

**BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 12, 2010**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 12, 2010 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

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

The Chairman called the meeting to order at 8:30 a.m. with the reading of the handicapping statement.

The Opening Prayer was led by Vice Chairman Gerald.

Chairman Ingram led in the Pledge of Allegiance.

Mrs. Mary Turman, Treasurer, appeared before the Board and presented the invested cash and cash in office report as of January 12, 2010. She reported a little more cash than last year at this time. She requested that the Board make a decision today as to her earlier request for transfer of the DMV Administrative Fee funds to her department for part-time assistance.

Mrs. Morris presented the balance sheet and revenue/expenditure summary as of December 31, 2009. She reported at 50% through the fiscal year, General Fund revenues are at 57% and expenditures at 53%.

The minutes of December 8, 2009 and January 5, 2010 were presented to the Board for review and approval.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to approve the minutes of December 8, 2009 as presented.

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

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the minutes of January 5, 2010 as presented.

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

Supervisor Ingram – aye

Mrs. Stephanie Shortt, Commonwealth’s Attorney, appeared before the Board. She commented: I just wanted to say hello at the start of a new year and to welcome Mr. Clinger. I just wanted to let you know that if you have any questions about what is going on in my office, to just give me a call. We have started with our new office hours of 8:30 – 5:00 with a half hour for lunch. We are working very hard to maximize the amount of fines and costs and money that comes into the County. Both secretaries are working on making sure that letters are going out. We first send out a warning letter that they are delinquent; they already know they’re delinquent since they’ve gotten something from the court. But we let them know that they need to come and make some sort of payment arrangements. I’ll try to give you some better reporting as to how we’re trying to maximize that, because that benefits the County for us to do that in-house. If you have any other questions, please let me know.

Sheriff Shannon Zeman – I don’t have much to report. We did get our Domestic Violence grant approved again, which was a great thing. It enables us to keep a position. Last week we took 12 employees, on a volunteer basis, and went to the 2010 public hearing. Roscoe Reynolds and some of the Delegates from the western end of the State were there. I didn’t get to speak but two of the other Sheriffs were able to speak for the New River Valley. Probably 250 officers there, and after they spoke, we all got up as a unit and left, trying to let our legislators know that the proposed cuts would just cripple us. Welcome to Mr. Clinger.

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

On a motion of Supervisor Gerald, seconded by Supervisor Gardner, 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

Agenda Item 8a – Subdivision plats as approved by Agent for December 2009. Mrs. Lydeana Martin appeared before the Board to present the report and commented: Note that on the table page, if you look at the average acreage of new parcels over the last three years, in 2007, it was 18.5 acres, dropped to 16.8 acres in 2008, and then in 2009, it dropped to 11.7 acres. An interesting part of that is there are fewer agricultural divisions and perhaps the economy is resulting in smaller lot sizes in hopes of making them easier to sell.

Supervisor Allen questioned the charge for plat review/approval. Mrs. Martin outlined the different rates for staff approval vs. Planning Commission approval. It was the consensus of the Board for staff to review rates, both the County’s rates vs. other similar sized Counties, and report back to the Board.

Mrs. Martin, in reporting on progress of the Comprehensive Plan review, indicated that a survey had been sent out to over 60 organizations in the County. Have received 26 responses. She presented an outline for review of the plan, with preliminary planning meetings, focus groups, etc. with dates and times. She also invited the Board to a tourism planning workshop that will be held on January 23, 2010 at 9:00 a.m. at the Jacksonville Center.

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

Mr. Dennis Anderson, Virginia Department of Forestry – I'd just like to make a few comments about the forests and what is going on here in the County. The forests in Floyd County are extremely important. Lydeana made mention of the water quality, recharging aquifers. The tourism that Lydeana referred to, the people that live here and come here. Charlie Yopp is the Technician and I'm the Forester. A few of the things that we accomplished last year here in the County: we examined 48 tracts of land for landowners at no charge, making recommendations for their forest operations as well as administering 22 cost-share plans for private landowners to carry out forest practices on their land. There were 322 acres of trees planted as well as 5.8 riparian buffers established. Riparian buffers are basically the idea that forest lands along streams help protect the water quality and integrity of the stream. We are also required, by State law, to inspect all timber harvesting jobs. There were 98 timber harvesting jobs inspected last year. That is primarily to protect the water quality. One other thing that I wanted to mention to you all for your consideration, which has to do with land use. Currently in State statute, if I've got 100 acres of land and I sign up for land use under agriculture, I'm allowed to have up here in this corner, 20 acres of forest land that can come under the land use value if it is grazed. Now we in the Department of Forestry, encourage people not to graze their forest land because of cattle eating young trees, impacting the soil, damaging the roots and causing erosion. So I would like for you to consider changing that, still allowing the 20 acres to fall under use of my 100 acres farm, but allowing the landowner if they desire, to have that fenced from livestock. In addition to that, on my 100 acres, if I've got 5 acres down here that was cleared back in the 40's or 50's, but it is too steep to get a tractor over it, it is growing up. If I plant that in trees, 5 acres, it comes out of land use, and I have to pay the higher taxes on it but also I have to pay a penalty because I'm taking it out of land use. So, really I'm going to be paying the county more taxes but I have some owners who are hesitant to do this, because of the penalty to come out of land use. I would like you to consider if somebody is taking something out of land use and planting it in trees, you'll be getting more taxes, but perhaps waiving that penalty. Something for your consideration.

Supervisor Gerald – a lot of trees go out of Floyd County with that big ball of dirt attached. That is hauling off our topsoil. From what I understand, it takes about 1000 years to make topsoil. How is that in the future, going to affect the soil here in Floyd County?

Mr. Anderson – it is a detriment to the soil. There is no way around it if you're hauling off soil. Two things I'd mention about that. When we had the County landfill, we have very deep soils. You go to Montgomery County, in some places, you dig down with a shovel, and you're hitting limestone and bedrock. We do have a lot of depth to our soils before you get down to the other materials. We've got more buffer than other areas. Often times, a nurseryman, they buy a farm, plant it in trees, often times, after they dig through what's there for

nursery stock, they'll let the rest grow up in timber. Therefore, it stays in forest and you begin to get the rejuvenation of the organic matter and topsoil.

Supervisor Gerald – so in 20 years we're looking at the top soil being so thin, it will be a detriment to the County.

Mr. Anderson – let's use the example we just talked about. The nurseryman just planted 50 acres; he dug nursery stock out of it for 4-5 years and let the rest go for timber. When those trees are cut for harvesting, you and I could walk back there and still see shallow impressions where they dug the trees that would be full of needles and grass. But if they don't harvest the timber, it usually stays in timber and is not cleared out. Some of the nurserymen, because of the availability of land, have pushed off trees, grade it off and plant it back. It is kind of a catch 22.

Supervisor Gerald – I've seen them bulldoze the land and stack the trees up and burn them, that has to be detrimental to the land.

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

Agenda Item 8b – Appointment to Floyd – Floyd County Public Service Authority – Town/County appointment. Mr. Campbell reported that the appointment was advertised but no letters of interest were received. The Board deferred the matter for next month to enable time to try to find a replacement.

Agenda Item 8c – Appointment to Economic Development Authority of Floyd County, one appointment, four year term. Mr. Campbell noted that this appointment was also advertised and one letter of interest was received from the incumbent.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to reappoint Mr. Leon Moore to the Economic Development Authority of Floyd County, Virginia for a four year term.

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

Agenda Item 8d – Local Government Agreement with Virginia Department of Health. Mr. Campbell reported that this is the same agreement, or actually an amendment to the agreement that was set in 1999, that specifies the amounts of local and State funding available for the local health department. This is an annual process that reaffirms the budget amount approved by the Board.

On a motion of Supervisor Gardner, seconded by Supervisor Gerald, and carried, it was resolved to approve the Local Government Agreement with the Virginia Department of Health for FY10 (Document File Number).

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

Agenda Item 8e – Appointment to New River Highlands Resource Conservation and Development Council. They are asking the sponsoring organizations to appoint or reappoint a new member to serve as our representative on the Council. Consensus of the Board was for staff to contact the current representative to ascertain interest in continuing to serve. If he is not willing to serve again, staff was instructed to advertise the position.

Mrs. Korene Thompson, Town Manager, next appeared before the Board. She reported:

- 1- Reorganization of Council – Will Griffin was elected as Mayor, Mike Patton was voted to serve as Vice Mayor, Ross Miller was appointed to fill the unexpired term of Will Griffin, Karen Bingham will serve on the local Planning Commission.
- 2- Town Council meetings will continue to be held on the 1st and 3rd Tuesdays at 6:30 p.m.
- 3- Express appreciation to the County for letting us find a place for our snow when we were cleaning the streets and also for use of the van for Council to attend the VML training session.
- 4- Updates:
 - a. Beginning work on the Comprehensive Plan update. Lydeana will attend the Council meeting on the 21st to bring us up-to-date on Town requirements.
 - b. Public Hearing on updated Subdivision Ordinance with the Planning Commission at 7:00 p.m. on January 19th.
 - c. Public Hearing on the Zoning Map is also on January 19th at 7:00 p.m.
 - d. Energy Grant that we applied for, we are still awaiting approval status.
 - e. Transportation Enhancement – Phase IV application has been received and acknowledged by VDOT. We’re still awaiting status.
 - f. Floyd Town Jubilee will be June 19th, plans are underway. If you’ve been reading the newspapers, the Town had acquired 25 of the Roanoke stars years in 1972. The Town Council decided since there has been such vast interest, we will have them for sale at an auction at the Jubilee. We will present two of them to the two gentleman who made them, and give one back to Roanoke.

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

- 1- Total applications up 25% from last year at this time; Medicaid applications up 19%, Food Stamps up 30%, TANF up 19%.
- 2- Citizen complaints are now being booked about two weeks out with our six eligibility workers because of the large case loads for the three main programs. We’re trying to deal with emergencies as they come up.
- 3- Energy Assistance Program – regular fuel program is up 25%; crises assistance – we hope the money will make it through March, we’re already at 50% of where we were last

year just two weeks into the program. The vast majority of the applications are for electric bills. Funds are limited unless the Federal government puts more money into the program.

- 4- Proposed budget, we're facing more cuts. With the current proposal, we're looking at:
 - a. Companion Program – facing 10% cut;
 - b. State employee furlough day, DSS is now included. Funds will come from our administrative funds because they can't require us to actually take the day.
 - c. 1% across the board administrative cut;
 - d. Adding 1% VRS contribution rate back to the employees to pay, 2% next year, which is in effect a pay decrease on top of no raises since 2007;
 - e. TANF Daycare and regular child care program – cutting funds;
 - f. TANF - \$36 million cut State-wide;
 - g. Decreasing the foster care payments. Virginia at one time, their foster care rates were lower than what people pay to board animals. That was one thing we used to get the State to raise their rates. Now, they are going to go back and reduce the rates.
 - h. Training budgets, with all the new requirements – cutting it in half;
 - i. CSA – reducing the hold harmless penalty match rate. Whenever the State started on the whole campaign to move children out of residential facilities, they changed the way the County had a match rate. Before, the County had one match rate, didn't matter where they were. Then they changed it to three match rates. If they were in residential, they were in the highest match rate; therapeutic care, they had the neutral match rate; served in the community, they were at the lowest match rate. The hold harmless rate, the first \$200,000 that you spent for residential care, we did not have to match. With this budget, that goes away. If a child goes into residential care, day one, they are at the penalty match rate. Very significant cost to shift to the localities.
 - j. Cutting all the adolescent psychiatric beds in the State. There were only two places left from the earlier budget cuts, now they are doing completely away with them.
 - k. Medicaid payments have been cut but we don't know exactly where.
 - l. If the incoming Governor does not raise taxes, so everything that I've just told you, you can probably double it to keep everything the way it is.
 - m. DSS League is trying to identify mandates to get the General Assembly to back off on some of them because of the reduced funding.
 - n. Did attend the budget hearing at Tech last week. The Sheriff and several of his staff were there. We did not hear any recommendations from that meeting as to what we can do.

Mr. Don Thomas, Wingate & Associates, next appeared before the Board. He presented the final report for the 2010 reassessment. He reported: We have conducted our hearings and completed the reviews of the appeals and informed the property owners as to the results of the hearing appeals. We have delivered the signed, notarized copy of the reassessment book to the Clerk's Office as our agreement calls for, in a timely fashion before the December 31 deadline. A recap as to how the appeals went, the County has approximately 14,400 parcels of real estate. We had approximately 456 property owners come to our hearings; we processed, in addition,

about 79 call-backs of property owners that were unable to make the hearings because of various reasons such as out-of-town or health reasons. We heard those and made the call-back available to some folks and it was well received. The number of appeals that were changed was 538 parcels, 474 were not changed. Again, we had 456 property owners, but there were some owners with numerous parcels. The total assessment role is approaching \$1.8 billion, the adjustment to that assessment role was 4/10 th of a percent. If Mr. Wingate was standing here today, he would say that there is no way that all of them are correct, there are still problems as there always will be. That is where the transition from our hearings goes to the Board of Equalization. That Board has been set up, sworn in, and will continue to hear appeals that our office didn't get to or didn't satisfy. Our role now is to provide information to the Board and advise if asked, but never to influence. Our function as assessing the property is over with. In reviewing with our staff, most of the appeals that we have difficulty with are appeals that concern percent of change and result of hardship or inability to pay. That type of thing is very difficult for our office to deal with because the criteria that the assessments are based on are not ability to pay. We heard a fair number, perhaps more than normal, that this was an additional burden to the property owner.

The Board of Equalization members were present in the audience and introduced themselves to the Board.

Agenda Item 8f – E&S Control Ordinance alternative inspection program. Mr. Campbell commented that under the County Attorney's report, you will be asked to approve the ordinance itself. We will be submitting an alternative inspection program as per the handout I gave you this morning. That can be submitted with the ordinance to the Virginia Soil and Water Conservation Board. They have to consider and approve the alternative inspection program. The bottom line is that we will need to conduct inspections on a 4-6 week interval of all active land-disturbing sites including those where we have a payment-in-lieu agreement. Those are pretty frequent inspection requirements with intense documentation and also look at corrective action when things are not correct. Our program is going to have to be beefed up quite a bit. He and Chairman Ingram met with representatives of Skyline Soil Conservation District back in December and we asked them to consider providing some inspection assistance giving our staffing situation at the present time. Their Director did indicate that their Board had considered that and they were in agreement to assist us. Now, we'll have to work toward terms and schedules and so forth. The Board deferred the matter for further discussion with the County Attorney.

Agenda Item 8g – Board meeting presentations. Mr. Campbell commented that the Board had previous discussion about changing/shortening the monthly agenda, perhaps by not having all the various groups make presentations. After discussion, it was the consensus of the Board to continue to have the Social Services Director, School Superintendent and VDoT Residency Administrator on the agenda. Other department heads will have allotted times on the agenda if they have an issue they need to present. Also, outside agencies will be asked to attend once per year to give a program report update.

Agenda Item 8h – New River Valley Competitiveness Center funding request. Mr. Campbell reported that Mr. Mike Barber, President of the Development Corporation and Mr. Doug Phillips, the County's representative, were on the agenda for today but were unable to

attend. The Board received a letter requesting financial assistance for the center. They're concerned that if they are not able to take care of their financial situation, local government control might be lost. An action plan was provided which indicates increased rates of participating entities, of at least \$500/month from participating entities. We do support the Planning District Commission, which rents from the Development Corporation. They are the largest tenant. Concern has been expressed that if the gap is not closed, they may have to look toward their tenants for greater rents, which would indirectly come back to the localities again. Consensus of the Board was to schedule Mr. Barber and Mr. Phillips on the agenda again to outline the history of the center, needs, request, etc.

Agenda Item 8i – EMS billing – web hosting solution. Mr. Campbell outlined a new option that is now available from the Board's direction to move the billing in-house. The system is provided by RAM Software Systems. They are about the only company that is providing this type of web hosting service. This would allow bringing the system in-house without a large investment in software and avoid annual upgrades and fees if we had our own software. A huge benefit is that they have a flat rate of \$415/month. The up-front training would cost \$1250 based on ten hours. With our staff's background, we think that would be plenty to bring her up-to-speed. This same company, to buy the software, it would be \$7300 with \$125/hour training. The training would be more extensive with this option. If we bought the software, we would have to pay for an annual license and any upgrades/modifications annually. This program can tie in with the Toughbook program that the Rescue Squad recently implemented. Their information could be downloaded directly into the billing system for an extra \$100 monthly fee. Mr. Campbell also provided a draft letter to Diversified Ambulance Billing to terminate the contract with them on June 30, 2010.

On a motion of Supervisor Allen, seconded by Supervisor Clinger, and carried, it was resolved to approve a 12 month contract with RAM Software Solutions for a web hosting solution for EMS billing as presented, including the \$100/month import option and \$1250 training contract.

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

Mr. Kenny Bartlett, EMS Operations Manager, appeared before the Board. He reported 57 calls for the month, with 43 transported. The Response Unit had 45 calls, for a total of 102 calls. There were 6 calls to the nursing home for December for a total of 75 calls for 2009.

Mrs. Myra Grim, EMS Administrative Clerk, appeared before the Board and presented her report for December 2009.

Mr. Rusty Stanley, Rescue Captain, appeared before the Board. He reported 68 calls for the month, with 44 transported. He reported that the Squad had decided to accept the free software provided by the State for the billing program. He commented that the program may have to be tailored somewhat to fit the RAM billing program with a small up-front cost. He

thanked the Board for the proclamation presented to the Squad last month and the cooperation between the Board and Squad.

Mr. Ford Wirt, Emergency Services Coordinator, appeared before the Board. He reported on Regional Jail activities: Inmate population at 34 prior month, 33 current month; renovations proceeding on schedule and under budget; kitchen has been approved by Health Department and testing cooking is in progress; administration moved into their section last week; working toward enhancement of current facilities within budgeted funds; Open House will be held soon on a limited basis because of security; working on budget – looking at a \$2 million shortfall with current population.

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

- Presented copy of December special education child count indicating 324 children with unduplicated services, 416 with total services. Numbers have historically gone down over the years with early identification and remediation. 15.52% of total population have these services, which is an average amount State-wide.
- Presented copy of January 11, 2010 School Board meeting highlights.
- Presented copy of testing schedules for all schools, should be finished this week.
- Presented copy of Fall 2009 SOL test results. These scores can't go anywhere but higher because of re-takes. The numbers change only if the scores go up. We provided remediation and then the student immediately takes the test again. We are very pleased with the scores. The minimum pass rate is 70% and our students have greatly exceeded the minimum.
- Presented copy of staff development day training sessions that will be provided Monday and Tuesday next week for each grade level, content level, specialty area, at different locations.
- Presented copy of December 2009 enrollment report indicating 2087 students. Our enrollment historically has decreased in November and December but this year it has held steady.

The Board recessed for lunch.

Mr. Bob Beasley, VDoT Residency Administrator, next appeared before the Board. He reported that in the last 30 days, 27 of them have been spent either preparing for, dealing with, or cleaning up from ice and snow. He also reported that last Tuesday, more layoff notices were received by staff. The Residency Office will close on April 23. The downsizing is not as confusing as the restructuring. We do need to set the date for the public hearing for the 6-year secondary road plan. Even though there is no available money, we are required by Code to have the public hearing.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and unanimously carried, it was resolved to authorize advertisement of the 6-year secondary road public hearing on March 9, 2010 at 7:00 p.m. in the Board Room of the County Administration Building.

Supervisor Clinger – aye

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

On a motion of Supervisor Allen, seconded by Supervisor Clinger, and unanimously carried, it was resolved to set an alternate date of March 11, 2010 at 7:00 p.m. in the Board Room of the County Administration Building for the 6-year secondary road plan public hearing, in case of inclement weather.

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

Mr. Beasley reiterated that the construction funding picture is just as bleak as it was; there is no new funding for construction at this time.

Supervisor Gerald – Route 787 – any chance of getting that bank cut down for sight distance?

Mr. Beasley – will have to be done by maintenance crews if it happens, we no longer have a construction crew. If it gets done, it will be done in the spring.

Supervisor Gerald – lights at Indian Valley Elementary School, have they been replaced?

Mr. Beasley – they have been ordered but have not been received.

Supervisor Gerald – the pavement is cracking in several places.

Mr. Beasley – come spring, that will be a priority along with patching potholes.

Supervisor Allen – potholes have come back on the bridge at Rays. There have also been markings on either side of the bridge, what are they for?

Mr. Beasley – it is probably utility relocation, but it could have been our bridge folks doing an assessment of the approaches.

Supervisor Gardner – end of Tise Street before the cul-de-sac, there is a large sinkhole.

Supervisor Clinger – nothing to report specifically. Lots of potholes will need repair in the spring.

Mr. Beasley – we try to use cold patch now and hope that lasts until spring when we can use asphalt.

Supervisor Ingram – nothing to report this month.

Mr. Beasley did report that the Residency's Staff Engineer and Permit Engineer did not get laid off since they still have to do entrance permits and other items of that nature.

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

Agenda Item 7k(i) – Set Public Hearing for proposed Courtroom Security Fee Ordinance amendment. The County presently imposes this fee on persons who file suits or have criminal or traffic warrants taken against them in court. This is to help defray the costs for courtroom security. The fee amount is set by the Commonwealth. The County's fee is set at \$8 which was the prior amount. The General Assembly has increased the allowable fee to \$10, which I would recommend that you do, by Ordinance.

Agenda Item 7k(ii) – Set Public hearing for proposed law Library Fee Ordinance amendment. Likewise, the County has a Law Library fee to provide upkeep for the law library used by the Judges, Lawyers or individuals. That allowable fee has been increased from \$2 to \$4 by the General Assembly, which I would also recommend that you do, by Ordinance.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to authorize the County Administrator to advertise for public hearings on the proposed amendments to the Courtroom Security Fee Ordinance at 3:00 p.m. on February 9, 2010; and the Law Library Fee Ordinance amendment at 3:15 p.m. on February 9, 2010 in the Board Room of the County Administration Building.

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

Agenda Item 7k(iii) – Approval of proposed Erosion and Sediment Control Ordinance. Mr. Cornwell commented that the Board has conducted the public hearing on the ordinance and had tabled the matter for discussion today.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to adopt the Erosion and Sediment Control Ordinance as presented, to amend Chapter 54 of the Floyd County Ordinances, Erosion and Sediment Control.

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

Mr. Cornwell commented that State Code states that the County Attorney must provide to new Board of Supervisors members, copies of the Freedom of Information Act, Conflict of

Interest Act, Procurement Act and Privacy Act. I brought copies for all Board members so you'll have the most current copies.

In a report on collection of delinquent taxes, Mr. Cornwell reported \$14,304.44 net collected to date. In April, we received 19 delinquent tax files from the Clerk. Attorney fees and costs are over and above this amount. We have not proceeded to sale yet, for a couple of reasons. We had a payment agreement with one person who has six of those properties, they quit paying in November. Now, we'll have to get title work done and put those properties back in. We had title problems with two properties and one owner went bankrupt. We are shooting for a delinquent tax sale in March. Property has to be delinquent for at least two years before we can bring suit for delinquent taxes. Usually they are more delinquent than that, because the Treasurer tries to give them a little more time. But by selling some once in a while, people do know that we're serious.

Mr. Cornwell reported, concerning the letter sent to the Board on EMS billing, that he and Mr. Campbell are continuing to work out the details. The separate EMS Board will have to be abolished. In summary, because the County imposes a special real estate and personal property tax to support EMS services, it is our opinion that we can use those funds to pay any amounts that would not be covered by Medicaid, Medicare or other insurance policies, or even those that do not have insurance. We could do the zero billing. It would come out of the funds that you already tax. We have reviewed all the opinions of the Inspector General of the Department of Health and Human Services and we believe it meets the law. In order to do that, however, the County itself has to be the direct provider of services, which is why we have to do away with the EMS Board. We'll have to work out some accounting process with the Volunteers, because technically we should do transferring the deductible of the unpaid amounts. Since we already pay for the equipment and other items, there shouldn't be any transfer of funds at all, just an accounting entry. If we're audited by Medicare or Medicaid, we would be able to show those entries. If the person pays real estate or personal property taxes, that will take care of the amount that insurance does not pay. We would still send them a bill for the amount and then show it coming from the Fire & Rescue Fund, with a zero balance. If they don't have insurance, it would show the entire amount coming from the Fire & Rescue Fund, and they still owe nothing. We'll have to work out the accounting, abolishment of the EMS Board, and transfer of the volunteer equipment to the County. The Agreement showed that if the volunteer rescue squad went out of business, the equipment would be transferred to the EMS Agency, so we'll have to show it coming to the County instead. Hopefully, we can work on this along with the new billing program.

Chairman Ingram questioned the request from the Treasurer to transfer the DMV Stop Administrative Fee to her office for part-time assistance. Mr. Cornwell stated as long as it is in the General Fund and not earmarked for a specific purpose, that it can be transferred.

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 Allen, 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 Gerald, seconded by Supervisor Allen, 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, Paragraph 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.

Mr. Cornwell – the County owns a parcel of real estate which it leases to Legacy. The lease is about to expire. Legacy has requested a one-year extension of the lease. They employ between 40-50 people. They have asked for a one year extension of the lease under the same rental agreement. If it is the Board’s pleasure to do that, it would take action by the Board to approve extension of the lease under the same rental terms. I don’t believe they are interested in the lease purchase option, so it would be a straight rental lease.

On a motion of Supervisor Gardner, seconded by Supervisor Clinger, and unanimously carried, it was resolved to authorize extension of the lease with Legacy Linens under the same rental terms for a one year period (Document File Number).

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

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to amend the agenda to include discussion on payment to the Board of Equalization and discussion of appropriation of the school budget.

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

Agenda Item 8j – Assessment of Courthouse statue. Mr. Campbell reported that Modern Art Foundation will meet with staff on February 23 to review, assess and provide a cost estimate on the Courthouse statue repairs.

Payment rate for Board of Equalization. Mr. Campbell reported that the Board had been approved by the Judge and they have taken their oaths. They will begin their hearings next week. The Board had not set a payment rate for them.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to authorize payment of \$150/day plus mileage to the Board of Equalization members.

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

Supervisor Allen requested that the Board consider appropriating the school budget by category again instead of a lump sum to obtain a better understanding of how the funds are spent. Extensive discussion followed on the matter.

On a motion of Supervisor Allen, seconded by Supervisor Clinger, it was resolved that the Board of Supervisors will consider and appropriate by category, the Floyd County School budget, beginning with the FY11 budget.

Supervisor Clinger – aye

Supervisor Gardner – nay

Supervisor Allen – aye

Supervisor Gerald – nay

Supervisor Ingram – nay

Motion failed.

On a motion of Supervisor Gardner, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the supplement of the Treasurer's part-time assistance from the DMV Stops Administrative Fee beginning July 1, 2009 – June 30, 2010.

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 adjourn.

Supervisor Clinger – aye

Supervisor Gardner – aye

Supervisor Allen – aye

Supervisor Gerald – aye

Supervisor Ingram – aye