

**BOARD OF SUPERVISORS
REGULAR MEETING
MAY 11, 2010**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, May 11, 2010, in the Board Room of the County Administration Building, thereof;

PRESENT: David W. Ingram, Chairman (entered the meeting at 10:45 a.m.); J. Fred Gerald, Vice Chairman; Virgel H. Allen, Case C. Clinger, William R. Gardner, Jr., Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

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

The Opening Prayer was led by Vice Chairman Gerald.

Supervisor Gardner led in the Pledge of Allegiance.

The minutes of April 13, 14, 21, 28, 2010 were presented to the Board for review and approval.

On a motion of Supervisor Allen, seconded by Supervisor Clinger, and carried, it was resolved to approve the minutes of April 13, 2010 as presented.

Supervisor Clinger – aye
Supervisor Gardner – abstain – not present at meeting
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – absent

On a motion of Supervisor Allen, seconded by Supervisor Clinger, and carried, it was resolved to approve the minutes of April 14, 2010 as presented.

Supervisor Clinger – aye
Supervisor Gardner – abstain – not present at meeting
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – absent

On a motion of Supervisor Allen, seconded by Supervisor Clinger, and carried, it was resolved to approve the minutes of April 21, 2010 as presented.

Supervisor Clinger – aye
Supervisor Gardner – abstain – not present at meeting
Supervisor Allen – aye
Supervisor Gerald – aye
Supervisor Ingram – absent

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to approve the minutes of April 28, 2010 as presented.

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

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 Clinger, seconded by Supervisor Allen, and carried, it was resolved to approve the monthly disbursements and additions as presented.

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

There were no Constitutional Officers reports for the month.

Agenda Item 7a – Subdivision plats as approved by Agent for April 2010. Ms. Martin appeared before the Board and reported that plat submissions had picked up some during the spring season.

Agenda Item 7d – Blue Ridge Parkway 75th Anniversary Weekend Festival. Ms. Martin reported that the festival is September 10-12 at Cumberland Knob Recreation Area. Some of the opportunities available to participate are: booth for each locality as a community showcase, the Chamber has volunteered to do this; quilt square representing Floyd County, the idea being that each County bordering the Parkway would have an opportunity to do that; send-off event the week before the festival in each locality, no volunteers yet to head this up; resolution from the Board of Supervisors; participation by an elected official; one honor representative to describe the community on-stage at the festival. After discussion, it was the consensus of the Board to participate in the festival with as many opportunities that can be done. Ms. Martin will draft a resolution for the Board's review next month. An honor representative will be researched, with more discussion next month.

Ms. Martin also reported that the Economic Development Authority rolled out their small business program this month. It is called a Five and Ten Program, and is a low interest loan pool. Applicants can borrow \$5000 for creating or saving one job and \$10,000 for creating/saving two jobs or more. The interest rate would be 2% annually for a five year term and 4% annually for a ten year term. We have received one application already. They will be reviewed by a sub-committee of the EDA and then presented monthly to the full Authority for consideration based upon the recommendation of the committee.

Agenda Item 7b – Appointment to New River Highlands Resource Conservation and Development Area. Have received no letters of interest, the Board has deferred the matter several months to find someone to serve. Supervisor Clinger suggested contacting Jeff Walker to see if he would serve since his talents lie in this area. Mr. Campbell will contact Mr. Walker to see if he’s interested in serving.

Agenda Item 7c – Appointment to New River/Mount Rogers Consortium Board alternate member. Mr. Campbell reminded the Board that an alternate is needed for this Board, and must be a Board member. Supervisor Gardner volunteered to serve.

On a motion of Supervisor Clinger, seconded by Supervisor Allen, and carried, it was resolved to appoint Supervisor William R. Gardner as alternate member to the New River/Mount Rogers Consortium Board.

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

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

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

Ms. Martin reappeared before the Board concerning tourism planning efforts. She reported that the steering committee continues to meet regularly and four other large meetings have been held with various other community members. A branding effort (logo) is a big interest of the group. A branding representative spoke to the group at one meeting. They have a three day research effort that can be done by a team, to come up with a brand. The cost would be around \$6000 for the study, which the Virginia Tourism Commission may be able to provide around half of the funding. From the very beginning, we’ve talked about do we want to have someone from outside the community to do this? This group has performed several of these studies in various places. They actually come into the community and work with the community to see what we want to highlight and how we think of ourselves.

Agenda Item 7e – Request for monetary support for Floyd Town Jubilee. Mr. Campbell reported that the Jubilee will be held June 19 with a focus on local bands/activities and lots of children’s activities. The Board deferred the matter for further discussion with the Town Manager during her agenda time.

Agenda Item 7f – Maintenance of Courthouse statue. Mr. Campbell presented a copy of the report from Modern Art Foundry on the condition of the statue and possible maintenance/improvement areas. The Board deferred the matter for a site visit later in the day.

Agenda Item 7g – Purchase of solid waste equipment. Mr. Campbell reported that six bids were recently received for two solid waste trucks from a variety of areas. The bids had a range of chassis and truck bodies with various options. He and Mr. Reed are still meeting/talking with the proposers which will best meet the County’s specifications. The low range bid, if things check out, was \$194,845/each. Still reviewing the specs and checking conformity and weighing the type of equipment that is best suited for this mountainous terrain. There is a big difference in running one of these trucks here vs. the Tidewater area or North Carolina Piedmont. The middle range that looks like it might meet our need which came in at a price of \$201,094. The high range is \$204,432, so we have about a \$10,000 swing in there. One of the big questions is the maintenance availability with the different chassis. For example, the Peterbilt site is up around White’s Truck Stop on I-81 while the Mack and Autocar are in the Cloverdale area. But Peterbilt gives us the best price and more horsepower, so it is complicated. We are also looking at the new emissions standards; we’re leaning toward staying away from the 2010 standards because of a required fuel mixture that we’re not sure that is available close-by or how we would store it. We had targeted \$225,000/unit in our planning so all bids are well below that amount.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and carried, it was resolved to authorize the County Administrator to issue a purchase order for solid waste equipment after a complete review of bids, at a not to exceed price of \$205,000/unit with the most responsive bidder.

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

Agenda Item 7h – Building permit fee for wind energy (residential). Mr. Campbell presented a memorandum from Mr. Mark Bolt, Building Official, concerning the lack of fee set for this type of wind turbines. We have been treating anything commercial much like a cell tower and that fee was \$400 minimum. The Building Official feels like the \$50 fee for the electrical and \$50 for the structure for the wind turbines for residential use would be an appropriate charge. I wanted to request that the Board consider approving that.

On a motion of Supervisor Allen, seconded by Supervisor Gardner, and carried, it was resolved to amend the Building Permit fee schedule to include a \$50 fee for electrical and \$50 fee for construction for residential wind turbines.

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

There was no report from the Town Manager.

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

- 1915 individuals were served by food stamps for April, up 24 from last month;
- \$235,099 paid out in April for the food stamp program, up \$3000 from last month;
- Budget – FMAP increase (Federal Medicaid) that I talked with you about last month. The Federal government has instituted a new rule that says if they have new revenue, that they have to find offsets in order to approve the funding. They have deferred the issue until October. As I mentioned last month, that FMAP money would offset a tremendous amount of cuts to our agency. Because our fiscal year runs from June 1 – May 31, those cuts will go into effect June 1. They are taking an additional administrative reduction of 2.4%, Companion Program being reduced another 25%, Purchased Services being reduced by 50%. If they approve the FMAP funding, cuts will be restored back to the programs. Programs and services will be cut to the citizens of the County. We will have to go through and determine how we're going to take these cuts.
- Governor's Commission on Reform – this commission was established last week under Executive Order #2. They will be looking at efficiencies in State government and look at what to do with various programs. It is chaired by Fred Malek, a private citizen from the Washington DC area; special advisor Mike Thompson, Chairman of the Thomas Jefferson Institute for Public Policy, an ultra-conservative group that wants to combine DSS agencies, Medicaid Programs and Health Departments; and Bill Leighty, former chief of staff for Warner and Kaine. There are 31 members and the initial report is due in July, with the final report out in December. Their recommendations will be directed toward all 130 different State agencies.
- Shared a copy of a Performance Indicators report that the State and Federal government measures. You will notice that our local agency ratings are much higher than the State and Federal government averages in every single measure. Wanted to brag a little bit on my staff with the amount of work that they generate out of our office.
- CPMT – CSA budget amendment which would have capped the State contribution was pulled out but I feel it will come back up again in the future. Our match rate now is 23% so if we had to go to a 100% match, that would be detrimental to the County.

Mr. John Gannon with the Virginia Rural Water Association next appeared before the Board. He reported: In the presentation, I want to walk through the different steps we go through in developing the plan, what the plan actually does and what we're trying to do. The first thing we talk about is groundwater susceptibility in Virginia, which basically is why Floyd, why come here as opposed to anywhere else? Basically this is from USGS report done by Dave Nelms and others where they use groundwater techniques and other techniques to determine what areas of Virginia are susceptible to groundwater contamination. The dark blue areas are considered susceptible so you can see that covers the vast majority of the State. The only spot that is considered not as susceptible is the coastal plain because of the nature of the aquifer there. In Floyd, we're dealing with fractured rock hydrology; this is where Floyd's groundwater comes from. You basically have a soil layer, then broken up bed rock under that, then solid bed rock under that. The solid bed rock has cracks in it, and that's where the water is. That's where we're pulling water from. The problem is, in this system you don't get as much filtration of groundwater as you do, in say, the coastal plain. Water takes a lot longer to move through those so it is filtered more. This slide shows how a private homeowner could affect the public source

and how contamination sources around a public source could affect household wells, as well. You can see once again we have the soil, the weather bedrock, and then the fractured bedrock. What we're showing is a malfunctioning septic system which can move down through the soil and find its way into a fracture network, then bypassing the well in the direct line which can end up contaminating a different well. So it is really a complex system and there is a good possibility that things can be contaminated if you have malfunctioning septic systems or leaking underground storage tanks. But there is also a very good possibility that you won't get contaminated because these fracture networks are so random, so it is really hard to predict where anything is going to go. But you can see the type of scenario that could lead to a contaminated groundwater supply. With that, we took and located the public supply wells in Floyd and then came up with a protection area. What we're basically trying to do is determine what area representation would potentially source these wells. See, we have all these crazy fracture networks everywhere and there's no telling which ones are connected where. Precipitation is more likely to find it into one of these wells here just because of geological controls and the watershed. With that protection area in mind, these primary protection radii are from the Department of Health Wellhead Protection Plans and they basically just draw a circle of 1000' around any well. It doesn't matter what kind of hydrology it is in or anything like that. We kept them in mind but determined our own protection area. After that, we do a potential contaminant survey. What that is, is a data base search across all kinds of different data bases, underground storage tank data bases, leaking underground storage tank data bases, discharge permits, anything like that. To map any potential contamination sources that are within that protection area. The green squares on the map are of moderate or low concern. These are like underground storage tanks that have been removed, that sort of thing, where there is a slight possibility of some residual stuff that might find its way into a supply. The red ones are actual storage tanks that are in use. If something happened that they broke or leaked, that contamination could find its way into the groundwater supply. With all that information, what are the actions being taken? Floyd's water right now is good, the public supply is good quality. All that is done is soda ash is put in the water to change the pH level. Other than that, it is great. You are in a situation where your primary concern is to protect what is already good. Which is great, because that is a lot less expensive and a lot less involved because remediation in fractured rock is not easy at all. The contingency plan is last in the plan. That is basically the PSA saying this is what we're going to do in case of emergency. In that contingency plan, if two of the wells go dry, this is how we're going to bring water in. If one of the wells gets contaminated, this is what we're going to do. This is the well that is off line, sitting there in case there is an emergency, those sorts of things. This is who people are going to contact if there is a spill. Just putting into print, laying out our strategy if there is an emergency. Other than that, it is a lot of outreach stuff. We've had two articles thus far in the Floyd Press. One when we were in the process of writing the plan. Another was one that I wrote about the water in Floyd, about the hydrogeology and why it is susceptible and what we need to be concerned about as citizens to keep our water clean. We are going to try to continue to have articles in the Floyd Press about specific issues. The next one will be about septic systems. How does your system work, what do you do to maintain it, keep it from polluting and working properly, who to contact with problems. We have a web site, in a blog format, to post different news and articles, hopefully people will look at it often to see what is happening such as hazardous household waste pick-up days. Also here, we have the maps from the plan in a Google Earth file; to see the overlay of the source water protection area, see your own home, geared to be an interesting way to see the results. The entire plan or a shortened

version are both on the site. There are a lot of links and phone numbers for different agencies, etc. Trying to build a data base of local people that can help with septic systems and other problems. We also have the brochure which we mailed out about 2500 copies. It took the particulars from the plan into an easy-to-read format. We have it broken down into three areas, septic, wells and household chemicals. We try to give the simplest, cheapest ways to protect your water. This mass outreach is what we're going for right now. We're still working, we're far from being done and will continue to meet. We want people to think about what they're putting into the ground is what they will end up drinking one day. If we can get people to start thinking about that, they will be motivated to make changes. Eventually, we'd like to hold classes about different topics. We are not limited in funding restrictions, we can pretty much go in any direction that the committee or Town wants to do. As more ideas pop up, we'll continue to do that.

Mr. Woody Crenshaw, Sustain Floyd, next appeared before the Board. He reported: You have a document in your packet which is entitled Community Use Inventory and I'm here to talk about that. It is a good sedge way from groundwater issues to the issues that we're talking about, which is also related to environment, economy and many other things, which is about energy use. Just to kind of go back a little bit, I was here in December and spoke about this new organization that is forming here in Floyd, the Sustain Floyd Organization. We're back again today as a 501©3 non-profit. We've gotten that designation from the IRS and we're really beginning to look at specific projects here in the community that our organization can be useful to. One of the things that I'd like to just say in the beginning is that we really see ourselves as a partner with local government. There are things that can be accomplished here in Floyd, there are visions that need to be envisioned that a non-profit working with local government, can do that neither can do on their own. This is a partnership that we see really developing. We're working on a couple of things and we went before the EDA a couple of weeks ago to talk about a grant that we have applied for. It has to do with a food processing facility that we're doing a feasibility study on. So agriculture is part of what we see trying to help develop new strategies for. What we're also doing is teaching a lot about energy. I have two of my colleagues with me today, Mike Burton, our Director and Billy Weitzenfeld, who is on our Board. I'm here really to inform the Board about what we want to do in terms of a local energy project. The energy inventory or energy snapshot is something that is being done by communities all over the United States right now. We feel we're in a good position here in Floyd to use the 2009 calendar year as a base line of information from which many things can begin to appear. If we know what the energy use of our County is, with that data, we can begin certain strategies. There is the possibility of conservation, education and grant funding to help with some of the energy issues that we identify. What we need from you, the Board of Supervisors, that would be very helpful, is a letter of recommendation and blessing of the Board of Supervisors of Floyd County, for us to have the authority to move forward with this. We could potentially do it without that, I don't think we need to, but it would be helpful and open some doors for us if we had your letter. That's what we're here to ask for. At this point, other communities such as Roanoke, Roanoke County, Salem, Blacksburg, Grayson County, are all engaged in this. Looking out years and decades, to have this baseline of information, will allow us to do some good work in trying to figure out how we can save energy, save from polluting the environment, and save money. In our community, if you think about the total amount of expenditure, every dollar we save on energy is a dollar that we can put somewhere else as businessmen and individuals. Just as we

were speaking about informing landowners about watershed protection, it is that same idea if we can come to them with information about energy conservation, it is going to be very helpful. This is something that the Sustain Floyd Organization has identified as something that we can do now and what would be really useful, in a way, give us your support. As we go out into the community, the energy companies, for example Clark Gas & Oil and Midway Oil, if we have the blessing of the Board of Supervisors, they will be much more willing to work with us.

Mr. Billy Weitzenfeld, Executive Director of Association of Energy Conservation Professionals reported: Appreciate the opportunity to be here. I want to talk about the specifics of what an energy inventory is. Essentially, we would be collecting data. For instance, electricity use, heating oil use, propane, probably not much on wood, kerosene, gas and diesel fuel. We'll be looking at residential, industrial and commercial uses. What kind of purpose does this information have? The electricity usage, on the residential side, we'd get this information from County government, government buildings, in particular school buildings. We'd also obtain heating oil information. In Floyd, as a rural community, we're looking at a lot of heating oil, so we would try to get information from Clark Gas & Oil and Midway. Not personal information, just total amount of fuel sold. We're not looking for any individual residence or business. The purpose of this is to establish a baseline of energy use, not only identifying what those resources are, what type of energy is being used in Floyd County, how much is being consumed and by what sector, and what is the impact of that use. When we use energy we are producing emissions by producing that energy. What would be involved would be type of energy used, how much are we using and what is the emissions from that? Is it 100% accurate, no, but it's fairly close. Transportation information is available through VDoT, it is what they call their vehicle miles traveled (VMT) which is readily available. That will give us information on the type of fuel that is being used as people travel in and out of Floyd County and what is the impact of that use. Who is going to put this together for us? We're really blessed, quite honestly, to have a relationship with Dr. Shawn McGinnis, who is Chair of the Virginia Tech Green Engineering Department. Shawn has done a community energy inventory for the City of Roanoke, consulted with Roanoke County, Blacksburg, in their efforts. Shawn is a scientist, an engineer, and has experience in doing this type of data collection and then converting it into a very readable work. Shawn is willing to do this for us; Sustain Floyd will sustain whatever cost that may involve. We're not asking the Board for any money to do this; this is a service that Sustain Floyd will provide. As Woody mentioned, communities all around the country are doing this. One of the reasons that they are doing this is if they are interested in becoming more sustainable, this is the first step. If we going to try to fix, improve or change something, we first need to understand what already exists, and that is what this information will provide. There is opportunity for schools. Some of the biggest success stories in America right now are school systems that are making an effort to identify their energy usage. Roanoke County saved several million dollars simply by identifying some low hanging fruit in their school system – lighting, some of their HVAC systems. But having that base line of information allowed them to measure what the improved net effect of that change would be. This is an opportunity to gather information that we think would be useful, not only to County government, but to citizens of Floyd County and certainly the school system.

After discussion, it was the consensus of the Board to provide a letter of recommendation that the County Administrator would draft for the Board's May 19 meeting.

Mr. Crenshaw also commented that he would appreciate the Board's consideration of a contribution to the Floyd Town Jubilee, which is a cultural arts showcase.

Agenda Item 7i – Draft Accounts Receivable Policy. Mr. Campbell commented that this policy was encouraged by our auditors. The policy ensures strong fiscal management practices, proper control over revenue, accounts receivable management, with general oversight of revenues collected. One item may need to be amended, under Appendix A, concerning the EMS billing in-house. When we first starting working on this, the change had not been made to bring that system in-house July 1, 2010. That could be deleted from the draft.

On a motion of Supervisor Gardner, it was resolved to adopt the Accounts Receivable Policy as amended (Document File Number).

Motion was withdrawn for further discussion of EMS in-house billing, that it should be left in the policy with the change indicated for July 1, 2010.

On a motion of Supervisor Clinger, seconded by Supervisor Gardner, and unanimously carried, it was resolved to adopt the Accounts Receivable Policy as amended, effective July 1, 2010 (Document File Number).

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

Mr. Dan Huff, Virginia Department of Transportation, next appeared before the Board. He reported:

- Presented copy of contact list for the new VDoT structure, for government, land use issues and general maintenance issues.
- Indian Valley School signs – signs were ordered and delivered to school maintenance staff at the first of the year.
- Roads that will be surface treated this spring and summer – Route 860, 3.9 miles; Route 799, 3.1 miles; Route 740, 5.3 miles; Route 653, 2.6 miles; Route 654, 1.57 miles of slurry seal; Route 661, 1.4 miles of slurry seal; Route 665, 0.68 miles of slurry seal; Route 221, 7.4 miles of plant mix.
- Received letter from Debra Harris, Yellow Brick Road, concerning her appeal to Delegate Poindexter for road abandonment. Responded that her contact would be Floyd County.
- Horse riding signs – can be used when there is a well used path crossing the road, but not parallel to roads.

Supervisor Clinger – appreciate pothole repairs. Also Route 817, which is not my district, but there is a lot of the pavement at the side of the road crumbling.

Supervisor Gardner – nothing to report.

Supervisor Ingram – if someone calls the Check or Willis offices, where do those calls go, or are they answered there?

Mr. Huff – all calls are routed to the call center and then sent back to the proper area.

Supervisor Ingram – secondary gravel roads need machining whenever possible.

Supervisor Allen – Paradise Lane, about 1-2 miles off of Franklin Pike – there is water standing in the road.

Mr. Huff – Mr. Beasley and I looked at it when we left here last month, was told we clean that pipe out several times a year.

Supervisor Gerald – appreciate information on Indian Valley school signs. There are potholes everywhere in my district. Why do you patch one hole on a road and don't do the others?

Mr. Huff – sometimes we have a truck load of patching material and we do the big ones first, or that might be the last bit of material in a truck.

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

- Presented copy of School Board meeting highlights of April 13;
- SOL testing began this week;
- Studying collaboration with New River Community Action to consolidate their Headstart program and the schools' 4-year old program. We can serve about 50-60 students next year with no additional cost to the School Board.
- Presented copy of School Board meeting highlights of May 10;
- K-3 report cards will have slight change – the 3rd graders will now have a letter grade in all subjects; K-2 will still have ratings of E or S;
- Water system will be replaced at Check Elementary with carry-over construction funds from last year. Hope to have the system complete by June. Two wells will use one storage tank that is being replaced.

The Board recessed for lunch.

The Vice Chairman turned the chair over to the Chairman.

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

Agenda Item 6j(i) Citizens Telephone Franchise Agreement – wanted to request that the Board schedule a public hearing for Citizens Cablevision, Inc. As you may be aware, the jurisdictions issue a franchise agreement to cable providers. We currently have a cable franchise with Citizens Cablevision in the County. By Federal law, they are subject to being renewed.

There has been a request by Citizens to renew this franchise. We have come to an agreement with them. In order to consider it further, we need to have a public hearing. The County used to receive a franchise fee, which it does not anymore. Instead, the franchise company pays a State tax which goes to Richmond, all are combined and then a portion flows back to the localities. The State takes some off the top for their costs. The only question that I'm aware of that the cable company has raised, that I'm aware of, relates to a capital support fee. One of the provisions in the franchise agreement, which is permitted by law and which we highly recommend, is that the franchisee is required to provide a government channel if you want it. That's just simply space on their brand channel. If you wanted to televise your meetings, you could do so. If the school system wants to set up a program, it can do so and broadcast it within the schools or county-wide. There is a fee that we are asking the cable company to pay, up to \$300/month if the Board or school system decides to utilize their channel, as a capital support fee to help pay for the equipment. If the school system or the County wants this, we pay for the equipment and are reimbursed. That's the only question that they've had about the agreement. We put a cap of \$300/month, which will be helpful to the cable company. The company will probably appear before you at the public hearing to voice their concerns and you can do what you wish with it. The agreement has basically been worked out with Citizens to both our satisfaction. This is a non-exclusive agreement so if another company came in, we would have to allow them the same terms and conditions. That is why we are so careful with this, despite how good the company is that we're dealing with, we have to give anybody the same terms.

On a motion of Supervisor Gardner, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to advertise for a public hearing at 3:00 p.m. on Tuesday, June 8, 2010 on the proposed Franchise Agreement with Citizens Cablevision.

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

Mr. Cornwell – I have one other issue that is not on the agenda. You may be aware that in utilities, such as Verizon, the State Corporation Commission assesses the value, and informs the jurisdictions as to how it is to be taxed. There has been a petition filed by Verizon to the State Corporation Commission to reduce its assessments. It has been done on a jurisdiction by jurisdiction basis depending on what the value in that jurisdiction is. In Floyd's case, they have asked to reduce the assessment in Floyd County by \$314,082. We have checked with the Commissioner to see what the effect would be on the amount of tax collected. The ranges of assessment have ranged from nothing because Verizon doesn't have any equipment in one of the jurisdictions to Craig County \$582 to Fairfax County \$399 million. Sands Anderson has teamed up with VML and we are representing many of these jurisdictions that are contesting it. I don't know whether from a financial point of view that it makes sense for you to contest it or not. We're using basically \$1 million as a go-by. If you're not affected by \$1 million or more, it is not cost effective for you to hire us to represent you. Although what we have planned to do is charge a flat \$750 fee for filing a notice of participation and then depending on what jurisdictions we have, dividing our fees based upon the amount of reduction in question. For example,

Fairfax County would pay a lot more for our services than Floyd County would. The problem is that we have to file a notice by May 14, which isn't much time. If we find out that it might be financially feasible for you, we only have until the 14th to file for you. You can always pull out, but if you don't file, you won't be able to participate. After discussion, it was the consensus of the Board to wait for the Commissioner's report of tax loss before a decision is made.

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

Supervisor 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 unanimously carried, it was resolved to come out of closed session.

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

On a motion of Supervisor Allen, seconded by Supervisor Clinger, 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 in accordance with Section 2.2-3711, Paragraph A.1 of the Virginia Freedom of Information Act;

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

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

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

Hearing no statement, I call the question.

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

This Certification Resolution was adopted.

Mr. Cornwell – I have a hearing scheduled in Circuit Court June 1 to enter an order for sale of property for delinquent taxes. The sale is scheduled for June 19. I'm not sure at this point how many properties we will have because some have been paid.

Agenda Item 7j – Draft Employer Agreement with VRS for Group Long Term Care Insurance. Mr. Campbell presented said agreement for the Board's review. I have reviewed the information and it does not appear to have a down-side for the County at all, it is specifically employee driven. It does appear to be a good program and cost effective for employees of local government units and their family members. Long term care is becoming more of an issue. We were actually surprised that this program was being offered by VRS. In order for employees to receive quotes for their individual situations, the County would have to adopt the agreement to enter the program. One of the benefits is if we enter before May 21, all enrollees would have no medical underwriting; all would be eligible for the program.

On a motion of Supervisor Clinger, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the Employer Adoption Agreement with the Virginia Retirement System for the Group Long Term Care Program (Document File Number _____).

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

Agenda Item 7e – Request for monetary support for Floyd Town Jubilee.

On a motion of Supervisor Gardner, it was resolved to approve a contribution of \$500 for the Floyd Town Jubilee.

Motion died due to lack of second.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to amend the Floyd County Personnel Policy by eliminating the position description for the Emergency Services Coordinator to be replaced by the position description of Emergency Services Coordinator/Grant Writer.

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

Agenda Item 7f – Courthouse statue maintenance. It was the consensus of the Board to proceed with outlined repairs.

On a motion of Supervisor Gardner, seconded by Supervisor Allen, and unanimously carried, it was resolved to adjourn to May 19, 2010 at 7:00 p.m. for the FY11 budget and tax rate public hearing.

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