

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 10, 2010**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 10, 2010 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman; J. Fred Gerald, Vice Chairman; Virgel H. Allen, Case C. Clinger, William R. Gardner, Jr., Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, 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 Vice Chairman Gerald.

Chairman Ingram led in the Pledge of Allegiance.

The minutes of July 13, 2010 were presented to the Board for review and approval.

On a motion of Supervisor Gerald, seconded by Supervisor Clinger, and unanimously carried, it was resolved to approve the minutes of July 13, 2010 as presented.

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – aye

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

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

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – aye

There were no Constitutional Officers reports for the month.

Agenda Item 8a – Subdivision plats as approved by Agent for July 2010. Mrs. Lydeana Martin, Subdivision Agent, appeared before the Board. She reported that there were no new lots

created in July, 6 lot line revisions approved, and 4 plats of record. The Planning Commission has one 9-parcel division before them for consideration. For the calendar year, 25 total lots have been created, which is much lower than previous years. There have been 14 family divisions for the year, which is higher than normal.

Comprehensive Plan update – Mrs. Martin reported that attendance has been very good at the two community meetings held thus far at Indian Valley and Willis. The Floyd area meeting will be this Thursday at the Library and the Check area meeting will be August 19 at the school. Various community groups have provided refreshments for the meetings.

Economic Development – The EDA rolled out a small business loan program a couple of months ago. We had our first two loans awarded; the checks have been written and disbursed in the last week. One was to a start-up company called On the Water in Floyd which will be doing kayak rentals along the Thunderstruck area of Little River. I think that is a really exciting opportunity. The other is for a small software company called Entry Way Software Development, which started in Floyd about three years ago and is growing really well. They have a new product that they are rolling out. Hopefully, we'll be getting an article in the paper soon on each of those. We have a third application that has been approved and is going through the process. If you know of any small companies that are working to add jobs and would be interested in a small loan of either \$5000 or \$10,000, please let them know. \$5000 is awarded if they are creating or saving one job, \$10,000 if they are creating or saving two jobs. These loans are available for a five year term at an annual interest rate of 2% fixed or a ten year term at 4% fixed. This is a very encouraging program for us.

Agenda Item 8b – Appointment to Floyd County Social Services Board, Burks Fork District.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and unanimously carried, it was resolved to appoint Mr. David Harman to the Floyd County Social Services Board, representing the Burks Fork District, for a four year term.

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram - aye

Agenda Item 8c – Appointment to New River Valley Community Services Board. After discussion, it was the consensus of the Board for staff to advertise this position and defer appointment until next month.

Agenda Item 8d – Discussion of request from Floyd County Volunteer Fire Department #2 for building extension - \$70,000. Mr. Campbell reported that he had followed up on the research requested by the Board last month as to whether the bond funds could be used for construction type services. As a result of your discussion, did contact the Executive Director of the VML/VACO Finance Program that issued the most recent debt. He went back to the bond resolution that was approved by the Board when the debt was issued. In particular, he looked at

the eligible costs as being the acquisition of public safety and sanitation vehicles and equipment together with related costs to those vehicles or equipment. These items would clearly be eligible for the bond proceeds.

Supervisor Gerald – so these funds could be used for purchase of patrol cars?

Mr. Campbell – that’s correct. As long as we stay within the realm of vehicles and equipment or things related to equipping that vehicle, it appears to be ok. Unfortunately, it does not appear that things such as building materials or construction contractor services, he did not feel met the intent of the bond resolution. He did say that we could go back and have an attorney look at it for a legal opinion clarification if the Board desires. The solid waste study would also not be eligible. I have talked with Kevin Byrd, the Planning District Director, and he said he has a staff member that he felt could perform this study with assistance from our staff.

The Board deferred the matter for further discussion later in the day.

At 9:00 a.m., the Chairman called for the Public Comment Period. He asked for comments from the audience.

Mr. Jesse Lawrence, Bent Mountain Bed and Breakfast – My wife and I own this facility in the very far northeast corner of Floyd County. I had gotten involved a couple of months ago and attended some meetings about the tourism plan being put together, which I think will be presented to you later today. I was pretty impressed with all the work that has been done by a number of people, particularly local people with some support from the State, Mrs. Martin. I just wanted to pass along my comments on that since we have the transient occupancy tax that was levied last year, and we’ve been contributing to that pretty good for the last year and a half. I tried to get involved a little bit to understand where those funds are going and how they are being spent. I later attempted to contact Mr. Allen but didn’t hear anything back from him, to sit down and talk about this a little bit. I wanted to come today since this would be my first meeting with you, to see how you function. My wife was born and raised in Floyd County in the Willis area; we’ve been here five years now. This past year we had folks stay at our facility from 42 states and 6 foreign countries. We probably sent a couple thousand people over to Floyd to both dine and shop and see some of the things that are going on in Floyd. There are a lot of good things going to attract tourism. I’m glad to see that you all are supporting that and appreciate your efforts and hope that the tourism plan will be supported and approved and we get along with activities to bring more tourists to the County. In the position where we’re at, we have the option to send folks either to Roanoke or Floyd since we’re half-way in-between. We do everything we can to send them to Floyd; sometimes it is more appropriate to go to Roanoke. We get a lot of traffic off the Parkway but we also do weddings and family reunions and groupings of people that come from 4 or 5 different states and stay with us. We want to try to support Floyd County all we can. With all the new Parkway activity that is going on this year, it has certainly helped our business. We certainly appreciate that. I just wanted to come and put my two cents in to ask for support for the tourism plan which I think is great, and a lot of work has been done. I’m glad to see that it is being presented today. Hopefully you’ll find the time and energy to get that approved. Thank you very much. Mr. Allen, maybe sometime we can get together and discuss it.

Ms. Ann Margaret Shortt, Courthouse District – I am Vice Chair of the Montgomery-Floyd Regional Library and I believe you all have received invitations to our reception next Wednesday night. We're having a reception for our local supporters, Town Council, Board of Supervisors. Ginny Gardner and I will personally be providing the food and we hope you'll come.

Ms. Alice Moyer – I live at 291 Shady Grove Road. Six and one-half weeks ago my husband and I were prevented from sleeping by a nearby barking dog which kept up an incessant barking until 2 in the morning. After 3 consecutive nights we contacted the tenant to say that her barking dog was disturbing our sleep. She replied "We can't make him stop barking. Besides his barking doesn't bother us". She said the dog was Jesse's coon hound. It sounds more like a seal from the zoo is tied up outside our window. We contacted the property owner who is the tenant's father. He said he could only relay the information to the tenant and make suggestions. They resisted our suggestions of putting the dog inside a basement or outbuilding during the night. They completely rejected a bark collar which we offered to provide. That was probably a good idea because we found that the dog barks when he is in distress. Although he doesn't bark every night there have been times, when the dog's barking was so out of control, we have gone to the neighbor's house to find no one home. On three occasions we found him without water or access to water and dehydrated on very hot days. He was quiet after providing him and another dog on the property with water so it became our opinion that the dogs were neglected. By the way, we rarely hear the other large dog bark. In fact, there have been times when the hound dog doesn't bark for 2 or 3 days at a stretch. We got a copy of the Floyd County Noise Ordinance from the Administration Office and put a copy on the neighbor's door. No response, just more barking. We contacted Scott, the Animal Control Officer, who checked into the well-being of the dogs on the property. Scott told us there was nothing more he could do and we should call the Sheriff's Office next time and a Deputy would come out. He said it would be no problem and a Deputy would come out if they weren't tied up on a more important call. The next time we learned from a Deputy and Sheriff Zeman that the noise ordinance law is unenforceable. Although everyone we contacted was cordial, polite and as helpful as they could be, it almost seemed that the problem wasn't with the dog, but us. The first question the Animal Control Officer asked was "How long have you lived here"? From the Administrative Office to the Animal Control Officer to the Sheriff, we were given little mini-lectures that went, "This is a rural area. Tractors run at night, cows moo and dogs bark". No one asked "How long has the DOG lived here"? Well, for the record I would like to say that we have lived in our home for 5 years and the dog has been chained up outside his for 6 ½ weeks. I wonder what would happen if WE had been the one with the barking dog keeping one of you from your sleep at night and we had the attitude that "Our barking dog keeping you awake at night is YOUR problem, not mine". This is embarrassing. It should have never gotten this far. A little neighborly civility would have gone a long way, me included. After finding her dog without water the second time, I left an angry voice mail on my neighbor's phone only to be "Thanked" with "No Trespassing" signs. It should not take a precious resource like a Sheriff's Deputy to handle a barking dog complaint. Why does a Deputy even have to respond? The law is not only unenforceable, it is not very well written. A reasonable person would say that a dog barking is disturbing the peace from 11 pm to 7 am. You don't need a sound level meter to believe it. We don't want the dogs to disappear. We're not even asking that the dog stop barking all the time even though daily episodes of

constant barking continue. We just want the dog to not disturb our sleep or the sleep of our visitors between the hours of 11 pm and 7 am as written in your own law. Now that law enforcement has failed us, how do you propose that we do that? Thank you.

Mr. John Moyer – I’ve been a resident of Floyd County for the past five years and live at 291 Shady Grove Road, NW, Willis. I am here today to share with you a dilemma that I’m currently facing and to ask for your help. The problem began back on the evening of June 26 and 27, forty-six days ago. On that night, around bedtime, the peacefulness I had come to expect and taken for granted ended when the bark of a “coon dog” began to dominate the night air. From 10:00 pm until well after 2 am it bellowed off and on. The sound, much like that of a barking seal was disturbing. That night would mark the first of many sleepless, restless nights to come. Over the course of the past 6 ½ weeks much has transpired and I have learned a great deal. I discovered that the coon dog is chained to a structure on my neighbor’s property. That the property owner (who does not reside there) and his daughter and her boyfriend (that do live there) believe it is my problem, not theirs. I learned that some animals here in Floyd County, including “Man’s best friend” are horribly mistreated. That from direct encounters with the coon dog that he barks incessantly when in distress (no water, tangled up in his chain, lack of attention, etc). I found out that the County Administration Building is where a resident can get a copy of the Noise Ordinance. I learned that an Animal Control Officer will look into a suspected dog abuse situation, but that as long as the dog has access to water, food and shelter and that his chain is of adequate length, there isn’t anything he can do. That the Animal Control Officer, erroneously believes that there is an enforceable noise ordinance regarding barking dog and that a deputy will respond if contacted. I discovered a dispatcher at the Sheriff’s Office (Kristen) who doesn’t know that we have a noise ordinance (We don’t have a noise ordinance) and a deputy and sheriff who both admit that we have an ordinance, but that it is unenforceable (Have ordinance but not enforceable). No sound meter, no training. I learned from the Sheriff that I should contact my District Supervisor. That hot nights with closed windows and an air conditioner running are better than cool nights with the windows opened. That imagining or anticipating barking is as bad as the real thing. That if a law is unenforceable, then it doesn’t really exist. That I’m not going to give in. In closing, I ask what each of you would do if you were in my situation.

Ms. Reba Goff – Little River District and representing the Floyd County Education Association Political Action Committee. I just want to let you know as part of the Floyd County Education Association is part of a larger group, the National Education Association and the Virginia Education Association. Our organization understands and is very active in the idea that every education decision is a political decision. I wanted to let you know that we are working nationally and State-wide and we’re going to be more vocal here at the local level, trying to help our students and teachers. We’re in tough times, our teachers have been two years without a pay raise and our kids are going to see a significant difference this year when they come back to school with larger classroom sizes. Our organization, the National Education Association, has worked really hard to get the Jobs Bill passed in the Senate, and we’re hoping that there will be some money coming back to Floyd County to help with the classroom size problem. We’re going to need everybody’s help to make education a priority here in Floyd County.

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

Sheriff Shannon Zeman appeared before the Board and reported:

- Did receive numbers on the mid-year State reduction, the Aid to Localities. I know you're familiar with it. I just want to remind you that you get the monthly report, for the last four months, our call level just keeps growing. That is typical in the warmer months, July 1125 calls for service. I want to tell you that our Investigators right now, we have had a lot of break-ins, we have solved some of them, and there will be some press releases about that. There are a lot of unsolved ones. Steve Graham is working on four molestation cases within the last week. There are a lot of things, there will be another press release this week, but there are a lot of drug cases that I can't discuss publicly right now. This reduction in aid is \$33,785, which is the very last thing that I need is to lose an officer or position. We've dealt with this for several years now, the mid-year reduction. We did away with cars, the State overtime money that the Comp Board gives us; it used to be \$35,000 now it is \$3500. This year is the year that I don't have any place to take it from, it is people. The timing is terrible because of the amount of crime and the number of break-ins, the drugs. Just wanted to point that out and please use this information when you consider funding what the State doesn't give us. I wish they would tell us what they're going to give us in the budget process because this makes it very difficult to plan.

Agenda Item 8j – Draft Tourism Strategic Plan. Mrs. Martin came before the Board to discuss the draft plan. She noted that there were several folks in the audience who had assisted in preparing the draft plan, the Chamber of Commerce, Chateau Morrisette, Hotel Floyd, Bent Mountain Bed and Breakfast, among others.

Mr. Derek Wall – Hotel Floyd – When you guys look at this, please understand that there is a lot of private investment, financial backing does not all have to come from the County and Town, there might be some money that we would like to ask for in the future. I do think in talking to many business owners here in the community, that there is a lot of financial backing in the tourism planning process. There is a lot of good blood, and a lot of good could come from this plan, please take that into account. I don't think this is something that we're looking at to induce Floyd to look like something as Boone, NC or something like that, this is something that we want to set in place to guide the way toward where Floyd is going and bring in more tax revenue and stuff like that. If you look at expenditures in Floyd from tourism, a good chunk of money comes in. This tourism plan is really meaning to help us focus on different things that we've set forth. When you guys are looking at it, do understand that there are a lot of good people, good blood coming behind this, a lot of hard work has gone into the plan. There is a lot of financial backing from private businesses. The VTC Guide, this is just my opinion, the money that you guys put forth for that advertisement, I personally think it would be better for that money to go toward something in the tourism plan, or some other way. As of right now, we all understand that we have a good tourism base here in Floyd, and I think the money could be more well spent in infrastructure or other things rather than just some ad. We have info cards that Lydeana gets and she sends them to us and whoever wants to reply to those inquiries has a chance to do that, but I don't think anybody does that. So in some ways that ad is kind of

stagnant. It brings in a lot of people and requests but no one is responding to those requests so it is senseless to do that. I think we've already built our tourism base and I think we need to work on what we have already.

Mrs. Martin – presented highlights of the plan to the Board: development of the plan, a steering committee was formed in December to think through the planning process and then six large meetings were held from February until June. Randy Rose, with Virginia Travel Corporation (VTC) helped facilitate the meeting and helped draft the plan. We had about 47 participants including the folks here today. By way of background, we just included the fact that communities are involved in tourism development and planning in Floyd, the Chamber of Commerce plays an important role, the Town and County and private businesses. We listed some premier tourism assets, that is the one that the Press and visitors seem to comment on and remember the most, so we had that list there. I do also want to mention that we attempted to do a complete inventory of tourism related businesses. (Provided a copy to the Board for their review.) We circulated that a lot at the meetings and on e-mail to try to get it as up-to-date as possible. In terms of target customers and tourists, we had a lot of brainstorming at these sessions as to what our potential market is, we know a lot about who it is right now. These are potential markets to explore. One thing this plan does not include is a detailed marketing plan. This plan proposes that we need one, and that would be one of the first things that would happen if a tourism committee was established. But this is a list that this group would start from, what makes sense and what should we target, where do we think the best targeting and promotion dollars should be spent? The next page, these slides are from the Rocky Knob/Blue Ridge Heritage study. They have done a study of current visitors as well as potential visitors, just a little more than a year ago. This group was able to take advantage of some of their work. They had surveyed over 300 visitors, about 2/3rds were at Mabry Mill, the rest in the Town of Floyd, and we learned that this area is a primary destination for most of those folks. They come and spend a few hours. They also did some calculations, it is not in here but fascinating, they touched on if we can get folks to stay another few hours, we'd be amazed at the financial impact. We get a lot of day trippers from North Carolina, if we could get them to stay just a little bit longer, even overnight, they'd buy another meal and maybe shop a little more, and that Rocky Knob study showed the value of that, to get people to stay a little longer. That's a big part of the focus of the plan. Survey of potential visitors – that was taken from people who had actually requested information about Virginia. Those people were sent a survey about what the possible interpretative center at Rocky Knob would be and what they would be interested in. What we learned from that was confirmation that our top states for visitors are Virginia, Pennsylvania, North Carolina, New York, Florida and Ohio. Then moving into an analysis of strengths, opportunities, weaknesses and threats, these are very familiar to you, I'm sure. We first began this work a couple of years ago in identifying these, and we added to it so you'll see different levels of things. The strengths, there is a lot that we all love about Floyd County. The weaknesses, people felt that there could be more cooperation on advertising and coordination on reaching out to visitors and keeping them longer. There is also concern about how to grow gracefully and maintain the character of the community. There is frustration that there are so many calendars of events on line, if you are a business that puts on events, you have to put your event onto umpteen number of sites, there is interest in having a centralized calendar of events, an official web site for the Town and County. Threats – energy prices and the economy can be real threats to tourism. Some folks have seen downturns this year. Some folks have seen it start

to bounce back this year. Situational analysis, tourism infrastructure – we estimated that there are about 200 rooms in Floyd County counting bed/breakfasts, hotels, cottages, cabins, lodges, so again not a huge number but they are very distinct and special places. In terms of infrastructure, there was interest in having an official visitors center. The Chamber serves as a visitors center in many ways as to other groups and places but to be able to be called an official visitors center, there are certain requirements in the Virginia Tourism Corporation as far as the number of hours it is open, number of days open in a week. Also, the Parkway has official visitor center requirements and we don't have currently a place that meets all those requirements. If we had a place that met both VTC and Parkway requirements, it would lead to some better promotion with those sources. Marketing and Promotional Strategies – this is a listing of some things that have been done. Two of the things the County has done in the way of advertising are the Blue Ridge Parkway Directory and the Virginia Travel Guide. I do want to say in terms of the Travel Guide, they do a print version that is available in every visitors center in Virginia. If someone requests information on Virginia, they are mailed that travel guide. There is also an on-line version that can be downloaded. This publication is subsidized by the State of Virginia and all of those reasons are why we have traditionally advertised in that publication and felt it was a good use of limited dollars. That publication reaches out more generally to people interested in Virginia. What was talked about in this tourism thing, is these days it is important to target people. A lot of that happens through social media, on-line, and different ways. You all will make the decision later but I wanted to give you the two sides of that. On page 15, planting our flag, the piece by Fred First. This article touches on the controversy that arose on the idea of “branding” Floyd. For some of us, that word raises some hackles, it reminds us of branding cattle, or someone from the outside branding us. There was some controversy related to this. Fred First wrote what I thought was a good description talking about the concerns and also talking about the positive side of having an emblem. Also when branding is talked about, is coming up with what you want your image to be and what you want to be known for. In Floyd, we don't really have to come up with that, Floyd has an image in most people's minds already. The challenge is that we don't have an image that represents that, a single symbol. The group talked about this, there was some controversy over who would do it. We did have a presentation from a consultant from South Carolina. I would say I was a little skeptical going in but he gave a very good presentation about how the emblem would be done to represent the community and ways that it could be done to make sure that we involve a lot of local people. Part of the controversy was, ok, if we do want to this emblem, do we want it done from the outside or do it internally? I won't get into the details but we did arrive at a consensus among the folks. It was to say that doing that emblem is ok with the group if it was funded with private or State dollars but not local government dollars. Getting an outside consultant was ok as long as every effort was made to involve everyone in the community and tap all the artistic and creative resources to do that. That was kind of a consensus that the planning group came up with. Page 16, Mission/Vision Statement – To promote the unique cultural and natural resources of Floyd County while preserving and enhancing our economic sustainability and quality of life. The Tourism Vision Statement as drafted right now is – Floyd County will be a prosperous, eclectic community in Southwest Virginia that maintains its small town charm, natural beauty and unique attractions. The tourism goals and objectives – 1) reach potential visitors – improving communication. The group is really interested in the Town and County establishing a tourism committee that could be appointed by local governments with representatives from various sectors to pursue the plan interpretation and really serve as an advisory role to local government, make recommendations,

share requests, that sort of thing. The next thing was the private sector may pursue State grant funding and provide the required match to create a recognizable emblem. We have heard that VTC may be willing to put a few thousand dollars toward that effort. I think the quote was around \$6000-7000 to do the branding workshop and come out with the emblem. 3) Develop a comprehensive marketing plan. There was discussion in the planning sessions about well, now we have the opportunity to do this, and now this seems to be more efficient and effective, but that was beyond the scope of this particular plan as far as the greatest priorities. That would be one of the first items of business is to do a marketing plan and make recommendations for the most efficient and effective use of public and private dollars. I mentioned already interest in an official Floyd website for information. We have a visitor page already on the County website where we have some highlights of Floyd and we also have on there where we pull in all things related to Floyd County from the Virginia Travel Guide, which is kind of a clearing house. There is interest in having something that is totally dedicated to visitors and updated often, that integrates what is happening right now. A neutral party that would establish and maintain it. There is a lot of interest in having a full-time Tourism Director, somebody that could focus on all these tasks, the website, promotions, hosting things, participating with many tourism groups that are springing up. A few years ago when you said you were from Floyd County, folks said where's that? But now, in tourism circles, everybody wants to associate with Floyd. There is a North Carolina group that extended an invitation for us to join, there is a New River Valley group trying to get started that the Chamber has been participating with, The Crooked Road, Round the Mountain, and the new Southwest Local Heritage Commission. Everybody wants Floyd to be involved, which is nice, but it is challenging. Goal Two – Provide a Great Visitor Experience. This is really about customer service, measuring customer experience and providing customer service training. The Chamber is working on an event to do customer service training with VTC. The idea of an official visitors center also comes up here again. There is interest in better signage. Goal Three – Adequate funding for tourism promotion and development, increase in leverage of funds designated for tourism promotion. Again, the idea with this committee, if it were established, would be to pursue additional resources. Measure 3.3 as Derek mentioned, some private investors have come together in the past to do collaborative promotion and have an interest in doing that in the future. The last goal – maintain the Floyd experience as a sense of place. This is a good reason that we're doing the tourism plan the same year as we're doing the comprehensive plan update. These things all do interact. One of the concerns was a parking analysis. We feel that in the Town area, parking is increasingly a challenge and that can be a good thing or a bad thing. As Derek mentioned, how to maintain the character of Floyd. I would ask for your questions, ideas, suggestions for changes, concerns, to let me know. I also plan to take this to Town Council after I receive your ideas, and bring back to both of you, any changes from both. On the second round, we would seek an endorsement from both parties.

Supervisor Gardner – I think one of my biggest concerns is that not everything be centered in one area, such as the Town, everyone that has a business deserves some part of it.

Mrs. Martin – that has come up, people who are not in Town often feel out of the loop. I'm hoping that having an on-going committee would include participants from outlying areas.

Ms. Tina King, Executive Director of the New River Valley Agency on Aging, next appeared before the Board. She provided an informational presentation on their agency. Highlights included:

- Agency was formed in 1975 to basically serve as an agency for nutrition services. Agency now serves 13 different service areas, including nutrition.
- Mission of the agency is to provide services and information, advocacy, and to find resources for senior adults to maximize the independence of the individual, maintain their dignity, and keep them in their homes and communities to delay/prevent institutionalization.
- The agency is an arm of local government, serving eight local governments including the five New River Valley counties and the Towns of Blacksburg, Christiansburg and Pulaski.
- Senior Services is a private, non-profit arm of the agency that serves transportation needs – this arm has also grown tremendously.
- Are a sponsoring agency for Pulaski RSVP and fiscal agent for Pulaski Area Transit.
- Do receive Federal government funds, limited State funds and local funds. The local funds are used to match Federal dollars. Some grants are received, some donations and limited fees.
- Serve an area of 1400 square miles.
- Administrative office is located in the Town of Pulaski. Pulaski County donated the first office space which was outgrown and a spot was located within the Town. Do maintain a presence in Floyd County but have no office space here.
- Provide meals through our Friendship Café at the Zion Lutheran Church on Tuesdays and Thursdays. We purchase meals from Skyline Manor Nursing Home for our Meals on Wheels Program. West End Market provides freezer space for us for folks who would rather receive frozen meals.
- We employ several citizens from Floyd County, both full and part-time.
- We partner with RSVP, Departments of Social Services, Angels in the Attic and New River Community Action.
- Some of our programs include: Homemaker Program which provides light housekeeping, errands and some meal preparation; Respite Care – helps family members with some relief from care giving, up to 30 hours/month; Care Coordinator – work directly with families to provide needed services; Elder Abuse Prevention Program – provide determination, reporting, education services in direct coordination with Social Services; Ombudsman Program – work directly with families as advocates for those in long term care facilities; Legal Services – we contract directly with Legal Aid for simple items; Health Insurance Counseling Program – help with Medicare issues/decisions; Transition Coordination Services – this new program requires questioning a nursing home resident every ninety days if they want to transition from the nursing home out (if able) – this is to save Medicaid funds but also improve their quality of life. Most services are purchased from outside vendors but we do have limited staff in some of these programs.
- Budget – we did not know what any of the funding would be when we started our new budget year. Fortunately, everything came out fairly close to what we projected in January. We did see a \$6700 decrease from last year which doesn't sound bad. But what happened is that we lost about \$32,000 in State funds for direct services. We did receive

extra Federal funds but they did not fill in for those services. Only about \$1700 of the extra Federal funds could go into those service areas because of specific standards for use of funds. It will be a challenge to keep up.

- The value of services provided to Floyd County residents by unit cost is \$126,000.
- Provided a copy of the program report of services.
- We feel there is a greater need in Floyd County other than what the numbers show. Feel we need to work more on marketing our programs, especially for programs upcoming in the next few months. The adult population in Floyd County is growing. Estimates show that by 2010, 30% of the population in the County will be aged 60 and over. We need to plan now to make communities more livable.
- We are beginning a new virtual one-stop program called No Wrong Door to provide information about services all in one place. This is an unfunded mandate for us.
- Appreciate deeply the support we receive from Floyd County.

Mr. Gary Heinline, Executive Director, New River Valley Senior Services, next appeared before the Board. He commented that his agency provides transportation services and meals delivery for elderly residents. Fourteen years ago we began providing transportation services for the New River Valley Disability Services Board also. This service is for folks with sensory or physical disabilities. We also provide transportation for specialized shopping such as doctor appointments, banking, pharmacy, etc. We provide this service in Floyd on Saturday mornings for 4-5 hours, as to what is needed on that particular day.

Agenda Item 8d – Request from Floyd County Volunteer Fire Department #2 for building addition. Consensus of the Board was no action because of the language in the bond resolution that funds cannot be used for building renovation or additions, only specific public safety or solid waste equipment.

Agenda Item 8e – Blue Ridge Parkway 75th Anniversary representation (citizen).

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and unanimously carried, it was resolved to appoint Mrs. Jean Schaeffer as the citizen representative for the Blue Ridge Parkway's 75th Anniversary celebration.

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – aye

Agenda Item 8f – New River Valley Sustainable Communities Consortium Memorandum of Understanding. Mr. Campbell commented that this group is an off-shoot of the New River Valley Housing Consortium. A grant application in the amount of \$750,000 has been submitted to HUD for regional planning efforts to focus on housing and energy efficiency. There is no funding commitment needed from the County, only support for the grant application. The New River Valley Planning District Commission will be the leading applicant/agency/administrator. All the local governments will hopefully participate. The core group is Radford, Christiansburg,

Blacksburg, and Montgomery County. The Memorandum of Understanding does not set forth any difficult challenges for you that we can see. This is probably a long shot but still worth applying for.

Mrs. Martin – an agricultural component with emphasis on local food from farms in the New River Valley will also be included in the application. The housing and economic competitiveness are the main components of the application.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize the County Administrator to execute the Memorandum of Understanding with New River Valley Sustainable Communities Consortium (Document File Number).

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – aye

Dr. Terry Arbogast, School Superintendent, next appeared before the Board. He reported:

- Presented copy of school calendar for the new year;
- Presented copy of June 29, 2010 School Board meeting highlights;
- Reported an increase in school meal cost – first increase in five years;
- Major updates have been completed at the Check Elementary cafeteria and replacement of the service line at Willis Elementary cafeteria;
- Textbook adoption for History and Social Services has been completed – we anticipate a 6-year life;
- AYP – we have 29 benchmarks to meet – most schools in Virginia will not meet AYP. Only 11 divisions in the State met the benchmarks (division wide).
- Projected enrollment report was presented with an estimate of 2115. The budget was based on 2090;
- Presented copy of School Board meeting highlights from August 9, 2010;
- Presented copy of the Rosetta Stone foreign language program. By purchasing through a consortium, were able to obtain the license for \$75/pupil instead of \$400/pupil. Forty licenses were purchased to be used at the various elementary schools.
- Invited the Board to the opening ceremony/breakfast tomorrow at 8:00 a.m. at the high school;
- Wells 1 and 2 are both on-line at Check Elementary, everything is working well. The system alternates between the two wells to keep the 3000 gallon tank full.
- Education Job Act – has been approved by Congress to provide \$250 million to Virginia schools for hiring of additional personnel because of reduction in funding. Do not have final amounts that will be received.

The Board recessed for lunch.

Agenda Item 8g – Carry-Over request – Recycling/purchase of vehicle. Mr. Campbell reported that \$7831 was received in insurance proceeds from the total loss of the recycling vehicle. Would like to apply those funds toward the purchase of another vehicle. This was overlooked in the carry-over requests previously presented to the Board.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and unanimously carried, it was resolved to approve the carry-over of \$7831 to the FY11 budget for purchase of a recycling vehicle.

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – aye

Mr. Campbell reported that he and staff had negotiated on purchase of a panel truck replacement. Have found a 2007 E350 box van for a negotiated price of \$10,650. The difference of \$2819 in cost between the price and insurance proceeds can be taken from the Litter Control Grant or bond proceeds (since it is a solid waste vehicle).

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve purchase of a replacement recycling vehicle in the amount of \$10,650 with insurance proceeds and bond proceeds, as presented.

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – aye

Agenda Item 8h – Discussion of request from Floyd County Volunteer Fire Department Station #3 for building repairs in the amount of \$10,200.00. Mr. Campbell reported that water damage to the building wall, floors, appliances and cabinets was reported to the insurance company. The damage came from seepage through the walls from the excessive moisture received this year. There are problems with a wet weather spring on the property also. The insurance company did provide \$8205 in reimbursement for the damages from the total repair estimate of \$18,404.00. The Fire Department is requesting that the County provide \$10,200 to cover the remaining cost of repairs.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and unanimously carried, it was resolved to authorize total expenditures up to \$20,000 for Floyd County Volunteer Fire Department Station #3 repairs as outlined.

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram - aye

The Board requested that staff research the availability of flood insurance for that particular building site and report back next month with findings/costs.

Agenda Item 8i – FY11 Aid to Locality Reductions. Mr. Campbell presented a spreadsheet from the Department of Budget and Planning indicating the various reductions per department. Last year, there was a \$50 million State-wide cut, this year the cut is \$60 million. Floyd County’s share of the reduction is \$69,326.00. Two years ago, the Board took a gamble and took the entire reduction from CSA instead of the various departments. When we prepared the budget, staff left the revenue figures at the first lower amount received from the State Compensation Board, so all departments with the exception of the Sheriff will be ok with our budgeted figures.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and carried, it was resolved to approve the FY11 Aid to Locality Reductions with \$57,233 coming from Comprehensive Services; \$338 from Electoral Board; \$885 coming from Commissioner of Revenue; \$2790 from Commonwealth’s Attorney; \$4740 from Circuit Court; \$847 from Treasurer; \$1371 from Aid for Public Library; \$763 from Recordation Taxes; \$358 from Juvenile Justice

- Supervisor Clinger – aye
- Supervisor Gardner – aye
- Supervisor Allen – aye
- Supervisor Gerald – abstain
- Supervisor Ingram – aye

Mr. James E. Cornwell, County Attorney, appeared before the Board.

Agenda Item 6f(i) – Appeal of Planning Commission decision.

Mr. Daniel G. Campbell appeared before the Board. He commented: We thank you for allowing us the time to stand here before you to appeal our request for an exception for an easement in the Subdivision Ordinance. I am a graduate of Virginia Tech, got a 4-year degree in building construction, 20 years experience in maintenance and service in the pulp and paper industry, worked in Covington for that length of time. A couple of years ago, I was given the opportunity to make a change and sold my house in Troutville and moved here to be with my wife. Together we live in Riner right now; this is Joan Healey, my wife, with me. I guess once we ended up getting married and everything, well maybe I need to start at the beginning. About ten years ago, Joan purchased a 50 acre tract just north of here in Floyd County, with the idea that eventually she’d like to build a home and basically retire there for the rest of her years. I met her about eight years ago and have been together ever since and have been paying on this property ever since together. Now that we’re in a position financially, we felt like to go ahead and proceed with the construction of our new home; we needed to obtain some financing from the local bank. I went and talked with Clyde Smithers at Carter Bank, spoke with Terry Holt at First Bank in Christiansburg and Eugene Shockley at the Bank of Floyd. All three indicated that banks would very much prefer to lend on tracts of ten acres or less. The reasons they gave were for obtaining better comps for real estate appraisals and also even though they don’t sell off their loans, they want to be in a position at some point later if they need to. So they want sort of

cookie cutter loans, so to speak. With that in mind, seeming to be a fairly universal request of lending institutions, we proceeded to execute a plan for a family subdivision where she would convey a parcel of land to me so that I could proceed with going to the bank and obtaining financing. So unfortunately the area banks do seem to require smaller plats than what we currently own. In order to do that, we had to meet the subdivision requirements. One of those, which you are aware, is a 20' easement to the State road from our property. So, with that in mind, we set out to talk to the neighbors. One neighbor on the right side of the road actually wrote us a letter and I do have copies of them for you. The top letter is from Tinley Weaver and Dennis Dove who own one side of the road going up Raindance Road and they give their reasons for not being able to grant us an easement on their property. We went to the only other aspect to give us an easement on the opposite side of the road. Earlier in the year, we obtained verbal approval from that neighbor, that it would be ok and would help him eventually also down the road. So we proceeded with our survey, we spent a couple thousand on the survey and plat. Once we got all that ready, we did hire an attorney to draw up all the paperwork with appropriate interactions and once we presented that to the neighbor that had originally agreed to it, he had changed his mind, more than once. We've gone back and forth in negotiations with him, he would lay down some conditions if we would meet those conditions, he would sign it. We went back and had the survey changed, had some legal papers changed in preparation for those changes he wanted, ultimately it turned out that he wasn't really interested in giving us an easement at all, unless we came up with \$30,000 of payment for his signature. We felt that was completely unreasonable. We were definitely willing to make some type of trade in our negotiations with that neighbor but everything went south when there was some hostility from the other neighbor and basically we had to cease our negotiations. That sort of put us between a rock and hard place. We have one neighbor on one side who became hostile and won't give us an easement. The other neighbor on the other side, as you can see from the letter, has given their reasons for not granting us the easement. Raindance Road is the only access road to not only our property but our adjoining neighbors' property around us. Even if we were able to get an easement coming in from another direction on the properties that border us, Raindance Road would still have to be utilized to get to their property to get to ours. It is the only way in and out. One thing that I would add, as you can see on the plat, we already have a non-exclusive right of way for ingress and egress on this road, which is listed as a 12' road. It is probably a little wider than that now after use over the last couple of years. We contend that even though it is only a 12' road, the width of the right-of-way is not specified. Historically, usage for that road has been automobiles, pickup trucks, anything from concrete trucks to well drillers, big trucks hauling farm equipment; just any kind of motor vehicle except for an 18-wheel tractor trailer has probably been up there at some point in the last several years. So the road is quite usable and is in even better shape than it was ten years ago when my wife bought the property. But still yet, in order to meet the Subdivision Ordinance, we've tried to go through all the proper steps to get the easement. It doesn't look like that either of the two neighbors that own property on this road are going to consider granting this easement at any point in the future. As you can also see on the plat, you'd have to add it all up, but from where the State road is on Roger Road next to Green's Garage, it is about 2600' up to our property boundary. So that's the portion of the road in question, about half a mile. As you can see from the plat also, once our property boundary began, we would have an easement that she would be granting to me for that portion of the road that she owns and I would be granting her an easement through my plat as you can see on the survey. I can say we would have easement down our property boundary but then there is 2600'

of road that looks like there is no way in the world to get the neighbors to grant us an easement for that stretch of road. As I said, we've put a lot of effort, money and preparation into getting our house construction started. We've gotten electric service run to the property, we have an approved well already in place, we have an approved septic permit, we have a 911 address from the County, and we have a signed road maintenance agreement with our surrounding neighbors with the exception of one that became hostile. It is quite apparent that he is not interested in cooperating with us or the surrounding neighbors because he would not sign anything for anybody. We've put a lot of effort in this and worked for many years in trying to get to the point where we can go to the bank to get financing to get our house started. We are in a financial position to be able to do that. So, I guess we're here to appeal to you. She's raised four children in the County, I have four children of my own, half of them have gone to college, and we're encouraging them to be a part of the Floyd community too as they move on in their lives. We just want to appeal to your judgment and ask that you grant us an exception to this easement requirement. We can't see where it would be a detriment to anyone. Our neighbors have voiced their support. We bring a \$300,000 home to the tax base of the County. She and I are very interested in becoming contributing members of the Floyd County community and we feel like we already are to a certain extent. She's been in Floyd County for over 30 years and I have been for 10. We are out there frequently, just making preparations, working on the road, making sure that everything we could possibly do to make this project work, and all fall into place. We sure have hit a road block here. Quite possibly, I don't know of any other options that we have if this doesn't go the way we hope today. There have been three houses pop up in that neighborhood that all use the same access road that we do. I don't know what means of financing that they had but they were not conventional means of financing from what they explained to me. I don't know the details. We're just asking, we want to go through all the proper channels; we've tried to comply with all the requirements from not only the lending institutions but also of the County. I know the Planning Commission denied our initial request based on financial hardship but I just have a hard time seeing it as a financial hardship because we're not financially strapped by any means, just trying to put this whole puzzle together and get on with the construction of our retirement home. The land does present physical hardships as far as coming in from any other direction, the Little River is bordering on one side, neighbors on the other side are separated from us by very steep ravines which make it totally unfeasible to try to construct any type of road. As I pointed out earlier, access to any of these places would still have to come up Raindance Road. I know of no other way to get to our property, at least by vehicle access. So like I said, we feel like we're getting ready to set fire to our last bridge and burn it if we don't get any satisfaction here because I don't know where we'll go from here. We've spent thousands of dollars already. We've built a garage/tool equipment shed and all the other improvements we've already mentioned. We really want to be in Floyd County, we're renting in Montgomery County, and trying to place ourselves in the last several years to make this happen. As we find out we're not getting cooperation like we expected or was verbally agreed upon, we would not have pursued the survey plat if I'd have thought there was no chance. That is a couple of thousand dollars that we're completely out of that is no good to us.

Ms. Joan Healey – when we cleared the land to build the house, we had a mill come in and cut our wood so it is all in the garage drying so we can use it for our cabin and trim. Like Danny said, I moved here in the late 70's. I love Floyd, I've never left. Raised four kids here and have been working very, very hard for the last thirty years to get to the point where I could

even purchase property here. I felt like it was a gift when it finally arrived ten years ago and I had the down payment money that I'd been saving. Finally I had the property and have been working towards it for a long, long time. We're really excited to build our home here and just felt like we reached a road block. It doesn't seem like a necessary road block. I just want to tell you that I love Floyd County and really appreciate your time to consider this exception. We've been very diligent in trying to put all the pieces together and moving ahead and have made a lot of progress. When we bought the property, there was no electric there, which was a big deal. I just got that there three years ago. We put our well in; it has just been homesteading like the ancestors did here. I just really want to implore you to consider an exception to the rules.

Mr. Campbell – I would also like to add that I don't know anywhere where this would be a detriment to anyone. As far as the positives, we bring a \$300,000 home to the tax base, we plan on using local labor, contractors and service companies to help us build this home and we both are successful. She has had over 30 years of retail business; she is certified as a reflexology guru. I think we bring a lot of positives to the table. I certainly hope that there will be enough peculiarities about our situation where setting a precedent wouldn't be a concern for you because we have some unique circumstances. Just by the way, our surveyor John Lewis is here if there are questions and he can attest to the problems that we've gone through trying to do reasonable negotiations with our neighbor. As of right now, I don't know of any other options because I don't think it is going to happen with any of the other property owners along the 2600' road. With that being said, we request your help and also ask that if there is any doubt in your mind that you could approve this today, then I would ask you to table it for a month and consider it and vote next month. Whatever would help sway your opinion toward more consideration for us. With that, I make this request and certainly hope you can dig down deep and help us out. We do appreciate your time and would be glad to answer any questions that you might have.

Mr. Cornwell - The Board has 45 days to make a decision on the appeal. I do have a few comments. First, let me say that I am sorry that these folks went through the process of getting a survey done and spending that money based upon the thought that their neighbor was going to give them an easement. I'm sorry about that. Neighbors do things like that sometimes. I want to make sure that the Board understands that it is my opinion and Lydeana's, that there is nothing to prevent these folks from building a house on their property. Nothing to prevent them from building a house on this property under your regulations. I'm assuming, hopefully, they got a building permit for the shed and the electrical service, so they can get a building permit for a house. As they indicated in their letter to the Planning Commission, and I think this may be where the misunderstanding is. They say that there was a preference from the banks for construction loan for smaller plats of ten acres or less. I think Lydeana has actually talked to the banks and they do loan money on parcels of whatever size. Perhaps the interest rate might be a little higher, I don't know, I'm not in the lending business. Again, there is nothing to prevent these folks from building on their property. They could get a loan tomorrow and start their house. As far as needing this exception to build this house, they don't from the County. There is no County regulation that prevents the house from being built. Whether or not it helps them and reduces the interest rate on their loans, maybe it does. Maybe that's why the Planning Commission thought it was more a financial issue than a hardship. You do have the requirement for 20' easement for family divisions in two places in your ordinance where it talks about requirements for family divisions; the access road has to be 20' in width in Section 4-2. And

then there is another provision under improvements, in Section 5-4, it says for all family divisions, access shall be provided in the forms of streets, discontinued streets, or accesses which were proposed, shall be a minimum of 20' in width to provide ingress and egress to a public street. So you actually made a decision in two places that any easement to get to a family division has to be 20' in width. You also have criteria for deciding upon exceptions. It says the following criteria, Section 10-3, shall be used by the Planning Commission and Board of Supervisors in reaching their decision regarding requests for exceptions – an unusual situation or when strict adherence to regulations would result in a substantial injustice or hardship. Hardship is described in physical terms and not financial terms. Since they can build a house there, I question that they have a hardship. If they could not actually build a house on their property, you could argue hardship, but they can. So if it is a question about the interest rate at the bank, that is financial, not an actual hardship. The ordinance mentions a hardship to neighbors, but I don't think this house building would be a hardship to the neighbors. The situation is so general or reoccurring in nature as to make reasonable practical formulation of general regulations to be adopted by this ordinance. Well, you can amend your ordinance to reduce the size and requirement for the easement. You can do that. Since you can do that, if you decide that you don't want to have 20' wide easements for these family divisions, you could amend it and make it uniform throughout the County. But you decided at least two times to make it 20'. I think you had reasons to do that. One was that the road will be used by more people as houses are built on the properties. I think Lydeana can tell you that we've had many persons come in and say that I would like to cut off ten acres, five acres, eight acres, off my property so I can put a deed of trust on the property where the house is sitting and I don't have to mortgage the rest of my property. The answer has always been the same. If you do a family division, you have to have 20' right-of-way. If you don't have it, you can't. So it has been steadily reoccurring. The hardship is created by the physical character of the property or the property immediately adjacent thereto. Personal, pecuniary (financial) or self-inflicted hardship shall not be considered grounds for the authorization of an exception. You have a 12' easement, so that it is a physical issue, but again, they can build a house on their property. They can borrow money to build a house. So, it is not that you don't want them to build a house or come to Floyd County, you do. They can do that. It is just a question of the preference of the bank and the interest rate that they get, I don't know that but that's what I'm led to believe. The easement that they reference is the deed says, the grantor does further bargain, sell, grant, convey, a non-exclusive right-of-way for ingress or egress over currently existing 12' roadway for Virginia State Route 683, Roger Road, crossing the main property of grantor. So it is over a current existing right-of-way, it is not a 20' right-of-way. We have had situations where easements have not been defined as to the width. If the surveyor can vouch on the survey plat that the actual right-of-way is 20' physically on the ground, the Planning Commission has approved those plats. But in this case, we have a deed that says this is a 12' right-of-way so we can't even play with this one. So I have to speak in favor of the Planning Commission's decision. I think two members did abstain, there was one vote against. I think these people will be great citizens of Floyd County, I hope they will build their house, they can build their house, there is no reason they can't build their house as far as Floyd County is concerned. I certainly hope they do.

Mr. John Lewis – land surveyor – they have a right of ingress and egress, they have every right to enter and leave their property which is I think, what the essence of the ordinance is all about when it says 20' right-of-way. I disagree with counsel in saying that it is a 12' right-of-

way. It says a right of ingress and egress over a 12' existing roadway. I as a land surveyor, always put on my plats that the right-of-way is a non-specified width and it would be completely up to a Judge and court to say any different. But they are asking for an exception. It is not for an exception to build a house, we're asking for an exception to give a family member who is a spouse, a lot, and so it is not about whether they can build a house or not. It is about Danny being deeded the lot as a family member. So the exception is asking because they can't get the 20' from the neighbor who is hostile, that they be allowed to have an exception from that. So to say it is for financial reasons, if you question everybody who comes in here, why are you doing what you're doing, why can't you go ahead and borrow money on the whole 50 acres? Do you want to get into their personal reasons? I don't think that is what the realm of what the Planning Commission or you all are about. They are asking for an exception to the 20' easement that is called for in the ordinance because they can't get anything else. That easement is not going to do them any good whatsoever except to get this lot approved. They'll still have the right to enter and leave on that roadway. I respectfully disagree that this is a 12' right of way, it does not say that. On my plat I would put that it is non-specified.

Mr. Cornwell – well they either need the exception or don't need the exception. If they have a 20' easement, they don't need an exception. If they don't have 20', they need the exception. I don't understand the argument. I'm reading the deed for the easement. They are here asking for an exception saying they couldn't get a 20' right-of-way so they must agree that they don't have a 20' right-of-way. With all due respect, Mr. Lewis is a surveyor who is interested in the development of real estate. He is speaking on their behalf. I heard their presentation and know Mr. Lewis got here a little late. But their presentation was that they want to build a house on their property and they can.

Mr. Campbell – yes, we want to build a house. The first step in doing that is being able to execute the family subdivision. As John pointed out, whether we build a house on it or not, we still should have that right to be able to subdivide. I also ask you, is it a financial hardship to be able to do like most everybody in the world and have to go obtain financing to build your home? The area banks that we chose were chosen because, first of all, some area professionals highly recommended them. Also, they are local banks, they don't typically sell off their loans, and they have a great reputation for customer service. Quite honestly, the interest rates are all close. They don't make up my mind as far as which bank I use. I'd rather have somebody charge me a little more interest but is going to give me the service over the term of that loan than I would somebody with a low interest rate that will ignore me from that point out and be ten states away. I just ask you to think of it in that light. I don't have a big inheritance or a big bag of money sitting around where I can just go build my house if this easement isn't granted because I do need to obtain financing and I want to obtain it in a fiscally responsible way as opposed to like one of our other neighbors who has racked up a bunch of charges on a credit card just to get their house built. I can't see that as a financially responsible way to go. So, we're trying to go through the conventional steps and deal with our local area institutions.

Mr. Lewis – I'm not for land development, I'm for people. You've got good people who want to come build a house here. Danny graduated from Virginia Tech; you've got good people that want to be here. I fight for the people; I don't fight for land development. I'm not in here with subdivisions all the time but when people come to me and want to do a family subdivision,

I'm going to fight for them and see if we can't do it. I sit on the Carroll County Planning Commission and you have to be practical about things. What is the purpose of this 20' easement? Don't they have a right to enter and leave their property, can a fire truck get in and out, and the purpose is there. So to deny them this exception, what's the reason? Is it safety? What is it? All they are wanting is to give the spouse, Danny, a lot. I think that is where everybody is confused and started looking at them building a house, they're going to have to borrow money, we can't do it for financial reasons, and I think you need to get away from that. It is a family division, pure and simple. Once they get that, they can get their loan and build their house. Like I said, if you want to go through their finances and see why they don't want to tie up the rest of it, I think that is getting into the rim of nobody's business.

Mr. Cornwell – as you know, the Board has set up certain criteria that someone asking for an exception has to meet. I think you can review the criteria and see that these applicants do not meet the criteria.

Supervisor Clinger – if we grant a variance for this lot, would we be setting a precedent, or would they have to come back again for a variance if it was divided again?

Mr. Cornwell – they would have to come back for a variance for another lot. The variance would go with the lot. The concern is that there are a lot of properties like this.

Supervisor Clinger – that's what I was concerned about. If you gave a piece to one of your family members and they decided to split it up into three others, would the precedent be there?

Mr. Cornwell – the variance goes with the lot. They could build more houses on the parcel.

Mr. Campbell – I know you are trying to stick to the ordinances as they are written, and I certainly respect that because you are the ones that decided on them. She did buy the property before this last revision which I think some of the changes were implemented during that time. But also, I have a brother that has served on the Board of Supervisors in Allegheny County and was a Mayor in Clifton Forge, and I know a lot about what you all have to go through, just from talking to him. I also know that you have the authority to grant exceptions else it wouldn't be addressed in the ordinance. I just ask you to consider that also as you make the decision. If you're undecided right now, I encourage you to table it and give it some thought.

Mr. Cornwell – you have 45 days from the receipt of the appeal, August 4.

At 3:00 p.m., the Chairman called for the Public Hearing on the Proposed Abandonment of State Secondary Route 688 from VA Route 615 East and North along the Little River.

The County Administrator read the call for the public hearing.

The County Attorney had no comments at this time.

The Chairman opened the Public Hearing for comments from the audience.

Mr. Michael Holifield – I've been asked to speak on behalf of the petitioners here. First, I would like to say that we've complied with all the requirements of your policy with Mr. Campbell's help. First, I'd like to clarify one thing in the petition. It states that the 688 dead ends on Mr. Thompson's property. In fact, it does carry on slightly onto Mr. Frith's property. Mr. Frith was notified and we discussed the petition with him. However, the part of the road that we're asking to have abandoned does not affect the use of Mr. Frith. As stated in the petition, this road, you've seen the pictures; obviously it has not been used for several decades. In many places, it is impossible to even determine where the road bed is. In some places, it looks like some of the road bed has washed away. Second, at the river crossing, at the terminus of where we're asking for the road to be abandoned, where there once may have been a ford, if you look at the pictures I submitted, you can see where the river crossing is, there are 6' vertical drops on either side. Even if there were a road there, it would be impassable. There is no way to cross it by vehicle and even treacherous to do it by foot. Next, the petition does not land lock anybody. As you see from the pictures I submitted, Mr. Thompson lives across the river. He has ingress and egress. In some of the pictures you see there are multiple cement trucks. There is another picture of trucks being there in the winter. He is surely not using Route 688. Where folks have used Route 688, it is actually abuse of the public right-of-way. In one instance, we had a kayak company who claiming his right-of-way on Route 688 has parked numerous vehicles and was launching numerous kayaks for his business over Mr. Givens property. He kept saying he had a right to be here. He was actually parking vehicles in Mr. Givens' yard. Even if the vehicles had stayed on the right-of-way, the right-of-way doesn't go to the river. The only place it actually reaches the river is about 1000' down at the river crossing I just discussed. I have 18 years in the military; I hope to retire in a few years. My wife and I bought this property because it is going to be our retirement home. My wife grew up here, I love this County. As we're planning the house we're going to build and how we're going to put it, two years ago we got a call that there were people out there putting stakes up. If you see the pictures, you see little pink stakes. An inquiry found that Mr. Thompson had hired these people to stake out what he thought was the road bed for the stated intention that he was going to improve it. At one point he said a hard topped road. As you can imagine, as we're planning for our house, the threat of having a hard topped road put in there, an improvement to what at best is a two lane rut, greatly dissuades us from any planning. To drive this point home, we tried to handle this amicably; we hired an attorney to try to figure out the best way to write this up. We even offered a compromise with an easement over our property. When we found out there were a few issues we couldn't quite get straight, we heard nothing from Mr. Thompson for over a year. That's when we finally filed the petition. We'd like to have this resolved once and for all. When I spoke with Mr. Thompson about a month ago, the last point he made before he hung up was, well, if the Board denies the petition, I guess we'll have to reopen the road. We're not just here on a whim, this is very real to us. We ask that you close the road, abandon it, between Route 615 and the river. I would be glad to answer any questions.

Mr. Cornwell – I'm confused, does the road go all the way to the river?

Mr. Holifield – it does go all the way to the river.

Mr. Cornwell – were the folks doing the kayaks, were they trying to get to the river?

Mr. Holifield – they were on the road just off of Route 615. Rather than continue along the roadbed where it would cross the river, they parked in Mr. Given's yard next to Route 615.

Mr. Chris Thompson – I 'm one of the two affected landowners. Some of you probably know I bought the old Williams farm, what they called the homeplace, right at the peak of the market. I paid \$6500/acre for 200 acres of land, probably more than anybody has ever paid for a farm and never will pay again in the near future, with the intention of building the last house of my life along the river bottom. It is a very inaccessible spot where I'm building. The condition of me purchasing the property was being able to use the public access road. Right now, I've built a temporary driveway about a mile long, up over hill and dale, steep hill that didn't thaw out from December – March of last year, it was a sheet of ice. It is a temporary road to get to the house for construction. Before I bought the land, I met with the landowners on the other side who were well aware that it was a public road. I wanted to have good relations with my neighbors, as we all want to have good relations. I worked out with one of the landowners that we would support the abandonment of this road, Earl Frith and I, the other affected landowner, and we would write cross easements so that we could use what we needed to, and we would come and cross the river as quick as we could, and not go through everybody's back yards. That landowner agreed to that so I signed a contract to buy this land. After I bought the farm, he changed his mind, and said he didn't want me back there. We have been trying to work things out amicably with everybody because I have to have that access. The farm is under conservation easement but I couldn't afford the whole farm and I'm going to have to sell off half of the farm probably, and that includes where my temporary road runs, so I need this other road access to the house. As you heard, we came pretty close to a settlement, we would build a new road across from Route 615 down what is called Little River Lane and wouldn't go through anybody's back yard but go through the side yard and that seemed to be a good enough compromise. It was much more difficult for me to build a bridge, I'd have to give Earl easement of about 1500' to cross my property, which I wouldn't have to do, but I wanted to be good neighbors. However, they would not accept the easement I offered up, they wanted to have all these restrictions of no commercial use, we build the road, they can use it, and all kinds of additional restrictions on this easement that I wouldn't have if I used the public road. So, it was about six months ago that conversations fell apart. We talked about a month ago when I got word of this, I said look, I'm perfectly happy to revisit the easement issue and they said they were not interested. I said if you're not interested in revisiting the easement, then I'm going to have to use the public road which is the easiest thing for me. Easiest physically but not easy because it is pissing off my neighbors and I don't want to piss off my neighbors. I'm here reacting, I didn't take this action, they did. This is a public road that leads to my property, I had every intention of using this road to gain access to my house, I'm willing to support the abandonment of this road in support of my neighbors if I have an easement instead. But I don't think that this is going to happen. I think this sets a very bad precedent if you all abandon the public road when it is clearly going to be used to access my house.

Mr. Cornwell – the road crosses Little River and then comes up into your property, does it continue on to the Frith property?

Mr. Thompson – it is a little complicated because that road, according to Gino Williams, is possibly the oldest road in Floyd County. There are parcels along that road that you wouldn't expect because it hasn't been used for several years. It comes across here (showing on map), into my property, which is called Doug Ford Road, and goes up over, and then Earl uses that, he has a low water bridge to access his 650 acres up there, it takes a right along the river and then it goes through Earl's land, and then it traverses back to my land, and then traverses back to Earl's sixty acres that is under conservation easement. That is where the road currently terminates. It used to come out on Moore Road and came out on Harvestwood Road.

Mr. Cornwell – what is your intention as far as the crossing at Little River?

Mr. Thompson – low water bridge. There is, I have been working with Jim Shortt, a precedent of the Board, private landowner, to improve a private road and build a bridge on public property where there wasn't one. The only thing is, whoever builds it is responsible for maintaining it. Ultimately I think the best solution that Earl and I would support, abandoning the road, it would be best for the neighbors and County, you don't want this hassle anymore, as long as we could get an easement so we still have access to our properties.

Ms. Lee Holifield – a couple of points. One, when we were discussing the easement, one of the things that got hung up was our requirement that any river crossing that he put in obtain DNR approval and Army Corps of Engineers approval. That was one of the biggest things. The secondary requirement was that it have no commercial use. We obviously understand that he may have trucks going in and out with the construction of the property but we didn't want any sort of commercial use. We didn't want an easement running across our property where they were running a campground, hunting and fishing, all of that type of thing. Those were our two issues. Mr. Frith does use the road on the other side of the peninsula. We are not asking for that portion to be abandoned, but the portion on our side of the peninsula. The drop is about 6' on each side of the bank so it will require significant improvements to even reach the river to put in a low water bridge. When we spoke to the Department of Natural Resources and the Army Corps of Engineers, we've been told that it would require significant permits to put that in. Secondly, our concern is, who would maintain that road if they put it in? If it wasn't properly maintained, and being on our property, whose responsibility is that since it is not on his property?

Mr. Cornwell – if the Board were to abandon the portion of 688 that you're asking for, then really 688 on the other side of the river goes nowhere?

Ms. Holifield – it goes from Mr. Thompson's property to Mr. Frith's property.

Mr. Cornwell – so it doesn't meet a public road?

Ms. Holifield – it does not meet the road. It would just be the easement part of it.

Mr. Cornwell – it starts nowhere and ends nowhere.

Ms. Holifield – and unfortunately the road, as you can see from the pictures, has not been driven on in probably 50 years or so. There are trees that are significant on that piece of property.

Mr. Melvin Worth – the first time I met Mr. Thompson, I had just come in from work and looked down the hill toward the river and saw three gentlemen down there on my property. Out of curiosity I went down there, this might be what Mr. Thompson is talking about. I introduced myself. One was Mr. Thompson and one was Mr. Givens, and I found out the other gentleman was from a cement company. I introduced myself and asked them what was going on. They said they were looking at the possibility of putting a bridge in here. Chris Thompson, from my understanding, had brought the property across the river. I asked what his intentions were. He said he didn't think it was any of my freaking business. That's how we got started off. What my business was in doing that. At no time, did I agree, if he was talking about me agreeing, to put the bridge coming off my property across the river.

Mr. Calvin Rorrer – I would like to go on record in support of abandonment of this road. I own two lots there; I was planning on putting a log cabin down just looking over into the river. If the road goes through, I'll be sitting there on my back porch looking at a road between me and the river. Not only that, it will detract from the value of my property. I am giving my property to my children whenever I pass on, so they could live there or build a house there, whatever they wanted to do with it.

After no further comments from the Board, the Chairman declared the Public Hearing closed.

Mr. Campbell noted that written comments were received on June 22, 2010 from Mrs. Jackie Frith and August 2, 2010 from Mr. Earl Frith noting their opposition to the abandonment.

From Mrs. Jacquelyn W. Frith:

At the August 10, 2010 Board of Supervisors meeting, the landowners of Little River Subdivision are scheduled to present a petition for the abandonment of Route 688. I will be unable to attend this meeting because of vacation plans made a year ago.

My husband and I jointly own 18 acres served by this discontinued route. If my husband who is 10 years my senior predeceases me and the road has been abandoned, I will own 18 landlocked acres along Little River. Therefore, I am very much opposed to the petition to abandon Route 688 presented by the Little River Subdivision landowners.

Please take this information into consideration when you vote on this matter. Thank you.

From Mr. F. Earl Frith:

Route 688 borders 446.54 feet of our tract #29-49 to the ford of Little River that accesses tract #29-25 of 102.5 acres belonging to F. Earl Frith. Then it passes through tract #29-49 along Little River for 1023.47 feet. This tract belongs to Jacquelyn W. Frith and F. Earl Frith as tenants by the entirety. Should Jackie (10 years my junior) survive me she would be sole owner of tract #29-49 with no legal access except Route 688.

After passing through Christopher Thompson's property Route 688 terminates on my tract #29.24 of 57.99 acres. Route 688 is my only traversable access to this 57.9 acres. Said

tract also joins our tract #29A-8, the former Joe Stuart tract of 174.9 acres. Both of these tracts are in a permanent Conservation Easement with the Virginia Outdoors Foundation.

Our neighbors who are requesting the abandonment of Route 688 were fully aware of its existence when they acquired their respective tracts of land. All of their tracts are a part of Little River Subdivision. Route 688 is clearly shown on the map by which they took title. Please do not demean our property by taking away our legal access. Such action would set a terrible precedent for the future.

Supervisor Gardner questioned the time frame for a decision on this matter, that he would like to make a field trip to the site.

Consensus of the Board was to defer a decision for further investigation and research.

Consensus of the Board was to also defer a decision on the appeal from Mr. Daniel Campbell and Ms. Joan Healy to the September board meeting.

Mrs. Lydeana Martin came back before the Board to discuss a possible advertisement in the Virginia Tourism Corporation's State tourism guide. She reported that a one-third page ad in collaboration with two other Counties would be \$4985. Discussion followed on the responses received from the ad, different venues where the guide is displayed, on-line version, etc.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, it was resolved to authorize the expenditure of \$4985 for a one-third page advertisement in the Virginia State Tourism Guide.

Supervisor Clinger – nay
Supervisor Gardner – aye
Supervisor Allen – abstain
Supervisor Gerald – nay
Supervisor Ingram – aye

Motion failed.

Agenda Item 8k – Draft PPTRA Resolution. Mr. Campbell presented the draft resolution for the Board's review indicating a 51.75% rate as calculated by the Treasurer and Commissioner of Revenue.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to adopt the PPTRA Resolution as presented (Document File Number _____).

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – nay

Agenda Item 8l – Mr. Campbell reminded the Board members of the invitation to the Pulaski County Elected Officials picnic on August 22, 2010.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to amend the agenda to include discussion on various other issues.

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – aye

Supervisor Allen commented that it had been brought to his attention that Woody Crenshaw did not get a building permit for the sign at the Village Green. After checking with the Building Official, he stated that he is investigating the matter.

Supervisor Allen noted that he was very upset with the vehicle replacement policy for the Fire Department and Rescue Squad that was recently sent to the Board members. If we continue down that road according to the schedule, we will never get out of the hole. Would like to put this item on the agenda for the September meeting for the Board's discussion.

Mr. Campbell, in the Treasurer's absence, presented the 2009 delinquent real estate and personal property tax lists. He noted that the Board needs to decide whether to advertise the entire list in the newspaper or just note the availability of the list at the Treasurer's Office.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize the County Administrator to advertise the availability of public viewing of the 2009 delinquent real estate and personal property tax lists in the Treasurer's Office.

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – aye

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to authorize purchase of a used vehicle for the Animal Control Department at a cap of \$10,000.00.

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – nay
Supervisor Ingram – aye

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

Supervisor Clinger – aye
Supervisor Gardner – aye
Supervisor Allen – aye

Supervisor Gerald – aye
Supervisor Ingram - aye

Daniel J. Campbell, County Administrator

David W. Ingram, Chairman, Board of
Supervisors