

**BOARD OF SUPERVISORS  
REGULAR MEETING  
AUGUST 9, 2011**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 9, 2011 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman (entered the meeting at 8:35 a.m.); J. Fred Gerald, Vice Chairman; Virgel H. Allen, Case C. Clinger, William R. Gardner, Jr., Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

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

The Opening Prayer was led by Vice Chairman Gerald.

Supervisor Clinger led in the Pledge of Allegiance.

The minutes of July 12, 2011 were presented to the Board for review and approval.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to approve the minutes of July 12, 2011 as presented.

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

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

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

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

There were no Constitutional Officers reports at this time.

Agenda Item 7a – Subdivision plats as approved by Agent for July 2011. Ms. Lydeana Martin, Subdivision Agent, appeared before the Board. She reported that the month's plats were slow compared to past years. In other matters, she reported:

- Work from Home initiative workshop is set for Thursday night at Citizens Telephone. We had space for 60 people and have had 65 register already so we're not able to accept more registrations at this time. Very pleased with the interest. We will gather all the handouts to make them available to those who were not able to attend.
- Presented a copy of a Heartwood Passport Book to encourage folks to see all of southwest Virginia. Each County has a page for six sites. In Floyd, they are the Floyd Country Store, Jacksonville Center, Mabry Mill, Chateau Morrisette, Rocky Knob Trails and the Chamber of Commerce. One of our challenges has also been to get folks to stay longer in the County. They may go to one site and not go to the other attractions so this will encourage that. If a person gets the book filled with a stamp from each attraction, they bring it back to Heartwood for a gift from their gift shop.
- Crooked Road brochure – they prepare a new one every year or so. Floyd really has good representation in this brochure. As a member County, we get a substantial article on us with each major venue outlined. There are about 2.5 pages of advertisements from local businesses. Heartwood and the Crooked Road folks send this brochure to anyone who requests information on the area.
- Economic Development workshop in Roanoke on October 24-25, entitled "Economic Gardening" concerning second stage businesses, how to take them from start-up and very small to grow. Several members from our EDA will be attending along with myself. Extend the invitation to any interested Board members.

Chairman Ingram entered the meeting at 8:35 a.m.

The Vice Chairman turned the chair over to the Chairman.

Agenda Item 7b – Appointment to the Economic Development Alliance of Floyd County. Mr. Campbell commented that there are two interviews scheduled in the afternoon if this appointment could be deferred until later.

Agenda Item 7c – Appointment to New River Valley Community Services Board – 3 year term. Mr. Campbell commented that no letters of interest were received. Supervisor Gardner has a candidate but she is still researching the appointment/duties. Defer for September.

Agenda Item 7d – National Association of Counties (NACo) Achievement Award. Mr. Campbell presented a copy of the certificate received for the Regional budget process that the County has participated in for over ten years. This was a nation-wide contest so it is quite a honor to receive this award.

Agenda Item 7e – Draft resolution for Support of Restoration of State Funding for Aid to Localities. Mr. Campbell reminded the Board that \$60 million was cut State-wide, with Floyd County's share being \$69,326 for FY11. For FY12, the County's share will be \$68,241. VACo has drafted a resolution to request that the Governor reverse this process.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and unanimously carried, it was resolved to adopt the resolution as presented for Support of Restoration of State Funding for Aid to Localities (Document File Number \_\_\_\_\_).

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

Agenda Item 7f – Redistricting/Regional Jail. Mr. Campbell reported that further research had been completed on this matter after Mr. Wirt’s presentation to the Board last month. After discussion with the Supreme Court, with an opinion from the Attorney General, he commented that he had been assured that this judicial realignment should not affect the County’s costs or membership in the regional jail. This is an item that we will want to track as it moves along.

Ms. Stephanie Short, Commonwealth’s Attorney, next appeared before the Board. She reported: wanted to give you an update on the funds you allocated for an emergency part-time assistant. His name is David Rhodes and he has 13 years experience in private practice. He has started looking at the files and will be assisting me effective immediately. I just want to thank you for that temporary emergency assistant, it is very helpful. I think with David’s experience, he will be a great addition to the office. I just wanted to thank you again.

Concerning the security door installation – the door has been very, very helpful. First, it cuts down on the traffic, especially with the ones that just show up and don’t know where they were. It has helped as far as people understanding. It has only helped with confidentiality and the meaning of the office. The exterior doors are really interior doors, so when they did the Courtroom renovation, it is my understanding, we don’t have steel doors. The security door is very helpful. I want to commend Kenny’s work on this, it was done very professionally and his attitude was very professional. If someone comes up to the door, they can buzz in. There are times when my assistant may not be in the office, I’m in court, and it just helps tremendously with the administration of the office. I really appreciate that help.

Agenda Item 7g – PPTRA Resolution. Mr. Campbell presented a draft resolution, as prepared by the Treasurer and Commissioner of Revenue, for the Board’s review. Mr. Campbell commented that this is an annual action to set the percentage for the personal property tax relief. The amount they have specified for the current year is 50.70%. This amount would represent the percentage of reimbursement to be applied to the personal property tax bills in order to use all of the PPTRA funds that were received in the current year. In addition, your local appropriation of \$115,500 is added into the State contribution to arrive at the 50.70% rate. Action by the Board must be taken in advance of the tax bills being mailed.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and unanimously carried, it was resolved to adopt the resolution as presented for setting of the PPTRA percentage rate (Document File Number \_\_\_\_\_).

Supervisor Clinger – aye  
Supervisor Gardner – aye

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

Agenda Item 7h – Courthouse repairs. Mr. Campbell reminded the Board of their site visit last month to look at the moisture infiltration around windows at the Courthouse. A bid proposal request was put out for sealed bids. Four bids were received, one company only bid on the waterproofing. Family Builders appeared to be the low bidder but there were some questions as to their inclusion of re-framing all 85 windows. After discussion with the owner, it was discovered that the re-framing was not included in the bid price, only flashing and blown-in insulation. Discussion also followed on deletion of the plaster repair at this time to ensure that outside repairs work. After this discussion with Family Builders, it appears that Graham, Nolen & Underwood were the apparent low bidder, meeting the bid specifications at \$130,660 if item D is deleted. Item C is complete weatherization/sealing of outside brick/masonry. This was included because of problems with winter freeze/thaw. Discussion also followed on how this large expenditure could be paid.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, it was resolved to award the Courthouse repair project to Graham, Nolen, Underwood in the amount of \$130,660

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

Chairman Ingram commented that he feels if we could talk to the contractor, he would hold the numbers for an additional thirty days. There is a strong possibility that we will have funds coming back to the County from a State agency. These funds should be used for a one-time expenditure instead of being put into the operating budgets. This is very important and needs to be done. Feel this could happen within the next 30 days.

Consensus of the Board was to place the matter back on the agenda for the September meeting for further discussion.

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

Mr. Jesse Lawrence, Locust Grove District – I have indirectly raised the issue of a potential meals tax for the County. I'd like to raise that again today. I understand that there is a letter that needs to be written, and is written each year, requesting the ability for the County to proceed on that, with a lot of resistance at the State level. I found out that the Town of Floyd realizes about \$150,000/year in meals tax from a very small number of providers. I don't know how much it would provide for Floyd County. I would guess just ballpark, \$300-400,000. With all the revenue issues that we have coming up, and just had one a minute ago, I think there needs to be a concerted effort going forward with this letter and somebody assigned on the Board to spearhead trying to get this thing done. I understand there are difficulties with it and so forth, but we have another year coming up where you're going to have big revenue issues. The School

Board members who are running, are already talking about how many promises they're going to make for raises for school teachers and all the other wonderful things that were cut, they want put back in the budget. They'll be coming at you next year. If you would consider that, I think it might be worthwhile even though it won't be easy to sell. If you could get somebody assigned and write that letter, I think you could get some folks to help drive this thing with the State and our representatives and maybe create a little commotion.

Ms. Linda Shell, Little River District – The reason I am here today is to complain about roaming dogs and to ask the Board to reconsider a “running at large” dog ordinance for the entire County instead of for selective properties. I've only lived here 21 years but during that time, I've had both sheep and poultry killed by someone else's loving dogs, not stray dogs mind you. The last killing was horrific because a pack of three dogs jumped on top of the duck wire cage causing the cage to cave in. The pet ducks were mauled and killed in the cage that was supposed to protect them from predators at night. We had never seen this pack of three dogs before. Later we discovered that they apparently traveled over a mountain ridge to enjoy their kill. The one dog that my husband shot had no collar or id and that would have been the end of this sad story wouldn't it? However, a red collar was left in the duck cage. Apparently one of the other dog's collars got caught on the wire that it had destroyed. It had a name and phone number but not the County tag that is required of dogs. Animal Control was able to trace the information to an owner and now a court date is set. Our current Dog Ordinance is insufficient and has been for years. There is a prohibition of running at large section in the current ordinance but it is directed at only specific properties. Paraphrased it says: It is unlawful to permit any dog or cat to run at large within the boundaries of property owned by the School Board and the Floyd/Floyd County Public Recreational Facilities Authority. So, it is ok for dogs to run on my property but not that owned by these County institutions? Another section of the ordinance indicates that dogs shall wear County tags. Paraphrased, dog license tags shall be securely fastened to a substantial collar by the owner and worn by such dog. Exceptions to this were listed and were very reasonable. Yet this is not enforced according to Animal Control. I point this out because in 1999 when a comprehensive dog ordinance was proposed and rejected by a majority of the supervisors, one of the arguments the public used was that the ordinance was not enforceable. Yet, this particular ordinance is on the books and is not enforced. Ordinances do not have to be completely enforceable to deter most of the public. Just legal and scary, people don't want to be fined, meaning money talks. Dog owners of Floyd County have more rights than property owners have. Why? Because property owners have no legal recourse to dislodge dogs from their property and there are no deterrents for dog owners to keep their dogs on their property. Dogs can roam and they do so at will. I can keep people off my property by posting “no trespassing” signs. But I can't keep any dog off my land. In fact, if I cause the death of a dog on my property, I can be charged with a Class 6 felony if that dog was not causing harm to me, my family or my animals. Let me repeat – dog owners of Floyd County have more rights than property owners. A dog owned by someone can enter my property and defecate and urinate wherever it chooses. A dog owned by someone can chase and kill my cat, your cat, and unless you catch the dog in the act you have no recourse. A dog, owned by someone, can bark all night long either on your property or next to it and the owner can't be fined. In the State of Virginia and Floyd County, owners of domestic farm animals can be fined if animals stray or roam from their owner's properties, but not dogs. Please consider a “roaming at large” dog ordinance. Thank you.

Mr. Wayne Boothe, Courthouse District – The reason I'm here this morning is that I oppose the structure of these windmill generators across Wills Ridge. One of the reasons is that they will destroy the view by a lot of blasting, leveling the top of the ridge. They want their own 40' wide road going up the top of the ridge from each side. There will be blasting. What could happen to our water tables, wells and springs, nobody really knows. The noise is a big concern. I hear that these things can be heard from two miles away. The flashing lights that are put on them to keep aircraft away at night will be a great disturbance. Land value, according to what I get off the computer, says that the property will be devalued anywhere from 20-40%. In my case, I have a clear view from Route 705 to Route 730, all cleared land. I think that is the reason they invited me to their meeting, because they'd like to put a transit line from Willis Ridge through my farm. AEP already has a 40' right-of-way splitting all my prime farming land, right through the middle, and I'm highly opposed to any more right-of-ways going through my property. I have a petition with 426 signatures that I'd like to leave with you folks. I don't know what you might be able to do but we'd greatly appreciate it if you'd try to do something to prevent this or put some stringent things in there that would limit heights or whatever. Thank you very much.

Mr. Eric Underwood, Little River or Locust Grove District, I'm not sure where I ended up in the redistricting – let me just start off by saying that I am a dog person but as the Shell's and Jones' have had a problem, I have too, and it has not been the same pack of animals, so it is not an isolated incident. I'm mad at irresponsible owners not dogs. A week ago, three dogs came after mine, who were luckily in their pen. They were aggressive toward them. When I came out, two of them took off; one of them ran in the garage, which I shut in the garage. They'd been there before when I wasn't, but my wife was afraid to go after them. They were aggressive toward my dogs yet Animal Control would do nothing since it was a Sunday. Are we paying Animal Control to be on call? When Mr. Waddell said he'd come out Monday, what was I supposed to do until then with a dog in my garage? Do dogs have calendars and watches so they know not to misbehave on weekends? I'm far from rich but we spend a lot of time and money making sure that our dogs stay on our land, have their shots, tags, up-to-date on everything. If there is nothing in this County to keep other dogs from roaming and attacking other dogs or cattle or anything else that belongs to people. We have laws against people trespassing yet nothing against dogs. Can somebody tell me why I should be afraid to let my dog run on my land and get attacked because other people don't care? The dog that I caught, as in their case, had no collar, no tags, and no id of any kind. Again, it was not the same pack of dogs because I knew Fred had had problems and I called him right after it happened. He said, that's funny, I just had the same thing happen again. So it is not an isolated incidence. I doubt since this dog didn't have a collar, tags or id, it didn't have shots for anything either. Two weeks ago, my healthy, three year old beagle Daisy died. Her liver and kidneys shut down because of some bacterial toxin. Tests were inconclusive. I'll always wonder if the roaming dogs didn't bring something in. The dog that I caught was friendly alone but aggressive in the pack. So I don't want to hear oh my dog wouldn't hurt a fly. If they get in a pack, they're going to be aggressive. So in closing, I'd just like to hear why we shouldn't have an anti-roaming law and if Animal Control was being paid to be on call on weekends, why aren't they doing their job? Again, no it didn't bite me but it was aggressive. I'm aware this has been discussed before and you said we don't need it. We're asking for an anti-roaming law not a leash law, we're not saying the dog

has to be on a leash all the time. I wouldn't like that either. But I don't think it is asking too much to be able to let your dogs roam on your own property without being afraid they're going to be attacked or killed. I would like to thank Virgel; I called him at 7:00 on a Sunday morning since he's a Supervisor and was a past animal control officer. He tried to help me all he could but his hands were pretty much tied. Thank you.

Mr. Raymond StClair, Ridgeview Road – I am here to voice my opinion against these windmills that are proposed to go up on Wills Ridge. I don't know how many of you have had the opportunity to go out west and to actually see these things in operation. I've been out there numerous times. As you ride along the interstate, you can hear the noise they create riding along in your car. That's something that is going to affect the property owners surrounding the Wills Ridge location. Also another great concern that I have is the water. As I understand, Floyd County, all water flows out none flows in, that is something that we have to protect as every one out in the County is on a well. We do not have public water. If our wells are sunk due to the blasting, we really have no recourse. They say, well, if you can prove that we did it, we'll take care of it. How are we as a normal citizen going to prove something like that? It would cost us more to prove it than to get a new well in if we still had water on our property to get a new well. As I understand through the Comprehensive Plan that the County has, that this is one of the things that you all are looking at, is to protect the water in Floyd County, a resource that everyone is very much dependent on. I would ask each and every one of you to consider this about letting this wind farm go in. Consider the options that you have, that you can take to prevent it from going in. As Mr. Boothe just gave you some names of some 500 people that were obtained in about two weeks, received by him. The people of this area, I don't believe, want to see that ridge top destroyed because that is what it will do. Go and look at them in other places and see what it does to the landscape. Do we want that along with the possibility of many of our neighbors and even myself, maybe, being without water? Do we want to see our property values go down because of these things? That is what is going to happen, that's what has happened all over the country when they went in. I would ask that you consider every option of this, look at it very carefully and I would appreciate if the Board would make a resolution, the whole Board, that you are against this. Think about it, pray about it, consider the people that it will affect. These things are not going to help the people of Floyd County. It is not like the new Food Lion that went in or the new Hardees. I am not against seeing development go on that helps the people of Floyd County. These things do not. Thank you very much.

Ms. Cecelia Rudisill, Indian Valley District – I am almost afraid to say this but I am for the windmills and I will tell you why. We want to grow green, this is a way that we don't have to use coal, we don't have to depend on so much oil either. I have went on the computer and my husband Frank has been a truck driver for over 30 years. He has visited many of these wind farms. I know that the petitions have went around and I think a lot of it has been very misleading. Lights are to be out, the strobing through your windows, no, it is not going to be a big huge light, it will be a small light, just like what is on the cell towers that we have up here. The noise, the older ones, yes, they did make a lot of noise. But the newer ones are more quiet, it is more like a swish, swish. That's about all it is going to be. As for the land, they are going to come in, it will be a small one acre plot that they will sit on. They have to be over 1000' apart for these to be put up. It will also increase revenue in this County. We all wonder where we're going to get money to fix the Courthouse and upgrade our schools. Can you imagine a \$3

million structure sitting there, what you will be able to tax them? We'll be able to charge them for a building permit. When we put up a farm building or a garage, it is taxed, they will be taxed also. One windmill will produce enough electricity for 10,000 homes. I have went in and checked. Now, when they do come in on your land, they will widen roads. Our roads here in Floyd to get this equipment in will be fixed by these people to get this structure in. It is not going to happen overnight, it will take a long time. They will have to bring people in, there will have to be housing for these people and food for these people. Think of the jobs that this will make in this area. The concrete plant down here, how much concrete will they buy? They will have to pour concrete for these towers and the land will be put back like it was. They are only leasing. The farmers that are here are being taxed out of their land. We need to sit and think of these things. We need to bring business into the County. I'm not asking for Floyd to grow as big as Christiansburg, but it would be nice to know that things will keep our children in this area, upgrade our schools that are very behind. I really want you all to investigate this, think about this. This is our land. Thank you.

Mr. Dave Dixon, Courthouse District – I do live on Beaver Creek Road. There are two sides to every story. I have a presentation that will take more than the 4 minute limit so I won't go into the whole thing but I will elaborate on some of the things I've heard. When we talk about blasting, there will be a 40' road that goes across the top of Wills Ridge. Each one of the towers, the pad that it sits on can be up to 42' square, 30-40' deep. They will have to blast each one of these deep holes on that ridge. Not to mention all the top soil taken off of it. The top soil is what filters the water into the water system. We'll have hydraulics and all this heavy equipment on top of the ridge. We talk about water changing the fractures in the rocks and changing the wells and springs. How about all the chemicals and whatever else they have up on that ridge, that is another concern that you should think about. We start looking the economics. Wind is the second most expensive if you add the construction costs, solar being the most expensive. You think that wind saves coal and stuff, wind doesn't. You still have to keep your coal and nuclear plants running, wind is not predictable, so they have to be ready to scale those plants up and down to meet the demands of the system. When they start scaling down a coal plant it starts producing more CO2, so it is not green. The only thing green in wind energy today is the color of money. If you follow the money you can get your answer. The government pays up to 30-50% of the cost for construction. The initial builder comes in and builds it, he has 30-50% of the cost covered, then he has tax credits after ten years that offset the cost of selling that electricity back into the grid which makes it a profitable business. They have a solid depreciation over five years for the entire project. They build it with taxpayer money, 30-50%; they turn around and depreciate it in five years, have nothing left in the project. What do they want to do now? They have the government guaranteeing profit, they have nothing in it, they sell it. They sell it, take the money and run. The initial builder is sitting on a gold mine. I call it the modern day gold rush. When he sells, the next builder has another 4-5 years of guaranteed profit, our taxpayer money, to make these things profitable. But he has also increased costs because now we have repairs and maintenance. When the tax dollars run out and repairs/maintenance needs are there, what happens? The same thing happens that did in California. In 1980, the government in California put in wind farms to go green. Today, there are 16,000 turbines, to date, 14,000 are sitting broken down and rusted and not running. I don't think we should give away our ridge tops to greed for corporate America. The President of Alternative Energy in Spain was asked the question because they took all their incentives away,

what are we going to do with an industry that we have just created with tax incentives? The President of that energy group said that we have to find another country where their taxpayers are willing to support our industry. Guess what? Our tax dollars are supporting that industry. The reason that you see a lot of different companies from Spain and Portugal is because their government does not support this industry. Their budgets are tight just like ours and they're using our tax dollars to support their industry. You are very short sighted if you don't think that history will repeat itself on Wills Ridge. I also have the entire presentation in this brochure, petitions, copies of resolutions from Patrick and Tazewell Counties to prevent wind energy in their areas, and a video of people talking about what they are having to go through today because they didn't stop wind energy in their area. I do have my contact information there if you'd like to contact me. Thank you very much.

Mr. Fred Jones, Little River District – On July 12, as you were conducting your last meeting I was completing what has become a rite of passage in Floyd County. I shot and killed one of my neighbor's marauding dogs. Less than three days later, another pack of dogs returned and created more havoc and I sent one of them home peppered with shot from my 20 gauge. They'll be back and other dogs will show up too. The first ten of my twenty one years in Floyd, I had the mistaken notion that I could raise livestock here. Back then I took the New Testament approach and I turned the other cheek. But after getting slapped, slapped and slapped again, I just quit raising livestock. So this spring when my daughter asked if she could get some poultry, I grudgingly said yes, but I took the Old Testament approach, an eye for an eye, a tooth for a tooth. I guess I'm not much of a Christian because a dog for four ducks just left me with a sick feeling. It is time for this County to abandon its unofficial shoot, shovel and shut up. It is not only illegal but crude, barbaric and unfair to innocent dogs who have the simple misfortune of ending up with irresponsible owners. While I believe we need a comprehensive Animal Control Ordinance, at a bare minimum we need a prohibition of roaming at large. Notice I didn't say a leash law; this is not New York City. I don't advocate a leash law. Anyone who insists on calling a prohibition of roaming at large a leash law is either grossly misinformed or evil. Our Animal Control Officers don't control animals; they count dead ones, so give them some tools to work with. There are those who claim that such a law is unenforceable. We have drunk driving laws on the books, how enforceable are those? Yet nobody advocates their repeal. So if you have any questions regarding enforceability maybe you should visit some other rural Virginia localities who have roaming at large ordinances on the books. They don't seem to have any trouble enforcing theirs. A dog may be a man's best friend but it can be a neighbor's worst enemy. So lacking a roaming at large ordinance, my immediate plans are to fell some more trees so I have a better line of sight and upgrade to a semi-automatic rifle and hope I have the good fortune to be there the next time the marauding dogs reappear. This just turns my stomach.

Mr. Charles Whiting, Indian Valley District – two things, yes, the roaming dog issue has gotten very serious. As I've seen it, it has always been there. It caused me to have to build what I refer to as the guest pen. Animals are in the road quite often. I also as part of the unwritten contract when I bought my place out in Indian Valley, I didn't know the pregnant dog conveyed with the property. It wasn't in the paperwork. But she gave me seven puppies my first Christmas here which was a little bit overwhelming. But I thought it was responsible of me to protect not only me but other people's livestock and properties, so I began post hole digging. Thought better about explosives, didn't want to mess up my water table so I did it by hand. But I

had also to build a guest pen because dogs come from quite a distance really, and when they run in packs as some of these speakers have said, they are not the family dog that we know. They act very differently in groups, that's why they are called packs. They are a menace. I can get along with most dogs, period. But when they are in a pack or they feel threatened, it is a whole new ballgame. I have tried to call on the County before and I just take care of it myself and hunt down owners if I'm fortunate enough to find them. I don't want to have to shoot them. I think these people are making some very valid pleas to this Board to come up with something to protect themselves, their children and their property. What I'm interested in is how this Board, by just taking something very basic that a homeowner would have to face, the reparations of windows that leak and that sort of thing. When this Courthouse was made, and almost all older buildings were built, they didn't put them out to bid. There was a time when folks could pull together and do these things in the community. With the economy like it is now, I think we'd better sort of change the way we look at things and not expect Richmond or Washington to provide for us. It is running dry. Historic buildings may have a little longer as far as getting funds to protect and repair them but the well is going dry for money. We are fortunate here; we have a community that has a lot of skill sets. The people that I've met are not afraid of work, you've got masons, you've got other skilled people and there may be a time very soon that to preserve those things that this neighborhood and community sees as important, we may have to pull together and do it ourselves. That's just for consideration. Don't expect Richmond to be there for us because Washington isn't there for Richmond and not everybody can get a check from George Seuers. So good luck.

Ms. Catherine Turner, Pulaski County – I'm here to voice my concerns about the New River Valley Livability Initiative. I feel like I've studied this thing until my eyes are about ready to drop out of my head. I know that a lot of other people are taking a real hard look at this too. First of all, I'd just like to point out everything that is right with this one-on-one right here. This is as democratic as it gets. It is really great to be able to talk to the people that we elect to represent us, one on one. I hate to see us those lose that by lack of virtue of this initiative. This plan is so sweeping. It is a plan for land use, zoning, food production, transportation, economic development. It falls under the heading of sustainable communities. That's the HUD grant that the NRV Planning District applied for and we are the recipient of that grant. If you look at the map on-line, there were about 3000 applicants all over the country that have applied for this. I'm here to say, really, how alarmed I am because it is such a sweeping scope, this whole plan. There is so much of a lack of awareness not only the average Joe citizen about what this plan contains but I'm afraid to say, the people that are supposed to be representing us. Last night I was at the Montgomery County Board meeting. Frankly, 2-3 of the Board members weren't aware of it and didn't know if they had voted on it or what it contained. I'm here to tell you that the same thing happened in Pulaski. It was their June meeting and we were there to raise the question, those of us who have these concerns, and our representatives didn't know if they'd voted to pass it or not. That led to the question ok, was there an actual vote? As it turns out, there was not a vote to join this Partnership Agreement. So we are asking that our Supervisors follow the oaths and live up to the oaths that they took, live up to what the Virginia Code states, as their duty to represent us and have a vote on this at the June 22 meeting. Right now, Pulaski County has not signed the Partnership Agreement, their County Administrator signed off on it. We really need to address that while we're looking at what is contained in this. I'm not coming over here to tell you all how to run your business. I'm just telling you this because I'm a

property owner in the New River Valley; I spend a lot of time here in the summertime. In the terms of this grant, I've looked at the HUD grant description, there are 40 pages of what must and shall be done, these are not options, these are mandated outcomes. I was at the Floyd Planning Commission meeting when the Comprehensive Plan was being rolled out. What I saw in that overview was that we don't want to sell out our land development rights or our autonomy of our community to the highest bidder. Well, frankly, the highest bidder in this case is the Federal government. This is an alliance of HUD, DoT and the EPA. It is frightening to be advocating our autonomy to the Federal government in this way. There is an excellent 3-minute video that I would encourage you gentlemen to see on You Tube. It is South Carolina's State representative Joe Neal. He talks about Vision 2020 and this is exactly how it appears on the NRV Planning District Commission website. He talks about devastating that has been for his district. How one of his constituents wanted to open a barber shop, well it couldn't happen in this urban growth boundary zone. So the guy can't create new wealth on his own property. He goes on and on about what this means. My fear is that this will greatly diminish rural property values, that will greatly diminish what we can do on our property, our ability to have water, drill a well, have a septic tank that is affordable, I know these are issues. I would just urge you to look long and hard at this livability initiative. Thank you.

Ms. Linda Wagner, Courthouse District – I am here to ask your assistance. You are pushing economic development and tourism yet our sidewalks in the Town of Floyd are a monstrosity, they are an embarrassment. We're pushing tourism and want people to walk around the Town? For ten years, Dennis and I have been trying to get some repairs done. We've met with VDoT at the Richmond level, Salem level, local level, we've provided them with a detailed DVD showing all the areas that don't meet VDoT requirements, yet nothing gets done. We're pushing new trails and byways for Floyd and Floyd County yet we don't maintain what we have. It is my understanding that these new trails and byways cannot be installed under VDoT laws and regulations until the existing sidewalks and such have been brought to Code. Yet, they're going ahead. I would just like to ask your assistance. The Town has failed to do anything, VDoT has failed to do anything and according to the law, when you fail to do something and an accident occurs, that is gross negligence. We've had a couple of very serious accidents because of these situations. I think this is unconscionable and something needs to be done. In addition to that, there is an obstruction on Oxford/Main, it is not an obstruction to the sidewalk but it is a viewing obstruction and a driving hazard. It is in front of Mr. Rogers' business, those bushes extend half-way over into the sidewalk, it is a visual impairment as well and I'd like your assistance. Thank you.

Ms. Ramona Dixon – thank you all for your service to the community. I'm a country girl from Craig County; I've lived in the mountains all my life. I'm green. I don't have any solar panels in my house but I'm green. The first thing I wanted when I moved here to Floyd was a clothes line so I could hang my clothes out instead of using one of the most expensive things in the home which is a dryer. We recycle everything. You can't recycle mixed paper here in Floyd so we carry it down the mountain to Cycle Systems. Everything else we recycle here. Speaking today about the windmills that they're trying to put on us in Floyd. I'd like to read a few words to you that I got from the Floyd County map that I got when we first moved up here from Roanoke. It goes, Floyd County is a unique mountain community known for its natural beauty located atop the Blue Ridge plateau, removed from the rush of urbanity. Many enjoy the year-

round majestic views, natural resources, quiet splendor and the residents live in touch with the land. This paragraph begs the question why then, with all that we've so precious been blessed with, would we allow strangers owned by companies in foreign countries such as Portugal, Spain, Germany, to interfere with such God-given beauty by enticing landowners to give access to property that will be marred forever by their machinery, their 500' wind turbines, and people encroaching on these tranquil, peaceful, pastoral mountaintops, all in the name of being resourceful. So many times they've proven not to be and then have been abandoned when they have used all their resources, left to rust as someone else said. God made the mountains and he mentions them 29 times in the Bible with such words as beautiful and sacred. They are a gift, they are not ours to destroy and enough of that has already been done, as we know. How many of us in our hurried lives even notice the fog rising over the mountain top, or a rainbow, or a sunset over a mountain? I do because I've lived in the mountains all my life. It is an eye opener when you learn that something of this magnitude could come here and destroy what we have forever. They've invited potential landowners to dinner, which the public couldn't go to, of course, to entice them to sign their leases while the rest of us sit and wait and see what happens. We have no voice right now. Is that a fair way to treat the rest of the taxpayers in Floyd? As one of them, I don't think so. As good stewards of this God given land, can we in good consciousness stand idly by and allow the destruction we'll face if they come? I implore you, I beg you, not to let this happen because once it is done it cannot be undone and we'll have to face it every day. Thank you so much for your time.

Ms. Elizabeth Aldridge, Locust Grove District – I'm going to change topics. I would like to talk about the comprehensive plan that was moved from the Planning Commission to your table. I'm hoping that the Board is not taking it on its face value, that it is taking it as a step that a lot of people worked hard on and put a lot of time and energy in. However, it does have a lot of issues. I'm hoping that the Board will take time to study it, receive more community input and research the effects that it will have on our community. It contains plans for new authorities and regulations that most residents have no idea would be part of this plan when they received the notices that the process was taking place. Now they see how much regulation and control will be added and they deserve more input. Time needs to be spent discussing whether or not the residents want these authorities and whether or not the Board has the authority to take them. Some issues, there are numerous, but some that I have chosen to highlight are the requirement for business licenses. This is a dramatic change that I don't think a lot of people understood to be proposed in the Comprehensive Plan. It is stated in the Plan that this is for economic development, however, there will be a fee applied and that sounds a little disingenuous to me. Another thing that doesn't make sense is planning cluster developments at the same time you say you want to preserve our rural heritage. Also, discouraging certain types of development at the same time you're planning to develop the expensive infrastructure to support it. Basically, when I read this entire plan, which took a lot of time, it seems like we're going from zero to Roanoke County within three votes. I'm concerned that it is too much too fast and if the community does agree that these actions are necessary, we will need more interaction and graduated steps. It is almost too comprehensive for a comprehensive plan. I'd like to conclude that I've only been here for a year in Floyd County so I believe I missed the initial public inputs. However, I did try to attend the Land Task Force meeting but I was told that since I did not represent a business or group would be relevant to that, that my input was not needed. The only other avenue was public comments to those groups so that was disappointing as well. In conclusion, I urge you to

take time to study this. Don't just think of it as something that can be rubber stamped. I understand that you can change it as you see fit. Like I said, get more public input.

Mr. Joe Turman, Burks Fork District – I wanted to address the removal of the greenboxes along the edge of the County. I've had a number of people call me who are concerned about this. I went out and measured the distance from the sites where they would have to start bringing their trash to. If you remove the ones from Green Mountain on Shelor Road, to bring their trash to Conner Grove Road, they'd be driving 7.7 miles one way. If they take it to Willis, they'd be driving another 12.4 miles which would make a 15-20 mile round trip just to get rid of their trash. Rock Church Road to Willis would be an additional 8.9 miles one way for those people. From 221 Buffalo Mountain Road, you're talking about 8 miles round trip additional. If you move the ones at Vaughn's Mill, it is 16 miles for those people. I understand that you all need to trim the budget; I know that and appreciate the problems that you have. But if you move these boxes 3-4 miles from the County line to a new site, you're going to have to run extra trucks to that site to pick up additional trash. In the long run, you're not going to be saving anything. That's the way I look at it. It also puts a bigger burden on the people on the fringe of the County. They already feel like they are left out and forgotten about as far as some of the other service that they get. In the Buffalo Mountain area, I know there are a lot of people with health issues and physical issues that it would be a bigger burden to get their trash further away. They do want you to please consider all this and not move the boxes if there is any way possible. I wasn't going to address this issue but myself, about a month ago, I lost ten sheep to roaming dogs. Every day I worry about going up and finding out that dogs have been in my cattle. So, I don't know what the answer is there, other than we need more aggressive enforcement of the law. The present dog laws that we've got, I know the dog warden has his hands full but we need more aggressive enforcement on that. Thank you all for your time.

Ms. Mary Osborne, Burks Fork District – I do want to address the issue of dumpsters. I live at the Green Mountain greenbox site area. It is right in my front door. I personally don't like the site but I live in the neighborhood with the rest of my neighbors. This is quite an issue for us. We do want to be assured, I know that the issue has been tabled and that you're going to put it off down the road. We want to be sure that the dumpsters do stay there, not only now but later. We have an issue with, at that end of the County, we have elderly people that it is convenient for them to take their garbage there. We have some people that do not, and they are in the minority, care about them being moved simply because they are traveling maybe to the Floyd area on a routine basis, they can dump their garbage off in other areas. The majority of our people do not have that option. They have to travel quite a distance. The real issue with these dumpsters is out-of-County dumping. We're looking to you to try to help us to enforce and put stiff penalties that are dumping from out of the County. I come out this morning and it is an unsightly mess. When you decided that you were going to reduce the number of dumpsters, the people, the notices were posted, then people really reduced their trash. I watched it daily. When you were thinking about moving them, the trash was reduced half or less. Now that they see that the dumpsters are going to stay, they are back to the same games. We need enforcement. We do not need to sit back and have our dumpsters in our area taken away from us because of out-of-County people coming in. I would ask you to please enforce this. Either have surveillance cameras or something. I live right there at the dumpsters and would be glad to assist you in any way that I can. I think if you get this enforced and you stop a lot of this, I'm talking about

strictly enforcing it so these people will understand. Just the other day, an out-of-County dumper was warned and not charged. We need to quit warning them, we need to put penalties on them. Word of mouth will greatly help us a lot. If you give a few tickets out, get it in the paper, it will stop, I've seen it. I thank you for your consideration.

Mr. James Conner, Courthouse District – The reason I'm here is that I was reading the Floyd Press last week about the petition for a heights limit ordinance. I'm concerned about that because the tallest cell phone tower in the County is on my property. If we have a height limit ordinance, I wouldn't have a cell phone tower on my property. It hasn't hurt me in any way. No, I'm not an expert on wind turbines, I don't know anything about them, but I do know about the cell phone tower business. The lights on the tower doesn't hurt any at all. They do flash all night but it is not a very bright light. I believe a fellow talked a while ago about taxes on the property. The tax on the piece of property that this tower is sitting on has tripled. It is not a very big tract of land but I'm not complaining about the increase in taxes when I take my check to the bank every month, I have plenty of money to pay the taxes with. The only reason I came in here was for you to hear the other side of the story. If you do have a height limit ordinance to stop these wind turbines, you'll stop the cell phone towers too. I think it has increased cell phone service in the County and it hasn't hurt me at all. There are houses less than 200' from the tower and it hasn't hurt them and I haven't heard any complaints. So that's what I wanted to tell you about and thank you for your time.

Mr. Bill Crabtree, Burks Fork District – I would like to give my support for a roaming dog ordinance. I've had some issues with this myself. Thank you.

Mr. Kerry Whitlock, Little River District – I had the distinctive position of being able to represent this district for eight years. Right now, I would like to congratulate a man that has put in 23 years to the service of this County. Unfortunately the voters decided that they need a change, which is good. At this time I would like for everyone to give David Ingram a hand. I see the issues have not got any less great. There are 2-3 things that I would like to mention that is going on with the budget. Trash. Unfortunately, people want to keep their greenboxes. We need to look at a way of financing. It was done that way 15 years ago by doing a household fee. You have a budget; let people see what the cost of it is. Recycling, we are at 25%, we could be at 75% with a little bit of work. Collection centers give the incentive for that right. That's all I'm going to say on trash. Second thing, we have a land use ordinance in the County which protects farmland. It gives the farmer a chance to stay in business. Some people say it is a tax break. How much are you willing to pay to keep your view shed like you like it? We have people that are in what are called conservation easements which gets tax credits which are all the better. If that is removed and I am encouraging that it be removed, people that have large land holdings, get into that program simply because we need to protect our forests, watershed, an industry that needs to be part of your community. With that, that is all I'm going to say on that. Now to the school system. Next year's school budget is going to be approximately \$300-400,000 short before they ever start. Two things are in that budget that will not be carried over. One is \$191,000 in stimulus money that will not be there next year. The second thing is we were given, I'm a school employee I drive a school bus, a 1% cost of living raise. Is that going to be sustainable? I thank you for your time and good luck on your future endeavors.

Mr. John Getgood, Chamber of Commerce – I understand that in this year’s budget deliberations, that funding for advertising in the Virginia Tourism Corporation publication as well as the Blue Ridge Parkway guide for 2012 was not funded. We in the Chamber would ask that you reconsider those decisions. Both of those publications promote Floyd County and its tourism businesses. Some have the mistaken notion that printed media is no longer effective. I can tell you that this is not true. I’ve just come back from Italy and people were carrying printed media around everywhere, the tourists, I didn’t see anybody carrying an I-pad so printed media is important. I have a letter to distribute and I ask that you reconsider your decision to fund those advertisements. Thank you for your time.

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

Mr. Dean Gall, Facilitator for the two Task Forces that you asked to get organized in the County. Since we were given this task in April, we have had a few meetings to make folks aware of what the process was and what we were trying to find out. We’re trying to put together information in all directions appropriate to land space and ag and forest land that is important to people here in the County. We have had two policy task force meetings. There was consensus from the group to meet on the first Thursday of each month from 10-12 am. So far, at both of these meetings we have had presentations and information brought into the group. We’ve talked about the background information, covering County statistics, recent local trends, the existing Subdivision Ordinance, Forestry districts, entrance requirements, and a brief overview of existing policies in other southwest Virginia counties. There has been a lot of discussion and as I told you in the beginning we are not decision makers, we are trying to collect facts and information for the Board to utilize and see what is available as far as open land, farm and ag land can be addressed. We’ve had one meeting of the Ag/Forestry Task Force. That group chose to meet on the third Wednesday of the month from 1-3 pm. The first meeting we met here and we had presentations looking at where we’ve been in the County, starting back in the 30’s and 40’s, what agriculture looked like at that time. And forestry as well. What the recent trends have been and looked at possibilities of where we might be going. And with the meeting next week, we’re going to look more along forestry issues and topics similar of looking at past, present and future. We’ve had two volunteer interns; both of them are Virginia Tech students. When you take interns on, you never know how much time you’ll be able to get from them. But these two individuals have put forth significant amounts of time, 20-30 hours/week, volunteering their time, collecting information to rectify the support committee to provide information. We’re looking for some type of funding to help them. We had no idea that we would be so fortunate to have the commitment that they’ve made. We’re going to try to find some outside support to help cover some of their travel costs for gas and meals. For the next few months both of these groups will continue to collect information. The Ag/Forestry one especially will continue to work to find a little more of an identity and where they want to go and how we can keep ag/forestry viable and an option. We will continue to report to the Board as time goes on.

Ms. Terry Smusz, Director, New River Community Action, appeared before the Board. As far as services, she reported: 1184 Floyd County residents served this past fiscal year; 20 slots for Headstart families, 8 in home base and 12 enrolled in the combination Headstart/Virginia Preschool Initiative Program in a classroom at Floyd Elementary. We will be

continuing that model for one more year. We had 60 children served in the backpack program, which we are gearing up for again right now. CHIP program served 33 children. In this program a nurse and case manager conduct separate home visits with these families. 896 people were served in the Emergency Assistance Program which helps with heat, utilities, short-term housing, food, clothing, some prescriptions during times of emergency. 13 were served in the Housing/Homeless Program which can provide more assistance than the Emergency Assistance program, actually several months of help. There are specific criteria in place for a family, it is not an entitlement program, it is a grant and often times we run out of money. We also have certified housing counselors and they've been very helpful to many clients. Even though we only served 13 families in all of last fiscal year, we've worked with 8 families just in July of this year. We enrolled 232 volunteers in the RSVP program working at 20 stations. Our Virginia Cares program serves ex-offenders with a focus on job readiness and re-entry into society. We served 10 in this program the past year.

As far as the budget, Ms. Smusz reported that budget cuts have been incurred. Because of the cuts, the office has been closed one day per week.

An update on the building – we moved into the site at the JAX Center in February 2010 for a temporary period. We're paying about \$1000/month for rent. The NRC Board of Directors has decided to go forward with repairs on the older building, largely because office space here is very hard to find. We want to be sure that there is always a home for NRCA in Floyd, especially for our Headstart program. Our current arrangement with the school is a year-to-year arrangement so we're not sure how long that will last. We have funds for the roof, roughly \$90,000. The NRC Local Advisory Board has offered to fund-raise for other expenses including seeking in-kind support and volunteer support, both labor as well as professional. We're very grateful to them for help in this endeavor. We also have an application in to a local Foundation for a new heating system and we've made the first round of cuts.

Some consideration is being given by staff at the NRCC Adult Education Program as well as Workforce Investment Programs, in moving training programs into this space once we rehab it. We meet with the contractor next week to finalize the renovations.

We appreciate your past and continued support.

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

- SNAP Program (Food Stamp) served 2100 people in July, disbursing over \$250,000. This is down from a few months ago but is higher than the summer average when we usually see a drop off from temporary summer jobs;
- Cooling applications – 250 persons served in the last 45 days. The Federal government did increase the stipend to \$600 this year. This was about double what they did for the heating assistance program at a \$285 stipend.
- We are still struggling with meth related cases, still having to remove kids from homes. We struggle with this both for treatment and long-term effects.
- Budget – meth cases are causing a huge increase in legal fees, averaging \$6000/month, which is about double where we were last year. For meth cases/child removal, three court hearings are required – one within 72 hours; one within 5 days of the 72 hours; one within 75 days of removal.
- CSA budget – actually close on September 30 so we do not have final figures at this time but we are well within budget. Will continue to monitor monthly, especially with the entire Aid to Localities cut coming from CSA.

Mr. David Linkous, Emergency Planner with the New River Health District, next appeared before the Board. He reported on the Department's Emergency Preparedness/Response Program which began in 2002. The Office of Emergency Preparedness and Response of the Department of Health started shortly after 9/11 and it consists of two offices – the Office of Emergency Preparedness and the Office of Risk Communication/Education. We have three levels: State, Regional and District. At each district level, we have an emergency planner and epidemiologist. We provide information and education to emergency responders, medical communities, hospitals, doctors, etc. We try to get into as many community meetings as we can. Some of the topics that we work with are: personal/family preparedness; assisting with emergency operations; all hazard planning; disaster life support classes; national incident management system; blood borne pathogen education; decontamination education; it goes on and on. We represent the Virginia Department of Health and New River Health District in local emergency planning meetings and regional meetings. We want to get involved with the public as far as educating them to be ready at home should they have an emergency or we have a disaster. My position oversees the New River Valley Medical Health Reserve Corps. We are just now getting this under way; we have hired a Coordinator that we share with the Roanoke/Alleghany Health Departments. She does recruitment/retention of medical personnel. We have about 110 members at this time. We can use folks that are not in the medical field also, there are a variety of jobs to be done. National Response Plan – there are 17-19 essential core support functions, depending on which chart you refer to. If there was a community disaster or event, when you open up your Emergency Operations Center, one of us will be there to help you, or it may be all of us for a large issue. In explaining the NSPA (Near Southwest Preparedness Alliance) he outlined the various members: 16 regional hospitals, Department of Emergency Management, Health Department, long-term care facilities, academics such as Virginia Tech and Radford University. The area stretches from Alleghany County to as far south as Danville, from Giles County to Lynchburg. Some of the resources that we have a hospital/health care coordination center. If you had a large incident here with a lot of injuries, instead of trying to get all these folks to a hospital, you could call me to help. Some of the resources available through NSPA are medications, equipment, a mobile emergency room which can be set up within four hours with all equipment and personnel, 25-bed mobile hospital which can be set up in any area within 24 hours, mobile equipment at all hospitals which can be mobilized and brought here. We don't like to talk about multiple fatalities but the Medical Examiner only has room for a few bodies. Once they have determined the cause of death for a few people from the same incident, they don't have to accept any more bodies. We have a mobile unit that can accommodate 80 bodies on racks. If we were to have more bodies, it can be rearranged to where it would hold up to 300 bodies if needed. We also have redundant communications where we could assist if there were radio or power outages. We have a mobile communication center also that could be brought to any area.

Ms. Paige Broadwine, Epidemiologist for New River Health District, next appeared before the Board. From my standpoint, we conduct surveillance, most of which goes on behind the scenes. We work with public and private schools, so every day while school is in session I'm in contact with them to see how many children are out sick and why they are out. I analyze all the surveillance data to see what, if anything, is going on so I can help advise the schools, parents, government about what actions might need to be taken. We investigate disease

outbreaks and I'll review one that affected your County this year. We provide education on communicable diseases, to anyone that needs it. We share this information with anyone that may need it such as hospitals or doctors office. David and I are on call 24/7. We assist with public information about communicable disease issues. If you have an outbreak of some disease, we'll help you get the correct information out to the general public. In review of the pertussis outbreak in Floyd County from February – April, 2011, she commented that this is whooping cough, that started out in a school here. Through everyone's cooperation which included public schools who had to notify everyone to try to prevent this from spreading into their system and get people treated and managed properly. The most amazing thing about this outbreak was that there were no secondary cases which almost always happens in any pertussis outbreak. With the cooperation of everyone, and I have to say that the physicians here in Floyd County were amazing. They cleared their schedules, took in new patients, re-scheduled routine appointments and managed the situation. We had 24-62 ill; it is an approximation because some cases are still under review. We handled the incident but sometimes it takes weeks or months to classify everything appropriately. We recommended medication for about 150 people either to treat the illness or defer them from getting it. As a result of the issue, we had a lot of church and civic groups planning to provide boosters for their members/others. We also had a clinic for any teachers and staff in the school system to receive a booster which was quite successful. We were able to obtain the vaccine at no cost for those affected/associated with the outbreak.

Mr. J. C. Holden next appeared before the Board. He presented a Doctrine of Laches to the Board. Basically, you'll find that the appropriate parts of the Bill of Rights, the Constitution of Virginia and some of the United States are in here and what is expected of the officers that are serving the County. This is basically serving notice that you know that we know that the things you are supposed to be doing as a Supervisor, that we will hold you accountable if you fail in whatever office you may have. I'll read a little part of this to make sure everyone understands it. The Declaration of Independence affirms that God granted each and every human being unalienable rights, the people of the United States of America through their representatives approved the Constitution of the United States of America in 1789 and the Bill of Rights in 1791. Thus, a written contract to secure and prevent abrogation of those rights was constructed. That contract between the citizens of Floyd County, Virginia and you, as a Floyd County Supervisor and elected guardian of the citizens unalienable rights is again stipulated. And it goes down through there with the Bill of Rights and then on over to the subdivisions, which is what I want to talk about today is the Floyd County Subdivision Ordinance. There are certain ones listed there: minimum requirements, platting approval required, Clerk of Court restricted from filing unapproved plats, approvals and permits in conflict with chapter rendered null and void, restrictions on building permits, authority of Planning Commission to bring action, and the enforcement. Those are the parts that I want to discuss today. It has been my experience that the above mentioned codes have not been upheld and have been violated by the enforcement procedures that were set up to ensure that my rights as a land owner (not a political activist) but a landowner, would be honored. I have gone to great lengths to inform these office holders of all the violations without getting any satisfactory action to remedy the problem. It goes on to give you some court cases that this is what has been done before. I've got here all the information, but don't intend to give you all the details, some of you know all the details, I want to clarify one thing right now before I go any further. There are three of you here that most of this doesn't apply to because you all weren't in office at the time. But it does affect you as to what you do

with the information as far as your office goes. Mr. Ingram and Mr. Gerald were here when these were brought up, some of them ten years ago. I want to cover violations for a little over 20 years and the repetition of lack of doing anything. I'll go as fast as I can to get everything in and get the facts out. On March 22, 2001, I wrote a letter to the Board of Supervisors and this is what it said: This letter concerns my complaint to the Board of Supervisors regarding Ted Birkeland violating the Subdivision Ordinance of 1978 in Floyd County, Virginia. I have been told by the Board of Supervisors that Mr. Cornwell, the County Attorney, could find no violation. I believe my findings show otherwise. First, you will find a copy of the 1978 ordinance enclosed with this letter. I'm using this one because it was the one that was in effect at the time of the violations. In 1981, Theodore and Shirley Birkeland sold Ralph and Joyce Yopp 1.08 acre lot with an unspecified right-of-way and no road reference, Deed Book 136, page 629. My surveyor assured me that if unspecified, the right-of-way was 8' wide. The 1.08 acres was taken off of a larger parcel of property that the Birkelands bought in 1971. No survey was made. If you go to Section 2-28-1 it says it must have not less than 150' of road frontage. Also, it couldn't be smaller than 5 acres. It was a non-compliant lot as far as size, non-compliant as far as the way it was done, non-compliant because it had no road frontage. The right-of-way didn't meet the specifications because it wasn't big enough. That was the first one. The rest of the property was held by the Birkelands. In 1984, my wife and I purchased two lots from Theodore and Shirley Birkeland. One piece was 71 acres purchased by the Birkelands on September 4, 1971, Deed Book 102, page 541. One contained 41.43 acres, Deed 147, page 748 and had a survey. One lot 2.43 acres, Deed 147, page 748 and had no survey, making it in violation. One lot containing less than a half acre was retained by the Birkelands with no right-of-way and no survey, violation. One lot 1.28 was sold to Ralph Yopp, the same person that bought the 1.08 acres without a survey, non-conforming size too small, wasn't supposed to have a right-of-way, had no road frontage. Then the remainder of the property was held by the Birkelands, part of which was a trailer court, 41.43 acres is Lot #1, 2.43 acres is Lot #2, 1/2 acre Lot #3, 1.28 acres Lot #4, the remaining acreage Lot #5. If you reference the Code Section 2-13, What is a Lot, and 2-20, What is a Plat, and 2-21, What is Property, you'll find that it says a divided parcel of land with three or more lots is subdivided, and lots divided off are to be proven by deeds and recorded in the Clerk's Office. Then it says in the next section, no lot may be sold with less than 150' of road frontage, platting is required, plats to be prepared by a surveyor or engineer duly licensed by the State of Virginia, an owner's statement, and a fee is due. No half-streets, boundary land, a minimum street width of 60', road construction, no private streets, markers on corners, it goes on and on and explains all the things that were wrong with these. Then it says what will be required before sale. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the following manner. None of this was done. Under exemptions in Section 7-1, none applied to this. The penalties at that time were \$1000/day and each day after the violation after notification until violation stops. I bet our debt would be straightened out if this had been done in 1984. As a result of the failure to see that Mr. Birkeland complied with the ordinance of 1978, we have now three pieces of property that do not meet the minimum requirements, one piece in limbo with no access, three pieces that overlap. Thus, the Birkelands sold one lot that was sold to us that was deeded to someone else. Mr. Birkeland did not ever own it. I've asked the Board of Supervisors and the County Administrator, who are supposed to enforce these ordinances, I've yet to get an answer. I would appreciate a straightforward answer to who will enforce this ordinance and if it is to be done so. In my research, I have found that you have set a precedent of not enforcing an ordinance on one person makes it

hard to enforce it on another. I was told by Mr. Cornwell that he written Mr. Birkeland to find out if the violation was true. What was his response? At the same time Mr. Cornwell obtained records from our attorney, we complied with his request, and the last time we inquired, this had not been done. That has been right at 20 years. I have been told that it would be a terrible expense for the County to enforce this ordinance. Is this less expensive than to be tied up in court for years? Once again, I would like a response to these questions in a letter form in order that I might know which way to proceed. Still haven't got any answers. Then, between then and now, we've gone through a lot of personal things. I've talked to David Ingram about this, I've come before the Board, the ones that were here will remember that I brought a chart in here with each lot colored a different color and a large chart and pointed out which were which and which were non-conforming. Still no answers. Then in 2001, we had another subdivision by the same fellow. This time, he claimed a piece of property that he had sold us in 1984. He did another subdivision, he sold 1 acre to Serena Wimmer, Tract #3 of 4 lots. On October 1, he kept Tract #4 with no road frontage. He sold Lot #2 to the Westmorelands and Lot #1 to the Martins. Now I brought that up here, I took it before the Planning Commission; I don't think Lydeana was over there. I took it before the meeting, pointed out that this man had sold all his road frontage and not kept the right-of-way to the place that he kept. There was two lots, if you can imagine three lots along Route 649, Conner Road, one has a big farmhouse on it and a little over 8 acres, the other two lots were 1 acre each. There were 189' across which made them a little deeper as the Code says, you can't sell a square lot. His property is behind that, that he retained. I came up here, talked to the Planning Commission, talked to the Agent at that time, Mr. Britt went down there. Mr. Profitt was taking care of the property; L. J. Quesenberry was the surveyor. They go down there and Mr. Britt came back and said he asked them four times if he had road frontage and he said well, I do. The plat didn't show any. So he brings that to Mr. Profitt and Mr. Quesenberry and they go rewrite the plat and they take a 50' right-of-way off the side between Lot #1 and Lot #2, take it off of Lot #3. One way of reading the ordinance says that if you take a subdivision off of a main piece of land and it is in violation, the piece that you retain is also non-conforming. That might be a question you want to ask the County Attorney. So, I went back and I wanted to see what the ordinance says. I'll read to you what the ordinance says. Everybody will agree, I think, that an Agent is the representative of the Board of Supervisors who has been appointed to serve as the Agent in reviewing and approving and taking care of the subdivision, making sure it is legal, paraphrasing. The approving authority is the Floyd County Planning Commission or the Agent has been given authority to approve specific types of plats. Then you go on over and you find Lot of Record. There has been a misunderstanding on this from several of the Agents. I feel like Lydeana has it straight. For years, they declared that a lot of record was one that had been recorded in the Clerk's Office. You all remember that being the definition when you talked to the Agent they said that once it was a lot of record that it didn't apply unless it was subdivided. The Subdivision Ordinance from 1978 on has always said that a lot of record is a lot that is approved by the Planning Commission, signed off and duly recorded. What it boils down to is that any subdivision now that was done before 1978 is a lot of record because there was no subdivision ordinance. The first ordinance came in effect in 1978. So these things, by being non-conforming lots, there are a few problems with them. One of those being, we'll go over to the Administration of this ordinance, it says that no person shall subdivide land without making a recording of the plat; we went through that, that wasn't done. Then it goes about the violations being \$1000 for this account, we went through that. Now this that is in effect, I don't think was ordered or didn't start until about 1991, but it was in this 1978

ordinance. That was that no Clerk of the Court shall file or record a plat of a subdivision required by this ordinance of Article 6, Chapter 22 of Title 15.2 of the Code of Virginia, 1950 as amended, to be recorded until that plat has been approved as required by the Court. Up until, according to Wendell and to the people that I've talked to like the surveyors that have been in this for years, the Board of Supervisors did not enforce that, until the 90's. They thought that maybe somewhere in the late 90's that they finally ordered the Clerk over there that they were signed off on before he recorded them. What this has led to is that there are probably hundreds of non-conforming lots that people have that don't know they are non-conforming. They are not lots of record. This is the part that will excite you; it excited us when we found out. It says that all departments, department officials and public employees of the County of Floyd which are vested with the duty or authority to issue permits or approvals under this ordinance, that's your people at the Health Department, that gives you permits for wells and septic and your building permits from the Building Inspector. It says that any such approval of permits issued in conflict with provisions of this order shall be null and void. What do you think that means? Ralph Yopp has two trailers and a garage on his place. A law that you signed off on and you swore to obey says that his permits are supposed to be declared null and void now if they haven't already. If you take a man's permit to build a house on a lot and take his permit to have a septic system and take his occupancy permit, it kind of puts him out in the cold don't it? Kind of puts you all in a pickle. Then it goes on, no building permits shall be granted for the construction on any lot created in violation of this ordinance or any lot created in violation of any previously adopted subdivision ordinance of Floyd County on any lot in a subdivision which is not covered by current performance agreements guaranteed by Section 7. And, the Planning Commission shall have the authority to bring any action in the appropriate court to restrain, correct or abate any violation of this ordinance by injunction or otherwise. Now, I'm here today to point those points out. The detail, if you want any details, I have every ordinance, the one that was applicable whichever year it was, letters, minutes from the meetings here, everything you want. I'll be glad to help you in any way that I can but something has got to be done. Now, I'm hoping that I can explain this a little. I know some people don't understand analogies and stuff like that but I'm kind of simple and sometimes a little story helps me. I'll get to that in just a second. I want to make sure that you folks understand that this is an analogy. I made an analogy about a jackass one time and it came back that I called all you people jackasses; I didn't call you all jackasses. Well, some of you weren't here but some were. I didn't say it that way, it was interpreted that way. You'll probably notice that a lot of reporting gets altered; it's like an opinion instead of reporting. But anyway, I had a little dog, brought it home for my wife. Went to knock on a door about a job and the guy brought this little dog out there and asked if I wanted it. The last thing I wanted was a dog but I felt like the Lord said take that home to your wife, she's there by herself. I took that puppy home; she named it Zaccheaus out of the Bible because he was so small. Smartest little dog I ever saw. Hadn't had it there long when he went over and messed in the floor. I had a piece of newspaper there, he wasn't on the newspaper, he messed in the floor. I looked over at him and he looked up at me like, yeah, I done it but I don't know what to do with it. So, we went ahead and cleaned it up and a little later he done it again. Funny thing was, he didn't leave it, he stood there and took responsibility and look at me like, I always thought the dog could talk if he tried, I done it but I don't know what to do with it. So, I remembered a fellow telling me that if I rubbed his nose in it and took him outside that it would train him quick not to do it. So the next time he done it, I looked over at him, he had the same expression, same thing. I picked him up, rubbed his nose in it and started to carry him outside. The low window

beside of him was open, so I pitched him out the window. A little while later he came back in, I looked over and he had messed in the floor again. I got up out of my chair to go over there, he rubbed his nose in it and jumps out the window. I'm not calling you folks dogs but we've got a situation here. You all made the mess and I'm sure you don't know what to do with it. I know this; Mr. Cornwell has been the window that you've jumped out many times. Mr. Cornwell has covered up things that should have been handled, covered them up or let them lay. I checked on the legalities, I had the opportunity yesterday to talk to an attorney further up the chain than we are; he gave me a lot of information. Information that the Board of Supervisors doesn't have to do anything about any of these ordinances. You can just let them lay. You don't have to do anything about these violations, you can let them lay. And you all have done that in some cases. In some cases you've tried to cover them up, do something about it, some cases you've done differently. He did assure me of one thing and that is where this latches in, and just to serve you notice that you know, that's not a legal document but it will serve as the effect of what it is for. We have a class action suit and he assures me without a doubt that this is discrimination in the highest order. Every time that the Board of Supervisors, the people in authority, have not enforced this upon someone and allowed them to go outside the ordinance, make the subdivisions out of the ordinance, building houses without permits, every time they've allowed to do that, and come back one time, George Nester tried to get this thing straightened out, he did a blanket grandfather, if you're in, sign it off, grandfather it in. You won't find that in the ordinance, it will say that it is null and void, no room for grandfathering. So you have them all sitting there. He assured me that with the all people that have had to comply and go through Lydeana and all the rest of them, have them signed off under all the procedures, that it is a discrimination to them when you've let other people not have to do it. He assured me, open and shut. I asked him what could happen; can you make them straighten them out? He said no sir, they won't make them straighten them out but they'll sure give you a big bunch of money from the County. My wife and I have sold half our land to fight one little thing because you folks wouldn't declare it non-conforming. It is a long detailed thing that I'm not going to get into now. But Mr. Profitt and L. J. Quesenberry moved one piece of property in and out and finally vacated it after eight years when they found out every time there was a question and they would go back and change it, but it wasn't the right answer. There were violations after violations. I'm not going into all of that but it is on the records and you all need to check it out. Now, as far as what's going to be done. We're leaving that up to you, we're just getting ready to go. But I'm trusting you to straighten this out. You can do what is right; you swore in your oath that you would. I felt encouragement when I knew the older ones sitting here didn't want to get into Mr. Arbogast's business; I'm sure don't want to get into this. Speaking about the reporting, I'd like to clarify something that was reported. It was reported in the paper that I said I had a problem with Mr. Campbell. They didn't say what I said the problem was. I'd like to say today what the problem was, if you remember that night. I said Mr. Campbell I have a problem with you when you said you didn't want to bring in an auditor to start with. Why would a reporter not put that in there? I don't know. Probably have to ask one if you know one. I have a letter here; this is back in somebody else's court. Excuse me, this is not a letter, this is a meeting on October 30, 2001, the Board of Supervisors adjourned meeting. I have the minutes. You were voting, it comes down to Agenda Item 3. This says consideration of the Stephenson Partnership subdivision plat. That was Nancy Stephenson's house that is over off of Huckleberry, I think the name of it is. She passed away and they subdivided it, Jim Woltz and Associates, put the signs up for a sale. Mr. Cornwell reported that an auction had been scheduled for November 3, 2001

by Woltz and Associates to sell this property. A plat has not been submitted nor approved by the Planning Commission. I wrote a letter, and this quoting Mr. Cornwell, I wrote a letter to Woltz and Associates informing them that Section 3-1-4 of the Floyd County Subdivision Ordinance that it is improper to sell or offer for sale any property without being approved. I was contacted by Mr. Hopkins, Attorney for the Stephenson family, that they were unaware of the situation. I have a letter of apology from Woltz and Associates to the Planning Commission. There were several issues to consider. We do not want this situation to occur again. Don't jump out the window. Have no problems with the owners and recognize that the owners would be the one to suffer. Results from this issue were a letter of apology to the Planning Commission and payment of a civil penalty of \$6000 for violation of the Subdivision Ordinance. Woltz and Associates wrote a letter of apology which was accepted by the Planning Commission and they took up consideration of the plat. The Planning Commission recommended four changes in the plat which have been corrected and the plat has been signed by the Planning Commission Chairman. This is not something that I want to happen again. Hopefully this sends the message that we will enforce the Subdivision Ordinance. I had to weigh who it would hurt; it should be the realtors not the owners of the real estate. Now, when did he adopt this, why did he just reach in and take this? That is your discrimination. I have shown you eight places where violations have been made and nothing was done; now he's going to take care of it. He opened up the window but he didn't take care of it. It doesn't have in here that he allowed the auction go ahead and clean up the mess later. That was the problem, it had already been recorded in the papers and they didn't want to have to cancel the auction. They let them have the auction. As far as the ordinances go, each one of those lots when they were sold were illegal but they made them right later. He opened up the window. Now if you remember, the same thing happened with Terry Thompson when he was selling one of the Board of Supervisors' property, same thing. This is the man that stood up here a while ago and let on as to how much he knew. Same thing happened. They found out, went through the same thing and they did a \$2000 civil penalty, fewer lots I guess and they let them continue with that auction on a civil penalty and straightened it out and made it legal later. I guess it being one of the Supervisors it was ok but it sure looks funny doesn't it? So, it goes on and this is funny, Mr. Whitlock, who happened to be the Supervisor selling the property, said are we setting a precedence if we run into this again? And Mr. Cornwell said no, I was prepared to file the necessary paperwork for an injunction. We've not enforced our ordinance in this way before and this proves that we're going to stop the sale of property if it has not been approved properly. Given the fact that the property owners had no knowledge of the situation, it runs things the other way for me. Everyone should know what needs to be done, especially real estate agents. Property has been sold in Floyd County before without a plat being approved because we did not know about it. Remember me reading what I wrote him, about how many of the lots in 1984 and how they were done? Since 1984 you have been notified of lots that were non-compliant. I had brought that thing up here and when you go back and check this; let me go back just a minute to something. This says this was done around the first of October, on October 12, 2001; Birkeland sold Serena Wimmer the Westmoreland land and the Martin land, while keeping his lot. This was at the same time. He knew this when he wrote this and he's telling you folks that he's going to take care of it, he's going to shut the window. But he didn't clean the mess up, he made a bigger mess because this is broad discrimination. Then in February 2003, now October, whether it was the 31<sup>st</sup> or whatever 2001, is three years or a little over two years to 2003, Serena Wimmer sold a .253 acre tract to Birkeland, a 50' strip leaving a non-conforming lot. I have it on record; right here it is in the minutes of the Supervisors'

meeting. It was brought here, you were told about it, and I was told by David Ingram that this probably needs to be discussed and nullified. Still waiting. Now, what we have here, from talking to the man in authority, he is a man of authority, he gave me some advice. He told me, I asked him about and maybe you folks don't know this, I'm not the adversary to your folks, I didn't come for that purpose. There are a lot of things I don't know, contrary to public belief. Anyway, when I asked him about the County Attorneys and the way this one has misrepresented things, he said there are two kinds of County Attorneys. One, that protects the Board of Supervisors and that's all he does. In other words, he keeps opening the window. Sometimes there's a mess and there's not a window that he can get out of. That's all he's concerned about, he doesn't care about the people or how it affects the people, his job is to protect the Board of Supervisors. Then, he said there is the other kind. That is a man that cares about taking care of the Board of Supervisors and the people and he said that man, when a problem occurs, he doesn't open a window for them, I'm paraphrasing here, doesn't open the window so they can jump out of the mess, he goes to whatever extent it takes to settle it right there and make it right and clean it up and he's protected the people and Board of Supervisors. No discrimination, no bias, no problem. I'm not here to tell you what to do but it might be a good suggestion to get another County Attorney that cares about the people. The other thing that hasn't been done here is when I took the problem to the Planning Commission, and I hope they remember this, of subdivisions being wrong, the Planning Commission agreed that they were wrong. I said what are you going to do about it? Robert Shelor said we're not going to do anything about it, we're the Planning Commission. I said Robert, have you read the ordinance? He said I suspect I know it better than you do. I said well you skipped a little bit there where it says that you are the agency that is supposed to enforce this. When he read it, he said he didn't realize that it was in there. He said, I'll have to get back to you. We don't have an attorney. Now, then the County Attorney called me a week or so later and told me that there wasn't anything given to the Planning Commission to enforce it so I'd have to bring it before the Board and let the Board of Supervisors deal with it. Which I talked to David about it. David said I'll take it before the Board and get back with you. When he came back to me and he said I made the motion, I don't know how he did it because I thought at that time that he didn't make motions, but anyway, he said there was a motion made that we examine this. No one seconded it so it didn't go anywhere and that's it. That's how the second subdivision was handled. So, he assured me that what we need is an attorney for the Planning Commission to enforce these laws, the Board of Supervisors is out of it, it is their job, you assigned it to them, just like you assigned the school system to Dr. Arbogast. He takes care of it. When that happens, as I read it to you, they have the authority to go to court and I believe the Commonwealth's Attorney has to handle it if you bring it to her. If you get it settled, then it is settled. As it is right now, I don't know how you all do it, I'm shutting the window. It is our plan to get class action because we've lost half our property; we've had our church shot at while people were in it. We've had our church members stopped and had people held for hours without letting them go, unlawful detaining. We've had our church entrance torn out three times. We've had five true bills of grand larceny handed down by the Grand Jury. We've had five true bills of felony destruction of property handed down. None of them were heard. We've had church members assaulted. My wife goes over to the church to mow or clean or whatever, the next door neighbor, no, it is a man next door not a neighbor, will be up there cussing, hollering at her, making obscene gestures, nothing has been done. Didn't know it was happening in Floyd did you? It happens all the time. The cost of this attorney would be more, it would cost more now, but it would eliminate the problem now and eliminate problems in the future. The new

Supervisors here, this is something that you might want to look into. I'll ask you to look into this; I'm hoping that you will bring it up. There are people out here suffering, some of them terrible. Like I said, it cost us all that. I would like to tell you this; the County Attorney said this is civil. George Nester told me it was civil, the previous County Administrator because it involves two people's property. We took it to Circuit Court, we fought it for six years, we spent many thousands of dollars, sold half our property to be able to afford it. We finally got a ruling and it was just like it was to start with. The Judge made some orders, to stay off our property and not to use it. The final order was to sell, and I sold the property adjoining them because I didn't want it any more, I didn't want the problems. Ten months later, they bring it in, Mr. Yopp, who was on an illegal piece of land with an illegal driveway, because he wasn't enjoined in the lawsuit that could have involved his right-of-way. Nobody stopped his right-of-way, he had 15'. He took us to court and I tried to explain to the Judge that I did not own the property, I hadn't owned it for ten months. He ordered me to give Mr. Yopp 15' to make him a 30' easement. Now he's got a 30' easement but he's going up to two non-conforming illegal pieces of property. After that happened, I'm winding it down here but people need to know what it is like in court, he threw out the whole suit that we won, after all the money, all the time, he threw it out because the Board of Supervisors, there's two of you sitting here, had not declared that a non-conforming lot. It cost us that much, that is what happened. Now he went one step farther. He had ordered them in his order, to put a fence in marking the boundary that he awarded us. I put the fence in, when he made me give the 15'; it was on the other side of that fence. I explained to him that I do not own this property and have no interest in it for ten months. He said, well I'm telling you today that you're going to take that fence out. I said, Your Honor, you are ordering me to do a felony. He got kind of hot. He said I'm not ordering you to do a felony, I'm telling you that you can go to jail right now or you can tell me that you're going to take that fence down. I said well I guess I'll take the fence down. I took it out; the people let me take it out that owned it. Now, this is it. The people that bought the property from me were not even adjoining in the lawsuit. They were not even represented and I had to pay \$1500 and we lost.

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

- Presented copy of school calendar for the new school year. School begins on Thursday;
- Presented copy of projected enrollment, we have 2052 showing right now, the budget was based on 2042. There will be numerous changes the first week.
- Presented copy of School Board meeting highlights from June 28, 2011 meeting;
- Presented copy of Spring PALS scores. Goal was a 90% pass rate; our pass rate was 94%.
- All schools met AYP last year but we don't think that will happen this year.

Supervisor Allen questioned where the funds came from for the 1% cost of living raise for employees?

Dr. Arbogast – I would have to go back and look at my notes. The funds came from various places in the budget to make it work since you all gave us that flexibility to make that decision for the entire budget instead of one category. I'll have to get that to you.

Supervisor Allen – has most of the furloughed people been recalled?

Dr. Arbogast – all but one.

Supervisor Allen – was that by choice.

Dr. Arbogast – no. We had the stimulus positions, three of the four were recalled, one got a position somewhere else. Of the five reductions in force, the teacher assistants, four were recalled. We do have a lot of changes at the schools in various positions (outlined the changes).

The Board recessed for lunch.

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

Mr. Huff presented a copy of three culvert projects that will be undertaken next year. The time frame for the work is July 2012 through December 2013. One contractor will have several of these projects so he'll schedule the work sometime within that time frame. The projects are on Routes 758, 612 and 639. Routes 612 and 639 will require detours. They plan 90 days or less time for each project.

Mr. Clark reported on maintenance items that had been completed in the last month: Indian Valley Road and Sutphin Road have not been done yet, but are scheduled; hopefully Sutphin Road will be done today.

Supervisor Gerald commented that the folks on Hylton Road and Indian Valley Post Office Road really appreciated the good work on their roads.

Mr. Clark continued with reports of pipe replacement (particularly on Eanes Road and Franklin Pike), patching, some patching still left to be completed, continuation of mowing and grading.

Supervisor Allen commented that the two potholes on Route 612 still need to be fixed. Mr. Keith reported that the work is scheduled.

Supervisor Allen expressed his appreciation for the work on Franklin Pike.

Supervisor Gardner – nothing to report today.

Supervisor Clinger – mowing – especially needed at Parkview/Needmore intersection and at Route 221/Oxford Street intersection, shrubbery from business there is impeding sight distance.

Supervisor Ingram – appreciate patching on secondary roads, citizens really appreciate it. Gravel roads also need mowing attention when you can.

On a motion of Supervisors Gardner, seconded by Supervisor Clinger, 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 Clinger – aye  
Supervisor Gardner – aye  
Supervisor Allen – aye  
Supervisor Gerald – aye  
Supervisor Ingram – aye

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

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

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

**CERTIFICATION RESOLUTION  
CLOSED SESSION**

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; (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 Clinger – aye  
Supervisor Gardner – aye  
Supervisor Allen – aye  
Supervisor Gerald – aye  
Supervisor Ingram - aye

This Certification Resolution was adopted.

On a motion of Supervisor Allen, seconded by Supervisor Clinger and unanimously carried, it was resolved to appoint Mr. Jim Newlin to the Economic Development Authority of Floyd County, Virginia to fill the unexpired term through December 10, 2011 and then fill the four year term ending December 10, 2015.

Supervisor Clinger – aye

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Ingram - aye

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

Agenda Item 6l(i) Smoking Ban within 25’ of County buildings – I gave the Board an opinion in writing last month on the County’s ability to regulate smoking on County property. Summarizing it, I determined that the County may designate all County owned or leased buildings as non-smoking. The County may also designate reasonable outdoor areas as non-smoking to assure that access to non-smoking buildings is not through an area with people smoking. There is no other authority pursuant to which the County can prohibit smoking in outdoor County property. Additionally, there is no authority in which the County can limit the use of other tobacco products. The County can prohibit employees from using tobacco and other products in County-owned vehicles and/or while engaged in County business. After I gave you this opinion, it was drawn to my attention that Pulaski County has adopted an ordinance prohibiting smoking 25’ of County buildings. We spoke with the County Attorney to ask him about that ordinance and how it came about. He indicated that persons were smoking around the Courthouse, outside, and in doing so caught the mulch on fire. The Circuit Court Judge instructed the County to adopt something to prevent that from happening again. Therefore, the County did adopt the ordinance prohibiting smoking around the Courthouse because of the fire hazard. My opinion still stands that you can’t adopt an overall smoking ban outside. But you clearly enact a ban on the areas of public health, safety and welfare. Such as no smoking around propane tanks or fire hazards, that would come under public safety and the Virginia Indoor Clean Air Act. I think Pulaski County justified their ordinance because the Judge told them to do it. I think you could justify an ordinance because of the hazards of mulch around the Courthouse, or places you’re concerned about a fire hazard. Of course, County employees can have only designated places where they can smoke.

Supervisor Gerald – I am very concerned about the gas tank outside our back door, that is just one area.

Mr. Cornwell – you can designate a place wherever you want for employees. You’d have to adopt an ordinance for the public.

Supervisor Gerald – I would like an ordinance for all County buildings.

On a motion of Supervisor Clinger, seconded by Supervisor Gerald, it was resolved to direct the County Attorney to draft an ordinance for the Board's review for no smoking on any/all County property.

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

Motion failed.

Agenda Item 6l(ii) – Update on delinquent taxes collection/sale. Mr. Cornwell reported that the properties were split up that were turned over to the firm by the Treasurer. We get them in groups from the Treasurer. Group 1 we started working on in April 2009. Total collected in taxes/penalties/interest net is \$41,850.61. We started working on Group 2 on February 16, 2011. Money collected in taxes/penalties/interest net is \$49,107.35 to the County. We started a third group on March 14, 2011. Total taxes/penalties/interest collected net is \$37,164.67. The total to date on these three groups is \$128,122.63. This does not include administrative fees nor attorneys fees/costs, all of which the taxpayer pays. There were no deductions from these amounts. The Group 1 has a few properties left that we have not sold because some people filed bankruptcy. We have one title issue with a suit pending as to who actually owns the property that we were going to sell. We have a few properties left. Group 2, we're having a sale this Friday with 14 properties for sale. We've advertised it and I'll be conducting the sale at 2:00 in this room. The properties range in size from ¼ of an acre to 22 acres. After the sale on these properties, it takes about a month to close on them and receive payment. On Group 3, we will post a 30-day ad, probably the last week in August to proceed. Looking for a sale probably after the first of the year. For the sale on Friday, 10 of the 14 are owned by one person. There were 16 properties on the original list, two have been paid. All of the ones that are being sold Friday had payment plans with the Treasurer and failed to abide by the terms of the plan. We have a Trust account set up for each County. We receive the funds in, pay out the cost of expenses, not attorney fees that we incur in going forward. Every so often, we'll turn the funds over to the Treasurer when we have more funds than we think we'll need to finish the process. We'll know more about these properties after the sale. I serve as the auctioneer, offer them for sale. After the sale is done, we have contracts for the purchaser to sign. I then schedule a court date with the Judge to take them to him for approval. The properties have to bring a certain amount of money before the Judge will approve them; he likes us to try to get half of the assessed value. The Judge either approves or disapproves them. If he disapproves them, we have to try to sell them again. If he approves them, we close on them within 15-30 days; money is paid, and transferred to the Treasurer. These have all been advertised four times. We advertise them to begin with as subject to sale. We have to advertise them again when we bring suit. Then we advertise them twice for the sale. So people should be aware of the properties being sold.

Agenda Item 7i – Discussion of greenbox/greenbox site removal. Mr. Campbell questioned if the Board had any new ideas for discussion or wish to carry it forward on the agenda. Consensus of the Board was to carry the matter forward.

Mr. Campbell presented a request from Mr. and Mrs. E. J. Vaught, Jr. for naming of a private road. They acknowledged by letter that the request is for access by emergency vehicles and that they will pay for the sign. Under the County ordinance, concurrence has to be provided by the Board.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and unanimously carried, it was resolved to approve the request by Mr. and Mrs. E. J. Vaught, Jr. for naming of a private road off of Horse Ridge/Indian Valley Road, "Duncan Highlands Drive" as requested.

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

Mr. Campbell reported that the Solid Waste Agreement with Thompson Trucking ended in July 2011. He commented that the initial term was for five years with an option for a five year extension. The agreement, when it was set up, was \$250/truck load. There has been only one price escalation in the term. There were two clauses for price increases, one is tied with the Consumer Price Index and the other is tied to fuel charges. Amazingly, during the five year period, we've only had the one adjustment for fuel. The fee is now \$264.56/truck load. This agreement, by mine and Calvin's perspective, has worked very well. He is very satisfied with their service. They are interested in a subsequent five year term.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and unanimously carried, it was resolved to approve the extension of the solid waste agreement with Thompson Trucking for another five year term (Document File Number ).

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

No action was taken by the Board on the request from the Chamber of Commerce concerning continuation of tourism ads.

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

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

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Daniel J. Campbell, County Administrator

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David W. Ingram, Chairman, Board of  
Supervisors