

**BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 22, 2014**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, April 22, 2014 at 7:00 p.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 Chairman called the meeting to order at 7:00 p.m. with the reading of the handicapping statement.

At 7:00 p.m., the Chairman called for the Public Comment Period.

Ms. Dawn Barnes, Courthouse District, here representing Virginia Cooperative Extension – In 1914 the Smith-Leaver Act was passed which created Cooperative Extension. Would request that the Board of Supervisors consider passing a resolution recognizing Extension’s centennial birthday.

Ms. Becky Howell, Burks Fork District – thank you for not raising taxes this year, a lot of people really appreciate that. Most people in Floyd County cannot afford a tax increase. Would like to add some information to what Dr. Harris reported at their April 14 school board meeting. He reported that Floyd’s adjusted gross income went from \$238,559,214 in 2009 to \$256,372,555 in 2011, an increase of \$17,814,341. Unfortunately these figures alone are meaningless – our population increased also which naturally resulted in an increase in total AGI. Using the information in the composite index tables, the only meaningful conclusion that can be drawn is per capita income, which really is limited in relevance since it includes the entire population, not just people with income. Comparing Floyd to surrounding counties, Floyd’s per capita income went from 4th in 2009 to 5th in 2011. To me, that indicates a lower ability to support a tax increase, not a higher ability. Using the adjusted gross income is distorted.

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

Agenda Item 3 – Approval of month-end disbursements. A list of additional bills was also presented for the Board’s review.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and carried, it was resolved to approve the month-end and additional disbursements as presented.

Supervisor Yoder – aye
Supervisor Turman – aye

Supervisor Gerald – nay
Supervisor Allen – aye
Supervisor Clinger – aye

Agenda Item 5 – Appalachian Power Company letter concerning rates. Mr. Campbell reported that AEP had submitted a request to the State Corporation Commission for no rate increases for the next two years. They did provide information that they would be exploring renewable options such as wind power for future use.

Agenda Item 6 – Amended Stormwater Management Act – information from DEQ. Mr. Campbell presented an April 8, 2014 letter from DEQ outlining that counties can take on the stormwater management program themselves or opt out and let the State administer the program locally. Consensus of the Board was to opt out of the local program and let the State administer the program.

Agenda Item 7 – Draft advertisement for the FY15 proposed budget and tax rates.

On a motion of Supervisor Turman, seconded by Supervisor Allen, and carried, it was resolved to authorize the County Administrator to advertise for a public hearing on Tuesday, May 27, 2014 at 7:00 p.m. for the proposed FY15 budget and tax rates.

Supervisor Yoder – nay – because I do not agree with the budget itself
Supervisor Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

Agenda Item 8 – Amendment to “Facility Cost Agreement” – Department of Social Services. Mr. Campbell reported that two proposed amendments to the current cost allocation plan were recommended. The two amendments would be for the new generator installation and for the new telephone system. Mr. Ayers, Social Services Director, provided the cost information to the auditor and the DSS Regional Office. They both reviewed the information and approved it. This would provide a slight increase in payments back to the County.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and carried, it was resolved to approve the two amendments to the Facility Cost Agreement between Floyd County and the Department of Social Services as presented; authorize the County Administrator to execute same (Document File Number _____).

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – abstain – not enough time to review materials
Supervisor Allen – aye
Supervisor Clinger – aye

Agenda Item 9 – Line of Credit Resolution with Bank of Floyd – Mr. Campbell asked that this matter be deferred to the May meeting since all information had not been received from the Bank.

Agenda Item 10 – Election results in Board minutes/Requested by Floyd County Electoral Board. Mr. Campbell reported that the Electoral Board Secretary had informed staff that the election results were to be reported to and be a part of the Board of Supervisors minutes.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to accept the Abstract of Votes as prepared by the Floyd County Electoral Board for the November 2014 election.

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

At 7:30 p.m., the Chairman called for the Public Hearing on the proposed 6-year road plan and turned the meeting over to Chris Price, Assistant Residency Administrator for the Virginia Department of Transportation.

Mr. Price noted that this hearing is for the budget years from 2015-2020 and for fiscal year FY15 budget in particular. He also noted that the public hearing for Interstate and primary roads will be held in Salem on May 19, 2014. Funding from the State will average \$530,000 over the next three years. Currently, we are working on a project to hard surface Haycock Road. Construction should begin in August 2014 and be finished by November 2014. We are also in the design process for an improvement project on Route 750, Alum Ridge Road to improve some curves. The advertisement date for that project is 2017. Last year the Board added Roger Road and Firehouse Road to the plan. Since Haycock Road is fully funded, the budget for 2015 has \$186,000 unpaved allocation going to start Roger Road. The \$47,500 remaining will go to Alum Ridge Road if more funding is needed on that project. I will now begin a brief presentation of the draft 6-year plan projects. Once I present the draft, we will take comments from the public. At a later date, the Board can approve the draft plan and priority list as presented with whatever modifications they prefer. The priority list right now includes nine projects.

- Priority #1, Route 750, Alum Ridge Road for spot improvements that is currently underway in design.
- Priority #2, Route 635, Haycock Road, which is to begin construction this summer.
- Priority #3, Route 653, Shawsville Pike for spot improvements.
- Priority #4, Route 683, Roger Road for hard surfacing.
- Priority #5, Route 768, Firehouse Road, for hard surfacing.
- Priority #6, Route 615, spot improvements around Moore Road and Bluebird Road.
- Priority #7, Route 615, spot improvements around Sowers Road to the Montgomery County line.
- Priority #8, County-wide various items, includes funding put aside for signs, guard rail, traffic services, right-of-way services provided by VDoT.
- Also included is Rural Addition Funds, there is approximately \$155,000 in that allocation now. Up to 5% per year of the 6-year plan funds can be allocated toward that program. Or, you can take that money and put it on other roads.

Mr. Price next called for comments from the audience.

Mr. John McLean, Vaughns Mill Road – pass – did not wish to speak.

Mr. Charles Kirk, Vaughns Mill Road, Route 759 – I became a resident of the County in 1997, just prior to winter. I had some conversations with County people about a year later and it mentioned about Route 759 and talk about possibly getting some work done to it. I don't know what the problems are but I guess everybody is aware that certain big government is just getting away with everything. Denying people that are out here feeding us, I'm talking about farmers. The EPA has got regulations that they want to raise cain about the amount of dust the farmer has to make. Yet it is ok for the State to leave these gravel roads unattended, they are not keeping the calcium chloride down on them. The days when it is dry it is so aggravating. I've got one neighbor here in the back that is in attendance tonight who hangs her laundry out on the line to dry. Once she gets her laundry dry she has to begin shaking the fire out of it to get the dust off of it before she takes it in the house. Another neighbor who lives across the road from me, I can come in at night from a job, she's parking her car where she just washed it. During the night we get a little drizzle and the next morning there are big brown streaks down a white car and it looks terrible. People don't have any clue as to what people who live on the east side of this route have to live through every day. Not to mention how much dirt they are literally breathing. And the State gets away with it. EPA is cracking down on the people that are feeding them and just letting the States run over us. That's pretty much the gist of it. The last thing I will say, finally, is that they took, since I've been living at this address, the money that they spend bringing truckload after truckload of gravel and the man-hours that they put on a road grader for a man to put on this road trying to keep it up, and the few times they do treat it, it could have been paved a long time ago. And it would have been no telling the amount of money that the State or the County would have saved from it. I don't know what the problem is, if it is not wide enough, they got regulations now that it has to be so wide to be paved. I noticed that most of the road that I live on is actually wider than some of the road on Shady Grove. I can't give you the route number but I noticed several of the places on Shady Grove are narrower than where I live. That pretty much wraps up what I've got to say about the idea of getting some work done to it. It would be a huge savings anyway you look at it.

Mr. Allan Holt, Vaughns Mill Road – here also to get Vaughns Mill Road paved, Route 759. That is a hard act to follow, he pretty much covered everything right there. From dust, which is a big problem, repeated repairs at least twice a year, which is a big expense and wear/tear on vehicles from potholes. Thank you.

Ms. Wava Cox, Vaughns Mill Road – my address is Vaughns Mill Road, but my house is actually in a triangle, Shady Grove is in front and Vaughns Mill comes behind our house. In the summertime we do have to keep our windows shut because of the dust. I am the lady who hangs out the laundry. It is just very dusty. I know it is just like a fog cloud that comes up. We live in a wind tunnel so we dry out very quickly compared to other areas. So thank you.

Ms. Ramona Holt – pass.

Mr. Jerry Hill, Vaughns Mill Road – this winter the road got terrible, we live on a mud road, you can call it a gravel road if you want to. When you are going the road there is deep mud splashing all over your vehicle. This winter, twice, it got to where you couldn't get up the hill by Bill Turman's if any of you are familiar with that area, unless you had a 4-wheel drive. You would just be stuck because the road had 12-14" of mud. It is paved to the bottom of the hill down below Bill's. There is $\frac{3}{4}$ ' of a mile that is paved. There is $1\frac{3}{4}$ ' mile that needs to be paved. Most of this road is wide enough to be paved. You would have a minimum of grading to pave this road. You would end a lot of problems and the maintenance would be so much less. There are 51-52 people that live on this road. The dollars that you spend, it is a heck of an economic value to please that many people and make a connecting road where people can come through. You would have some satisfaction of less torment to everybody concerned. Thank you.

Ms. Bonnie Hill, Vaughns Mill Road – I would like to add a little bit to what my husband said. We have a dairy on the road, the milk truck runs on the road about 2 am, and they also have a lot of dump trucks that bring in gravel for the driveway that goes to the dairy and flatbed trailers that bring in the round bales of hay, which happens about every two weeks, the same with the gravel. It is a mud road not a gravel road. Every time they go by the road gets in worse shape. I know they have to be on the road but it needs to be a better road for them to be on. This winter, I had to call three times, it took them about four weeks to get VDoT to come scrape the road. When they scraped it, they didn't bring any gravel right away so they just smoothed out the mud. So the next time it had any moisture, we were back in the same situation with ruts. The road was like when my mother drove it back in the 1940's. Thank you.

Ms. Ann Turman, Vaughns Mill Road – I lived there basically all my life, I lived there as a child. The road was just a dirt road, there was not any gravel, it had not been widened. I walked out to the school. The year I graduated, they came through and widened the road and graveled it. As the years have gone on, the gravel disappears. When they do put gravel down it is full of dust and dirt. Recently, this week, they came through and put gravel but it is just put a place here and there. Instead of putting down chloride or anything, they are putting down gravel. As Jerry said, below our house, it was rutted out so that you couldn't get up it unless you had a 4-wheel drive. I called the State Department also and it took them several weeks before they could do anything. When they put the gravel down, it helped for a while. Then it came another rain and we were back in the same place. You would just sink up in the mud. Not only the hill below our house, but it is the same in different places on the road. I'd just like to see it paved. Thank you.

Ms. Judy Weitzenfeld, Courthouse District – all I want is are signs put up on East Oxford Street. When we moved there in 2010, there were No Through Truck signs but somebody took those down. As I understand it, it was a big process to get those put up but they need to be put back. Also Slow Children at Play signs. I have other information that I would like entered into the record. Also, Claytor Road in Pilot is full of potholes.

From her written letter:

This letter is a request for the Board to consider some ways to improve safety for those who walk and live on East Oxford Street in the Town of Floyd. We hope this will be shared with representatives of the Virginia Department of Transportation. My husband Billy and I moved to 309 E. Oxford Street in the Town of Floyd in November of 2010. Before that, we lived at our

home near Buffalo Mountain for 30 years; and in the area since 1976. We have been privileged to drive through town for the last 38 years to go back and forth for work/school etc; sometimes as many as four times a day. We understand that people want to get where they need to go quickly and that the Town of Floyd is a very busy place. There are other streets in town such as New Town Road and Needmore Lane where children ride their bikes, etc and which are subject to speeders. The suggestions in this letter may apply to those streets as well. However, E. Oxford Street is the focus of this letter. E. Oxford Street is unique in that it is a short cut avenue that people use to avoid the stop light. They speed through on their way to work and school. E. Oxford Street is also a residential neighborhood; there is a lot of foot traffic. Please consider being proactive before an accident occurs. Here are some improvements that in my opinion need to be made as soon as possible on E. Oxford Street: 1) Reinstate "NO THROUGH TRUCKS" signs at each end of E. Oxford Street; 2) Put up "SLOW-CHILDREN AT PLAY" signs along E. Oxford Street; 3) Reduce the speed limit on E. Oxford Street to 15 MPH; 4) Repair sidewalks and make room for foot and bicycle traffic. Regarding #1, in 2010 there were signs at each end of E. Oxford Street that said "NO THROUGH TRUCKS". Someone took them down. Because of consistent, heavy and fast truck traffic the signs need to be reinstated. Regarding #2, there are several children who live on E. Oxford Street. We also have grandchildren who visit us regularly. There is also a preschool that borders the street. Please consider posting "SLOW – CHILDREN AT PLAY" signs to caution motorists that children may be present near the street. Regarding #3, the speed limit is 25 MPH right now and drivers go 45. If reduced to 15 MPH, then maybe they would go 30. If the speed limit were enforced there would be greater safety. To save manpower one idea is the installation of video cameras that could record the speeding vehicles along with license plate numbers. Speeding tickets could then be used appropriately. Regarding #4, I would like to see repair of the area on one side of E. Oxford where sidewalks used to be. Then a line could be painted to delineate a walk/bicycle lane. Your consideration of these requests is greatly appreciated.

Mr. Bill Bushman, Anderson & Associates – here on behalf of Slatemont Homeowners Association to talk about the access road into Slatemont, that is Slatemont Road, SW off of Buffalo Mountain Road, SW, Route 758. I'm a former VDOT Resident Engineer, I feel Chris' situation. Been in this kind of setting many times. I understand and appreciate the dilemma that the Board of Supervisors face with regard to too many road improvement needs and far too little money to address them even in the best of times. Our request is a little different. We are asking for your consideration to look at the access road, Slatemont Road, 2/10" of a mile, for a Rural Addition candidate in accordance with Section 33.1-72.1 of the Code of Virginia. I provided a copy of that to Mr. Campbell earlier. As Chris said, there is \$155,000 approximately in the Rural Addition Fund that previous Boards have sequestered, so to speak. The sum in our estimation may be nearly enough to properly build the road so that it can be accepted into the State system. There would be no additional money required from Floyd County road funds. Slatemont Homeowners Association understands that there are detail though, that have to be worked out in terms of the utilities that are in the right-of-way, how to deal with the easements for drainage and construction and things like that. They are prepared to address those as they are. So, on their behalf we would appreciate your careful consideration of this request in the 6-year plan as a candidate for rural addition.

Mr. Charles Hawkins, Slatemont Homeowners Association – Bill has pretty much covered what we're asking for but let me give you the reason as to why we want to do it. Like other roads around, and I understand Floyd County has a very large percentage of unpaved road and that is an on-going process which you never finish, I live in a County that is the same way. There is always more need than there is money. Once you finish, it just keeps on going. The Slatemont drive is access to property that is owned mostly by non-resident people. There is a lot of vacant property on that mountain and we have just put in a whole new water system. If we can upgrade the entrance to that property, a lot of that un-built on land could be developed by non-residents such as myself that would add to the tax base of Floyd County. People like myself have got to be the best taxpayers that you have – we have no children to educate, we take most of our trash home with us and use very little of the jail services. So, keeping that in mind, also on this road is a bed and breakfast that is not part of the Slatemont development which is also an economic engine for Floyd County. Floyd County is a very beautiful place and it has been one of the most delightful experiences in my life, being able to spend my time here. People who come in, particularly for Floyd Fest, and stay at the bed/breakfast, that is their entranceway to Floyd County, that is what they see, it gives them a different impression when they see run-down roads that are not being maintained. If we can bring that up to some standard, people will have a different impression, may want to buy some property and build a house, and write you a check once or twice a year, which wouldn't hurt anyone. I thank you for your patience. This may be a little bit out of the ordinary but the residents of Slatemont would certainly benefit from it. I think the County will benefit as well. Thank you.

Mr. Elmer Underwood, Indian Valley District – the main thing on them there dirt road they talking about, no gravel. I think I know where they are getting the gravel but I probably need to keep my mouth shut about it. They ain't getting gravel, all they getting is dirt and that's the reason they get dirt roads. I think they need to go somewhere else and get the gravel or something because these roads, when they dump it out and the first time it rains, ain't nothing but a mud hole. That's the biggest problem on that. Buying dirt, just like I got some little trailer courts around places, if I go down there to get gravel I want gravel not dirt. I told them, you bring me dirt, you ain't getting no money. You bring me gravel and I'll pay you. If you ain't got no gravel, I don't want nothing. That's the way to do it. They are just throwing their money away when they get dirt. That stuff when they bring it, it ain't nothing but a mud hole. I think they need to do something on that. That's about all I got to say and thank ya'll.

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

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body.

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

Supervisor Clinger – aye

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

**CERTIFICATION RESOLUTION
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel in accordance with Section 2.2-3711, Paragraph A.1 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby certifies that, to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed 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.

Agenda Item 11 – Old/New Business.

Dr. Kevin Harris, School Superintendent, appeared before the Board. He reported from the April 14, 2014 School Board meeting highlights:

- VRS resolution approved for retirement contributions for five classes of employees; lower rate was adopted;
- Waiving spring exams because of 22 days missed due to weather;
- Student membership at March 31 was 1986 students, ADM based on 2006 students, budget based on 2007 students;
- Budget forecasting is indicating a \$98,000 surplus at this point;
- Federal program audits were performed over the last month with no findings or issues;
- A number of parents have spoke to the School Board about allowing home schoolers to participate in athletics. The Board took no action on the matter. The coaches are not in favor of allowing their participation.
- FCHS situation – a parent and grandparent were concerned about mold, mildew, air quality, asbestos. Health Department was contacted and a team of environmental specialists, the County’s Emergency Services Coordinator and a Fire Department representative did a number of tests. A complete bill of health was received. We also had a surprise visit from OSHA for asbestos hazards. The team of two investigators found no problems.
- Reported on the bus accident on April 11 that was due to a mechanical failure and involved two other vehicles. We understand from our insurance company that we will not be held liable since it was caused by a mechanical failure.
- Received information from Sustain Floyd on a \$98,000 grant they had received for the USDA Farm to School Grant. Schools will receive about \$12,000 of the grant to develop the school farm and educational opportunities.
- Budget work session – started looking at the amount of money that we’ll need to fund the system next year. Looks like we need about \$967,000 to operate. Most of my work for the last couple of weeks has been dedicated to making the budget work with the cuts. We are looking at an early retirement program to pay for part of health insurance for the next three years. The funds would come from our insurance reserve fund in which we have \$1.4 million.

Supervisor Gerald – I attended the Student Reading Competition last week. There was a young boy who was surrounded by three aggressive dogs outside. A deputy happened to be there and said he would take care of it.

Dr. Harris – that report was not made to me, I don’t know anything about it. We actually have signage that dogs are not allowed on school property.

Supervisor Turman – do you have an inspection program for the buses?

Dr. Harris – yes, inspection is made every 30 days by staff. They review 40 different safety elements. All inspections are up to date.

Supervisor Turman – mileage-wise, what is the life expectancy for buses?

Dr. Harris – around 150-200,000 miles is what most divisions do. Our roads are very rough on the buses.

Supervisor Yoder – since the substitutes are not part of the benefit program, do you have trouble finding qualified people?

Dr. Harris – sometimes, especially at this time of the year when teachers are using some of their days off. If we do the retirement program with teachers serving 20 days/year, that will help. We have more trouble finding substitute bus drivers at \$48/day.

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

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors