

**BOARD OF SUPERVISORS
REGULAR MEETING
FEBRUARY 9, 2010**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, February 9, 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 Vice Chairman called the meeting to order at 8:30 a.m. with the reading of the handicapping statement.

The Vice Chairman turned the chair over to the Chairman at 8:35 a.m.

The Opening Prayer was led by Chairman Ingram.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Stephanie Shortt, Commonwealth's Attorney, appeared before the Board. She reported: I wanted to update you about the steps that I've taken as far as promoting with our legislators with respect to the budget cuts. I may have not spoken as direct about how significant our budget cuts are going to be. The proposed cuts will be approximately \$20,000 additional from our budget, which would in effect, cause me to lay off and be down to a part-time secretary. If I'm in a situation where that much is cut off after the other cuts from the State that were passed down to us. This is not an unusual thing that is happening, it is affecting small offices on a greater proportion in my personal opinion, than bigger offices, because they have bigger budgets and more to absorb. You may be familiar with the Commonwealth's Attorney budget which covers the Constitutional Officer, myself, one full-time secretary and what they call temporary, which is the part-time secretary. When the last cuts came, I had to cut back some of the part-time money but I didn't have to eliminate anyone and we tried to shield it in a way to live off of our asset forfeiture money as much as we could. Now that the budget situation has gotten to the point where it doesn't look very promising in the near future, certainly the Commonwealth's Attorney Association, actual association, has taken steps along with the Sheriff's Association and other Constitutional Officers Associations to speak directly with our legislators as to how this will impact our offices. I have spoken with Senator Reynolds directly, who is on the Finance Committee. I did attempt to contact and speak directly with Delegate Poindexter, I couldn't reach him but I sent him an e-mail spelling out the issues. I think they are aware and concerned about it. I think the issue is, it is such a great cut all across the board, that it is a problem. I did hear that there is a proposal that did get out of one of the committees to increase filing fees on civil cases and that increasing the fee would go to support the Sheriffs and Commonwealth Attorneys, whether that passes or not, I don't know. Rest assured that I'm doing everything that I can within the realms of what is possible, to advocate on all levels for understanding about how

these cuts are impacting public safety and certainly you are aware of that. With that also in mind, I spoke with Supervisor Clinger and we were talking about other counties. Some have a County or City ordinance provision that allows the fines that are imposed to be allocated to the localities rather than go to the State. If you proceed under the County Code, any fines that are associated are submitted to the County rather than the State. With things the way they are in Richmond, I thought it was time to look at this issue. I've started speaking with some other jurisdictions that do this currently, there are some costs involved to the localities, I need to look at the numbers and see if it would be helpful. It is my understanding that a lot of localities do it for all the traffic offenses, including speeding, it cannot be a felony, they do it for DUIs, driving on suspended, and others of that nature, which is kind of a lot of the cases we have already, so if there is any way that those funds could be captured in support of the local officers and the local enforcement, that would be something that would be positive. Additionally, my staff worked really hard this past month and went all through the old cases of the fines/costs. We filed at least 15 if not 20 plus, show causes on fines/costs. The Commonwealth's Attorney Office in this locality is responsible for collection of fines/costs and a portion of that comes back to the County. With those measures, we are doing everything possible to maximize efficiency but also increase revenues for the County and try to help the General Assembly realize that these cuts are very, very deep. The Association had each of the officers write how it would impact each of their offices and then presented it, it is really stark. I am very hopeful that they will see that these budget cuts for public safety just can't continue. We want to keep you updated with the efforts that my office is doing.

Supervisor Gardner – you have had some high profile cases this year; don't these cuts cripple your office?

Mrs. Shortt – these cuts will be devastating. The way the office works, one secretary handles the lower court, the General District and Juvenile and one handles the Circuit Court. But the cases that I've had in the last year have taken tremendous amounts of time and paperwork and energy, I can't imagine what would happen if it was left mostly for me to handle some of the administrative tasks. Realistically, if you had a part-time person in the office and I was in court, you wouldn't have someone to field calls, be in the office to help people when they come in. We're trying to keep track of how many people are coming into the office, how many are calling, to get a sense, there is a lot. A lot of people are struggling with not knowing what to do in situations. The call volume is up in the Sheriff's Office, which trickles down to us, because they also call our office separately, but sometimes the same people. It would be horrible; I don't know how they expect a small office such as ours to survive. I think they just have a sense, if they keep their blinders on, the County will pick it up. In more affluent Counties, it won't have as much devastation but with the budget cuts as significant as they are, I don't know how we can run the office well. We would have to limit our prosecutions and cut down on cases. What generally the sense is, we are required as a Commonwealth Attorney to prosecute felonies but not misdemeanors. If we got into a situation where we were cut back to the level they are indicating, all the offices would have to limit their enforcement and prosecution of misdemeanors, but hopefully you would still be able to do DUIs and domestic violence but you'd have to basically make do with what you have. We can't operate long term in that way. I don't think that would be beneficial to the community. Our office adopted a no-drop policy with domestic violence cases that has worked very well. People don't just take out cases and then

drop them. I think that has been a very positive thing and we have a lot of success in that. I would like to continue with those. I think our DUIs are very successful. If we had more officers on the road, we would have more arrests, because they are certainly out there. I'm amazed at where we are now, because a couple of years ago it seemed that there was plenty of money, having multiple people in small offices. But, be that as it may, right now, we're being told that this is a long-term problem and I really don't know how it is going to get better. I just wanted you to understand that my office is doing everything possible to maximize what we can do. Hopefully, these cuts will not be long-term to the State as a whole. Some of the proposals from the Commonwealth Attorneys Association are to limit the number of misdemeanors that are going to be punishable by jail time and then you don't have court-appointed counsel and the costs are not as great. There is lots of talk on different things to do.

The minutes of January 12, 2010 were presented to the Board for review and approval.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and unanimously carried, it was resolved to approve the minutes of January 12, 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 approval. A list of additional expenses was also presented for the Board's consideration. Questions and discussion followed.

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

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

Sheriff Shannon Zeman next appeared before the Board. He reported: Report was in your packet – calls are down, that's a good thing. I met with Mr. Clinger a few weeks ago, we talked about the calls, and he had a great idea. Felt we need to break the calls down so you have a better idea of the type of calls we have. Presented copy for the Board. Our software system counts the dog calls, fire & rescue. Our report doesn't match the number of calls for each man so we're going to get with our software folks to figure out a better way. Touch on the budget just a little bit, back in January, twelve of the officers and I went to the public hearing in Blacksburg. There were several hundred police officers there, we were not all able to speak, but a couple of sheriffs in the valley did speak on behalf of the sheriffs in this area. I did make a trip to Richmond to the Governor's inauguration. The Virginia Sheriff's Association is doing a letter campaign. You all will get it, if you haven't already gotten it, letting the community know what the impacts will be. 1700 Deputies throughout the State and this type of thing. They custom fit

each letter to fit each county, it has my name and the County of Floyd, it lists our delegates and senators and their phone numbers. I did agree that it could go out in the County; I think the citizens need to know. They are asking for funding for the letter campaign, but I felt like folks needed to know about the cut. The last thing is a Rural Development Grant that I think you will talk about later today. It addresses three aspects for me in equipment; they are vests for the school entry team, a vest that has a throat protector, arm protectors and groin protectors. When we started the school entry team, we were able to raise those funds with no tax dollars, no County dollars to buy the weapons and all their equipment. We couldn't afford the vests. It does give a man a sense of security if we have a shooter within the school. We talked about this before, it is not a negotiation situation, it is take the threat away. These vests will give them a lot of protection. How the Rural Development grant will help us is by paying 35% of the costs. An additional 50% we have been able to get from the Federal government and the last 15% we've been able to raise outside of tax dollars. That grant helps us to pay for the vests with no tax dollars. The other two items that we're interested in upgrading are the laptops in our cars and digital cameras. When we put laptop computers in our cars, we could do two things. We're able to do our incident based reporting from the car, which we don't do a lot, I'll be honest. But the other thing is the GPS which is very helpful. Shows every house, every address and it works well. The laptops that we use just can't stand the everyday use on these rough roads; we need what is called the Toughbook. We knew that going in but we used what was available. We're currently paying licensing fees for some computers that we can't use. I hope each year to buy laptops as funds are available. We intend to buy two this year with additional funds coming from asset forfeiture, which is money that the Task Force has found. The last item is digital cameras. For years, we've used 35mm cameras. The court has accepted that, when digitals first came along, the court would not accept them, but now they will. It is hard to get 35mm film developed. The investigators already have digital cameras, but this will provide the replacement. It is a savings to the County. The total project is \$23,650, with \$8280 from the grant, other funding at \$15,370. Mr. Campbell and I met with the representative from Rural Development; she is also working with us on some other things in the community. She is working with us on a loan for the new academy. She is from Southwest Virginia and understands our problems. Budget cuts – my understanding is 17% for the next two years. If they change the ratio from 1:1500 to 1:2000, I would lose three men with the ratio change. If you figure over two years at 30%, that would be three more men. I have nine men working the road, so we'd go to three men. I'm sure in your minds, you're thinking about the investigators and school resource officer. Those are all things that I could argue why I wouldn't want to put them on the road. For one thing, the School Resource Officer is paid for by the school, so I couldn't move her. If the investigators go into rotation, it takes away from the criminal investigation. It would be a drastic impact. It would be hard for us to provide law enforcement for the County. We could do the civil process and courtroom security and run the jail, but we'd have to look at forming a County police department. Patrols are limited because of the weather, our highest has been 34,000 miles in a month, we're down to 24,000 miles, which is a savings on gas, but it is less patrol. The break-ins have slowed down because of the weather. We are continuing to work with Carroll County since most of the properties have been along the Parkway. Some folks have been coming to check on their property so there have been more reports recently. I will work on the report more to help you understand the types of calls we receive. We do have a lot of calls for burglar alarms going off, and always in the past we've not charged for these. Most other offices charge a fee for this; we may be at the point to establish a law enforcement fund for these types

of calls. I did read this week that there has been some discussion about counties adopting the 46.2 code to generate revenue, which is the motor vehicle code. There is a bill on the floor now that is opposing the fact that we can do that. They want to see it as revenue, but I think writing tickets should be about public safety not generating revenue. The public perception would be that we're trying to generate revenue, but I wouldn't want them to take it away from us. I think we're at the point where we're going to have to charge for certain things. Most offices charge \$30 for gun permits, charge for fingerprinting, and any alarms they get so many free and then they charge.

Supervisor Gerald – don't you think we should take into consideration that the general public is having financial problems also, and that would be another tax to come from the general public?

Sheriff Zeman – it would, but if you think about it, if you don't want a gun permit, you don't get one, so the fees wouldn't be forced on everybody. Those fees would be for a service that you want. The Clerk's Office charges a \$15 fee; most Sheriff's Offices charge a \$30 background fee. A citizen would have a choice not to do it. Fingerprinting is usually for jobs that folks are applying for. The alarms, I'm all for the alarms because I can't look after every piece of property in this County. I like for folks to look after their own property, but it is hurting us. It is a catch 22. It is costing all the taxpayers for us to run a vehicle and officers to check on these alarms.

Supervisor Clinger – Stephanie was before us today and talking about Code Section 55.1, which would allow the funds to come back to the County instead of the State for traffic tickets.

Sheriff Zeman – that has always been available to us. The Association contacted us and wanted us to contact our representatives to vote against it. Basically, what it is, there is a lot of talk about what we're talking about today, to adopt that traffic code for revenue purposes. Apparently the General Assembly doesn't want to perceive it that way. I don't know if it will pass or not. Tickets should be written for public safety, we're fair, and we try to write tickets throughout the community, not in one place. I would like to have the opportunity for tickets that we do write, for the revenue to come back to us.

Supervisor Clinger – I'm not talking about pursuit, but if you're going to be writing them anyway, why not let the revenue come back here? I just wanted to make sure that we were on the same page.

At 9:00 a.m., the Chairman called for the Public Comment Period. After no comments from the audience, the Chairman declared the Public Comment Period closed.

Agenda Item 9a – Subdivision plats as approved by Agent for January 2010. Mrs. Lydeana Martin appeared before the Board and reported that numbers were down substantially.

Agenda Item 9b – Review of subdivision charges. In response to Supervisor Allen's question last month, as if our fees were covering the costs. Mrs. Martin commented that she provided an outline in the Board's packet. She took the last three years of fees collected and

divided it by the number of plats reviewed, with an average of \$77/plat. Based on a portion of the time, estimated of 25% of my time, 30% of the Building Official and Secretary time, expenses in the office related to plats. I did two versions, one with no overhead costs, that came to \$313 average cost per plat. The one with 10% overhead came out to \$344 average cost per plat. She provided a current fee schedule. To answer the question, the fees are not covering the costs. The family divisions usually require the least time because the rules are less stringent and they don't have to go to the Health Department or VDoT. Usually the more lots involved, the more time is required, especially those with more than three lots which must go to various agencies and the planning commission.

Mrs. Martin also reported on the focus group meetings that are being held in conjunction with revision of the Comprehensive Plan. Questionnaires were sent out to over 60 organizations in the County, with 32 received back. I offered to do a presentation to the groups that were interested, and just about all of them wanted a presentation, so that's why we're doing the focus groups for different interest areas. The first one is this Friday on the land/agriculture area. She also presented background information on the Comprehensive Plan itself, with particular emphasis on population, employment, etc.

There was no report from the Town Manager this month.

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

- 1462 cases for the month, up 62 from last month;
- SNAP cases (Food Stamps) are up 23 from last month;
- Food Stamp participation rate – based on the Census, with the amount of income coming into a household, normally 48-49% of those eligible for food stamps would apply, last month 75% of those eligible applied;
- Donations – the one time funds received for emergency assistance were exhausted in less than two months;
- Crises funds – depleted because of huge electric bills – the program ends March 15. Citizens are eligible for the funds one time every six months. There was an additional \$1.2 billion appropriation into the program, with \$12 million for Virginia, but those funds are exhausted;
- Presented copy of letter request to legislators against consolidation of DSS agencies to 40 sites following the CSB model. This would be absolutely detrimental to our citizens without a local office. They are looking at the four main human service delivery areas of CSB's, DSS offices, Health District and Area on Aging.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize the County Administrator to submit a letter to the County's General Assembly representatives in opposition to Senate Bill 30, item 273#2s.

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

Ms. Lee Chichester, representing the Jacksonville Center, next appeared before the Board. She reported: First of all, we want to thank you for your past support and to ask you again to participate with us and the Crooked Road to apply to the Virginia Commission for the Arts for their local government matching grant program. As is always the case, their deadline is near and if we hope to leverage your budgeted appropriation in the cultural life of Floyd, then we have to act soon. Most of you are familiar with the Jacksonville Center and there were some reading materials in your pack that talked about what your last year's investment in our programming helped us to achieve. There was a forecast of our class schedule for 2010. I'd like to tell you quickly about a couple of things that aren't in the handout which I think you'll be interested in and might help you make a decision about my request today. Even though we're physically located in Floyd County, we partner widely not only with Floyd businesses but region-wide and State-wide. For example, through a dedicated grant to cover our expenses, John McEnhill, myself and Amy Avery, our new educational coordinator, recently traveled to Richmond. We are trying to establish collaborations among rurally based cultural centers throughout the Commonwealth. This effort was supported by and encouraged by the Virginia Commission for the Arts and the trip also included a trip to the General Assembly Building and we were able to meet with Senator Reynolds and Delegate Poindexter to discuss the budgeting needs of education and cultural preservation of Floyd. We try in every way that we can to keep Floyd and all of southwest Virginia on the Richmond radar screen, which is no small task. Still we are locally based and for our neighbors are truly a community center. We're among the few public spaces open seven days a week during the nine months of our best weather. We host the toll-free number for resident and visitor inquiries. We're the First Friday leader hosting a variety of different businesses and promoting an authentic Floyd experience. The adult education is supported by and helps financially support our County-wide meals and lodging providers. Without our local restaurants and our partnerships with the B&B's we wouldn't be able to house and feed many of our visiting students to the extent that we are able to. I think it might be the youth education efforts that we have initiated that would be of most interest to you. We've not only offered a summer art camp for several years, and I want to point out that we had so many youngsters that wanted to participate last July, that unfortunately, we had to wait list many. Since 2006, we've sent professional art teachers into the schools to assist our talented educators with delivery of core curriculum SOLs like math, science, through offering art related activities. This year, we're especially proud of our in-school outreach. Through a series of matching grant awards totaling about \$2000, we are helping our elementary art teachers meet their SOL goals during this on-going tight budget school year. Last semester, we sent three professional art instructors into Check and Floyd Elementary Schools and they were able to enhance this already outstanding art program by providing sixteen classes to K-7 students, reaching a total of 350 Floyd County citizens. We plan to duplicate this effort, adding two instructors and reaching every single elementary school student by the end of the current semester. In addition, we're especially excited to answer a special request put to us by our elementary school art teachers. We're adding the final touches to a special graphic arts section that will be delivered to 6th graders. A Radford University graphic arts student has designed 2 hour lesson plans so that every Floyd County 6th grader will receive special training in computer aided photo manipulation and in 3D graphic design skills. Our art teachers will be assisting in this instruction, so they'll learn themselves, these intro to high end technical skills so they can carry on with the program later if the funding allows. The program is actually scheduled to be delivered this month if the weather ever cooperates and we can get back to the schools. That's the short list of some of the

recent achievements in service to our community. We do thank you for your past support for not only our programs but for those of the Crooked Road as well. What I'm asking from you for today is your permission to apply to the Virginia Commission for the Arts on your behalf, for this matching grant program to the maximum amount they allow. That would be \$2500 for each of us, the Jacksonville Center and the Crooked Road. The total makes the County's budget investment in these two programs \$5000 which the VCA will match dollar for dollar. Applying to the VCA for this full amount does not in any way, obligate the County to put those figures into the County budget when it gets finalized later this year. Having the full amount in the application is a placeholder so the VCA could potentially provide the match to the fullest extent of their capabilities. If your budget doesn't allow that to happen this year, whatever the budgeted amount for each of these organizations would be matched by the VCA. The deadline for the application is mid-March. This grant program is VCA's highest priority and they fund these first.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize submission on the County's behalf, by the Jacksonville Center for the Arts to the Virginia Commission for the Arts for a \$5000 grant - \$2500 for the Jacksonville Center and \$2500 for the Crooked Road.

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

Mr. John McEnhill, President of the Floyd Chamber of Commerce, next appeared before the Board. He reported: 2009 activities – accomplishments of the Chamber from fiscal support of the County. Last year, in recognition of the poor economy and to bolster our support to non-tourism businesses, the Chamber began a Shop Local Campaign in cooperation with the Floyd Press. Over 40 businesses were featured in a Floyd Press story along with a paid advertisement by the Chamber, included with the story. The readers found out more about the business that was featured and they were encouraged through the ad, to visit the business and enter a drawing of at least \$25 in value. Among the businesses we featured were trades people, banks, insurance, attorneys and hardware stores. The feedback from the participating businesses was very positive. We also held a marketing seminar for non-tourism and tourism businesses last fall that was attended by over 60 representatives of local businesses. The focus was to encourage cooperation among businesses, promoting new businesses and highlight trends in customer traffic. The Chair of the Board, David Ingram, was the opening speaker. We expanded our partnership with regional efforts such as the Roanoke Convention and Visitors Bureau and the Blue Ridge Travel Association, in addition to continuing our collaboration with the Crooked Road in promoting the area. And also, Round the Mountain, which resulted in the first Floyd County Artisan brochure. The Chamber supported the brochure with funding and office support and in particular, distribution of the brochure to over 50 official visitor centers throughout the State. We have been active participants in the Blue Ridge Parkway's 75th anniversary celebration through local activities. We have continued our partnership with local organizations such as providing support to fundraising efforts for the Town Park, the Floyd County Historical Society. Last year we had our first golf tournament which was a fundraising effort for the

Emergency Assistance Fund that New River Community Action administers. We had our 20th anniversary meeting and dinner at the Country Club this past fall. We set a record for the number of attendees. We produced the 10th anniversary Dickens of a Night festival this past December. We produced our sixth edition of the Floyd County tourism brochure with over 20,000 distributed State-wide. We have brought in speakers to our membership meetings to talk about local issues. The speakers have included Delegate Charles Poindexter, Terry Hall from AEP, representatives from Wingate Appraisal and Blue Ridge Parkway 75. For these activities we have reached out to the entire business community, not just Chamber members and we will continue to do that. Our focus is the entire business community as well as civic support. I will conclude with another one of our accomplishments, which was to hire an Executive Director, Sally Sagebiel, who started this past fall. She will share the 2010 picture and details about our office operation.

Ms. Sally Sagebiel – thank you very much for having us. Today I'm here to thank you for your past support and request level funding for the next budget year. I would like to share the mission of the Chamber, which is very lofty. It is to advance the economic, industrial, agricultural, professional, civic and tourism interests of Floyd County in a manner that is non-profit, non-partisan, non-sectarian, and non-political. Pretty much covers everything. We are non-profit, 501C6 operation which means we get the majority of funding from member dues. We function as the first point of contact for business start-up questions, legislation, community and church events, civic events, whether these questions are in person, phone or the web. We serve as a physical presence representing the tourism businesses of Floyd County and we do serve members and non-members alike. We certainly know about our active and involved members but we are non-partisan and give out information as requested. We serve as a conduit for opportunities for the businesses in the Town and County and organizations throughout the County. As such, we are notified as to whether it is marketing, legislative opportunities or other and disseminate that information out to members. We do have a physical presence, come and visit us. We are right next to the Floyd Country Store, open six days a week, for a total of 31 hours weekly. Thursdays and Fridays, the office is staffed by volunteers from the community; their volunteer hours can be computed to over \$3500 if we were to pay them. In addition, the volunteers are looking to staff the office approximately three or more hours on Friday nights for the Jamboree so that we will be open during that time when we have so many visitors. Read a letter from a person interested in moving to the area as an example of types of requests they receive. As these come in, we also provide first level contact for not only people such as this gentleman but also tourists. Someone came in yesterday wanting to know how to file for social security, so we provide a lot of information. On our website, we received over 28,000 individual hits in 2009, seeking information about Floyd County. We had over 1000 walk-in visitors requesting information on a variety of issues. We have sent 233 tourist/re-location packets out. I do a lot of interaction with businesses giving them information about the economic development office with different County contacts. We do want to provide information when people initially come to us even when it is not in the scope of our work because we want people to have a good feeling about Floyd County when we're contacted. We are also involved in the tourism planning efforts with Lydeana and the focus groups. The amount of funding that we have requested in the past has been \$3000 and we thank you for that and hope you will consider the same amount for the upcoming budget.

Agenda Item 9c – Audit proposals review committee. Mr. Campbell reported that two proposals were received in response to the advertisement. The proposals must be reviewed and ranked and then an interview can be held with the highest ranked candidate. A contract can be negotiated after that interview if desired. Would like to request that a Board member serve on the committee with he and Mrs. Morris. Supervisor Allen volunteered to serve on the review committee. A recommendation will be brought back to the Board next month.

Agenda Item 9d – Erosion and Sediment Control inspection assistance. Mr. Campbell commented that the ordinance had been adopted by the Board and submitted to the State. An alternative inspection program has been submitted but approval has not been received. What they involve, for residential projects, where there is an agreement in lieu of an E&S plan, inspections will have to be done every four weeks, at least. What we've been doing, and Mr. Ingram and I met with Skyline Soil Water Conservation in an effort to work toward some assistance in the area of inspection. If we have a full-blown E&S plan, we have one in the County right now, that would have to be inspected every 2 weeks or after a significant rain event. Any of these have to be reviewed after a significant rain event. They consider an event if it is County-wide and over an inch in an hour. We might have that in one area of the County but not another. We do have a proposal from Skyline Soil, of which their staff have been very cooperative in trying to work with us within their budget constraints. They indicated that they would try to provide a qualified person to help us with the program. A draft agreement was provided to you. This is for a 6-month period from approval. They are not sure how long they would be able to do it. When you look at this, the rates are fair, with reasonable travel times. For example, if we had five houses and we had to go out four times and the cost is \$200/visit, that's \$1200 for that structure for that six-month period of time, if we have five houses, that's \$6000. If we had one E&S plan, which we have at this time, and it requires 24 visits in a year, that's another \$12,000 to adhere to their requirements of the County. After discussion, it was the consensus of the Board to defer the matter to March for receipt of approval by the State.

Mr. Bob Beasley, VDOT Residency Administrator, next appeared before the Board. He reported that all their staff had been able to do since December 4 was to work on weather issues. Work on potholes will not be able to be done until spring.

Supervisor Gerald – appreciate snow removal, some complaints from folks on dirt roads having to wait so long.

Supervisor Allen – intersection of Route 221/Franklin Pike – if I can get permission of landowner, would you be able to get the trees cut down?

Mr. Beasley – they would have to be looked at by our arborist in the environmental division to see if they can be cut.

Supervisor Gerald – have you all dipped into reserve funds to handle the snow?

Mr. Beasley – emergency funds were exhausted in the middle of the last storm. We have to keep going and clean up the snow. The funds will come from maintenance funds.

Supervisors Gardner, Clinger and Ingram had nothing to report but expressed appreciation for snow removal.

Agenda Item 9e – Appointment to Floyd – Floyd County Public Service Authority – Town/County representative. Mr. Campbell reported that no letters of interest were received last month and the Board was to try to find an interested person. Consensus of the Board was to continue seeking an appointment instead of advertising again.

Agenda Item 9f – Appointment to New River-Highlands Resource Conservation and Development Area. Mr. Campbell reported that the incumbent was not interested in serving again. The Board will try to find a replacement.

Agenda Item 9g – Proposed resolution – USDA Rural Development – purchase of police equipment. Mr. Campbell reminded the Board that the grant is for \$8280 with \$15,370 coming from other donated funds for a total project of \$23,650. These funds will be used for safety vests for the school entry team, digital cameras and Toughbook laptops. He also reported that there will be a great deal of documentation to be executed

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and unanimously carried, it was resolved to adopt the resolution as amended, indicating the County Administrator be authorized to execute all required documents (Document File Number _____).

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

Agenda Item 9h – Transfer from Contingency - \$6000 – DSS supplements – to 4-110-051010-1100. Mr. Campbell commented that the transfer request is for supplements as approved by the Board in the FY10 budget.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to approve the transfer of \$6000 from Contingency to 4-110-051010-1100 for DSS supplements.

Supervisor Clinger – abstain – not on Board when current budget approved
Supervisor Gardner – aye
Supervisor Allen – aye
Supervisor Gerald – nay
Supervisor Ingram – aye

Agenda Item 9i – Schedule FY11 budget work sessions. Mr. Campbell requested that the Board consider dates for budget workshops. Time will be very short for completion this year. Consensus of the Board was to hold their first session on February 18, 2010 at 6:00 p.m.

The Board recessed for lunch.

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

On a motion of Supervisor Gerald, seconded by Supervisor Gardner, 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; Paragraph A.3, discussion or consideration of the acquisition of real property for a public purpose or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

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

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

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

**CERTIFICATION RESOLUTION
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel and property in accordance with Section 2.2-3711, Paragraphs A.1 and A.3 of the Virginia Freedom of Information Act;

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

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

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

Hearing no statement, I call the question.

Supervisor Clinger – aye

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

This Certification Resolution was adopted.

At 3:00 p.m., the Chairman called for the Public Hearing on the proposed “Ordinance Amending Section 18-34 of the Code of Floyd County, Virginia, Assessment of Courthouse Security Fee.

The County Administrator read the call for the public hearing.

Mr. Cornwell – Floyd County’s current provisions have a Courthouse Maintenance Fee for Courthouse Security. Our fee was \$8 for each civil action filed in the courts. However, the Code of Virginia changed that and allows us to charge a fee of \$10. This ordinance basically increases the fee to \$10 as part of the costs in civil and traffic cases in the District Court and criminal cases in District or Circuit Court. It makes no other changes to the ordinance; it is simply to increase the fee as allowed by law. It will go into effect as soon as it is adopted.

The Chairman called for comments from the audience.

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

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and unanimously carried, it was resolved to adopt the ordinance known as “Ordinance Amending Section 18-34 of the Code of Floyd County, Virginia, Assessment of Courthouse Security Fee” as presented (Document File Number _____).

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

At 3:15 p.m., the Chairman called for the public hearing on the proposed ordinance known as “An Ordinance Amending Section 18-32 of the Code of Floyd County, Virginia, Assessment of Law Library Fee”.

The County Administrator read the call for the public hearing.

Mr. Cornwell – this is another situation where the Code has changed. The Board had adopted the Library Fee before and it is only for civil actions. We adopted the Library Fee back when the rate was \$2; the Commonwealth of Virginia has increased the rate to \$4, so this is simply raising the fee to keep it in line with the Code of Virginia.

The Chairman called for comments from the audience.

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

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the ordinance known as “An Ordinance Amending Section 18-32 of the Code of Floyd County, Virginia, Assessment of Law Library Fee” as presented (Document File Number _____).

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

Mrs. Martin reminded the Board of a presentation on February 11, 2010 at 11:00 a.m. at the County Administration Building by Mr. Todd Christensen on the Heartwood Center.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adjourn to Thursday, February 18, 2010 at 6:00 p.m. for a budget work session.

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