

**BOARD OF SUPERVISORS
REGULAR MEETING
JUNE 30, 2015**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, June 30, 2015 at 7:00 p.m. in the Board Room of the County Administration Building, thereof;

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

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

The Opening Prayer was led by Supervisor Gerald.

Chairman Clinger led in the Pledge of Allegiance.

At 7:00 p.m., the Chairman called for the Public Comment Period.

Ms. Virginia Neukirch, Courthouse District – I have lived in Floyd for 15 years. I'm here tonight because I'm concerned about the changes made on the County's Planning Commission. In the past few years, a lot of work was done by the Commission and I saw very good working relationships with the Floyd community and other employees of Floyd County. I saw this time and time again with Mark Sowers, the County Planning Commission and Lydeana Martin as they helped prepare and shape the comprehensive plan. The direction of the County and Town is shaped up because of that. Why change something that is working so well? The position of chairperson for any County committee needs to be able to mediate and see both sides of the situation fairly. This has been going on but will it continue? To make changes on a commission that has been working so well makes no sense to me and I'm here to ask the Board to reconsider the changes recently made to the County Planning Commission. Thank you.

Ms. Jane Cundiff, Little River District – Mark Sowers, Floyd farmer, rancher and pillar of our community spent years on the County land policy task force, helping Lydeana Martin and others to preserve the beauty and quality of life in Floyd. Recently, when his position was up for re-appointment, he was replaced. I'm quite disappointed that our Supervisors would choose to replace such a qualified person. Mark was working on zoning issues which are always difficult and controversial. Change is a fact of life and perhaps we should consider more zoning rules to prevent and solve some of the problems of growth in our County. Rules that Mark Sowers and the committee were working on. I am here not just to support Mark and zoning regulations, but also to suggest a process of helping our local government. I understand the limited ability and choices involved in running our County and the wide divergence of opinions. Maybe I am myopic but I think most people in our County want the same basic things – life, liberty, the pursuit of happiness and the preservation of the beautiful quality of life here in Floyd. And we

need to work with a wide variety of people to get the best results. I would like to propose that the civic organizations of our County gather diverse groups together to provide facts, figures and unbiased but pertinent information on certain issues for our County representatives. Information that would be available to everyone, especially during elections. Hopefully this would allow for better decisions toward the future that will preserve our wonderful quality of life here in Floyd. Thank you.

Ms. Kamala Bauers, Little River District – I recognize the Board of Supervisors has a difficult and somewhat thankless job. As a volunteer in our community, I appreciate the hours of work that goes into doing what you do for our community. I genuinely appreciate that. What I need from my Board of Supervisors more than anything is leadership. That is what we look to you for. Leadership specifically around issues that are going to affect this County for the coming 50 years, not what's happening tomorrow with the budget for this year, but what's going on 50 years from now. Which is what we look to our Planning Commission to help with decisions that are being made. Specifically, even things like our schools. We don't have a school building that is under 50 years old. Yet, I've seen no evidence that there is work being done to work on how we're going to support our children in future years. Planning is very needed in this County. I was very disappointed when Mark Sowers was replaced on his position on the Planning Commission. I've never seen a volunteer work more diligently on behalf of Floyd County citizens without compensation. The person that has replaced him is a person that I've had interaction with because of being a neighbor to my business which is Hotel Floyd. This neighbor plays talk radio from 6 am until midnight, often. You can ask anybody who walks up and down the road, this is not like a secret, this is something that is done in that neighborhood. Yet, this is a person who is going to be making decisions on this Planning Commission as to what is appropriate behavior of our fellow citizens. I'm concerned about the judgment of that decision. You have lots of folks in the County who are available to you to help you with the difficult decisions that are made. I'm not saying that they have to agree with me or anything like that. There are lots of people I respect, some of which are on this Board. We do not always agree but I respect the quality of the thought that goes into decision making. That is not true in this case and I'm concerned about the decision and how it was made. I truly regret that Mark Sowers is no longer part of our Planning Commission and I hope there is more planning going on in this community than I can see right now. We have serious issues of what is going to be happening here in the future and we need to be planning now as to how we're going to accommodate the needs of our children and schools and all kinds of things. Thank you for listening.

Ms. Carolyn Deck, Preserve Floyd – we have been working with the community to draft a legal framework, a resolution that protects our water, our air, our land, and our rights to self-governance. You can help shape the outcome of that process by joining with us. We all share these things in common. There is strength in numbers and in unity of purpose will go far. What we stand for and for generations to come, we're thinking way ahead here. To live in a healthy, sustainably flourishing Floyd that is economically sustainable as well as healthy. All of these things are equally important. This is an important early step towards a new, economic model that some call triple bottom line economics that acknowledges the rights of people and planet as well as profit. We deserve the right to make decisions regarding our rights, our lives, our land, our air and our water. We ask for this for our children and our grandchildren. We're planning a

series of planning meetings in all five districts of Floyd County very soon. We have a draft resolution drawn up; do I have time to read that?

Draft of Floyd Bill of Rights Resolution:

WHEREAS, We the people of Floyd County, in recognition of the common understanding that all are sustained physically, mentally, emotionally and spiritually by the air, water, and food that this land provides us, and

WHEREAS, we are sustained by the irreplaceable natural beauty offered by our mountains, fields, forest and streams, and

WHEREAS, these precious resources must be guaranteed against usurpation or trespass that puts at risk the integrity and well-being of our families, farms and foods.

NOW, THEREFORE, BE IT RESOLVED, that the forced taking of private property through eminent domain that might serve the interests of enterprises external to Floyd County may not also serve the public utility interests of our residents. That's an individual situation. Such actions put the above-mentioned precious resources in jeopardy of loss or damage, and as such, these actions are contrary to the security, safety and sanctity of our way of life. Such taking shall require a vote by local public referendum.

It is appropriate and necessary that we offer this resolution consistent with the Virginia Constitution of the Commonwealth, Article One, Section 3, Government is instituted for the common benefit. It states: "...that government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration and whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal". That's a quote directly from the Constitution of the Commonwealth of Virginia. So look out Richmond.

Mr. Joshua Bond, lifelong resident of Floyd County – I wanted to speak a little bit and ask some questions about the replacement of Mark Sowers with Ms. Wagner on the Planning Commission. I spoke to a lot of different people over the past few days about this. Overall, I think this was a mistake by the Board of Supervisors. I think you should have looked at the service that Mark offered with the Planning Commission and the loyalty that he has for the County. Overall, I think the County, if it was put to a vote, would agree with me. I had a few questions. The first one would be, the main one, was the appointment decision, vote or action made in the closed door session? That would really be my main question that I would like to know from the Board of Supervisors. Was the appointment, vote or action to replace Mark Sowers with Ms. Wagner made in a closed door situation? Thanks for your time.

Mr. Will Griffin, Courthouse District and Mayor of the Town of Floyd – first thing I wanted to come up representing the Town by formally acknowledging Dan and thank him from the Town for his service to our County. We wish him the best in his future job there. You know, I think since I've been the Mayor and Case, since you've been the Chair, we've done great things together. The tourism committee, a joint deal with the Sheriff's Department working now, we've just finished the trail which is great, if you guys haven't walked it yet. We've made a lot of positive strides. It is no secret that the Town has had a strained relationship with the Wagners. It is what it is. You and I have talked Case, over the last month, about sitting down and talking

again. That's my fault, I dropped the ball. We haven't done a good job of that in the last six months. I'm here to tell you that I want to re-establish that line of communication. I think it is important for the Town and County to work together. Obviously you don't have to justify anything that you've done to me; I'd just like to get your comments on it at some point. I hope to continue to work with you guys because there is tons of things to do, we can get past this. I can say that I don't agree with it either, just by my dealings in the Town with the Wagners and my respect for Mark. Anyway, that's neither here nor there. I know what you guys do, it is a hard job and a thankless job a lot of times, I do appreciate what you do. I'll call you soon. Thanks.

Ms. Mara Robbins, Courthouse District – I'm curious as to whether you can answer questions at this meeting. You can't? We're addressing you but the question that Joshua Bond asked is not a question that can be answered in this forum?

Chairman Clinger – this is Public Comment, we listen to you.

Ms. Robbins – I was just checking. I also have concerns about the way that this happened. I'm curious as to the process of it because it was not brought to my attention until what seemed to be after the fact. That seemed like an issue that should have involved some public participation especially with something as important as the Planning Commission. I'm also here tonight to speak to you about the statue that is in front of the Courthouse. Its come to my attention over the last couple of weeks, I'm sure everybody here is aware of it, that there have been a lot of things in the news about the Confederacy, the flag and statues in various places, including Monument Avenue in Richmond. Although I think it is important to preserve our history and to keep the statue that we have of the Confederate Soldier on the lawn of the Courthouse, I also think it is worth considering the fact that Floyd had a history of also being involved with the Union. I have a couple of articles here that I will leave. Quoting from this one, the Unionist community in Floyd aided local deserters, attempted to spread Confederate disaffection, joined covert peace societies, provided intelligence and support for Federal troops, conflicted bitterly with local Confederate loyalists and contributed to the disintegration of Floyd's Confederate home front. The local Unionists avoided military service, assisted Confederate draft dodgers across Federal lines and eventually organized a "Union Guard" unit to respond to harassment by Confederate military forces. They were elected as County magistrates and used the position to supply deserters' families with Confederate aid and to spread Confederate disaffection among residents. Many of Floyd's Unionists also joined the Heroes of America and afterwards successfully spread the society's doctrine among County troops and used the order to issue death threats to local Confederates. These activities incited a furious response from Floyd's loyal Confederate residents, the wartime governors of Virginia and Confederate authorities. However, their collective pro-Confederate reaction did little to stem the tide of disaffection, disloyalty, and Unionism in Floyd, and instead served only to hasten the collapse of the County as a positive portion of the home front. So, back then, and this was a very long time ago, the Civil War bitterly divided the residents of Floyd County and ultimately generated an inner civil war within the community. The war-time conflict among Floyd's white citizens deeply contrasted their pre-Civil War history of cohesion, cooperation and solidarity. From the formation of the County in 1831 through its economic boom in the 1850's, citizens had worked together to better their mountain-top community, cooperated to bring much needed

transportation improvements to the region and profited together from the economic gains that resulted. They worshipped together, provided for each other in times of need, helped raise neighbor's barns, swapped labor and enjoyed each other's company. However, war dramatically shattered this pattern of cohesion and left Floyd's residents profoundly and painfully divided. So, it seems to me that one solution to the potential division that we're looking right now within our society today in terms of these divisions is to add a statue. Now whether that statue is of a Union soldier, or somebody else, I think it is an idea worth considering. I will leave both of these articles for you to see. Thank you.

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

Agenda Item 5 – FY15 year-end disbursements approval. Ms. Morris noted two bills in particular for the Board's review – Electoral Board purchases for voting booth conversions and used machines to allow for more time for research of new machines.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the FY15 year-end disbursements as presented.

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

Agenda Item 6 – FY15 year-end transfers. Ms. Morris presented a spreadsheet and explanation sheet of departmental overages. She noted that department heads are very conscientious about their budgets during the year and these overages have been reported to the Board earlier.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the FY15 year-end transfers as presented with \$139,469.54 to be transferred from Contingency to: Board of Supervisors - \$236.58; County Administration - \$17,540.18; Assessors - \$59,207.95; Magistrate - \$64.13; County Attorney - \$ 153.05; Community Development - \$7909.28; General Properties - \$ 27,127.80; NRV Regional Commission - \$5572.64; Miscellaneous Programs - \$ 21,657.93.

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

Agenda Item 7 – Carry-over requests to the FY15 budget. Ms. Morris presented the documentation from departments for their requests and noted that all meet the Board's policy of carrying over only encumbered items or grant funds.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the FY15 carry-over requests as presented.

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

Agenda Item 8 – School Board Revenue Transfer Request. Ms. Morris presented the transfer request from Federal to State Revenue as per the School Board request.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the FY15 School Board budget transfer in the amount of \$3500 from Federal to State Revenue.

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

A separate request from the School Board for permission to carry-over 221,011.63 to the FY16 budget. Of that amount, \$70,940.00 was planned and already included in the FY16 budget approved earlier by the Board. The School Board requested \$39,950.00 be carried over to Maintenance for payment of the Indian Valley gym roof. The remaining \$110,121.63 was requested to be carried over for employee health insurance coverage.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the carry-over of \$39,950.00 to the FY16 School Board budget to the Maintenance category for payment of Indian Valley gym roof repairs.

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

Mr. Kevin Sowers, Emergency Management Coordinator, next appeared before the Board. He reported on recent bids received for the replacement of the HVAC system for the communications center data server room. The server room must have controlled temperature and humidity. A household HVAC system can only operate at 15 degrees outside. A data server room operates at minus 30 degrees. We run into trouble because the equipment puts off so much heat and is running at between 89-90 degrees all the time. The humidity level is not controlled at all. With low humidity you get a static atmosphere in the room and you can go from 35,000 volts at 10% humidity that is just static energy generated. If you go at 55% humidity, it cuts it down to 7500. So the humidity in the room makes a big difference along with the temperature.

The goal of this is to get the room to run around 73 degrees with 50% humidity. It is a self-contained unit that will be installed in the server room and the only thing that will be outside is the condenser fan. The unit, after we spec'd it out with all the equipment and room size, will need to be a 5 ton unit. The current unit is a 1.5 ton unit. The original design had only one rack in the room, now we have four. The new unit will cover what we have now with growth potential. We only received one bid from Nolen LLC Contractors in the amount of \$24,700 of which \$4700 is for wiring for 3-phase power from the Courthouse to Dispatch. The unit is designed to run 24/7. One rack of equipment in there is valued at around \$300,000 and we have four racks. The contractor estimates sixty days to build the unit.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the contract award to Nolen LLC Contractors in the amount of \$24,700 for replacement of the HVAC system at the communications center; authorize County Administrator to execute the contract as presented.

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

Mr. Sowers and Ms. Morris reported on needed repairs to the 2010 tanker at Station #2 Fire. There are problems with the water delivery system on the back of the unit and considerable expense will be incurred. No action needed from the Board, just for information.

Agenda Item 10 – Paving bid award/contract approval. Ms. Morris presented a copy of the bid document and draft contract with S&S Paving for paving of the Courthouse parking lot. She noted that two bids were received but the low bidder was not a certified contractor and the bid was rejected. Would also request that the driveway between the Courthouse and Bank parking lots also be paved. The Bank of Floyd has agreed to pay half of the cost for the driveway paving.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and carried, it was resolved to accept and approve the bid from S&S Paving in the amount of \$69,940 for paving of the Courthouse parking lot; addition of \$16,640 for paving of the driveway between the Courthouse and Bank of Floyd parking lots with cost-sharing with the Bank of Floyd; authorize the County Administrator to execute contract as presented (Document File Number _____).

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

Agenda Item 11 – Appointment to VASAP Advisory Board, 1 year term.

On a motion of Supervisor Turman, seconded by Supervisor Allen, and unanimously carried, it was resolved to reappoint Mr. Doug Thompson to the VASAP Advisory Board for a one year term.

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

Agenda Item 12 – Exception Request – Floyd County Code Section 62-31 – Vision sight distance requirements/setbacks. Ms. Morris presented an exception request from Mr. Mark Bolt, Building Official, from Mr. and Mrs. Robert Badger. They are requesting an exception of ten feet of the 35 foot setback from State right-of-way for their property at 2556 Floyd Highway North. Mr. Bolt requested this exception because of no findings of interference with sight distance.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the exception request as presented from Mr. and Mrs. Robert Badger, 2556 Floyd Highway North, as per Floyd County Code Section 62-31.

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

Agenda Item 13 – Auditor of Public Accounts audit of Clerk of Court office – for information – no issues or problems found.

Agenda Item 14 – closed session.

On a motion of Supervisor Turman, seconded by Supervisor Gerald, 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 Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Yoder – aye
Supervisor Clinger – aye

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

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

On a motion of Supervisor Allen, seconded by Supervisor Gerald, 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 Turman – aye
Supervisor Gerald – aye
Supervisor Allen – aye
Supervisor Yoder – aye
Supervisor Clinger – aye

This Certification Resolution was adopted.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to appoint Terri W. Morris as County Administrator effective July 1, 2015.

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

Supervisor Yoder – aye
Supervisor Clinger – aye

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to advertise for the position of Assistant County Administrator for Finance.

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

Agenda Item 15 – Old/New Business.

Chairman Clinger presented the Tourism Agreement between the County, Town and Chamber of Commerce for a new term. He noted that there were no changes from the previous agreement.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the Tourism Agreement between Floyd County, the Town of Floyd and the Floyd County Chamber of Commerce, as presented; authorize the County Administrator to execute same (Document File Number).

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

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

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

Terri W. Morris, County Administrator

Case C. Clinger, Chairman, Board of Supervisors