

**BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 24, 2015**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 24, 2015 at 7:00 p.m. in the Board Room of the County Administration Building, thereof;

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

ABSENT: Case C. Clinger, Chairman.

The Vice Chairman called the meeting to order at 7:00 p.m. with the reading of the handicapping statement.

At 7:00 p.m., the Chairman called for the Public Hearing on Disposal of publicly held real property consisting of 5.2 acres in the Floyd County Industrial Park.

The County Administrator read the call for the Public Hearing.

The Vice Chairman opened the hearing for comments from the public.

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

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and carried, it was resolved to approve the option agreement between Floyd County and T&E Small Engine as presented; authorize appropriate County officials to execute same (Document File Number).

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

Agenda Item 4 – Approval of month-end disbursements. A list of additional expenses was also presented for the Board’s review.

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

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

Supervisor Clinger - absent

Agenda Item 8 – Old/New Business.

Mr. Campbell presented a bill from Paul Shively, Inc. for work performed at the H&V Site #2 (DEX Building) in removal of the oil/water separation unit and inside work related to the drainage per the bid proposal. The work was designed by our contracted engineer at Anderson & Associates. That work was completed very quickly. At your most recent meeting, you had approved the contract. The outside work was completed in one day and the inside work completed the next day. The invoice in the contracted amount is \$12,535.00. The work is completed but we do not have the engineer's certification of completion yet. We will get that. What I'd like for you to do is go ahead and approve the invoice subject to the engineer's certification so he will not have to wait several weeks for remuneration.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and carried, it was resolved to approve payment in the amount of \$12,535.00 to Paul Shively, Inc. subject to concurrence by engineer and receipt of certification of completion by the engineer and County.

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

Supervisor Turman questioned if notification was received by the County of possible placement of an ABC store in the County prior to the newspaper article?

Mr. Campbell stated that no notification was received.

Supervisor Turman – do we get any revenue off of it?

Mr. Campbell – the equivalent of the sales tax generated from the facility. How much that would be I don't know.

Supervisor Turman – Don't they have to have a public hearing about it? I am against it and do not think we need it here.

Supervisor Yoder – We could request the information from the State.

Supervisor Gerald – the establishment that is planning to make moonshine here. They now have to send it to Richmond to be sold. If we have a liquor store here in Floyd County, they can sell it right here. We need to keep that in mind.

Mr. Campbell – I will inquire as to the steps that can be taken by the County but I don't think we have a lot of options since the referendum recently passed in the Courthouse District would allow it.

Supervisor Gerald – I hope citizens will take a stand against it.

Mr. Campbell next presented a request for a variance for a carport on Penn Road. This is similar to the request at your last meeting for the Little River Baptist Church. He noted that a good portion of the existing garage structure is already within the setback from the middle of the road. Your ordinance allows you discretion to grant an exception to the setback requirement in our Code whenever a large portion of the existing building along the section of the road is within 35'. I'll say that our Building Official has been on site and looked at it and there are no visual obstructions that will occur. It looks like the distance will remain at 24' or more which is equivalent to the existing structure. The building will be parallel to the existing building.

Vice Chairman Yoder reported that he had spoken with the Chairman earlier about the matter and he requested that the Board approve the variance.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and carried, it was resolved to approve the setback variance request as presented for Mr. and Mrs. Kenny Vandever on Penn Road as presented.

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

At 7:30 p.m., the Chairman called for the Public Hearing on the proposed 6-year secondary road plan. He turned the meeting over to Mr. David Clarke, VDOT Residency Administrator.

Mr. Clarke – this is the annual public hearing for the 6-year secondary road plan. Secondary roads being those numbered 600 and above. The road system is divided into primary, interstate and secondary roads. There is a separate public hearing for primary roads such as Route 8 and 221 which will be held in Roanoke on April 29. Floyd County gets an allocation per year to improve the secondary system, which is separate from maintenance funds. By Code of Virginia, VDOT is to appear before the Board of Supervisors to conduct a public hearing on how to spend those secondary allocations. The last few years, that secondary allocation has been almost down to nothing. A lot of the construction funds have been allocated to interstates and primary roads so Floyd County has only received about \$45,000/year for the last few years. The only real funds received have been the telecommunications fees that the State collects from companies that locate their utilities on VDOT right-of-way. That is collected on a State-wide basis and distributed to the counties based on their percent of the population in the State. That is, by law, allocated to counties. The rest of it is discretionary and County secondary roads are usually the last on the list. To alleviate that, the General Assembly two years ago, restructured the gas tax and reinstated the unpaved road portion of the secondary construction funds. If you looked at the 6-year plan from 20 years ago, you would see various funding categories. Some of it would be for unpaved roads, some for secondary roads in general. You don't see that now. You only see the telecommunications fee which can be used on any secondary road and then the unpaved road allocation. We use those funds for unpaved roads with a vehicle count of over 50

per day. Our proposed budget shows \$364,000 for the unpaved road fund, the rest of it is projections. It goes up to around \$600,000 and higher in later years based on gas tax projections. The draft plan includes some roads that we're currently working on, some roads that we've added since the new tax structure went into place for unpaved roads. I'll read off the roads that are on the draft plan, we'll have the public hearing and then the Board will consider a resolution at their next meeting to set the priority list. The priority list includes:

- Alum Ridge Road – spot improvements. It is not an unpaved road but some Federal funds will be used to do these improvements around Pleasant Valley Church.
- Haycock Road – Environmental and design work has been completed; some grading and pipe work has been done, will be finished this year.
- Vaughns Mill Road – 1.6 miles is unpaved. We will have enough funding to pave the section.
- Roger Road – new addition to plan based on traffic count of over 200 vehicles per day. It will be divided into two sections, the first half mile will be paved and the second section requires a lot of rock work and will be done at a later date.
- Firehouse Road – we will be finishing the design and obtaining right-of-way.

Mr. Clarke noted that we call it the six year construction plan but it is really how the funds will be spent over the next six years. The funds do not go very far.

Public Hearing Comments from the audience:

Mr. Jerry Hill – Vaughns Mill Road – I'm just here to thank everybody for putting up with us, the Supervisors, Mr. Campbell, VDoT personnel have all helped us out with ideas and passing along information and working with us. We certainly appreciate that, thank you.

Mr. Michael Vest – Locust Grove District, Diamond Knob Road – I'm concerned with the road that runs from Shawsville Pike to Schoolhouse Lane, which is a little over a mile. The school bus travels that road that far. I know the speed limit on gravel roads is 30 mph but 30 mph on that road is too fast. I've been here several years and spoke about the road. Hank Bowen has a construction company and he runs heavy equipment in and out of there and he has a time getting in/out in the winter. The road is in bad shape now but VDoT does do a lot of maintenance and tries to keep it up for us. I do think it would be safer to get it widened and surface treated, it would be much safer for the kids. Thank you very much.

Mr. Richard Giessler – I did live on Hope Road but we sold that house in May and bought a house on Midkiff Road. I'd like to bring that to your attention. For some reason, the two gentlemen who laid out that subdivision, Pineview, Earl Frith and Richard Moran, they laid the road out to the State width but never completed it. The County did not accept it. The State has never maintained it. No one has maintained it except the 6 or 7 residents who take care of it themselves whenever they figure out how to do it. One gentleman bought a tractor with a blade last year and he has been maintaining it. It needs more maintenance. There is one turn in that road that keeps washing out. It needs a bigger pipe or something. I know it is not on your list, it is on no one's list except the 7 families that live on it or use it. So, I'd like to request that we find a way to put it on the list and see if there can be some maintenance or whether it can be brought into the County system. I thank you.

Mr. Clarke noted that Rural Addition funds are a means to bring in a non-VDoT maintained road if it is up to standards and we can get right-of-way. Five percent of road funds can be put into rural additions each year.

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

Mr. Tommy Sowers, Treasurer, Floyd County Volunteer Fire Department, next appeared before the Board concerning their FY16 budget request.

Mr. Sowers first expressed their appreciation for the support from the Board.

When preparing the cost projections in January, I included several capital improvement projects. After discussing with your staff, we do need a \$14,000 increase in operation and maintenance. We had level funding last year. If we can get this increase, the Fire Department will work on the capital improvement projects ourselves. We'll have to start small with the lower cost items and work our way down the list. The Fire/Rescue Equipment Committee decided that Chief's vehicles would be requested in the regular budget instead of through the committee. We have asked for a Chief's vehicle for Station #3 for five years. We just recently spent over \$2000 for repairs to that vehicle. These vehicles allow the Chief to get to the scenes quickly to determine the situation and help us with our standard operating procedures as to what equipment and personnel are needed. The other three vehicles are in good shape.

Mr. Dale Profitt, Chairman of the Floyd County Electoral Board, next appeared before the Board concerning their FY16 budget request. The main points of their request are:

- Election officers – raise of \$10/day;
- Privacy screens for optical scan ballot marking if these machines are chosen or for provisional paper ballot marking;
- Off-duty deputies compensation for patrol at polling places;
- New computer to replace 2005 model which is very slow especially when connected to State Board of Elections site;
- Talking with several companies on voting machine replacements – estimate of \$115,000 to replace. Especially like the touch screen machine which prints out a ballot and the voter would feed it into a scanner which would then show it on a screen for verification. The \$115,000 would include training and new poll books for 20 machines and 7 readers. Annual maintenance cost will be higher because of re-programming of machines. Need an answer from the Board as soon as possible as to approval/disapproval so machines can be ordered and used in the fall elections.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1 of the Code of Virginia, 1950 As Amended, 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 Turman – aye

Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Yoder – aye
Supervisor Clinger – absent

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

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

On a motion of Supervisor Turman, seconded by Supervisor Allen, and 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; 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 Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Yoder – aye
Supervisor Clinger – absent

This Certification Resolution was adopted.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and carried, it was resolved to adjourn.

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

Daniel J. Campbell, County Administrator

Lauren D. Yoder, Vice Chairman, Board of Supervisors