

**BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 28, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, April 28, 2020 at 5:30 p.m. in the large conference room of the County Administration Building thereof;

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

Agenda Item 1. – Meeting Called to Order.

Chairman Turman called the meeting for budget workshop to order at 5:30 p.m.

Agenda Item 4. – Opening Prayer.

The Opening Prayer was led by Supervisor Coleman.

Agenda Item 5. – Pledge of Allegiance.

Vice Chairman Boothe led in the Pledge of Allegiance.

Agenda Item 2. – FY21 Proposed Budget Workshop.

Ms. Morris provided updates on questions asked at the April 22, 2020 budget workshop:

- 1) One recycling bin costs \$8,000, but Solid Waste employees plan to repair existing recycling bins while the bins are at the Transfer Station;
- 2) The Building Official says that the Library parking lot really should have been repaired last year and that if it is not repaired soon it will require digging up 2' to 3' of asphalt;
- 3) Literary Loans are for a 20 year term;
- 4) \$7.5 million in CCDC construction debt is already in the budget, but the remaining \$7 million is not;
- 5) Davenport & Company will be attending the May 12, 2020 Board meeting;
- 6) Timeframe for budget:
 - a. May 12 set tax rate to give to Commissioner of Revenue;
 - b. Advertise tax rate for 30 days;
 - c. June 22 Public Hearing;
 - d. August 5 taxes due.

Agenda Item 3. – 7:00 p.m. Regular Meeting.

Chairman Turman called the regular meeting to order at 7:00 p.m.

Agenda Item 6. – Approval of month end disbursements.

Questions and discussion followed.

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

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

Agenda Item 7. – Public Comment Period for the reading of any letters or emails received.

Chairman Turman – Did we receive any public comment?

Ms. Morris – Not that we know of.

Agenda Item 10.a. – Approval of Six Year Secondary Road Plan.

Ms. Morris – At Supervisor Yoder’s request we have also provided a copy of the current year plan.

Supervisor Yoder – Is there a reason it got changed from last year’s plan to this year’s proposed plan?

Ms. Ryan – Mr. David Clarke [Resident Engineer with Virginia Department of Transportation] said that he had tweaked the plan but did not say how or why.

Supervisor Yoder – The reason I ask is that I have been telling people who live on Ponderosa Road that they would be number 2 this year. If we maintain the order we had last year it would be number 2 on this list.

Ms. Morris – You are doing two things with this resolution. You are adopting the Six Year Plan and you are also adopting the Current Year Plan.

Supervisor Yoder – I have been working on Ponderosa Road for a long time and said this was the year it would be done. Based on the rate they were going it would be in the top two. Roger Road also moved up considerably. Bear Ridge Road is on the list and I was told last year that there was not enough traffic on that road.

Ms. Morris – I think we need to defer this item and ask Mr. Clarke about it.

Agenda Item 7.b. – Floyd County School Board requests approval of a budget supplement in the FY20 School Board budget of \$77,166.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve a supplemental revenue appropriation in State Funds source in the amount of \$77,166.00 and a supplemental expenditure appropriation in Instructional category in the amount of \$77,166.00 in the FY20 School Board budget.

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

Agenda Item 7.c. – Floyd County School Board requests approval of a budget transfer in the FY20 School Board budget of \$6,558.30.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve a budget transfer in the FY20 School Board budget from the Capital Improvement Fund in the amount of \$6,558.30 to the Operation & Maintenance category to enlarge existing wall scuppers and to install an overflow scupper at Check Elementary School.

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

Agenda Item 7.d. – Consideration of Abandonment Request for portion of former Virginia Road off Boone Road Near Closed Bridge over Burks Fork at Weddle Road.

Ms. Morris – The next item is an abandonment request for a portion of a former VDOT road that is discontinued now. It is a different section of that road that you had a previous request for. It does not need to be approved tonight. It is just for your consideration if you want us to start the investigative process.

Chairman Turman – I would like for this item to be deferred until I can talk to David Clarke. There is some question about that bridge.

Supervisor Yoder – There is a cemetery on the top of the ridge up there. We can't block that.

Ms. Morris – He knows that. I have already talked to him about that.

Agenda Item 7.e. – Discussion of Possible Ridgeline Ordinance.

Ms. Morris – Supervisor Boothe requested that this item be put on the agenda for your discussion and we included a list of various cell tower heights in the County.

Vice Chairman Boothe – I asked for it because at a meeting I missed, you discussed it. There seemed to be some inclination to revisit it. With everything going on we don't have to

talk about it tonight, but if we could leave it on there and at some point talk about it. I have a lot of citizens who want to see us do something even though there is not a wolf knocking at the door right now. It may be a good time to look at it.

Supervisor Yoder – I think they will be knocking pretty soon. Changes that got referenced earlier are going to force Appalachian and other companies to put in wind turbines, solar...but the turbines in particular. If they come to pull a permit, the horse is out the gate.

Vice Chairman Boothe – I have explained to some of my constituents that this limits the height but it does not ban them. Instead of 20 at 400' you might have 60 at 200'. It does nothing to stop someone putting solar panels on a ridge.

Supervisor Yoder – I don't want to restrict any of our residents from doing something on their own. If someone wanted to put up a 60' one for their own use, I don't want to limit that at all.

Vice Chairman Boothe – I asked for the cell phone tower height to see what the tallest one was in relation to what has been proposed. Also, if we are challenged in court, it is better to have something to reference such as this was our tallest cell phone tower at the time we adopted the ordinance.

Chairman Turman – Do you know where Pulaski County is on theirs in relation to the Boy Scout Camp?

Ms. Morris – It is still in the works. We may want Mr. Durbin [County Attorney] to look at this again since it has been a while and make sure there are no State Code changes.

Chairman Turman – We will let Mr. Durbin check on that and get back to us.

Vice Chairman Boothe – Can we keep this on our agendas as we move forward so we don't forget it?

Supervisor Yoder – I think we need to.

Agenda Item 11. – Constitutional Officers reports.

Ms. Morris – We don't have anything from any Constitutional Officers.

Agenda Item 12. – Old/New Business.

Vice Chairman Boothe – Please look over this letter between now and our next meeting. This is a letter that we could send to our Governor and copy our two State representatives. Basically it is Community Services asking for leniency on how some of the money is used so we can keep operating and keep our employees employed. Nothing for tonight. Maybe for next meeting. If we decide we want to send this, then we could send a copy to our neighbors in the New River Valley and ask their governments to do this as well.

Agenda Items 8. and 9. – Closed Session with Steve Durbin, County Attorney §2.2-3711 A.1., Personnel; §2.2-3711 A.5., Prospective Business or Industry; §2.2-3711 A.7., Actual or Probable Litigation; §2.2-3711 A.8., Legal Advice on Specific Legal Matters; and §2.2-3711 A.19., Discussion of Plans to Protect Public Safety.

On a motion made by Supervisor Yoder, and seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 1., personnel related to a specific individual; under Section 2.2-3711, Paragraph A. 5., prospective business or industry to discuss a real property lease negotiations; under Section 2.2-3711, Paragraph A. 7., legal Advice on probable litigation in regards to opioid lawsuits; under Section 2.2-3711, Paragraph A. 8., briefings on real property lease negotiations, briefings on insurance coverage with VACORP, information technology contract proposal; and under Section 2.2-3711, Paragraph A. 19., briefings related to security and public safety.

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

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, 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 Boothe, seconded by Supervisor Coleman, 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.; and Prospective Business or Industry in accordance with Section 2.2-3711, Paragraph A.5.; Actual or Probable Litigation in accordance with Section 2.2-3711, Paragraph A.7.; Legal Advice on Specific Legal Matters in accordance with Section 2.2-3711, Paragraph A.8.; and Discussion of Plans to Protect Public Safety in accordance with Section 2.2-3711, Paragraph A.19. 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 8. – Old/New Business.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to join plaintiffs in suit against Johnson and Johnson, Janssen and similarly situated defendant producers and marketers of opioids and opioid drug active ingredients and to authorize the County Administrator to execute any necessary documents.

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

Agenda Item 13. – Adjournment.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and carried, it was resolved to adjourn the meeting to May 12, 2020 at 8:30 a.m.



Terri W. Morris, County Administrator



Joe D. Turman, Chairman, Board of Supervisors