

**BOARD OF SUPERVISORS
REGULAR MEETING
NOVEMBER 15, 2012**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Thursday, November 15, 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. with the reading of the handicapping statement.

The Opening Prayer was led by Supervisor Gerald.

Supervisor Allen led in the Pledge of Allegiance.

The minutes of October 9, 2012 and October 23, 2012 were presented to the Board for review and consideration.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the minutes of October 9, 2012 as presented.

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 carried, it was resolved to approve the minutes of October 23, 2012 as presented.

Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Gerald – abstain – absent from meeting
Supervisor Allen – aye
Supervisor Clinger – aye

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

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

Supervisor Yoder – aye

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

Sheriff Shannon Zeman appeared before the Board. He reported:

- Presented a copy of the September and October call breakdown reports;
- Did speak with the local State Police Sergeant concerning additional troopers for the County – we have been down to three recently instead of the approved five;
- Installation of interceptors from Professional Communication is very near completion.

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

- Have talked with Congressman Griffith and one of our State representatives concerning needs of office, especially in the area of additional attorneys. Already have one jury trial in December and one scheduled in early January. More people are now asking for jury trials since we have a permanent judge on staff.
- Have used all State funds approved for the part-time attorney. Have the \$7000 from the County that was carried over from last year. Being very stingy with those funds to make them last until the end of December. Will be able to request additional funds from the Compensation Board in December for the last six months of the fiscal year.
- To add to your discussion with the Sheriff concerning troopers for the County, we are seeing more serious traffic accidents and an increase in complex cases with multiple DUI's and repeat offenders.
- In December, I have been asked to join a panel discussion on our fines and costs program here in the County. This will be part of our annual Commonwealth's Attorney Association meeting.
- The new judges are doing a great job. It is very helpful to finally have one assigned to us for both Circuit Court and General District Court. They have been surprised at the number of cases that Floyd County has.
- Constitutional Officers and their employees are not considered State employees for the December bonus, only for layoffs.

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

Mr. Dean Gall, representing the Agricultural & Forestry Task Force – when we made our presentation last month, we requested that the Board of Supervisors consider some type of standing committee. The semantics of that board, we don't know if that would mean board, task force, commission, whatever that is. The group would like for the Board to consider that. The reasons that this group would like to continue meeting is 1) if the Supervisors have some ag/forestry concern that they would like more information on, this group would be happy to convene to collect that information and make that presentation back to the Board. There are a lot of different groups in the County, whether they be government agency or non-profit or commodity groups, that have strategic plans that are moving forward with what their goals are, in the County. A lot of these folks ideally would be represented and have been on this task force

and once or twice a year, at your request, could let you know what is important to these groups and what their views are. Part of why we started the common ground groups was so that these groups with these strategic plans could benefit from communicating with each other and could have synergistic energies put together, whether it be for fund raising or supporting each other, and accomplishing their goals. Yet nobody was aware of what each other's plans were. From a government agency standpoint, a lot of things happen in the County that nobody is really aware of. We're not sure if you as a Board are aware of these either and what would be of interest to you, what the organizations are planning to do here in Floyd County. 2) Another thing is that it has been a great opportunity for all of these groups and organizations to stay in communication with each other. There has been some support already between these groups to help them get grant money and help them organize their different activities. One of the things mentioned at the last presentation is that when someone is applying for grant money that a letter of support can be signed. In certain instances, this group might be able to sign that letter of support because everybody in that group has consensus with it. Maybe this group would like to see the Board of Supervisors sign a letter that they might prepare for you and you might possibly support and approve. A lot of the grant money is getting tight these days and when all the groups or Board of Supervisors can write a letter of support, it makes it a lot easier for that money to come. Or, if the letter of support isn't there, some of the groups question if everybody is on board with approval to get that money. Having said all that, if the Board is interested in this group having some type of standing to give consideration to that. One thing that this group can do is provide you with a possible organizational chart of sorts as to how they would function, what they could do, how people would be selected to serve, selected from all the different government agencies, non-profits and ag/forest commodity groups, as well as geographically spread them out over the County. If you would like this group to come with some type of proposal to consider, we would do so. We would try to make it as easy as we can if you're interested. If the Board could consider that and get back to us at some time, we would appreciate it.

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

Mr. Chris Banta, Director, Brown, Edwards & Company next appeared before the Board. He presented several documents for the Board's review and discussion:

Financial Report:

- Page 1 – most important page where we give you an unqualified opinion, which is the highest level of assurance that we give. You received a clean audit opinion.
- Page 6 – County's balance sheet – you have \$4.5 million in spendable fund balance, which is looking much better than the last few years.
- Pages 10-40 are the Notes section – which is a narrative overview of the previous numerical pages. Of special interest, on pages 39-40 is Note 18, which outlines the new accounting standards for pensions. The pensions have always been noted, but in the future they will show as a liability.
- Pages 51-52 show the audit section for the Economic Development Authority. This year was very different from past years with all the Federal and State funds they received and disbursed.

- Pages 55-56 show all the Federal funds received by the County, School Board, Social Services and the EDA. The County as a whole received around \$3.2 million last year, this year it was \$3.0 million. There was almost a \$700,000 drop in Federal funds for schools but the EDA received over \$500,000 so the drop from Stimulus Funds didn't show as much.
- Pages 57-66 give you the 10 year trend information.
- Pages 68-71 shows our opinion on compliance matters – clean opinion on spending of Federal funds.

Comments on Internal Control Report:

- This report gives the firm's suggestions for management to consider on accounting operations within the organization. This is for your information type of things.
- Page 5 – budget – the audit is done on an accrual basis, your accounting is done on a partial modified accrual basis, but your budget is actually done on a cash basis. The Board may want to adopt policy that the budget is done on a cash basis to match what is actually being done.

Required Communication To Those in Charge Report:

- Outlines Brown Edwards and County's responsibilities;
- Includes the landfill assurance letter
- Includes adjusting entries made
- Management letter copy – signed by County Administrator, Assistant County Administrator, Treasurer, School Superintendent, and Social Services Director - management is assuring that they have provided all requested information or informed us of any needed information – this is done on behalf of the Board of Supervisors.

Financial Analysis Report:

This report provides various reports to give a visual understanding of what is in the audit itself. Very useful when talking with your constituents since most people can understand these charts much easier than the audit itself.

Mr. Campbell noted that the Board would need to make a motion to accept the audit at a later meeting, once they have had time to review all the documents. May want to consider the policy change for the budget to be done on a cash basis at that time also.

Mr. Billy Newcomb, Draper-Aden Associates, next appeared before the Board to report on the status of the groundwater monitoring program at the closed Floyd County landfill:

- Landfill was closed in 1993, monitoring began in 1995;
- Regulations have changed over the years, especially 1998-2000, there were many changes. The County has always been in compliance with all regulations.
- In 2003, a Corrective Action Plan was done with DEQ. They had the document over two years reviewing it. During that time, regulations changed, staff changed, etc. Finally, in

2011 a letter of agreement was completed by DEQ. They have not issued the final Corrective Action Permit Amendment.

- DEQ issued a minor Permit Amendment in May 2012 to revise the well network (remove MW-6, MW-7 and add MW-21) and remove surface water mitigation. Monitored natural attenuation remains the selected remedy. There are two constituents they are watching that exceed the Groundwater Protection Standard, 1, 1-DCA and PCE. The constituents are so low that the concentration compares to a few drops in an Olympic size swimming pool. With the two new wells added, one shallow and one deep, the sequence of wells proves that the constituents get less by natural attenuation, which is very good.
- Corrective action monitoring term has ended and we hope they will not make us continue. Termination of post closure monitoring is our goal.
- Some of the efforts that the County and Draper-Aden have done to reduce monitoring costs include: submitted variance request to DEQ to suspend semi-annual reporting during corrective action monitoring; after background corrective action events are complete in March 2013, will request the performance wells be sampled for VOCs and MNA parameters only which will save costs of laboratory analyses; removed two wells from monitoring network (MW-6 and MW-7) but added Sentinel well (MW-21) which is analyzed at a much lower cost.

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

Mr. Huff reported that VDoT has a new policy that they will not install “Watch for Children” signs any more. They would have to issue a permit if the County takes over this responsibility. Results from the work order for improvements to the intersection of Route 221 and Harris Hollow Road shows no recommendations for additional signage. Speed study on Needmore Lane is still under review.

Mr. Clarke reported that over the last month, maintenance crews have completed a dry run on equipment for the winter season; cleaned up trees that were knocked down by Hurricane Sandy; machining; pipe replacements on Shooting Creek and Morning Dew Roads; entrance pipe replaced on Route 221; mowing and brush cutting. He also reported that less than 100’ of paving would be done at the entrance to Pulaski Road to tie into some drainage there. The cost would come from the traffic services fund. Consensus of the Board was to proceed with the paving. He also introduced Mr. Chris Price, his new Assistant Engineer.

Supervisor Gerald – appreciate the work at Pulaski Road to help the drainage.

Supervisor Allen – Sandy Flats – very large pothole and the shoulders are breaking up. Also, at the Franklin Pike/Shooting Creek intersection, the blacktop is breaking up where the large trucks turn right. There is a very large hole there.

Supervisor Turman – Old Furnace Road – washboarding, at one end the pavement is pushed up and causing drainage problems.

Mr. Campbell – former Supervisor Jerry Boothe reported an issue on Black Ridge Road. He had a near issue with a school bus on the road. There had been some paving on the road but the shoulders had not been built back up, which caused a 4-5” drop off. He said he had to hang on to keep from wrecking.

Supervisor Yoder – several dirt roads in my area need machining, too long of a list to mention them all. I know you will work on them as soon as you can.

Supervisor Clinger – nothing to report this month.

Mr. Campbell – Agenda Item 7h – Smith Walker Road. This is a discontinued road that the residents have requested be put back into the secondary system. Did inform them that it would have to be brought up to State standards at their expense and various items such as right-of-way widths and treatment options.

Mr. Huff commented that there are no funds budgeted in rural additions. Can do up to 5% of secondary roads budget for new additions, but Floyd County has nothing budgeted this year. It is very rare for a road to be taken back into the system.

Agenda Item 7a – Subdivision plats as approved by Agent for October 2012. Mr. Campbell presented the report as prepared by the Agent.

Agenda Item 7b – Appointment to Parks and Recreation Authority – defer for interviews.

Agenda Item 7c – Appointment to Floyd County Planning Commission – defer for interviews.

Agenda Item 7d – Update on Courthouse parking lot repairs. Mr. Campbell reported that the process has gone well so far. In the 5th excavation hole, we did find an abandoned hand-dug well. He dug down about 10-12’ and started hitting a lot of solid materials around the edges. It had also been filled with big rocks and gravel so a good effort had been made to seal it off, but it had settled. What we’re doing, which will result in extra cost, is to put some concrete in at the base and set the concrete along the perimeter areas and fill in with gravel and compact all the way up. We have one more hole to do, closest to the Dispatch Center, which could be another abandoned well or septic drain area, we’re not sure. So far, it has gone well. We have had some trouble getting private cars removed from the parking lot, ones that park there all day or night. It will end up costing us a little more but we feel that what we’re doing will have good long-lasting results.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and 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 Yoder – aye

Supervisor Turman – aye

Supervisor Gerald – nay
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 Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the following certification resolution:

**CERTIFICATION RESOLUTION
CLOSED SESION**

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 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.

Agenda Item 7b – Appointment to Floyd – Floyd County Parks & Recreation Authority, Burks Fork District, 4 year term.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and carried, it was resolved to appoint Mr. Darrell Keith to the Floyd – Floyd County Parks & Recreation Authority, Burks Fork District, for a four year term.

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

Agenda Item 7c – Appointments to Floyd County Planning Commission, Little River and Locust Grove Districts, four year terms. Mr. Campbell reported that one letter of interest was received for the Little River District and two for the Locust Grove District. Consensus of the Board was for staff to schedule interviews for a later meeting.

Agenda Item 7e – Task Order between Floyd County and the New River Valley Planning District Commission – Planning Grant Assistance for New Town Neighborhood. Mr. Campbell reported that the competitive procurement process was followed and completed. Consensus of the interview team was to enter into a contract with the Planning District Commission to provide these services. This is all related to planning grant activities for the New Town project. A grant was received for \$30,000, of which \$3000 has been used. \$13,000 would be used for the PDC, of which \$10,000 would be used for an engineering firm contract. We are reviewing those engineering proposals now. They would be quantifying amounts for drainage, sewer, utilities, road work, etc. to provide cost estimates to submit with the construction application by March 2013. We cannot complete these items ourselves, they require an engineer. A rehab specialist would also complete a work write-up which is the smaller work, to bring the actual house up to a safe standard under the rehabilitation work. We will probably look at 3-4 houses and really do a full write-up from them. All that work will be going toward the larger application by the end of March. We've already started some of the work, meeting with the State representative, etc. to continue to move forward. The only costs that the County has incurred so far are some advertising expenses and staff time.

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the Task Order between Floyd County and the New River Valley Planning District Commission to provide planning grant assistance for the New Town neighborhood project (Document File Number _____).

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

Agenda Item 7f – Consideration/discussion – addition to Building Permit fee schedule. Mr. Campbell presented a memorandum from Mark Bolt, Building Official, requesting

establishment of a permit fee of \$50 plus the 2% State surcharge, to issue permits for tents or air supported structures that are 900 square feet or more. Any tent less than 900 square feet would be exempt. This issue came up and created a dilemma because we didn't have a fee schedule for it, for two large tents during the Yoga Jam. We used the closest we had at that time to issue the permit. Mr. Bolt did have to inspect the sites several times.

Discussion followed on the request – commercial vs. residential items, inspections required, etc. Consensus was to have the Building Official attend next month's meeting to discuss further.

Agenda Item 7g – Memorandum of Understanding – Floyd County/Peppers Ferry Regional Wastewater Treatment Authority for septage treatment from the closed landfill. Mr. Campbell reported that this is the standard MOU as provided every year from the Authority, with no changes.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the Memorandum of Understanding between Floyd County and the Peppers Ferry Regional Wastewater Treatment Authority as presented (Document File Number).

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

Agenda Item 7i – Floyd County pound inspection report. Mr. Campbell presented a copy of the latest inspection report received from the State. As in previous inspections, the State wants something done to the concrete walls. I had written last year with all the improvements we had done with the fencing, etc. There is no way to keep the paint surfaces intact and clean like they want and hold up like they want. This report shows it as a significant non-compliance which I have to reply to. Consensus of the Board was for the County Administrator to reply back to the State as requested but to ask for their recommendations on repairs.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to amend the agenda for discussion of the request for an appointment to the Extension Leadership Council.

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

Mr. Campbell presented a letter request from Ms. Dawn Barnes, Senior Extension Agent, for the Board to appoint a representative to the Extension Leadership Council.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to appoint Supervisor Allen to the Extension Leadership Council.

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

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

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of
Supervisors