

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 26, 2014**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 26, 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. Kate Duncan and Ms. Crystal Heath, both third grade teachers at Floyd Elementary – Ms. Duncan – we’ve come tonight because we hear from the Board of Supervisors, at times, that you guys don’t hear from us, that we don’t come to meetings. So we’re here. We’re hoping that since we’ve heard you, you guys will now hear us. I’d just like to give you a quick little snapshot of my class this year and what’s going on because of the budget cuts that have occurred. I have 27 in my 3rd grade class this year, a third of which are below grade level. Some of them significantly below grade level. When we were discussing this the other day with Dr. Harris, he asked why so many below grade level? I said, well, we’ve had teacher cuts, we’ve lost teaching positions, we’ve lost instructional assistant positions, we’ve had cuts to our supplies and the things we need, that goes on and on from Kindergarten on up.

Ms. Heath – it is not just this year, every year, all these cuts are being made, a lot of it is happening in those primary grades, which are foundational. That is the time to intervene. We are sticking these kids in huge classrooms with high needs. We’re only one person, we stretch our time. We’re the teachers staying after school, we’re coming in early, working on the weekends. You will never walk into my classroom and not see me assisting children; I will never be sitting at my desk. Ever. I’m giving all I possibly can to these kids but I can only give so much.

Ms. Duncan – there is one of us, there are a multitude of them. We try to differentiate, we try to use small groups, I do a small group of 6, I have 21 other students out there that need to have something meaningful to do, they need to be held accountable but they know there is 1 of me and 21 of them. I struggle to meet their needs, that’s what I’m here for, that’s why I went into teaching, to help children.

Ms. Heath – and to continue to paint that picture. We’re trying to close that gap, you know, in these primary grades. In our classrooms we have kids that are just coming in that do not know their letters or letter sounds, no support for that child, by the way. We have kids that are reading on a 1st, 2nd or 3rd grade level, 5th, 7th. We’re trying to help those kids that are struggling but also the gifted students, by ourselves.

Ms. Duncan – it is difficult with classes this large.

Ms. Heath – I want to reinforce these foundational levels that are so important.

Ms. Duncan – I think that about sums up why we are here, the budget cuts are hurting the children.

Ms. Heath – I have a passion for teaching, I've become addicted to it, it is like a hobby for me. I go home, I stay on my computer until 10 pm figuring out how to enrich the students. Like I said, I can only give so much, we're already staying so long. I'll stay after school and help those kids who are struggling but those are the parents that aren't working two jobs and will allow me to keep their kid after school. That's not counting the kids that can't stay after school, what am I supposed to do with those kids because I can't meet their needs and give them more one-on-one attention?

Ms. Duncan – the budget cuts are hurting the children. Thank you.

Ms. Mona Helms, Courthouse District and Ms. Katelyn Hundley, do not live in the County, Floyd Elementary School 2nd grade teachers –

Ms. Helms – I just came to speak, I've spoken before, just to reiterate what they said, but to also ask that you as the Board and School Board, work together to come up with solutions for us. That's what I'm asking for, we need your help to take care of the students. That's the bottom line. I can tell you class sizes, I can tell you that we need more help with this, but I think you know that. I think it is what you do with it now. I'm asking you to do something with it. Thank you.

Ms. Hundley – I just wanted to say that I love the school, I love teaching, I love the County but with the amount of students we have it breaks my heart that I cannot reach every single one of them. I haven't been able to build the relationships that really need to be built so I can support those students and teach them the way they need to be taught. There is just too many of them in one classroom. I teach 2nd grade. To have so many at such a young age and I really can't reach every single one of them, it is hurting me. If they don't get those foundations now, when will they get them, it is hurting them. Thank you.

Ms. Cindy Ryan, Finance Director for Floyd County Schools – to balance the budget, we did not put in to be announced positions to reduce class size. Sometimes we find additional funding available because of higher paid teachers retiring and they get replaced with lower paid teachers at the lower end of the salary scale. This year we had very few teachers retire and we had a lot of turnover. I want to say we lost something like 24 teachers but the ones that were hired in were coming in close to the same salaries as those who left. I ran the numbers the other day to see how much savings we had from the turnover. In previous years it has been well over \$100,000 in which case we could hire additional teachers. This year looking at salaries only, because we can't look at benefits at this point in time because our health insurance is still in open enrollment and we don't know what people are going to decide to do. Looking at salaries only, we had \$15,000 in savings from the turnover. If we even had 3 people that replaced people who didn't have health insurance and elected to take it, that \$15,000 savings is gone. I can tell you that I've already looked at the numbers and we don't foresee having the savings to hire additional staff. Right now, we're looking at our average daily membership. If our average daily membership held, there is a possibility. What it is today, if that number held all year, we very possibly could have some additional money and could hire additional staff. Our problem there is, last year we lost 24 students between the first day of school and about the middle of the school year and didn't pick up those students until the very last couple of months. Our average daily membership ended up last year at 2005.63. So, while we would like to hire at least 3 new teachers to reduce these class sizes, we don't know what will happen with membership. I can tell you one thing, right now we receive extra money for having K-3 class sizes that have 24 students or less in them. We have 3 classes, 1 at Check and 2 at Floyd Elementary that have more than 24 students. We already know that this means we'll be losing about \$57,000 out of our budget because we have not met our K-3 class size requirement. So we're definitely losing \$57,000 if we don't do anything. It could cost up to, if you say about \$55,000/teacher with salary and benefits, you're looking at about \$165,000 to replace them.

While we think we can do it if our membership held, we have no guarantees that it will. There are no savings in the budget, I've looked everywhere.

Ms. Jessica Cromer, Little River District, Check Elementary Principal – Three of my classes are extremely large this year. Two 7th grade classes are at 26 each. My 3rd graders have been combined into one class of 26. We're managing, because we always do. Because the kids depend on us. But, it is getting extremely hard to manage 26 13 year olds in one room, with no air conditioning. Let that kind of fill your nostrils for a second. After all this training that we've given on brain based instruction, knowing that movement is what children need, there is not even enough room to move around in the classrooms. My teachers are doing a stupendous job like they always do because the kids depend on it. What I'm asking from you as a voter, as someone who speaks up for the 300 students that I'm in charge of every day, they need your help, they need it badly, our County needs your help. I've been to you before, other teachers have been to you before, we're very hopeful that something can be done to make this school year successful for these children, no matter how many are in a class, for all 2000 that go to Floyd. Thank you.

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

Agenda Item 3 – Approval of month-end disbursements.

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

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

Agenda Item 4 – Evaluation of Building Permit fee for commercial roof replacement.

Mr. Mark Bolt, Building Official, appeared before the Board and commented – The International Building Code requires permits for replacing roofs on commercial structures. It does exempt residential structures. We do have a large commercial project being done in the County. When they came for the permit, they questioned the fee structure since it was the same as for a new structure. We researched surrounding Counties to receive their fee structure. I only inspect the sheeting and if the roof is replaced correctly. Recommend a flat \$200 fee which I feel is adequate compensation to the County for my inspection time. We've had two replacements of this type in the last three years with one more upcoming. If it is an older roof, we usually have to deal with asbestos.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve a fee schedule change to a \$200 flat fee for commercial roof replacements as recommended by the Building Official.

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

Agenda Item 5 – Notification of ABC license application. Mr. Campbell provided information from the Virginia ABC Board concerning a pending application from the Fat Spoon Café located on Floyd Highway South. We’re receiving this notification to meet State Code requirements. If the Board has any comments, a period of 30 days from August 12, 2014 is allowed for receipt. Even though State Code requires these notifications, this is the first one that we’ve received.

Supervisor Gerald – I’ve already wrote the ABC Board about this license. I also wrote about the license number 8743 for the brewery application, expressing my disapproval. I wrote expressing my disapproval of both applications and alcohol use in Floyd County. I’d like to go on record expressing my disapproval as a concerned citizen and Board of Supervisors member.

Chairman Clinger – can we contact the ABC Board as to why we have not received these in the past?

Mr. Campbell – the notifications go to the County Attorney and Sheriff. The opposition or approval would need to come from the entire Board.

Supervisor Gerald – I was on record as a concerned citizen and also a Board of Supervisors member. I had a son killed by a drunk driver in 2008. I’d hate to see this happen to any other citizen in Floyd County.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, it was resolved to disapprove the application as presented of Fat Spoon Café to the Virginia Alcohol Bureau for licensure.

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

Motion failed.

Agenda Item 6 – Natural Gas Pipeline Resolution. Mr. Campbell provided a draft resolution for the Board’s consideration. He noted that with the resolution that concern is being expressed that the two companies have not contacted you as Supervisors or local government or with the community. It expresses that you would like to have a community meeting where they would describe the project, better define what they are talking about doing, proposed route. You would also be requesting that until such time as the community meeting could take place with the company, that no further action such as surveying or engineering work takes place in the County. The resolution would be sent to the company, our State and Federal representatives and adjoining counties affected.

On a motion of Supervisor Turman, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the resolution as presented, Resolution Requesting a Community Meeting on the Proposed Mountain Valley Natural Gas Pipeline (Document File Number _____).

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

Mr. Campbell also presented a copy of a letter from a concerned citizen concerning the pipeline that they wanted shared with the Board and included in the minutes. The letter was from Mr. and Mrs. Paul Mercier:

RE: Mountain Valley Pipeline Project

Dear Members of the Board:

We beg your forgiveness as we are unable to attend this evening's meeting and implore you to vehemently oppose any action to build a pipeline through Floyd County. While the announcement by the EQT Nextera Energy Corporation has already stolen the economic value of our property off County Line Church Road, SE, its proposed route for the Mountain Valley Pipeline would render our entire 51 acre property unusable for its intended purpose as a homestead.

At a minimum this project would:

- Turn the serenity of our home site into industrial wasteland and deprive us its entire value for the purpose that we bought it;
- It would destroy the only natural water source on the property – springs of which feed and may very well be the source of Pine Creek;
- It would destroy irreplaceable mature trees and leave a clear cut path in its wake further exposing existing power lines;
- It would create and forever impose the risk of explosion and the disrupting need for continued maintenance; and
- It would encourage further industrial development along a widened utility corridor.

If this project cannot be stopped, we ask that you consider and demand the full value of what an easement across our property would most certainly take; not simply the economic value of some right of way. Through its actions, this company has indicated that Floyd County land has value based on customer demand for natural gas – there is obviously demand and long-term profit opportunity or they would not be considering such a large investment in building this pipeline. Well, this land has significant value to us too; as a peaceful retirement homestead and we are sure that others in the community are concerned with their quality of life and what this encroachment would mean to them. This pipeline would deny us that enjoyment and destroy any opportunity for quality of life there. The value of these things go far beyond the price that we have paid for land, the improvements that we have begun and the countless hours we have spent getting to know it.

We understand the country's need for energy and though we do not agree that fracking and the transportation of natural gas is an environmentally sound and sustainable long-term solution to these needs, we are at risk of being forced to unwillingly exchange our property for "fair and equitable compensation". Considering the utilities apparent need for this particular transmission corridor, which will render our entire property useless for the purposes intended, it has significant quantifiable value and community leaders should argue the full value of this taking.

We think enough of Floyd County to have spent our life savings to create a peaceful, organic retirement homestead here. We intend to be here and to be participating members of the Floyd community – a community that we have come to appreciate for its unique spirit and similar mindset. We would not think of raping our land for a short-term profit or to deprive our neighbors of their ability to be as they like. It took the earth millions of years to produce these natural resources and we feel that it is our responsibility to be good stewards of that which has been entrusted to us.

Unfortunately, we are now finding that a utility company in search of profits and a country in search of energy seeking to bully us out of our property and our rights to life, liberty and happiness as guaranteed by our Constitution. We do not condone bullying in our schools and I would expect that we do not condone it in our government as well. Likewise, considering that our rights and liberties are under attack, we expect our government to protect those rights and liberties; such protections that we have

faithfully pledged allegiance and paid taxes to provide. Therefore, we thank you for your assistance in eliminating this threat.

With much appreciation for your public service.

Agenda Item 7 – Statement of Economic Interests (file two times per year). Mr. Campbell noted that with State Code changes as of July 1, 2014, Board members will be required to file the Statement of Economic Interest twice each year. The first filing is due December 15, 2014. Forms will be sent to each member 30 days prior to the deadline.

Agenda Item 8 – Presentation of delinquent tax lists. Mr. Campbell requested that this matter be deferred to the September meeting.

Agenda Item 9 – Old/New Business.

On a motion of Supervisor Turman, 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; Paragraph A.3, Discussion or consideration of the acquisition of real property for a public purpose or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

On a motion of Supervisor Yoder, seconded by Supervisor 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 Allen, 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 property in accordance with Section 2.2-3711, Paragraph A.1 and Paragraph A.3 of the Virginia Freedom of Information Act;

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

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

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

Hearing no statement I call the question.

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

This Certification Resolution was adopted.

On a motion of Supervisor Turman, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the two resolutions as presented for signing of County warrants and signing of the County Administrator's Petty Cash Fund (Document File Number _____).

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

Continuing under Old/New Business, Supervisor Yoder requested that school funding be discussed, in light of the Governor's recent request for agencies to reduce their budgets for the current fiscal year and for requests earlier in the evening for additional teachers. Dr. Kevin Harris, School Superintendent and staff were in the audience if there were questions.

Dr. Harris – we have been assured that essential services would not be affected which does include schools. That's all the word that we've heard so far.

Supervisor Yoder – I'm curious to know what the current ADM is compared to the projected budget and where it stands.

Dr. Harris – I don't know the exact number but we were around 1979 on Friday, budget was based on 1950. There is enough ADM in that number that we could hire additional teachers but how do we know that will hold up during the year. If we don't hire additional teachers, we lose \$57,000 of the K-3 initiative money. All K-3 classrooms have to be below 24 students. We know we have several classes that are too large. ADM will, if things were frozen right now, cover two additional teachers. With two additional teachers, we would be covered and get the \$57,000 back which would pay for one

teacher and two other classes would be covered. \$100,000 would cover it all. But that is all a guess right now. We don't know what ADM will be down the road.

Chairman Clinger – when is the ADM calculated, I know it is in the Spring and Fall.

Dr. Harris – September 30 and March 31 are the ADM capture dates. As you remember, we cut four positions out of the budget last year based on our projected enrollment. Projected enrollment is a best guess scenario. Last year enrollment kept going down so we cut the four positions. In actuality, we need three of those back now. We don't have anything built in the budget to take care of that. We pointed this out to you and said if we did not have money to take care of this, we would come back and ask you. I suppose that's what we're doing right now. If we don't have enough ADM to take care of these two additional positions, I could like to ask the Board to take care of this for us so we don't lose the \$57,000.

Further discussion followed on the situation – ADM particulars, loss of K-3 funds in the amount of \$57,000, costs for hiring, etc.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to authorize an additional appropriation of \$20,000 to the FY15 school board budget by December 31, 2014; authorize up to \$110,000 additional appropriation to the FY15 school board budget if ADM drops before June 30, 2015 for the hiring of three additional teachers.

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

Continuing under New Business, Chairman Clinger presented a proposed resolution request from the Daughters of American Revolution for recognition of Constitution Week in September 2014.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the resolution as presented for recognition of Constitution Week in September 2014 (Document File Number _____).

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

On a motion of Supervisor Yoder, and unanimously carried, it was resolved to adjourn to Tuesday, September 9, 2014 at 8:30 a.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