

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 14, 2012**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 14, 2012 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: Case C. Clinger, Chairman; Virgel H. Allen, Vice Chairman; J. Fred Gerald, Joe D. Turman, Lauren D. Yoder, 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 Supervisor Gerald.

Chairman Clinger led in the Pledge of Allegiance.

The minutes of July 10, 2012 were presented to the Board for approval. Mr. Campbell noted that, on page 3, the vote for the Community Services Board contract should have been nay votes for Supervisors Clinger and Gerald.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the minutes of July 10, 2012 as amended.

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

The monthly disbursements were presented to the Board for approval. Questions and discussion followed.

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

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

Ms. Stephanie Shortt, Commonwealth's Attorney, next appeared before the Board. She reported:

- Draft ordinance – Requiring Reimbursement of Expenses Incurred in Responding to DUI and Traffic Incidents – might also want to list New River Valley Community Corrections besides Court Services because of cases being misdemeanors. We will need any information very quickly for restitution.
- Draft ordinance – Requiring Cleanup of Properties Used for the Manufacture of Methamphetamine – will also need any restitution amounts very quickly for prosecution of these cases.
- Call volume of cases is up and office continues to stay very busy.
- Continue to review the jail list billing for the County to ensure charges are correct.

Sheriff Shannon Zeman next appeared before the Board. He reported:

- Call volume continues to increase – had over 1500 calls in July for services;
- Have one dispatcher position open, will be interviewing soon;
- Trying to do some renovation of the old dispatch center in the basement for a State agency that will be assisting us.
- Draft ordinances for methamphetamine – these would be helpful avenues to receive costs back. We always have to obtain the services of the State Police team. It would be good to add these costs to the person being arrested. Tough issue for you to decide as to whether to make the person arrested or the landowner responsible and accountable. We do have to post the house that there was an active meth lab there so citizens will not be at risk.

Supervisor Yoder requested that the Sheriff’s Office have a presence at the Library due to difficult events at the other branches. Possibly have a Deputy walk through the building once in a while.

Sheriff Zeman noted that they do patrol the parking lot after hours, will try to add the walk-through as schedules allow.

At 9:00 a.m., the Chairman called for the Public Comment Period.

Mr. Elmer Underwood, Indian Valley District – I own rental property. It ain’t no way in the world I can tell who’s making drugs in my trailer and who ain’t. Because when you rent it, most of it, you ain’t allowed to go back in the house. I can’t see that the landowner should have to pay for that. It should go to the Sheriff’s Department or something like that because we need to get rid of these drugs in Floyd County to start with. Because it is in the schools and everywhere else around. I don’t know who was over this Floyd Fest thing. I wasn’t there but you hear everything. I heard they had tables set up out there selling drugs. I wouldn’t go if they gave me a 100 tickets but it ain’t none of my business but yet it is somebody’s business that brought drugs in the County. I think they needed the law out there to take care of it, I don’t know if they had them or not. I don’t think the landowner ought to have to pay to clean up these drugs because if I had anything to do with it I’ll clean mine up if I can and know anything about it and get rid of them. Then you take them to court and you can’t get them out. Have to go through all kind of rig-a-ma-role anymore. I do think you need to think about something on that too because the landowner shouldn’t have to pay for that cleanup. I reckon that’s about all I have to say on that piece.

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

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion, consideration or interviews of prospective candidates for employment, assignment, appointment promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.

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

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

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

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

**CERTIFICATION RESOLUTION
CLOSED SESSION**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel in accordance with Section 2.2-3711, Paragraph A.1 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby certifies that, to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number (1) or number (2)? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure.

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

Ms. Kathy Poole, Floyd County Humane Society, next appeared before the Board. She reported: The Humane Society, in Floyd, consists entirely of volunteers out of their homes, with the desire to help pets and pet owners. We're non-profit and our only funding comes from grants, donations and fund-raisers. We're currently asking the government for \$2500 in funding to match a grant from Two-Mods. We received a \$5000 grant from Two-Mods in 2010 and another one in 2011 for spay/neuter programs. In order to qualify for their third and final grant, they require that we get funding from our County government and they will match it. If we have \$2500 from the County, then we would get \$2500 from them, which would give us the third \$5000 grant for spay/neuter. We need to have this money in 2012 and by September 15 to qualify for the grant is what they are requiring. Just a few statistics: since we began keeping records in 2003, we have found homes for over 2220 dogs and cats in Floyd. Since we began tracking spay/neuters, we have done over 3400 dogs and cats in Floyd. The Humane Society has applied for and received grant money specifically for control of feral cat colonies. We are currently working on 25 colonies in Floyd ranging from 3 cats to 40 cats. We practice TNR, which is Trap, Neuter, Return to the site. We have spayed and neutered close to 300 feral cats this year alone with the grant money we received. A female cat can have up to 3 litters per year and up to 6 kittens per litter, so that is a lot of unwanted cats. Some of the other things that we do that I'm sure you're aware of. We do the rabies clinic in Floyd twice a year. We get nothing out of this, we just do it for the public. With cooperation of the local vets, we sponsor clinics from 2-5 locations and offer rabies vaccines at a discounted price with no office visit and no additional fees whatsoever. Since 2006, we've provided over 1600 rabies vaccines which are in addition to spay/neuter statistics because any dog or cat spayed or neutered has to have a current rabies vaccination also. This is in addition. We also provide pet food to needy pet owners and we provide food to Plenty which distributes it to elderly and low income families. We help raise money for pet owners who can't afford emergency surgery for their animals. We're also called in to do things that are not really our responsibility. Animal Control calls us when there is an injured cat somewhere, we pick them up and have them put down and we have to pay for that. Not too long ago, a lady died in an apartment here in Floyd and they called Darcy over to catch her two cats until the family could be notified. They couldn't process the scene until the cats were dealt with. We're on call for just about anything that needs to be done. I did supply everyone with a copy of the contract from Two-Mods outlining the matching grant. I've also given you statistics on our feral cat colonies, our adoptions and our spay/neuter clinics.

Mr. Carl Ayers, Social Services Director, next appeared before the Board. He reported:

- SNAP Program – had a drop in participants from 2100 to 2042, first drop since 2007. Payments for the month dropped from \$250,000 to \$239,000;
- Presented copies of a brochure outlining the new on-line application process, advertising campaigns will start September 1;
- Staggered times for SNAP benefits will begin September 1. There will be four issuance dates during the month routed by case numbers.

Mr. Dean Gall, representing the Land Policy Task Force, next appeared before the Board. He read the following resolution from the Task Force:

As Land Policy Task Force members, we have taken seriously the call to serve the good of our County for now and the future. We have learned a great deal about the water, farming, forestry and fiscal challenges facing our County and have studied the planning tools available to help with those challenges. We are working on detailed recommendations for early autumn but one thing is clear to us: the Comprehensive Plan is the foundational document to set the course for greater long-term prosperity and protection for the citizens of Floyd County.

We understand that over 200 private citizens, more than 40 local companies and over 30 civic organizations participated in an 18-month community-input process for the Comprehensive Plan and that the input became the priorities in the Plan drafted by County staff through the leadership of the Floyd County Planning Commission. The Plan provides valuable information and vision; we will soon be recommending land policies to help implement the vision.

We encourage you to adopt the Comprehensive Plan to prepare for the future of Floyd County.

Mr. Gall also requested, from the Task Force, that the Board consider what type of mechanism they would prefer to receive information from the Task Force, to ensure easier decision making.

Agenda Item 7a – Subdivision plats as approved by Agent for July 2012. Ms. Lydeana Martin, Subdivision Agent, appeared before the Board. She reported that there was not much activity in the month of July.

Agenda Item 7b – Advertisement in the Blue Ridge Parkway Directory and Travel Planner. Ms. Martin reported that only destination marketing organizations are eligible to advertise in this publication. This would include Counties, Cities, Chambers of Commerce or established travel organizations. This Directory is the only one allowed on Federal property. Over 350,000 copies are printed to place in visitor centers and the web site enjoys more than 1 million hits per year. The base ad costs \$3150 with an additional cost of \$220 for the expanded listing for web and mobile phones.

Agenda Item 7c – Ms. Martin presented a resolution from the Floyd County Planning Commission recertifying the draft Floyd County Comprehensive Plan, adoption date of July 17, 2012.

Ms. Martin also reported that the Economic Development Authority had released an advertisement for architectural/engineering services for the proposed Innovation Center. Twelve proposals were received Friday. They will be reviewed by a scoring grid of the management team. The EDA will negotiate with the top ranked firm. A \$369,000 grant was approved by the ARC, along with other grants totaling \$2.3 million to build the center. This will be a multi-tenant facility with laboratories and clean room space. It will be a green facility. We plan two years for design and construction.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and carried, it was resolved to approve placement of an advertisement in the Blue Ridge Parkway Directory at a cost of \$3380, package number 3, to include the additional web site application, as presented.

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

Agenda Item 7c – Draft Comprehensive Plan. Mr. Campbell noted that with the certification from the Planning Commission, that the Board has 90 days to act on the draft which could include changes/additions/deletions back to the Planning Commission, or action. A public hearing by the Board is also required.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to authorize the County Administrator to advertise for a public hearing on the draft Floyd County Comprehensive Plan, on September 25, 2012 at 7:00 p.m. at the Floyd County High School Auditorium.

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

Mr. Dan Huff and Mr. David Clarke, Virginia Department of Transportation, appeared before the Board.

Mr. Huff reported that the speed study on Route 221 had been completed. Staff did not recommend any changes in speed but did recommend a new series of signs and modification to the stop sign at the Route 610 intersection. Signs have been installed on Coles Knob Road and Stonewall Road indicating the hidden intersection. Speed study for Needmore Lane is not complete at this time.

Mr. Clarke reported that cleanup continues from the storm on June 29. Working on patching road and getting ready for plant mix in the Town limits. Catching up on mowing on secondary roads, which will be done again before Fall. Working on pipe replacements in the Willis area. Reported that the Salem District and Lynchburg District Administrators have switched positions, which will be good for both with different family situations.

Supervisor Gerald – Sumpter Road – potholes near bridge need repair; grass grown up is causing sight distance problems at Macks Mountain/Indian Valley Road intersection; questioned the entrances for the site where the Yoga Jam will be held.

Mr. Huff reported that the entrances had been legally approved and installed as per VDOT standards.

Supervisor Allen – reported asphalt breaking up on Stonewall Road past weighing station and also on Daniels Run Road, just past Wild Cherry Road; a cherry tree is blocking sight distance coming onto Franklin Pike from Thompson Road.

Supervisor Turman – nothing to report this month.

Supervisor Yoder – appreciate mowing especially at intersections; Conner Road ditch where green boxes used to sit – rain is still ponding up there and causing surrounding residents well problems.

Supervisor Clinger – appreciate all the mowing.

Agenda Item 7d – E911 Road Name Request – Mr. Campbell presented the road name request of “Pine Springs Drive” and noted that there are three dwellings on the road, with the anticipation of one more being added.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the road name of Pine Springs Drive as presented.

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

Agenda Item 7e – Appointment of representative to New River Community College Board of Directors – defer until later in the meeting for other scheduled interview.

Agenda Item 7f – Resolution Establishing the Method of Computing and Reflecting Tax Relief Pursuant to the Personal Property Tax Relief Act.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the Resolution as presented, “Resolution Establishing the Method of Computing and Reflecting Tax Relief Pursuant to the Personal Property Tax Relief Act” (Document File Number _____).

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

Supervisor Clinger – aye

Agenda Item 7g – Resolution Recognizing September 17-23, 2012 as Constitution Week.

On a motion of Supervisor Gerald, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the resolution as presented, “Resolution Recognizing September 17-23, 2012 as Constitution Week” (Document File Number).

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

Agenda Item 7h – Carry-over request - \$8740.32 – Drug Asset Forfeiture Funds. Mr. Campbell presented a copy of the letter request and report from the Commonwealth’s Attorney requesting this carry-over of funds.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the carry-over of \$8740.32 to the FY13 budget for Drug Asset Forfeiture Funds, as presented.

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

Dr. Kevin Harris, School Superintendent, next appeared before the Board. He reported:

- Presented copy of School Board meeting highlights of August 10 for the Board’s information;
- School Board adopted a new policy for the placement and use of EPI pens. Each school is required to have two pens on-site. A grant received reimbursed most of the cost of the pens;
- School Board approved a tuition reimbursement policy for teachers to continue their education;
- Presented a carry-over request of \$25,506.37 for a VRS recalculation refund received on June 29. In July and August of 2011, VRS assessed a different rate which was incorrect. It will be returned to the employee benefit line items.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the School Board’s carry-over request to the FY13 budget in the amount of \$25,506.37 for VRS reimbursement received.

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

- With school beginning, up 34 students from projections, with total enrollment at 2064. Monitoring class sizes very carefully to ensure proper teacher/student ratios;
- A presentation on brain based learning was presented to the School Board and staff – basis is to make it easier for children to learn;
- Maintenance at the schools as done by staff over the summer has been tremendous – please check it out for yourselves;
- Have met with all employees concerning the new health insurance plans;
- Have completed update of crisis management plan;
- Will begin meetings in October with parents and teachers on the FY14 budget needs.

Agenda Item 7i – Tourism and Marketing Services Agreement. Mr. Campbell presented the latest draft as approved by the Town and Chamber of Commerce. Seems to include all changes as requested by the Board.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt Tourism and Marketing Services Agreement between the Town of Floyd, the County of Floyd and the Floyd County Chamber of Commerce as presented and authorize appropriate officials to execute same (Document File Number _____).

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

Agenda Item 7j – Committee set-up/procedures with Board of Supervisors, Fire Department and Rescue Squad for vehicle/equipment purchase/planning – appointment of members. Mr. Campbell reported that two letters of interest were received, both from Fire Department members. Supervisor Yoder commented that he had one person interested from the Rescue Squad. Consensus of the Board was for staff to set up interviews for the September 11 meeting of all applicants.

Agenda Item 7k – New River Health District Memorandum of Understanding. Mr. Campbell noted that the memorandum only affects times when the schools might be needed as a site for mass distribution/administration of medication to the population. The School Board had approved the memorandum as presented.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the Memorandum of Understanding between the New River Health District, Floyd County Public Schools and Floyd County, as presented (Document File Number _____).

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

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

Agenda Item 6i(i) – Draft Ordinance – Requesting Reimbursement of Expenses Incurred in Responding to DUI and Traffic Incidents: The language is straight from the Code of Virginia and would cover emergency services such as the Sheriff’s Office, law enforcement, volunteer fire and rescue squads that would be responding to those incidents. It is my understanding that, in dealing with this in other jurisdictions, that this is an insurance covered expense. Almost all policies now have this coverage. It shall not exceed \$1000 in the aggregate. The County can bill a flat fee of \$350 or minute by minute.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on the draft ordinance “Requesting Reimbursement of Expenses Incurred in responding to DUI and Traffic Incidents” at 7:00 p.m. on September 6, 2012 in the Board Room of the County Administration Building.

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

Agenda Item 6i(ii) – Draft Ordinance – Requiring Cleanup of Properties Used for the Manufacture of Methamphetamine.

On a motion of Supervisor Allen, seconded by Supervisor Turman, it was resolved to authorize the County Administrator to advertise for a public hearing on the draft ordinance “Ordinance Requiring Cleanup of Properties Used for the Manufacture of Methamphetamine” on September 6, 2012.

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

Draft Ordinance – Requiring Those Convicted of an Offense for the Manufacture of Methamphetamine to Pay the Expense of Cleanup of Methamphetamine Labs. Mr. Cornwell noted that this ordinance comes also straight from the Code of Virginia language, Section 15.2-1716.2, requiring those convicted of the offense of manufacturing methamphetamine to be liable for cleanup. This ordinance would allow costs to be collected from the person convicted of manufacturing, instead of the property owner as the other ordinance listed.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing on the draft ordinance “Ordinance Requiring Those Convicted of an Offense for the Manufacture of Methamphetamine to Pay the Expenses of Cleanup of Methamphetamine Labs” at 7:00 p.m.

or as soon thereafter as possible on September 6, 2012 in the Board Room of the County Administration Building.

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

Agenda Item 6i(iii) – Report – Sale of properties with delinquent taxes held on Friday, August 3, 2012. Mr. Cornwell reported that eleven properties were offered for sale. Two of them received no bids so we pulled them. Four of them were camping lots, with about \$3000 owed with taxes and penalties; we received \$450 on three of them and \$350 on the other one. The other ones all made more than necessary to pay off everything. We had about \$12,000 owed on the remaining five and we received about \$60,000. The total sale price was \$89,650. We had about 27 people here for the sale. We have a confirmation hearing scheduled for September 4 to approve those sales. Not counting these since they have not been confirmed, we did pay to Floyd County \$13,092.22 for the previous group we handled. In all, since we've been working for the County for about four years, we have paid the County net \$203,940.42. Net does not include the cost of attorney fees, advertising, etc. We have more that we are working on. It takes about 6-9 months to get ready for a sale with all the paperwork required.

Agenda Item 7l – State Reduction in Aid to Localities. Mr. Campbell presented the State mandated reductions from the General Assembly action with a suggested spreadsheet indicating reductions by department. The total reduction for the coming year is \$54,383.00. There are several options for the Board's consideration: 1) follow the reductions by department as suggested; 2) any combination of those; 3) take entire amount from one area. This is another way that the State is cutting support for local governments. The cuts always come after the fiscal year has begun, not during the budget planning process. For the past few years, the entire assessment has been taken from CSA. Thus far, it has worked out with this plan.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize the entire State reduction in Aid to Localities amount of \$54,383.00 to be taken from Comprehensive Services for At-Risk Youth and Families.

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

Agenda Item 7m – Virginia E911 Services Board Refund Request. Mr. Campbell presented a letter from the E911 Services Board explaining the situation. They reimbursed the localities at a higher rate over the last three years than should have been. They will recalculate percentages based on validated data. This year we received some extra technical assistance from the E911 Services Board since the directions were so difficult. It was more clearly defined as to what we could submit relating to recurring equipment costs, personnel and volume of calls.

Because of that, the State Wireless Board has, following the directive of the General Assembly, indicated that our estimates previously submitted for revenue was actually higher than it should have been. They are not requiring a reimbursement of the amount based on our more accurate data recently submitted. This is not local funding; this is reimbursement of wireless funds that we received. I think it has been difficult to interpret the instructions and is indicated by the fact that about 75% of the PSAP's across the State were in the same boat as us. If that doesn't tell you that the instructions were difficult or flawed, I don't know what does. Nonetheless, they are asking for reimbursement of the wireless funds. The allocation going forward will be based on the recalculated numbers. The way it appears is that because of our monthly allocation, the \$43,000 that they are requesting would not be fully paid back if we just take it out of the allocation within the 6-month window. They would like the funds re-paid by January 1, 2013, but I don't know if they can require that date. With 75% of the PSAP's across the State in a similar situation, I feel there is going to be quite an upheaval and will become a large issue. Our amount is small compared to some out there. We feel the situation was created by them in terms of poor instructions and poor guidance in terms of how to pull together the data. Especially in the areas of recurring costs, types of calls eligible and other expenses. If the instructions had been clear, 75% of the PSAP's wouldn't be in this situation.

Consensus of the Board was to defer the matter for receipt of further information.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.

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

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

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

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

**CERTIFICATION RESOLUTION
CLOSED SESSION**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel in accordance with Section 2.2-3711, Paragraph A.1 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby certifies that, to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number (1) or number (2)? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure.

Hearing no statement, I call the question.

Supervisor Yoder – aye

Supervisor Turman – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Clinger – aye

This Certification Resolution was adopted.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and unanimously carried, it was resolved to appoint Mr. Michael S. Patton to the New River Community College Board of Directors.

Supervisor Yoder – aye

Supervisor Turman – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Clinger – aye

Agenda Item 7n – Mandated State Stormwater Program. Mr. Campbell presented the information received on the program, another unfunded State mandate. This will affect the County in terms of personnel and time and put the County in a heavy enforcement position in the future. Don't know of any way to avoid the mandate. Have spoken with Delegate Rush and he is interested in a bill that would take the program back to a voluntary program. He would like us to make contact with VACo to see where they are at. I don't know that VACo will be interested because a number of Counties already have this requirement. There has been interest in the New River Valley to support the program on a regional approach. The State has put out a grant program to communities to assess needs and assist in planning. Have spoken with the Director of the Planning Commission and they are interested in pursuing a regional program. They would need an endorsement letter from the County for the application.

Consensus of the Board was for the County Administrator to provide a letter of support for the regional stormwater application from the Planning Commission.

Agenda Item 7o – Administration Building generator. Mr. Campbell reported that the generator has completely failed. It is over 35 years old. The replacement cost would be very significant. One estimate for a comparable unit with a weatherproof shell, new transfer switch would be around \$36,500. Then we'd have to pay a licensed contractor to install it. One important item that it controls is the VCIN network in the Dispatch Center (the Crime Information Network) which we can't do without. We are working with Citizens, Dispatch, and our IT consultant to re-route that system somehow to take some of the risk off of it. Our servers would still be without backup power and also our new emergency operations center now based in the building. Long-term we need to replace it, short-term we can work around the VCIN. We had to completely take it off-line because it was shorting out pieces of equipment.

Consensus of the Board was for the County Administrator to put the item out for bid proposals and re-route the VCIN server as needed.

Agenda Item 7p – Potential refinancing of 2006 bond issue. Mr. Campbell reported that over a term of ten years, with refinancing, the County could save over a quarter million dollars. Our issuance banks would be around \$2200 and there will be some bond counsel costs. We have a September 10 deadline for the EDA resolution and Board of Supervisors resolution which we have not received yet. The name of the IDA will have to be changed to EDA on some of the original documents. The bond issue was done to refinance existing debt at that time. Some of the items were the Courthouse renovations, purchase of this building, Indian Valley fire station improvements, and dispatch center improvements. We will be reducing our rate from 4.22% to 2.3%.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and carried, it was resolved to authorize the refinancing of the 2006 bond issuance using semi-annual payments, as presented.

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

Agenda Item 7q – Auditor recommendation concerning EDA liability forgiveness. Mr. Campbell presented a letter recommendation from the auditor concerning the matter. We are carrying a \$410,961 asset or repayment requirement in our audit from the EDA. It has been there for many years. He is recommending, since it is skewing our financial position in the audit, that it be forgiven. It is also showing a debt on the part of the EDA that probably shouldn't be there either in terms of accuracy. It is probably unlikely that it will ever be repaid because the land in the commerce park is the only incentive that the EDA has in dealing with potential industries. The land where the Innovation Center will be built will most likely stay in public hands with tenants. This forgiveness cannot be done unless approved by the Board of Supervisors. If the forgiveness was approved and the land was ever sold, the proceeds would stay in the hands of the EDA to be used for future economic development.

On a motion of Supervisor Allen, seconded by Supervisor Turman, it was resolved to authorize the allowance receivable in the amount of \$410,961 between the County of Floyd and the Economic Development Authority of Floyd County.

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

No action taken on the request from the Humane Society for funding assistance.

On a motion of Supervisor Yoder, it was resolved to adjourn to September 6, 2012 at 6:00 p.m.

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors