

**BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 27, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 27, 2020 at 7:00 p.m. in the Board Room of the County Administration Building thereof;

PRESENT: Joe D. Turman, Chairman; Jerry W. Boothe, Vice Chairman; W. Justin Coleman (by video), Linda DeVito Kuchenbuch, and Lauren D. Yoder; Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator, Tabitha Hodge, Operations Manager to livestream and film the meeting.

Agenda Item 1. – Meeting Called to Order.

Chairman Turman called the meeting to order at 7:00 p.m. with the reading of the handicapping statement

Agenda Item 2. – Opening Prayer.

The Opening Prayer was led by Supervisor Coleman.

Agenda Item 3. – Pledge of Allegiance.

Supervisor Kuchenbuch led in the Pledge of Allegiance.

Agenda Item 4. – Approval of month end disbursements.

Questions and discussion followed.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the month end bills as presented.

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

Agenda Item 5. – Public Comment Period.

Mr. Charlie Brouwer, Indian Valley District – I was quite impressed when I was contacted by Cindy about would I make the Christmas ornament to go to the Executive Mansion. I was very pleased to get that. It is always good as an artist to feel that you are recognized. I had a good time doing it too. Here it is. There are a couple of things I would like to say about it. It is made of pine wood harvested in Floyd County. It is painted with acrylic paint and has a silver wire hanging loop. The ornament combines traditional imagery associated with Floyd County – our Buffalo Mountain, a farm scene, depending on how you interpret it a river or a road, a pine

tree. On the other side it has a ladder reaching across the Buffalo towards a starry sky. Thinking about it while I was making it, Christmas is about celebrating traditions and about hope for rebirth and continual transformation, and so is Floyd County. We are surrounded and supported by our past and at the same time we are drawn towards our future. I thank you for the honor in allowing me to do it.

Ms. Ryan – Thank you so much Mr. Brouwer. I thought 2020 was a challenging year and I didn't know how you would depict it, but you did a wonderful job of capturing the serenity of our County and the hope for the future.

Supervisor Kuchenbuch – It is really, really beautiful.

Supervisor Yoder – It is beautiful.

Ms. Ryan – Unfortunately I have been able to get back all the ornaments we sent in the past, but VACo tells me they will no longer return ornaments. Once we send Mr. Brouwer's ornament to them, we will not see it again.

Chairman Turman – That would be nice to have in our collection.

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

Agenda Item 6. – Constitutional Officers reports.

No Constitutional Officers were present.

Agenda Item 7. – Ms. Pat Sharkey, Floyd County Tourism Director.

Ms. Sharkey provided an update on Shop Floyd VA and requested a reallocation of budget for segments of the initiative:

- 1) With Citizens Telephone great assistance we were able to open on October 1;
- 2) As of today we have 67 businesses signed up;
- 3) We are helping 13 businesses with E-Commerce support and 7 more have signed up;
- 4) We are averaging about 200 people each day looking at the site with views of at least 3 pages each;
- 5) Based on our experience so far, we request a reallocation of the \$170,000 budgeted for this initiative to the following:

a. Website	\$3,000
b. Staff Assistance	\$3,000
c. Technical Assistance to Businesses	\$20,000
d. Marketing (plus \$8,500 in grant/donations)	\$20,000
e. Promotion for Businesses (discount reimb)	\$124,000

- 6) The original promotion ends November 9, and we would like to have a 2nd holiday promotion starting from November 12 – December 11 with all businesses starting at 100 again which means the maximum support for any business is \$2,000;
- 7) After November 9 we would like to assess how much of the initial \$56,000 was not used and, with Ms. Morris' approval, look at adjusting how those funds will be used.

Vice Chairman Boothe – I need to make a statement for the record: Today's discussion involves the utilization of certain CARES Act or other funds for the benefit of small businesses and self-employed citizens of Floyd County. I am currently self-employed and conduct business as Jerry Boothe Hardwood Flooring and we also have a farming operation and such employment results in annual income in excess of \$5,000. However, because a large number of County citizens are also self-employed, any interest I would have in the CARES Act program under discussion would be the same as other County citizens who are self-employed, and together we constitute a group of three or more individuals who are affected by the transaction in question. Therefore, in this situation, the exception to the Virginia State and Local Government Conflict of Interests Act, VA Code Section 2.2-3112(b)(1) applies to this situation. In accordance with that section, I hereby declare that I am able to participate in this discussion and voting on this topic fairly, objectively and in the public interest.

Supervisor Kuchenbuch – I affirm the same statement. My businesses are Linda DeVito, Realtor with Blue Ridge Land and Auction and also Maple Spring Christmas Tree Farm.

Supervisor Yoder – I make the same declaration. I have an LLC as Lauren and Chelsa Enterprises. I do heating and Chelsa does photography plus my farm.

Supervisor Coleman – I make the same statement. I have a small farming operation under my name. I just started Freedom Arms LLC but have not made any income with that business.

Chairman Turman – I make the same statement. I own Sugar Tree Farm-Beef Cattle and I own Sugar Tree Farm Auctions.

By consensus the Board of Supervisors approved the budget reallocations within the Shop Floyd VA Initiative and for Ms. Morris to authorize an adjustment in unused expenditures for promotion for businesses after November 9.

Agenda Item 8. – Ms. Lydeana Martin. Community & Economic Development Director

Ms. Martin – You recall approving the application for the Fast track Broadband certification two weeks ago. We turned in the application the next day, but we have not heard back. If we do get the money, we want to be ready to go with it as fast as possible. Ms. Morris and I discussed this with Mr. Durbin [County Attorney]. He suggested that you approve a resolution for the determination of sole source and emergency procurement of broadband network buildout as well as an agreement with Citizens to implement the project if it is funded. On the sole source document dates are left blank. Citizens tells me they have to know by close of business this Friday, October 30 whether the project has been funded for them to perform the work in the prescribed timeframe. That is the date we will put into the document.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to adopt a Resolution for the Determination of Sole Source and Emergency Procurement of Broadband Network Buildout for Fast track Broadband Grant Program as submitted with a date of October 30, 2020 added as the date the County must receive notice of award in order to go forward (Document File Number 1139).

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

Vice Chairman Boothe – Will Citizens perform the work and then turn in the bill? They don't get paid upfront?

Ms. Martin – They will be doing some of the work, especially the inside the house installation. But I think they will be working with one or more contractors. We know from experience with our other project with Citizens that it can take a while for them to be invoiced by contractors who will be working right up to the December deadline. In the agreement we have it worded that they will bill us on December 20 based on either work already completed or work they have under contract to be completed by December 25. We have to cut the check per State rules by December 30. Then they will report to us when they get the actual rest of the billing. If they owe money back then they will repay it. If it costs more, then Citizens will pay.

Supervisor Yoder – At what point do we receive the grant funding? Will we receive it before we cut the check or after the check?

Ms. Martin – If we receive the grant the State is supposed to transfer funding within two weeks. It will be like the local CARES money received. Any unused funding has to be returned.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to adopt an Agreement Between Floyd County and Citizens Telephone Cooperative Regarding Virginia Fast Track Broadband Funding and to authorize the County Administrator to execute the agreement (Document File Number 1139).

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

Agenda Item 8.a. – Discussion of Housing Options

Ms. Martin discussed how the funding from Virginia Housing was being used for:

- 1) Community engagement
 - a. Local advisory committee
 - b. Five focus groups
 - c. Survey through social media

- d. Housing needs expressed through community engagement:
 - 1. Workforce housing and the need for more rental options, especially for less than \$800 per month
 - 2. Short-term rental options for people who are in the area on a temporary basis
 - 3. Ownership/rentals for senior citizens who want smaller sizes and close to town
 - 4. Housing for the affluent
 - 5. Should fit Floyd and not look institutional
 - 6. Single-story is preferred option for many age groups
 - 7. Good green spaces and walkability is important
 - 8. Include cost savings measures like energy efficiency
- 2) Market analysis
 - a. There are 6400 households in Floyd County
 - b. 78% own their home which can be stick-built, modular, or mobile home
 - c. The median gross rent is \$611
 - d. About 1/3 of the households have 2 or more workers in the household; 1/3 has 1 worker; 1/3 has no worker
 - e. 41% of Floyd's households can only afford \$750 per month because their gross wage is \$30,000 or less annually
 - f. The average mortgage in Floyd County is \$1,193 per month
- 3) Concepts for 3 different sites in and around Town
 - a. Harris Street property
 - 1. .4 acre
 - 2. 2 buildings, which are available for historic tax credits
 - 3. Downtown location
 - 4. Has utilities
 - 5. 8 to 9 apartments, 550 s.f. – 850 s.f.
 - 6. Shared patio
 - 7. Shared green space
 - 8. 2 parking spots per unit
 - b. Green Acres
 - 1. 15-acre site
 - 2. Part in Town and part in County
 - 3. 10 cottages in 1st concept
 - 4. 750 s.f. – 1150 s.f.
 - 5. Some have detached flex space
 - 6. Some have upstairs bedroom
 - 7. Each has front and back porch
 - 8. 2 parking spots per unit
 - 9. Pedestrian friendly walking path
 - 10. Shared green space and community garden
 - c. Larsen Property
 - 1. 136-acre site with 42 acres kept in green space
 - d. North of downtown
 - e. Project to be phased in over 5-15 years
 - f. Concept incorporates retail and office space
 - g. Housing includes apartments, townhouses, and cottages

- h. Includes walking trails
- i. Possible pond for stormwater management and recreation

Discussion was held on each of the three concepts presented.

Agenda Item 8.(b) – Closed Session – Potential Business or Industry §2.2-3711 A.5.

On a motion made by Supervisor Kuchenbuch, and seconded by Supervisor Yoder, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 5., Potential business or industry.

- Supervisor Coleman – absent as video was disconnected before motion and vote
- Supervisor Kuchenbuch – yes
- Supervisor Yoder – yes
- Supervisor Boothe – yes
- Supervisor Turman – yes

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

- Supervisor Coleman – yes
- Supervisor Kuchenbuch – yes
- Supervisor Yoder – yes
- Supervisor Boothe – yes
- Supervisor Turman – yes

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, 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 Potential business or industry in accordance with Section 2.2-3711, Paragraph A.5. 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.

- Supervisor Coleman – yes
- Supervisor Kuchenbuch – yes
- Supervisor Yoder – yes

Supervisor Boothe – yes
Supervisor Turman – yes

This certification resolution was adopted.

Agenda Item 9.a. – Appointment to Floyd County Economic Development Authority to fill an unexpired term through December 10, 2022.

Ms. Morris – As you discussed last time, there were so many excellent candidates the last time we advertised this that I was asked to contact one of those. Ms. Marty Holliday has graciously agreed to serve and would be honored to do so if you would so desire.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to appoint Ms. Marty Holliday to the Floyd County Economic Development Authority to fill an unexpired term through December 10, 2022.

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

Agenda Item 9.b. – Memorandum of Understanding with Citizens Telephone Cooperative for rebroadcast of Board of Supervisors meetings.

Ms. Morris – This Memorandum of Understanding (MOU) is for rebroadcast of Board meetings. You approved the draft MOU at the last meeting and I provided a copy of it to Citizens for their review. They approved the MOU with no changes so it is ready for your final vote if you so desire.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt a Memorandum of Understanding with Citizens Telephone Cooperative for rebroadcast of Board of Supervisors meetings and to authorize the County Administrator to execute the MOU (Document File Number 1140).

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

Agenda Item 9.c. – Adoption of Revised Infectious Disease (COVID-19) Preparedness and Response Plan.

Ms. Ryan – When we presented the original plan, we identified at the Board meeting that at least one change needed to be made. That change was to take out the words “unincorporated areas” from Job Tasks for the Sheriff’s Office and Animal Control at the request of Supervisor Boothe and Sheriff Craig. As we went over the plan with employees, I realized I had left the Maintenance Department out of the plan. Our Maintenance Worker suggested that the Exposure

Risk Determination be listed as “High.” Ms. Morris and I discussed it and agreed that while not all aspects of the job are high risk, there are some that are. We wanted to get some experience with the plan to see how useful it was and what changes might need to be made. We submitted the plan to the Public Health Director for the New River Valley Regional Commission's Business Continuity Team. She made some suggestions which we agreed with and which we incorporated into this revised plan. We all recognize that we don't want to constantly revise this plan, but it will need to be updated from time to time as the situation changes and we get further health guidance.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the Revised Infectious Disease (COVID-19) Preparedness and Response Plan (Document File Number 1141).

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

Agenda Item 9.d. – CARES funding requests/update.

Ms. Morris – You have one new request from the Floyd-Floyd County Public Service Authority (PSA) for purchase of a new utility truck which would allow social distancing. I spoke to the Montgomery County Administrator and they have purchased these vehicles as outlined in our PSA request. Our auditors, with other things we have ordered, have suggested showing on our purchase orders that this purchase is for social distancing to assist us when we have an audit. I also provided you with a sheet on updates on what we have spent so far and what is on order.

Vice Chairman Boothe – Would it be wrong to ask the PSA or the Town to back us up as we get into more and more of this spending in case something with the PSA were to be thrown out? I don't think it is fair for the County to shoulder the full amount.

Chairman Turman – I was thinking the same thing.

Supervisor Kuchenbuch – They have received funds and should want to help. You are talking about a worst-case scenario.

Vice Chairman Boothe – Yes. In a worst-case scenario if this truck is disallowed. I know our auditors are going to look at it but ultimately it will be up to the federal government. I think we should all share if something were to be kicked out.

Supervisor Yoder – Let me play the Devil's Advocate. The Town is not the one who is making the decision to buy it. That is what they will come back with. The five of us are sitting here deciding whether or not to spend the money we received. If down the road the auditors say it doesn't qualify, the Town will say they weren't part of the discussion to buy or not buy it. You made the decision.

Vice Chairman Boothe – I understand that but there is nothing wrong in asking them if they would be willing to. The direct group that benefits should be willing to help step up.

Supervisor Kuchenbuch – We know two members of the Town Council who are on the PSA Board. We could petition them to go before their Board and at least ask.

Supervisor Yoder – I have nothing against asking.

Vice Chairman Boothe – I understand that they may not and that is fine, but I think it should be out there as we go further down this road and we keep adding further to it.

Ms. Morris – We get new regulations at least every other week. They say any payments from the fund has to be limited to what is necessary due to the public health emergency. In context of acquisition of equipment, this means that the acquisition must be necessary. In particular a government must determine 1) they cannot meet the need arising from the health emergency in a cost-effective manner by leasing property or equipment or improving property already owned or 2) or maintain documentation to support the determination for social distancing.

Vice Chairman Boothe – I am not questioning the need. I know the need is there. My concern is with what you just mentioned, the ever-changing rules as to what gets kicked out and what doesn't.

Supervisor Kuchenbuch - How long ago did our neighbors to the west purchase theirs?

Ms. Morris – I didn't ask that.

Supervisor Yoder – I get the feeling that if they get that nitpicky then there will be a lot of places in trouble.

Supervisor Kuchenbuch – When Mr. Durbin was last here, he suggested making a resolution.

Ms. Morris – We can do that. I can re-word the last one we did. We notate that on the purchase orders too.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and unanimously carried, it was resolved to it was resolved to approve a resolution establishing the use of money acquired through the Coronavirus Relief Fund for the purchase of a truck for the Floyd-Floyd County Public Service Authority in order to allow for social distancing in the performance of work (Document Number 1142).

Supervisor Coleman – yes

Supervisor Kuchenbuch – yes

Supervisor Yoder – yes

Supervisor Boothe – yes

Supervisor Turman – yes

Agenda Item 10. – Old/New Business.

Ms. Morris – We have been talking for several meetings about the tax-exempt request from The June Bug Center. Mr. Durbin, the Commissioner of Revenue and I have done a considerable amount of research on this. They have determined that the center meets the educational requirements for the tax exemption. There will be no need for us to have a Public Hearing. The Commissioner can handle this and she has already started the process with them.

The deadline for the application for the County Administrator position is October 30. As I told you earlier there are some different State Code requirements for filling the position for the chief administrator. There is a 15-day window that you are required to announce at a meeting that you will be conducting interviews in closed session. You can do these either at a disclosed or undisclosed location. I thought you might want to make this announcement tonight to be effective November 2. That would carry you through to your next meeting on November 17 with the 15 days. You would need to make that announcement when you adjourn if that is what you desire.

Agenda Item 11. – Board Member Time.

Vice Chairman Boothe – I know you received the VACo notices regarding the webinar on the Freedom of Information Act training. I suggest that if we can do it through the office here that we come here and all do it at the same time.

Chairman Turman – I was going to bring that up. I'm glad you did. I think that is a good idea.

Ms. Morris – We will check on that and let you know if we can do that.

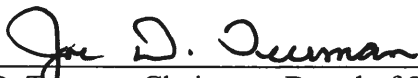
Supervisor Kuchenbuch – I wanted to pass out the latest facts and figures from the Electoral Board and the Registrar. About 40.4% of registered voters have already voted in person. Absentee ballots must be returned by mail 12:00 noon on Friday, November 6. It is pretty impressive.

Agenda Item 14. – Adjournment.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adjourn the meeting to November 17, 2020 at 8:30 a.m. with the disclosure that we will be meeting after November 2 at an undisclosed location for the interview of applicants for the County Administrator position.



Terri W. Morris, County Administrator



Joe D. Turman, Chairman, Board of Supervisors