

**BOARD OF SUPERVISORS
REGULAR MEETING
SEPTEMBER 22, 2015**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, September 22, 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, County Administrator; Cynthia Ryan, Assistant 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.

Supervisor Turman led in the Pledge of Allegiance.

Agenda Item 4 – the Chairman called for the Public Comment Period.

Mr. Rob Neukirch, Courthouse District – My name is Rob Neukirch. My wife and I are the parents of a current FCHS student as well as a graduate now in his second year of college. I stand before you tonight as I did two weeks ago at the School Board meeting to call for the dismissal of Kevin Harris as Superintendent of Floyd County Schools.

No, it was not enjoyable to be on the receiving end of Mr. Harris' power play when he sent Floyd County deputies to my home in the middle of the day with a letter threatening to ban me from all school property and future school events. This resulted from an exchange that Mr. Harris and I had at a cross country meet at Hillsville Elementary School.

Though I believed then and still believe that Mr. Harris' tactics were heavy-handed what this points to is the much more serious question of leadership, or rather the lack thereof.

On the day in question I sent Mr. Harris not one but two emails asking for an explanation as to proposed coaching changes in the upcoming track season. I received no word from Mr. Harris. During our exchange he informed me that I did not have all my facts. The following day – and before the delivery of his letter by the police – I emailed Mr. Harris and, referring to his comment directly, asked if I might have the "facts" he alluded to. I received no return email.

Here is why I question his leadership:

Mr. Harris received two emails from me, a concerned parent requesting information that he not only had access to but propagated. He did not contact me. He then had a second request and did not acknowledge it. As the leader of our schools, knowing he had an upset parent with legitimate questions, he chose to ignore those concerns. After our exchange at the meet, he made

no attempt to contact me or to set up any kind of meeting. He chose instead to send an official letter of “warning.” Is this leadership?

Mr. Harris even failed to include his own principal, Dr. Watson, in this decision. I contacted Dr. Watson myself, the day after my exchange with Mr. Harris. He expressed concern that such a thing had happened but mentioned nothing about my receiving an official warning. I ask again, is this following or acknowledging a chain of command? Is this leadership?

Mr. Harris did contact Linda King, Chairman of the School Board, and she informed me subsequently, in a phone call, that when asked for advice, told Mr. Harris to go ahead and send me a warning. When I asked Ms. King if my alleged “disruptive” and “threatening” behavior at the cross-country meet had prompted a flurry of phone calls – four or five, a dozen? – from concerned parents who must have been witnesses to such an event if in fact it happened, she told me that she had spoken to one other person. Is this leadership?

When I informed Ms. King that I had tried the very next day to contact Mr. Harris she asked me this pertinent question: “Rob, have you ever had a fight with your wife?” While I can honestly say that in 21 years of marriage I have never had a fight with my wife – I mean nothing that was my fault – I decided to go along with Ms. King and so I said “Yes.” “Well Rob,” she said, “this was the day after a fight and Mr. Harris was not ready to talk to you.”

Two things occur to me: I am not married to Mr. Harris. And it has now been three weeks since our alleged “fight” and he apparently still is not ready to talk to me about very real issues affecting not only my son but indeed all the student athletes who hope to participate in track this coming spring. It is entirely due to Mr. Harris’ manipulations that the program has been entirely dismantled and Floyd County High School has lost two of its most tried and true and valued coaches. Is this leadership?

One of the most important jobs of a school superintendent is his ability to communicate with the district’s Board of Supervisors. But it is my understanding that Mr. Harris is no longer welcome at the Board meetings. Is this leadership? No, it is not.

Mine is only one Mr. Harris story. There are many, many, many others. They stretch from Carroll County to Montgomery County to Floyd County. I can only hope that others will come forward and tell their stories. They all speak to Mr. Harris’ lack of leadership, his lack of integrity, and his inability to act effectively as Superintendent of Schools.

It is my firm and unbending belief that the students, the teachers, the staff and the parents of Floyd County deserve better. Thank You.

The next person to speak was Carol Moates, Little River District – Members of the Board, Ladies, and Gentlemen, I stand before you this evening representing not just myself but also many others who for fear of retaliation against themselves or their children, they feel they cannot speak out publicly. After speaking at the last School Board meeting many people have reached out to me through facebook and by phone to tell me their stories, to urge us to continue our inquiries into apparent problems surrounding the past and present conduct of Superintendent

Kevin Harris, and to support and affirm our concerns. I want to add that this has come as far as Fort Chiswell as well as the counties that Rob has mentioned.

I am here as a citizen of Floyd County to put forth some serious questions that need to be answered:

How can it be that citizens are afraid to speak to the Superintendent of their school system about their concerns directly? What kind of atmosphere is created where reportedly teachers' morale is at an all-time low and I repeatedly hear "we just duck and cover."

When our school buildings need many costly improvements, such as heating and air conditioning systems and other upgrades, how do we explain certain recent spending practices: such as someone being hired as an art teacher whose license type is a Technical Professional license and his endorsement is JROTC Instruction Authorization, having never taught an art class, yet being given starting pay of over \$14,000 more than another art teacher who has been there many years, whose license is a Collegiate Professional license and whose endorsement is Visual Arts PreK-12? She has many years experience in our school system.

Have there been other replacement employees brought in and given a much higher starting salary than the previous employee was paid, yet for the same job?

Why does the Assistant School Superintendent attend Board of Supervisor meetings now rather than Harris?

Why have many people living outside our county been hired to fill positions that county citizens were qualified for and applied for?

Why was Harris' contract changed to allow him to live outside our county, plus we provide him a county car furnished with gas to go to and from work as well as take and pick up his children from school?

Does Harris pay out of county tuition for his children to attend Floyd County schools?

Why is there a clause in Harris' contract stating that if he is fired that Floyd County must continue all salary and benefits from the effective date of termination, or until June 30, 2019, whichever period is shorter.

Why did parents find out about a recent school bus accident over the news media instead of getting an automated call from the school system? I want to thank you for your time and for your attention and allowing us to come to the Board of Supervisors meeting on this issue. Thank you.

The third person submitted a letter to the Board of Supervisors to be included in Public Comments but she did not appear in person. Katherine Stuart, Courthouse District – Concerns regarding Kevin Harris being Superintendent of Floyd County Public Schools:

- Why is it that Mr. Harris is allowed to reside outside of Floyd County?

- Is it necessary that the vehicle provided to him be driven outside of the county for his commute to Montgomery County since he receives free gas benefits at the school bus garage in the school vehicle?
- Does Mr. Harris pay tuition for his children to attend Floyd County Public Schools since again they are not residents of the county?
- Why was the contract for Harris altered to allow him to live outside of the County? No other superintendent had that luxury...
- Is it professional for Harris to threaten employees' jobs with demotion if they do not do as he pleases?
- Why is it that after the issue with Rob, Harris declined to speak to the news?
- Regarding the previous cross country coach, was it professional for Harris to YELL at her twice resulting in tears because he was unhappy as a parent?
- As Superintendent of the school system isn't it Harris' job to not only support his children but also the school in which he is supposed to be the leader?
- What is the explanation as to why the new Floyd County art teacher, Mr. Carper is not certified? Is he working to obtain his teaching certification?
- Regarding the situation of the art teacher, again questioning his being certified, why is it that he is making \$12,000 more than Mrs. Ingram whom has been in the school system for years and is certified to teach?
- In the case that Carper is not certified, can it be guaranteed that he is doing an adequate job with my child that has an IEP and meeting her needs as are written in her IEP?
- Where is the dress code in Floyd County High School and why does it only matter for certain students? Shouldn't it matter for EVERYONE?
- Isn't Floyd County School to be a "non-bully" atmosphere? If so then why do we applaud a Superintendent that is bullying and belittling his staff?
- As Superintendent of the schools and a parent of an athlete on the cross country team, why was Coach Carper not reprimanded after not allowing a student to use her inhaler in which the ambulance had to be called for the student to be taken for treatment without the coach even being there by her side to wait for help?
- Who is responsible for the School Board at the Board of Supervisor's meeting since our Superintendent is banned from attending because of his temper/anger issues?

Agenda Item 5 – Approval of month-end disbursements. The monthly disbursements were presented to the Board for approval. A list of additional expenses was also submitted for the Board's consideration.

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

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

Ms. Morris pointed out that one bill was for a new vehicle for the Building Official that came in last week.

Agenda Item 6a – Request for Exceptions and Exemptions to Sec. 62-31 Vision sight distance requirements; setbacks. Ms. Morris stated that we gave you a copy of the letter from the Building Official approving this exception request. He feels that it will not conflict with any sight distance on the road. You probably know the area; you'll know which building it is on this picture. Ms. Morris pointed out the building on the picture.

On a motion of Supervisor Turman, seconded by Vice Chairman Yoder, and unanimously carried, it was resolved to approve the exception request for Conner Grove House of God for a variance to Code Section 62-31 Vision sight distance requirements and setbacks as recommended by the Floyd County Building Official.

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

Agenda Item 6b – Floyd County Sheriff's Office Monthly Report – Ms. Morris said the Sheriff's Office monthly report was provided for their information. She said if there were any questions she would relay them back to the sheriff.

Chairman Clinger asked how the auction went. Ms. Morris responded that she had not heard; she had not talked to them.

Vice Chairman Yoder asked if it would be under civil process if they delivered a letter for the school system.

Ms. Morris replied that she believed so, yes.

Supervisor Allen stated he wondered if he paid his bill.

Agenda Item 6c – Voting Credentials for Virginia Association of Counties Annual Business Meeting. Ms. Morris stated that the Board needs to decide who you would like to be your voting delegate and an alternate for the VACO meeting in November. Supervisor Allen asked who would be going to the meeting. Ms. Morris responded Mr. Gerald and Mr. Yoder.

On a motion made by Supervisor Turman and seconded by Supervisor Allen, and carried, it was resolved to name Supervisor Gerald as the voting delegate and Supervisor Yoder as the alternate to the Virginia Association of Counties Annual Business Meeting.

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

Old/New Business – Under New Business Supervisor Clinger said that something had come up and he would like 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.

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

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

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

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

This Certification Resolution was adopted.

Ms. Morris brought up one other item under Old Business. She said that a question had been raised on the term of the Locust Grove Planning Commission member. When the Town and the County Planning Commission was dissolved new term dates were set up for the County part of the commission. They were set on staggered terms. Ms. Morris showed the document she used for all appointments and said when she put that one in there she put the wrong term date. This was entirely my mistake. Ms. Morris said the term was supposed to end in 2011 and she entered it incorrectly as 2012. The Board did that reappointment in 2012 for a 4-year term that would go out next year. In speaking with the County Attorney he advises that the way the laws read, if reappointment is not made, then the current member continues to serve until the Board makes a replacement. The Board can either leave it as you set it to end in 2016; you can do a reappointment next month in 2015 as it should have been; it is entirely up to you.

Chairman Clinger said he was okay with everything in the interim. The Board by consensus agreed to just leave the appointment as it is with Ms. Turman's appointment ending in 2016.

Ms. Morris apologized for her typo. The Board expressed their appreciation of the fine job Ms. Morris does.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to adjourn to Tuesday, October 13, 2015 at 8:30 a.m.

Terri W. Morris, County Administrator

Case C. Clinger, Chairman, Board of Supervisors