

**BOARD OF SUPERVISORS
REGULAR MEETING
SEPTEMBER 10, 2013**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, September 10, 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, Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

ABSENT: Lauren D. Yoder, Board Member.

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 August 13, 2013 and August 27, 2013 were presented to the Board for review and approval.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of August 13, 2013 as presented.

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

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and carried, it was resolved to approve the minutes of August 27, 2013 as presented.

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

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

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

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

Agenda Item 7a – Subdivision plats as approved by Agent for August 2013. Ms. Lydeana Martin, Subdivision Agent, reported that the month had been a little slower in terms of number of plats. She reported that the Planning Commission is reviewing the family provision of the Subdivision Ordinance – to make it more true as to a family division. May have some suggestions for the Board in the next few months.

Agenda Item 7b – Consideration/discussion – subdivision plat review fees. Ms. Martin presented a draft for the Board’s review of two options for changes in plat review fees. Again, primarily looking at family division fees.

Ms. Martin also invited Board members to attend the 2013 Planning/Zoning Conference in Roanoke in mid-October. Several of the Planning Commission members will be attending. She also invited the Board to the Innovation Center groundbreaking on September 24, 2013 at 2:00 p.m.

After discussion, it was the consensus of the Board to select option two on the draft subdivision plat review schedule. Staff was instructed to bring a draft back for next month’s meeting.

Agenda Item 7c – Resolution for Constitution Week – September 17-23, 2013.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and carried, it was resolved to adopt the resolution as presented for Constitution Week, September 17-23, 2013 (Document File Number _____).

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

Agenda Item 7d – Contract for telephone system. Mr. Campbell noted that the contract was consistent with what had previously been presented to the Board as far as equipment and costs. There will be a 90-day installation period. The County’s IT consultant will also be called upon for additional wiring/cabling work along with maintenance staff. This item was approved in the FY13 budget with funds carried over to FY14 to complete purchase.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and carried, it was resolved to approve the contract as presented with Ideacom for the County's telephone system (Document File Number _____).

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

Agenda Item 7e – Interactive GIS system contract. Mr. Campbell presented the draft contract for the Board's consideration. It has been reviewed and approved by the County Attorney. This will provide an overall update to the GIS system which has not been done since installation several years ago. The system is web based, more efficient, more user friendly. This purchase was approved in the FY14 budget.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and carried, it was resolved to approve the contract as presented for the Interactive GIS system (Document File Number _____).

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

There were no Constitutional Officers reports for the month.

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

Mr. Elmer Underwood, Indian Valley District – We got a bunch of roads that I think they need to be working on. One of them is 619, Windy Hill Ridge. They scraped at it here a while back, part of it, and I don't know that the bushes done grewed out in the road that they can't do no more scraping or what, but now it needs to be worked on because it ain't been worked on all summer. Another place on 730, the culverts is washed out, right in front of my house one place and another place right below it. If the school bus or something like that runs in a hole, it's going to kill a bunch of kids and I'm going to court with them, the people. Because I've been after them for the last 20 years to fix them. They won't do nothing about it and it is really dangerous. It ain't a bothering me but when they run into my field, I'm gonna be there with the people and do something about it then. I ain't heard nothing about the Yoga Fest but I hope that went off good because I didn't see no helicopters flying around. It has to be a lot better than Floyd Fest. Then again, who's got the authority over, do you all have the authority over the School Board or does School Board have the authority over ya'll or can somebody just come in and take authority as to whatever they want to do? Who's got the most authority on that? If ya'll got more authority than they have, I think ya'll need to tell them something on that. I think ya'll got the most authority. If ya'll ain't, then why do we need ya'll? Just let the principal or somebody tell everybody what to do and not do. I think something ought to be brought up and

said about it. I think ya'll got the authority and ya'll should be saying something to them about it.

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

Agenda Item 7f – Tourism Program Extension. Mr. Campbell reported that the Town has approved the extension of the agreement approved initially. Would take it through June 30, 2015 as it has been drafted by the Town's attorney. All terms remain the same, the amount of contribution is slated to be the same. This would update until June 30, 2015 the original agreement.

Chairman Clinger stated that they are starting to see some progress. The first part was more for planning. Suggest that we try this for another two year period.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and carried, it was resolved to approve the extension to the Tourism Program contract as presented, term to end June 30, 2015 (Document File Number _____).

Supervisor Yoder – absent

Supervisor Turman – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Clinger – aye

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

- SNAP case load numbers have gone down, first time that we're under 2000 people in program since 2008. 1992 people in the program last month. Hope that this is a good economic sign. \$230,000 was paid out in benefits for the last month.
- October 1, 2013 is the go-date for modified adjusted gross income calculations under the Affordable Care Act. The system is not ready and we do not have the rules and regulations yet. Met with a group that is doing outreach here, which is the Tri Area Health Clinic. They received a grant to do outreach to get people enrolled in the program. Our staff will have to do dual entry into both computer systems until things are worked out. Virginia will use the Federal Health Exchange instead of developing their own system. A navigator will be assigned to the area, 30 State-wide, to assist people in applying for the program. Benefits will begin January 1, 2014.

On a motion of Supervisor Turman, seconded by Supervisor Gerald, and carried, it was resolved to amend the agenda to include a closed session.

Supervisor Yoder – absent

Supervisor Turman – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Clinger – aye

On a motion of Supervisor Turman, seconded by Supervisor Allen, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.5, Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

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

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

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

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

**CERTIFICATION RESOLUTION
CLOSED MEETING**

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

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

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

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

Hearing no statement, I call the question.

Supervisor Yoder – absent

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

This Certification Resolution was adopted.

Mr. John Getgood, Floyd County Chamber of Commerce, next appeared before the Board. He noted that in January 2013, the Chamber presented a budget request to the County for funding. That request was denied and we would like to appeal the decision. He noted:

- Chamber has between 150-200 members, 65% of which are conventional businesses that do not depend on tourism;
- Small staff of two part-time persons;
- Provide after-hours socials for members for networking purposes;
- Provide educational opportunities through seminars, which are also open to the public;
- Visitors center – a need was identified in the community and the Chamber volunteered to provide staffing for the center. Support for the part-time person was provided through grant funding. Funding was not approved for the current year, thus, the request to the County.
- In 2012, there were over 1600 visitors to the Chamber, who were met by a live person to answer questions.
- The Chamber entered into an agreement with the Town and County for a Tourism Council with no compensation for the Chamber. Agreement has been renewed by both the Town and County. The Chamber will review the extension this month at their meeting. In meeting with the Town last week, they asked for a profit/loss statement which will be provided. Chamber lost over \$1800 last year. A \$280 surplus was to be realized this year but not without the support of the County.
- Hope the Board will reconsider their decision and approve the \$4000 contribution to the Chamber.
- The Tourism Council funding is only for their purposes and programs, no funds are provided to the Chamber unless the Executive Board makes other decisions.

Mr. David Clarke, Virginia Department of Transportation, next appeared before the Board. He reported that the Route 221 bridge over Pine Creek should be complete by the first week in October. Indian Valley Road is closed for a culvert replacement. Huckleberry Ridge Road is also closed for a new pipe placement. Repair work is complete on Lick Ridge Road except for spreading of stone.

Supervisor Allen – On Bethlehem Church Road, about one mile off of Route 615, there is a pipe stopped up with water running onto a property owner's land. Also, is any spot asphalt being done?

Mr. Clarke – only for patching.

Supervisor Allen – Cannady School Road – asphalt is breaking up badly about one-half mile off Route 221.

Mr. Clarks – Route 655, Pulaski Road – work is completed. Doing a lot of machining, patching, etc. A dry run for snow removal procedures will be done in October.

Supervisor Gerald – safety issue – Indian Valley Elementary School – flashing lights need to be moved out from the school, especially for fog situations. What would be the process?

Mr. Clarke – signs are put up by the School Board, not VDoT. We only do the permit for them.

Supervisor Gerald – need mowing in Indian Valley. Need yellow lines repainted on Macks Mountain Road and need lines on Camp #5 Road. There is new pavement on Macks Mountain Road – really need these lines painted especially in fog situations. Appreciate new bridge work on Route 787 – will it be completed by the 19th on schedule?

Mr. Clarke – should be done by then. Traffic count may not be enough for lines on Camp #5 Road but I will research.

Supervisor Gerald – thanks for work on Pulaski Road, appreciate VDoT working with the church to coordinate projects. Had a citizen here for Public Comment this morning concerned about bushes on Route 619 that need cutting and also a culvert washout on Route 730. He is concerned with litigation if a bus were to go over in the hole.

Mr. Doug Thompson, Floyd Press – Route 787 near Montgomery County line – sides of pavement are breaking up really bad.

Supervisor Turman – Weddle Road – brush has been cut but limbs are still hanging down and hitting vehicles. Also need dust control on Sugartree Road, several children on road with severe asthma problems. Buffalo Mountain Road bridge – any update as to when it will be done?

Mr. Clarke – I would have to research the dates – it will be the same width but weight limit will be changed.

Supervisor Clinger – has pothole been fixed at Oxford Street/Howell Alley intersection?

Mr. Clarke – I do not know, can research.

Supervisor Clinger – Route 8 North and South – small potholes need patching, large ones have been done.

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

- Presented copy of School Board meeting highlights from September 9, 2013 meeting;

- School Board approved revisions to the Crisis Action Plan which has similar plans for all schools. An officer was involved in the plan preparation this time which was very helpful.
- Met with the Sheriff on internet safety. There is a program provided by the Moose Lodge entitled Safe Surfing Program which we hope to provide to all schools.
- School Board approved resolution to support lawsuit against OEI, which is an accreditation standards issue.
- August membership was 2020.
- School improvement plans were provided to the School Board by each principal.

Supervisor Gerald reported that, at the VACo Education Steering Committee meeting recently, that it was reported that all school bus drivers have to be trained in AED and CPR before being allowed to drive.

Supervisor Harris – All new bus drivers, new teachers and teachers being re-certified all have to be trained.

Supervisor Gerald – talked with Nick Rush, he is against the mandate. VACo is also working on the mandates. They reported that by 2014 CPR will be required for students also?

Dr. Harris – 2016 requirement which will be done through PE classes for graduation credit.

Supervisor Allen and Dr. Harris further discussed the scheduling issues at the gyms and playing fields between high school sports and recreation sports.

Mr. James E. Cornwell, County Attorney, next appeared before the Board. He reported: I understand the Board wanted a discussion on parking on County or EDA property. I did a little bit of research on this issue. There are actually 49 pages of statutes in the Code relating to parking on public property. They are basically contained in 46.2-1200-1700. They all require adoption of an ordinance. Some of them require approval by the State Transportation Board because of being State roads. Some of them are only applicable to certain jurisdictions, of which Floyd would not be covered. These jurisdictions are named. Some of them are contradictory as you can imagine. For example, 15.2-967, that states that any locality may provide off-street parking facilities and open them to the public, with or without charge. Or when a locality has constructed such a parking facility, they may also lease space for private or commercial purposes, which are necessary for sound fiscal management of the facility, or which space is not suitable for parking. That's 15.2, 967. There's another statute, 46.2-1221, that says a governing body of any County may by ordinance, provide for the regulation of parking on County owned or leased parking and they prohibit parking within 15' of any fire hydrant or in any way obstructing a fire hydrant. So although 967 doesn't talk about adopting an ordinance, 1221 does. As I said they are somewhat contradictory and somewhat difficult to give opinions on until I get a feel on what the Board might want. Except for County owned property, I do not think your regulations would be applicable in the Town of Floyd. The Town would have its own regulations. The regulations speak to County owned or leased property. Other political subdivisions such as the EDA, PSA, etc. can adopt their own regulations relating to the use of their property. I think they

can do that as any other property owner. I will be glad to offer guidance as to what you can do or if you want a draft ordinance to look at.

Chairman Clinger – the Commerce Center belongs to the EDA, really none of the County property was used for parking. The Courthouse parking lot comes under the Judge’s regulations.

Mr. Cornwell – the Judge controls the Courthouse, I think you would have to get his consent to control the parking, but you could do that.

Chairman Clinger – we could request the EDA to charge for parking.

Mr. Cornwell – you can recommend that they charge for parking or any damages, but they do not adopt ordinances. Part of what you might want to think about is being proactive, not reactive. There are all sorts of regulations about local ordinances for parking on various properties, even on State maintained roads, like parking on the side of a State road. You would need consent from the State Transportation Board on some of these statutes. There are all sorts of regulations that you can do for trespassing vehicles. If you have some thoughts on what you might want to look at in the future, not just for one event but for all, I’ll be glad to offer guidance. Whatever you think you might want to control, I’ll be glad to research and provide a draft ordinance if appropriate. The only thing I can think of that you might want to beef up is parking on County owned property and the Courthouse parking lot.

Mr. Campbell – we have the Courthouse and property use policy that we just updated that controls those areas.

Mr. Cornwell – I would suggest adopting an ordinance since the statute clearly outlines doing so.

Mr. Campbell – we do have some issues occasionally, abandoned vehicles, vehicles for sale, campers staying weeks at a time, etc. Most people are respectful of the parking and use it fairly.

Mr. Cornwell – I’ll be glad to work through with you as to whatever areas you might be interested in.

Consensus of the Board was to suggest to the EDA that they bill Across the Way Productions for parking at the Commerce Center.

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

Supervisor Yoder – absent

Supervisor Turman – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Clinger – aye

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors