

**BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 25, 2016**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 25, 2016 at 7:00 p.m. in the Board Room of the County Administrative Building thereof;

PRESENT: Case C. Clinger, Chairman; Joe D. Turman, Vice Chairman; J. Fred Gerald, Linda DeVito Kuchenbuch, Lauren D. Yoder, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator.

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

The Opening Prayer was led by Supervisor Gerald.

Supervisor Kuchenbuch led in the Pledge of Allegiance.

Agenda Item 4. – Public Comment Period.

Chairman Clinger called for the Public Comment Period. After no comments from the audience, the Chairman declared the Public Comment Period closed.

Agenda Item 5. – Approval of month-end disbursements.

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

Supervisor Gerald – aye
Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Clinger – aye

Agenda Item 7.a. – Reappointment to the Western Virginia Emergency Medical Services Council, effective January 1, 2017, three year term.

Ms. Morris explained that a letter had been received from the Council that an appointment is needed and also one from Mr. Ford Wirt who is interested in continuing to serve in that position.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to reappoint Mr. Ford S. Wirt to the Western Virginia Emergency Medical Services Council effective January 1, 2017 for a three year term.

Supervisor Kuchenbuch – aye

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

Agenda Item 7.b. – § 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

Ms. Morris reported that that Supervisor Kuchenbuch asked for information regarding participating in meetings remotely in case of an emergency such as sickness. There is a letter from Mr. Cornwell and the code section in your board packet. The only way a member can participate in this manner is if the Board has a policy allowing this.

Supervisor Kuchenbuch said by having a written policy like this it would allow a member to participate in the meeting if a member were detained or called away on business and it couldn't be helped. It would seem to me that we could actually be at the meeting. In this day and age it seems like the thing to do.

Chairman Clinger asked if the member would be able to vote?

Supervisor Kuchenbuch explained that the member would be able to vote if there is an adopted policy.

Ms. Morris pointed out that a member could only do this two times a year.

Supervisor Kuchenbuch said she thought it was amazing that two young students sparked this idea in me in a classroom presentation I was giving as an elected official. It seems to me in this day and age where we have the ability to skype or facetime with the technology that is already in place in our facility, we might want to do it. We can table it for now if you want to digest it some more. I don't know that we would ever use it. But it seems to me that if we have the ability to put this on the books, it would be a great thing to do.

Chairman Clinger asked how would closed sessions be handled?

Ms. Morris replied that she would check Mr. Cornwell on that, but you are not taking a vote in closed session.

Chairman Clinger said that a lot of this will depend on how our policy is written.

Supervisor Kuchenbuch suggested that staff research to see if other counties in the State of Virginia have a policy dealing with electronic participation in board meetings. We may find ourselves in a situation where you could break a leg and not be able to leave your residence and still want to participate in the meeting.

Supervisor Yoder said the person who is absent would still have to be amplified. It would not be the Chair calling and saying this is the vote.

Supervisor Kuchenbuch agreed and said the member who is absent would have to be up on the screen. We have the technology in place here in the building to do it.

Ms. Morris confirmed that we do have the technology and we will do some more research on it.

Supervisor Yoder said he would be interested in seeing policies from other counties.

Ms. Morris said she would research policies in other Virginia counties.

Supervisor Yoder said he is concerned that it not becomes a habit. I think it is important that we are here.

Supervisor Kuchenbuch agreed and said we could specifically state these are the reasons when it could be used, like a member is incapacitated or being out of town on a business trip. For example, if a meeting had been held when I was in Wyoming on the dinosaur dig, I could have attended the meeting electronically and then gone out to the site.

Chairman Clinger said our policy would have to include not impeding the meeting with delays. I would like to see some more research.

Supervisor Yoder said I feel like if you run for office and want to represent your community that has to be a priority. To me having an excuse to not be here is not acceptable. I think it has to be an emergency situation. I think there are some times when you honestly couldn't get around it. But if I was just going on a business trip, I could say I can do this twice a year and get away with it. I don't want to see that and if all five of us do that it comes to every meeting.

Supervisor Kuchenbuch said by having this in place it allows you to be part and represent your constituents even if you are away, which is what I am getting at. This allows you to do that.

Chairman Clinger said let's have more discussion when we have the sample policy so we can get more into the detail then.

Agenda Item 7.c. – Guidelines for Travel Reimbursement.

Ms. Morris explained that these are draft guidelines for travel reimbursement. We've had loose policy but nothing in writing. We used the State allowances on meals.

On a motion of Supervisor Turman, seconded by Supervisor Yoder, and carried, it was resolved to adopt the Travel Reimbursement policy as presented (Document File Number 887).

Supervisor Yoder – aye

Supervisor Kuchenbuch – aye

Supervisor Gerald – aye

Supervisor Turman – aye

Supervisor Clinger – aye
Agenda Item 7.d. – Discussion of State budget shortfall.

Ms. Morris reported that the Governor announced that due to revenue shortfalls, spending will be reduced. He did say there will be no program cuts to public education, Medicaid and public safety. But the 2% raises that were to be effective December 1 for State employees and our state supported local employees will not happen. As part of the Board's approval of the budget this year you discussed providing these raises from local funds. I wanted to find out if it is still your desire to do so. This would be for school employees and constitutional officers and their employees.

Chairman Clinger said the trouble is the Governor does not address whether the lack of State funding is for one year or two. Are we funding one year on our own or two?

Supervisor Kuchenbuch said we could take the second year under advisement.

Chairman Clinger said if we do one and don't do the next one it becomes a pay cut.

Supervisor Yoder said for the school employees we were going to use the carryover funds if needed.

Chairman Clinger asked if we knew the amount it would cost to provide local funding for 2% raises for the constitutional employees?

Ms. Morris replied that she does not have that information with her.

Supervisor Kuchenbuch said we still have next meeting to address this issue.

Chairman Clinger said I think we are all pretty much in agreement that we want to do this.

Ms. Morris pointed out you already have the expenditures in the budget, but now you won't be receiving the revenues to cover the expenditures.

Chairman Clinger said we will have to adjust the revenues. Please have the categories ready by the November 17 meeting so we can act on it.

Agenda Item 6. – Election update – Ms. Amy Ingram, Registrar, and Ms. Tammy Belinsky, Secretary of the Electoral Board.

Ms. Belinsky stated that everything is fine with the elections. There has been some publicity over the State's system of voter registration. I think that is in part due to very aggressive tactics of voter advocacy organizations who are promoting voter registration. This is resulting in the re-registration of people who are already registered. People who know full well that they are already registered are asking me, "Do I need to register?" The answer is no if you have been voting you don't need to register again. With automated, online registration systems it

makes it very easy for folks to go in and enter a registration that is completely unnecessary on their part. But it creates work for registrars around the state. The State's system got bogged down on the last day of registration. That is why it was extended. I guess it is human nature to wait until the last minute. I think the State came up with a solution for the extension by metering what was coming in. Funnels will slow the inflow down. Ms. Ingram will provide information about our office and their overtime. Just as in the primary, Ms. Phyllis Hall has been a tremendous asset with voter registration and absentee voting. Both have been going on at the same time in the office. Staff are doing a really good job. We have our officers trained. We just have our usual last minute preparations. There will be 9 or 10 officers at each precinct. We had more officers in the primary because we had the dual paper poll books.

Ms. Ingram said we had three training sessions with all of our officers on the poll books. Then we've had two sessions with one being a repeat. We broke it down into manageable groups of 35 people at each session the past two Saturdays for our regular election training on laws.

Supervisor Kuchenbuch are there any new officers or are they all repeats?

Ms. Belinsky answered we are required by code to appoint officers in February. We have a few new people who wanted to serve and we are using them as alternates.

Ms. Ingram said we have a few young folks. There was a nice moment at the training when our youngest officer and our oldest officer demonstrated how to work the voter machine. We have a good mix of people and they really like to work. We have more people who want to work than we have the need for. Other counties have trouble finding workers. It speaks for Floyd. Our voters will come and have a nice day and be treated courteously.

Ms. Ingram stated we have ordered 100% ballots for voters. That way even if our tabulators fail, people can still vote a paper ballot. We have a reserve tabulator out there. We have met with the local and state law enforcement, EMS director, RACES communications, and we have emergency plans for a lot of different situations. I have hired 3 temporary people to work on critical days in the office. So far we have had 317 in-person voters, 302 mailed ballots, and 17 emailed ballots to servicemen and people overseas.

Ms. Ingram explained that she looked at budget numbers and we are mostly in good shape. By June we could be \$1,000.00-\$2,000.00 off because of hiring part-time employees at certain times and overtime by regular part-time employees.

Supervisor Yoder asked for a comparison with previous elections on the absentee voting.

Ms. Ingram said 2008 was our biggest absentee year ever, which was President Obama's first election. We had 1,000 absentee ballots cast before Election Day, which was about 10% of our registered voters. This year we have 10 days left for absentee voting. I am guessing that we might come in a little bit under and have 800-900 absentee voters. I can mail a ballot until November 1, but it has to be marked for return by Election Day. That cuts it really close. Any

ballot received after Election Day is sent to the Clerk of Court unopened. We can accept ballots up to 7:00 p.m. on Election Day unless there is an extension of hours.

Supervisor Yoder said if an absentee ballot is requested, can a family member pick it up and return it?

Ms. Ingram replied that can only happen when it is very close to the deadline and they are picking it up for an ill or disabled voter. It usually has to be mailed directly to the person or given to that voter. There are a few provisions such as illness or hospitalization after a certain timeframe. The absentee does stop at 5:00 p.m. on Saturday, November 5.

Ms. Belinsky clarified that someone can deliver an application to a person who wants to vote absentee, but the voter has to bring it back to the office.

Ms. Ingram said that part of the State's new online portal has a place where you can request your ballot as well as registering to vote. I think that is why our mailed numbers are up, because in person is more than mailed. You can go to the online system. You have to have a DMV ID number and you agree to match and it pulls your signature from the DMV driver's license or ID card and it puts it on the application form that comes into our computer system. I know we are Floyd and small but we've mailed ballots all over the world. It is really pretty neat. I told you I emailed some ballots. Those are for uniformed and overseas citizens. I can email the ballot, but they have to print it and mail it back. They can't return it electronically. But emailing the ballot cuts off half the transmission time. That law changed over the past few years.

Supervisor Kuchenbuch said I talked to Ms. Ingram last week and suggested that the Electoral Board come and talk to us. The work that is being done, this year in particular, has been phenomenal by you and your staff, the Electoral Board as well. Like you said you have put in place emergency plans and talked to law enforcement. This is Floyd I don't think there will be any situations or problems. I just want to say thank you so much for all the work you and your entire staff have done to get us ready. I will be going out to see my constituents at my polling place of Floyd Elementary School.

Supervisor Yoder asked how Floyd's polling will work this year as far as casting a ballot? Are we still using paper ballots?

Ms. Ingram answered we are using the same system we used last November and March. You completely shade in the oval by your choice on the ballot. There is a front and back this year. The second amendment reaches on the back side. The scanner will accept the ballot any way you put it in, front or back or upside down. We have a sticker on the tabulator that says ballot may be placed face down and we say that more for privacy. We do expect people reading the constitutional amendments will slow down the voting process. We have seen it in the office. It takes people by surprise. There are two amendments on the ballot. One is on the right to work. It is in the Code of Virginia and it is asking to move it into the Constitution. The second amendment gives localities the option to forgive real estate taxes of a first responder killed in the line of duty or the spouse as long as they have not remarried. Those are the two questions. We do see that taking more time. If there is a line to check in, we've instructed the officers to let those waiting in line to study brochures and sample ballots we have available.

Supervisor Kuchenbuch said all of our polling places now have adequate room so if it is a cold and blustery November day, everybody can now be inside. Changing our polling place in the Little River District was a great idea in terms of being able to get people under cover. I know I've stood outside in pretty cold temperatures to vote before in the past 30+ years.

Ms. Ingram said the photo ID law went into effect in 2014 so voters will be asked to present their photo ID for a ballot.

Supervisor Kuchenbuch asked if having the electronic poll book will speed the process of getting them to the booths, but then it might be slowed down by the amendments?

Ms. Ingram concurred that check in should be much faster.

Ms. Belinsky added that it is likely if folks are taking time at the booths like we think they will, we will have a line back up at the check in table instead of having people floating around the polling place, holding ballots waiting to cast them. The line is still likely to back up at the poll book table.

Ms. Ingram agreed that way we can keep an eye on the ballots. The biggest amount of extra work in moving to the paper ballot system is accounting for every slip of paper. It is a lot of paperwork for us and the officers, too.

Supervisor Yoder said a lot of people have expressed they prefer paper ballots because there is a paper trail. I have heard a lot of positive responses.

Chairman Clinger asked if they would have to go back and recount paper ballots?

Ms. Belinsky replied that would only occur if there were tabulator failure.

Supervisor Yoder asked if you had to do a recount you would do it through the tabulator?

Ms. Ingram responded that she believed it would depend on what the court ordered. If someone does a write-in ballot, that has to be hand counted. The emailed ballots when they come back, they are hand tabulated.

Supervisor Kuchenbuch said every single write-in has to be counted separately.

Ms. Ingram reminded them that the absentee precinct when we had our other voting system, the mail in absentees were on slips of paper and they were all hand counted. The absentee precinct had a huge job. Now they can use the tabulator.

Ms. Belinsky pointed out that two officers of election were in attendance that evening. Ms. Becky Howell and Ms. Linda Wagner joined the team earlier this year.

Ms. Ingram said we are fortunate. We have a great Electoral Board. They are very hands on. They do their job. They are engaged. We have a good staff in the office.

Supervisor Yoder said you have a good staff and the Electoral Board has been good to work with over the years. Their job is very important.

Supervisor Kuchenbuch asked historically what election had the most voter turnout, 2008?

Ms. Belinsky said we would have to check but we use 2008 as our guide in ordering ballots.

Ms. Ingram said we are at the midpoint of redistricting. Right now our total registered voters is 10,899. Locust Grove District has 2,212; Little River District has 2,386; Courthouse District has 2,120; Burk's Fork has 2,055; and Indian Valley has 2,126. In 2011 it was pretty even but the population has shifted.

Chairman Clinger thanked Ms. Ingram and the Electoral Board members.

Agenda Item 7.e. – Recommendation on bid acceptance of Fire Tanker for Station #1.

Ms. Morris stated you received a letter from Mr. Kevin Sowers for information regarding this bid. He is here to answer any questions you might have.

Mr. Sowers, Emergency Management Coordinator, explained that the bids for the tanker for Fire Station #1 were properly obtained and followed the State of Virginia Procurement Code. The fire department has exhausted all avenues to lower the bid price. They have negotiated a price from the original low bid of \$517,884.00 to \$465,000.00 with Pierce Manufacturing being the lowest bidder. This represents a savings of \$52,884.00 from the original bid. This was done by cuts made by the fire department. There are no longer any items that can be cut without it being a burden to the fire department and the County. Special note should be given that fire apparatus production costs have increased anywhere from 3% to 5% depending on which manufacturer you speak with. I think that is something we need to look at a little bit closer the next time we get into something like this.

The fire department acknowledges that this is a large sum of money. They are very grateful for the support that the Board of Supervisors provides to the fire department. This piece of equipment will be used for fire protection for at least 25 years of service. The cost per capita benefit over the asset's useful life will cost every citizen of Floyd County \$1.24 every year for the next 25 years. This does not include fuel, insurance and maintenance. It is my opinion that this purchase price is in Floyd County's best interest. The only other option is to re-bid and that will likely result in a higher cost than what has been negotiated here. I ask for your approval to award this bid to Pierce so the build process can begin. I would also like to mention that the fire department plans on spending \$8,000.00 out of their general money for upgrades for certain items that were cut. \$20,000.00-\$25,000.00 will have to be used for equipment to go on this truck. They also have a looming Cascade replacement for the new SCBAs [self-contained breathing apparatus]. It will be a financial stress on them as it is.

Supervisor Kuchenbuch asked if the other fire tanker we purchased cost \$435,000.00? Mr. Sowers replied it cost \$439,000.00.

Supervisor Kuchenbuch replied then we are at the high end of 5% to make this one.

Mr. Sowers explained that it is actually at a 3% increase annually.

Supervisor Yoder said the process for the first tanker took place three years ago.

Chairman Clinger pointed out a recession was going on at that time.

Mr. Sowers said historically the costs have gone up 3%-4% annually. When I was the chief in 2001 that was the rate then and it hasn't changed much.

Supervisor Yoder questioned a \$962.00 add-on charge for two-tone body paint.

Mr. Sowers replied that was supposed to be deleted. The vendor and I sent these changes back and forth two or three times and it was supposed to be deleted. It is supposed to be all red and chrome. I'm glad you caught that.

Supervisor Kuchenbuch thanked Mr. Sowers and the fire department for their diligent work in trying to come up with a way to save the County money, but not jeopardize the safety of our citizens and the safety of our fire department as well. I know you have worked a long, long time on this. It can be a thankless job to try and cut and add back and cut again.

Supervisor Yoder asked about paying for it?

Ms. Morris reported that the only two items left to purchase on the loan are the fire truck and voting equipment. We are in good shape.

Supervisor Yoder asked can we actually pay for this out of the loan?

Ms. Morris confirmed that we can because the voting equipment did not come in as high as we had budgeted.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, and unanimously carried, it was resolved to authorize the County Administrator to execute the documents to procure from Atlantic Emergency Solutions a new Pierce/Enforcer 1500 gallon pumper tanker per the bid specifications and change order.

Supervisor Gerald – aye
Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Clinger – aye

Agenda Item 8. – Closed Session – Personnel §2.2-3711 A. 1, Acquisition of Real Property §2.2-3711 A. 3, and Investment of Public Funds §2.2-3711 A. 6.

On a motion of Supervisor Gerald and seconded by Supervisor Yoder, 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; and Section 2.2-3711, Paragraph A.3, Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and Section 2.2-3711, Paragraph A.6, Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

Supervisor Kuchenbuch – aye
Supervisor Gerald – aye
Supervisor Yoder – aye
Supervisor Turman – 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 Gerald – aye
Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Turman – aye
Supervisor Clinger – aye

On a motion of Supervisor Gerald, seconded by Supervisor Kuchenbuch, 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, Acquisition of Real Property in accordance with Section 2.2-3711 Paragraph A. 3, and Investment of Public Funds in accordance with Section 2.2-3711 Paragraph A. 6 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 Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Gerald – aye
Supervisor Turman – aye
Supervisor Clinger – aye

Agenda Item 9. – Old/New Business.

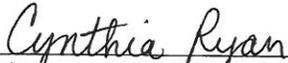
On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to appoint Mr. Vince Hatcher to the New River Valley Economic Development Alliance as a business representative to fill an unexpired term ending June 30, 2017.

Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Gerald – aye
Supervisor Turman – aye
Supervisor Clinger – aye

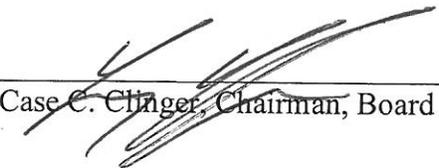
Chairman Clinger asked what the term year is for employee health insurance and whether any information had been received regarding future employee health insurance rates.

Ms. Morris noted that renewals are usually received in March and the plan year runs from July 1 to June 30.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adjourn to Tuesday, November 17, 2016 for a regular meeting at 8:30 a.m.



Cynthia Ryan, Assistant County Administrator



Case C. Clinger, Chairman, Board of Supervisors

