

BOARD OF SUPERVISORS

REGULAR MEETING

JULY 22, 2014

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, July 22, 2014 at 7:00 p.m. in the Board Room of the County Administration Building, thereof;

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

The Chairman called the meeting to order at 7:00 p.m.

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

Mr. Bob Smith, Indian Valley District – I want to start off by thanking you gentlemen for your service to this county. As you know, there is a situation in this country where the Federal government is permitting people to come into this country illegally without any source of health checks, who they are, identification, or anything like that. These people are being brought in; they are being resettled in communities without even the knowledge of the local officials. At this time, I've taken it upon myself to draft a resolution for your review that allows you folks to take a position, at least, opposing this. (Mr. Smith read the draft resolution – on file in office). I thank you for your time and your consideration to at least let people know you are looking out for them in this county.

Mr. Curtis Nolen, Little River District – you are our elected officials to do what the people of Floyd County want you to do and that is what we expect you to do. The people in Floyd County do not want this pipeline and we expect ya'll to stand up for us and do everything in your power to stop it.

Ms. Teddy Carter, Little River District – The thought of the potential installation of a natural gas pipeline through Floyd County concerns me on a number of fronts. The damage to the environment, to wildlife, and the negative impact on property values is always something citizens need to consider. But more importantly, we need to insure that our water resources are preserved and kept safe. Floyd County is unique in the fact we have no water that flows into the county and we don't use any surface water for our drinking water that we all depend on. The County depends entirely on groundwater. We have a very fragile groundwater structure here in Floyd due to the fissured bedrock. In the Blue Ridge, the age of the groundwaters are very young. In many places, ages younger than 20 years are common. This means that water entering the ground can find its way to drinking water sources in a relatively short amount of time and with minimal natural filtration. This leaves us extremely vulnerable to water contamination. It is therefore imperative that places like Floyd take extreme care in making decisions with unsure outcomes. Several studies have been done in the last 5 years to determine water-resource security in the county. Other concerns come from bacterial contamination. Now we may have to

be concerned about natural gas seeping into our groundwater. As the pipeline infrastructure ages, properties along with pipe line will be susceptible to groundwater contamination due to potential leaks and explosions, possibly leading to abandonment or ruin of property value, potentially multiple properties. If this really worth the risk? (The following statement comes from page 15 of Chapter 3 of the Comprehensive Plan of Floyd County which is based on information from the Floyd Source Water Protection Plan 2010). It states, “old mines as well as abandoned well pose considerable threats for groundwater contamination, with all drinking water coming from groundwater in the county. Essentially these sites can provide direct routes for any contaminants to reach groundwater.” These old mines are quite numerous in the county. Who is checking to find the proximity of these in relationship to the location of the proposed pipeline? We may be at risk for additional contaminants to less water purification because water travels from the surface to the groundwater supply faster. If the pipeline is allowed to come through and results in damage to the integrity of the underlying rock structure, will groundwater connectivity issues result? Floyd County is a unique place because of its beauty and its natural resources, water being very important to all of us.

Mr. Allan Graft – I’m new to Floyd, been here about a year, my wife is from Martinsville. My experience in life is an attorney; I’m an environmental and civil rights attorney. I’ve been practicing for 22 years in this area. I’m licensed in North Carolina and Tennessee and considering a Virginia license. I’ve represented a lot of neighborhoods and communities working against people who were going to come in and put in facilities that could potentially pollute. I’m speaking from experience. As far as what you can do, FERC has the final word on a project like this. But it is not that we don’t have power here at the local level to make decisions and kind of influence what happens. I would just recommend that you hear some suggestions from the kind of work that I’ve done. Be proactive as a Board in protecting the citizens of Floyd. When the companies make their first application, which will probably be around October or November, appear to intervene in the FERC proceedings. That will give you the ability to make comments and represent the citizens. That’s the first thing. One of the things you learn in law school about environmental law is the difference between an environmental impact study and an environmental assessment. An environmental assessment is must sort of a oh, it looks good, and is not very comprehensive. It doesn’t do justice to the land or the people. So I would as a County request that FERC order an environmental impact study, EIS, which is much more comprehensive. You can feel a little better that due diligence has been exercised. Whatever capability you have as a county, do your own assessment. Again, I understand there is money and cost involved but the more you can do your own science and due diligence, the more confident you can feel with the outcome. Whether this pipeline is going to have benefits, bad effects, good effects, whatever. I stress that you keep an open mind, but rely on science, your own science. There are people out there that can do that for you. How the pipeline will affect the water as Ms. Carter just said, water aquifers, farm land. As an intervener, be an informed intervener. There are also questions, the last lawsuit I was involved in with Mount Pleasant in Tennessee, we were trying to prevent an aluminum thrust waste dump being put close to a school. One of the things that prevented it from happening was that Tennessee has certain setbacks in place that a State ordinance has around certain rivers. They had a mile setback. It turned out that the dump they were proposing was within that, so Tennessee has looked at various rivers. There are also historic traditions. One of the reasons that I came here was because of the traditions and history of Virginia, the Crooked Road. There are historic sites and landmarks here, those are all considerations that should be taken into account as you decide and

make your voice clear to the Federal government as to what kind of effects it will have. The last thing I want to say, this is something that I don't know if it is geologically correct, but a hydrologist that I worked with on a number of cases also worked on FERC cases, told me that it is economically attractive for gas companies to look for and find sources of natural gas near an established pipelines rather than build new ones to access new sources. It makes sense, it is economically feasible. That means that here is a potential for once the pipeline is in, that those companies will start looking in this geographical area to find areas where they can access gas.

Ms. Loretta Opus, Courthouse District – I am a relative newcomer to Floyd, only been here 25 years. Last time the Dominion company wanted to put the pipeline directly through my home and take it through eminent domain. I have 50 acres but the only 2 they wanted were my home. I'm kind of opposed to this pipeline; I think it will be the beginning of the end of Floyd. I think if we let this in, not only will there be others, I think the next thing we'll see is railroad tracks and possibly 4-lane highways and probably fewer people like me who came here because these things were not here. Thank you very much for your time, this is just my opinion.

Mr. David Elliott – long-time resident of Floyd County, been a property owner here since 1980. I was an employee of the National Oceanic Atmospheric Administration for 34 years in physical sciences. In that course of time, I was responsible for nautical charting in many areas with submerged gas pipelines. I'd be the first to tell you that there are many of those regions where there have been ruptures. In regard to the pipeline, there are issues that I'm aware of in endangered species where back in the 80's, long-time friends of mine that farmed in this area, were pushed out of regions because of bog frogs, bog turtles, and if the EPA and Park Service can say, well you can't farm here. Even though these pipelines are going underground, they are still disruptive forces behind getting all that in place. So in the comment earlier about environmental assessment, I think it is very important. Likewise, I think there are many people here in the County that are very much opposed to this idea. Thank you for your time.

Mr. Kenneth Nolen – we own some land out on Shooting Creek and this pipeline is supposed to go through two parts of it, we got letters on it. My mother lives about a quarter of a mile from the power line that came through and that's where they are talking about putting this pipeline. I've watched some of these things where they blowed up and you all know what happens then. Over there in the mountain, there is nothing but timberland. Once it is cleared off, it will be just like the power line, nothing else will grow on it. Of course, they left the timber in the hollow. The wells out there is 60-70', plenty of water. You know what it will do to the water situation out there. I would appreciate ya'll saying no to the pipeline. Thank you.

Mr. Robbie Robbins – my family has been here since the late 1700's. I am vehemently opposed to this pipeline. Just want you all to know about that. It is dangerous. They are not going to put any odorant in it until it is past us. Our first indication of trouble with the pipeline will be blowing up. It is just wrong. Do what you can to stop it. Thank you.

Ms. Carol Moates – Nine generations ago, my direct ancestor, Benjamin Weddle, settled in the pristine expanses of this region. That year was 1790, more than a generation and four decades later, in 1831 that land officially became part of Floyd County. Today, I'm a landowner in Floyd County. I've raised children here, I raise much of my food here and I raise horses in these hills. I would be remiss, in fact I would consider it a smack in the fact to other my many great, greats grandfather and my own children and grandchildren if I did not speak out now at

this significant crossroad in the history of this region. Will I, will we, the citizens of Floyd County, allow potentially irreparable damage be done to our environment and forever alter the delicate balance of our water resources to enrich others, in fact people who don't live here nor respect the beauty, integrity and health of the families and farms who are at home in these hills? Will I, will we, watch as a mammoth strip is ripped through our forests, our yards, our horizons? As a mother and grandmother and one who loves this unique place and calls it home, as have my many ancestors, I'm here to speak with what voice I have against this insult to the land before it is too late. I urge us all to go very slowly, consider very carefully every aspect of potential damage this pipeline could cause to our shared resources now and forever, and consider not only ourselves but our children, grandchildren, and many great grandchildren, as they inherit the decisions we make here, now, today.

Ms. Jane Avery, Courthouse District – I can't say anything better than what has been said. I just wanted to reinforce it. I was a part of that water group that Lydeana got together a few years ago. The thing that struck me strongest was our vulnerability and the way that water can travel through the entire county. We are not safe as far as any potential contamination of our water. That's the problem with this particular kind of contamination. The experience of other places with pipelines is that the people have no recourse, they either live off of bottled water or they lose their land. We cannot do that. I think that the particular vulnerability of our geology is very important and should get across to FERC. I just wanted to reinforce that. Thank you.

Ms. Teresa Gigante – I'm not a property owner but I am a farmer and a mother. I am really concerned about the pipeline coming through this county. Not only through this county but all over the State of Virginia, West Virginia, North Carolina, Pennsylvania. I think what is happening with the way this gas is being obtained; it doesn't take much to just Google and see. It is really catastrophic, it is happening really quickly. I don't trust these companies, they are moving through this as fast as possible. Because the way it is mined seems to be so detrimental to the communities it is from. I am concerned about Floyd County allowing this to come through not only for here, but all the people along the way, the people up where the gas is being mined. I feel like I would like to see this County take a stand, not only on what we have here but all along the way, across the State. There are two more pipelines being proposed, that is a lot of people being affected and I'm really worried about that. I thank you for your time.

Ms. Anne Armistead – I would like to start by thanking this Board of Supervisors for the support you gave on keeping the ban on uranium mining. It was wonderful to feel like you had our backs when it came to our health and safety. I'm really concerned about the politics in this country; I never thought it would get to this horrible state. On the Federal level, you have legalized bribery. This whole fracking business came about through Dick Chaney's secret energy task force meetings that we still don't even know what happened in those meetings. But they exempted fracking from the Clean Water Act. In Germany today, they've banned fracking throughout their country because they are worried about the water and the health of their citizens. I don't see anybody up in DC worried about my water or my health any more. I hope we can keep it on a local level and fight this and protect us. They are also not very transparent in the process. They are saying this is for energy independence which could not be further from the truth. They are wanting to export this to drive up the market price and have a big fracking spree. I just don't think that is in our national interest or our interest here. Thank you.

Mr. Jeff Walker, Little River District – I was also involved with the groundwater protection plan. I'm just a soil scientist, I work with a lot of the folks in the County and know my way around pretty well. One of the things that I learned here is that my rights end where someone else's begin. I'm getting the sense that we are becoming the underdog. One of the problems we have is that the people that want to put this pipeline through are big companies, 13,000 people work for one company, I don't know about the other one. What they've done though is put one person against the other. When they applied to FERC, they didn't list a map to let us know what is going, they didn't notify us, they didn't ask you all or anybody here if we had any druthers about where the thing should go, whether we would have access to the gas, or whether there was anything important that we wanted them to consider. One of the problems we have is that they are going to cut a big trench through here and frankly they are doing it because they think we are weak. They think that we are just a little guy and are not going to stand up to them. I don't know how this all plays out in the big picture but it seems to me like the people here understand the property rights. Those property rights come to us with our ownership and we are the stewards of the land that we own. I've not gotten a letter from the pipeline company and I understand (giving copy to Board and staff) that this is kind of how it looks like. I didn't put any road signs or property identifications on here but just wanted to give you a sense of how it is skirting the Town, skirting the industrial park. What they've done by giving notice to the people in batches, is that they are preventing people from talking to their neighbors and saying, hey, what are you going to do? Are you going to let them on your property? Are you going to negotiate? It seems to me that somebody, maybe you all are the ones who could do this, can slow this whole thing down by getting in touch with the company and saying we'd like to have our citizens' interests considered along with all the other citizens who are saying this is a good idea. There are different ways we can do that. We can talk to our government representatives, talk to the company, talk to the Federal government. We can also pass ordinances. Somebody here suggested that there is a possibility of putting in an ordinance to protect the setbacks. In other words, if you want to put a pipeline through, you have to give somebody, say 1000'. You look at the explosion down in Appomattox and really hurt some people, killed some people. The fact is that if we have a 1000' setback, that gives the company the understanding that if they are going to take that property, they have to buy that house at a fair price. The big issue here is do we get a fair shake or get this thing pushed down our throats? I thank you for your time.

Mr. J. C. Holden, Locust Grove District – I was just thinking back there, I'm here for another thing that is coming up on the changes in the ordinances on our land and taking our rights there, not to mention about the gas line. Still, the last I heard they quit using fence rails and were using gas to fire these moonshine stills. You got a still, you have to have a fire to make any money. But I don't think you should take people's property and run gas lines or anything else where they don't need to be. It would appear to me that if they are going to bring them here, just put them on the right-of-way of Route 8 or something, it won't interfere with anybody. If they blow up, it might be a stranger going through or someone that needs to leave. We have a few of those. Now that I have all these people here, I'd like them to keep their property rights in their mind on this new ordinance that is coming before you for your approval about how you can divide your land and how you can keep it and how long you can keep it and what you can do with it after you got it. Thank you so much.

Mr. Asher Patterman – I just moved here about two months ago, my wife and I, we own some property out on Shooting Creek. We are right in the thick of it. I'm trained in Biology and

Ecology and have ten years of experience in agriculture, have worked in five states, managed a non-profit for a biologist who did environmental assessment studies. I'm sure he would be happy to come down and speak to you about the problems. I think a full environmental impact survey should be done at least. My great grandfather lived in Floyd, I'm back home.

Mr. Jason Burgard, Courthouse District – I appreciate you guys service and looking out for us in this county. I know it is tough, we have limited resources here. We've got a lot of freedom and things that we cherish here in this special place. I'd love to see it stay that way. I think that is a tribute and part of the legacy of all the previous supervisors who have helped preserve Floyd County to keep it the way it is. That is one of the reasons why I discovered it, found it, loved it and moved here about ten years ago, on the tail end of the last pipeline that was on its way through here. I got contacted by this company through a third party agency that is doing the mapping and surveying for the pipeline company. It really caught me off-guard and off balance. It was the middle of the day and they called me to get permission to survey my property and to stake it. I got this letter which I don't have time to read but would be happy to share with anybody in the community here. It is really concerting to me that they want to come through the back of my property and just cut across Floyd with this 36-42" natural gas compressed gas line and bury it. Actually, on my property they want to follow the power line and bore underneath the Little River. It is a very steep slope back there with a lot of really biodiversity and wildlife habitat. No telling what kind of bedrock and water resources are back there. They are looking to come through and put the pipeline down and they are pressing me to give up access to come in and survey it. I really don't know what I should do. My instincts are saying no, I'm not interested and try somewhere else. It is concerning. I don't want to raise my family just up the hollow from this huge pipeline so it has really got my attention and to stand up here and get involved and see what I can do to help. I don't want to sit on my hands and criticize you guys later. I want to be here to help, I'll help you run numbers, I'll share what information I have, help you learn what other property owners have been contacted. I want to be transparent. If we have any chance of stopping these multi-billion dollar corporations, we need to act quick because they are pressing. There are a lot of people who don't even know about this. Right now, my neighbor who actually lives closer to the proposed pipeline than me had no idea because she didn't get a letter. Her property is not on the pipeline path, mine is. So I went over and told her about it. She knew a little about it but mostly had no ideas. I told her how close it was to her property, I would estimate 100-200'. It is concerning. They are pressing us to rush on this, we need to take our time, gather information together, be honest with each other so this doesn't turn into a free-for-all and try to do what is right as a community. I'm interested in seeing what information you guys can share. Are you privy to the maps? I want to know what the Board's responsibility is in regards to this issue. How much is the County going to weigh in? What is your role? You probably have the pulse of the County. I'm here to let you know that I'm here, I'm concerned and I don't like it. The more I find out about it, the more concerned I am. I appreciate you and your service.

Ms. Mara Robbins, Courthouse District but moving to the Little River District – I've lived in the Locust Grove District, Burks Fork District, Indian Valley District in 37 years here in Floyd County. I consider this entire county my home. I have been helping over the past couple of weeks, since we found out on July 9, we received a copy of the open season statement from Mountain Valley EQT, it was open season. I've been working with community members to try to mobilize, to educate ourselves and each other, to share information because there still is not a

public announcement about this. There is a lot that we don't know. It is pretty obvious when folks like Jason here are already speaking with surveyors that they are interested. We really want to collaborate with all of you, we need to work together. We are interested in protecting land owners and our environment, to educating property owners. Like Jason was just saying, it is kind of hard to tell what's the best response. If you say no, they can take you to court. They can red-list you, they can use eminent domain, there are any number of tactics they have. If you allow the preliminary survey, then you have negotiating rights. Which is better? We don't know yet, we are still learning. This has only been a couple of weeks. I think we can work together and come together as a community to figure out what the best way is to deal with this. Whatever help we can get from you, whatever help we can give to you. I'm here representing Citizens Preserving Floyd County and we're getting organized. We're establishing a Board of Directors and we intend to address this effectively, professionally and with as much respect for our local government and community as possible. Thank you for being patient with all these statements tonight, I know you have a lot to listen to. I look forward to speaking to each one of you about this issue as this moves forward. Thank you.

Mr. John Paul Bordaux, Courthouse District – I oppose this very much as well for all the reasons that people have already said. Also, the geographical uniqueness of our land as water flows out, not in. So, we are affected by this for our livestock, our neighbors, everybody as well.

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

The Chairman next called for the Public Hearing on the Draft Ordinance Providing Exemption from Floyd County Real Estate Taxes to Certain Real Estate Owned by The Church of Jesus Christ of Latter Day Saints.

The County Administrator read the call for the Public Hearing.

The Chairman declared the Public Hearing open for comments.

Mr. Kirk Averett, Minister for the Church of Jesus Christ of Latter Day Saints – just here to say that we support the ordinance as drafted and would be happy to answer any questions.

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

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the ordinance as presented “Ordinance Providing Exemption from Floyd County Real Estate Taxes to Certain Real Estate Owned by The Church of Jesus Christ of Latter Day Saints” (Document File Number _____).

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

Mr. Mark Sowers, Chairman of the Floyd County Planning Commission, next appeared before the Board. He reported: On behalf of the Floyd County Planning Commission, I come

before you with a recommendation to a change in the family subdivision section. We've been working on this since 2005 because of problems in this section. Since the revision in 2002, some of the things that we've seen have led to indiscretions. In fairness to all, we recommend these changes. This section applies to families, to help preserve the farms, the land and to continue to traditions and heritage. This is where the family subdivision has come from. It is recognized by the State of Virginia. Although we have had over 10% growth in population, by law, we are not required to have this section. But I think each of us here today that the family, farm, heritage, means a lot to Floyd County and each individual for our families and friends. Floyd County as of now, we provide a great flexibility with regard to family subdivisions by allowing families to subdivide less than an acre without any cost as far as perkability and with less restriction than a normal subdivision would be. In an ideal world and with ideal people, money wouldn't influence the rights and how we would subdivide our land. But as you can see, money has influenced situations and people see how they could make more money by calling it a family subdivision and take advantage of the situation. We don't have proper guidance as to the description of a family subdivision at this time. What we'd like to do is put a line down the middle for guidance in the community not only for our benefit but for others too. The family subdivision is a good concept, especially for places like Floyd. We live here, we raise our families, make memories, but we want to be able to pass this legacy to future generations. You may ask why we need changes. The problem lies in tying down the legal language. The concept of a family subdivision remains in the conveyance of family land from one generation to another. Currently, the ordinance is very vague. Many people were told by surveyors, attorneys, realtors, etc. to do whatever they want with the land in Floyd County if they call it a family subdivision. Unfortunately, as this ordinance is written, this is largely true. The ordinance says that the family subdivision cannot be used to circumvent the ordinance. This is not only true on the local level but also in the State legislature as to how we can handle it. We see plats come before us on the Planning Commission, the changes in land that we see, maybe not a direct circumvention of the ordinance, but certainly questionable. As Planning Commission members, we need to straighten out and better work the documentation so not only us as public commissioners know what our ordinance is and what it says, but also for the people we're trying to supervise will know. Some of the things that we have decided to change include: the State allows a holding period either before or after, or both, that before you divide, must be held for up to 15 years. The Planning Commission is proposing a change in this to 5 years before and 5 years after. When we discussed it since 2005, we've researched this over the years. Some people think the 5 year period before because it is part of the family, the land that the family holds dear, so that's important. Part of it is afterwards, what do you do? Should we just allow it to be done as it is now? We've had instances of property being subdivided in a family, turned around and sold to a family member, within that same day family members have flipped it and sold it to another person or people. So there is a problem with overall fairness for subdividing land where they are circumventing but we don't really have a line drawn in that. You say why 5 years? Why should it be that long or not be? We feel like this is middle of the road because we want to continue the legacy, that farm, that family part. We've also looked at the lot size when we were doing this ordinance and change it from one acre to two acres, accommodating a greater flexibility in access to water and wastewater treatment for each lot. You say why? Why would we want to increase the burden to two acres for a family division instead of one? Like many speakers have spoke before, we do have a precious water supply. Even though we might not guarantee a well, in a family division, we don't want to pre-authorize anything as far as a well or wastewater

treatment. It is given to you by right as a family subdivision at this time. Even we're not guaranteeing any water, we're increasing the amount of area that you have to be able to drill a well in case that well that you have currently or in the future goes dry. Once you have a dwelling and a treatment area for wastewater, it limits how close you can be to a well site. This gives you greater flexibility, not just near-term but long-term. We don't know how many years it might be before there are problems. This is brought before the Planning Commission to help plan for the future. We sat up a section in the policy for the Planning Commission to review in case of unforeseen ownership transfers such as death, bankruptcy, etc. so that if some of these problems occur after ownership has transferred in that five year period, we'll have a process to come back and allow a transfer of these lots. We realize that these are tough decisions, like I said, we've debated them for the past nine years. We feel that the time is now, with your help, to resolve some of the ambiguities of the ordinance language and better define the true purpose of the family subdivision. One other thing, we also increased the 20' right-of-way access to a family subdivision to a 50' right-of-way easement. Some of the reasons that we decided to do that because it was more like the standard subdivision. Right now, the agricultural subdivision has a 50' easement. In the future, if later on in future development, we may find that if we only had a 20' easement that we would limit the development on the back parcels where these family subdivisions have taken place. Good, bad or indifferent, I'm not one to say but at least this 50' right-of-way standardizes it. Some people have said, does a 50' right-of-way hurt my land value? I say no. The 20' does not help you because you're not able to develop it down the land if needed. The value would retain over that period.

Ms. Lydeana Martin, Subdivision Agent – I will just mention the affidavit piece also. Currently, a plat for the family subdivision, just the grantor signs off on a plat that it is in fact a family subdivision. The one receiving it doesn't sign anything so they are not obligated, or clear bright line indicating that they must do a certain thing, keep in the family, etc. The affidavit would be a way that both the grantor and grantee would sign it agreeing that they will abide by the rules. The important thing is that affidavit would be referenced in the deed and would be recorded with the deed so it becomes self-policing then, much more than now. An attorney, when they do a title search, they will come across this affidavit and it will be clear to them what the commitment was. One of the things that brought this to a head with the Planning Commission in the last couple of months, we had a letter from an attorney representing someone saying that the ordinance was not clear and he did not know how to guide people in the family subdivision process. He said the ordinance is not clear as to how long they have to keep it, or convey it out of the family, what to do if special circumstances come up. Right now, he doesn't feel he can give legal guidance to people. This will help clear up that matter. The other part that the Planning Commission is recommending is that there be a notification if someone is seeking any sort of waiver or exception from the Subdivision Ordinance, just like if they did a family division and needed a waiver, that there be a public notice to adjacent landowners so they could come in and make comment to the Planning Commission. Right now, there is no public comment whenever an exception is being considered. Because that notice would require some time, we recommend a fee of \$50 be associated with it. Likewise, if someone requested a change in the Comprehensive Plan, that there would be a fee for that as well because of the time involved in that process. (Provided a handout with answers to possible questions that may arise)

Mr. James Cornwell, County Attorney – Mr. Sowers is part of one of the families that has been in the County forever. He has some of his land in conservation easements and wants to preserve and protect it. The Planning Commission as a whole has discussed this since 2005. The discussion has run the gamut from do nothing to do a lot. I think what the Planning Commission’s recommendation is is middle of the road. It is consistent with jurisdictions that surround us. I was talking to an attorney in an adjacent location and asked him what their problems were with people circumventing the ordinance by doing a family division as what happens here. He said no, we don’t have those problems because we have a holding period of five years. I think the Planning Commission wants to preserve the family farm. What we’re seeing is people doing divisions of property and calling them family subdivisions and it is not allowed. There were 400+ parcels divided over the last ten years as family divisions. That’s a lot. The Planning Commission is asking for permission to schedule a public hearing, jointly or individually with the Board.

After discussion, it was consensus of the Board for the Planning Commission to begin the process with a separate public hearing from the Board and then present results to the Board for consideration.

Agenda Item 5 – Approval of month-end disbursements.

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

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

Agenda Item 6 – FY14 carry-over request – Sheriff.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the FY14 carry-over request from the Sheriff’s Department as presented.

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

Agenda Item 7 – Discussion of building permit fees for tents. Mr. Campbell noted that, per Board instructions, the fee schedule was changed to separate out non-profit organizations and reduction of the square footage costs with the base rate charge remaining the same.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and carried, it was resolved to approve the amendment of the fee resolution for tents as presented.

Supervisor Yoder – nay

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

Agenda Item 8 – Articles on proposed gas pipeline. Mr. Campbell confirmed that Floyd County has not received any contact from the companies concerning the pipeline. We started hearing things about them a couple of weeks ago but no contact has been made. Wanted to share with the Board the Mountain Valley Pipeline Non-Binding Open Season document. It had a lot of information included. It appears that they were looking for customers with two foundations already involved. Also share a map that shows the extent of the shale formations that indicates the amount of fracking already taking place. Also presented a map that Mr. Walker mentioned earlier which he used to plot out estimated routes through the County. The other article provided from a Charlottesville newspaper provided useful information on the three proposed lines in the State, including the one going through Floyd County. It talked about that while this is a Federal project, local authority is very limited but with conservation easements in several of these routes, it will be interesting to see how the eminent domain concept would apply. I don't know that this has been tested but is something our County Attorney could research.

Consensus of the Board was for staff and the County Attorney to gather information on the proposed pipelines and also from the last pipeline fight; contact other Counties to ascertain their position on the matter; provide to the Board for review.

Mr. Cornwell – our company has represented other localities in Central Virginia in these matters and also have an attorney who sits on the Mines and Minerals Committee that are working on fracking regulations. We also have a background with FERC and SCC. We have been very much involved in this issue over the years.

Mr. Campbell noted that the citizen group, Citizens Preserving Floyd County, has organized and can assist us.

The Board requested an update at their August 12 meeting.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.3, discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

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

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

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

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

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

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

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

Agenda Item 10 – Old/New Business. No matters were brought before the Board.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to adjourn to Tuesday, August 12, 2014 at 8:30 a.m.

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

Supervisor Allen – aye
Supervisor Clinger – aye

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors