

**BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 8, 2013**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 8, 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 Turman led in the Pledge of Allegiance.

The minutes of September 10 and September 24, 2013 were presented to the Board for review and approval.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to approve the minutes of September 10, 2013 as presented.

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

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of September 24, 2013 as presented.

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

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

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the monthly 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 September 2013. Mr. Campbell noted that it had been an average month. He also presented the building permit report for September 2013 and noted a slight increase in values.

Agenda Item 7b – Subdivision plat review fees. Mr. Campbell presented a draft resolution for the Board’s consideration as per instructions from last month’s meeting. He noted that a public hearing is not required since the fees are not included in the Subdivision Ordinance but on the County’s fee schedule.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the Resolution changing the subdivision plat review fees as presented (Document File Number _____).

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

Agenda Item 7c – Voting credentials for VACo Annual Meeting.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and carried, it was resolved to appoint Supervisor Fred Gerald as Voting Delegate and Supervisor Joe Turman as alternate Voting Delegate to the 2013 VACo Annual Meeting.

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

Agenda Item 7d – Appointment to New River Valley Community Services Board – unexpired term to end June 30, 2015.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and carried, it was resolved to appoint Supervisor Joe Turman to the New River Valley Community Services Board to fill the unexpired term ending June 30, 2015.

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

Supervisor Allen – aye
Supervisor Clinger – aye

Agenda Item 7e – NRV Mayors and Chairs meeting invitation – October 23, 2013, NRVPCDC Office. Chairman Clinger indicated that he would attend the meeting and invited County Administrator Campbell to attend with him.

Agenda Item 7f – Appointment of service provider representative to the Comprehensive Services Act Management Team – 4 year term. The Board deferred the matter for discussion with Mr. Carl Ayers, Chairman of the CPMT. Mr. Campbell reported that six letters of interest were received.

Agenda Item 7g – Consideration/discussion – fees for credit card machine use. Ms. Morris noted that the machines would be placed in the Treasurer's Office and Building Official's office for credit and debit cards. The Board had already indicated their interest in researching the viability of the machines. A question that had arisen in research was whether the Board wanted to charge fees back to the citizens or the County absorbing the fees within our budget. A draft fee schedule was presented for the Board's review. The Treasurer's Office already uses a system called Paymentus that citizens can call in to use their credit cards to pay taxes and they are charged a fee. The system gets a lot of use and citizens are accustomed to paying the fees. We wanted to get the Board's thoughts on which way you wanted to proceed. In a private business, the fees can be absorbed within the cost of products; it is different with a local government.

Mr. Campbell noted that in review of the contract that he feels there are some items that need to be tweaked. Specifically, the indemnification language, not even sure that we are able to do this as a public entity in the State. The contract seemed to be geared more toward a private business. There was also some private guarantee language that was disconcerting and would not apply to us. Feel sure we could work through those issues but didn't want to put more time into it without the Board's approval.

Consensus of the Board was for the County Attorney to review the contract and also for staff to continue research with the fees being charged back to the citizen using the service.

At 9:00 a.m., the Chairman called for the Public Comment Period.

Ms. Dawn Barnes, Virginia Cooperative Extension – presented invitation to a Poverty Simulation/Dialogue on October 20, 2013 from 2-6 pm at the Floyd Eco Village sponsored by the Floyd MD Team. At that point, we will be doing a poverty simulation which is hands-on; folks actually get to walk in the shoes of some of our families that are living at or below the poverty level. This accompanies an Extension program that we've been doing for several years. We will follow that with a community dialogue and talk about some of the challenges of those who are living the life of poverty and hopefully come up with some solutions or ideas that we can address in Floyd. We wanted you all to know about it and give you the opportunity to join in. It is a simulation where you will be able to participate. You could be a person anywhere from an 80-year old person to a 4-year old person living in poverty. We also have volunteers

who will be volunteers around the outside. They might be the landlord, social services worker, payday loan lender, a bank. There are several places that you could be involved.

Ms. Jennifer Seip, Coordinator of the GED Program in Floyd – our program is through New River Community College. Presented flyer of regional offerings for this year. The test is changing in January for the GED program and it will be much harder and a lot more expensive. We are doing our best to get more people through the testing now. We rent the building across from Milestones Childcare. You can see from the flyers that we offer more than the GED; we are trying to offer basics for folks getting into college also.

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

Sheriff Shannon Zeman next appeared before the Board. Do not have anything specific to bring to you. Did want to explain the Judge's order for a recent death we had at the nursing home. The situation was an elderly gentleman passed away at the nursing home, he has no family. Code of Virginia 332.1-288 says that if this occurs, the County bears the responsibility for disposition of the body. I have the records from the nursing home and from an attorney that was appointed as his guardian, in Roanoke City, when he first became ill. His responsibility ended at death. I have the funeral home records, his body is at McCoy Funeral Home, and the cost is \$1700 for cremation. Spoke with the County Attorney, he is to be over here today for other matters, he prepared an order and the Judge will sign. If any assets show up later, the County would be repaid.

Had another incident on Sunday morning on the want-to-be cop, we are working on several leads.

Mr. Kevin Sowers, Emergency Services Coordinator, next appeared before the Board. He presented a draft update of the Emergency Operations Plan and reported: Floyd County's Emergency Operations Plan has been revised as required by the Commonwealth of Virginia Emergency Services and Disaster laws. The revised plan is an accurate and appropriate reflection of how the County will address natural and man-made disasters and events as they develop. The revised plan is based on current resources available at the local level. The EOP consists of a basic plan followed by emergency support functions and support annexes. The basic plan establishes the legal and organizational basis for emergency operations in Floyd County to effectively respond to and recover from all hazardous and emergency situations. The Code of Virginia Section 44.146-19 requires each local jurisdiction and inter-jurisdictional agencies to keep current an emergency operations plan every four years. Each local agency will conduct a comprehensive review and revision of its emergency operations plan to ensure that the plan remains current. The revised plan shall be formally adopted by the local governing body. In case of the inter-jurisdictional agencies, the EOP must be adopted by each governing body of the locality within the jurisdiction. I've gone through the plan over the last several months, made 183 corrections to the plan. The State has reviewed it. Want to give the Board a copy of it to review and suggest corrections. It needs to be adopted at the October 22 meeting if possible.

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

- Case load for CPS/Foster Care has really increased over the last month, 6 children removed from their homes in the last two weeks – drug/abuse/neglect cases;
- SNAP – State has not posted last month’s numbers yet;
- Stimulus funds expired on October 1. Old requirements went back into place. The Able Bodied Requirement will go back into effect. Some SNAP benefits will probably be lost. The Able Bodied requirement had been on hiatus for five years;
- SNAP benefits will be adjusted down November 1 by an average of 5.7%;
- October 1 – began taking applications for MAGI (Medicaid Modified Adjusted Gross Income). Folks will fill out anywhere from one to seven applications. We encourage use of the on-line application process where there is only one form to complete. Seven applications have to be completed if done by hand. Hope to have another computer in the DSS lobby by November 1 to assist with this process.
- Local Disability Program begins January 1, 2014. All new employees will be placed in the Hybrid program which is different from the current Defined Program Plan 1 and Plan 2. VRS has required this disability program which this Board has already chosen to stay with. Our leave program is also affected, which decisions need to be made locally. Hope to receive a policy from the State by October 14 as to what we need to do and will keep the Board updated.
- Will be glad to offer any assistance necessary on the applications for the CPMT service provider position.
- Continuing to accept applications for SNAP. If the Federal government is not back in operation by October 30, we will have cut backs. The program is pre-funded quarterly by the State so we have carry-over funds to last through October 30.
- Also taking applications for the energy assistance program. The program is not funded until December. If the program is not approved in the Federal budget, no one will receive funds.

Consensus of the Board was for Mr. Ayers and the CPMT to review applications for the service provider position on the CPMT and narrow candidates to two choices for Board interviews.

Mr. Dale Profitt, Chairman of the Floyd County Electoral Board, next appeared before the Board. He presented a letter request of two items needed for the November 5 election. 1) Safety issue at the Little River precinct. With the traffic jams and one accident that occurred last year, would like to hire two off-duty deputies for traffic control at a cost of \$700 for the 12 hour day. Have requested the use of a VDoT portable sign to alert traffic to the congested area. 2) Request funds for a replacement computer at an estimate of \$800. This would replace the computer seized by the State Police as evidence. Mr. Profitt also reported that Ms. Tammy Belinsky had been appointed to the Electoral Board to replace the member who resigned.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the transfer of \$800 from Contingency to 4-001-013010-8101 for purchase of a computer; approve the transfer of \$700 from Contingency to 4-001-031020-1130 for payment of off-duty officers for Election Day at the Little River District polling place.

Supervisor Yoder – aye

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

Ms. Janet Kester, New River Valley Literacy Volunteers, next appeared before the Board. She reported that their program matches voluntary tutors from the community with adults who need assistance with reading skills or to learn English as a second language. She noted that she is the Program Coordinator for the agency and has been with them for over a year. The program is very active in Floyd County; six learners are in the curriculum at present, three of which are in the basic program, three in the ESL program. The percentage of need in the New River Valley shows that in Floyd County, 13% of the population could benefit from the program. Over 12% of the volunteer time is spent in Floyd County but we would like to increase our presence in the County. The Agency has received a grant to promote and provide our services. Have also received a development grant to increase self-sufficiency and to be more diversified in what we do. Also have two grant applications submitted and waiting on approval notification: 1) pilot program for computer literacy/skills; 2) new curriculum which is research based for those with dyslexia and more training for tutors who are working with these folks. Agency is working with a streamlined staff, increased impact with fewer employees. We have partnered with the Library to have additional meeting places. Also working with NRCC to set up a satellite office.

Ms. Anne Armistead and Ms. Jayne Avery next appeared before the Board. They presented a certificate of appreciation for the Board's willingness to support the uranium mining ban in the State. Request that the Board keep this issue on the State legislators' radar.

Mr. David Clarke, Virginia Department of Transportation, next appeared before the Board. He reported that maintenance work completed in the last month included pothole patching, mowing on secondary road, correction of drainage issues on Route 761. He noted that the pipe on Bethlehem Church Road had been checked and can be opened up and will be done in the next few weeks. Culvert replacement projects on Bethlehem Church Road and Beaver Creek Road have been approved. Both roads will need to be closed for 30 days. Work will not be done until spring of 2014, with a contract completion date of November 2014. There will be a four-month road closure for the bridge replacement on Buffalo Mountain Road.

Supervisor Gerald – appreciate paving on Pulaski Road and working with the church to coordinate their parking lot paving; appreciate culvert on Indian Valley Road; appreciate paving on Macks Mountain Road and painting of yellow lines. Yellow lines are needed on Camp #5 Road also.

Supervisor Allen – need machine work on Thunderstruck Road, Route 705 from bridge up; appreciate culvert on Bethlehem Church Road.

Supervisor Turman – appreciate work on Sugartree Road, Route 761.

Supervisor Yoder – Coles Knob/Stonewall Road intersection – sight distance problem there.

Mr. Clarke – we have reviewed the intersection, some of the bank could be taken off. We will look at it some more and speak with the property owner. Will check also on any more signage that could be used.

Supervisor Yoder – appreciate work on culvert on Boothe Creek Road. Will signs be able to be placed on Route 221 on Election Day for polling places?

Mr. Clarke – yes, we have already spoken with the Registrar and that will be taken care of.

Supervisor Yoder – Route 221 pavement is starting to drop off where the new guard rail was installed between Timberline and Goldfield Roads.

Supervisor Clinger – appreciate fill in Route 8 potholes. Also, bank is washing out before you get to Valley Trucking on Route 8.

Agenda Item 7i – Appointment to Floyd County Planning Commission, Burks Fork District – 4 year term. Since three letters of interest of received, the Board requested that interviews of the candidates be scheduled for the next meeting.

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

- Enrollment at September 30 is 2016;
- School Board will begin meeting at different schools this month for dialogue with teachers and parents;
- Teachers are thankful for addition of teachers to reduce class sizes;
- School Board is discussing the 10 point grading scale comparable to college scales – teachers are supportive of the change;
- Entering bid process for tennis court renovations. The bid process for the irrigation system for the football field will be done next.
- Request road repairs on the road between the High School/Vocational School/Floyd Elementary. The pavement is breaking up very badly.
- With the November election, Mr. Doug Phillips will be retiring and Mr. Gene Bishop will replace him from the Indian Valley District.
- Hope to schedule a Board retreat in the Spring with new board members;
- Will really be concentrating on maintenance items in the upcoming budget.

Supervisor Turman left the meeting at 11:30 a.m. for a funeral.

Mr. Kevin Byrd, Executive Director of the New River Valley Planning District Commission, next appeared before the Board. He reported on the New River Valley Stormwater Program:

- Purpose of the program is to address the quantity and quality of runoff enacted by Virginia Law on September 13, 2011 under Virginia Code Section 62.1-44.15:24.
- Act is effective July 1, 2014 and is required of all Counties, Cities and Towns.

- DEQ will maintain program oversight. The State will provide training and technical assistance but Counties have to do permits.
- Program triggers are: land disturbing activities greater than 1 acre; Common Plan of Development; additional permits to E&S permits and other local permits.
- A maintenance agreement over a period of time is required – E&S permits are to a point in time.
- Fees for the permit are \$2700 minimum of which \$750 will be forwarded to DEQ.
- The NRV Phase 1 Grant Program included an award from DCR/DEQ with deliverables of: identification of locality primary contact; draft funding and staffing plan; draft model ordinance; best management practices-engineering consultant; legal advisory-attorney consultant; local manual and tri-fold brochure; communication and outreach; all of which were included in a regional approach analysis.
- The grant timeline included a December 2012 kickoff meeting; April 1, 2013-PDC meetings with nine participating localities and a VSMP Substantive Completion Package; December 15, 2013-Local Review/Approval, draft VSMP package due to DEQ; April 1, 2014 – Localities will submit final VSMP package to DEQ; July 1, 2014 – local program will begin.
- Staffing rationale is that existing E&S requires a very low percentage of staff time but existing staffs are at capacity. This new regulation does not require a full-time person in each locality; most would need a quarter to half-time person. But, attracting a person with this technical expertise will be difficult.
- Potential role of the PDC would include: certification as Combined Administrator; Plan review; Site inspection; BMP management/reporting; Communication; BMP maintenance agreements; stormwater management system inventory; digitizing physical location; cataloging structural and routine maintenance measures; preparing annual maintenance reports; completing post-construction inspections; technical resource for HOA's and businesses.
- Potential role of local governments would include: certification as Program Administrator; maintain local policies and procedures; permitting process; plan review and communication of recommendations; site inspection and enforcement of regulations; review of BMP reports; enforcement of local ordinances.
- Regional cost package options were outlined for the Board's consideration.
- If the Phase II Grant Award is received, it would require a 70% DEQ/30% local match. There would be partial funding for PDC staff effective December 31, 2014. Non-capital equipment and tools to be funded would include: desktop computers for participating localities; Trimble handheld GPS; GPS analyst software; GPS satellite upgrade, Cloud data storage. There would be funding for training and certification of two PDC staff.

The Board thoroughly discussed the proposed ordinance and regulations forced on the County by the State. Mr. Campbell outlined what would happen if the Board does not approve the ordinance which could include: legal proceedings, fines, court, etc. Arbitration would be offered and a consent decree to come into compliance would be offered.

Consensus of the Board was that they would not further pursue adoption of an ordinance or to have staff work further on the program.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adjourn.

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