

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 13, 2013**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 13, 2013 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

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

The 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 Allen led in the Pledge of Allegiance.

The minutes of July 9, July 23 and July 25, 2013 were presented to the Board for review and approval.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the minutes of July 9, July 23 and July 25, 2013 as presented.

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

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

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

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

Ms. Lydeana Martin, Subdivision Agent, next appeared before the Board. She presented the subdivision plat report for July 2013 (agenda item 7a). She noted that plat submissions had picked up somewhat from last month.

Agenda Item 7b – Ms. Martin presented a draft subdivision plat review fees summary for the Board’s consideration. She noted that fees had not been updated since 2002 when changes were made to the ordinance itself.

Sheriff Shannon Zeman next appeared before the Board. He presented the call report for the month of July and noted that calls had jumped to a record high of 1737. He also reported that the jail population at the Regional Jail was at a high of 87 for the month of July.

Agenda Item 7c – Appointment – New River Valley Agency on Aging – representative and alternate – 1 year term.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to reappoint the Assistant County Administrator as representative and the County Administrator as alternate to the New River Valley Agency on Aging for a one year term, term beginning October 1, 2013 and ending September 30, 2013.

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

Agenda Item 7d – Resolution – Establishing the Method of Computing and Reflecting Tax Relief Pursuant to the Personal Property Tax Relief Act of 1998 – Specific Relief.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the resolution as presented entitled “Resolution Establishing the Method of Computing and Reflecting Tax Relief Pursuant to the Personal Property Tax Relief Act of 1998 – Specific Relief (Document File Number).

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

Agenda Item 7e – Delinquent tax lists – discussion/consideration of advertisement of lists. Mr. Campbell noted that per State Code, the Treasurer is required to relay the delinquent lists to the Board for their review. He commented that the collection rate of taxes is above 97% which is very good. The Board also needs to consider whether they wish to advertise the lists in the local newspaper or provide access to the lists in the Treasurer’s Office. No action was taken by the Board.

Agenda Item 7f – Discussion of Floyd Fest parking – defer for discussion later in the meeting.

Agenda Item 7g – Consideration of telephone system bid. Mr. Campbell provided a memorandum update of the process of replacement of the County’s telephone system. The new system will update the County to a VOIP program. The committee met several times to review the proposals. One sidetrack occurred which was working with the school system to perhaps piggyback on their system. Unfortunately, it was way beyond our budget capability with their vendor. One firm was ranked as the highest bidder and we have been in negotiations with them. Our committee consisted of Supervisor Yoder, Kayla Cox, myself and Chris King, our IT consultant. Unfortunately, the bid was still above our budget amount but is fairly close. The vendor cost is \$35,615, following negotiations. Also adding in some cabling work in Social Services, Recreation, Circuit and District Courts. That is beyond what we had anticipated but instead of our staff doing the work, the vendor could provide a better service. It also includes pulling a new line from this building to the building behind us for Extension and Recreation. Two add-ons of \$2080 and \$985. In addition to that, we have some in-house costs which will primarily be for Mr. King on the IT side as well as our maintenance person. Most of that is materials, seven switches that we will have to install. Those switches and their installation come to approximately \$10,350 plus \$600 for the installation. We are ready to move forward with this project with the knowledge going in that the cost is \$46,500 which is \$6500 over the budget amount. The concern is that we do have failing telephones, the system is old, in excess of 25 years. We can’t find replacement phones nor parts and we have some service issues also. On our payback analysis, it is approximately three years, because we will be getting rid of so many lines, saving on the monthly fees. That is the bright side. The back page is the pricing list that was provided by the vendor. We have not completed the contract, just wanted to see if the Board wanted to proceed.

On a motion of Supervisor Gerald, seconded by Supervisor Yoder, and unanimously carried, it was resolved to authorize acceptance of the bid from Ideacom for the County’s telephone system in the amount of \$35,615.00; base bid \$32,550, additional cabling/work \$3065.

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

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

Ms. Becky Howell, Burks Fork District – Usually when I speak to you all, I have my facts in line but I have a couple of questions for you. First of all, Floyd Fest is a Floyd event, put on by a Floyd Company, with Floyd County employees and volunteers, and one that brings much-needed business to the area. My question is. We have sales tax, 1% of the sales tax is a local tax. My question is who gets the local sales tax? Is it Floyd County or Patrick County? I believe that 50% of that has to be devoted to transportation so it would seem to me if the local sales tax does come to Floyd County, then what was done for transportation was appropriate. If it goes to Patrick County, it would be appropriate for Patrick County to provide that service.

Like I say, I have not been able to find the answer yet, maybe you know. Also, it is not clear if the changes that were made in the parking situation, some very creditable sources say that Floyd Fest chose to exclude charities and some very creditable sources say that the charities decided to not be in it. Again, I would ask that you somehow get rid of the spin, get the facts so we know what is going on. At the School Board meeting, and just as an example of some spin, they were talking about the parking and one of the people said that he felt that hypothermia, 1000 people standing in the rain, might be a crises. I'm not sure that you can get hypothermia in Floyd in July. However, alcohol consumption does increase your risk, so maybe you do. So, there was also a comment made about the alcohol in the school parking lot. Another spin was, how do we know that it was associated with Floyd Fest? Was anybody in the parking lot that wasn't associated with Floyd Fest? Thank you.

Mr. Elmer Underwood, Indian Valley District – On that Floyd Fest thing, I was at the School Board meeting and all. They said somebody called about some alcohol. I don't know if they had an arrest or anything but there ain't supposed to be none on the school grounds, to my understanding. Another thing, last year I said something about it, drugs and alcohol. Shannon said there wasn't no drugs or alcohol out there which they couldn't do no arrests or nothing like that. This year, they bused them from Floyd. Why didn't they have dogs up here and do something about it this year? Last year was a different tale, this year it was in Floyd and they could have picked them up. All they would have had to done was bring a bunch of dogs in there, they couldn't have packed the jail full enough. They can tell me anything they want to but I know there was drugs and alcohol, a bunch of drunks and that's what our School Board, or whoever it was, give them authority to haul them all out there. I think something ought to be done about it. When it comes election time, you'll see a few arrests but it's all quiet now. I think you ought to step up and do something instead of standing around with your hands in your pockets and not doing nothing. I reckon that's all.

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

Agenda Item 7h – CDBG application summary – Mr. Campbell noted that Supervisor Turman worked with the committee on the New Town project. Unfortunately, we were not successful in receiving this grant. We did obtain a copy of the scoring sheet which we provided to you. I wanted to share this with you because it shows the extensive scoring of the system and the challenge of putting the application together. The neighborhood did an excellent job in participating in this effort. The cutoff was 780 points out of 1000, which is on the scoring sheet and breaks down all the different elements. Our score was 709. The first page of the evaluation sheets indicates the areas we were lacking: national objective related; readiness and capacity – user agreements needed, true agreement from PSA was lacking and not documented; decrease in local leverage where we had counted some Weatherization and VDoT funds, we'd hoped to do revenue sharing to improve the road in the neighborhood. It was documented so that drug our score down. We tried to count \$306,000 from the PSA in the application but since it was not confirmed, that brought the score down also. The National Objective area – we have a fairly large neighborhood where we were looking to improve units, but there were other needs in that large space, their question was if we could address all the needs in this large area. If we decide

to try for the grant again, the deadline for the next round is March 2014 and we will be meeting with DHCD to see what we can do better. It is a very competitive process State-wide.

Agenda Item 7i – Reminder of Elected Official Picnic in Pulaski on August 25, 2013. Let us know if anyone is interested in attending and we'll relay your acceptance.

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

- Case loads are steady, do not have SNAP numbers from the State for last month yet;
- Cooling program ends August 15 – case load has been steady from last year. The benefit was dropped to only \$100 this year. This caused more work for staff to enable the total bill to be paid since we had to work with other agencies/programs. The nation-wide program was \$5.1 billion in 2009, was dropped to \$2.7 billion this year, benefit dropped from \$325 to \$100.
- Interface with the County's accounting system was finally completed – we put in a help ticket to the State every day until they fixed it.
- There have been problems with someone urinating on the front porch area of this building on this level. The cleaning service pressure washed the porch trying to get rid of the odor. They were not aware that water runs down the walls from this level into our file room onto our records. The problem with the person has been going on for a couple of months. The cleaning service did use their wet-vac after they learned of the water problem.

Mr. Campbell noted that the situation has occurred three times with the person. Maintenance staff has installed a dusk to dawn light to help with this problem and also for lighting outside when night meetings are held. We have considered installing a camera but are hoping the lighting will take care of the situation. (to Mr. Ayers) – has the State put their space study results back into effect?

Mr. Ayers noted that Floyd County was #13 on the list when they stopped providing funds. The list has not been put back into the budget.

Mr. Ayers reported that another Social Worker resigned and left employment last Friday. Three of the four social workers have left in the last 1.5 years; the one remaining worker could retire anytime she chooses.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to amend the agenda to enter into a closed session.

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

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion, consideration or interviews of prospective candidates for employment, assignment, appointment,

promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; Paragraph A.3, Discussion or consideration of the acquisition of real property for a public purpose or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

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

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

On a motion of Supervisor Allen, seconded by Supervisor Turman, 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 and real estate in accordance with Section 2.2-3711, Paragraphs A.1 and A.3 of the Virginia Freedom of Information Act;

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

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

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of Number (1) or Number (2)? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure.

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

Mr. David Clarke, Virginia Department of Transportation, next appeared before the Board. He reported: maintenance for the past month included mowing, weather related issues such as pipe cleanout, repair of washouts, machining when able, patching on Franklin Pike and Christiansburg Pike. Also had a couple of recognition events: picnic in July for employees, recognizing years of service. Also had several employees participate in the Skills Rodeo, in which two Floyd County employees won at the District level. They went on to the State level, where Travis Stanley won 1st place in the State in the motor grader event and Jason Conner won 3rd place in the State in the mowing tractor event.

Supervisor Gerald – mowing is needed desperately in Indian Valley. Appreciate work on Sumpter Road – folks are especially grateful for the culverts being opened up that had been stopped up for several years.

Supervisor Allen – need a couple of watch for turning signs. One, on Franklin Pike, before the Silverleaf Lane/Pinewood Lane intersection, there is a blind spot there. Second, on Shooting Creek heading back toward Town, at the Sandy Flats intersection, another blind spot. Also, would appreciate any help on the gravel roads.

Supervisor Turman – Weddle Road, bushes and trees are hanging over the road, especially bad when it rains and they hit vehicles. Merrifield Road, VDoT was researching the blind curve to see what could be done – could you check on status please?

Supervisor Yoder – Lick Ridge Road – work was scheduled to be done this month but have not seen any activity there for the boulders coming up in the road.

Mr. Clarke – the work is scheduled for this summer, but I do not know the date. Will check that and let you know.

Mr. Campbell noted that he had given the Board a copy of a letter to a resident on taking an abandoned road back into the system written by Mr. Huff – very good summary of information if any Board member receives questions from constituents.

Supervisor Clinger – need pothole repair on Howell Alley/Oxford Street intersection and on Penn Street.

Discussion followed on the 6-year plan resolution. The Board noted that they had approved the resolution last month with the inclusion of Transfer Station Road and Roger Road with the option to add five unpaved roads to be paid out of the additional funding approved for

gravel roads with over 50 vehicles per day. Roger Road and Transfer Station Road were added under the additional funds for over 200 vehicles per day.

Mr. Clarke will provide traffic counts for unpaved roads to the Board to assist in their decision making of the additional five roads.

Supervisor Allen questioned if damage costs to roads from Floyd Fest had been completed yet?

Mr. Clarke – it was mostly in Patrick County. Seems to rain on that side of the Parkway worse.

Mr. Campbell – Dan Huff and Will were tracking those costs.

Mr. Clarke – if we have to go out and do work for damage caused by an outside agency, like for guard rail, someone has an accident and hits the guard rail, we charge them for it. It takes a little while to get the information together. There may not be any charges for Floyd Fest according to the regulations, I'd have to research. If it is a matter of someone tracking something on the road, we can charge for that. But, people have the right to use a public road so it is hard to assess.

Dr. Kevin Harris, School Superintendent, next appeared before the Board. He presented the School Board meeting highlights from August 12, 2013. He reported:

- Floyd County schools are not transportation providers for Floyd Fest. We helped because we were asked to help under their crises management plan. I did not judge whether it was a crises or not. We had an agreement with them before we provided assistance as to the hourly rate of \$50/hour/bus reimbursement.
- New FCEA President, Mr. Jeff Pennington, one of our Special Education teachers, introduced himself to the Board.
- Provided a copy of a transfer request to move \$85,000 from Operations & Maintenance to Facilities. This will enable the payment for the new irrigation system at the high school. Change is just to meet accounting requirements for proper placement of costs.
- Will have an adult welding class offered again at the high school. We hope to offer other types of adult education classes in the near future.
- Our projected membership on August 13 is 2020; we do not have final figures for the first day yet.
- Reimbursement from Floyd Fest totaled \$17,818.97 for bus use. Of that figure, \$2130.40 was for gas reimbursement. Realized \$9000 in profit after drivers were paid and buses were cleaned.
- An accident recently occurred with one of our buses in Blacksburg while on a field trip. The bus was crowded on a road with a narrow bridge. No tickets were issued and the damage was minimal. The bus has been repaired and is back on the road.
- Twenty-nine new employees hired for the upcoming school year, 26 of those were teachers or teacher aides.

- Check Elementary – the 51st kindergarten student was enrolled yesterday. Only 25 are allowed in each kindergarten class so we will be hiring an aide. Hope to have this process completed by Friday.
- Provided copies of State/Federal accreditation rates to the School Board – all schools are accredited. At Indian Valley Elementary, the math scores met the criteria of 64% pass rate but were considered “backsliding” because the rate dropped from 73% last year.
- Met last Friday with the Sheriff to discuss school safety. Also met with all teachers to discuss safety. Investigator Dalton is scheduled to meet with us again this Friday.

Supervisor Gerald – when you meet with the Sheriff again, could you bring up the isolation of Indian Valley and the time it takes to get someone there?

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the transfer of \$85,000 from the Operations & Maintenance category to the Facilities category in the FY14 school budget for payment of the high school irrigation system.

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

Supervisor Yoder commented that he would be interested in seeing the teacher/student ratios by school/grade when available.

Supervisor Gerald reported that he had received complaints from citizens that School Board members were whispering and talking among themselves during their Public Comment Period, which is rude. Would like Dr. Harris to pass that along to the School Board. We give people our undivided attention when they are here.

Dr. Harris commented that he would pass that along but he does work for them, not the Board for him.

Agenda Item 7f – Discussion of Floyd Fest parking situation. Mr. Campbell noted that he had sent a letter to Floyd Fest officials as instructed by the Board but had not heard back from them. The Sheriff has been out of town for several days also so a meeting has not been held with them.

Supervisor Yoder – I would be interested in seeing the receipts for contributions to charitable organizations that they say they have made during the current year. Ms. DeVito had given me some numbers but would like to see that on paper.

Supervisor Gerald – I am against public property being use for parking and transportation, especially school property. They knew the problems and they should have had a plan in place. Drug and alcohol problems have been reported and they need better planning.

Chairman Clinger – I always thought a crisis included taking people away from a situation, not toward it. I agree with you, when we got the request for the County Fair, they put in a request to use the parking lot and other property, provided insurance liability coverage. This last minute stuff, if someone had been hurt, were we covered or were they covered? There were a lot of issues. If this was an emergency to transport people, it might have been covered.

Supervisor Gerald – Dr. Harris said he couldn't decide if it was an emergency or not.

Chairman Clinger – that was his call on that. The parking lots, County property, that's our call.

Supervisor Gerald – they had to get emergency fuel from the School Board also because they could not get their own fuel. We are opening ourselves to liability.

Supervisor Yoder – I would be more concerned about the School Board property. But that is their prerogative.

Chairman Clinger – I would like to see the charities and check receipts that were contributed to this year. They were charging \$15 for each parking spot, they didn't provide the spots, we did. We could keep the count of how many cars parked on our property and charge an adequate amount. We supplied the transportation. At least the same amount that went to last year's charities should be paid this year. I'm willing to give them another month to get all their expenses paid and checks sent. We have the list from last year as to which organization got what amount.

Mr. Campbell – the contributions go through Floyd County Cares to the charities, they do not come from Floyd Fest to the charities.

Supervisor Turman – an emergency is getting people away from a situation, not taking them to it.

Chairman Clinger – are they actually a Floyd County business? Across the Way Productions?

Mr. Campbell – the County does not have business licenses, the Town does.

Chairman Clinger – I have a copy of their LLC registration in Montgomery County, their address is Pilot. Registered with the State Corporation Commission through Montgomery County.

Supervisor Gerald – we should get information from Patrick County also, as to their costs.

Chairman Clinger – Mrs. Howell had a good point that we should research. The sales tax for the tickets, would that be collected through Floyd County? The 1% that comes back to the County.

Mr. Campbell – that all depends on the situs.

Chairman Clinger – most of it was done on the internet so the point of sale would be Floyd County if they are a Floyd County company. If they are registered in Montgomery County, the sales tax would go to them.

Mr. Campbell – on-site sales would be Patrick County.

Consensus of the Board was for the County Administrator to send another letter to Across the Way Productions officials requesting their attendance at the next Board meeting to discuss all the issues and allow ample time for them to provide receipts of contributions to Floyd County charities.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to adjourn to Tuesday, August 27, 2013 at 7:00 p.m.

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