

**BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 26, 2013**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 26, 2013 at 7:00 p.m. in the Board Room of the County Administration Building, thereof;

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

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

Agenda Item 2 – Public Comment Period.

The Chairman called for the Public Comment Period.

Mr. Thomas Noe, Slatemont Subdivision – I am on the Board of the Slatemont Property Owners Association. Also here is fellow Board member, retired Senator Charles Hawkins, who will be using his three minutes next. Some of you are probably not familiar with the Slatemont property area. There are a lot of positive things going on there. For example, there is an ongoing \$100,000 private water system upgrade project that will be completed this year. We've completed a \$50,000 surveying effort so that the County can now find all the property that is there and it can be taxed. There are a lot of individual efforts to repair and upgrade properties. In looking through the tax records, it shows \$5.5 million property there that is generating \$27,000 per year in taxes for Floyd County. Which I hope you're pleased about. That is all good but we do need some help from you now. Back in the winter ice, we had a house burn down and the fire trucks couldn't get there. We consider it very fortunate that Carver Light, one of our neighbors, didn't die in the fire. And good luck that the two people who helped him out didn't get caught in there and get burned up also. We have four miles of road on Slate Mountain that are more like private driveways and we don't think we can get help from anybody for maintenance on them. However, our hope is that we can get some help from the County or VDoT for maintaining any of the rest of the roads that we have. It would free up our resources to help keep the roads maintained to a higher standard than we're able to do at the present time. The specific road that is of interest is a short 1/5 of a mile road that is the only way in or out of that area. This is identified as Slatemont Road on the County map. This is used for mail, emergency vehicles, tourists, seasonal and full-time residents. This includes one farm, four other businesses, 38 houses in the Slatemont Subdivision and 5 houses not in Slatemont. I think that Slatemont Road has been in common use for at least 40 years, both by the residents and the public. We see this road as a candidate for the State to take over as a rural addition. I know that you're considering the 6-year secondary road plan tonight and that would be another option. That would be helpful. We know that it would be a few years out but that would give us time to work the details like how much our share of the cost is going to be and whose trees might have to

go. We welcome any other suggestions or recommendations that you might have and which way we might go.

Mr. Charles Hawkins – The entrance road is our primary concern. We have been trying to maintain that over the years but it is used by other families and other people that are not involved in Slatemont. Quite honestly, we need some help. This is the first time, to my knowledge, that the Subdivision has come to you all asking for anything. We're the best neighbors that you could possibly have – we come up here, spend our money, pay our taxes and go home. We don't educate any children, we don't have any school buses, ask for no services other than the beauty of our area. What we would like to work out is some sort of understanding as to what we could do with that entrance piece. Because not only is it the entrance into Slatemont itself, but it is a showplace in the County as the only subdivision that is actually growing the way we are. We've invested in a water system, road system, but we need some help on this entrance piece. U.S. Mail comes over that road, there are 15 or so mailboxes, there is a B&B there, and there is a farm there that is not associated with Slatemont. Our roads, we know are our responsibility, and we don't ask, nor do we expect any help with those. But if we could do something to open that entranceway. Now remember, we are close to the wineries, Floyd Fest, a lot of people come by these areas and the impression that they have of the property itself adds to the demand and value of this property. So anything we can do to improve the looks and quality of the property itself adds to the value, which adds to the taxes, which helps everybody. We are here to help you as best we can. What we would like to have is some open discussion to work with you to bring that up to some sort of standard that could be maintained by the County under the Rural Road Program. We understand that it is not on the 6-year plan but we would be glad to work to get it on a 6-year plan and discuss what we could do, I think in the long term it would be a benefit not only to Floyd County but those of us who live there and the other people who use the road.

Ms. Linda Wagner – in regard to the school budget, I didn't get to last night's meeting and I know that you're grappling with budget issues. We do want the best quality education for our children but I also want you to remember the taxpayers. All of us are on tight budgets. Recently, in the Roanoke Times, there was an article talking about how Roanoke County schools have had \$14 million in cuts to their budget since 2008. Five years. It affects 14,000 students. The statement from their Superintendent, Loraine Lange, pointed out, that they've had to learn to do with less. They didn't talk about increasing everything and borrowing from Peter to pay Paul. I just thought that was extraordinary. Again in the Roanoke Times, an article published by Dr. Benjamin Kapete, called the School Staffing Search. It talks about the decades of employment growth in the American public schools, released in October of 2012. Dr. Kapete found that in Virginia, between 1992-2009, the number of students increased by 22%, but administrators and other non-teaching staff increased by 100%. Those are figures that we need to keep in mind. I don't know if it is a specific correlation to any specific school or an overall figure. I just push numbers, I don't make decisions behind that board. Last Friday night I went to a meeting and I was enlightened by information in a book published by a 30-year superintendent, called "Smarter Budgets for Smarter Schools". In his introduction he says, "as funding for education declines, and students need to thrive, public school systems can no longer rely on the strategies of the past". His first statement says, "this is the tightest budget that I've ever experienced in my 30 years in administration as a superintendent. We're long past cutting fat, we're cutting meat".

His School Board member added “it feels like we’re cutting off our arm, fat, flesh and bone alike”. This is in 2005. So we’re not dealing with a new issue, we’re dealing with an on-going issue. In that book, there were some very well-tested theories. This man has been a superintendent for 30 years and then he did research for a number of years. He said “well tested strategies of reducing administrators, trimming supplies, turning down the heat, delaying maintenance, forgetting the cost of living wage increase won’t balance future budgets. Rather, new approaches, mindsets and tools will stop the budget survival kit if superintendents and school boards will change them. By studying what works elsewhere and drawing on approaches used by non-profits and the private sector, and shifting the mindset from the typical to the possible, students can weather the financial storm unscathed. If the current budget crunch forces districts to start planning from a blank slate, then students can actually benefit from a new approach. Superintendents, school board members, education reformers and anyone worried about educating our children in times of declining resources will find practical action advice and even bits of hope in the pages of this book”. I do advise that tool to our superintendent and even you as a board making the decisions for us in these crucial times.

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

Agenda Item 3 – Approval of month-end disbursements.

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

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

Agenda Item 4 – Dr. Kevin Harris, School Superintendent. Dr. Harris reported:

- Presented copy of School Board meeting highlights from March 13, 2013 meeting and reported that certificates of recognition were presented to the FFA Club to those who placed very high in regional and state competition and the Varsity Girls Basketball Team who won their 4th State title. We were very proud of their performance and the way they represented Floyd County.
- School calendar was approved for 2013-2014 year. It is identical to this year’s calendar.
- Approved adoption of science textbooks. Hopefully the new ones will be in better shape than those currently being used. For elementary and secondary levels both. There is a very detailed process for textbooks. There is a textbook adoption committee, they make a recommendation. The textbooks are put out for a month so people can review them and then a recommendation is made to the School Board for their approval. I spent the next day signing purchase orders after the Board’s approval.

Chairman Clinger commented that he hoped that this purchase was conveyed to Mr. Bobbitt who made quite a spectacle of himself at the budget public hearing.

Dr. Harris noted that he does not control the people who speak at public hearings. But there is another side of that, that we can all appreciate, the fact that we are fairly frugal with our money here. We just had a backflow valve at the high school go down today

that controls the backflow of water out of the school. A new one is \$3700 and we're going to attempt to re-build that for \$800. I just signed a purchase order in the last two weeks to buy a diesel engine for a bus, not a new bus, the bus is in fairly good shape. We do try to be frugal with the taxpayers' money and we do piece things back together. I would venture to guess that not a whole lot of school divisions in Virginia re-build engines and put them back in buses. We try to do a good job with the money that we have.

- Student membership is 2021, budget based on 2017. As I've reminded you over and over, any students over the 2017 is an extra \$6000 each coming to us. Student attendance has been down some with all the illness and sicknesses. We average about 95% attendance.
- At the board's budget work session, we have provided a copy of the approved budget. I presented several budgets to our school board, the one that is in front of you, is very similar to the one adopted last night. I was under the impression that there was going to be a work session today but that didn't materialize. We worked very hard to get a budget in front of you for your consideration. We met again last night and we actually made a few changes to it. I would like to highlight those. On the summary sheet, I will make an attempt to add some clarity to this. You asked me a question, Mr. Clinger, at the public hearing. I actually have an audit, my secretary Ms. Ryan, is a CPA. Within my office, I actually have an audit of the budget done for the last four years. You asked me about local revenue, it has been relatively stable. Some years it has been down a little, some years it has been up, but I commend you on the stability of local funding to the school system for at least the past four years. There was another question you asked regarding the \$215,000, the 3%. I went back and actually looked back through the minutes of this meeting and I didn't find anything that directed me or our board as to how that \$215,000 should be spent. There was \$175,000 that we did carry over and that was to be spent on transportation, fuel, etc. We bought two new buses, we are \$11,500 short of spending that \$175,000 that was earmarked for transportation. By the end of this fiscal year, we will have spent all of that for transportation needs. Back to the budget, the one thing that I would like to point out in the beginning, begins at the bottom, notable changes in revenue. The \$215,112 that we received last year, we created this budget with the idea that it was one-time funding that we will not receive again. We also began this budget with the idea that the \$300,000 in carry-over which included \$230,000 in Anthem stock, that many of you have seen carried over from year to year, is part of the \$300,000. So that stock will be cashed in and will have used it up by the end of this year. That is part of the \$300,000 operating expense. All total, before we even begin to ask for anything different, we are \$515,112 short of doing again next year what we've done this year. Back to the top, you can see that the amount we requested to balance the budget from local sources is \$1,071,771. If you subtract the \$515,112 that we had last year that we won't have this year, we're asking for \$556,658 in return spending. I don't really say new spending because everything that we're asking for in this budget was once a part of the school system except for the tennis courts, which is a repair, and the VRS which is something that we are mandated to do. If you'll look at the notable changes in expenditures, longevity stipends that we reward people when they get to 20, 25, 30, 35 and 40 years, we have people reaching plateaus, which will cost us an additional \$43,000. We have a number of people who received advanced degrees this year that will be

compensated for those. Last night, one of the changes from the draft budget, Mr. Sulzen who is on the VSBA Property and Casualty Insurance Board, came back with some more good news, that we're expecting a 20% increase in our property and casualty insurance through no fault of our own, we haven't had any problems here in Floyd County. Because of natural disasters across the State, we are going to experience between an 18-20% increase in our property insurance, so we added \$23,000 back in. The TBA Teacher and TBA Instructional Assistant – budgets in the past that came to you had two of these, which is to provide some flexibility. For example, people ask what a TBA is. This year we had 30 students in a kindergarten class at Check. I think you received a number of calls on that. The TBA position that was in this year's budget, with that I was able to hire another kindergarten teacher, divide those 30 kids into two groups of 15 and make that more manageable for that class. The TBA instructional assistant also went to Check when we ended up with 30 kids in the 6th grade. That is basically a stop gap measure. We could have a child come into our school system tomorrow that would need a full-time instructional aide. We are seeing an increase in the school division of foster parenting. I think with the economy with the way it is, people are looking for ways to make extra money. We are seeing in this school year, 12 foster children come into our school system and over half of them have IEP's that require special education services. People are finding ways to make additional income and we are having to support those children coming into our system. We are also asking for a few things to be restored, an art teacher that when Joel Pratt left, we didn't restore that position. Right now our students at the elementary level are getting art about once every three weeks, you heard some folks speak to that. We have lost 11 instructional positions in the last three years. I would like to restore four of those back to our budget which would be distributed as needed in special education and regular education. A psychology intern position that we have funded for years. Kids go to Radford University to become school psychologists, they have to do a one year internship to get the amount of hours in to get a license. All the schools around us do the same thing. That person is able to do a lot of the educational and psychological testing that we have to do for special education. With over 300 students in special education, that is a lot of testing. It also frees up our school psychologist to do some things such as threat assessment. We had a situation the other day where a young man went to guidance and told them some things that were concerning. So our school psychologist stops what she's doing and goes over and does a threat assessment to determine if this person would actually act on what they were saying. That is what school psychologists do. Office assistant positions – returning some of the lost hours. \$100,000 to restore materials and supplies where we cut 25% last year to balance the budget. We would like to return \$100,000 to that. Reading Recovery program, you heard several people speak on that. Reading Recovery is a program that looks at the very lowest of our readers in 1st grade and is able to deal with 25 students a year, one on one, to get them to the point where they can read at grade level and progress through the grades, reading as they need to. An additional school bus and some much needed repairs to our tennis courts. We have a lot of people here in Floyd who play tennis recreationally in the evenings on our courts. Our courts are getting to the point where we have to do something or they will not be playable. In the division next to us, in Carroll County, a week ago, the Galax girls showed up and their coach refused to play on Carroll County's courts because of their condition. The superintendent came down,

looked at them, and said not only are you not going to play on them, we're not going to play on them. Those courts are sitting there with padlocks on them because the superintendent deemed that they were hazardous for play. We are close to that point now here in Floyd. If we don't repair them, it is going to be more costly. I have an estimate on my desk for completely resurfacing, at \$70,000. In a nutshell, I would consider what we're putting before you today, our starting point. This is what I feel is needed. I think that anyone looking at this budget would deem it reasonable. I don't think anything in this budget is frivolous. I think everything that I asked for goes to support the educational needs of our teachers and students.

Supervisor Gerald – do you think the tennis courts are a hazard?

Dr. Harris – I think they are fast approaching that state. I'm not ready to close them yet but they are approaching a point that they need to be repaired. As an aside to that, let me qualify that and say, they weren't before this last snow. When the water goes into those cracks, we get expansion and contraction, when all the snow comes off the courts, it could be a different story. It is just like a roadway, when you get water in cracks, we all know what happens. They were playable before the last snow.

Supervisor Gerald – do you think they could last another 2-3 years?

Dr. Harris – I think it is something that needs to be done now. Putting it off any longer could render them unrepairable. That is based on the estimate that we got from a person who does tracks and tennis courts, I'm not an expert. He said they were getting to the point where just a basic crack fill could not be done. They have a process to cut the cracks out, repair the cracks, put a fabric mesh over it and seal it. He said he could repair them and guarantee them to last for a year. In two years, we would be right back where we are. We need to fix them right and not waste \$20,000 on repair.

Supervisor Clinger – travel under the Superintendent's office, you have \$10,000 there. In looking at some neighboring counties, they are doing it for \$5000, like in Patrick County. I was just curious if you have requirements that other counties do not have?

Dr. Harris – no sir.

Supervisor Clinger – perhaps we could look at some cheaper ways to travel. I also have a question for Ms. King (School Board member in audience). Did you approve a raise for the superintendent this year?

Ms. King – we are contingent on the budget, we'd like to give a raise for everybody in the school division. Everyone, including the superintendent.

Supervisor Clinger – is his contract set up as such and could we get a copy of it?

Ms. King – we have not renewed his contract yet, we are in discussion of that. You are welcome to have a copy.

Supervisor Clinger – in the past, if a raise was put in the budget, we approve it, we were in effect approving his raise, even if your board doesn't act on it. I would like to see minutes concerning that.

Ms. King – I can assure you that this would not happen. I will absolutely give you copies of the minutes.

Dr. Harris – when I came here, I had a contract written that the only raise I will ever receive as a superintendent in this County, is a raise that is equally passed on to teachers. The increase in my line is the same increase that you see in every employee line across this budget. When I was appointed superintendent, I put my contract out for everyone to see. I'll make sure that every member of this board has a copy tomorrow.

Supervisor Clinger – we learned last time, if we approve a budget with the raise in there, that it is de facto approving the raise.

Ms. King – to clarify what Dr. Harris said, the raise that we are proposing is for every employee of Floyd County public schools.

Dr. Harris – I would consider it a travesty to take money in excess of what our teachers are receiving. I'm part of a really big team, a team that does lots of really hard work, the custodians, the cafeteria workers, the teachers, the coaches, the bus drivers, I believe we all contribute, right up to me, we contribute to the effectiveness of the school division and I don't want to be considered any different than any of those people. So my contract says specifically that my raises are only equal to the raises that are afforded to all the employees in our school division. Right now, we are actually giving money, on the bottom of the summary sheet, \$140,742 that was Governor's money to go to SOQ positions. English, math, social studies and science, things that are required through the Standards of Quality. We are not going to give certain people in our school division raises and not others. That will cost us another \$104,000 locally to give everyone the 2% raise. Just so everyone understands. I will get you a copy of my current contract and the addendum to that contract so you can look over that.

Supervisor Yoder – the State is paying \$140,000 for their share for the 2% raise, so \$104,000 is local?

Dr. Harris - \$104,000 is the amount required for the remaining employees to receive a 2% raise. That includes everyone, all employees of Floyd County schools would receive a 2% raise.

Supervisor Clinger – overall a 6% increase per employee.

Dr. Harris – 4% VRS. Remember with your employees last year, you gave them the entire 5% at one time. We weren't able to do that with budgetary constraints so we're trying to

bring our employees to the same level that you brought your County employees. The 2% raise is basically based on the Governor's mandate of a 2% raise for SOQ positions. I would like to extend that 2% to everyone who is part of the team that comes and works very hard every day to ensure that our kids get the education they need. Overall, it would be a 6% increase, 4% of that 6% is mandated, we really don't have a choice, just like you, you gave your employees all 5% last year, we were not able to do that. We would like to go ahead and get that out of the way, in exchange 4% for 4%.

Supervisor Yoder – is it 4% or additional?

Dr. Harris – straight 4%. At this point. We gave 1.2% last year, so it will be a total of 5.2%. For public consumption, if we do 6%, we're still right back to where we started a year ago. Because 4% is an offset, we lost 2% when the social security went back up, so we're giving 2% back. So really our teachers aren't going to take home any more money than they did a year ago. The teachers actually lost 2% of salary as everyone else did when the social security holiday expired. Even though 6% sounds like a lot of money, it still leaves our teachers exactly where they were a year ago, it doesn't put any more money in their pocket to go to the grocery store.

Supervisor Yoder – but you're still taking 2% from everybody else that lost 2% also to give back to the teachers. To me, it is hard to argue that point across the board. I'm sure there is a cost to the 4% in local costs.

Dr. Harris - \$109,000. It is going to go from 1% to 5% and will cost \$109,000. You raise salaries so your FICA and Medicare, your extras go up on that. To go from where we are now to a full 5% is going to cost us \$109,000.

Supervisor Yoder – I understand that we have to do it.

Dr. Harris – that wasn't a law that they gave us much input on. It is the same thing that you faced last year. I understand that you will have budget work sessions in the near future that I will be glad to attend if you need questions answered. In closing, I would like for you to think about the fact that we really haven't asked for anything that we haven't had at one time. I think that the things we are asking for are reasonable, I don't think anything that you see in this budget could be considered frivolous. I think the kids of today should be worth as much as the kids of five years ago. We should be able to invest as much in them today as we did five years ago. The State of Virginia changed the game on us. What has happened is they have shifted the burden of education to the local level. A county like us with limited resources, limited revenue, it is a challenge. I understand your situation and empathize with you.

Supervisor Clinger – as you've said, they keep shifting the responsibility and Floyd has been stepping up. We are required to contribute \$4 million, we are at \$6.6 million and you're asking for another million now. At some point, we need to hold the State accountable. We need you and the school board to help us lobby the General Assembly. We do have budget work sessions coming up and we will probably have more questions later.

The Chairman next called for the Public Hearing on the proposed 6-year secondary road plan. Mr. David Clarke with the Virginia Department of Transportation appeared before the Board. He gave a brief overview of transportation to-date and noted the huge decrease in funding for secondary roads. We do not know the effects of the Governor's Transportation Plan but are hoping for additional funds for secondary roads. He read the proposed 6-year plan and noted that priorities for the next year include projects on Routes 750, 635, 653, 615 (two projects).

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

Mr. Richard Telling – Route 761, Sugartree Road, Burks Fork District – the west fork of Mira Fork Creek runs parallel with Sugartree Road and at one point crosses underneath it through two 30" culverts. That usually handles the water under normal weather conditions, however, when we have adverse weather conditions, it doesn't. It backs up quite a bit, washes out the gravel and the State has to come back re-grade and re-gravel. It is more than an inconvenience because I think what is happening, the restriction of the two culverts constrains the amount of water that needs to go through there. The water goes over and floods out the road. Last January's episode, the water was backed up almost 200'. The road was flooded for almost 200'. Then it washes out all the gravel, makes it impassable while this is happening. You can't see how much of the road is left because of the culverts and it becomes dangerous. Once the water recedes, all the gravel is gone and you almost still can't make it through with a car, only a truck. To aggravate the situation, we have about 30 inhabitants on the road. There are small children, an elderly lady in her 80's who has had at least two rescue calls/year for the last several years, a diabetic patient, physically handicapped child. When the flooding takes place, it prohibits any emergency services. A fire truck or rescue squad could not get up there. I'm not an engineer but we thought another couple of culverts might help carry the water through, or larger culverts, something to handle the capacity of water in adverse weather. The maintenance is costing a fortune but it is also dangerous for folks with need of emergency services. We are requesting that you look at this to provide larger or additional culverts which we think would help the problem. I have 16 signatures on a petition for you, plus pictures from January's episode. It continually exposes the culverts and makes it almost impossible to pass in a car.

Mr. Benny Quesenberry, Route 760, Quesenberry Road – my two sisters and I own land on this road and they live on the road. There are about 50 homes on this road. My dad used to come to the road hearings years ago, he passed away several years ago. He always asked for the road to be paved and it is worse now than ever. Like Richard was talking about, we have the same situation. There are two culverts stopped up, the road floods. It has been patched but doesn't do any good. I travel the road every day to feed my cattle, you practically have to stop and crawl through some of the holes. It reminded me of the time I went on a mission trip to Peru in the Andes Mountains. The road was so rough there that you just had to crawl in the holes and crawl out. It took you a long time to travel those roads. I guess more or less what I'm asking for is some help to get this road graded and straightened out and graveled. I know how the budgets are but I'm just asking VDoT for some help. I appreciate it.

Mr. Michael Vest, Route 808, Diamond Knob Road – My concern is with 1.25 mile stretch of this road. The school bus turns around at School House Lane and goes back to

Shawsville Pike. The road is narrow, we're not asking for anyone to give up any property, just do the ditches and surface treat so it would be a little wider so we could pass and meet the bus safely. I was here last year and we had 54 people that wanted the road done and then Mr. Brown afterwards, came up here with six people that did not want the road done, it was turned down. I talked to Mr. Brown about it. He moved in about four years ago on this road. He said the reason he didn't want it surfaced was because he didn't want any more neighbors. I think the safety of the children on the school bus is more important than someone's personal feelings. Thank you.

Mr. Aaron Sutphin, Route 655, Sumpter Road – we were on the 6-year plan 40 years ago. We haven't had nothing done yet. If we holler for gravel, they bring half mud. What culverts that ain't washed out is stopped up. We'd like an asphalt road if there is any way possible. We'd like to be back on the 6-year plan before another 40 years.

Supervisor Gerald – I'd like to say something about this road. I can understand their frustration. Like he said, they were on the 6-year plan before I was on the board. I do not understand why it hasn't been fixed. This is one of the roads that I told you about that takes a 4-wheel drive to get out. The school bus goes down the road. I understand their frustration.

Ms. Margie Shortt, Route 683, Roger Road – This is a two mile dead end road. If you drive down this road, you won't see all the houses because lanes lead you to houses on hills or fields but everyone uses Roger Road to get back to Route 221. I'm here tonight to ask you to put this road back on the 6-year plan. We were on it once but were taken off when funds got low. In fact, I'm requesting that you improve the first mile as soon as possible. My survey tells me that we have 64 people living on and using this road. This does not include the clients and other visitors to homes and businesses who go in/out every day. Living on Roger Road are 3 school teachers, 2 teaching in the County and one driving to Snowsville. We have secretaries, bookkeepers, carpenters, custom work, retired Defense Department employee, a lady who works on farms and also cares for the elderly, acupuncturist, mediator for conflict resolution, forestry management consultant, farmers, students who ride the school bus, two businesses, one a sawmill at the end of the road where logs are sawn, kiln dried and transported to the owner's furniture shop on Route 221. The other business is an organic food store or greenhouse, one mile from Route 221 where several people work every day and trucks/vans go in/out every day, transporting food within the County and surrounding counties. This is a big business, bringing employment to the County. We are hard-working, tax-paying citizens. The UPS truck and Fed-Ex truck travel this road almost daily. The school bus travels this road for one mile and turns around at the food store, parents bring their children to meet the school bus at the food store. Just beyond my house, and before the food store, is a cliff. Everybody has to travel over this cliff. On the left of the cliff is a rock ledge, about 40' high, rocks fall into the road. On the right side of the cliff is a drop-off of 40-50'. At the bottom of the cliff is Little River. One day a lady driving a car was going out, a man driving a pickup was going in, they met at the cliff. His truck slipped over the cliff and landed upside down in a tree. He was able to climb out of the truck and climb back up to the road. Luckily he did not go far enough down to go into the river. But this is my big concern and is why I'm here tonight. Tractor trailers have now started delivering to the food store. I couldn't believe it when I looked out one morning and there was a tractor trailer going by. I was afraid for him as he was for himself. He was just creeping along and was probably wondering what he was doing there. If they meet on the cliff, who is going to back up?

Will it be the tractor trailer or the school bus that is full of kids? I'm asking to please widen and pave the first mile of Roger Road as soon as possible and put the other mile back on the 6-year plan.

Ms. Rhonda Sutphin, Indian Valley – I'd like to add to Mr. Sutphin's comments. Our road, one of the biggest problems we have, is that we don't get service on it. I've called Richmond several times, at one point, Larry, our local VDoT person, can recognize my voice because I've called him so much. A couple of years ago when the snow hit, when the grader came to grade the road, it went in the ditch because it was so bad. I work at Radford University so I do understand the budget issue and purchasing. Larry did tell me one time that the complaints about the gravel that it was more mud than gravel. Until you get decent product we don't have decent gravel. We really need some help. When it is wet like it is now, I can show you my car with the mud where the bus dredges it out. Two years ago I battled cancer and had chemo, every 2-3 days you have to wash your car because of the mud. We can't even get it graded and graveled. There are two cemeteries on the road; it is a very short road, less than 3 miles. Last month there was a funeral. Before they could bring the funeral procession to the cemetery they had to get VDoT to bring gravel. The cemetery is at the end of the road, it is only about 100 yards from the pavement to the cemetery. We would just like some help, just regular maintenance would be nice. We'll take any help we can get right now.

Supervisor Allen presented a petition from residents on Route 820, Silverleaf Lane.

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

The Chairman next called for the Public Hearing on the proposed CDBG grant application for the New Town Neighborhood Project.

Mr. Matt Hanretty, with the New River Valley Home Consortium, appeared before the Board to give a brief background on the program and the project. He commented:

The New River Valley Home Consortium is comprised of all four counties and the City of Radford in the New River Valley. We carry out home projects, which are housing projects. We rotate to each jurisdiction every five years; this is Floyd County's year for a project. The goal is to use our Home Consortium funds to leverage additional Federal and State funding to make projects that matter for the communities we serve.

The project for Floyd County is the New Town Neighborhood Comprehensive Community Development Project. We've been working on this for 6-9 months. The objectives are to find a problem, find a solution and have it paid for. We do in the context of the neighborhood projects with typical components such as housing, infrastructure, water, sewer, streets, sidewalks, things of that nature. We started with the New Town Neighborhood planning study with a defined project area. We also worked with our citizen and stakeholder groups which is really key. One of the things that CDBG and HUD, to whom the County will be submitting the application, like to see is neighborhood participation. They like to see that in a number of different ways – neighborhood meetings, public hearings and survey instruments. That is basically going door to door and asking them about the needs of their home and

community. If there are things that mesh with eligible funding sources that we can help fund, we'll put it in our final product. From the surveys, we get the neighborhood characteristics. Floyd County also procured the services of Anderson and Associates to develop a preliminary engineering report. Chris Fewster, the engineer for the project, is here as well to answer questions. To help work through the issues, to submit the application, we're able to do this by Floyd County receiving a \$30,000 planning grant from CDBG in 2012 to pay for the engineering and survey work. The end goal of the planning grant is to submit an application for \$1.4 million in funding. Presented a copy of a map of the planned project area. What we found were three main components – older housing stock, some deteriorated, some abandoned. Nineteen households in the area don't have connections to sanitary sewer lines, so they are on septic systems. Some systems are in good condition, some are in bad condition. They have been there 30-40 years and present potential hazards because of the smaller lots where they would have trouble finding a spot for another drainfield. We also found drainage issues, particularly along NewTown Road and also on Scale Road, where water was ponding, and also Grants Lane. It is not paved, it is an alley. We are proposing to widen the alley to a road that VDoT will maintain. VDoT is in support of that if we can get to their standard. This has been a desire of the residents for many years. It will be a challenge. He next presented the Needs Assessment map. This highlights the assessment procedure, which is two-fold. We do a windshield survey, to assess the general conditions of the neighborhood, to start identifying them, which is a requirement of the application process. We also work with the neighbors to help identify things that we can't see on the outside and then come up with this map. It is basically a snapshot assessment of the neighborhood to demonstrate the need to the funding agent, which is the Department of Housing and Community Development. The proposed improvement program includes rehabilitating 12 owner-occupied units in the neighborhood, rehab 2 tenant occupied units, substantially reconstruct 6 units. Substantially reconstruct means tear down and build new on the same footprint. The storm drainage improvements on Scales Road, NewTown Road and Grants Lane and also drainage on the side. Sidewalk improvements to New Town Road, particularly around the 300 and 400 blocks to better connect them. Serving 19 households with public sanitary sewer lines. We've been working with the PSA Board to secure funding for that. The great thing about this grant is that they can use this grant for leverage to buy down the cost of the project. As far as the budget, it is \$2,126,335 total. \$1.4 million would be CDBG funding, \$306,000 is the Floyd PSA funding coming from a Rural Development loan. It is feasible for them to serve this area because they already had it identified in their capital improvement program. \$275,000 of the CDBG funds will go into the sanitary sewer program to make it affordable for the PSA and the customers they will serve. The Homes funding will be \$187,268. We can actually use it as leverage for the homes of the citizens, which is usually a hard thing to find. With most funding, you cannot help the homeowners directly, usually it is through road or sewer access which helps everyone. We also have \$176,700 in VDoT Revenue Sharing Funds, which the CDBG funds can also match the 50% required share. CDBG funds are not State funds which means they are eligible for leverage funds. The County would provide \$29,060 which is all in-kind services such as staff time, equipment use (hauling out debris from the area) or waiving the building permit fees if we were approved for funding. Weatherization funds provide \$27,306 from Community Housing Partners for smaller housing repairs which are also used for leverage. A draft resolution was provided for your review. The application deadline is tomorrow so if approved by the Board, we'll submit all information tomorrow. The announcement is usually not made until July as to funding. If approved, it takes about 90 days to

complete all the required paperwork so hopefully work could begin in late Fall of this year. It is a three year process to get all the work completed and the project finalized.

Mr. Campbell read the call for the public hearing.

The Chairman called for comments from the audience.

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

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the Resolution entitled “Resolution Authorizing the Preparation and Filing of an Application for Community Development Block Grant Funds Through the Virginia Small Cities Community Development Block Grant Program” as presented and authorize the Chairman to execute same (Document File Number).

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

Agenda Item 7a – Stormwater management regulations. Mr. Campbell noted that following the Board’s decision at the last meeting to not submit the substantial program report letter and review of the proposed ordinance, I contacted the New River Valley Planning District Commission to communicate that action. They in turn communicated with the Department of Conservation and Recreation, the implementing State agency, that we felt there were some major problems and negative impacts to citizens and the County, with the mandate that had been put in place by the General Assembly. Very shortly, I received a call from a Regional Manager with DCR who I have met with several times already. He has a very good understanding of both sides of the issue. He indicated the consequences of not requesting the extension. The compliance needs to be in place by July 1 or they can issue violations of non-compliance, they will try to force us to come into compliance. DCR, after July 1, will be under the leadership of the Department of Environmental Quality. He encouraged us to consider continued participation with the PDC’s Regional Program, to work toward implementing the management requirements. The ultimate responsibility and enforcement continues to be with the County even if we participate in the regional program. I have stressed the single family home and agricultural issues, that they don’t fit in a rural area and the large fees will harm our citizens. If we have to implement this program, there will be very upset folks, it is overkill. He indicated that if the extension were to be granted to us, he stated that he had already spoken with the DCR Director to discuss the possibility of an Agreement in Lieu Of for certain types of structures. The types of agricultural buildings that we’re talking about here are already exempt from E&S. Single family residences are also exempt from E&S by the Agreement in Lieu Of. If other localities would join together and press this, he feels that the next General Assembly would consider the agreements. We are subject to enforcement issues and fines if we continue to not comply with the progress report. A staff member from VACo and one attorney in the Sands Anderson firm were both on the State-wide committee providing recommendations to the General Assembly. Options for the Board are: 1) seek exemption for possible legislative action; 2) don’t ask for the

exemption and possibly get singled out by the State and made an example of for fines/suits; submit letter as requested with a separate letter asking for exemption for single family and farm buildings.

Extensive discussion followed by the Board on the different options.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to authorize the County Administrator to submit the Substantial Program Report Letter to the Department of Conservation and Recreation for a twelve-month extension from the Stormwater Management Regulations; separate letter to include deep concerns about possible effects of the regulations on single family homes, small farms/agriculture and fees (Document File Number).

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

Agenda Item 7b – Discussion of discontinued/abandoned road policies. Mr. Campbell reported that an issue has arisen again in the Little River District concerning a discontinued road. In 2010, the Board adopted a policy regarding maintenance on public roads, almost verbatim from the State Code. We have a large number of discontinued roads in the County. VDoT does not want to take responsibility for them, they pass the responsibility to the County because they are still public right-of-ways. The Board looked at putting into place an administrative policy, not an approval or veto type of process to allow for proper communication when a property owner adjacent to a discontinued road wanted to do some basic maintenance. Part of that process was to make sure that the property owner desiring to do maintenance was to communicate with the other property owners. They were to identify the type of activities, the dates that it would be done, assure that nobody is blocked from ingress/egress to get to their properties. Intended to be a communication policy, an administrative policy. It has come up a few times. We've been through the policy, work has been done on a couple of other properties, and it has worked. There is one particular location, old Route 608, and another adjacent route, Route 674, in the vicinity of Coles Knob Road. One property owner has asked to do some maintenance and went through the process. Other property owners have said absolutely not, they want no disturbance of the road and have disputed whether or not it was a public road. The other document I gave you is the last in the legal proceedings related to this situation on Route 608. If you look at the Judge's order at the very end, he states that it is continued. His first finding states unequivocally that it is a public road that has never been abandoned but not publicly maintained and is subject to the Code section and the policy that the Board put in place to administratively facilitate communication. The Judge also, in bullet #2 in his findings, indicates that the property was not and is not operating as a primary source of ingress/egress for the property and therefore the defendant has no right to maintain, repair or improve the said road unless/until they receive authorization from the Floyd County Board of Supervisors pursuant to the Board's requirements in the policy. But our policy is not an approval/veto, it is an administrative policy. I know your legal counsel, when this was put in place, highly recommended that you never go in the direction of approving anything along these discontinued roads. To do that, we would assume a potential liability if they were haphazardly repaired or up to modern standards, and someone was injured

or wrecked a vehicle. Because the County took action to approve that maintenance, we would be liable if we were approving. It is still a public road and if somebody else goes in there and uses it, our County Attorney was concerned if we were giving approval, we would be liable. I have received numerous written/oral comments since this started. The adjacent property owners feel very strongly that it should not be disturbed. The property owner with the large tract very much wants to do some basic work to open it up. The Judge has basically, he did state that at the end of bullet #2, go back to the Board of Supervisors and their policy or if that doesn't work out, upon further order of this court. You can't, because of potential liability, approve anything. You wanted to facilitate a process of communication. It may have to go back to the Judge. I have set up a meeting with the Judge to understand his order and do our best to adhere to his order. The Chairman and Vice Chairman volunteered to attend the meeting with the County Administrator.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to adjourn to Tuesday, April 2, 2013 at 7:00 p.m. for a budget work session.

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