

**BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 10, 2012**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 10, 2012 at 8:00 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 T. Turman, Lauren D. Yoder, Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

The County Administrator called the meeting to order at 8:00 a.m.

The Opening Prayer was led by Supervisor Gerald.

Supervisor Allen led in the Pledge of Allegiance.

The County Administrator called for nominations for Chairman for the 2012 calendar year.

Supervisor Allen nominated Supervisor Clinger.

Supervisor Yoder seconded the nomination.

On a motion of Supervisor Allen, it was resolved to close the nominations and select Supervisor Clinger as Chairman for the calendar year 2012.

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

The County Administrator turned the chair over to the Chairman.

Chairman Clinger called for nominations for Vice Chairman for the 2012 calendar year.

Supervisor Yoder nominated Supervisor Allen.

Supervisor Gerald seconded the nomination.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to close the nominations and select Supervisor Allen as Vice Chairman for the calendar year 2012.

Supervisor Yoder – aye

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

Agenda Items 5 and 6 – Setting of meeting date and time for regular meetings for 2012 and setting of date and time for meetings in case of inclement weather.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to set the regular 2012 Board of Supervisors meetings on the second Tuesday of each month at 8:30 a.m. and the fourth Tuesday of each month at 7:00 p.m. in the Board Room of the County Administration Building; inclement weather dates will be the Thursday after each set meeting at the same time and place.

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

Agenda Item 7 – Consideration of Roberts Rules of Order as meeting protocol.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt Roberts Rules of Order as meeting protocol for 2012.

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

Chairman Clinger questioned the Board's opinion on tie-breakers and questioned Mr. Campbell as to how other Counties handle the matter. After discussion, it was the consensus of the Board to discuss the matter with the County Attorney later in the day.

Agenda Item 8 – Approval of minutes of December 13, 2011.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and carried, it was resolved to approve the minutes of December 13, 2011 as presented.

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

Agenda Item 9 – Approval of monthly disbursements and additional bills.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the monthly disbursements and additional 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 that she had made a request to the State Compensation Board for a full-time attorney position to assist with the capital murder trial and other trials. She had requested \$57,200.00; they approved \$9600 which was at the base rate of \$45,380, \$21.82/hour, for 20 hours per week for 22 weeks. I did notify them with an appeal that I had requested a full-time attorney and they had approved it for a part-time attorney. I have not heard back from them yet. They did approve some additional funds for the numerous drug cases that we had and I was hoping that the Compensation Board would realize that a capital murder case would require someone that is not at a base level attorney position. Even in the defense world, you can't just be a starting attorney to do capital murder cases, you have to be certified, and go through a lot of training. I don't know if they didn't acknowledge the need that we have or if there is just not funding available. So, I guess once again, I am back before you all to request some additional funding to assist with this position. I have spoken with an attorney who has recently retired who has extensive experience in capital murders and is willing to help but \$9600 will not be sufficient to pay anyone. I couldn't get anybody for only \$22/hour. Mr. Rhodes is still working on a very part-time basis, finishing up the drug cases and some of the other cases. Our office continues to be busy. I thought I would share some of the costs that are involved in a capital case. Normally, in a capital case you would have extreme copy costs, the paper generated is extreme. In our case, not only do we have extreme copy costs but we have costs involved with copying 30+ cd's of interviews. The case itself is going to be very expensive to the State because almost every witness is non-English speaking so you have to have a translator and then have it transcribed, which is really costly, but that will come from the State. I can apply at the next fiscal year for additional funds but as you see, the Comp Board is not giving funds. Essentially, I would request additional funds to support the work for this capital case. Capital cases are expensive anyway but this one has additional costs because of the non-English speaking witnesses and the fact that most of them live in Galax. This case is complicated and will take a lot of hours. We have cross cultural issues and just difficult issues in general. The preliminary hearing is set for April with indictment in June. I don't think it will go to trial within this year unless it is close to the end of the year. I wanted to give the Board advance notice of the situation so options could be explored. I do plan to go to Richmond to meet with the Compensation Board to plead my case for funding for the new fiscal year and may ask other officials to attend with me, such as the Sheriff or any of the Board members if you could attend with me.

Sheriff Shannon Zeman next appeared before the Board. He commented that he would be glad to go with Mrs. Shortt to speak with the Compensation Board. Would warn that there are a number of indictments coming up which will increase the work load even more. He presented the 2011 report of calls; the Sheriff's Office answered over 14,000 calls for the year. Did submit

the office budget request in a timely manner. All line items were requested at the same amount except for fuel, cars and a retention program.

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

Mr. David Morrisette, Chateau Morrisette Winery, Burks Fork District – I wanted to just quickly comment on the windmill issue that has been coming up. We don't get The Floyd Press so we didn't know anything about it until we saw the spread in The Roanoke Times. We actually were (Chateau Morrisette) is 100% recycled timbers and we do 100% glass recycling. People are looking for alternative energy sources or ways to help the environment. I just don't feel that it is a good idea for the County to endorse limiting windmill height. We were actually in the planning stages for a windmill for the Winery to generate about 80% of our power until the State funding fell through. It would have already been completed by now. I just don't want to be limited by that later. It would help financially and help us create more jobs, we already employ 85 people. If power bills keep going up, we wouldn't be able to hire more people. I think instead of you worrying about things like this, next to the Winery there is a property with over 25 junk cars. The County has a junk car statute I guess but they don't have the funds for enforcing it. Down the road, there is a dog that I have called the Animal Control Office and Sheriff's Office numerous times, but they say they can't do anything. The County can't do anything about it. The County wants to enforce things like this; I don't think the County should be focusing on windmills when they can't take care of certain safety issues. I spoke with the Sheriff several times about the dogs. He stands literally in a hairpin curve in the road; it chases cars at night and sleeps in the middle of the road during the day. I don't want to see someone get hurt or killed. We're just opposed to having windmill regulations for a future energy source.

Mr. Rick Loftin – live off of Ridgeview Road, do not know what district – my comment is also animal related. Got a situation where some neighbors have two dogs right now that are running loose. After speaking with Animal Control, I realized that there is not a leash law and dogs and cats are not included in animals running at large. The problem is, I also have animals. My wife and I have a fenced in area for our animals. These dogs are running loose; they come down and attack my animals through the fence. I have gone to the neighbors and in the beginning, we tried to work things out and then it got to the point where there is no communication. It has gotten a little more serious since September 1 through this week; there have been 54 incidents that I've documented. They have drawn blood from my animals. After speaking with the Sheriff's Department, Animal Control and Magistrate, I guess they could be deemed vicious or dangerous. I'm not out to cause harm or have them put down, but I don't know if anything could be done to get through to these folks that they are responsible to keep their dogs up. I don't know, I just came to voice this problem that we're having and hopefully something can be done. Thank you.

Mr. Frank Rudisill, Indian Valley District – want to give each of the Supervisors these copies. Last month, nobody kind of believed about the tax code on the revenue for the wind turbines. I've got your Virginia Tax Code up there that says you can charge the minimum real estate, maximum personal property, the values of wind turbines are set by the State Corporation Commission. I got also in there, out of the Floyd County Comprehensive Plan, November 14, Chapter 11, Goals. You got Policy 1, to protect forests and farmlands. I got a pretty good sized

farm and others who are interested in wind turbines to help subsidize their income because farming is going downhill. We ain't got no young people trying to take over these farms no more. They are just whittling away. Your Policy 1, Section 2, dividing the farms into small tracts, you're wanting to protect them. This is one way you can protect them. Policy 1.4 – shall not prevent the construction of public utilities. Deny the wind turbines, you're going against your own policy. Policy 1.12, Best Management for farms. That should be left up to the farms as to how they survive. Under your Goals, number 3, I have been told that there is one company that wants to come that could employ as many as 50 people, two wind turbines were installed privately for their own use. Policy 7.11, which is in the packet I gave you, encourage the use of energy sources such as wind and solar. We want to use the wind, you're not following your own policy. Chapter 10 of your same Code I give you, the same packet, how is property used in Floyd County? Page 167, future property use, "any future use chosen by the highest bidder regardless of the impact of the neighbors", that's in y'all's packet. I also give you the State thing there where they are encouraging wind energy, I give you the codes on it. I'd like to see the wind turbines be able to move forward and especially don't restrict our land where we can't do what we want to with it. I don't know what our legal aspect side of it is, but the Co-op of the 12 landowners that we have, but I'd hate to see my tax money paying a County Attorney trying to fight my money and the Co-op's money, to try to get another attorney to fight this down. So I don't think you should move forward to restrict the ridgelines. I always said, if he wants a wind turbine and she don't, and he does, if he passes it, she don't pass it, they can't connect, they'll take care of each landowner. Each landowner has to be in agreement or it won't move. The wind turbine company agrees with the same thing, if it is in Wills Ridge, so be it. If it is in an area where I have 2700 acres from Burks Fork to almost Route 8 committed, if there is two sections in there that fall out, if it is not enough to move this way, they won't go, if not enough to move that way, it won't go. The power line over on Route 8 that everybody wants to be on can stand 150-160 megawatts of electricity. I have been approached that if it doesn't go forward, they'll put a 3 megawatt solar system on my ridgeline and be able to tie into the 3-phase that is directly behind my house that comes down the ridge. The revenue for the County will be dramatic for wind turbines, solar wouldn't even be a third of the revenue.

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

Agenda Item 11a – Subdivision plats as approved by Agent for December 2011. Ms. Lydeana Martin, Subdivision Agent, appeared before the Board. She presented the monthly report for December 2011 and also the 2011 calendar year report. She commented that fewer lots continue to be divided and the size is also decreasing.

Chairman Clinger questioned if the plat review fees had been researched lately, to determine if staff costs are being covered.

Ms. Martin commented that it had been discussed but had not been changed. She will research the matter again for the Board's budget process.

In other matters, Ms. Martin reported that two members of the Virginia Tourism Corporation brought a group of tour bus drivers through the area in December. They were

looking at the Crooked Road as a possible future bus tour. Also, we try to do some free business training at least a couple of times per year. On February 29 we will have a social media training session to businesses in Floyd, free of charge. It is an intermediate level for people who are already using social media but would like more ideas. We already have two full sessions but we are keeping a waiting list.

Agenda Item 11b – Appointment to Floyd County Planning Commission – Board member.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and carried, it was resolved to reappoint Supervisor Fred Gerald to the Floyd County Planning Commission for a one year term.

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

Agenda Item 11c – Appointment to New River Valley Planning District Commission – Board member.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and carried, it was resolved to reappoint Supervisor Fred Gerald to the New River Valley Planning District Commission for a one year term.

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

Agenda Item 11d – Appointment of VACo Legislative Contact – one year term, Board Member appointment.

On a motion of Supervisor Gerald, seconded by Supervisor Allen, and carried, it was resolved to appoint Chairman Case Clinger as the VACo Legislative Contact for a one year term.

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

Agenda Item 11e – Appointment to New River/Mount Rogers Workforce Investment Area Consortium Board.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to reappoint the County Administrator to the New River/Mount Rogers Workforce Investment Area Consortium Board.

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

Agenda Item 11f – Appointments to Floyd – Floyd County Public Service Authority – one Board of Supervisors member and one County-wide representative – each four year terms.

On a motion of Supervisor Turman, seconded by Supervisor Gerald, and carried, it was resolved to reappoint Supervisor Virgel Allen to the Floyd – Floyd County Public Service Authority for a four year term.

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

The County-wide representative appointment will be deferred to the next meeting to ascertain the current member's interest in continuing on the Authority.

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

- Do not have case load monthly totals from the State – they are behind because of the holidays;
- Should have annual Medicaid report for the Board next month;
- JLARC annual report – expenditure report for each Social Services Department in the State – last year's report showed \$15.6 million reimbursement to the County for Medicaid and FAMIS, \$45 billion State-wide; \$3,389,000 were used in SNAP benefits in Floyd County;
- Foster Care/CSA – IVE is totally 100% Federally funded. Hopefully, whenever a family comes into our agency, we can get them funded through this program. It is a very stringent program and is very challenging. The Federal government has not updated the guidelines since 1996 and things have changed a lot during that time. We were able to offset almost \$55,000 through IVE funding for the past year. The CSA costs ran about \$350,000, we budget \$700,000. This is a program that fluctuates, one kid in a residential facility can blow the budget out of the water.
- League of Social Services is trying to find patrons to reinstate the State budget cuts back into the budget. 1990 was the last time the State increased the reimbursement back to the localities. Trying to get the 2.5% decrease from last year back into the budget;
- TANF benefits – drug testing legislation has been filed again – where applicants have to undergo drug testing to receive benefits – we are trying to get State reimbursement for these costs if it becomes a requirement.
- CSA match ratio – State is looking at this again for residential facilities.

Ms. Dawn Barnes, Extension Unit Coordinator, next appeared before the Board. She presented a small sample of the 2011 highlights of projects. She also introduced Mr. Tyler Painter, the new 4-H Agent for the Agency, who began employment today. The Agency is now at full staff for the first time in 2.5 years.

Ms. Christy Straight, New River Valley Planning District Commission, next appeared before the Board to present the 2011 update of the New River Valley Hazard Mitigation Plan. She commented: The original plan was adopted in 2004 and is updated every five years. On page 2, there is a definition, I put this in here so we're all on the same page about what that is. It is not recovery and response, it is planning for hazards that we know what we are at risk for so the damage is mitigated, not as severe when it happens because we've planned for it. I'm here about the 2011 plan update which is an update to the original plan completed in 2004. We started in June 2009, this is a very intensive process with a lot of data gathering, map development, local input so it costs quite a bit of money. In teamwork and partnership with Radford University, we received some funding that allowed us to do a lot more mapping and data collection than we'd been able to do in 2004, both because of the amount of money and resources that were available to us. We teamed with Radford University's Geography Department and we also had a steering committee made up of local representatives from all the localities and some local experts from regional and state agencies that have an interest in the plan. We also had working groups to address each of the hazard areas and that included the folks that I've talked about already and experts in each of those hazards, so we had that technical input. What we came out with was NRV's Hazards and Rankings. We ranked them high, medium and low. The high hazards were freezing temperatures, flooding and high winds (non-rotational, not tornadoes but high winds). In the medium column, I'll mention that these are regional, not broken out by localities. The medium included drought, snowfall, human caused hazards and ice storms. There are 6 in the low section – landslides, wildfires, earthquakes, rock falls, karst and tornadoes. These are based on frequency and amount of damage. After we got started with our steering committees, we went into risk assessment vulnerabilities. I'll encourage you to go on-line and look at the maps, we have about 40 maps. These identified location and severity of hazards and addressed the probability for future events. In doing all this, we also inventoried assets in the region which included transportation, critical facilities and utilities. This gives us information but doesn't open us in terms of giving the wrong people information they don't need to have. That was one of the things that we talked about in terms of human caused. We looked at what could be the issues and where could they happen but we didn't go further because it is new enough that collecting that data and making sense of it is broader than what this plan time allows. Based on that risk assessment vulnerability, we started looking at goals, strategies and projects. Our steering committee came up with a mission that focuses overall on what this plan will be about. They identified ten program goals. I'll have those listed on the next few slides. Along with the working groups, they applied those strategies under the goals and that included identifying regional mitigation projects and local mitigation projects. The steering committee worked on the regional with input from the localities. The localities submitted their projects as well. The ten goals are listed in the next two slides. The first six address minimizing impact to life and property. Of course, they broke them down specifically to flood related, drought and by earthquakes, sinkholes and significant weather events and wildfire. The next four are about getting better data, working cooperatively, just things that make us

regionally more capable of mitigating these hazards now and in the future. That includes getting better data, public outreach and education, that always came up in every working group. What can we do to let folks know, we want to reach out and get people this information. So that became a topic under every hazard, every strategy, it became a goal since it was so significant. Floyd County's Hazards Mitigation Opportunities, which is Table 6-1 in the Plan, lists nine projects and they are ranked. I have a status on most of them and the hazards they mitigate. You'll see those priorities based on the project. Localities submitted the projects then the steering committee developed a ranking criteria or rating system to figure out the high priority projects, medium and low. This is how the Floyd County projects shaped up. The next few slides are some examples of the mapping we did, flood plain, etc. If you go on-line and look at the pdf you can get a better sense of the data on here. The rock fall hazard is something new, again, because we have more resources. This is an opportunity to go in there and do some actual field surveys, site data, etc. to investigate the rock fall hazard. It is based on a USGS identifying system and points out vulnerable areas on the major roads in terms of rock fall hazards. They did start and stop points for these hazards. It is not just a dot on the road, it is real information which is useful in emergency planning. The wildfire risk assessment – this map is an example of the cooperation with some of the State and local agencies. The Department of Forestry helped us with this. This is a lot of data that they had developed for their assessment information so we were able to include that in the plan. I've listed well density in the plan as an example of the mapping information in terms of routes. Well density is a hazard in that it addresses the vulnerability of residential water supply. It gives us a sense of where those places are and where there are going to be issues. I will note, and the data is in this plan, Floyd residents are mostly on private water. Our latest data said 93%. The depths of those wells ran the whole gamut from less than 200' to more than 800'. It varied widely. The time frame was from 2004-2009. That brings us to the last step of the plan which was putting together an oversight committee, doing the risk assessment, identifying what our hazards are, and coming up with the goals and strategies and projects to make us more hazard resistant in the future. So, in terms of the plan, we've had a review done by every locality, have had public input. We did two series of meetings. When we had the mapping done, we had a meeting in each locality for information and feedback. When we had the draft plan ready to go, we did another public meeting and made that presentation available to the public. But not everybody comes out to public meetings as we all know. What we did this time, we set up a web site which address will be in the presentation you have there. It has the old plan, the new plan as we developed it with all the maps, advertisements for the meetings of the steering committee and working groups, public sessions, and we had an input from where folks looked at that data and make comments on the plan or ask questions by e-mail. We tried to reach out as much as we could. Several of the localities posted a link on their web site. The State reviewed it between the Department of Emergency Management and after their review they sent it on to FEMA. They have approved it pending locality adoption. We got a lot of good feedback from FEMA. Approval pending local adoption means I'm coming out to each locality asking to adopt the plan. What that means is, adoption is important because FEMA Mitigation funds are available only to localities who approve and adopt a hazard mitigation plan. For example, the Town of Floyd did not participate this time so they wouldn't be eligible to apply for funds but Floyd County, should you adopt a plan, would be able to apply on their behalf.

Mr. Campbell – if we had a declared emergency and tried to recoup costs, say for a flood, if we had not adopted the plan, we wouldn't be eligible for funds? Would that be a good example?

Ms. Straight – as I understand it, and I don't understand it completely, because the State has an approved plan, you would be eligible in declaration of an emergency for those funds, but mitigation not at all. Giles and Pulaski Counties have adopted the plan, and also the Towns of Pulaski, Pearisburg and Blacksburg. I will be visiting other localities in the next month. An annual update is required by FEMA to give progress on stated goals. There are no financial resources required from the localities.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the New River Valley Hazard Mitigation Plan, 2011 Update, as presented.

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

Agenda Item 11g – Committee report/recommendation – RFP for banking services. Mr. Campbell commented: At your last meeting, of course there are two new Board members here today, but there was a committee presentation related to the RFP's for banking services. There was a selection committee set up of Mr. Clinger, Mr. Ingram, Ms. Morris, Ms. Keith and myself. We did a number of things during that review – we issued the RFP which the five members of the committee read and reviewed the two proposals, had a meeting following our reading of the proposals to discuss our views, scheduled interviews with the two respondents, conducted interviews with a format of specific questions that were asked to both firms. We then tried to score the proposals based upon the criteria set forth in the RFP, which is a requirement of the Virginia Public Procurement Act. The two proposers were Bank of Floyd and Stellar One. I also went over last month what the committee's recommendation was. I would say that localities are required periodically to issue this type of RFP in accordance with the Virginia Public Procurement Act. It had not been done here. We came out with a score that ranked one of the firms higher than the other, Stellar One ahead of the Bank of Floyd. In that review process, there were a number of things looked at. Most of them were quality oriented and not just the nuts/bolts of dollars/cents, I just wanted to make that point clear. That is the type of thing that became a large factor during the committee's review and discussion. It all went back to the presentations made by the two banking institutions. With that said, and because there was a vote of 2-2 with one abstaining last month, I bring this back for review after discussion with three of the current Board members. With the thought that perhaps it would be worthwhile to invite the two responders to the Board meeting next month to make their presentations to you. We have two new members, it is a transition period, so it may be helpful in understanding what the committee reviewed and perhaps why the ranking came out the way it did. This is a follow-up to last month and my conversations with several of you since last month. The other option is to just drop it and not move forward and stay with the current service provider.

Supervisor Gerald questioned the consequences of just dropping the matter.

Mr. Campbell – I don't know that there are any consequences.

After discussion, it was the consensus of the Board to invite both firms to make their presentations at the February Board meeting.

Agenda Item 11h – Resolution for signing of County warrants.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adopt the resolution for signing of County warrants, with the inclusion of the new Chairman and Vice Chairman (Document File Number).

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 commented:

- Welcome to the new Board of Supervisors members from himself and the Floyd County School Board, look forward to working together to build a school division that we can all be proud of;
- Membership report as of December 31, 2011 – membership is holding steady at 2031 – has decreased by nine students since October – does affect State revenue as to the amount of funds returned to the County;
- School Board meeting highlights from December 12, 2011 – noted certificates presented to athletes; Transportation Supervisor for two years with no fleet accidents; bus driver with 39 years of service with no accidents;
- Public Hearing will be held on January 16, 2012 at 6:00 p.m. on the proposed FY13 budget;
- An accounting procedures guideline manual has been adopted – particularly for handling of funds at individual schools;
- On behalf of the School Board, invite you to consider a joint meeting to look at budget concerns to understanding the funding. Our staff would review the budget as it looks now, needs, plans, etc. We have had a 13% reduction in State funding over the last three years.

Mr. Dan Huff and Mr. Stacy Keith, Virginia Department of Transportation, next appeared before the Board. They reported:

Mr. Huff – Traffic Engineering completed their evaluation of speed reduction for Macks Mountain Road. They did not recommend reducing the speed but did recommend curve ahead signs; Indian Valley Post Office Road – some signs will be modified; still have a speed study pending for Route 610 to include the area around the Rescue Squad building.

Mr. Keith – Otey Road fence – have not completed that project yet; Paradise Lane – we did take care of shoulder problems; Route 221 at Country Club – was not a pipe problem, it has been repaired; Morning Dew Lane will be a large project which will need three pipe replacements, it has been repaired for the time being until environmental permits can be obtained.

In routine maintenance in the Check area over the last 30 days – Route 221 shoulder repairs; Route 635 pipe replacement; Route 705 pipe replacement; Routes 610, 612, 615 brush cutting; Route 673 pipe replacement; machining gravel roads will continue.

In the Willis area over the last 30 days – stone replacement, pothole repairs, brush cutting. For the next 30 days, plans are for shoulder wedging, pothole repairs, ditching. Are two employees short but the hiring process is continuing.

Supervisor Gerald – Route 787 – potholes still need repairing in the middle of the road.

Supervisor Allen – Starbuck Road – needs machining from Paradise Lane to the end (gravel section); Route 612 – big hole in asphalt between Hale Road and Coles Knob Road.

Supervisor Turman – Black Ridge Road – lots of potholes; Sawmill Road – ditches washed across road; Wildwood Road – on the Laurel Branch Road end, it is State maintained with no houses, on the Route 221 end there are four houses but not State maintained. Those residents are interested in getting that section into the State system.

Mr. Huff – we will be glad to look at the road but it has to be up to State standards to take it in.

Supervisor Yoder – Sugar Run Road, Route 865 – received complaint from a bus driver that the road is washboarded and full of potholes; Route 610 – a pipe was replaced on the road, when will it be re-paved?

Mr. Keith – in the spring when the asphalt plants re-open.

Supervisor Yoder – Route 639 – culvert is washing out close to River Ridge Road end.

Supervisor Clinger – appreciate the work on Morning Dew. Had a request for a speed study on Needmore Lane. The road is now 35 mph but residents have requested 25 mph all the way through. Eight new homes have been built on the road since it was reduced to 35 mph.

Mr. Huff – would also like the Board to start thinking about a date for the 6-year secondary road plan public hearing. We'll talk about a definite date at the February meeting.

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

Chairman Clinger questioned how other localities handle tie votes.

Mr. Cornwell – Roberts Rules of Order, it has been changed, but it used to be that a tie vote would kill the motion if all members were present and voting. If not, it can go over to the

next meeting and be taken up again. I like that rule, because if one of you weren't here and there was a 2-2 vote, it could be taken over to the next meeting and by that time all five of you could consider it. I think you can do that and would recommend that to you. Then, of course, there comes a period of time when it has to stop. Let's say that there is a 2-2 vote that goes over to the next meeting and at the next meeting there is still one absent, if it is still tied, it would kill the motion.

Chairman Clinger – would it be a re-vote or a new motion.

Mr. Cornwell – it would be a re-vote. There is always an issue as to whether the motion is the same motion. You can sometimes change the motion so it becomes the same result but it is not the same motion. You need to vote on the same motion. Normally, under Roberts Rules, a motion can be reconsidered at the next meeting by the motion of people on the winning side. A tie vote kills a motion. The opportunity to take the motion over to the next meeting only comes into play when one person is absent.

Supervisor Yoder – so we'd need a motion to accept that as part of our rules?

Mr. Cornwell – yes, to make it part of your policy.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.3, discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

On a motion of Supervisor Allen, seconded by Supervisor Yoder, 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 Yoder, 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 property in accordance with Section 2.2-3711, Paragraph A.3 of the Virginia Freedom of Information Act;

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

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

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

Hearing no statement, I call the question.

Supervisor Yoder – aye

Supervisor Turman – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Clinger – aye

This Certification Resolution was adopted.

The Board recessed for lunch.

Mr. Mark Sowers, Chairman of the Floyd County Planning Commission, next appeared before the Board. Mr. Sowers presented the draft Floyd County Comprehensive Plan to the Board with a recommendation from the Planning Commission for approval.

Six key points of the plan include: 1) Planning is smart and required; 2) this Plan is by Floyd Countians for Floyd County; 3) There is strong consensus to protect farmlands and forests – land fragmentation and economic viability are major threats to both; 4) Strong consensus to protect water in the County – water is essential for homes, schools, businesses and farms and it is especially vulnerable and precious in Floyd County. People realize our water's vulnerability; 5) Increase light industry, technology and innovation – jobs were the third highest priority, again with broad consensus; 6) Protect finances of the County – the County faces notable financial challenges due in part to residential growth, unfunded mandates passed down from the State and Federal governments, and the poor economy. This is a plan for a creative, prosperous and resilient Floyd County that respects its people and protects its farms, forests and water for future generations. We more or less just put the plan together. The "we" is the Planning Commission, Lydeana and all the citizens of the County. How this came about, we put 18 months into the research and writing process of the plan. We sent out and got back over 30 responses to an organizational survey. We sent out business surveys and got back over 40. We had 7 focus group meetings for issue discussion and ideas. At the end of that, we had four community meetings. Every address from the tax list of the County was sent a postcard to seek input on priorities. The result was that we had over 200 citizens participate with 142 completed ranking sheets. Some of the top ideas that came about from this input were: 1) preserve agriculture and

forest areas; 2) protect agricultural land and water resources through zoning; 3) increase light industry, technology and innovative jobs; 4) increase opportunities to produce local foods into more products; 5) explore alternative energy systems; 6) provide more assistance to small businesses; 7) increase vegetable and specialty crop production; 8) develop an assisted living center; 9) expand recycling and study waste collection options for cost efficiency; 10) develop pedestrian walkways, trails and bikeways. Looking at that data, we can understand why those priorities were chosen.

Ms. Martin – you all heard some about water this morning and I'll give you more information. I'm sure you're very familiar with the fact that Floyd County is pretty unique when it comes to our water. We are not like the rest of Virginia where there is a single water table and you just drill where you are. Here, our water is in lots of cracks and fissures so you might be right here and drill only a few feet to get water, but you move over a few feet and you go 1000' and not get water. I'm sure you've had neighbors or situations that you're familiar with that. Back in 1998 – 2002 when we had a severe drought, there were over 500 households that had to drill new wells and that was out of 6000 households at the time. When we have a severe drought, it is a very serious situation here. One of the challenges, going back for just a second, with our water supply is that because it just exists in the little cracks and fissures, you don't know how much you have, it is not uniform, there is no way to predict how much water we have. Because our water is so young here, they estimate that our water is only 20-30 years old, which means if we have a long-running drought, and other parts of Virginia the water may be 2000-3000 years old, they have a lot more buffer. When our water is young, we don't have a lot of buffers, which is very important. One of the things that you see in this drought that ended in 2002, there was a subdivision just outside the Town limits that doesn't have public water, all private wells. When one person's well went dry, they would drill deeper and the next person's water would go out and they would drill and it went on and on. You can see how that would happen with the interconnection. If the water is draining down the line and you intercept it, the next person gets shorted. There is a lot of interplay that you can't really predict and that is what is frustrating to plan. In terms of, that Christy mentioned this morning, about 90% of the population is on private wells, this map shows that and the limited area that the PSA covers. One of the challenges for the PSA to extend that to afford to be able to put down pipes and lines, you need so many houses per mile. You don't tend to have that when you get beyond the immediate Town footprint, so that is challenging for them to be able to extend public water any around the Town edges. They have to have a certain amount of density to make that work. Other Counties that Christy mentioned this morning, Giles County is next closest to us, they have about 50% of their households that aren't served by public water. Whereas, we're at 93%. There is a big difference as mentioned.

Land fragmentation was the next big concern we addressed, which is a large threat to the County. Dennis Anderson with the Department of Forestry recently reported that in terms of a healthy forest, the biggest risk is not cutting the timber but the fact that as stands of timber get smaller and smaller, it is harder for them to survive. So fragmentation is a big challenge to the forests and farms. What we saw just before we started the Comp Plan process, was how many parcels were divided and how many lots were created. There were nearly 1000 lots created over a five year period. When the Planning Commission looks at the plats, during this particular period, it became obvious that a lot of them were farms that were being divided and were on the smallest dirt roads. You could get the land a little cheaper and someone would get it and divide

it into as many pieces as they could, with the large ones in back. That's cheaper for the developer but the costs come back to the County, it is cheap to put it on a little dirt road but you have to pay to send fire, rescue and school buses over those bumpy dirt roads where a lot of times there is not room for two vehicles. The Planning Commission doesn't have any ability to turn down a plat because the road is not big enough to serve it. They have to approve it if it meets the Subdivision Ordinance requirements. If it is a State maintained road and meets the requirements, they have to approve it. Sometimes it can be frustrating for them when it is obvious that the road can't support the traffic that it will bring. Another way to look at the land fragmentation is the land classification as done by the Commissioner of Revenue's office. The PDC took a look at this for us and during that seven year period, we had 2000 or more residential parcels created, which were all taken from very large parcels. So we lost a lot of agricultural tracts ranging in size of over 99 acres, but we also lost a lot in the 29-99 acre range. At that time, we were down to 536 parcels that were 100 acres or more in all of Floyd County. I know it is extremely complex when we're talking about finances for the County and growth brings a lot of costs but it can also bring additional revenue to you. As the School Superintendent was speaking to this morning, each additional child brings a certain amount of State and Federal operating revenue, so that's really important. They like to see an increase in the number of students because it helps with operating costs. State and Federal dollars help to pay for operations of school but don't pay for capital costs. Whenever it is time to add onto schools or do renovations, that's paid locally. In a minute, we'll look at a snapshot of costs so just keep this factor in mind. This slide shows costs of community services that were completed in 2009. The question that we posed was, looking at all the property in Floyd and dividing it into three categories – residential, commercial, and farms/forests. How much does each bring in in revenue and how much does each cost us in expenditures? You can see that the vast amount of revenue and expenditures come through residential development. The really important thing is, for every dollar that residential development pays in taxes, it costs \$1.09 in services. Whereas, commercial development, for every dollar paid in taxes only costs \$0.45. Farms/forests for every dollar it pays in taxes only costs \$0.35 in services. This is not to say that residential is bad, that is just to say that it gets out of kilter. When it is broken up rapidly and turned into residential, it causes a fiscal impact. Empty parcels (one without any type of structure on it) in Floyd County number 5887 for unimproved parcels. Almost half of them are ten acres or less. You could say they are ready for residential development to happen. The number of improved parcels totals 7924.

What we heard from the surveys and the citizens participating in the meetings, when you boil down the top priorities that were far and above the priority for most people were: food, land/water and economy. They were interested in more jobs, especially better paying jobs. They were interested in protecting the water and taking care of the land in order to be able to grow and process more food.

To move into the economy discussion a little more, people are surprised to hear that the weekly wages of Floyd County folks are the fourth lowest in all of Virginia. You usually think of the coalfields or Southside being the lowest and that's where the folks in Richmond send the assistance to. For years, we've been trying to raise our hands and say look, you pay attention to them because they have a crises but we've been in a long-term drought here. We don't get the attention that a plant closing would get so this is a real challenge for us. When wages are low, it ripples through people's lives and the economy. This is one of the things on the economic development side that the EDA is really focused on, looking at sectors that would help bring

higher wages to the County. Even within the New River Valley, our average weekly wages here are \$200 less than our neighbors. It is not just cost of living. When you say that, people say that the cost of living is so much higher everywhere else. I really don't think they can argue that with Pulaski or Giles, we're comparable to them. But wages of folks who work within the County boundary are significantly less. Other economic factors that come into play are that more than 50% of the labor force goes out of the County, that's a net out-commuting rate of 50%. In other words, in a lot of Counties in Virginia, they have high out-commuting rates but they have an equal number driving in from somewhere else so the net effect is kind of a wash. Ours go out 4-1 so that has a big impact on our retail businesses because when you work outside the County, you tend to shop outside the County. It affects the amount of time that people actually have in the County which is especially evident in volunteering for fire/rescue or non-profits. At the same time that we have low wages locally and out-commuting, for a good number of years we've had demand for land from outside the County which has driven local prices and put a squeeze on people who've tried to make their living on local wages. The fiscal challenges of growth, Federal and State mandates that seem to get worse every day, global economy, and high energy costs put a squeeze on everyone.

There is a strong consensus to protect farmlands and water. Floyd still ranks as number one in the State in the number of acres in nursery stock. We're second for Christmas trees, sixth for beef cattle sales and 18th for dairy sales. For vegetable production, we're recognized in the New River Valley for having a lot of local produce and farmers markets. People are looking to Floyd for value added processes to their local food because they associate seeing people at farmers markets from Floyd, there is growth potential there. Agriculture is still very important in this County so part of the Comp Plan is looking at continuing that or improving the income levels. If people are making profits on their farms, they are much less likely to need to divide and sell, so making them profitable is the best solution for everything. The next slide shows a map of the soils. Floyd County was one of the last in the State to have a complete detailed soils map but we do have it now. The best soils in the County are shown in green. I really think it should not be called a soils map because they also take into account the slope, so a gentle slope is better. The areas in green not only have good soils but they have gentle slopes. You can see that there is not a lot of prime land in Floyd County but there is a good amount of soils of State-wide importance which is the next step down. We started this process about 20 years ago at least. Then they would lose funding or a person, eventually they finally finished it. If you have a site that you're curious about, you can go to the website and look it up. It is supposed to be pretty accurate.

This next slide shows a couple of things. The heading says forests but it again shows the 100 acre parcels which are in green. The dark greens are mostly forests. The brighter greens are open land which highlights the 100 acre parcels and the fact that there aren't that many in the County. One of the things that the Task Forces are looking at is how much land is really needed for a dairy farm or a beef cattle farm to be viable. They are trying to document all that information to bring it back and make use of these maps.

In the Comp Plan, one of the things is to make sure that we have land in the future for agriculture, forests, water and all those things. We prioritize the lands according to their characteristics. Lands that would not be suitable for residential, commercial or industrial development are the ones that would be best suited for agriculture or the ones with high impacts on water. If there was a way to identify re-charge area, that's hard to do and a question I kept asking at the water meeting a couple of months ago, how can we figure out where that water is,

and we don't have an answer for that yet. Another high impact water area would be anything that floods, you wouldn't want any development there. Any other high hazard risk, Christy mentioned that Floyd shows up on the rock slide list and wildfire list. For example, take Slatemont in Meadows of Dan, across from where I grew up, it has a steep mountain with narrow roads going into it, some roads are one-way. If they were to have a fire break out there, the fire is going to go very quickly up the slope with no public water, one way in, so thankfully they participated in a fire-wise program to educate homeowners on how to prevent fires, keep brush and different things back from their house, to have a line of protection. There are things you can do to mitigate that risk but the best thing to do on steep, wooded slopes is probably to not put your house there to start with. Lands that are already in conservation easements limit the amount of development that can happen.

In terms of planning tools available in Virginia, as you all know, Counties only have the authority that the State grants to you. In Virginia, there are a set number of tools available for planning. Several are already used in Floyd County such as the Subdivision Ordinance, Land Use Valuation, Conservation Easements. The ones not used in Floyd are agricultural and forest districts, Capital Improvement planning, cluster development and zoning. There are details about all of those in the Comp Plan document for your information.

We did get a lot of questions from community members about the difference between a subdivision ordinance and a zoning ordinance. Floyd County has a subdivision ordinance, does not have a zoning ordinance. The Town of Floyd has a zoning ordinance. The main difference is that the subdivision ordinance controls the size and shape of the parcels, does not control the use. Only a zoning ordinance does that. It also came up several times that citizens were frustrated that developers don't have to pay the County for destruction that they cost the County. For example, going back to the dirt road example and putting 20 parcels along it, you can't require the developer to pay for that. Through a zoning ordinance, you can require the developer to pay the capital costs that come along with that. Through a subdivision ordinance, you can't limit the number of dwellings on one parcel.

This is from the plan itself: Guiding development and limiting service cost escalation will require some difficult decisions. While preserving the flexibility for landowners is important, those freedoms must be balanced by the responsibilities to adjacent landowners in the community at large, continuing with virtually unlimited development options has its risks and costs both now and later. What we heard from the folks, not everyone, but the majority of people were concerned that things could happen adjacent to their property that would actually impact their water or something about their land. I think people are fine with property rights and do what you want to on your own land as long as it doesn't have external impacts to the neighbor. That's where it gets really tricky and difficult. Everybody wants you to regulate their neighbors but not them. I don't know the answers, I'm just sharing what we heard.

Every comprehensive plan has to have in it a future land use map. We call it a future property use map, not to be confused with land use with the taxation program. What it shows is giving thought to where areas that should be kept in farmland, areas that might be more suitable for growth. So this slide shows the areas that would seem to already have a fairly high density, seem to be making sense, but where growth areas would be in the future. They tend to cluster. Ideally they would be close to fire and rescue. If population growth continues in the County at the same rate it did for the last twenty years, we're going to see another 1100-2200 households in the next 20-30 years. If those located in the growth areas, it would be easier for the PSA to

extend service because they would have enough households within a mile to make it worthwhile. If it continues to spread out it gets more and more challenging to serve those.

Mark went over the top 10 things that people prioritized. We gave them a list of 30 things and we said prioritize them. He shared the top 10. When we did the goals for the plan, we literally took those and tried to translate them into the goals. There are 12 goals and if you compare that list with this list, you can see that there is a lot of overlap. Mark went over those with you. You'd think that if you asked people for a wish list, you'd get things like a swimming pool or things like that, but folks were more practical when they prioritized things. I've got that original list if anyone is interested in seeing that later. The final thing is these are just the goals and for these to mean anything, they must be transferred into policy statements. For them to become real, it requires implementation.

Mr. Sowers – some of the key conclusions that the Planning Commission listed in the Plan are: water is a key issue for our County for everybody, agricultural and forest areas are keys to recharging the groundwater; to keep farming alive good agricultural lands must be available and desirable for future generations; protecting the farms, forests and water will save the County money in the short and long-term.

Some of the top recommendations that are in the Plan are to: establish a farm and forest task force, this is already happening. They are researching how they can help the agricultural economy to bring back more money to the County to improve the economic viability; to establish a land policy task force to make specific recommendations regarding protection of land, forest and water – they are looking at zoning, agricultural history, etc.; staff and EDA to develop a economic development strategy plan to target best opportunities, coordinate efforts among the residents and business leaders in the community with the County to help broaden our scope; develop a Capital Improvement Plan so that we can see those capital needs based on the growth trends and life expectancies of those assets such as schools, water, fire, rescue, and such.

We might not all be on farms or farmlands, but the future of the natural resources, for example the land and water in the County, will affect each and every one of the citizens in Floyd County for generations to come. The land and water quality and availability will be key issues in the future. The comprehensive plan is to help the Board foresee future needs and developments and to help be the outreach arm of the Board to do some of the background work and that is what the comprehensive plan is all about. It is a guidance tool to help set future policies of the County.

Mr. Campbell noted that the Board's next step would be to review the document, make any modifications and then set a public hearing for comments.

Agenda Item 11i – Statewide Stormwater Management Regulations – Mr. Campbell presented a letter from the Department of Conservation and Recreation and commented that there are new regulations in place. The State has promulgated these regulations so they could be reviewed or seen much like the old E&S regulations that were put on local governments. They are going to be making their rounds of local governments in seeking any interest as to whether we want to voluntarily take on this program in the future. Areas within the Chesapeake Bay Watershed, they won't have the option, they are required. This would require an ordinance adoption locally, involvement in plan revision and approval for any disturbance activity; we would be responsible for inspections, program administration, tracking and documentation,

implementation, all per State regulations. At this point it is voluntary to participate. After discussion it was the consensus of the Board to not voluntarily participate in the program.

Agenda Item 11j – Floyd County Civil War Sesquicentennial Committee – Mr. Campbell reported that a committee was set up over a year ago by the Board to do some local programs but those individuals were not able to continue. Spoke with Sue Anne Boothe about this and she offered some names of interested individuals to serve. I encourage you to look at the website of the organization; it is very interesting to see some of the things that are planned.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to appoint Sue Anne Boothe, Jeff Link, Janet Keith, Gerald Via, Katie Gray, Tom Keith and Rhonda Smith to the Floyd County Civil War Sesquicentennial Committee.

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

Agenda Item 11k – Update on Courthouse repairs – windows were removed, sealed, replaced, flashed. We had good results on sealing those up where we had small amounts of leakage. The caulking and weatherproofing, the contractor was not able to complete because of the weather change. I did authorize a contract extension through the spring to complete the project. Some of the materials needed consistent temperatures above 40 degrees for several days to be applied properly.

Agenda Item 11l – AEP Assessment Request – request for support from the County in the amount of \$2522, the invoice is from the VML/VACo AEP Steering Committee. This committee has been in place for quite a while. They negotiate with AEP for public accounts and they assess the pro rata amounts based on the use of our physical buildings in relation to the overall area served by AEP. This is for consulting fees and legal costs related to lobbying for better contract terms. This is a voluntary program in nature. We have participated most years in the past except for the last year. After discussion it was the consensus of the Board to not participate in financial support of the program.

On a motion of Supervisor Clinger, seconded by Supervisor Yoder, and carried, it was resolved to include in the Board of Supervisors organizational policy, the tie breaker rule: if all members are present and voting at a meeting and a tie vote occurs with one abstention – the motion fails; if a tie vote occurs with one member absent, the motion carries over to the next meeting for a re-vote.

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

On a motion of Supervisor Allen, seconded by Supervisor Clinger, and unanimously carried, it was resolved to adjourn to Tuesday, January 24, 2012 at 7:00 p.m.

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors