

**BOARD OF SUPERVISORS
REGULAR MEETING
NOVEMBER 13, 2014**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Thursday, November 13, 2014 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

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

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

The Opening Prayer was led by Supervisor Gerald.

Supervisor Allen led in the Pledge of Allegiance.

The minutes of October 14, October 20 and October 28, 2014 were presented to the Board for review and approval.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the minutes of October 14, October 20 and October 28, 2014 as presented.

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

The monthly disbursements and a list of additional expenses were presented to the Board for consideration.

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

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

Agenda Item 7a – Subdivision plats as approved by Agent for October 2014. Ms. Lydeana Martin, Subdivision Agent, appeared before the Board. She noted an increase in the number of family subdivisions the past month. She also noted that Jack Russell and Laurence

Wood would be finishing their terms on the Economic Development Authority in December. Mr. Russell has served fifteen years and Mr. Wood has served over thirty-two years. They will be recognized and thanked at the Authority meeting next week.

Mr. Campbell also presented the Building Permit report for October 2014 and noted some increased activity in this area.

Agenda Item 7b – Appointment – Comprehensive Services Act Management Team – family representative. Mr. Campbell noted that no letters of interest were received by the deadline but two letters had been received after the date from discussion Board members had with community members. Consensus of the Board was for staff to schedule interviews for the next meeting.

Agenda Item 7c – Appalachian Power Agreement (1992) – Mr. Campbell reported that staff had again conversed with the company concerning separation of the two accounts under the public tariff agreement. AEP had finally agreed that the neighborhood bill could be separated from the County's bill for the Innovation Center. The company had also offered to remove the neighborhood bill but it would cost them more for the lights. Consensus of the Board was to leave the neighborhood on the agreement with AEP since they had been grandfathered in but would discuss further if any other requests came before the board.

Ms. Tracie Brewster, Social Services Director, next appeared before the Board. She reported:

- Vacant Foster Care position has been filled – the emergency worker filling the position was hired full-time;
- October statistics include: SNAP program – 119 cases serving 1762 people with benefits; TANF – 56 cases; Medicaid – 1383 cases; CPS – 11 new reports and 8 on-going cases; VIEW Program – 2 new reports with 7 on-going cases; Childcare program – 1 new case with 9 on-going cases; APS – 3 new reports with 5 on-going cases and 5 screenings; Fuel program – 409 applications compared with 540 applications last year; Crises fuel program will begin this week with a cut-off date of December 31; Foster Care – 13 cases.

Mr. Campbell noted that he had shared the 2014 Annual Financial Report (State Social Services) copy with the Board.

There were no Constitutional Officers reports for the month.

Agenda Item 7d – Proposal – Update Solid Waste Management Plan. Mr. Campbell provided a copy of a proposed Task Order from the New River Valley Planning District Commission for update of the County's plan. The plan would also include the information on the Town's solid waste. He noted that the last report was completed in 2004. The Planning District Commission has received a grant from ARC in the amount of \$15,000 for these types of activities. The funds can be matched with local dollars for projects in any area that they serve. Some of the items that they would provide include: revisiting solid waste quantities; revisiting recycling quantities; look at the operations of both solid waste and recycling; will work with the committee of community folks interested in solid waste recommendations; look at overall

processes; try to get a grasp on non-county resident issues/costs/problems; provide pros/cons of operational processes and alternatives. He noted that this would meet the requirements for update as required under State Code Section 10.1-1411. A draft report would be prepared which the committee would review and submit to the Board. A public hearing is required on the draft plan.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to approve the Task Order with the New River Valley Planning District Commission for the Solid Waste Management Plan and authorize appropriate County officials to execute same (Document File Number _____).

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

The Chairman next called for the Public Comment Period.

Ms. Linda Wagner, Courthouse District – I just want to thank Fred Gerald for always bringing to mind about what a great country we live in. This week with Veterans Day I think he brought out the point very well. But, as we say the Pledge of Allegiance, and I'm kind of OCD, we must remember that this is in reference to our country and that there is no comma between one nation and under God. It is one phrase and it should be said in its entirety.

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

Mr. Don Thomas, Wingate & Associates, next appeared before the Board. He reported:

On behalf of our company, we would like to express our appreciation to Floyd County for allowing us the chance to serve you in the capacity of the reassessment program. I'm here today to give you a brief update with where we are with the project and some other points of information. This morning, I spoke with our printer, and the notices are scheduled to be in the mail by Friday of this week. We, in the past, have handled those printings in-house, but to get a more favorable postage rate with automatic pre-sorting, we're now subbing that out to a mail service. That is something the County has been doing for several years with your tax bills. We processed 14,650 parcels of real estate and a number of manufactured homes as well, doing the process. The notice that the taxpayers will be receiving will be a little different than it has been in the past. We've had legislation that has been enacted since five years ago when the last reassessment came about. The assessment notice not only has to show the new proposed value but also needs to show history values. So you'll be seeing the immediate past history and then the history prior to that. You'll be seeing two years' worth of history and then the new proposed assessment. Along with that, we'll show the tax rate that applied to those histories and the levy and the percent change. The property owner can look at a picture over more than one occurrence of assessment change. That's the theory behind that. We realize that inherently with that type of presentation, there may be some adjustment that needs to happen because not everybody might understand that for example, they are in land use; I really didn't pay this levy to the County. So

there's that area of misconception or confusion that we'll address on a per-need basis. We don't know of a better way to make it more plain than it already is. Our hearing dates are set up to start Monday, we feel that some people will get their notices on Saturday so we're prepared to start making appointments or even take walk-ins, we'll be ready to start. Each notice gives the schedule of window of hearings, outlining the dates and times that we're here to assist folks with questions or hear appeals. Every property owner who gets a notice will have that schedule and contact information. Our hearings location is right next door in the conference room which worked really well last time. As in the past, we'll include two evening or night hearings for those folks that might not be able to make it in during normal business hours. We'll also have flexibility to have a phone call hearing if someone is unable to attend for health reasons or out of town, we'll go ahead and conduct a phone interview. We'll try to make ourselves available in all respects. After we hear all the problems/complaints, and by the way, when you're doing a reassessment of any kind, a county the size of Floyd or larger or smaller, we don't expect to get everything exactly right. We know there will be questions, that's why we have these hearings, to make sure that we have an opportunity to correct whatever might not be quite right with the assessment base. So we encourage each of you to realize that this is a process. We're proposing that this is the assessment and if someone has information that they can bring to us that might demonstrate that we have an error on the card or we have misstated the value or that we have it out of line with current market expectations, we're ready to review those types of situations and try to bring them back in line if they are out of line. Also, on the other side of the coin, when we're listening to an appeal, we're representing every other property owner in the County. So we take that very seriously. Anything that we do in the way of an adjustment has to be tempered and has to be valid or we'd be making an unjust shift of the tax burden to every other citizen in the County. So we maintain a high level of integrity as we move through these appeals. So anyway, after we do these appeals and handle everything in the way of phone traffic, walk-ins, appointments, we'll go ahead and process those and get every property owner who made an appeal to our office, a notification back out in the mail toward the end of December. We will get them notified as to the results of the appeal and then our obligation to the County is to have the reassessment book delivered to you by the end of the year. We're in good shape to meet that at this point. The most important thing that you folks probably want to hear from me is how did we do, what's the County doing in the overall evaluation? While I would encourage you to consider this reassessment a neutral reassessment, in other words, we're not in a position to say that you're going to wind up with a windfall assessment or loss. We think it is pretty close to neutral. Early figures indicate that the overall assessments are up 7/10ths of a percent, which is hardly measurable. We also need to remember that you have your land use deferments which have to be factored in. You also have your ordinary growth that occurs in-between reassessments for the year of 2014 in this case that would always occur even if we didn't have a reassessment. To say that we have anything additional as far as more assessment value for the County, that's really nothing that we're able to make a statement on at this time. That pretty much is my report to you folks as far as the project itself goes. We've enjoyed again being of service to the County and appreciate the opportunity.

Chairman Clinger – is field work complete?

Mr. Thomas - Our field work wrapped up about a month ago. During our field work we tag parcels that might need a re-visit because they have construction on-going. We also get building permits that flow to our office from the Commissioner's Office from Building Official's office. After we finish all our initial field visits, we go back to the tagged properties and try to

bring them up to the most current value. That hopefully gives as current value as we can make it. Then we spend a considerable amount of time churning the data to make sure that we don't have anything that might be a mistake, to make sure our data has integrity before we take it to the printer.

Chairman Clinger – you said the hearings would start Monday? Is that by appointment only?

Mr. Thomas – we understand the Code of Virginia to say that we can't require an appointment. Our model as a company has always been that if someone comes in and wants to appear before us, then we'll handle that as a walk-in. We would prefer to have appointments and it is also easier for the property owner to say that they need a certain day or time to plan their schedules.

Chairman Clinger – you said the notices show two assessments – is that two years or two assessments?

Mr. Thomas – two years. That's the way we understand the Code. We've actually had the County Attorney give us a read on that as well. The Code is confusing too. To quote the Code, "every notice shall among other matters, show the magisterial or other district, if any, in which the real estate is located. The amount of new and the immediately prior two assessed values of land or improvements". There is an assessment every year, it is not a reassessment. There is some confusion. In fact, this bill that we are complying with right now is under review by the legislative committee and will not be the same next year.

Mr. Campbell – what do you think the reasoning was to include that?

Mr. Thomas – I think it was for more transparency as to how reassessments are done. Certainly nothing is wrong with it, it is all public record. I think it is to make it more friendly for the property owner. In some localities, they have an annual assessment; therefore you may have a change every year. In this County, you may have a property that has undergone a building permit or something like that, a subdivision that may have changed that value annually. The land use issue will be a problem, if a person is in land use and you get our notice which shows market value, the taxes would be based on the use. We always clear out a number of those questions during the hearings.

Mr. Campbell – I talked with the gentleman that does the training for the Equalization Board and they do that on-line now. They are looking at the week of December 8 to provide that training.

Mr. Chris Price, Virginia Department of Transportation, next appeared before the Board. He reported that crews had been working on machining, grading gravel roads and hauling stone. Pipes were cleaned out on Vaughns Mill Road and Quesenberry Road. Route 787 was swept to get rid of the loose gravel after patching. The asphalt plants are not on a regular schedule right now and we're trying to work with them to get asphalt when the weather allows patching. The Haycock Road project is moving forward. Pipes have been replaced and stone laid. Completion date is expected in the spring for surface treatment. Slatemont Subdivision residents have been working with a consulting firm on right-of-way estimates for a Rural Addition project. We wanted the Board's opinion on how to proceed with the Rural Addition funding for that project which would be in the \$130,000 range. They are working with Anderson & Associates on the design. Consensus of the Board was to review the matter further as more definite costs are determined.

Mr. Price also reported that Stonewall Road and Meadow Creek Road have been paved. We have suggested to the bridge folks in Salem that a project be carried all the way through to paving when a bridge is replaced to ensure that the same problems do not occur again. They had been doing the paving as a group when all the bridge replacements were completed.

Supervisor Gerald – appreciate the culvert on Macks Mountain Road, that was a big project and the neighbor really appreciated the work. Also appreciate the yellow lines being painted back on the road – it is a big help. The signs for no center lines and do not pass need to be removed.

Mr. Price – those signs do belong to the painting contractor, we can contact them for removal.

Supervisor Allen – Cannady School Road from Route 221 to the bottom of the hill – asphalt has broken up very bad, need at least something to fill in the holes before winter.

Supervisor Turman – Turnip Patch Road – all culverts are stopped up and road is washed out. The residents also requested Rural Road Addition funds – would it qualify?

Mr. Price – it would have to go through the 6-year road plan process. Rural Addition is a method to build, not a program. The Revenue Sharing Program could also be used; it is a 50/50 match between State and County.

Supervisor Turman – one culvert has still not been extended. Cones were put up to warn drivers but someone stole them.

Supervisor Yoder – Daniels Run Road (in the area of home 1542) has a very bad pothole on the shoulder. Have already had two bent rims on cars from running into it by citizens.

Supervisor Clinger questioned the picture he had sent to Mr. Clarke on the bridge repairs needed on Route 615.

Mr. Price did not have any information on the matter but will check on it.

Dr. Kevin Harris, School Board Superintendent, next appeared before the Board. He reported:

- School Board members received recognition at the recent Virginia School Boards Association meeting
- Approved the Gifted Advisory Committee Member list;
- Approved an overnight field trip request for the Girls Basketball Team to attend a basketball tournament – fees paid by team;
- Membership as of October 31, 2014 was 1993, eight new students added since then;
- Reviewed Buildings/Grounds inspection reports;
- Reviewed the School Activity Fund Audit;
- Received an update on the Driver Education program and noted that the new car is doing well;
- The High School won a Safe Driving Challenge contest again and received \$25,000. They were one out of fifty schools in the nation that received the award.

- Received an update on the School Improvement Process for Willis Elementary. We are working with Carroll County who has two schools in the program;
- Working on solutions for the traffic back-up problems at Indian Valley Elementary School;
- Financial forecasting indicates \$131,000 in the red right now – almost the exact cost of the three teachers hired for overcrowded classes;
- Attendance rate at FCHS averages 95% and elementary schools average 96%.

Dr. Harris questioned if the appropriation will be done in December for the rest of the budget or will it only be a partial appropriation?

Chairman Clinger noted it would be for the rest of the budget year. He also questioned if the Safe Driver Award funds could be used toward another driver education vehicle?

Dr. Harris commented that they are researching if the funds could be used in that way.

Dr. Harris also reported that two female athletes are signing letters of intent for scholarships at two different colleges at 11:30 a.m. today.

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

On a motion of Supervisor Turman, seconded by Supervisor Allen, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.3, discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and Paragraph A.5, Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

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

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

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

On a motion of Supervisor Turman, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the following certification resolution:

**CERTIFICATION RESOLUTION
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss property and a prospective industry in accordance with Section 2.2-3711, Paragraph A.3 and Paragraph A.5 of the Virginia Freedom of Information Act;

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

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

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

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

Agenda Item 7e – Discussion of IT services. Deferred for November 25, 2014 meeting.

Agenda Item 8 – Old/New Business. There were no items brought forth by the Board.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adjourn to Tuesday, November 25, 2014 at 7:00 p.m.

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors