

**BOARD OF SUPERVISORS
REGULAR MEETING
SEPTEMBER 23, 2014**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, September 23, 2014 at 7:00 p.m. in the Board Room of the County Administration Building, thereof;

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

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 Comment Period.

Ms. Mona Helms, Courthouse District and Ms. Crystal Heath, non-County resident –
Ms. Helms – we wanted to thank you for the support for Floyd Elementary School for hiring the extra teachers. We acknowledge that we were very thankful that you could work together with the school system to come up with that solution, it has helped a lot.
Ms. Heath – it really truly has a made a difference. I can already see that my kids are more excited, happier, having more enjoyable activities so we just really did want to come here and say thank you. We appreciate the support. Thank you, thank you.
Ms. Helms – hopefully we can continue to work together. Thank you very much.
Ms. Heath – you'll see our faces a lot.

Ms. Jane Cundiff, Little River District – I'm here as a follow-up to some of the community meetings that have been happening, especially the September 14 one at the Eco Village where we saw To The Last Drop. I wanted you to thank you for having a part in actually doing that movie. Lydeana helped set that up. Have you all seen it? It is on-line now so if you haven't actually seen it you can. It was really well done. There were over 230 people that attended the meeting and they were from all different walks of life. All of them were there to save their land and water so it was really a good meeting. And, I want to encourage and hope that I can help you with, all the land planning that Lydeana has done and you have had her do, on trying to save the environment around Floyd County. That was what the meeting was about, is saving our land and water, and especially from the pipeline or anybody else who would come through it. We know that the County is with us and we are really happy about that and thank you for the activities that you have done so far. I also want to let you know that I am a member of five different environmental organizations here in Floyd County. That is only five, there are probably some more around. Of those five different organizations, including Partnership for Floyd, all of these have some kind of love in trying to protect our environment. Partnership for Floyd, Sustain Floyd, Citizens for the Preservation of Floyd County, The Wild Garden Club and The Hikers Club are all working at trying to preserve things. I wanted to let you know that we would support any kind of legislation. We know it is really hard to get that kind of thing passed to preserve our water and land but there are a lot of people out there who would like to help you and be behind you in that kind of legislation. We probably could use some zoning and tax structures. I know the Big Z is a nasty word but we really need to protect our land as much as we can, especially our water which is fragile, and our forests and streams. If we can base our tax system on this, we could have all kinds of incentives to preserve these things so

that everybody can have them in the future. Especially when we have somebody trying to come across it. So all those people gathered together and even though they might disagree about other things, they really want to preserve this land. So people are behind it and this is a really good time to start thinking about doing that, while people are excited about it. When we have an organization like that pipeline trying to come across it, that's when we get really riled up and we need to take care of our own place. For them to see us as being environmentally sensitive, we have to see ourselves that way and do as much legislation as we can to preserve our land and water. Thank you.

Ms. Mara Robbins, Courthouse District – I am here tonight in as organized fashion as I can be. I attended the Montgomery County Board of Supervisors meeting last night and I wanted to let you know about five resolutions that the Preserve New River Valley Coalition, which is newly formed, presented to the Montgomery County Board for their consideration. The first one was a request for insurance coverage for the potential safety issues that this pipeline could cause especially in such a highly populated area. The second one was to deny all access to any surveying until a detailed map is provided. The third one was to deny any importation of fracking wastewater, which is something that honestly had not even occurred to me until last night, but evidently that is something that has been happening. The fourth was to oppose the construction and operation of said pipeline. The fifth one was similar to the one that was filed by Floyd County which was to request a public meeting before any other activity took place. I was very impressed with the presentation that was given last night because it was a different angle than Floyd County has taken. I do think that our natural resources are incredibly precious and worth protecting but some of the numbers, the safety issues, the number of accidents, the extent of the cost of the damages that have been caused by pipeline accidents, are over \$6 billion. I will be able to have access to these presentations but not in such short order but I would encourage you to consider those aspects as well, in light of the safety issues, cost issues, insurance issues. Also, I have been a little unsure, given the coverage in The Floyd Press, whether or not the meeting with EQT on October 28 is actually a planned meeting or whether they just said that was the first time they could do it? It is being presented that it is happening so I've proceeded as if it is. But I wasn't sure that had been confirmed or not and I wanted to see whether you had actually gotten confirmation from EQT that they had agreed to that meeting or not. I realize we can't ask questions during Public Comment Period but I'll just put the question out there and leave it at that. I also wanted to thank you because I was out of town for the meeting when the resolution was passed. I really appreciate you handling that as speedily as you did and hopefully they will meet the request for the meeting. Although I do think their refusal to disengage with any surveying activity shows a lot of disrespect. Thank you very much.

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

Agenda Item 3 – Approval of month-end disbursements.

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

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

Agenda Item 5 – Resolution Approving Lease Purchase Financing. Mr. Campbell noted that the original debt was \$920,000 through VML/VACo Financing. Presented a draft resolution, payment schedule of the remaining principal of \$556,000, fixed amount is 1.736% interest rate. The payments will go through February 2020. Also provided a copy of the bond counsel’s recommendation and the master lease purchase agreement (contract) which the bond counsel also reviewed. The closing date will be September 25, 2014. There will be no closing costs but a small amount of legal fees will be incurred. The advantage is that we’re moving from a potential volatile rate that we’ve had to a fixed rate. The resolution would authorize the Chairman and County Administrator to execute documents.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to adopt the Resolution Approving Lease Purchase Financing as presented (Document File Number).

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

Agenda Item 6 – Discussion of 2015 Legislative Recommendations. Mr. Campbell noted that VACo had requested any legislative items before November 1 for inclusion in the list to be presented at the VACo Annual Meeting. The Board usually works on their list a little later in the year. Thought the Board might want to submit something related to the gas pipeline issue. That issue could be submitted to them and then work on other items later. In their draft right now there is no reference to it even though it is a big issue in this part of the State.

Consensus of the Board was for the County Administrator to submit the County’s concerns about the pipeline to VACo for consideration in their legislative program.

Agenda Item 7 – VACo Annual Meeting Voting Credentials.

On a motion of Supervisor Turman, seconded by Supervisor Yoder, and carried, it was resolved to appoint Supervisor Fred Gerald as voting delegate for the 2014 VACo Annual Meeting.

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

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to appoint Supervisor Joe Turman as alternate voting delegate for the 2014 VACo Annual Meeting.

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

Agenda Item 8 – Consideration of advertising Recreation Authority appointments. Mr. Campbell reported that two positions will be open in December. One incumbent has already filed his letter of interest. Wondered if the Board wanted to advertise these positions.

Consensus of the Board was to advertise the positions, also notifying current office holders to determine their interest. If only incumbents apply, interviews will not be necessary. Staff will advertise.

Mr. Mike Maslaney, representing Partnership for Floyd, next appeared before the Board. He noted that a proposal had been provided for the Board in their packs concerning a trail. This is not a huge project, just something for a nice start. As far as the history, when we were doing the original T-21 project and the CDBG grant about 6-8 years ago, there was always envisioned that the T-21 trail would start at the Library and then circle around Town, come back to the Library, making a loop for people. As we got involved with the T-21 people, they wouldn't fund a trail through the woods. It had to be a sidewalk kind of thing. So we had to drop that extension that went from the Park to the Library, although it was always in the plan. Now that the rest of the T-21 project is done, we felt like it was time to resurrect this piece of it and put the whole thing together again. If you would refer to the handout, the first slide shows a picture of the Google map indicating the library, park, woods in between the two. The next slide, I took some pieces of sticky paper showing the path winding through the woods for a nice experience for people. To make use of as much as we can as to what is available. It is not real long, maybe half-mile at most. The first slide shows the landowners involved, and the proposed path as we walked it several times. We've already walked this with the landowners. There are two private landowners involved, one of which is the McGraths and Mr. Mitnik. We have walked the property with both of them and they are very open to this trail and very positive about it, they are on-board and ready to go. We walked the part going behind the Library and it is actually pretty nice back there. If you look at the next slide, it is a shot looking back from the Library. The property rolls off very nicely coming off the slope until you get into the section where it levels out and has access to a corner of the Library parking lot. There is a nice natural grade already. The last picture is a shot up in the woods and it is a natural pine forest there which is real nice for bedding and environment. Makes it easy to make a trail because most of it is already there. Of course, we'll try to disturb as little as possible while doing this. With pine trees, a lot of the lower branches are dead anyway and can be cut which will clear everything out. I've always enjoyed walking through a pine forest, they are kind of nice and peaceful. Progress to-date, we've walked the property with each private landowner, we've looked at where they would like the path on their land, they are amenable to that, we've received their permission to move forward. Jack and I took this proposal to the Montgomery-Floyd Regional Library Board and made a presentation to them several weeks ago. They endorsed it and thought it was a really good idea. The Town of Floyd is here in support and they have agreed to hold all easements, take responsibility for the costs and the maintenance of the trail, cover all liability issues concerning the trail and oversee construction. We kind of see this as a real nice, simple little project between the Town and County and hopefully construct something that everyone can be proud of and use. Construction and design assistance will be provided by the Virginia Department of Forestry. Dennis Anderson is dying to get his bulldozer going! He has helped us and will help us lay out the trail, do some of the work and give us general guidance along the way. The Partnership for Floyd members will be the feet on the ground and will move this thing forward. We have a long history of working with the Town successfully so we don't anticipate any problems along those lines. What we need from the Board, if you like what you hear and think this would be a neat little project and something we could all do together, we would need for you to approve letting the Town hold a 10' easement on the Library property and approve us to move forward with construction of the trail. We can accommodate any involvement you would like to have, reports every couple of weeks from us, provide you with any kind of support that you would like. We are very cooperative in that respect and don't mind coming to a meeting to share progress. If we get approval, we'll bring in the survey team, walk the area to find the path of least disturbance, check on any issues such as soil erosion. Once we pick the rough path, we'll bring in the survey team, project the rough trail,

draw up the easements and have everyone sign off and then proceed with construction. Don't expect it to take a long time, hope to have it completed before winter.

Chairman Clinger – what would happen if the library decides later on to expand again and needs the parking lot.

Mr. Maslaney – if you look at the bank there, they've already taken a huge chunk out of it. We would certainly give way if needed.

Chairman Clinger – would the easements tie us up?

Mr. Maslaney – we would just move the trail, that could certainly be part of the easement language. We're hoping it might help alleviate some of the parking problems – maybe folks will decide to walk to the library from another parking place in town.

Mr. Campbell – how much land disturbance will there be?

Mr. Maslaney – should be very little. In fact, the Mitnik property already has a nice slope for the water to run off. It is already almost perfect, may not have to do much disturbing at all. The objective is to keep it to a minimum. The pine forest is already very nice. Most of the work is on the McGrath property, overgrown bushes and briars.

Chairman Clinger – would the slope and length require meeting the ADA requirements?

Mr. Maslaney – private property does not require meeting the regulations, no public funds are involved.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and carried, it was resolved to approve the agreement for an easement through County property (Library) for a trail upon review by the County Attorney (Document File Number _____).

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

On a motion of Supervisor Turman, seconded by Supervisor Yoder, and 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 – absent
Supervisor Clinger - aye

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

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

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

**CERTIFICATION RESOLUTION
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss property 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 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 – absent
Supervisor Clinger - aye

This Certification Resolution was adopted.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and 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 – absent
Supervisor Clinger - aye

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

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

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

**CERTIFICATION RESOLUTION
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss property 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 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 – absent
Supervisor Clinger - aye

This Certification Resolution was adopted.

Agenda Item 10 – Old/New Business.
No items for the month.

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

Supervisor Yoder – aye

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors