

**BOARD OF SUPERVISORS  
REGULAR MEETING  
NOVEMBER 25, 2014**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, November 25, 2014 at 7:00 p.m. in the Board Room of the County Administration Building, thereof;

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

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

At 7:00 p.m., the Chairman called for the Public Hearing on proposed amendments to the Floyd County Subdivision Ordinance.

The County Administrator read the call for the Public Hearing.

Mr. James E. Cornwell, County Attorney, gave a brief synopsis of the proposed changes. He commented: The Planning Commission has sent to the Board of Supervisors, recommended amendments to the Floyd County Subdivision Ordinance. The changes primarily relate to requirements for property divisions to avail the use of the family subdivision provisions of the ordinance. As you are aware, Floyd County is not required by the Code of Virginia to have a family provision but the County determined years ago to reduce the requirements for subdividing of property in the County for passage of property to family members. Nothing in these proposed changes relative to family divisions affect the requirements for any other types of subdivisions. The property owners can always use other types of divisions to pass property to family members and not use the family subdivision provisions. The current provisions of the Floyd County Subdivision Ordinance provide few standards for family divisions. The acreage requirement for one half of the standard lot size, the road right-of-way is 20' instead of 50' with, and there is no requirement that the road must be built or that the property perk, or the plat show the septic system and well. Because of these considerably reduced requirements, family divisions have become extremely popular in the County. Because of these reduced standards, divisions of property using the family subdivision requirements has become not for transfer to family members but rather to avoid the cost of performing other divisions with more extensive requirements. The County has seen instances of conveyance to family members, then an immediate transfer by these family members to third unrelated parties. The County has also seen recommendation of plats to family members without deeds of transfer and then transferred to an unrelated third party. The Planning Commission believes that this is unfair to those that abide by the ordinance and go to the expense of compliance. It may also be unfair to the grantor of the property who may not have sufficient land upon which to build and whose land cannot be further divided. If the property is subdivided contrary to the Floyd County Subdivision Ordinance, the ordinance provides that the County will not issue permits for development of that property. This

has caused at least one attorney in the County to request a “white line test” so he can advise his clients considering purchase of property that has been divided pursuant to the family division allowance as to whether there has been a circumvention of the ordinance and therefore may not be permitted for development. Recommendations that came to the Board were debated, discussed and thought about by the Planning Commission for over seven years before a public hearing. You have before you the minutes of the Planning Commission’s public hearing in which folks spoke concerning these changes. Tonight, the Board of Supervisors is conducting a public hearing on these changes. The Board of Supervisors, after conducting the public hearing, can either adopt, amend, refer back or decide not to adopt the changes recommended by the Planning Commission. If the Board decides to amend and adopt the changes without referral back to the Planning Commission but it wishes to make changes to those recommendations, I believe the safest position would be for the Board of Supervisors to reduce the requirements, not to make them more strict. There has also been a call by some parties for a comprehensive review and re-write of the entire ordinance instead of a piecemeal change. The Planning Commission is not opposed to that but believes that these provisions relating to family divisions need to be done at this time prior to any effort for a comprehensive re-write.

The Chairman called for comments from the audience.

Mr. J. C. Holden, Locust Grove District – I found his reading very interesting since I’ve been trying to explain to the people here since 2000 that if you sell a man an acre of land and then he sells you a quarter of it back, that you don’t have an acre left. From that point, I’d just say what we need to do here, is find out when the problem started with this problem that you supposedly have. I have not been able to find but one case myself, where this was done and caused a problem. Those people, he called me a while ago and said he’d talked with Mr. Allen; they ended up in court with it and was working on that case. Your representative, as he explained to me, showed up in court and got a \$500 civil penalty so ya’ll didn’t have to appear in court and left them hanging. I don’t where this is coming from, all these cases. If it is a problem, it is the lawyers that you need to get straight. Send somebody over to the Courthouse and see how many lawyers in this County have been sued. Some were found at fault, some have been reprimanded, some of them have had other actions taken but they still come in here and you take their word for it. If you’ve got a problem with it, then go back to where the problem started, about 2000, when you done away with selling an acre of land with right-of-way and came up with a family subdivision. Do away with the family subdivision. Go back to saying if you want to sell an acre of land with a right-of-way 20’ wide, do it. I don’t know what kind of person got this idea started on this right-of-way in this ordinance here. 50’ wide, you can park six tractor-trailers side-by-side in that. It is 10’ wider than white line to the outside of the other white line on 221. There is not a side road that has a 50’ right-of-way. If you have a problem there and it started there, I’m thinking there is another agenda here. When I go down through here, I made a list of some of the stuff, I’d like you to think about this before even considering some of this stuff. Think about what is facing this country and us right now. Most people are just sitting in a state of apathy, not listening to the news or reading the paper. By the way, I believe if more people were taking The Floyd Press, there would be more people here, but 75 cents is a whole lot to pay just to take a chance in knowing what is going on up here. Sometimes, get an obituary. This thing has got an agenda behind it and every time in these meetings, I use the alphabet because I don’t want to offend anybody, the “Z” word comes up. Zoning. And then there is a

“G” word, green, green, green. Green energy, green that, green this. I remember when I was a kid if somebody was green, they were stupid. You’re just green as a gourd. Anyway, we have \$2700 fees going down the road to make a driveway into a lot. You’ve got \$20,000 septic systems, \$3500 to disturb soil and every drop of water in the county and country belongs to the Federal government. It is not right.

Mr. David Hall, Little River District – I oppose the changes to the family subdivision ordinance. Mostly it is because, truthfully, I don’t have much land and if I needed to or wanted to give land to my family, I’d rather give them one acre. It would be easier to give them one acre rather than two. I think some of the proposed changes do not have good reasons behind them. The two main reasons that I’ve heard is that people use the family subdivision provisions to circumvent the main lot and standard subdivision requirements. Doing so is already a violation of the ordinance. The ordinance says that it is a Class I Misdemeanor; I haven’t heard anybody having to answer in court for violating the ordinance. It appears that if it is being violated it is not being properly enforced and as a substitute for proper enforcement, there are changes being proposed. The other reason that I’ve heard is that increased lot size would give more room for a well and septic. That is undoubtedly true, that it would. The increase in lot size is no guarantee that the lot would be suitable for a well and septic, that is site specific, case by case determination. There are plenty of instances where one acre is plenty of room and there are also plenty of instances where two acres is not enough room. There is no doubt to me that the family subdivision provisions are unfair. They are set up to favor families; I think that is good for the County. It is an important way for families to provide housing for their children and/or their parents and perpetuate their existence in this County. Any changes that make that more difficult ought to be supported by overwhelming evidence that the way it is going now is causing a lot of harm to the County.

Mr. William Crenshaw, Little River District – I respect what has been said but I have a different vision for Floyd. I think this fairness question is really important that no one land owner has benefits over other landowners. We’ve chosen to have a family subdivision in Floyd and I can see real value in it. It has to be evenly and fairly executed across all the land sales of the County. There is a second reason and it is a bigger reason. It is a reason that I’m really here. I think every generation that lives in Floyd County has to support and protect ordinances and laws for the next generation. I believe that strengthening land use ordinances is good for the next generation. Ten-twelve years ago, there was a small step made by the Board of Supervisors, now we have an opportunity for another small step. I think that is in the right direction. I support it and encourage you to pass it. Thank you very much.

Mr. David Larsen, Courthouse District – I think it is extremely unfortunate that a few people can affect so many and that is what is happening in this case and many cases. Some people take advantage of the subdivision ordinance and I think that is unfair. Personally, I’ve never used the family subdivision ordinance, not to say that I wouldn’t, but there are some things in that ordinance that I think are very unfair. I never thought too much about it myself until recently when some of the older families that have been in the County a long time came to me and brought their concerns. One of their concerns, the big concern was the five year rule. The example that was brought up to me by several families, you know we have several generations of families living here. The first generation gives some land to the second generation and they have

children, they can't pass that land down for five years. That just seems unduly wrong to do that. I'm noticing in the County too that there are many children that are middle-aged adults now returning to Floyd and that's what we want. Their parents often want to give them some land. They may have their own children that they want to pass it onto. So a five year rule for buying and selling, I think is very unfortunate. I think it should be between the two family members. I don't believe in taking advantage of the subdivision ordinance at all, but I think it is a very unfortunate thing. The one and two acre part of the ordinance, I don't see a problem with the one acre. The right-of-way thing has been discussed; it seems the 50' is unreasonable here in these smaller parcels. The issue that I heard too is groundwater. I don't think we'd get much of an argument if you have four acres or two acres and have two houses, that there is no difference in the amount of groundwater that is going to be used, it would be the same amount. I think another issue is we want our views, keep the land open, smaller acreages would be more cluster homes, less use of land for building homes on, we need more open land. That seems like a reasonable thing to me. I like the cluster home idea; I don't think the one acre thing is a problem. I do feel very strongly, there are a lot of families here that want to pass land onto their children, once they do, they can't pass it on for five years, that is too restrictive. I don't feel we should take advantage of it, but honestly, if the lawyers were doing their job and we have this ordinance in place, you couldn't get a good title to land if you have the five year rule set so that you could only sell to family members. I think that is important. Quite honestly, if that were the case, title companies wouldn't give a good title to that property either. I think there are ways to do some of these things and still keep it within the family and let family members have the advantages. We really do want people to stay in the County and we want family members to come back to the County where they've been for years and this ordinance actually helps in that regard a lot. I support some aspects of this ordinance but I don't support all the restrictions just because a few people have taken advantage of the thing. This is unfortunate, it is always the case, a few people spoil it for everyone. I hate to see that. Thank you.

Ms. Catherine Pauley, Courthouse District – I grew up out in the boonies near the Buffalo but married a townie and moved down this way and I've been torn between the two ever since. I taught school for a number of years and one of the first things that I was taught is you don't punish the whole classroom for something one student does. I hope you will keep that in mind. If people are infringing on your rules and they're not doing what they are supposed to do, they should be punished, not the whole community. I see right and wrong and I see good and bad points, usually on both sides of the argument. My problem as to why I've come tonight is a couple of hardships that I personally have faced because of the ordinances that are in place now and the possibility of the ordinance that you'll be looking at. The idea that you were willing to re-visit the ordinances that were already in place was attractive to me. I want to share with you a story, I don't know if all of you know Mr. Ola Reed, who was my friend and good neighbor for many years. As he aged, he and his wife, I promised them that I would do everything I could to help them stay in their home. As he neared the age of 96, he was running out of liquid assets. He had the farm down on the river, 112 acres, with access of maybe 25'. I could not sell part of it to help him out, it was all or nothing, because I had to have a 50' right-of-way off of a State road that is maybe 30' wide. I have trouble with that one. What was I going to do? I was going to sell his whole property which he did not wish to do but would try to do. Probably for less than what I could have gotten. Mr. Reed passed away and did not have to sell the property. He and his wife were kind enough that they left that property to my husband and I. After everyone left

me up on the hill by myself, I ended up with the property. Now I'm in the position of trying to do the right thing with that farm as far as the land is concerned and to take care of the resources. I had considered maybe putting 100 acres of the farm into an easement, keeping maybe 12 acres or so for myself. I can't do that because it would be subdividing it and I don't have any right-of-way. I might also point out to you, this is from a deed, where there has been no grandfathering, there has been no consideration in any of these ordinances, for deeds that were written years ago. This particular one in 1961 and the right-of-way back even further. There's nothing that deals with this or makes exceptions for families that have owned land for generations and generations. Something is just not right. People need to have a choice. What has happened to most of us that grew up here, didn't grow up with a whole lot but we've held on and managed to make a good living, managed to live in a good community and keep everything going. The fact that it is so nice that lots of other people wanted to come here and live which is wonderful. But, a lot of us cannot afford land anymore unless we inherit it or families give it to us. We should not be putting a hardship on the people who have been here for generations and wish to stay. I'm also having a problem with another piece of property. I have one piece of property that is right on the edge of town but in the County, two houses on it, I don't have 50', I can't cut off the house that I live in and do anything with the house in the front. Somehow there needs to be just more than this. Thank you.

Ms. Tenley Weaver, Little River District – I'm here to mention some of the problems that have happened because of the lack of clarity and definition in the subdivision ordinance. My neighborhood and several others have been drastically impacted by misunderstanding and out and out deceptions regarding property divisions. I certainly agree with Ms. Pauley and everyone else that the entire County should not be punished for the wrongs of a few folks. My concern is that the family subdivision ordinance is so lax and so undefined that it is not clear nor obvious who is and who isn't infringing so we can't ever pin down who are good guys or bad guys. What is that line? As it is written out, it really doesn't exist. If you lived in my neighborhood, you would have no question that you should support some type of re-definition and clarification of this. My neighborhood has seen over a decade of infighting and legal battles due to problems that happened out of lack of clarity of this ordinance. I strongly support the right of family members to live together but we all know that this ordinance is being used and abused by many people in the area. It is a wide open door and it is a red carpet laid out to invite micro-division of farmland in Floyd County. I've heard of real estate agents, lawyers, landowners, speculators, who consciously know that they are circumventing. Because there is no definition, nobody can pin them down to it. Floyd is booming with the tourist economy, we are very "cool" out there. While we all love to live in a cool town, I'd hate to see this make farmland prices go up and I'd hate to see the micro-division of farmlands because we're too shortsighted to protect our agriculture and our culture right now. The rocks under our feet are a maze that takes in and gives water back to us. They don't know and care who on their surface is related to each other. When contamination happens, it doesn't exempt family members and it doesn't exempt the people who own that property, who are or are not related, many generations down the line. To have properties that do not have the ability to have back-up septic systems should one fail, without infringing on the neighbors is a very dangerous situation. Families are lovely and wonderful but they are human too. They get divorced, die, fight and sell off land to other people and being forever reliant on a neighbor property for water or septic is a bad place to put future generations in, in my opinion. Real families intend to stay together and the prior and post-owned periods I

support. They may be a little on the long side but without some kind of definition as to how long you must own a property before and after it is sold, there is no way to create any kind of true regulation with this or pursuit of people and farmland together in this County. For the benefit of our agriculture and our water, for contiguous pieces of property that can be farmed into the future, and forests, I believe that this is an important ordinance for you all to look at. Requiring the advisement of the neighbors in an area before an exemption is made, is an important thing because they may have a different part of the story than what is told. Board of Supervisors, I urge your support of these revisions and I appreciate you hearing all of our words here. Thank you.

Mr. Mike Burton, Locust Grove District – first of all, I would like to say that I am a big fan of the family subdivision. I think it is an important part of our subdivision plan. For me personally it is important, I have some land, 38 acres, hope to have more someday, and I also have a young son. I do not have the road frontage to subdivide. Like most of us who have children, I hope that someday he will want to come back and live on the farm. I beat that into his head, he is a young age, so I hope that sinks in. I'm going to need this family subdivision, I hope, someday. With that said, I personally have been involved in a situation where the subdivision plan as written completely failed in the situation. I've been hearing a little bit about enforcement and whether this is enforceable. I got pulled into a neighbor's case, it was a typical case, she wanted to get as many lots as she could when she was selling, it was a contiguous property to me. Basically, her appraiser asked her how many children she had and that determined how many lots she could get. She came before the Planning Commission to get a family subdivision approved. Another neighbor of mine decided to take it on and come contest it. I just can't imagine a situation that was more obvious that it was a family subdivision designed to subvert the existing ordinance. She had posters up that she was going to sell the number of family subdivision lots, personal conversations that other neighbors came and testified to, yet she told me she's going to basically subdivide it and sell it immediately, she needs more lots. E-mails were presented to the Planning Commission that she intended to do that. It was a very uncomfortable situation I'd have to say for the Planning Commission to have to be a jury. You have one community member over here saying no, I'm not going to do that. Other people over here saying yes she is. It was very uncomfortable for everyone involved. I can't imagine how a set of facts could be enforced and the Planning Commission approved the family subdivision. One of the members of the Commission actually abstained from voting. I kind of know him and I asked him later, why'd you abstain? He said he knew her, she was a friend, he really couldn't vote on that. How many times is that going to happen in a County like this where somebody on the Commission is not going to know somebody? So, what I'm for is grey lines, something of procedural preciseness where you can say, did they file the affidavit, was it complied with, did it check these boxes, no more trying of facts, no more jury duty for the Planning Commission. I can't say I've studied it enough to get into all the details; I'll leave that to you and your good graces. We need some lines, some clarification, some clarity. The punch line is that my neighbor did sell the property a few days after it was approved. Thank you for your time.

Ms. Anne Armistead, Courthouse District – first off, I want to thank this Board for creating such a democratic place in our County. I have traveled recently to other boards and watched them trying to control the speech of the citizens, restrict it, limit it on this pipeline

debate. So, it is nice to live in a county where democracy is appreciated and encouraged and I really want to thank you all for that. Obviously, there is a problem because abuse is happening on this. That's why this is happening and this ordinance is up. Property rights are contentious, not all of us are going to agree on every point. But I love how you all have taken your time on this, seven years is not hasty action. You're creating a balance and trying to balance all the interests. I heard there is an emergency provision that if a family member has the property and the five year rule could be exempted if there is an emergency situation and they really need their funding. I really appreciate the care you have taken to balance all the competing interests. I think the way it is now, we are very vulnerable to abuse. This loophole has got to be taken care of in some way. I'm also confident that if you pass this ordinance and you find there are some unintended consequences, that you will be willing to come to the table and tweak it and create a better outcome. So I'm going to encourage you to please take this loophole and get rid of it for the time being because it seems like there is a lot of abuse going on in the name of family subdivisions in order to get away from our regular subdivision regulations. Thank you.

Ms. Susan Peters, Indian Valley District – I've been there for 15 years. As an import, I have automatically loved this area from day one. I still am able to drive into Floyd, pull my keys out of the ignition, drop them on the floor. I moved here from southern California, we couldn't do that there. I would find people driving into their garages, getting out of their cars, locking their cars, locking their garages, walking into their house and locking themselves in. We have, in Floyd County, an America where that doesn't happen. We still have a Floyd County where we can shake someone's hand and say this is going to happen and it happens. The family subdivision is a situation where we have procedure in place that will take care of the general welfare of people. I've talked to a number of folks who say there is not a lot of abuse that has not become public. We have the procedure to deal with abuses of the system, that is what a court of law process is all about. What will happen if we add any one of these provisions, whether it is the easement, land size, the five pre- and post-time, that will confine all the citizens of this County to a myriad of problems that is already available. As one of our gentlemen said very early on, we have a system that will take care of abuses to the family subdivision if we use them. If we don't use it and we add more law to our system, why should we think that those abuses of law will be dealt with any differently than the ones we already have? So, I would plead with you to allow us in Floyd County to be able to maintain that level of collegiality, to be able to say, I will do this, my word is my bond, we've done that for at least the 15 years that I've been here, and I'm assuming a long time beyond that. It gives to our County an air of comfortability that you don't find in the more regulated cities, states. If we want to talk about regulation, we can go to California and get regulated to death. We don't want to go there but we also want to be able to have the freedom to say to each other, this is my word and I will do this, if I don't do it, I'm breaking the law and I can be judged for that. Thank you very much.

Ms. Jane Cundiff, Little River District – I want to thank you for the work that you have done on this ordinance. I really appreciate the fact that you want to make the ordinance more clear. I think it is important to define lines and I encourage that. I especially encourage the idea behind it, the part that you've done to have the purpose of this to preserve the land, preserve the soil, preserve the water, preserve the values that we have here in Floyd County. With the family ordinance, you have the values to preserve the ecology here, to keep the soil and land. With my own piece of property, I want to know if my neighbors are going to divide it up, that they will

have enough water for themselves, enough ways to get in and out of their land, that all of this will be good for them, not just for when they move in but for generations to come. I really do appreciate the fact that you are trying to get this ordinance nailed down so that it is more clear to everybody. You've also left some leeway in it for exceptions to look back at grandfathering and these other kinds of things. So thank you very much for all the work that you've done.

Ms. Carolyn Holden, Locust Grove District – I'm not really good about getting up in front of people so I'll just try to get this together. You talk about abuses and how this ordinance has been abused. I can tell you that, for the last 15 years, we've spent a lot of time up here, going to the different boards that were here, with the abuse that we had to go through and nothing was done about it. The point I want to make tonight is, you don't need to change the ordinance. The ordinance can take care of itself. What you need to do is stand behind it. When somebody has an issue, you need to look at it and determine who has broken the law and deal with that individual. Like everyone else has said, there is no sense in everyone else having to be punished for one person. We've been through, like I said, 15 years and thousands of dollars. We don't even have a home right now because we had to spend money trying to get this thing straightened out by many lawyers. Most of the lawyers we used were from Floyd County, people who were supposed to know the ordinance. I can name every one of them here but that wouldn't help any. Everybody knows who they are. So that's where you need to start, start with the lawyers, make those laws stick, make those ordinances stick. When somebody has an issue, check it out with the ordinance, check with that lawyer, make sure he went through the procedures he was supposed to go through and you'll solve a lot of problems. It is not changing it, making the roads wider, making the area shorter or longer, it is not the problem. People knew when they put this ordinance together to start with what they were doing, you just need to go back to that, concentrate on that and stop trying to do the agenda where we would have zoning, the clusters and all this kind of thing. Just enforce what you already have. I've been asking you for this for 20 years now and it is still not done. Your fix is to change it and not stand behind it. Thank you.

Mr. Larry Scott, Courthouse District – This is coming down to who has a little land and who has a lot of land. I think Ms. Martin stated that 90% of her clients are in compliance with this ordinance. That is very good, if you can get 90% compliance with an ordinance. This present ordinance was designed to help families in Floyd County. These changes clearly will hinder that purpose. Therefore, my wife and I oppose the changes except the affidavit which would be good. Thank you.

Ms. Becky Howell, Burks Fork District – I am in favor of planning for the future but I believe we should avoid unnecessary restrictions on private property rights. My family owns our small amount of real estate because we worked hard, we sacrificed and we did without, in order to obtain the property. We continue to pay real estate taxes every year. The ability to use, enjoy and exclusively possess property is the basis for a society in which individuals are free from oppression. Our founding fathers provided for property rights in the Fifth Amendment of the Constitution. I am opposed to the proposed revision of the family subdivision ordinance. I believe the whole ordinance should be reviewed as a whole rather than piecemeal to ensure that it is coordinated to achieve the desired goals. We should not revise part of the ordinance in order to solve the problems such as folks using the family subdivision ordinance to circumvent other

ordinance requirements. Before making any changes, I urge you to consider. What problems are created by a one acre subdivision? How many people will be unable to have a home because they lack the funds to purchase a larger parcel? Is the County really responsible for ensuring that parcels have adequate water and drainage? I have been told by a geologist that if you can't find water on one acre, you probably won't find it on two. If you're concerned about over-population, according to the Weldon Cooper, that is not an issue. Projected growth is from 2010-2020 – 4.1%; from 2020-2030 – 2.6%; from 2030-2040 – 2.0%. These figures are certainly within our motto, "To Grow is to Prosper". What problems are created by a 20' access easement? How many people will be unable to subdivide property because they only have a 20' access easement and they cannot get a 50' access easement? If the purpose of the 50' easement is so that future owners can develop the property, why impose this restriction on everyone? Imposing a pre- and post-ownership time requirement under the family division places a huge restriction on private property rights. If we lack the manpower to enforce provisions of the current ordinance, we shouldn't have those provisions. We are just putting a burden on the honest citizens of Floyd County while less honest folks do what they want to do knowing that there is little chance that they will suffer any consequence for disregarding the ordinance. Enterprising folks will always find a way around any requirements you impose.

After no further comments from the audience, the Chairman declared the Public Hearing closed and thanked the audience for their comments and participation. The Board will take the matter under review and discussion for a later date.

On a motion of Supervisor Allen, 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 Allen, 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 Allen, seconded by Supervisor Yoder, 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 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 Gerald, seconded by Supervisor Allen, and carried, it was resolved to appoint Ms. Betty Nolen to the Floyd County CPMT as the family representative for a four year term.

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

Agenda Item 3 – Approval of month-end disbursements.

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

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

Agenda Item 4 – Acceptance of Abstract of Votes for November 4, 2014. Mr. Campbell noted the requirement for the Board to recognize that the abstract was received and entered as record into their minutes.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to accept the Abstract of Votes for the November 4, 2014 election as provided by the Floyd County Electoral Board (Document File Number \_\_\_\_\_).

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

Agenda Item 5 – Discussion of IT situation. Mr. Campbell reported that the County’s consultant has only been available on a part-time basis for the last few months. Another private party has been used some but he does not have the network knowledge. The Sheriff advertised for a communications officer with a technical background but did not receive any applicants with those skills. Have had some discussion with another locality to share their IT person. Need the Board to think about the route you would like to proceed with – hire an employee or prepare a RFP for another consultant. In the 12-month budget period of 2013-14, we spent \$37,000 for the IT consultant. The current provider has committed to do training and explanation of the network at the proper time. The Board did suggest researching any assistance that could be provided by Citizens Telephone or the school system.

Agenda Item 6 – Discussion of Economic Development Authority appointments. Mr. Campbell reported that only one letter of interest was received for the two vacancies. Consensus of the Board was to re-advertise the available positions.

Agenda Item 7 – Discussion of PSA appointment. Mr. Campbell provided a letter of resignation from Mr. Larry Petrie for the Authority. Consensus of the Board was to advertise for letters of interest to fill the unexpired term.

Agenda Item 8 – State budget reductions. Mr. Campbell provided a copy of the letter from the State concerning the reductions and which departments it would affect. The Sheriff’s Department and Library were not affected by the cuts but all other State funded departments were cut as outlined. The State suggested that the fees could come entirely from the reimbursement for recordation fees. The options for the Board’s consideration are: 1) take cuts from the various departments as listed; 2) do nothing – cuts would come from recordation fees; 3) send reimbursement check to the State from contingency.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize the County Administrator to notify the State that budget reductions be taken from the various departments as listed.

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

Supervisor Allen – aye  
Supervisor Clinger – aye

Agenda Item 9 – Proposed resolution – Supervisor Gerald. Supervisor Gerald commented that he was presenting this proposed resolution for the Board’s consideration. Four hundred and fifteen cities and counties, including thirty-five in Virginia, from Alabama to West Virginia, have voted yes and approved a similar resolution. This would be to legally display the motto “In God We Trust” in their board chambers. The resolution is self-explanatory and I hope the Board will approve it. I have six court cases here that prove it is constitutional. Some of the areas around us that have approved this are Roanoke County, Giles County, Town of Hillsville, and Franklin County.

Mr. Campbell read the proposed resolution .

Supervisor Yoder questioned the type of display that might be done and the associated costs. In favor of the resolution, just curious as to what type of display.

Supervisor Gerald replied that it would be up to the Board as to the type of display.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the resolution as presented to display the motto “In God We Trust” in the Board’s chambers (Document File Number \_\_\_\_\_).

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

Agenda Item 11 – Old/New Business.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, it was resolved to adopt the resolution as presented for signing of County warrants to add the new Deputy Treasurer as an approved signatory (Document Number \_\_\_\_\_).

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

Chairman Clinger noted that a final decree was received from Judge Long on the mixed drink referendum for District C.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and unanimously carried, it was resolved to enter Judge Long’s final decree into the minutes concerning the mixed drink referendum for District C (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 carried, it was resolved to cancel the regular Board of Supervisors meeting on December 23, 2014.

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

On a motion of Supervisor Turman, seconded by Supervisor Allen, and unanimously carried, it was resolved to adjourn to Tuesday, December 9, 2014 at 8:30 a.m.

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

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Daniel J. Campbell, County Administrator

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Case C. Clinger, Chairman, Board of Supervisors