

**BOARD OF SUPERVISORS
REGULAR MEETING
SEPTEMBER 11, 2012**

At the regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, September 11, 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 Turman led in the Pledge of Allegiance.

The minutes of August 14, 2012 were presented to the Board for review and approval.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the minutes of August 14, 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 consideration and approval. A list of additional disbursements was also presented for the Board's review.

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

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

Agenda Item 7a – Subdivision plats as approved by Agent for August 2012. Ms. Lydeana Martin, Subdivision Agent, appeared before the Board. She reported an increase in the number of plats for the month.

Ms. Martin also reported that the letter of confirmation had been received from ARC for the \$369,000 grant for the proposed Innovation Center. The total grant funding was approximately \$2.3 million for the project. The management team is interviewing architectural/engineering firms; hope to have one under contract within 2-3 weeks. Hope to have the building completed by January 2014.

Agenda Item 7b – Appointment of representative/alternate to the New River Valley Agency on Aging Board of Directors. Mr. Lowell Boothe was serving as the Board’s representative for a number of years but needs to decline this year because of family issues. Consensus of the Board was for staff to advertise the position.

Agenda Item 7c – Draft resolution – Tourism Development Council. Mr. Campbell presented the draft resolution to accompany the Tourism and Marketing Services Agreement adopted by the Board last month. This resolution outlines the appointments, roles, etc. of the Tourism Council.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the Tourism Development Council Resolution as presented (Document File Number _____).

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

Agenda Item 7d – Appointment of two members to Tourism Development Council. Mr. Campbell noted that with the adoption of the Tourism Development Council Resolution, that County members need to be appointed.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and carried, it was resolved to appoint Supervisor Case Clinger, one year term, and Supervisor Lauren Yoder, two year term, to the Tourism Development Council.

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

Agenda Item 7e – New River Valley Planning District Commission Strategic Assessment Survey. Mr. Campbell presented a copy of the survey results per Supervisor Gerald’s request, for the Board’s information. An independent consultant was hired by the Commission. They started with an on-line survey that saturated the areas served. In the second phase, the consultant went around to the different localities and held area meetings. The first part of the handout is a summary of the questions and comments. The latter part shows the entire responses from all areas.

Supervisor Gerald noted that he wanted the Board to have this document so they would know exactly what the Planning District Commission does and what they can do for us. One note that was made in the presentation is that the counties and cities own the Planning Commission and we should be using them and their talents as much as possible.

Agenda Item 7f – Floyd Amateur Radio Society (FARS) Memorandum of Understanding. Mr. Campbell asked that this matter be deferred for a presentation from the group later in the morning.

Agenda Item 7g – Mandated State Stormwater program. Mr. Campbell presented a copy of the letter of support recently prepared for the application of the Planning District Commission to the Department of Conservation for the regional program grant. The Department acknowledged receipt of the application and hope to have a response back to the PDC by mid-October. The funding assistance requested was \$225,000 for the evaluation and start-up assistance for either local programs or one regional program. Part of the study would be evaluating our capacity to meet the demand individually compared to a regional cost to meet the State mandates. The study should give us some good data and a recommendation. Delegate Rush has indicated that he is willing to introduce legislation to turn back the mandate to a voluntary status. That would mean that the State mandated program would be implemented in Floyd County by the State. He suggested that we contact VACo to determine their stance.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and unanimously carried, it was resolved to authorize the County Administrator to request through the Virginia Association of Counties, that legislation be included for the stormwater regulations to be a voluntary local program instead of State mandated.

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

Agenda Item 7h – Committee setup/procedures with Board of Supervisors, Fire Department, Rescue Squad for vehicle/equipment purchase/planning – appointment of members. The Board deferred the matter until interviews for the committee are completed.

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

Ms. Dawn Barnes, Unit Coordinator, Virginia Cooperative Extension – we try to keep you abreast of who we have in the office and what is going on, if anything changes along the way. Things are looking very good right now because for once in a couple of years, we have a full staff. Making up that full staff is Kim Turman, our new Unit Administrative Assistant, who keeps us in line. She started August 10 and we are extremely happy to have her on board. I also wanted to remind you of the Harvest Festival which will be held on September 22. We'll have some lambs, some cattle, a few vendors, music, cloggers in the afternoon. Hopefully we'll have good weather to go along with it.

Mr. Frank Rudisill, Indian Valley District – I won't wear you plumb out. You've got the County Attorney coming here in a little while. You've got an ordinance for landowners or rental property owners to take up the cost of cleanup of drugs, or whatever the problem is that we've got in our County. I've been doing a little checking. You can get an ordinance drawed up, and that man sitting behind that bench can just not impose how much jail time or prison time and a fine, he can also impose on them cleanup time. The reason that I'm saying this, I've got a house in Blacksburg, and think I have a good family in there with children. But you can listen to that guy that comes before you from Social Services, children are undercover anymore. So landowners don't really know who they've got in there. If I come and knock on his door and say I want to look at my place, I want to inspect it. If he says I ain't letting you in, I've got to go through some channels and when I come back, he can have it cleaned up. I know there is some riff-raff around here. I read in the paper that we were looking for alternative ways for people to live, low income housing. As everybody knows, it's no secret, I'm a truck driver, and I've been around some of these places, I don't think we need no low income housing in Floyd County. They's plenty of places to be rented and there will be more burden on the Fire Department, Rescue and police department. I'd like you all to take a look at that and get your County Attorney to draw up an ordinance, put more time on them people if they can't pay their own bills and clean this mess up. Thank you.

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

Mr. Tom King, Floyd Amateur Radio Society, next appeared before the Board. He commented: appreciate the County's help in what has already been provided. At the School Board office, there is an abandoned shed which we would like to utilize to install a repeater station which will augment the communication system for the Emergency Operations Center next door. We have a memorandum of understanding for your review to outline responsibilities and so forth. On the Administration Building, we're installing an antenna system for back-up communications for the emergency operations center. The big black case in the conference room stores all the radio equipment for the operating system here at the emergency operations center. It has all been checked out and is ready to go with the installation of the antennas. Your maintenance man, Mr. Cox, is willing to help us out with that installation.

Mr. Campbell – in any emergency or declared emergency, FARS would have 1-2 of their officers to be called up in need of back-up communication. I have reviewed their insurance certificate and all seems to be in order.

Mr. King – we have everything we need except for the antenna. It will be very similar to the one that is already installed on the roof. We have also met with Dr. Harris and he is in full concurrence with our plans at their site.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to approve the Memorandum of Understanding between Floyd County and Floyd Amateur Radio Society (FARS) as presented (Document File Number _____).

Supervisor Yoder – aye

Supervisor Turman – aye

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

Mr. King also noted that the FCC has approved the license for the new amateur radio station at the high school. We received the call sign that we were after, which is N4FCH, Floyd County High. We've got about 15 kids already in the club. I'm the school club sponsor, working with one of the science teachers. Each student has an adult mentor from our club, we've all been vetted by the School Board, we have the same clearance as a regular classroom teacher. This allows us to work off-site and beyond school hours. We've also had some generous donations of radio equipment which we can use this Thursday in our first event with the William Byrd High School club.

Mr. Dean Gall, Ag & Forest Viability Task Force, next appeared before the Board. He presented a resolution of support for the draft Floyd County Comprehensive Plan which reads:

Like the many citizens, companies and non-profits that provided input for the current Comprehensive Plan, we believe that protecting water, farms and forests is vital to Floyd County's future.

We, the Agricultural and Forestry Viability Task Force members, will soon be sharing a strategic document with you that recommends priority action points to protect the long-term viability of farming and forestry in Floyd County. Farms and forests provide not only the food and fiber we all need, but also the rural character and groundwater recharge we sometimes take for granted.

But first, we would like to address the draft Comprehensive Plan now before you.

Like all Floyd County citizens, we want to make sure our investments are protected. We wish to make sure we have the right to place private protections on our land if we choose, like conservation easements. We want to make sure that farms and forests are not hampered by encroaching major residential developments, which end up driving up our taxes and threatening our way of life. We value our freedom to produce our food, to raise livestock and to manage and harvest our forests. At the same time, we also desire farmland and forests to be available to our grandchildren's children to enjoy. And we need there to be enough water here for them too. We know that water resources are precious and vulnerable in Floyd County and we must plan accordingly.

We believe that the newly certified Comprehensive plan (as evidenced in Goals 1 and 2) strikes the right tone on these important issues. We encourage you to adopt the Plan to help guide Floyd County to a better future.

Signed by the Agricultural and Forestry Viability Task Force Members

I would like to add, on behalf of this group, that it has been an outstanding group of members on this Task Force, as well as the Policy Group. It has been a dedicated group that has made a commitment to meet monthly and tackle some difficult subjects, a lot of which we don't

have control over locally. A lot of discussion has occurred as to what the priorities are and what things we can improve locally. This group has made a strong, concerted effort to delve into the issues. Within the next month, this group will make a formal presentation to the Board and share a lot of the topics that have been discussed and what we have learned. There have been a lot of connections made, a lot of people have come to the table and had a setting to gather to discuss important topics. We would like the Board to consider keeping this group active in some shape or fashion, maybe meeting a few times a year, to help the Supervisors with questions on issues related to agriculture and forestry. Keep these individuals connected and communicating so folks know what all the different sectors in the County are doing and what challenges are before them and how they can support each other, and disseminate information. We have learned a lot from each other and the line of communication has been very important. Would encourage you to consider keeping this Task Force going in some type of capacity.

Agenda Item 7i – VACo Annual Conference – November 11-13, 2012. Mr. Campbell noted the schedule for the VACo Annual meeting and voting delegates need to be named.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and carried, it was resolved to designate Supervisor Fred Gerald as voting delegate for Floyd County at the VACo Annual Meeting.

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

Agenda Item 7j – Newtown Neighborhood Revitalization Project. Mr. Campbell noted that the planning grant application as submitted to the Community Development Block Grant program was approved in the amount of \$35,000. Housing and rehabilitation needs will be assessed in the Newtown neighborhood and primarily for under-occupied units. Drainage, road improvements, water/sewer, wastewater collection will all be studied. There was a great deal of interest from folks in the neighborhood. There is a great deal of work to be done before the March deadline to apply for construction proceeds. Along that line, we will issue a request for proposals for some planning assistance services that would be paid for with the funds provided. We hope to issue that in the next week or so. Hopefully have someone on board to help us through the next stages. We will convene a meeting with the CDBG staff soon to go over every element related to the project. It is very exciting, but not a done deal that we'll get to the construction activities. It is a very competitive program. If any Board member would like to attend the planning sessions, we would be glad to have you join us.

Agenda Item 7k – E911 Road Name Requests. Mr. Campbell presented three road name requests, all private roads, for the Board's consideration. All landowners are aware that the costs of signs and installation will be at their expense.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the requested E911 road names as presented: Running Buffalo Lane, Phillips Welding Lane and Alluring Acres Lane.

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

Agenda Item 71 – Blue Ridge Heritage, Inc. – Mr. Campbell noted the invitation to the Board to the group’s September 22 event at the property site.

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

- Case loads have remained consistent over the last month;
- Foster care case loads have increased as a result of juveniles delinquencies and leading to not being able to stay in homes. Most had already been removed from their parental homes.
- Watch for a legislative position coming out from VACo concerning Title IVE charge-backs. This is the same position as the one adopted by the League of Social Services. Once again, we need to put this back to the State that if this is mandated, they need to pay for it. If any mistake is found from their monitoring of the program, the charges will come back to the locality. They have already done this charge-back program with three of our programs and looking to do more. This becomes a big issue if they start talking about reviewing the SNAP or Medicaid programs. We spent over \$3 million last year in the SNAP program and over \$15 million in the Medicaid program. We spent \$120,000 in this program. The potential liability is astounding.
- Attended a recent meeting with the Regional Director and State DSS Director – State is looking to take more of an active role in communities as far as the administration of Social Services. This was a follow-up to the April 25 meeting.

Ms. Kathy Poole, Floyd County Humane Society, next appeared before the Board. She commented: I came on August 14 and spilled all my statistics and everything and asked for \$2500 to match a grant application for spaying and neutering. Haven’t heard anything and I had a few more things that I wanted to say. My husband commented that when he came with me last time, that the Floyd County Humane Society makes the County look good. And we do. It is due to us that the euthanasia rate at the pound dropped from 60.2% to 17% in a four year period. John Carlin recently contacted the Mountainview Spay/Neuter Clinic and asked them who he should talk to about doing a filming sequence on spay/neutering and trapping feral cats. Without hesitation they told him to talk to Floyd and he did. He came to Floyd two weeks ago and filmed Darcy and I trapping feral cats at the warehouse behind Food Lion. It will be on TV the first Tuesday in November. We’re known for what we do, other organizations know what we do. Mountainview has a new person that they are training to take over trapping cats and they are sending her to us to show her the ropes. We’re supposed to let her know when we are trapping again so she can learn to do it. We have good people here and we’re doing really good things. But we can only do them when we get funding. Chateau Morrisette, we had our big adopt-a-thon just this past weekend. Groups come from out of State, other rescues, and they are highly complementary of us as to how helpful we are, how friendly we are, how we help them unload their dogs, we help them put up their tents. They said all the other events that they attend; they don’t get this kind of response. They know us, they come to us with questions, and they come to

us to ask us how to do things. We are all volunteers, we get nothing out of this other than our desire to help animals, and we like to help people. I just would encourage you to help us continue to do this. As I said earlier, we've spayed and neutered over 300 feral cats just the first half of this year. Assuming that half are females, they can have three litters per year with six cats per litter, that's 2700 cats we've prevented from running around Floyd County loose, around the dumpsters and in our barns. We are really doing good things for Floyd and I'd just like to ask for support. I have until September 15 to get matching grants so I need a decision today.

Mr. Campbell commented – when I came here in 2006, I was very concerning about the euthanasia rate in the County. I think we did some things, tried some things with the Humane Society, like the Saturday hours. That didn't work out too well, but really wasn't necessary when we studied it. I have been relieved that we haven't had to worry about euthanasia for a long time and I think it is from the great service of the Humane Society. You work really hard with the Animal Control staff. They really help the County, especially in bringing that percentage down.

Ms. Poole – we did receive a \$35,000 grant that we did not apply for, last year, because they'd heard of us. We bought a transport van; we can now transport animals without using our personal vehicles. We bought a brand new, 2011 E150 cargo van for \$22,000, which only had 16 miles. We're ecstatic about this vehicle. Again, we didn't apply for this grant, it just came to us. We used \$8000 for the 300 feral cats and the rest of it has gone for construction of a cat shelter at Darcy's house. We're putting in electricity and running water so we can be certified as a cat shelter in Floyd. This again is helpful, because the Pound doesn't do anything with cats. If not the \$2500, anything you could give us we could get matched, which would be incredible.

No action was taken by the Board on the request.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and carried, it was resolved to authorize the County Administrator to advertise for a change of the November regular meeting from November 13, 2012 to November 15, 2012 at 8:30 a.m.; and cancel the December 25, 2012 meeting.

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

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

Mr. Clarke reported that machining, patching and mowing had all been worked on this past month. Pipe replacements have been completed on Hummingbird Lane, Thunderstruck Road and Haycock Road. The crews doing the surface treatment in the County have completed their work; about 20 miles in the County were done.

Supervisor Gerald – appreciate mowing.

Supervisor Allen – thank you for work on Paradise Lane.

Supervisor Yoder – thank you for all you do.

Supervisor Turman – appreciate your help on issues.

Supervisor Clinger – appreciate paving in Town being done at night. At the Needmore Lane/Industrial Park intersection, there is very limited sight distance – needs mowing/trimming.

Mr. Clarke commented that they would be meeting with the General Registrar next to discuss message boards for Election Day.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and carried, it was resolved to amend the agenda to discuss the Humane Society request for funding.

Supervisor Yoder – aye

Supervisor Turman – aye

Supervisor Gerald – nay

Supervisor Allen – aye

Supervisor Clinger – aye

Supervisor Allen commented that since the organization is so beneficial to the County, think we should give them something.

On a motion of Supervisor Allen, seconded by Supervisor Turman, it was resolved to donate \$1000 to the Floyd County Humane Society for match funds for a grant application; match funds to be taken from the Animal Control budget.

Supervisor Yoder – nay

Supervisor Turman – aye

Supervisor Gerald – nay

Supervisor Allen – aye

Supervisor Clinger – nay

Motion failed.

Supervisor Allen left the meeting at 10:45 a.m.

On a motion of Supervisor Yoder, 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 – aye

Supervisor Allen – absent

Supervisor Clinger – aye

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

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

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

This Certification Resolution was adopted.

On a motion of Supervisor Turman, seconded by Supervisor Yoder, and carried, it was resolved to adjourn to Tuesday, September 25, 2012 at 7:00 p.m. at the Floyd County High School Auditorium.

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

Daniel J. Campbell, County Administrator

Case C. Clinger, Chairman, Board of Supervisors