims whether it be domestic violence, sexual assault, robbery, whatever kind of crime that is committed, that's what I do. I have a presence in the courtroom with the victims, securing protective orders, whether it be a crime or jury trial. I'm with the victims of crime. I also make sure that any victim that has lost revenue because of the crime; I file with the Criminal Injuries Compensation Fund in Richmond. Each victim is guaranteed up to \$25,000 reimbursement whether it be for funerals, doctor visits, hospital visits, and lost wages. It is a lot of paperwork but it does help crime victims when they are out of work or injured due to robberies or even theft. We have a huge amount of meth in this County and we've had a lot of robberies. I work with insurance companies to make sure people are compensated for anything they've lost if their home was robbed. Along with the State of Virginia and the Governor, we have designated Crime Victim's Week as April 19-25. I'm asking the County to adopt a resolution to recognize that week for the Town of Floyd and the County of Floyd.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the Resolution Recognizing April 19-25, 2015 as National Crime Victim's Week (Document File Number _____).

Supervisor Turman – aye

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

Agenda Item 7c – Proclamation for National Library Week.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the Proclamation as presented recognizing National Library Week as April 12-18, 2015 (Document File Number _____).

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

Agenda Item 7d – Proclamation for Older Americans Month.

On a motion of Supervisor Turman, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the Proclamation as presented recognizing Older Americans Month 2015 (Document File Number _____).

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

Agenda Item 7e – Trail Easement for Town of Floyd. Mr. Campbell provided a survey for the Board’s review that wasn’t able to be included in the information in the Board’s packs. There was some questions about the indemnification language that the Town is offering, as to whether it was allowable. Based upon the fact that the Town feels it is important and they are the ones offering it, it would not be a big factor for the County. It starts out as a 15’ trail easement for specific uses of walking and jogging, non-motorized. They are requesting an additional 10’ easement during the construction phase only. It is a permanent easement. It basically runs from the rear of our Library parking lot, across the Mitnik and McGrath properties and ends up at Old Hensley Road. Seems to be very straightforward and anxious to get started if the Board is in agreement on it. One question came up on page 3 where they discuss uses. It states walking, jogging and similar uses which do not involve motorized vehicles. Motorized vehicles can be used during the construction period or maintenance times. There was a question as to whether bicycling would fall into that. But as it is written, I don’t know whether it would preclude bicycling. One could argue that bicycling is a similar use to walking and jogging, as it is non-motorized. This document is the final negotiation between the Town, Town Attorney and the County Attorney, and other property owners. The Town is responsible for the project and all maintenance.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the Deed of Easement as presented between the County, Town of Floyd, Blake A. Mitnick, David A. Burris and Meredith A. McGrath, and the Bank of Floyd as presented (Document File Number _____).

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

Agenda Item 7f – Appointment to Floyd County Planning Commission, Courthouse District. Defer for next meeting after interviews are held.

Agenda Item 7g – Road Name Request. Mr. Campbell reported that the trigger in this case was that there are now three homes on the road which requires naming per County ordinance.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the Road Name request of Butch’s Way as presented.

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

Agenda Item 7h – Goodwill Donation Box Agreement. Mr. Campbell presented a draft agreement for the Board’s review. Their request was to place a 10x20’ box at the Recycling Center primarily for electronics donations. This would be very helpful to our staff since we are unable to process electronics at our site. We would be able to get credit for the quantities in our reporting to the State. Staff would not have to provide assistance but would be able to keep an eye on it to prevent mis-use. Goodwill staff will provide all materials for the box, process the materials received and empty at least weekly or more if needed.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the Agreement with Goodwill Industries for placement of a recycling box for electronics at the Floyd County Recycling Center (Document File Number _____).

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

There were no Constitutional Officers reports for the month.

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.

Mr. David Clarke, Virginia Department of Transportation, next appeared before the Board. He reported that:

- Crews are working on pothole repairs and patching mainly.
- The overlay schedule has been completed for the upcoming season – will get a copy to the Board for your information.
- Shoulder work on Paradise Lane is almost complete;
- Pipe replacement completed on Christiansburg Pike, Franklin Pike, Deer Valley Road and Reece Road;
- Route 221/615 intersection – pipe extension completed and ditch has been cleaned out;
- Franklin Pike – pipe has been cleaned out;
- Buffalo Mountain Road – hope to finish work on bridge this week if weather holds;
- Check crew has begun work on Haycock Road again;
- Will be working on Route 221 from Route 615 to Route 683 – milling/patching of both lanes – expect traffic delays.

Supervisor Gerald – the 15.5 potholes I turned in last month on Indian Valley Road have been fixed – appreciate that. Hope that they will be included in the spot paving if possible.

Supervisor Allen – potholes need to be fixed everywhere.

Supervisor Turman – Springdale Road – potholes are very big, appreciate work that is being done.

Supervisor Yoder – Deer Run Road, near the intersection with Hummingbird Lane, pavement is breaking up right in the curve along with a couple of other spots past that.

Supervisor Clinger – potholes need repair everywhere. On Phlegar Hill Road on the Route 615 side, left side of road seems to be collapsing before the bridge.

Mr. Clarke reported that he will be preparing a draft resolution for the Board's consideration from the 6-year plan public hearing. Will provide that draft for the Board's next meeting.

Mr. Campbell questioned how the new rating system will work. Is that only for primary roads or will it flow over into the secondary system?

Mr. Clarke – the General Assembly, last year, passed a bill last year, House Bill 2, that laid out a way for VDOT to evaluate and put a score on primary road projects. So we can objectively evaluate them and compare them to others to decide which ones to fund. I don't know how projects used to get funded in the primary system. It seemed to be that whoever brought the most people to the hearings and kept petitioning the Commonwealth Transportation Board at these hearings, I don't know, it was sort of a mystery.

Mr. Campbell – are there any consequences to the secondary funding?

Mr. Clarke – I don't think so. There is another bill, House Bill 1887, that says on the one hand the unpaved road funding does not change. The other hand, I've seen a flow chart that shows some of that stuff and is different. I can't imagine that it would change a whole lot simply because just two years ago the General Assembly passed a bill that restored a lot of funding to the unpaved road system. To be honest, I'm not sure how House Bill 2 will affect us. The only thing in your secondary allocation right now is an allocation that the CTB specifically earmarked for unpaved roads and then Floyd's share of the telecommunications fee which is a State-wide fee which is \$45,000. For FY16 Floyd is scheduled to receive \$400,000 in unpaved road funds and \$45,000 in telecommunications fees. So, I'll really try to keep my ears open on how that is going to work.

Mr. Campbell – when they develop this rating system, will that establish all the funding?

Mr. Clarke – the rating system is for the primary system. The other one is not the same thing. That system is based on congestion, safety, mitigation, accessibility and environmental. They are weighted. Northern Virginia has to consider congestion first thing. Other areas in the State consider safety, like Floyd.

Mr. Campbell – it doesn't appear to you that the funds will be siphoned off from Floyd and similar places to bigger Counties?

Mr. Clarke – no. Under 1887 there will be funding for each district and you'll compete on a district level. They don't touch the unpaved road funds. The good thing about House Bill 1887 is it might be a way to get projects like the one we're doing on Route 750. We're doing that with secondary funding, but not unpaved road funds. Right now you have no money to put on roads that are paved. So, if you wanted to do some major curves for example on a paved road, you don't have funds to do that. Under HB 1887, that might be possible at least. The Revenue Sharing Program is scheduled to stay the same. They bumped it up last year but I think everything got funded last time.

Supervisor Turman – Sugartree Road, about ¼ mile from the end of road, there is a very sharp curve that makes it difficult for the school bus to travel. The bus has already hit the mail carrier once. Could this site be checked for possibility of knocking off some of the bank?

Mr. Clarke – we will check it.

Mr. James E. Cornwell, County Attorney, appeared before the Board. He stated: You have before you documents related to a claim of Thompson Trucking for damages to their trailer that they use to dispose of solid waste at the Transfer Station. We have today their attorney, Mr. Caudill and the gentleman from Thompson Trucking. If ok with the Board, I'd like for them to come before you and say whatever they want to say.

Mr. Richard Metz, Owner of Thompson Trucking – I've had correspondence with Mr. Campbell, he's been quite easy to deal with and candid in his responses. Basically, what happened was, we had a trailer that was at your site. Apparently someone dumped combustible materials in it, which we believe was ashes from the school that caught the trailer on fire and burned it up. That's pretty simply what happened. We have been rather patient in pursuing this because we do business with you, have a good relationship, and would like that to continue. But the bottom line is, we lost this trailer, it was a total loss. A new one is about \$78,000; to repair this one is \$71,000. To buy a used one that is comparable would range from \$38,000-40,000. We have not asked for any recovery fees nor for down-time, we just simply need to replace the trailer.

Mr. Cornwell – just for your information Mr. Metz, the Board has in front of them the letter that was written originally with the affidavit and the photographs. They have all that material in front of them.

Mr. Metz – I'm sure that accurately portrays the condition of the trailer.

Mr. Cornwell – now do I understand that the claim is for \$38,000?

Mr. Metz – correct. I've received two quotes on used trailers, one was \$44,000 and one was \$38,000.

Chairman Clinger – do you have insurance on the vehicle as well?

Mr. Metz – no, we're self-insured under the captive program.

Chairman Clinger – and this was turned into the County's insurance?

Mr. Campbell – yes, we turned it in and they denied the claim. They found that we had no liability. It was a very brief statement, right Jim?

Mr. Cornwell – yes, it was stated in the letter that the Board has a copy of.

Chairman Clinger – so we are here today for the Board to respond to the claim?

Mr. Cornwell – yes. A claim has been made to the Board to Supervisors so the Board takes the matter up as a claim, and decides whether to pay the claim or not.

Mr. Metz – we have been very patient and we would like to avoid this carrying on and costing money for attorneys for both of us. They are good guys but they do have to eat. We'd just like to settle this and close it out.

Chairman Clinger – we appreciate your time today and bringing this to us.

Mr. Cornwell – the Board will need to take action, one way or the other. I have reviewed the claim made to the Board. As County Attorney, I would oppose payment because I feel there

is no liability on the County's side. It is an unfortunate situation but I see no legal liability for the County.

Mr. Metz – we would respectfully disagree with that according to the contract but if that is the decision, we will continue with further proceedings.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to reject the claim from Thompson Trucking as presented.

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

Mr. Cornwell further reported that he would be back later in the day to meet with the Judge on the delinquent property sale for his approval. We had six properties, one was a non-judicial sale, it could not be built on so we couldn't sell it. One was redeemed, one we received no bids on, and the other three will be asked for the Judge to approve. One had a pretty high appraisal value but it is the old store on Route 221 and has underground gas tanks and other problems. Working from memory, I think all of them covered everything or came close. It does get them back on the tax rolls.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to adjourn to Tuesday, April 21, 2015 at 7:00 p.m.

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors