

**BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 12, 2013**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 12, 2013 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

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

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

The Opening Prayer was led by Supervisor Gerald.

Chairman Clinger led in the Pledge of Allegiance.

The minutes of February 12, February 13 and February 26, 2013 were presented to the Board for review and approval.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of February 12, 2013 as presented.

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

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of February 13, 2013 as presented.

Supervisor Yoder – aye
Supervisor Turman – abstain – not present at meeting
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Clinger – aye

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the minutes of February 26, 2013 as presented.

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

Supervisor Clinger – aye

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

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

Supervisor Yoder – aye

Supervisor Turman – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Clinger – aye

Agenda Item 7a – Subdivision plats as approved by Agent for February 2013. Ms. Lydeana Martin, Subdivision Agent, appeared before the Board. She reported that plat submission has been steady. The Planning Commission acted on one of three plats received at their meeting.

In other matters, Ms. Martin presented an outline that the Economic Development Authority is considering in their strategic planning process. The first page outlines site selection factors and the ones that are major problems for Floyd County such as highway accessibility, access to major airports, access to railroad, no natural gas, no large buildings available and no large "ready sites". The next few pages outline the different types of businesses: Commodity-based which has products interchangeable and specialized businesses which have products with a competitive advantage. The last page outlines specific items that the EDA is currently working on.

Agenda Item 7b – New River Health District – Food Safety Inspection Costs Analysis. Mr. Campbell reported that the Health Department is still assembling information for the Board's use. There is a \$40 application fee which has one annual inspection at a minimum. Schools are inspected multiple times per year because of receipt of Federal funds. There is no charge for their inspections. The application fee is based on a flat application charge, not number of visits. A more appropriate fee would be around \$150 to enable additional inspections. The \$40 fee does not cover costs; it is only an application fee. Further information will be provided to Board as received to review during budget deliberations.

Agenda Item 7c – Fire Department request – pump repairs for Wagon #3. Mr. Greg Carr, President of the Floyd County Volunteer Fire Department, appeared before the Board. Mr. Carr presented two estimates for the Board's review, one at \$12,000 and one at \$5900. He noted that the pump lost its prime at a recent structure fire. Repairs to the unit were done in December at a cost of \$3054 for another problem. To meet NFPA standards, the pump had to be tested and that's when the problem was found. There was no guarantee as to how long it would last per the pump test done at that time. This was originally scheduled in the FY14 proposed budget for capital improvement, but the truck is not going to make it that long.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to accept the proposal from Vest Sales & Service for repairs to Fire Department Wagon #3 in the amount of \$5900, as presented.

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

Mr. Campbell reported that an additional payment of \$42,040 had been received from VDoT for revenue sharing funds provided by the County that had not been used. Request that the funds be transferred to Contingency to be used for year-end overages, especially in Buildings and Grounds where repairs had been made to the Courthouse and Courthouse parking lot.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to transfer \$42,040 from 3-001-024040-0031 to Contingency 4-001-092000-0001.

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

There were no Constitutional Officers reports for the month.

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

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

Agenda Item 7d – Appointment to New River Valley Home Consortium – Town Council recommendation. Mr. Campbell noted that two appointments to the Consortium are allowed – they had suggested since the Town is a member also, that one appointment be a Town staff member or citizen.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to appoint Town Manager Lance Terpenny to the New River Valley Home Consortium.

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

Agenda Item 7e – Appointments to Uniform Statewide Building Code Board of Appeals (2) – 4 year terms. Mr. Campbell reported that the Board of Appeals had recently had their

required annual meeting; there were no other issues that required a meeting during the year. Two of the members' terms end in June, all have agreed to serve again if the Board so desires.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to reappoint Mr. Calvin Conner and Mr. Joseph Gallimore to the Uniform Statewide Building Code Board of Appeals for a four year term.

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

Agenda Item 7f – Virginia Local Disability Program. Mr. Campbell reported that with the reorganization of the Virginia Retirement System, that another layer has been added for a disability program. In 2014, the system will change from a defined benefit program to a defined contribution program. The short- and long-term disability program will be called the Virginia Local Disability Program. Ms. Morris and I sat in on a webinar recently and provided the information to the Board for review. In the near future, the Board has to decide whether to join the program or opt-out and create our own long-term disability program for the Tier III level of employees hired after January 1, 2014. It seems to be much easier to follow/join the State program and not opt-out. The County's contribution would not be based on the total payroll but only on those employees hired after January 1, 2014 at a rate of 0.90% of that payroll. In watching the webinar, we could not see any advantage to opting out because of our small size. The decision is irrevocable. If you do your own program, you are not required to do the long-term program, only the short term program.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to participate in the Virginia Local Disability Program as administered by the Virginia Retirement System, as presented.

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

Agenda Item 7g – Public Hearing on proposed CDBG project. Mr. Campbell reminded the Board of the public hearing scheduled for 7:45 p.m. on March 26, 2013 for the CDBG application for the New Town neighborhood improvements. He reported attendance of 5-6 people at the first required hearing.

Agenda Item 7h – Anthem renewal for employee health insurance. Mr. Campbell presented the proposed renewal to the Board for their review. He noted a 2.8% increase in premium costs and reminded the Board of a decrease in premiums last year. Proposal is to offer the same two plans, Key Advantage 250 and Key Advantage 1000. The new required rate for the County's share would be \$407/employee/month, up from \$403.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the health insurance renewal contract with The Local Choice, effective July 1, 2013, for Key Advantage 250 and Key Advantage 1000 for County employees.

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

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

- Case load – steady for the last three months – 2100 participants in the SNAP program and 3000 in the Medicaid program. One in five citizens in the County are served by some type of DSS program;
- Legislative – no bills passed had a big impact on our agency. Drug testing bill never made it out of the Senate, House bill died in Appropriations. It will probably come back up against next year. Some procedural changes were made which will cause more work and faster time periods but no additional funds for more staff were provided.
- Affordable Care Act – we will have changes coming October 1 to what is called the Modified Adjusted Gross Income (MAGI). We will have a new system that serves only that population. So, October 1, we will be working in two different systems to meet those requirements. If we have someone that applies for TANF, Medicaid and staff benefits all in the same household, they would go under the same system. On October 1, they will be under two different systems and those systems will not be reconciled into one system until late 2015. Beginning October 1, my staff has to do the same amount of work in two different systems. The Federal government is providing funds for 90% of the costs. We will be partnering with DMV and Federal systems to verify information which will be much better and easing some of the workload. It will be a challenge while we are having to enter information into two different systems.
- Please encourage your constituents to use the Common Help website to apply for benefits. People can apply on-line and the information is downloaded directly into the systems instead of them filling out a paper application and staff having to enter information. They can follow their case, do updates on-line, it will be a good change. We have had only 38 applications on-line since September 2012 out of 3300 applications.
- Cost Allocation Plan/Memorandum of Understanding – We have been working for 2.5 years to try to get a memorandum of understanding (MOU). The State came in and did what is called a local review 2.5 years ago. They were unhappy with the agreement we had between the County and DSS, the way that it was set originally when we moved into this building in 2000. That was all set up with a different County Administrator, different DSS Director and different Regional Director. The agreement was laid out as to what percentage of the entire building that DSS uses and the rent was based accordingly. When Robinson, Farmer, Cox came this year to do the Cost Allocation Plan, they said the MOU needed to be finished and approved. I cannot certify what is in the Cost Allocation Plan because the MOU is not straightened out. We have a Regional Director from Richmond who is serving as our area's temporary Regional Director and trying to get this straightened out. The problem is the depreciation schedule regulations have changed and there are questions as to the square footage. All our records are purged after five years so

no one has records available. There is a whole litany of questions to be figured out and the cost allocation plan may be delayed until the MOU is straightened out. The original agreement and letter from 2000 is what the rent payments have been based on. After discussion, it was the consensus of the Board for Mr. Campbell and Mr. Ayers to draft a proposed MOU and submit for the State's review.

Mr. Calvin Reed, Sanitation Superintendent, next appeared before the Board concerning his FY14 proposed budget request. His main requests were:

- New skid steer loader – one with a pressure cab – some of the cardboard that has been coming in to the transfer station has a bad reaction to acid – if this acid gets stirred up, it is a hazard to the drivers to breathe – happened five times in the last year. Think the reaction is coming from items that are used to manufacture meth.
- Have ten employees within Solid Waste – one has been out on sick leave for four months, four employees are on Social Security and ready to retire within a few years. Within a 1-3 year time frame, half of the crew will be gone. Need to prepare/plan for this reality. Also, DEQ requires a certified operator to be on-site or within a phone call distance away, at all times. One of the three certified operators is the one out on extended sick leave. The other two certified operators are in the group ready to retire soon. Also, the salaries for the ten employees are extremely low. Applicants who have the required CDL license are not interested in positions when they find out how low the salary will be.
- Desperately need new green boxes, the Board has not approved purchase of any boxes for over three years. The metal that the boxes are made of is not as good as it used to be and the boxes do not last as long.

Agenda Item 7i – Stormwater Management regulations. Mr. Campbell reminded the Board that this program was voluntary early on but this year's session of the General Assembly enacted the program as mandatory through the Department of Conservation and Recreation (DCR). At this point, we have been working with, and supplying information to the New River Valley Planning District Commission which received a grant from the State to help set up the program in the various communities. We are being asked, you have a sample letter, that is saying that you as the Board of Supervisors, are fully on board, have reviewed the draft ordinance, and are ready to work with the PDC to finalize this analyses and in a couple of months, will be adopting an ordinance. DCR wants everyone to use this same wording in their letter. On page 3, you really get into the draft and the particular language. There is not much room for modification, they want it approved verbatim. It talks about, on page 4, the purpose and gives a lengthy list of definitions. On page 8, it outlines the types of things that are prohibited. On page 9, it gives the meat of the ordinance. It talks about any applicant, which is any land disturber that is going to grade/modify/change anything above one acre of land. There are no agreements in-lieu of or exclusions such as exist under the E&S Program for single family dwellings, this covers anything. A single family dwelling of modest construction with a driveway off the paved/gravel road could easily hit the one acre requirement. What this State regulation is going to require those folks to do is develop a plan. They will have to have a certified engineer or somebody licensed or certified to stamp these plans to submit to us, as the Agent, to review. We'll have to get trained and certified to do this. If you look at the plans that

are involved here, it is a lot of work. This is one of the things that concerns me, the fact that somebody wanting to build a single family dwelling in Floyd County is going to have to get a certified engineer to approve the plans to come to the County, at a cost of thousands of dollars. When you get a house that is, say 1200 square feet, couple bathrooms, the building permit might be \$400-500. This family then has to hire an engineer, to the tune of several thousand dollars, to prepare the plans and submit to us. We are required to make them pay \$2700 in fees to the County to process the permit and we have to send \$781 back to the State for whatever they will still be doing, which is very little. On page 10, it covers contents of the plans. There is engineering work in there and is very significant. It is very similar to doing a Phase I environmental review but more technical. You, as the Board of Supervisors, and us as staff, will be the bad guys when our citizens come in for a permit. They will not care if this was ordained by you as the Board or mandated by the State. It went from a voluntary program to a mandated program. I'm not saying that it is a bad program; I just think it is overkill because of the size. In our rural environment, it is getting down to single family dwellings. There is room for this type of program but in a larger commercial development, like a grocery store or factory. It is probably needed in those types of situations but not for single family dwellings. There are no exceptions, we have to tell them this is required or a building permit cannot be obtained. I am not against environmental regulations but this is too much. The program became more stringent when it went from voluntary to mandatory. We think it will take \$30-50,000 for the County to implement this program because we don't have the staff to take care of the program. We'll need to hire another employee or shift a lot of duties around to be able to do everything that we are required to do. The follow-up is also overwhelming. Every year, there are inspections and maintenance required, along with a \$400 maintenance fee required every year for a five year time frame. We don't know if we can get out of that maintenance fee and just absorb the costs. On page 22, Table 3, 3rd category for small construction activities, for 1-5 acres, it states that general maintenance permit fees shall be paid annually to the locality by the anniversary date of the general commitment. It is in the ordinance. No permit will be reissued or automatically continued without payment of the required fee. It is our understanding that it is a five year time frame.

The Chairman called for a motion to authorize the County Administrator to submit the letter to the Department of Conservation and Recreation as requested, concerning stormwater management regulations. No motion submitted from the Board.

Mr. David Clarke, Virginia Department of Transportation, next appeared before the Board. He reported that clean-up of trees from storm damage continues, start patching tomorrow with hot mix since the plants will be open. Route 221 bridge replacement is on schedule for September 2013 completion. Will get schedule for roads to be overlaid to the Board soon.

Supervisor Gerald – need patching of potholes, especially on Hylton Road where the paving is coming apart.

Supervisor Allen – Stonewall Road and Boothe Creek Road – both need culverts replaced.

Supervisor Turman – Deer Valley Road, at Everett Nester’s home, culvert is stopped up on one side and water runs over road and washes out his property. Also appreciate the work done after the recent storm.

Supervisor Yoder – Stuart Road, Route 651, paved part. Lots of potholes and road is sunk in the center and water stands there. There is a lot of traffic on the road from Park Ridge Forest. Also, on Route 221 toward Copper Hill, a landowner cut some trees on his property that were overhanging the road, who would he need to contact about the one that is on the State right-of-way?

Mr. Clarke – he should contact the Salem office by the toll free number.

Supervisor Clinger – Thunderstruck Road is very wash boarded and needs some work. There are lots of potholes on all the roads. Do appreciate the repair of potholes on Route 8.

Supervisor Allen – the signs we discussed for Shooting Creek, that the road is not recommended for tractor trailers, I don’t think they will do any good. They are still coming up from the Franklin County side.

Mr. Clarke – I can talk with my counter-part in Franklin County to see if they will install signs on their side. The only way to prohibit them is by having a public hearing to specifically deny access on those routes and identify an alternate route.

Supervisor Gerald – Sumpter Road – please check this road, during the storm citizens had to use 4-wheel drive to get out. Also, what is your opinion on the Governor’s Transportation Plan?

Mr. Clarke – if we get more funds, I am all for it. They have asked us for traffic counts for secondary roads for unpaved section of funding so hopefully they are anticipating some more funds. Reminder of the 6-year secondary road public hearing at 7:30 p.m. on March 26, 2013.

The Board recessed until 1:30 p.m. for budget presentations from various departments.

Mr. Dale Profitt, Chairman of the Floyd County Electoral Board, appeared before the Board. Highlights of their budget request included:

- Bill was defeated by General Assembly requiring one voting machine for each 500 voters, down from 750 voters;
- Poll worker education/mileage/lodging – asked for increase to maintain eligibility of Electoral Board members;
- Office supplies increase requested – State does not pay for any supplies. Voting lists have to be printed at each election.
- Voting machines – still using the touch screen machines, which are very old. Some of the machines do not communicate with others so some manual tabulations have to be performed. We expect to start seeing failures in machines and they are not being manufactured any more so replacement parts are hard to locate. We will have to maintain one machine at each precinct for disabled voters to take curbside if needed.

- Voting machines – replacements. We are anticipating a cost of \$6000/machine, with additions around \$7000/machine, for a total of \$126,000 to replace all 21 machines. We currently have 24 machines, 4 at each precinct, 2 in the CAP, and 2 spares. Life expectancy of the machines depends on the grade of machine purchased. The warranty is issued by a yearly maintenance fee of \$65/machine/year.

Ms. Amy Ingram, Registrar, next appeared before the Board. Her budget request included:

- Increase in office supplies due to having to produce more materials in-house instead of being provided by the State;
- Decrease in some areas due to no Presidential election this year;
- Hope that voting machine vendors will have an open house again to do local demonstrations as they have done in the past. If any Board of Supervisors member would like to attend with us, we'd love to have you go. A couple of Board members were able to view the demonstrations with us last time we purchased machines. There are usually 7-10 vendors in attendance that have been pre-approved by the State.

Mr. Roger Hollandsworth, Treasurer, Floyd County Rescue Squad, next appeared before the Board. Their budget request included:

- 20% increase requested in operating expenses over current year. Budget for current year was \$178,900 with revenue of \$148,200 from the County.
- Increase requested in building repairs. Need to replace the key system for all buildings; one key will open any door at all buildings. Keys have been lost over the years.
- Training costs increased – two Rescue members are in class going from EMT to Paramedic at a cost of \$10,000. Also have eight rescue squad members in current EMT class.
- Vehicle maintenance/repairs. Have already spent \$23,000 this current year. We are requesting two new ambulances but if that is not approved, our costs will continue to rise for repairs.
- Fuel – on target for the current year but it is always an unknown.
- Capital – December 2014 will be the payoff date for one ambulance that is being paid by County at \$1423/month; Station #1 repairs – still have about 12 years on that note.
- Capital – request to replace some of the Toughbook units – units have all information on each patient that is downloaded for State reporting and also County billing. This was a State mandated purchase several years ago but they did provide funding at that time, but not for replacements.
- Capital – stretcher replacement – would like to replace all nine at the same time to obtain better pricing.
- Capital – replacement of two ambulances. Unit #405 at Station #1 has 130,000 miles; Unit #408 at Station #4 has 100,000.
- Capital – have applied for an 80/20 grant from the Rescue Squad Assistance Fund for replacement of six 12-lead monitors at a cost of \$208,000, or \$34,000/each. The Rescue Squad can cover the 20% cost. If they only approve the grant at 50/50, the Rescue Squad can still handle the amount from their savings account for heart related equipment.
- Paid off Station #4 debt for the building in August of 2012.

Sheriff Shannon Zeman next appeared before the Board. His budget request included:

- Police supplies – covers several areas such as guns, ammunition, etc. Do use other revenue to purchase some of these items such as fees from background checks, fraud reduction funds, fees from gun permits. Did 70 gun permits last week compared to 200 in all of 2012.
- Code Books – actual cost of books which is an increase.
- Retention Program – very positive program for the employees. Did a one-time check for them in November. Will be dividing the funds differently this year if received.
- Vehicles - \$84,000 budgeted in current year, purchased three cars. Also spent around \$21,000 to equip the vehicles which came from Drug Seizure funds. A fourth vehicle was purchased with 100% grant funds and the \$7900 for equipping/marketing came from Drug Seizure funds. Requested one vehicle in the FY14 budget.
- Did provide an amendment to the request for payment to the Police Academy. Recently learned of an increased cost per employee from \$315 to \$425. In a 10-year period, the Academy has realized a 41% loss in State revenue.

Ms. Stephanie Shortt, Commonwealth's Attorney, next appeared before the Board. Her budget request included:

- Request for a full-time Assistant Commonwealth's Attorney. In the Governor's budget, he provided for an increase in salary for Assistants already in the system but no funding for additional positions. According to State staffing standards, Floyd County is eligible for a full-time Assistant but the funding was not provided. Our office is 16th in line for an additional position. Should be higher on the list with the corrections made to case loads and other information. The additional case load has incurred Circuit Court being held one day every week instead of every two weeks.
- All agencies work very well together – local, State, Federal and Regional Drug Task Force.
- In June 2011, started requesting and receiving emergency funds from the State Compensation Board for assistant attorney – letter received from them states that funding will no longer be provided.
- Have been very conservative with expenditures over the last few years with no excesses in spending.
- Did request some mileage and training increases for assistant attorney if hired.

Mr. Greg Carr and Mr. Tommy Sowers, Floyd County Volunteer Fire Department, next appeared before the Board. Their budget request included:

- Requested \$1000 increase in electrical service due to rising costs.
- Requested \$1000 increase in workers compensation – actual cost increasing from \$23,000 to \$24,000.
- Generator Maintenance/Repair – requested \$2000 increase over current year – now performing quarterly maintenance instead of twice/year.
- Propane – requested \$1000 increase from \$18,000 to \$19,000 due to rising costs.
- Vehicle fuel – requested \$1000 increase – rising costs.

- Capital – paving at Station #2 - \$9300 estimate from last year, Board approved \$6000 in current year – would like to request remaining \$3300.
- Capital – sealing of parking lots at Station #1 and Station #3 – estimates are \$1525 at Station #1 and \$1250 at Station #3.
- Capital – Station #1 – renovation of restrooms – need new tile, ceiling, etc. from roof leakage – estimate of \$12,558.
- Capital – Station #4 – water filtration system – tests came back with high iron content – hope to absorb within Fire Department funds – trying to obtain estimates at this time.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to adjourn to Tuesday, March 26, 2013 at 7:00 p.m.

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors