

**BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 13, 2015**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 13, 2015 at 8:30 a.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 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 September 8 and September 22, 2015 were presented to the Board for approval.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of September 8, 2015 and September 22, 2015 as presented.

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

The monthly disbursements were presented to the Board for approval.

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

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

Agenda Item 7a – Subdivision plats as approved by Agent for September 2015 – Ms. Lydeana Martin, Subdivision Agent, next appeared before the Board. She presented the Subdivision plat report for the month of September 2015 and said we have a few small divisions in September. The only other thing that I was going to mention to you was that we have several people going to training later this week in South Boston. So we will not have a Planning

Ms. Brewster said she had something else that she thought the Board would find interesting. She passed around a report that the office manager had pulled for her that showed how CSA spending compared to the same time last year. Last year at this time we had spent in the local portion \$157,299; right now we have spent \$86,000. It is pretty impressive. And that is just our local share. I think that goes to how we are staffing cases now. We have asked our staff to look at: are there Medicaid options, are there other things we can do for the family, are there other preventative things we can be doing? We have been doing a lot of training in-house.

Vice Chairman Yoder asked if the caseload is similar to last year? So you haven't seen any drop off? This is just from the way you have handled it.

Ms. Brewster responded that it is just the way we are looking at the cases; the way we are doing our prevention now.

Vice Chairman Yoder said that is pretty remarkable.

Ms. Brewster added that we still have the same number of kids in foster care. We still have the same number of kids in congregate care. We are just looking at what type of congregate care. We are looking at whether there are Medicaid options. When we place kids in congregate care, staying on top of those placements – saying we are only going to pay for them to be there a certain number of days. What treatment options can you provide for them?

Vice Chairman Yoder said he was able to go down to the shelter several times and your employees and yourself and everybody involved really did a good job. I'm glad we were able to provide that. I think it would be good, hopefully we will never need it again, but if we ever do it will be...

Ms. Brewster said we are definitely prepared now. We have everything in place. We have our manual in place and all of our intake packets. So if it ever happens again we will be more prepared this time.

Supervisor Turman said this was a training event.

Ms. Brewster said this was a trial by fire I guess.

Ms. Morris explained that a tabletop exercise had been planned for later in the year but she doesn't think it is needed now.

Supervisor Turman said that everybody and Kevin impressed him. You really put in some long, hard work on that.

Ms. Brewster said it was a lot of hours. I was there from 4:30 that afternoon until 3:30 the next morning, then I went home for a couple of hours, then I was back for 8:00 the next morning.

recommend accepting the fourth option from Cavalier for a Peterbilt truck. We are allowed under the Virginia Procurement Act to base our bid acceptance upon history. We can use quality, reliability, value, among other things. We would recommend that you all accept the bid from Cavalier for a Peterbilt truck.

On a motion of Supervisor Allen and seconded by Supervisor Yoder, and unanimously carried, it was resolved to accept the bid from Cavalier Equipment for a 2016 Peterbilt Model 320 front loading garbage truck in the amount of \$231,224.00.

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

Ms. Morris said that she had all the bids there if they wanted to look at them.

Chairman Clinger asked if this was part of the funding that they had set up earlier?

Ms. Morris responded that it was.

Agenda Item 7f – Removal of Declaration of Local Emergency – Ms. Morris said that you each have a copy of the Declaration of Local Emergency that Vice Chairman Yoder did for us. The board needs to remove that declaration so we can finish up our paperwork.

Chairman Clinger asked for clarification of the declarations as explained by Mike Guzo with the Virginia Department of Emergency Management.

Ms. Morris replied that this was the process explained by Mr. Guzo.

On a motion of Supervisor Allen and seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve Removing the Declaration of Local Emergency.

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

Ms. Morris said the emergency is over but the paperwork is definitely not over. She explained that we do have a meeting with the Small Business Administration in the morning. We are hoping they may be able to provide some low cost loans for folks for repairs.

Vice Chairman Yoder said they definitely swamp you with paperwork.

Agenda Item 7g – Consideration/approval of meeting date change for November 2015 – Supervisor Turman asked when was the meeting in Hot Springs? Is this the reason for the meeting date change?

Agenda Item 7i – “Opt Out” of State’s Expanded Stormwater Management Program – Ms. Morris said this is a draft resolution for the review of the Board. Several counties have adopted this resolution. DEQ’s Stormwater Stakeholders Group is meeting in Richmond and they are expecting to make recommendations to the General Assembly. They are seeking to eliminate the localities ability to opt out of the program. Here we go again! Several counties around us have already adopted this resolution if you all are interested. I know Bath, Buckingham, and Appomattox counties have all adopted this already. I gave you a map also which shows the counties that have opted out of the program.

Chairman Clinger said I think it is a good thing to do, to go on record that we want to continue to be able to opt out.

Vice Chairman Yoder asked about the part that talks about Chesapeake Bay localities. He said the part is in the 2nd to last paragraph.

Chairman Clinger said the last “Whereas” paragraph.

Vice Chairman Yoder said counties in the Chesapeake Bay area basically are not required to administer and it gives some square footage which wouldn’t impact us at all. I really don’t understand that part of it. But I am just not familiar with it. I guess that part wouldn’t impact us, would it, if I am reading it right?

Chairman Clinger asked if Vice Chairman Yoder wanted that “Whereas” paragraph struck?

Vice Chairman Yoder replied, “I don’t know. I’m just trying to understand exactly what it is saying. I don’t think it hurts us. I’m just trying to understand what it is saying. Evidently in some localities the requirements are less than what our requirements are. Is that what it is saying?”

Chairman Clinger answered, “I think so.”

Vice Chairman Yoder said the only thing I would say to that is that we’re saying all counties should be treated equally. I don’t agree with that because I think that Floyd and the counties outside of Chesapeake Bay watershed should be treated differently than the counties in the Chesapeake watershed. I don’t think all counties should be treated equally because that is part of our complaint – that we are being treated the same way as somebody in the tidewater is being treated. Their pollution runs directly into Chesapeake Bay and ours doesn’t.

Chairman Clinger said that was our original stance when we said “No” to it the first time.

Vice Chairman Yoder asked if that sounded right? He added I would suggest striking that paragraph. The next to last paragraph basically says “right to ‘Opt Out’ be applied to all localities equally” and it gives an example.

Chairman Clinger said it doesn’t change the overall structure by striking that out.

Agenda Item 6b – At 9:00 a.m., the Chairman called for the Public Comment Period. There were no comments from the audience and the Chairman declared the Public Comment Period closed.

Agenda Item 8 – Closed Session – Property §2.2-3711 A. 3.

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

On a motion of Supervisor Turman, seconded by Supervisor Allen, 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 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 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.

state. It is true that it is institutionalized care, but it is wonderful institutional care. My sister was a resident there for 20 years. She liked it better than being at home. When we took her out for a visit, she wanted to go back. She was nonverbal but you knew that she wanted to go back. She would take you to the door; let's go back. I know firsthand the care they receive.

Anyway we would like to ask for a resolution of support and if anyone who can in the community would write letters to the Governor. I know it doesn't affect you all directly, but there are four residents there now whose family live in Floyd County. So there is not a lot out of that number who would affect you all personally but if they had to come back into the county to receive care, it might affect you somewhat financially. But they are there and receiving wonderful care. If the residents and their families choose for them to stay there, we want them to have that option. We appreciate your support.

Supervisor Allen asked what the estimated cost per resident per year.

Ms. Webb replied that the cost is \$141,476 per resident at the training center. It is estimated that if the same services, and they are supposed to be the same services, are provided in the community then it will be \$140,611. So there is less than \$1,000 difference in cost because of all the services they would need to stay at the level they are at this point.

Supervisor Allen asked how much money the state puts in?

Ms. Webb replied that it is a state operated facility so they provide all of it. They would still probably have to provide all of it locally. It would be just like home schooling your kids.

Chairman Clinger said that Tracie's department, DSS, would have to pick up management of it.

Ms. Webb confirmed that it would be Community Services Board and organizations like that.

Supervisor Turman said that it would impact some of our citizens too because some of his neighbors work up there.

Ms. Webb said she didn't know how many in Floyd County worked up there but it was in the range where they could.

Supervisor Turman said he goes up to the Farmer's Market right often. The ones working there, it tickles them to death to be able to help me.

Ms. Webb pointed out those are the higher functioning residents. Many are not able to work there. Ms. Webb said they appreciate any help that could be given. They are 501(c)3 and it has taken money to pay lawyers and lobbyists to advocate for us. But we do appreciate this.

Chairman Clinger asked if she had a sample resolution that they had other counties do?

get to the pothole patching. In some places where they got washed out we are going to have to fix before the paving comes through. We've done a little bit of ditching on Dusty Rock Road. And our paved road, I think, turned out undamaged – Haycock Road. We were not so lucky in Montgomery County. Brush Creek Road right there near Pilot washed out pretty bad. And that is a road we just finished paving. And that happened to a couple of other places. But that is Maintenance's job now. That is no longer Construction. Those were finished projects that unfortunately got washed out but they are pretty vulnerable those first few months after they are done. Mount Pleasant down in Alleghany Springs also got washed out after we had just finished building it.

Other than that just a couple of trees and brush cutting. We are finishing up mowing. I'll let you know what the last little bit of surface treatment we have left. I don't have those roads right now but I'll send an email about the last little bit. Do you have any questions?

Supervisor Gerald said I have a few potholes I'd like to turn in, but I think they can wait until you get the major things fixed.

Mr. Clarke thanked Supervisor Gerald and said let me know.

Supervisor Allen did not have any questions on roads.

Supervisor Turman said on Merrifield between Reed Lane and Deer Valley Road where Mike Turman has his cattle scales – that hill in between Reed and Deer Valley – the cattle trucks keep the gravel knocked off and it gets real washboard. They wondered if maybe in just that section if it could be surface treated or something to keep it from washing. I think when they machine it they say they have a hard time doing it because it has that sandstone rock bed under there. It is hard getting it grated down like it should be.

Mr. Clarke replied that is something we can look into doing, little sections like that.

Supervisor Turman said when you get there talk to Randall Sutphin. He runs Mike's place for him. I appreciate all the hard work you've done. I know you all have been covered up. All the roads in my district when I went out and rode them after it was over with you had been out there and machined them and everything else. We really appreciate that.

Mr. Clarke said he was concerned when I saw the video of the dumpsters floating down by Slaughters. That was something else.

Supervisor Turman added that Mill Road past C.W. Harman's on the left, a dead end that goes up in there, where Burk's Fork comes across it at the end of the bridge, you could drop a car in there. It is just a big washout. Then on Fairview Church Road, right before it breaks out and goes over toward the cannery, you've already dumped a couple loads of gravel in there but that road – I don't know if there is a wet weather spring under there – but I had to put my truck in 4-wheel drive to go through it. It is right near Sarvisberry. That is all I've got.

Mr. Clarke acknowledged Supervisor Turman's comments.

Chairman Clinger said that there were a couple of things in our emergency operations we had not planned for. We have been keeping a list so we could go back and rewrite the manual. We will hit on these things. I mean when you plan for it, it is one thing to do on paper or on a desktop. When it happens in real life it is a little bit different. Our next rewrite will incorporate those things to it. You've all seen how much time Kevin worked. He was run ragged. We were lucky to have him in that position when it came about. Along with the staff right here, Terri, Cindy, everybody, Lydeana...

Ms. Morris added Katie running maps.

Chairman Clinger said our whole staff they just came up with what was needed and pointed out what we were lacking and they helped out. They pulled together and I think we are very lucky to have the staff that we do. As small as this county is and department that everybody pulled together as well as they did.

Ms. Morris agreed and said she could not say enough about how blessed we are with our staff, working days and nights and weekends. Everybody jumped in.

Supervisor Turman said that Kevin has really been an asset.

Ms. Morris affirmed, "Absolutely."

Chairman Clinger said that some of the things we found out, luckily Department of Forestry gave us some help. A lot of it was just which forms to fill out and in what order. A couple of things that came about was we requested Swiftwater Rescue 24 hours in advance and Department of Forestry found where it was still pending. The Sheriff's Office made one call and we got them in here. So some of the things we are looking at is it is still supposed to be centralized and those parts are going to be addressed in our next rewrite.

Ms. Morris said we had two individuals in here from the Department of Forestry Incident Management Team. They sat in here for two days with us and just did paperwork which was so helpful to Kevin.

Vice Chairman Yoder said Kevin was exhausted by that point.

Ms. Morris added that by Friday, we hadn't started any of the emergency part, we were reacting to the damage, we were in the assessment part trying to get people's damages, then we had to go back with the next weather system that was supposed to hit us and prepare for that. It was a little crazy.

Chairman Clinger said that the biggest problem now for the county though is that since we had the flooding on Tuesday prior to the Governor's declaration of state of emergency, state funds are a little less likely to come forward on the rebuild.

Ms. Morris asked Lydeana to tell a little bit about flying around the county.

Ms. Morris said they ended up not even opening the one in Salem. I think the Red Cross brought us two cases of water and a few snack cakes.

Chairman Clinger said he heard the paperwork and forms that went along with it would have made it cheaper to go and bought it.

Ms. Morris replied and they came back and got it.

Vice Chairman Yoder added and they drove from Bristol to do it.

Ms. Morris said we decided next time we'll each throw \$10 in and we'll go and get it.

Mr. Turman questioned, "They gave it to us and come back and got it?"

Ms. Morris affirmed they came back and got it.

Chairman Clinger said if you figure in our time in filling the forms out, it would have been cheaper to go on and bought it than the allocation of resources to fill out all the paperwork to get to all the different agencies to get the water and the snacks.

Ms. Morris also commended the Rescue Squad too for their volunteers that were there that night at the shelter. They had pots of chili cooking. They were set up for a movie to watch. They got the cots out. They were invaluable also.

Ms. Lydeana Martin added that Jon Vest from Cooperative Extension was invaluable also. There were 30-40 farms that he personally visited and documented all levels of fence damage and tractor loss. He did an excellent job.

Chairman Clinger asked what were the final numbers for damage?

Ms. Martin said \$2.1 million for houses, \$2.5 if you count agriculture and businesses. Mr. David Clarke told her there was about \$400,000 in damages for roads and bridges. But that he would send us paperwork on that.

Vice Chairman Yoder commented that he thought it would have been more than that.

Ms. Martin said she would have thought so too.

Chairman Clinger said down here at Pilot it was probably \$400,000 just to get that opened up on to route 615, but that is in Montgomery County I guess. Hopefully we won't see anything like this again in a long time.

Supervisor Turman recalled the last time the river was up like that. It was when I first started working for the Sheriff's Department. That was when there was the old pipe bridge down on Sowers Mill Dam and it was 10 degrees below for a week or two. It froze that river. Then we had a warm up and rain like this. That was when they were dynamiting the ice to keep it from

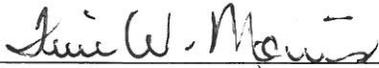
Supervisor Yoder – aye
Supervisor Clinger – aye

Agenda Item 10 – Old/New Business

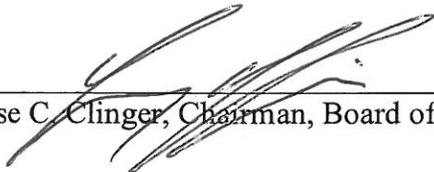
On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was moved that we title the new EMS vehicle in the name of Floyd County Board of Supervisors.

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

On a motion of Supervisor Turman, and seconded by Supervisor Allen, and unanimously carried, it was resolved to adjourn to Tuesday, October 27, 2015 at 7:00 p.m.



Terri W. Morris, County Administrator



Case C. Clinger, Chairman, Board of Supervisors