

**BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 27, 2018**

At an adjourned meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 27, 2018 at 2:00 p.m. in the Board Room of the County Administration Building thereof;

PRESENT: Lauren D. Yoder, Chairman; Joe D. Turman, Vice Chairman; W. Justin Coleman, Linda DeVito Kuchenbuch, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator.

ABSENT: Jerry W. Boothe, Board Member.

Agenda Item 1. – Budget Work Session.

Chairman Lauren Yoder called the meeting to order at 2:00 p.m.

Mr. Mark Bolt, Building Official, discussed two buildings that had maintenance issues that needed to be considered. The annex building which houses Virginia Cooperative Extension and Floyd-Floyd County Recreational Authority has had water leaks and the roof has been patched again and again. The Maintenance building at the Transfer Station has problems with water draining into the building. Mr. Bolt said a section of concrete needs to be removed and replaced and downspouts and gutters need to direct the water away from that building.

By consensus the Board of Supervisors directed the County Administrator to advertise Invitations for Bids to make the necessary repairs to the Maintenance building and engage an engineer to provide options for the Extension building.

The Board of Supervisors looked line-by-line at the following department requests for FY19:

Board of Supervisors	County Administrator	Auditors
Commissioner of Revenue	Assessor	Treasurer's Office
Electoral Board	Registrar	Circuit Court
General District Court	Magistrate	County Attorney
Juvenile & Domestic Court	Circuit Court Clerk	Commonwealth's Attorney
Sheriff-Law Enforcement	Forestry Services	Sheriff-Court Security
Building	Animal Control	Medical Examiner

The Board recessed at 5:30 p.m.

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

Agenda Item 3. – Opening Prayer.

The Opening Prayer was led by Supervisor Coleman.

Agenda Item 4. – Pledge of Allegiance.

Chairman Yoder led in the Pledge of Allegiance.

Agenda Item 5. – Public Comment Period.

Chairman Yoder called for the Public Comment Period. Hearing no comments from the audience, the Chairman declared the Public Comment Period closed.

Agenda Item 6. – Approval of month-end disbursements.

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

Supervisor Kuchenbuch – yes

Supervisor Coleman – yes

Supervisor Turman – yes

Supervisor Yoder – yes

Supervisor Boothe – absent

Agenda Item 7. – Constitutional Officers reports.

Sheriff Craig presented the Medal of Valor to Deputy Sheriff and Investigator Rusty Stanley who was wounded in the line of duty when responding to a domestic violence call on September 24, 2016. Sheriff Craig also presented Deputy Sheriff Stanley with a plaque entitled the Dupont Kevlar Survivors Club. The plaque is from the makers of the body armor that officers had on that day.

Chairman Yoder thanked Deputy Sheriff Stanley and every other officer on the force for what they did that day and every day for Floyd. We are fortunate to have people who are willing to work in that capacity of the Sheriff's Office and fire and rescue and all the organizations who put themselves in harm's way. Floyd is a fortunate place to have people like you.

Agenda Item 8. – Ms. Ann Boyd, Floyd County Life Saving and First Aid Squad, Inc.

Ms. Boyd explained last year we presented you with a budget request of \$148,750.00; we received \$60,000.00 from the County, which meant we had to raise \$88,750.00. This means the County only funded 40% of what Rescue did. For FY19 we are requesting \$135,175.00, but we also seriously need an ambulance. We have spent several thousand dollars on some of our ambulances to keep them going. We put in a grant asking for power stretchers because we need assistance with the lifting. We did not receive the grant. The paid crew got one which is well-spent money. We have a six-wheeler we provide for anything in the County that needs it, but the truck we are pulling it with is shot. We have used the same uniform shirts for 20-30 years.

Hospitals are no longer supplying some of the items they used to supply like the disposable blood pressure cups. When we put someone on Lifeguard we eat the costs for that because nobody bills for that. We have equipped stations 1 and 4 with a Lucas device.

We are told we can't receive more money from the County because we are not responding to enough calls. We started running more calls. We recruited more people and dismissed those who weren't responding. We have done everything that we could that you asked us to. Because we work during the day we need the paid crew. But you don't see all that we do in the way you look at the numbers. We do a lot of things that aren't shown in these numbers. In the past five days we took our six-wheeler and helped rescue a man with a possible heart attack who was down by a stream. During the big snow storm five people had no place to stay so we opened up our building and housed them all night long. We provided coffee and snacks for the Appalachian Power crew workers. Our expenses don't stop because we don't transport everyone to the hospital. We have massive expenses. Please have mercy on us this year and give us some more help. We can't keep going with no money. It is necessary to have the paid crew; it is necessary to have the volunteers. We all work wonderfully together and we need each other.

Chairman Yoder requested a copy of the most recent audit of the Floyd County Life Saving and First Aid Squad, Inc.

Ms. Morris stated that she has requested that audit and other financial information from Mr. Roger Hollandsworth, Treasurer of that organization.

Agenda Item 9. – Mr. Stephen Durbin, Legal Counsel to discuss Emergency Medical Services (EMS) and Floyd County Life Saving and First Aid Squad, Inc. (the Squad).

Ms. Morris stated you had questions about how EMS was set up years ago. None of you were on the Board at that time. I asked Mr. Durbin to give you some of the history of the EMS.

Mr. Stephen Durbin, County Attorney with Sands Anderson, gave a brief history of the two entities and their legal relationship:

- 1) EMS was established in May, 2004 as a 501(c)3 within the meaning of the Internal Revenue Code.
- 2) Essentially it is a charity organized for lifesaving medical transport and first aid services.
- 3) The County Administrator serves as the registered agent.
- 4) The Board of Supervisors also serve as the Board of Directors of the EMS.
- 5) The articles provide that upon dissolution of the EMS any assets are to be distributed to another 501(c)3 or governmental entity of the federal, state, or local government.
- 6) The Squad was organized under similar provisions in 1974, with the articles amended in 1978.
- 7) Like EMS, the Squad is validly organized and in good standing with the State Corporation Commission.
- 8) Its purpose is to save life, administer first aid and to teach safety.

- 9) The Squad is to be governed by a Board of Trustees elected from the membership.
- 10) The Articles state the Squad is to have an annual meeting in June and business meetings the second Monday of every month.
- 11) Similar to EMS, upon dissolution the Squad's assets would transfer to another entity substantially similar to those of the Squad and organized for charitable purposes under 501(c)3.
- 12) It is my understanding that in 2004 the Squad was facing a funding challenge, which in my experience is common with many fire and rescue squads throughout the nation, due to increasing costs in terms of equipment and materials and supplies. The Squad approached the County about a cooperative relationship to assist and that is when EMS was formed.
- 13) In October 2004 an agreement was put in place between the County, EMS and the Squad. After that memorandums of understanding were entered into to further describe how services would be jointly administered and how assets would be shared for lifesaving purposes.
- 14) Under the agreement the County agreed to provide billing services for the Squad and EMS for the services each one provides. Revenues from that billing are to be placed in a fund and along with additional revenues provided by the County through taxes are to be used to support the operations of EMS and the Squad.
- 15) The County provides those additional revenues through its annual budget process.
- 16) Expenses to be considered under the agreement are operating, maintenance of buildings, vehicles and equipment, and renovation of the buildings.
- 17) The memorandums of understanding provide for the sharing of equipment, vehicles, buildings and supplies. One memorandum was attached to the October 2004 agreement. A subsequent memorandum was dated November 23, 2015.
- 18) The agreement calls for cooperation in meeting the needs of the public in an efficient manner.
- 19) If the Squad disbands or ceases to operate all real estate, equipment, vehicles and supplies shall be transferred to the EMS.

Chairman Yoder asked if the memorandum of understanding needs to be updated now that EMS has its own vehicles?

Mr. Durbin agreed that a new memorandum of understanding makes sense because it has been almost three years and it would be good to acknowledge the changed circumstances.

Agenda Item 10.a. – Appointment of Subdivision Agent.

Ms. Morris said that when we hired the new Planner position in January we said we would give the person a few months to learn the position. According to section 3.2 of the subdivision ordinance this appointment is made by the Board of Supervisors. At this time we are recommending that you appoint Ms. Karla Turman as Subdivision Agent with Ms. Lydeana Martin as substitute Subdivision Agent effective April 1, 2018. This section also allows in the event of an extended absence of the Agent or substitute that the Chairman of the Planning Commission in concert with the County Administrator or the Administrator's authorized representative may together perform these duties.

On a motion of Supervisor Kuchenbuch and seconded by Supervisor Coleman, and carried, it was resolved to appoint Ms. Karla Turman as Subdivision Agent and Ms. Lydeana Martin as Substitute Subdivision Agent effective April 1, 2018.

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

Agenda Item 10.b. – Road Name Request – Laurel Ridge Farm.

Ms. Morris said we have two road name requests. The first is for Laurel Ridge Farm. We already have six roads that have Laurel in the name. He also requests that the name be Laurel Ridge Farm without using road or lane.

Mr. Kevin Sowers stated that each has to have road, lane, street, drive, etc. There are about 50 different abbreviations that can be used.

Supervisor Coleman asked do you foresee all the roads that have Laurel in them being problematic?

Mr. Sowers said yes but unless we make all of the others change, what can we do? I understand your concern, but how do we say no when we let six others get by with it?

By consensus the Board decided to postpone a decision on this request until Mr. Sowers could talk to the owners about which suffix they prefer.

Agenda Item 10.c. – Road Name Request – Qberry Lane.

On a motion of Supervisor Coleman and seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the naming of Qberry Lane, with the cost of the road sign installation to be paid by the County.

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

Agenda Item 10.d. – Approval of Lease Agreement with Department of the Army, Corps of Engineers.

Ms. Morris stated that this is a renewal of a lease that has been in effect for about 20 years. They are now doing 5 year renewals. This is for a weather station at Fire Station #2. They were paying us \$50.00 a year and they have increased the amount to \$100.00 a year. I spoke to the fire chief and he does not have any problems or issues with the weather station being there.

On a motion of Supervisor Turman, seconded by Supervisor Coleman, and carried, it was resolved to approve the lease agreement between County of Floyd and Department of Army, Corps of Engineers and to authorize the County Administrator to execute the agreement (Document File Number 971).

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

Agenda Item 10.e. – Performance Agreement with the Tobacco Region Revitalization Commission.

Ms. Morris stated that she would like to defer this item until we can get some more information.

Agenda Item 10.f. – Acceptance of bid for mowing services.

Mr. Durbin, County Attorney, recommended that this item be discussed in closed session.

Agenda Item 10.g. – Update on Blue Ridge Center for Chinese Medicine.

Ms. Lydeana Martin said the Blue Ridge Center for Chinese Medicine has placed a hold on their medicinal herb project. Mr. Glenn asked that I clarify to everybody that is not a hold on their health care clinic, but on the medicinal herb project for which we received grant funds on their behalf. None of the grant funds have been disbursed; they are still undrawn. They are working with a number of different grants. They were also referred by the Tobacco Commission for a loan and they have been working through all of that. The grant process has been complicated. The timing of cash flow has not worked out for them. They are in a holding pattern right now. They are not giving up or cancelling or anything like that. Mr. Rob Glenn, the Director, has been in touch with all of the funders and all told him they are ready to work with him to get the path straightened ahead. Because we had been involved with the one funding source and have an agreement on that, I just wanted to brief you. As I get updates I will pass them along to you.

Agenda Item 12. – Old/New Business.

Ms. Morris said the Health District requests that you consider a proclamation recognizing April 2-8, 2018 as National Public Health Week.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and carried, it was resolved to adopt a proclamation recognizing April 2-8, 2018 as National Public Health Week in the County of Floyd, Virginia (Document File Number 972).

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes

Supervisor Turman – yes
Supervisor Yoder – yes
Supervisor Boothe – absent

Chairman Yoder asked if the Board wanted to provide guidance to Mr. Jon Beegle as to when they each might be available for a rescheduled meeting with the School Board, Town Council and Economic Development Authority?

After discussion May 2, May 3 and May 9 were the recommended dates to provide to Mr. Beegle for consideration.

Agenda Item 11. – Closed Session – Personnel 2.2-3711 A.1.; Real Property 2.2-3711 A.3.; Prospective Business or Industry 2.2-3711 A.5.; Consultation with Legal Counsel and Briefings by Staff Members 2.2-3711 A. 7.; and Consultation with Legal Counsel Employed or Retained by Public Body 2.2-3711 A. 8.

On a motion made by Supervisor Kuchenbuch and seconded by Supervisor Coleman, 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; under 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; under Section 2.2-3711, Paragraph A. 5., Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; under Section 2.2-3711, Paragraph A. 7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultations or briefings in open meeting would adversely affect the negotiating or litigating posture of the public body; and under Section 2.2-3711, Paragraph A. 8., Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

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

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

Supervisor Boothe – absent

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, 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.; Real Property in accordance with Section 2.2-3711, Paragraph A.3.; Prospective Business or Industry in accordance with Section 2.2-3711, Paragraph A.5.; and Consultation with Legal Counsel and Briefings by Staff Members in accordance with Section 2.2-3711, Paragraph A.7., and Consultation with Legal Counsel Regarding Specific Legal Matters Requiring Advice in accordance with Section 2.2-3711, Paragraph A.8. 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 – yes
Supervisor Coleman – yes
Supervisor Turman – yes
Supervisor Yoder – yes
Supervisor Boothe – absent

This certification resolution was adopted.

Agenda Item 13. – Adjournment.

On a motion of Supervisor Coleman, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adjourn to Thursday, March 29, 2018 for an a budget work session at 1:00 p.m.



Terri W. Morris, County Administrator



Lauren D. Yoder, Board of Supervisors