

**BOARD OF SUPERVISORS  
REGULAR MEETING  
MARCH 13, 2012**

At the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 13, 2012 at 8:30 a.m. in the Board Room of the County Administration Building, thereof;

PRESENT: Case C. Clinger, Chairman; Virgel H. Allen, Vice Chairman; J. Fred Gerald, Joe D. Turman, Lauren D. Yoder, Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

The Chairman called the meeting to order at 8:30 a.m.

The Opening Prayer was led by Supervisor Gerald.

Supervisor Yoder led in the Pledge of Allegiance.

The minutes of February 14, February 16, February 22 and February 28, 2012 were presented to the Board for approval.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the minutes of February 14, February 16, February 22 and February 28, 2012 as presented.

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

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

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

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

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

- Has met with the State Compensation Board concerning her request for additional funds for a part-time attorney. They did approve an additional \$19,000 for the part-time

assistance for the capital murder trial. The total approved was \$28,600. Another request will be made for the upcoming fiscal year;

- Will be buying some equipment such as a camera, digital recorder, and possibly a computer with Asset Forfeiture funds;
- Still reviewing the inmate list from the Regional Jail to ensure the County is only being charged for County-responsible persons, not State responsible persons. The County did end up with a substantial credit on one person that was charged incorrectly.

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

- Have applied for more COPS grant funds which have become available. The funds would be used for salaries and fringes for current staff if approved;
- Patriot system installation is on schedule for the communications center, equipment is being installed and training will be done later in the month;
- Agreement with the Town for police services is being reviewed by the Town Attorney and County Attorney;
- Had a large drug roundup last week – Commonwealth’s Attorney and Judge are both working well with us for prosecution of these types of cases, hopefully we’re sending a message.

Ms. Lydeana Martin next appeared before the Board. She reported:

- Agenda Item 7a – Subdivision plats as approved by Agent for February 2012 – have had more lots line revisions this month than normal;
- Information in Board’s pack from Montgomery County concerning an Agreement to be executed to submit to U.S. Census Bureau for an error they made. Both County maps and persons within the census block are correct, Census Bureau map was incorrect. An agreement has to be executed by both Counties and submitted to the Census Bureau;
- Presented copy of an economic development handbook that is updated by the State every few years. On page 8, key things that businesses look for when locating or relocating are listed.
- On April 20, the EDA is hosting a workshop on “Innovation Engineering” – will help folks start or grow a business or look for business ideas. A business coach will be leading the workshop.

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

Mr. Frank Rudisill, Indian Valley District – I’ve been trying to keep this from becoming a personal attack on this windmill thing. But Mr. Yoder made a motion last month to appoint two people per district, I haven’t checked on it to find out how that’s coming along, that’s your business. I haven’t talked to Mr. Gerald about volunteering, neither my wife nor I, because we feel that it is in the best interest of the County that my wife, myself, Ms. Ingoldsby, the Dixon family, Mr. Boothe, ought not be involved in this situation nor any of the ones that were outspoken for or against the turbines. The reason being, I don’t think it would be a good environment on your 10 people committee to get to the basis of this for the best of the County. My research, connections in Richmond and Washington, DC, lawyers I have involved, and the research team that I have in North Carolina is not going to change my mind if I was on the

committee to the other way. There are some good things that could help the County at the Federal and State level. I don't know about the opposition's side but I've heard that they are not going to be swayed to go in a different angle. I think all those people, including my wife and myself, should not even be considered to be on this committee so that you can get people that's not been outspoken in the news media or nothing, get documentation to influence, because if you do, you're going to have 10 people arguing and bickering amongst each other. If we were all on it, that would be 5-6 arguing and you'd be back to square one. I'd like to thank you for listening to us for the last 7-8 months. I've tried to do my part as a County resident and not make personal attacks and bash another person because we're all Floyd County residents, we all should be working the same direction – to get tax revenue and keep the land like it is. My land next door, Edsel Duncan used to own it, it has been cut up into five tracts since he died, I bought three tracts of it. There is one tract that is 2 acres and the house that was sold separate. There's a 28 acre tract left that at the present time I can't afford it, but I'm sure it will be sold in four more tracts. I hate to see that happen in Floyd County. I thank you for your time. There's one more comment that I'm going to make. I saw there in the news media where another County had a lawsuit brought against the Board for having prayer. Don't you all ever let that happen. I thank you all for having the prayer at the beginning. I think that anybody that has the nerve to bring a lawsuit against something like that should be run plumb out of the County. If they don't like the prayer that you all have, show them the door. Thank you all.

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

Agenda Item 7c – Tourism and Marketing Service Agreement. Mr. Campbell commented that the agreement presented is a draft. The Town is looking at some changes related to the membership, appointment of the oversight committee, defining how and when the amounts paid by the County/Town would actually be dispersed. Our Attorney has looked at it and he had some questions about the procurement. We discussed the issue and we feel it is appropriate for sole source procurement if the Board would consider that at the appropriate time. We don't feel there is any other entity that can fill that role. The Town is not subject to the same procurement policies that the County is and they have opted to work with the Chamber. Overall, it looks like a good starting point.

Chairman Clinger commented that one item that needs clarification is the Chamber compensation – how the transient occupancy fees are handled. We had discussed \$20,000 for the first two years as our share; they had mentioned 60% of the fees which could be a swing of as much as \$4600 difference.

Consensus of the Board was to hold the matter for further discussion after proposed changes are related by Mr. Campbell to the Town.

Agenda Item 7d – Appointment of members to Task Force on windmill issues. Discussion followed on members to the task force, appointing a Board member to facilitate the discussion, parameters, etc. Supervisor Yoder agreed to serve as the Board member facilitator. Possible parameters for the group to review included: water issues, noise, fact finding, research, economic impact, environmental impacts, legal expenses/consultation, field trips, goals and a

time line to complete same. The Board will discuss the parameters further at the March 27 meeting and appoint task force members.

Agenda Item 7e – Approval of contract with The Local Choice for employee health insurance benefits. Mr. Campbell reported a 1.9% decrease in premium cost for the new contract year beginning July 1, 2012. The Board had discussed leaving the employer contribution at the same rate of \$403/month/employee for the plan of their choice.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the contract with The Local Choice for employee health insurance beginning July 1, 2012 as per the quoted proposal; authorize execution of same by appropriate County officials.

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

Agenda Item 7f and 7g – Road name requests – Light of Freedom Way and Blue Deer Run. After review of the requests and discussion, it was the consensus of the Board to defer the two items for the March 27 meeting for clarification.

Ms. Susan Icove, New River Community Action Renovation Committee, next appeared before the Board. She commented: I'm coming to ask you to continue your level funding for our organization for next year. In addition, we are asking the County for \$10,000 for renovation. At this point, we are going through renovation stages. We have repaired the fallen roof that cost over \$90,000. We have Headstart, which is one of our main organizations in the building, currently located at Floyd Elementary School, and we plan to continue our active participation there for two more years at least. We have gotten an additional reallocation of funding to start a second Floyd Headstart classroom and plan to do so when we are back in our building. In addition, we need to relocate our offices that are currently at the Jacksonville Center while we do our construction. We are obviously trying to appeal to you to consider us for funding. The building is structurally sound but it is not usable as it is right now. We have mold problems, asbestos in the floor and ceiling, it is kind of a wreck. What we want to do is move back into the building, offices such as CHIP, Literacy Volunteers, Homeless Intervention, RSVP, emergency assistance, food bank. We have a large space on the right hand side of the building that we are hoping to get funding to bring in a program to train advocates, teachers and parents for autistic children. Floyd County has a high number of autistic kids and we feel like we're very good at spotting them here but we have very little ability to train the teachers, parents and families to cope with them. It is important to have a center that is local that we could do this. There is no center like this in all of Southwest Virginia, the closest place to go for such training is Richmond. We feel we'd also draw in people from surrounding counties. Currently, we're estimating our construction figures in the hundreds of thousands of dollars. We've gotten donations from several organizations and will go to the citizens directly. First, we'll get the designs for the building and landscape, etc. before we go to individuals. We'll do a big

fundraising campaign. We're wanting to ask you for the money at this point to consider in your next year's budget along with our local funding.

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

- SNAP – 2100 participants for the past month, payout of over \$255,000. Had 2097 participants last year at the same point with payout of over \$255,000.
- Foster Care/Child Protective Services – only one meth lab last month that involved two children. Children were served through diversionary program which means they were placed with a family member instead of coming through the agency.
- Legislative – SB 497 will require a 5% employee contribution with a required offsetting 5% salary raise. A five year phase-in could be possible for local governments if the General Assembly approves the Governor's budget amendment. The General Assembly will go back into session on March 21 so hopefully we'll know something definite on the budget shortly thereafter.

Mr. Todd Christensen, Director of Southwest Virginia Cultural Heritage Foundation, next appeared before the Board. He commented:

- Foundation was established in 2009 by the General Assembly by Senators Wampler and Kilgore. Its job is to assist in developing a creative economy across the region using the assets such as music, crafts, arts, cultural assets to bring in tourism and businesses.
- Have been employed for 30 years with the Virginia Department of Housing and Community Development – am on loan to the Foundation.
- Know Floyd County very well and have been involved with the County on many projects over the years.
- The Crooked Road, Artisan Trails, Round the Mountain and the Heartwood complex all come under the umbrella of the Foundation.
- There are 19 Counties in the region that are in the Friends of Southwest Virginia program. Floyd County has more artisans in the program than any other locality.
- Agri-tourism is becoming a large part of the program with attention to local food and farmers.
- Copies of numerous news articles presented for the Board's information – Virginia Living, USA Today, The New York Times, San Francisco Chronicle, Munich, Germany newspaper.
- Senators Warner and Wampler are challenging us to do more on outdoor recreation so we'll be working on that. Floyd County has a great deal of assets in this area also.
- Our Round the Mountain Director wasn't able to make it here today but wanted to mention that there is a very strong agri-tourism aspect. We're encouraging farmers markets and more local foods to be used in restaurants in the region. There are 563 members of Round the Mountain with over 60 of them from Floyd.
- Of every dollar sold of items at Heartwood, 85 cents goes back to the artisan. We provide the sales outlet.

Mr. Jack Hirshelwood, Crooked Road Director, next appeared before the Board. He commented:

- Floyd County has excellent representation with Lydeana Martin on the Board of Directors and Woody Crenshaw as the current President.
- Floyd County has wonderful music venues that we promote such as Floyd Country Store, Floyd Fest and especially County Sales, which has one of the most impressive music catalogs of traditional music in the world.
- We have a Crooked Road Store at Heartwood where we sell cd's from local musicians. We also offer our 2011 Crooked Road cd with over 50 artists. Have a musicians directory on our website so any interested person can look up concerts or events.
- Visitor Guide copy presented – 100,000 copies printed annually that goes out to Virginia Welcome Centers, restaurants, hotels. Page 12 highlights Floyd County and its attractions.
- One new initiative is traditional music education to promote education for children either in-school, after school or in the community colleges. We have had over 80 children participate from Floyd County.

Mr. Mac Traynham, local musician from Floyd County, next appeared before the Board to comment on what the Crooked Road program has meant to he and his wife. Thanked the Board for their continued participation.

Agenda Item 7h – Proclamation – National Library Week.

On a motion of Supervisor Gerald, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the Proclamation for National Library Week, April 8-14, 2012, as presented (Document File Number \_\_\_\_\_).

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

Agenda Item 7i – U.S. Census – Rounding Adjustment Agreement. Mr. Campbell requested that the Board approve this agreement with Montgomery County to correct U.S. Census Bureau records as presented earlier in the meeting.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the Agreement with Montgomery County for submittal to the U.S. Census Bureau as presented, and authorize appropriate County officials to execute same (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 reported:

- Budget – appreciate the February 16 joint meeting with the two boards, thought it went very well.
- Budget – do have a proposed budget for you but with changes the General Assembly made Saturday, we'll have to re-work it. The VRS changes will be the biggest issue. From what we understand, the 5% increase in VRS will be passed onto the employees. It can be phased in over a five year period but the employer has to offset it with a 5% salary increase. We will have a budget for you on March 27 with the information that we have at that time.
- FY12 budget – we may have some funds left over in several of the categories – would like to come to you with some ideas for capital improvement projects/purchases and ask this group to re-appropriate those funds into the correct categories. Our top priorities would be the purchase of some used buses and repairs at the front entrance of the high school.
- Would also ask the Board to consider to returning to non-categorical funding of the upcoming school budget.
- Will present proposed budget to you on March 27.

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

Mr. Huff reported that signs for the rescue squad station for the Indian Valley area have been ordered and will be installed as soon as they are received.

He also presented a draft copy of the proposed 6-year secondary road plan for the public hearing on March 27. The plan includes improvements to Routes 750, 635 and 653.

Mr. Clarke reported, concerning maintenance items, for the last month: pipe replacement has been completed on Silverleaf, pipe replacement on Springdale Road will be done soon, patching, potholes, machining, tree removal, are all being done.

In reference to the letter concerning residency office changes, Mr. Clarke commented that this does not directly affect the Salem district. This district had continued the practice of meeting with local officials monthly for issues/concerns.

Supervisor Gerald – presented picture of potholes on Routes 655 and 619.

Supervisor Allen – Route 221 north past Beaver Dam bridge, asphalt is coming up on the side of the road; need gravel on the shoulder of Paradise Lane in the curve across from the parking of well drilling equipment; Franklin Pike/Shooting Creek needs pothole repair from gravel trucks entering the road.

Supervisor Yoder – nothing to report, appreciate the work being done.

Supervisor Turman – Sawmill Road, off of Route 799, needs grading and ditch work. Had a report of poor visibility coming onto Route 221 from Harris Hollow Road.

Supervisor Clinger – any word on the speed study for Needmore Lane?

Mr. Huff – in the works, have not heard results.

Supervisor Clinger – someone has painted an orange circle around a pothole on Route 615, Christiansburg Pike near Moran’s Store. Think it may be a culvert sinking rather than a pothole.

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

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

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

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

**CERTIFICATION RESOLUTION  
CLOSED 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 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 scheduled budget work session was deferred to the next meeting because of lack of information from the State on revenue amounts.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to adjourn to March 27, 2012 at 7:00 p.m.

Supervisor Yoder – aye

Supervisor Turman – aye

Supervisor Gerald – aye

Supervisor Allen – aye

Supervisor Clinger – aye

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Daniel J. Campbell, County Administrator

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Case C. Clinger, Chairman, Board of Supervisors