

**BOARD OF SUPERVISORS
REGULAR MEETING
MAY 10, 2011**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, May 10, 2011 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman (entered the meeting at 11:15 a.m.); J. Fred Gerald, Vice Chairman; Virgel H. Allen, Case C. Clinger, William R. Gardner, Jr., Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

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

The Opening Prayer was led by Vice Chairman Gerald.

Supervisor Gardner led in the Pledge of Allegiance.

The minutes of April 12, April 20 and April 27, 2011 were presented to the Board for review and approval.

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

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

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to approve the minutes of April 20, 2011 as presented.

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

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to approve the minutes of April 27, 2011 as presented.

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

Supervisor Ingram - absent

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

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

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

Sheriff Shannon Zeman appeared before the Board. He reported: Call volume – March and April, 1250 per month, probably a record. Two pretty heavy months. We have been very short-handed, we have two out on extended sick leave, one with multiple back surgeries and one with broken elbow, one with a new baby, with the five day murder trial and five employees sequestered, it has been very tight. But everything is going well. I do want to mention something to you about the meth labs. Bring you up to speed. Up until about three months ago, the Federal government had money for cleanup. Anytime that we got into a meth lab we made sure the DEA was paying for the cleanups. If you read the papers, there have been a lot of articles in there about it. That funding is gone; it was about \$19 million. Since then, primarily the Drug Task Force is working all the cases in the County. If the Drug Task Force initiates the case, they are able to pay for it. But there have been and will be other times that we initiate the case. In the last few months, I'm sure you've seen the meth labs that we've been able to get and we've only paid for one cleanup. I don't have the cost yet, do not have the bill yet, but I would estimate about \$2000 for a small operation. If we go out on a domestic call for example, and find a meth lab while we're there, we have to pay for it. So far, we've only paid for one, but I don't know how we're going to pay for that, that is something we'll have to discuss. I just wanted to let you know that there will be times that we have to pay for them. Understand that when we go out and as soon as we see that there is a meth lab, we back out, contain the area. State Police has a team that comes in, suits up, and go in and collect the evidence. You'll always see that blue tarp because they bring each thing out, we inventory it for the search warrant, then we remove a certain portion that we can send to the lab to prove what it is. Where the expense comes in is from the private sector when they show up with the steel drums and they suit up and they take these materials to put in special landfills. That's where it is costly. I will tell you that some areas are experimenting with getting their fire departments haz-mat certified and going to the step to collect this and transport it to that private sector and they take it to the landfill. That is saving some money but what's required there, I'm not sure. I know it has to be packaged and transported a certain way, trucks placarded, steel drums, etc. When I find a meth lab and take people out of that environment, we have to remove their clothing and put them in a tyvek suit that is sufficient for our jail to receive them. I did have a situation last week where we had a meth lab and some of the people needed to be transported to the hospital. When EMS arrived, they wanted to know if they had been decontaminated. I informed them of my protocol, to

remove their clothing, that all goes into the blue tarp also to be sent away. Well, apparently that is not satisfactory for the hospital. The hospital came back and said that the people had to be washed. The Fire Department responded, set up a decontamination area. The next problem was the decontaminated products that had absorbed all the water had to be packaged and sent away too. Each barrel costs more money. In this case, I don't know what the cost will be but this was a State Police and Drug Task Force case so they'll pay for it. You can see the kinds of things that we're getting into to have to deal with. Most of these cases, when you go out, they are 10-14 hours long by the time you get a search warrant, you go there and execute it, secure the scene, the clandestine lab team has to respond from wherever, once they get the product then you have to wait on the cleanup crew, and it is lengthy. That is where we're at. They are popping up everywhere. We've had extraordinary good help from the Task Force lately.

Grants – a couple that we're working on, a small Edward Burns Block Grant trying to upgrade computer equipment for the department. We did find out that for the COPS grant that we're only qualified to apply for one, but we're working on that.

Working on a project to upgrade our weapons, about \$12,000 project. I will be coming to Dan at some point in the near future to get a purchase order. This will be paid for out of Drug Assets funds. The guns are getting some age on them. It would cost about as much to get new night sights on them as it would to upgrade the weapons. New things that are available will be very beneficial to our officers.

Kids Fishing Day will be held this weekend.

Agenda Item 8a – Subdivision plats as approved by Agent for April 2011. Mrs. Lydeana Martin presented the monthly report for the Board's information and commented that things are not too busy in this area. Other items to report: will have two British media visiting this week. A lot of economic development projects going on: retail workshop on June 29, 2011 in collaboration with Radford University Business Center, free workshop on ideas to create sales; New River Community College and Workforce Investment Agency – career information session in Floyd to look at home based business or work opportunities to work on computers from home. Tourism – report for 2010 to give you an idea of the types of things that I do – tourism plan which was a major endeavor; data base of tourism assets; destination marketing organization for Virginia Tourism; visit to Heartwood; serve as liaison with media representatives, two major tours last year; developed Blue Ridge Parkway magazine ad; developed ad for Virginia Travel Guide and provided other information; assisted tourism businesses in the County; GPS on-line workshop to help businesses get their information on-line; social media workshop; assistance with Floyd Artisan Trail; assistance with Blue Ridge Parkway 75th anniversary; arts video for Floyd County; Crooked Road Board representation; provided information for New River Valley tourism web site; symposium with Blue Ridge Parkway.

In reference to the Transient Occupancy Tax, Ms. Martin reported that revenue generated from the first two years in the program, calendar year 2009 \$26,000 was collected and 2010 \$34,000 was collected. As you know, per the Code of Virginia, three out of those five cents is to be spent promoting or developing tourism assets. The minimum expenditures were around \$15,000 for 2009 and \$21,000 for 2010. A generalization of the expenses were: support for Chamber of Commerce, Crooked Road, Jacksonville Center, Round the Mountain, Merchants Association and events, Blue Ridge Heritage and tourism ads/promotions. A deduct for the grant from the Virginia Commission for the Arts for \$5000 for the last couple of years. You can also see an estimate of staff time devoted to tourism.

The Vice Chairman called for the Public Comment Period.

Mr. Rob Bonsignore, Little River District – I wanted to talk you about what was written in the paper about school teachers being parasites. Joe Montague used the word parasites for school teachers or schools. In an editorial we were asked about the Tea Party. I am a member of the Tea Party but this is my own view, not everybody in the Tea Party has the same views, that's why we're a grassroots movement. I want to say that we were asked in the editorial to disavow what Joe Montague said about school teachers, police, social workers, which I didn't hear him say all that. There is no way that I could disavow that. Our concerns are for the kids and the way kids are being taught today. It shows all over the world in the way that we're rated. Something is wrong. I would say one of the big things that is wrong is our unions, the NEA and the hold that they have on the teachers, the tenure, and the way they award teachers. They are not awarded like you would be awarded if you were working in a private company. This structure causes tremendous problems in teaching kids. You have bad teachers that are allowed to stay in there forever. You have teachers that are awarded for what? We don't even know what, there is no accountability, there's no understanding from the public. It is time, as far as I think most Tea Party would feel or people that are concerned about this, that we need accountability in all areas not just in the monetary because it is affecting our kids totally. That's what we're concerned about. That's what Joe was concerned about. Joe was concerned about what is happening with our kids. I think that is a valid concern. What was written in the papers, to me, is not right. Of course that is open for debate. Another subject is bringing up in the papers that long time activists, J. C. Holden and Joe Montague, are long time activists. That is a very negative term. It is not used as a positive term. We have a lot of attributes. I once was on the other side as an activist, years ago. I know what activism means and we have plenty of them in this County, they never talk like that. Thank you.

Ms. Lavern Beaver, Little River District – The reason I am here to not only speak on my behalf but I'm here to speak on the behalf of other children in this County, other citizens in this County. This Board here is a governing body of the County and you are responsible for overseeing our School Board. I don't have to remind you over the last several weeks here, there has been some things transpire within our school system, especially with our School Superintendent's salary and what some people call the hidden treasures. To some of us, that was no surprise, especially to a 5th grade child who at one point in time was a student at Floyd Elementary School. Who, in a I Have A Dream speech, which somehow fell off the wall, despite the principal there seeing it. The speech is dated January 18, 2011. In this very speech, this speech stated that the School Superintendent's salary at that time, she had stated \$188,000, but that was because she had one figure off. But she knew very well that that salary was up above the \$118,000 that was stated in the budget. This was a 10 year old child. So in the last few weeks, I stepped back and watched, as parents and teachers came forward, people are very upset over this, because we have entrusted the School Superintendent and the School Board with doing the right thing. With what we thought was the right thing and what they were elected to do. But we see that this has not happened. There have been back door discussions and we have been lied to. When I say lied to, I'm speaking in regards to a personal incident when I went to file a complaint back in the fall. At which point and time I was told by the School Superintendent that a Board member knew of this particular incident. An incident which is documented in a child's

medical records. There is supporting evidence, we have a Sheriff present here and he can verify what it takes in court when we talk about preponderance of evidence, to prove a crime. The school system, there are crimes involved. But not just your everyday crimes, I stole somebody's pencil, we're talking about when you start looking into these crimes, has anyone stopped and really looked at what the criteria is, that they should be listed as hate crimes. Right here in your very own school system. I realize that to some of you sitting here, you're thinking that how do you get a classification for hate crimes? Look on a police report, look on an incident report, there is certain criteria there. We have Federal laws, we have State laws. When these Federal laws are violated, when there are threats on students, please note that I said students, plural, we're talking more than one. When parents in the County come forward to a school superintendent to file a complaint, we are told to "move on". We're told that board members know. We call back as a follow-up and we're told that we never heard that. This means that we're lied to. These are injustices. These are nothing more than cover-ups or attempted cover-ups for violations of Federal laws, hate crimes. Crimes which are documented in children's, and I did say children's, medical records. This is only the tip of the iceberg. But these are the most important ones. Within this envelope it contains exactly what a particular threat was from an employee within a school system. For a parent to be sitting in court and demand that a Judge contact the School Superintendent immediately to let him know that that school system is in violation, for a parent to sit by and watch an employee moved out of this County and be told that there is nothing that you can do. When there are statutes of limitations under State and Federal law. This is the exact same conversation that I had with your School Superintendent regarding statute of limitations and which he tried to tell me that my statute of limitations was up. No, it is not, statute of limitations is not up. Other children, documentation in Social Services records. Other children, documentation in records of counsel. To sum up, I attended the Board meeting last night for the School Board, at which time I presented the School Board, as a body, and I presented to Dr. Arbogast, a request in writing, since we as parents of this County, have went forward and been told to move on, since as a child in this County that went forward and filed a complaint, these complaints were not responded to based on the policy and the procedure of the School Board itself, of the school system, which is under File JB-Equal Educational Opportunities/Non-Discrimination. For the record please, I would like to leave a copy of the request, the letter that I left with the School Board here, with the members and I'm also, if I may, would like to leave a copy of a child's I Have A Dream speech, in regards to our school system and the children that attend the school system. I am further requesting that this Board do what it is governed to do, which is oversee the School Board and the rules and the regulations and request a Federal investigation into our school system. Thank you.

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

Mr. Shep Nance, representing the Floyd Lodging Association, next appeared before the Board, along with Judy Bryant, Jesse Lawrence and Derek Wall. He commented: One of the things that we are requesting that you all do not rescind the Transient Occupancy (lodging) tax. What we would like to see is that the Board of Supervisors continues to collect the tax and retain 40%, or the 2 cents of the 5 cents that Lydeana was talking about. The remaining portion of that, and this is just a proposal at this time, be given to an advisory board. We're being conservative when we talk about these monies here, about \$20,000 from the County, \$30,000 from the Town,

and possibly another \$20,000 from private funding. What we were going to do with this money, to try and work through, is hire a Tourism Director or Economic Development person, different from Lydeana. What we plan to do for the next meeting is come up with a detailed plan and budget that we would like to present to you and the Town. I understand your hesitance in doing something like this but we're only asking for a two year trial. If we can't succeed in two years, we would come back to you. If you have questions please contact Judy, Derek or myself. Thank you.

Mr. Wall – I did speak with the Town Council last week on this very same issue. They are totally on board with the idea because they had already been considering hiring a position of this type but they would like to see us take initiative to hire this person ourselves. We hope to have a formal proposal for you next month.

Agenda Item 8c – Appointment to Ninth District Development Financing Board of Directors. Mr. Campbell reported that Mr. Leon Moore has served in this capacity for several years and he has indicated that he would like to continue to serve and is eligible to do so. This Board primarily makes small business loans to tourism type businesses.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to reappoint Mr. Leon Moore to the Ninth District Development Financing Board of Directors.

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

Agenda Item 8d – Closed Floyd County landfill. Mr. Campbell commented that at the last meeting a request was made from the local forester for possible planting of trees at the closed landfill. I did have our engineer that oversees our landfill to check into the matter and they did respond that it would take a permit amendment approval by DEQ for anything other than what was approved. They also noted some of the reasons why this would not work on the site. The main issues would be the possible infiltration of tree roots into the membrane and the need to keep fertilizer, etc. on the site. The biggest problem is the volatility of the vented methane gas.

Supervisor Clinger questioned if the site could be used for additional ball fields – he had been asked by members of the Recreation Authority.

Mr. Campbell commented that he thought the same issues would be present with the vented methane but he would research the matter. A different methane piping system would have to be installed.

Agenda Item 8e – Appointment to Crooked Road Board of Directors. Mr. Campbell presented a request for formalization of an appointment to the Board. Ms. Martin and Ms. Myra Grim have both been serving in this capacity. Ms. Martin has indicated that she can now serve.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and carried, it was resolved to appoint Ms. Lydeana Martin to the Crooked Road Board of Directors.

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

Agenda Item 8f – Resolution for Older Americans Month. Mr. Campbell presented a copy of the proposed resolution as requested by the New River Valley Agency on Aging.

On a motion of Supervisor Clinger, seconded by Supervisor Gardner, and carried, it was resolved to adopt the resolution as presented in recognition of Older Americans Month (Document File Number).

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

Agenda Item 8g – Emergency Services Coordinator position/E911 Technician position. Mr. Campbell requested authorization to advertise for a part-time Emergency Services Coordinator. Feel there is a need for a part-time position; he feels he simply does not have the expertise to handle all the different areas. Current staff has indicated that they can absorb the duties of the E911 Technician. Would like to advertise and interview to have the person begin July 1, 2011. Consensus of the Board was to advertise the part-time Emergency Services Coordinator position.

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

- Case loads have stabilized, down two people in the Food Stamp program from last month, from 2125 to 2123, paid out a little over \$261,000 for April;
- 2600 total cases for the agency currently, basically Medicaid and Food Stamps;
- Child protective services and foster care cases continue to rise, especially with all the meth cases, 3 busts that were done in the last month had children involved;
- Foster care cases are on the rise, we had 23 foster children last month up from seven last year at this time, continues to be an issue that we're dealing with;
- One thing that we're exploring with our Board is a volunteer program to help manage some of the work that we just don't have the staff to do but we still have the problem of no space for them to work;
- Fraud case load has doubled – Supervisor Clinger had questioned if we had more or less fraud – we don't know if we're seeing more fraud or just more cases but we will monitor it;
- CPMT – the issue of new regulations to hold localities accountable for non-compliant reporting to the Office of Comprehensive Services will start July 1. The State wants to hold localities accountable to standards that don't exist and want to have a three year

look-back period. There are no State regulations so we will be offering proposed regulations. You may, as a Board, want to comment on the proposal because I don't see how they can hold you financially responsible for something that is not regulated. The Director of the Office of Comprehensive Services is also retiring so we'll have a new Director to deal with.

Ms. Amazetta Anderson, Rehab Specialist with Southeast Rural Community Assistance Project, next appeared before the Board. She reported that her agency has been assigned as the sub-recipient to serve Floyd County through Department of Housing and Community Development funding for the indoor plumbing rehabilitation program. What we do, and what I want everyone to get back on-line with, because I feel somehow along the way we were disjointed from one another. Our program is in shepherdship of DHCD funding that allows us to operate the IPR program that I work with. The IPR program is indoor plumbing rehabilitation. What we are allowed to do in that program is assist with facilitation of safe drinking water and wastewater facilities. When a person gets to our facet of the program, they have to have a need for well and/or septic and we are invested in some funding that will allow us to make repairs to the systems. We work very closely with the area health departments and departments of social services and other outlying partners within the communities so that we can network with one another. We have to work with low income families and we're blessed to be able to have a loan fund that has funding that will fill in some of the gaps for people in your County that would not quite meet the criteria. We also have a Department of Technical Assistance in our area. In your packets I have given you an explanation of what the IPR program is about, what the qualifications are, and also that we do work with contractors of Class A and B. We want to utilize the local economy and local contractors; we want to be able to buy as close to the area as we can, even in the area of home maintenance. Whatever the needs are, we want to buy what we can in the locale and strengthen that particular local economy. We felt a little disjointed from Floyd County so we thank you for the opportunity to present ourselves to you.

Mr. Campbell – have you been able to obligate any funds to Floyd County as a sub-recipient in the last couple of years?

Ms. Anderson – I myself have only been able to work with one very, very difficult project. The persons were not qualified; they were far outside of the financial range. We were able to help with an alternative system. The mother of the household had passed away; the father had two children, so we were able to help him with an alternative system. The follow-up showed that the system is doing very well.

Mr. Campbell – what year was that?

Ms. Anderson – 2009. If you have low-income citizens that need help with safe drinking water, wastewater, or items such as a failed system, we work very closely with DHCD so they are advocates for us as well as we are for you all to know what arises. The DHCD has assigned us to be the sub-recipient so we are able to facilitate and network to help these low income families with their safe drinking water and wastewater facilities.

Mr. Campbell – you indicated that your outreach is through DHCD for us, is that how you handle that in other localities?

Ms. Anderson – yes sir. We work with any person who we feel may be able to network with us and keep us informed about what people really need.

Mr. Campbell – we have received just recently a transmittal from DHCD regarding the designation of sub-recipients for next year. We are to get back with them as to if we want to continue as we have done in the past or go with another contractor. So your presentation has been very timely.

Mr. Daniel Lawson, Loan Program Coordinator next appeared before the Board. On top of the grant funding that Amazetta works with, we have loan funds available for people that don't qualify for the grant funding or for costs above what is allotted. We have some programs to assist with wells. The well loan program is a 1% program for households to have the well repaired or a new well drilled. That program is up to \$11,000 per household. They must meet the HUD income guidelines for the area. That program has been very helpful to a lot of people. Additionally, we were approved for a septic program. We found that septic systems will be coming under new regulations July 1 and a lot of people can't afford to comply with the regulations. The Board approved us to offer septic loans for individuals. I don't have the details yet, it was just approved two weeks ago. We also have home improvement loans. On top of the individual programs we also have loans for municipalities and other non-profit agencies for projects up to \$150,000. The interest rate is the Treasury bill rate plus 1%. I think it is running about 4.5-5% now. We can do projects for economic development, re-development, water and wastewater facilities and an array of other projects as long as it is serving a large area. Hopefully we'll be able to get the word out to assist some of your citizens and you.

Mr. Todd Christensen, Director of the Southwest Heritage Cultural Commission next appeared before the Board. He presented a video outlining the types of things the Commission does and the new Heartwood facility that will showcase local culture and heritage. He commented that the Commission serves 19 Counties and 4 Cities. They coordinate heritage, cultural events, craft trails, etc. A \$1 million marketing program is about to be undertaken. A proposal to brand the region is being considered to consolidate all the localities under the one brand. There are many parts to this program such as the Crooked Road, Round the Mountain, and the artisan trail. There are more than 500 members of Round the Mountain. We are also participating in two initiatives for the New River and Clinch River to develop recreational opportunities. We try to showcase the quality of life in all our communities, not the industrial parks, as an economic development tool. There were 76 jobs created as a result of your Downtown Floyd project.

Ms. Diana Blackburn, Director of Round the Mountain, next appeared before the Board. She commented that the program began in 2005 to focus on crafts and culture of the area. There are over 510 members in the program, with 70 members from Floyd County. We are working on a grant application to ARC to hire an artisan director to develop business skills of the artisan community.

Mr. Christensen next presented a video outlining the web site for Heartwood and all the facets of the site such as the trip planner, maps, etc.

Mr. Kevin Byrd, Director of the New River Valley Planning District Commission, next appeared before the Board to give a presentation on the New River Valley Sustainable Communities Consortium Partnership Agreement.

Supervisor Clinger called for a point of order on this subject according to Roberts Rules of Order any item being brought up for reconsideration must be done at the same meeting.

Vice Chairman Gerald suggested that Mr. Byrd provide his presentation and then the reconsideration issues be figured out.

Supervisor Clinger stated that when a point of order has been called, no other actions can be taken by the Board until it is resolved.

Mr. Byrd will return for his presentation once the matter is cleared up by the County Attorney.

Agenda Item 8h – Application to display fireworks (July 2, 2011). Mr. Campbell reported that we are in the process of looking at some new State regulations. I've been in contact with DHCD at the State level and working with Kevin Sowers, who is proposing to be the responsible party for the fireworks. He is certified by ATF to do these types of events. However, it appears with the State changes that go into effect July 1 that he may not meet the new State Code requirements. The new Code requires six shots within the prior 24 month period in order to meet the State certification. There are a lot of questions regarding this. I bring this to you because the potential is having no one certified by the July 4th celebration. Our application form requires approval by me, the State Forester and the County Attorney. One of the other concerns that we've had is that Kevin and the Merchants Association need time to order the materials. Kevin is seeking some type of exemption or approval from the State Fire Marshall for the July deadline, especially since the State exam has not even been put together yet. We will need something in writing that he meets the State requirements so our fireworks display can continue.

Agenda Item 8i – Report on Courthouse air quality study. Mr. Campbell presented a copy of the report to the Board on the air quality analysis recently completed at the Courthouse; primary concern was fungi and mold. Reading it, it appears that any detects in terms of mold were rare and it is also stated that the inside count of mold is actually less than the outside count. I think that is a very important factor here. The materials around the outside of the Courthouse and the office space do not contain carbon, so because of that, they are not susceptible to mold growth according to the engineer that did the work. He did recommend a couple of things such as replacement of drop-in ceiling tiles that may have some stain on them. He also indicated that the caulking around the window frames needs to be replaced so we need to get that done fairly quickly. The granite around the entranceway also needs to be addressed but we will need a lift to take care of that. We're looking at whether our maintenance person can handle that by himself. He also suggested taking care of the blistering that is happening in some of the interior walls.

Most of the issues that we've had and the visible items are from some water infiltration but it has not caused mold issues. I have shared the report with District Court Clerk Bell. Samples were taken outside and in several offices inside. Through this process I learned that mold needs carbon to develop and flourish. It rarely develops on plaster walls, usually on wood surfaces. It was the consensus of the Board for the County Administrator to explore options with contractors for repairs.

Chairman Ingram entered the meeting at 11:15 a.m.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and unanimously carried, it was resolved to amend the agenda to include discussion on naming of a private road.

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

Mr. Campbell presented requests from landowners along an unnamed private road off of Buffalo Mountain Road. With the addition of a new home on the road, under the County's ordinance, the road needs to be named. Three of the five property owners have concurred with the road being named Buffalo Vista Lane, two owners concurred with the name of Copperhead Lane.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to name the private road off of Buffalo Mountain Road, Buffalo Vista Lane, as requested by three of five property owners on said road.

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

The Vice Chairman turned the chair over to the Chairman.

The Board recessed for lunch.

At 1:30 p.m., Dr. Terry Arbogast, School Superintendent, appeared before the Board. He reported/presented:

- Copy of School Board meeting highlights from the May 9, 2011 meeting. We've applied for two grants. One grant is in the amount of \$199,000 to the 21st Century Learning Grant program. It has to do with an extended school day to provide math tutoring, homework help, morning and afternoon day care. Hopefully we'll see what kind of results we can get with that type of grant. It is a three year funding source. Willis Elementary also applied for a similar grant from the same organization, in the amount of \$195,000. This is Federal/State grant money that you designate what it is for. Willis Elementary School will be doing a partnership with Radford University focusing on

- Membership report for April 2011 indicates 2030 students, which is up 14 students from last month
- Presented draft budget as adopted today by the School Board. On the last page, we do have the categories of the budget which is the way we've always designed our budget because the State requires us to do this. The revenue that is projected from all sources is indicated on the last page. As you look at that, I'll share with you, based on the enrollment as of yesterday, what we project for next year which is 2043 students. The budget is based on 2042 students. We feel good about our projections for the new year. This also shows the student/teacher ratios that we project for the new year.
- The School Board Chairman wanted me to provide this report to you recognizing that there are numerous people whose salaries are charged to different category lines in the budget. Sometimes it is difficult to know where people's salaries are charged because of all the different budget lines. It is not uncommon for individuals to get charged in multiple salary lines. This is an overview so you can take a look at the individuals that have different percentages of their salary charged in different object codes. The Chairman wanted me to relay this information to you.

Supervisor Clinger – looks like the majority of the shortfall will be taken up in Instruction?

Dr. Arbogast – we looked at in trying as hard as we could where we had positions vacant, for those to be taken first. We looked at positions that were vacant, if we could sacrifice and not do without them, that the reductions would come there first before programs. We'll lose one art position at the elementary level. We found several years ago that we needed two positions but that is one sacrifice that we'll have to make. We tried to protect jobs as much as possible. Of course, most of the reductions will be taken from Instruction because that's our largest category in the budget.

Supervisor Clinger – how many actual people will be lost besides attrition?

Dr. Arbogast – based on the number of people we have employed this year, and the Board included the stimulus positions to get the number of 21. We'll be 21 fewer individuals employed by the school system next year than this year. 5.5 positions were paid by stimulus

funds that we didn't anticipate re-hiring anyway, six individuals will be a reduction in force, the rest are vacancies leaving the system or retiring.

Supervisor Gardner – are you able to maintain the Teacher/Student ratio for K-3?

Dr. Arbogast – we're almost identical for K-3. 18, 17.2, 18.9, 18.9 right now. It will be 18.4, 18.3, 19.2, 19, so it is almost identical. The school division's K-7 ratio will go from 18.8 to 20.6 so it is only a little shy of 2 students. K-7 has 61 teachers, it is still keeping it at what we think is manageable for us. We have 7 elementary vacancies; we did a reduction of 2 of those positions. We felt we needed to leave it like this or we'll be talking some serious teacher/student ratios. That's why we want to fill 5 of the 7. You have to keep in mind a couple of things which is hard if you don't see all the positions. We had 67 teachers this year which included 4 stimulus positions. They are not in there so it goes down to 63 that we anticipated funding. You'll see that next year's projection is 61 which shows you the loss of 2 that I just said we reduced. In the budget you'll see in the elementary compensation line that there are 67.8 positions. We have to put the elementary art, P.E. and music teachers some place. They don't show on this teacher ratio because they aren't part of the regular classroom instruction. So you'll see that the numbers don't look the same but they won't be the same because of the additional positions that we have from 61 to 67 because of the resource teachers we have in elementary music, art and P.E. There's no way to show you that, I just have to tell you that those positions are in there. There were 8 of those in there, that's why we had 71, 63 regular that we expected to hire, add 8 that makes 71. We cut 1 art teacher that I mentioned to you and 2 elementary teachers. It might show 67.6 or 67.7. When you see a fraction like that on the budget, it says 68.4, what that means is that somebody is charged more than one place in the budget, you don't have a .4 person. That's why I showed you that sheet, some people are charged in different places in the budget because of funding sources and responsibilities. So it is not always easy to see automatically how many people are there because they are charged in different sites and we do have the elementary art, music and P.E. teachers added in that line so that's why the number is higher than the 61. They have to be in the budget somewhere and they are not separate because they considered elementary instruction. For our State report, that's how they get reported.

Supervisor Clinger – on your budget report, several lines show .4 or .6 teachers.

Dr. Arbogast – let me explain that to you. You can take that piece of paper, and let me tell you what that was. That piece of paper should never have been in the budget packet because what that was, when I sit down with my staff, remember we have 63 this year. That shows 59 and it says rejected. My staff, when we sit down, we look at some of the ways we could cut as funding is reduced. We thought we could cut 4 elementary teachers, which was just our sheet for us to plan for next year in the event of where the reductions could be. That was not in the budget initially, the budget was 63 and you should have had a sheet that said budgeted, not rejected that showed the 63. The 59 was what we thought we could maybe reduce, 4 elementary teachers, but once we did the enrollment yesterday and looked at the numbers, we only believe, and the staff and I met all day, that 2 is the most we could reduce, not the 4 we thought we could reduce, just because of the way the class sizes break down. To answer your question, we do have 2 more than we thought we could possibly have, we do have 63. We looked at 59 but that was all preliminary budget work, so we only will reduce 2.

Supervisor Clinger – I noticed the student/teacher ratios were lower in some cases.

Dr. Arbogast – that’s why we had to do what we did, we had classes that were way too high. We feel real good about it, in terms of the ratio. They are up approximately 2 students but K-7 is manageable. 4-7 is higher so you’ll have 27-28 children and give one school 2 teachers. You have to give it to everybody, so we looked at consistency as best we could. One school has 30 in there and we put another teacher there because 30 is just too many to have in any grade level. That’s why you see 2 at one school. Originally Case, I thought we would only need one in that grade level but after we looked at the final numbers yesterday, we had to change. When 14 children came in this month alone, it is hard to project. So we take the number at the most current opportunity and that’s what we use. At the end of that, the 2043, is very close to what we projected in the budget of 2042. That’s good to see that.

Supervisor Clinger – you mentioned Title I, Stimulus Funds, those positions were lost since the funds are gone?

Dr. Arbogast – that’s correct, there were 4 of them, 1 has already resigned. It was a bonus this year to have those extra 4 people, it went from 63 to 67, and it was a bonus for us to be able to do that. They will be given first consideration for the vacancies we have to get reemployed, we still have 5 vacancies. We’ll do everything we can to bring back the people that were stimulus positions and they knew from the beginning they were only temporary. We made that very clear, that they understood that. As soon as you all can decide on the appropriation it would help us, I can’t do anything until you do that. I can’t interview, can’t do contracts, can’t do salary notifications, can’t do anything with anybody until you folks decide what that is going to be. We would love, obviously, to start interviewing people as soon as we can. We have vacancies and it is critical. Even some of the folks with stimulus funds could have other jobs already. I want you to understand that there were 5 TA’s in there that were reduced to make the budget work. I told you a total of 6 TA’s but we were able to keep one, which was a tough thing to do. We will be able to give them first consideration when anybody else leaves. Hopefully we’ll be able to bring them back.

Supervisor Clinger – before I came on the Board, you used \$300,000 in stimulus funds. One thing that was done was to hire an Assistant Principal at Floyd Elementary, is that position still there?

Dr. Arbogast – it was not funded with stimulus funds, it was Title II money. That is Federal Title II money that has to be spent for specific purposes. If you want the position and can get local money, grant money or Federal money. If we don’t have money, we don’t replace them.

Supervisor Allen – could you explain to me how the retirement system works? I think the folks work so many days for 20% of their salary?

Dr. Arbogast – used to be. When I came here, it was in a shambles. I was told by the School Board to stop the program, they were totally unhappy. I was told that we had a

retirement service program that the Board had never even approved. People were working under a program that the Board supposedly never approved. They were unhappy with this program and told me to take it off the books and come up with a new program. It is not an early retirement, per se, it is anybody that retires is eligible for the program. It is not a motivation to get you to retire early, it is when you retire, that is something that you're eligible to participate in if you want to. The plan was if you worked for 40 days, you'd get 20% of your salary, which was the initial program that we developed. We kept that for a while. Last year, because again, with difficulty of revenue, we reduced that to 15% for 30 days. So, you'll see, throughout that budget, some descriptors that say 1 retiree, 2 retirees, we have to put that money for all those individuals someplace in the budget so we compensate them for it. They are spread throughout the budget because are classified employees, some are professional staff, some are administrative staff, so they could be in multiple line items in the budget, not all one large group. Because they get charged according to their classification and responsibilities. So that's the program now, 15% for 30 days reduced from 20% for 40 days. That was a savings last year which we tried to generate because of revenue, again.

Supervisor Allen – are there any exceptions to that?

Dr. Arbogast – you mean if you work more days than that? What would happen if you work more days, you'd either go on the substitute rate of pay or if you worked so many days, there is another rate of pay that you're eligible to get. Now some people on that plan actually work half time for us so they're actually employed as a .5 teacher. We use that money to help pay the person so it is not all new dollars. I don't want to pay someone half a salary and have their retirement money sitting over here unused. We make sure to use the retirement money first. That's a tremendous advantage for us. We have the retirement money in there anyway and we don't have to add that whole half salary to the budget we can just add enough for their teaching. That is a tremendous advantage to us to fill in where we have enrollment needs. So there is that occasion that happens. I can think of 2-3 people who have done it in the last 5-7 years. We had an art position, a P.E. position, a music position, might have had a business position that did it. It doesn't happen that often because people that are retired don't want to come back to work. They just want to do their 30 days and are happy with that. They are eligible for it. We try to encourage our people to call and I have a spreadsheet that shows exactly how many days every retiree works to see that they're working the days, that they're getting the opportunity, some are over, some are under and we modify that every year, because you're eligible for 30 days and you should be funded for 30 days. That's why we're so careful with the budget. If you work 30 days and I only fund you for 20 days, I'm short. So we want to look every year at exactly how many days people are working so we get the correct funding in place, it will be approximate, because the number of days worked varies each year. Try to get it as best we can, so we make those adjustments every year. We have to fund that opportunity. Some tell us they're not going to do it, they only want to work 10 days for example, so that's sometimes part of what we know. That's how the program works.

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

Mr. Huff reported that the bridge over Pine Creek on Route 221 is scheduled for bid on December 7, 2011. From April 2012 through September 2013, there will be times when traffic will need to be closed off on one lane. Will need written confirmation from the County that you're aware of this project.

On a motion of Supervisor Clinger, seconded by Supervisor Gardner, and unanimously carried, it was resolved to concur with VDOT's plan for bridge reconstruction over Pine Creek on Route 221 North.

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

Mr. Huff reported that remaining County-wide traffic funds needs to be appropriated to a specific project. A list of top accident sites had been provided to the Board previously. The top two sites were in the Town limits, the third on the list being the curve on Shawsville Pike. The Route 750 project is still in the 6-year plan. We have estimated a cost of \$552,000 for the Haycock Road improvement. There should still be approximately \$500,000 left after the Haycock Road project. Consensus of the Board was to list Route 750, Route 635 and Route 653 in the 6-year secondary road plan.

Supervisor Gerald – Route 655 needs gravel; Route 754 – have not seen any results from my requests from last month; still a lot of potholes on Route 655. Actually have not seen any work done on potholes in the Indian Valley District since last month. Thank you for all that you do.

Supervisor Allen – thank you for work on Stonewall Road. On Cannaday's School Road, at 1st house on the left, the culvert has separated. Also, further down that road, the 4th culvert has a large hole in it and the asphalt is gone on one side.

Supervisor Gardner – Wade Road was scraped but there was no gravel put back. It is very slick after it rains. Long Mountain Road is also very rough. Some work needs to be done on Route 221 South; the shoulders are very bad, especially after rains.

Supervisor Clinger – on Penn Avenue, a driveway culvert was hit by one of the snow plows and is not draining. Have the gentleman's name and number for you to call. Phlegar Hill Road is crumbling on the north side of the road.

Supervisor Ingram – Kelley Drive (Route 639), buckled sections are now coming apart. Poor Farm Road (Route 679) rains have removed a lot of the fill around the culvert and the bank is gone on the left side of the road. Two sections of pipe are not where they are supposed to be. All secondary roads need attention when possible, with grading and gravel.

Supervisor Allen – ditches near the nursing home – will they be cleaned out?

Mr. Keith – yes, we are waiting on the permit. Also, on Route 615, we will replace the culvert between Sowers Road and Moore Road after school is out.

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

Board members explained the question from earlier in the day on the point of order for a previous action.

Lengthy discussion ensued on the matter - Roberts Rules of Order vs. the Code of Virginia, 1950 as amended regulations, differences between reconsidered and remodeled motions, possibility of the Board adopting their own rules, Chairman being able to make motions, motions can be made without seconds, etc.

On a motion of Supervisor Gerald, seconded by Supervisor Gardner, it was resolved to reconsider the Board of Supervisors action of April 12, 2011 concerning the New River Valley Sustainable Communities Consortium Partnership Agreement.

Supervisor Clinger called for a point of order.

Chairman Ingram declared that this was a reasonable motion because the same type of action had been done at previous meetings. Chairman Ingram over-ruled the point of order.

The following vote was taken:

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

On a motion of Supervisor Gerald, seconded by Supervisor Gardner, and carried, it was resolved to approve the New River Valley Sustainable Communities Consortium Partnership Agreement, as presented (Document File Number).

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

At 3:00 p.m., the Chairman called for the Public Hearing on the Proposed Floyd County Redistricting Ordinance.

The County Administrator read the call for the Public Hearing.

Mr. Cornwell, County Attorney, commented that according to the recent census, Floyd County had a total population of 15,279 people. Of that, 96% were of the white race. There

were approximately 619 persons of minority and this redistricting was performed in such a way that it would not have a disparaging effect on minorities.

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 Clinger, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the Floyd County Redistricting Ordinance as presented (Document File Number _____).

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

Mr. Cornwell commented that he would need a copy of the minutes from today, the new maps and the property descriptions to send to the Department of Justice to approve the boundary line changes.

Supervisor Clinger questioned who enforces the open meeting requirements?

Mr. Cornwell – the Freedom of Information Act?

Supervisor Clinger – no, the actual open meeting requirements.

Mr. Cornwell – that is under the Freedom of Information Act. That Act is normally, if you think it has been violated, you can file a complaint with the FOI Advisory Council, the Commonwealth's Attorney, or an action in General District Court. Actually, the investigation would be done by the Commonwealth's Attorney to see if there was a violation. The Attorney General could also file an injunction.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adjourn to May 18, 2011 at 7:00 p.m. for a budget work session.

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

Daniel J. Campbell, County Administrator

David W. Ingram, Chairman, Board of Supervisors

