

**BOARD OF SUPERVISORS
REGULAR MEETING
NOVEMBER 14, 2013**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Thursday, November 14, 2013 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

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

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

The Opening Prayer was led by Supervisor Gerald.

Supervisor Allen led in the Pledge of Allegiance.

The minutes of October 8, 2013 and October 22, 2013 were presented to the Board for review and consideration.

On a motion of Supervisor Turman, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the minutes of October 8, 2013 and October 22, 2013 as presented.

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

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

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

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

There were no Constitutional Officers reports for the month.

Ms. Lydeana Martin, Subdivision Agent/Planning Director, next appeared before the Board. She presented the subdivision plat report (Agenda Item 7a) for the Board's review. She noted that most were lot line revisions. The Planning Commission continues to review the family subdivision section of the ordinance and hopes to have a recommendation for the Board in the next few months.

On the economic development side – the Small Business loan fund (5/10 Loan Fund) was recently approved for a \$50,000 addition to the account. The original \$99,000 grant fund has been loaned out to seven different companies, two applications are pending. The requirements for the loans are that the company employ less than nine employees and use the funds for working capital or to keep the business in Floyd County. Also, the foundation has been poured for the Innovation Center and hope to keep construction ahead of schedule if the weather holds.

Agenda Item 7b – Road name request – Whitetail Lane. Mr. Campbell presented the road name request from property owners on the road off of Christiansburg Pike. Two of the three property owners have agreed to the name as per County policy.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the road name of Whitetail Lane as requested.

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

Agenda Item 7c – Approval of Memorandum of Understanding for Septage Service Outside of Service Area for calendar year 2014 with Peppers Ferry Regional Wastewater Treatment Authority. Mr. Campbell noted that this agreement is for handling of leachate from the transfer station that cannot be handled by the local PSA. The agreement is the same as in previous years.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the Memorandum of Understanding for Septage Service Outside of Service Area for Calendar Year 2014 with Peppers Ferry Regional Wastewater Treatment Authority as presented (Document File Number _____).

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

Agenda Item 7d – Transfer from Contingency - \$1776.63 to 4-001-011010-5899 for cremation costs. Mr. Campbell noted that this cost was for the individual who passed away at the nursing home with no family or assets. Virginia Code requires the Sheriff to handle these situations in these cases. The bill to the funeral home was in the Board's list of disbursements.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the transfer of \$1776.63 from Contingency to 4-001-01101-5899 for cremation expenses.

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

Agenda Item 7e – Appointments to Building Code Board of Appeals. Mr. Campbell noted that three members' terms end in December and all have indicated their willingness to be reappointed.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to reappoint Benny Harris, Dewayne Grubb and Mauyer Gallimore to the Uniform Statewide Building Code Board of Appeals for a four year term.

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

Agenda Item 7f – Appointment to Economic Development Authority of Floyd County, 4 year term, one member.

Mr. Campbell noted that the deadline for letters of interest is tomorrow. The Board deferred the appointment until the November 26 meeting.

Agenda Item 7g and 7h were deferred for discussion later in the meeting.

Agenda Item 7i – Review of Fire/Rescue Equipment Committee recommendations. Mr. Campbell reminded the Board that this committee was set up for a self-evaluation of all equipment by fire and rescue members, administration, and Board members. A scoring form for each piece of equipment was developed. Each station was visited and every piece of equipment was evaluated. Officers of each station were contacted and discussions were held. On the fire side, the recommendation was for replacement of tankers at Station #1 and #3. There are many mechanical issues with these tankers. Two units would be kept in reserve and the reserve units would be taken out of the fleet. The fire members are requesting only to be allowed to begin the specification process at this time, which takes about one year. On the rescue side, replacement costs are less but the equipment is used more so replacement times come around quicker. They are requesting one entire new unit to be replaced in the next budget cycle and one replacement each year for the next four years. Unit #405, which is used the most, is being replaced now.

Supervisor Yoder commented that he felt we needed to develop some type of time line for replacement, both for budgeting purposes and planning purposes.

The Board deferred the matter for further discussion later in the meeting.

The Chairman called for the Public Comment Period.

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

Ms. Paula Alston, Director and Ms. Ginny Gardner, Board Member, of the Montgomery-Floyd Regional Library, next appeared before the Board.

Ms. Alston presented the Library's annual report for the Board's information. She also provided pictures of the new van recently purchased and thanked the Board for their generous donation for the purchase. She then provided an outline of the various activities provided by Library staff for the past year. She concluded with a copy of the update of the Emergency Action plan as updated in 2010 and newly revised with an inclusion of an active shooter scenario.

Agenda Item 7j – Consideration of purchase of skid steer loader. Mr. Campbell reminded the Board of their inclusion in the FY14 budget, the purchase of a new skid steer loader for the Solid Waste Department. Funds in the amount of \$80,361.50 are available in the County's Suntrust account for the purchase. Bids were received and the lowest, most responsive bid was received from Lawrence Equipment for a Case loader in the amount of \$46,418.01, well below the budget estimate. It is a plain loader with no bells and whistles. Some parts are interchangeable with the two New Holland loaders that we have now.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the purchase of a Case loader from Lawrence Equipment Company in the amount of \$46,418.01 as per bid requirements.

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

Mr. Chris Banta, Managing Director with Brown, Edwards and Company next appeared before the Board. He presented the FY13 audit, a financial analysis document and an internal controls document for the Board's information. In the audit document, he reported:

- Page 1, Independent auditor's report – this is the audit opinion, which gives the highest level of assurance to the Board that it is an unqualified, clean opinion.
- Page 5, Exhibit 1 gives the June 30 snapshot of all assets.
- Page 6, Exhibit 2 shows the County's cash position at June 30 and indicates a strong increase over the past year.
- Page 7, Exhibit 3, is the balance sheet which shows all long-term balances of the County including the Capital Project Fund and the EDA.
- Page 8, Exhibit 4, activity statement for the year. Shows a \$1,646,474 increase in the fund balance which is excellent.

- Pages 11-43 give notes/narratives for the Board's review and information. On page 36, OPEB benefits for School Board. They went into a new rate structure this year which has greatly helped them get into a no liability situation. On pages 41-43, all new accounting standards are listed. One new standard of particular interest is the requirement to show retirement benefits as long-term liabilities. This requirement goes into effect June 30, 2015.
- Page 49 shows the School Board balance sheet
- Pages 53-54 show the EDA's balance sheet which has become much more complex with all the activity that they are working on now as compared to previous years.
- Pages 57-58 show all Federal awards as received by the County. These awards have decreased as compared to previous years with the loss of stimulus funds.
- Page 70 gives suggestions for internal controls for the financial statement.
- Pages 72-73 shows compliance with Federal awards. There were no findings or internal control problems.
- Pages 75-79 give a summary of the opinions on internal control.

In providing the Financial Analysis document, Mr. Banta noted that this document provides in chart and graph form, all the information from the audit. Different charts show the unrestricted net position, fund balance, assets to liabilities, capital asset condition (% of useful life remaining in buildings and equipment), debt service load, bonded debt per capita (\$824/person), sales tax growth, etc.

In the Comments on Internal Control document, provided for the Board's information, gives an overview of discussions with staff and management. On page 19, there is further discussion on the new standards. Pages 25-26 provide new GASB information.

He also presented a copy of the Required Communication letter to the Board of Supervisors and the Management Representation letter signed by staff. This letter provides information on how the audit progressed, any disagreements with staff (none) and the promises made by staff on the Board's behalf as far as all information being provided.

Mr. David Clarke, Virginia Department of Transportation, next appeared before the Board. In maintenance work over the last month, he reported: Thunderstruck Road – grading/mowing completed; Route 221 patching completed, edges will be sealed at a later date; shoulder work on Routes 221 and 8 completed; all paving is completed for the year. Bethlehem Church Road, Duncans Chapel Road and Laurel Branch Road all received maintenance work and some dust control. Employees participated in the snow removal training days where all equipment is checked and any maintenance needs taken care of.

Supervisor Gerald – appreciate yellow lines being painted. Will Camp #5 Road be eligible for lines?

Mr. Clarke – have not heard back from Salem yet.

Supervisor Gerald questioned the new dirt glue experiments.

Mr. Clarke – this is a new procedure that we are evaluating. Have used the product on one mile of road in Montgomery County for experimentation. The cost is very high, about \$177,000/mile so it will probably not be used very much. Will probably not be able to use maintenance funds for this type of procedure. Revenue sharing funds between VDoT and Montgomery County were used for the experimental area.

Supervisor Gerald – appreciate lines on Indian Valley Road – why not on Macks Mountain Road?

Mr. Clarke – width of road.

Supervisor Gerald noted that he had measured both roads and they were the same width.

Supervisor Allen – nothing to report this month.

Supervisor Turman – residents on Deer Valley Road are still upset that there are parts of the road that they can hardly get over.

Mr. Clarke – will check on it.

Supervisor Turman – appreciate work on Sugartree Road, seems to be doing well.

Supervisor Yoder – appreciate Route 221 patching. There are several spots washed out on shoulder near Roanoke County line.

Supervisor Clinger – Moore Road, bridge before Spangler Mill Road, there is washout on both sides of the bridge. Also, Phlegar Hill Road toward Route 221 side, pavement is crumbling very badly.

Ms. Lydeana Martin came back before the Board to report that the Governor's Office had just announced the expansion of the Floyd H&V plant with a \$6 million investment. We competed with Georgia and Massachusetts for this funding. This will provide 17 new jobs over the next 36 months.

Agenda Item 7k – Regional Medical Surge Trailer proposal. Mr. Keith Daller of the Near Southwest Preparedness Alliance appeared before the Board. He reported that the Alliance is a Federally funded program. They have a regional health care emergency center that provides four services: 1) health care management intelligence; 2) training/education for disaster management; 3) resource management – assets placed in region; 4) communication support. For example, if the County's 911 center went down, they could have replacement equipment here within 45 minutes. The draft agreement provided to Board is for placement of a storage surge trailer in Floyd County. The only requirements for the County would be for the storage space, a certificate of insurance and staff checking on the trailer once in a while to ensure everything is secure. The Alliance would provide all registration, titling, maintenance and resources. The idea is to place several trailers around the region for quicker access in the event of a need.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the Agreement as presented between the County and Near Southwest Preparedness Alliance (Document File Number _____).

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

Dr. Kevin Harris, School Superintendent, next appeared before the Board. He presented the School Board meeting highlights of November 11, 2013. He noted:

- School Board approved policy revisions;
- School Board approved participation with VACorp for the long-term disability program which will be effective January 1, 2014;
- School Board approved carry-over provisions for Healthcare Spending Accounts for the 2013 plan year.
- October 2013 enrollment was 2012, budget is based on 2007.
- Received Communities in Schools report indicating availability of \$100,000 next year in State budget to start this program. Would provide a place for a site director who would work with community members to obtain additional resources from places such as Radford University, Virginia Tech, NRCC, etc. for items such as alternate education, etc.
- Survey data provided indicating support from teachers to switch to a 10-point grading scale – draft policy will be presented to Board in December.
- Overview of budget process provided by Ms. Ryan – will be glad to provide same to Board of Supervisors.
- Groundbreaking held for new school farm on 15 acres provided by the Shelor family. They also will be providing a well and electrical service next year. Potatoes will be the first crop.

Supervisor Gerald commented that when he recently attended the VACo Education Steering Committee meeting, that they were singing the praises of dual enrollment with the local community colleges. Why aren't we doing that in Floyd County?

Dr. Harris commented that the dual enrollment relationship had been on-going with New River Community College for many years. Goal is to keep expanding this program. A new requirement that the teachers have to be certified beyond the BS degree level is causing some problems in obtaining teachers.

Mr. James E. Cornwell, County Attorney, next appeared before the Board. In reference to agenda item 6g i) Credit Card Agreement, he noted that the agreement is not particularly set up for local governments, it is more for companies. Mr. Campbell did advise me that this has been done through procurement along with other bank services. So that answered my question on that matter. I don't think we need two agreements, I think the agreement needs to be just with the Treasurer. The County does not have any enterprise funds, all money that would come through

this office would go to the Treasurer, so I think there should only be one agreement with the Treasurer. That doesn't mean that we can't have a machine here, we can do the process here and funds would be sent to the Treasurer. The account would be with the Treasurer. When a person comes in to get a building permit for example, they might write the check to the County of Floyd but it goes to the Treasurer. We can't give a personal guarantor, we just can't. If that is a killer then we'll have to go out and look for somebody else. There is no way that I could advise the Board, Dan or the Treasurer to personally guarantee a charge-back on behalf of the County. The Treasurer can sign the agreement as Treasurer but as far as personally, I couldn't suggest that to anyone. There is the indemnity language in there that gives me pause and I would like to strike. I recognize that the bank has this form and says take it or leave it. It doesn't give me as much heartburn as it normally would because there is another statement in the agreement that it is subject to Virginia law. Of course, Virginia local governments cannot indemnify so one could probably weigh off the other. When the agreement is signed, if approved, we should put in our accompanying letter that the indemnity clause does not apply to us. The other thing, which is not illegal or improper, but it does call for mandatory arbitration. Given the small amount of funds, it would not be a problem. So those are the problems I identified and if the bank requires the guarantor, we'll have to research other avenues.

Chairman Clinger – would it possible to have a separate account for this so charge-backs would not go against the General Fund and be more controllable?

Mr. Cornwell – that could easily be done, that is a good point.

Mr. Campbell – we discussed last time, the fees associated with the cards. Do you still want to charge those back to the citizen?

Consensus of the Board, after discussion, was to have an average fee based on the different types of cards.

Mr. Cornwell suggested posting the fee structure at the different counters, on County web site and on tax tickets. He also noted that some banks will accept tax payments, don't know if that has been discussed with the Bank of Floyd.

Consensus of the Board was to proceed with the agreement, having the Treasurer execute same; develop a fee schedule.

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.

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 Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the following certification resolution:

**CERTIFICATION RESOLUTION
CLOSED SESSION**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting for the purpose of real estate discussion in accordance with Section 2.2-3711, Paragraph A.3 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 is 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.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion, consideration or interviews of prospective candidates for employment, assignment,

appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.

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

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

**CERTIFICATION RESOLUTION
CLOSED SESSION**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel in accordance with Section 2.2-3711, Paragraph A.1 of the Virginia Freedom of Information Act;

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

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

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

Hearing no statement, I call the question.

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

Supervisor Clinger – aye

This Certification Resolution was adopted.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to appoint Ms. Jessie Woods as service provider representative to the Floyd County CPMT for a four year term.

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

Agenda Item 7g – Letter request from Sheriff for update of DAPRO system with \$5000 service fee. Mr. Campbell explained that this is the incident based reporting system used by all officers and staff and connects with the State Police and other agencies.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the DAPRO system upgrade in the amount of \$5000 and transfer same from Contingency to 4-001-031020-3320.

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

Agenda Item 7i – Fire/Rescue Equipment Committee recommendation. Consensus of the Board was to defer discussion to the December 10 meeting to allow staff time to prepare a time frame replacement outline.

Agenda Item 7l – Draft stormwater resolution. Mr. Campbell presented the draft for the Board’s review. The resolution requests the General Assembly to revisit the stormwater program, particularly for agricultural property and single family dwellings with less than five acres. The resolution, if adopted, would be shared with all the County’s legislators.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the stormwater resolution as presented (Document File Number).

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 amend the agenda to include discussion on tourism.

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

Chairman Clinger reported that at the tourism advisory council meeting last night, it was noted that the Chamber had not approved the agreement between the three entities. The Chamber has not signed the agreement because the County did not fund them in our FY14 budget. Would like to hold on paying any invoices to the Tourism Authority until the Agreement is executed.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to withhold payment to the Tourism Authority until the extension of the Agreement is executed by all parties.

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

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

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors

