

**BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 10, 2018**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, April 10, 2018 at 8:30 a.m. in the Board Room of the County Administration Building thereof;

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

Chairman Yoder called the meeting to order at 8:30 a.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 minutes of March 13, 2018; March 20, 2018, March 27, 2018; March 29, 2018; and April 4, 2018.

On a motion of Supervisor Turman, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve the minutes of March 13, 2018 as presented.

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and carried, it was resolved to approve the minutes of March 20, 2018 and March 27, 2018 as presented.

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

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the minutes of March 29, 2018 and April 4, 2018 as presented.

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes

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

Agenda Item 5. – Approval of April 2018 monthly disbursements.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the April 2018 monthly disbursements and additional bills as presented.

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

Agenda Item 6.a. – Constitutional Officers reports.

No Constitutional Officers were present at the meeting.

Agenda Item 7.a. – Subdivision plats as approved by Agent for March 2018.

Ms. Lydeana Martin stated there is nothing big in the March plat report. Hearing no questions, Ms. Martin presented each Board member with a Floyd logo bag which contained different items displaying the new logo. We had good coverage on the new logo. There was an article in the Sunday *Richmond Times Dispatch* and WFIR did a radio piece on it. The Floyd Press was great. We got some free publicity out of the rollout. We are collaborating with Ms. Pat Sharkey to use her website VisitFloydVA to have an Innovate Here tab which will be a link to Economic Development. Anybody interested in visiting Floyd will be able to see business opportunities here.

Agenda Item 7.b. – March 2018 Department of Inspections Report.

Ms. Morris said permits on the residential side picked up some in March. We hope that continues with the spring weather. The total permits are lower but the values are higher.

Agenda Item 7.c. – Road Name Request, Laurel Ridge Farm Place.

Ms. Morris stated that Mr. Kevin Sowers went back to the property owners with some suggestions for the road name. All have agreed to use Laurel Ridge Farm Place.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve the name Laurel Ridge Farm Place with the cost of the sign to be paid by the County.

Supervisor Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Coleman – yes

Supervisor Turman – yes
Supervisor Yoder – yes

Agenda Item 10. – Old/New Business.

The Board reviewed the calls responded to by Emergency Medical Services, Volunteer Rescue, and Volunteer Fire Departments for the month of March 2018.

Agenda Item 6.b. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

Mr. Tom Adams, Courthouse District – You may recall I was here a few months ago talking about the cluster amendments that are being worked on. I was speaking as the engineer of record on the first project utilizing cluster amendments in a small mid-size city in Maine about 25 years ago. It turned out very successfully. I still regularly see the developer who was my client and it has made me an advocate for cluster amendments. Today I am here to say that I have been corresponding both in meetings and outside meetings with the Planning Commission. I did express one opinion that was not taken up. It was that a minimum lot size would probably be a good safeguard against developer abuse or just trying to shoehorn too many lots into too small a space. In discussions the question was raised whether a maximum density might address that same concern. I did state in public comment for one of the Planning Commission meetings that I still thought some minimum lot size would be prudent. I won't take the time now but I did a little sketch of how I thought inappropriate, very dense clustering could happen without that minimum lot size. The main point I want to make today – if they haven't made the recommendation yet – the density that will be recommended I believe was to be 5 lots per acre of the parent parcel. Of course after you take out 50% of the space that works out to 10 lots per developable acre. This was determined using a project in Roanoke as a kind of a model for cluster amendment. The project was called Tinker Village. After Karla [Turman, Floyd County Planner] shared with me a printout that gave a lot of detailed information about it, I drove through it. A long story short, I'd like to recommend that someone from Floyd, if not all of you, drive through the Tinker Village project and see if that feels like appropriate density. I do have to say, as Karla has pointed out, it is not the same density proposed here in Floyd. For Tinker Village in Roanoke the allowable density was 5 ½ lots per acre of the parent parcel; 5 lots per acre is what the Planning Commission is coming up with as a recommendation. It is slightly less dense, but I think what they have in Roanoke is appropriate for Roanoke. I don't think it is appropriate for Floyd. I think a drive through that project would allow you to come to your own conclusions. Thank you.

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

Agenda Item 6.c. – Delegate Jeff Campbell, 6th District, discussion of possible class action lawsuit against pharmaceutical companies for opioid crisis.

Delegate Jeff Campbell stated last year the General Assembly passed legislation to try to curtail irresponsible writing of prescriptions. We have been exploring ways in which we can

recover the costs of the opioid epidemic impact upon our counties and cities. A consortium of local attorneys and Senator Chaffin are involved in this as well. Delegate Campbell introduced Ms. Kim Hall who is a personal injury attorney in Abingdon and Mr. Tom Cartmell who is one of the principals at Wagstaff & Cartmell from Kansas City. They specialize in mass tort legislation. It is budget time and when you start crunching the numbers you begin to realize the impact the opioid overprescribing and malprescribing has had on our counties. I know you see increased law enforcement costs, incarceration costs, and the impact on Social Services is monumental. We are hopeful this litigation can provide access to funds to alleviate the burden on you.

Mr. Cartmell explained the litigation they have started against manufacturers and the distributors of the opioid drugs. We hope you will allow us to represent Floyd County in this litigation. We currently represent counties and cities all over the country, mostly in middle America and the Southeast. There are about 450 counties and cities that have entered the litigation. There are 25 lawyers in my firm and we do 100% litigation and trial work. In 1997 we started as a health care litigation firm, mostly representing large hospital systems and doctors in the Kansas City area. About 15 years ago I got involved in pharmaceutical litigation. We do multi-district litigation which means a group of cases from all over America are consolidated in one federal court which is chosen by a panel of federal judges. We have been lead trial counsel appointed by federal judges in four or five national pharmaceutical cases in the last five years. This is what we do.

Mr. Cartmell provided an overview of the opioid epidemic and the procedures for the lawsuit:

- 1) 65,000 opioid deaths were reported in 2016.
- 2) Overdose deaths now are greater than the number of car accident deaths.
- 3) Overdose deaths are greater than the number of car crash deaths and gun related deaths combined.
- 4) There have been more deaths than three were in the Viet Nam War.
- 5) There are 151 or 152 deaths per day from opioid overdoses.
- 6) In a county near Floyd there are 400 prescriptions to 100 people.
- 7) America consumes 85% of the opioids used in the world.
- 8) The first opioid was put on the market in 1996 by Perdue Pharmaceutical.
- 9) The number of drug-related hospitalizations since that time has climbed dramatically.
- 10) OxyContin was approved by the FDA to treat moderate to severe pain for a limited period of time.
- 11) Drug companies are allowed to market and sell their drugs for certain approved indications.
- 12) The documents show that in 1996 Perdue Pharmaceuticals hired sales representatives by the thousands to go out to doctors and communities and sell the idea that chronic pain is very untreated and that OxyContin is an appropriate treatment for that.
- 13) Within 5 years Perdue's OxyContin became a blockbuster drug which means it sells over \$1 billion a year. About a dozen other companies came to market with their own similar drug.
- 14) We believe the off label marketing of these drugs has led to the epidemic.

- 15) The number of deaths related to the number of prescriptions is on a steep rise starting in 2000.
- 16) In 2010 the curve started levelling off and going down a little bit for opioid prescriptions because there has been a crackdown and because doctors became aware.
- 17) At \$28 per pill some people started diverting the pills to the streets. When it became more difficult to get opioid prescriptions, people turned to less expensive heroin and synthetic opioids like fentanyl.
- 18) We have filed lawsuits on behalf of multiple cities and counties and we are talking to attorney generals in states as well.
- 19) There has been a consolidation of multi-district litigation in Cleveland, Ohio in front of Judge Polster. He is truly focused on the resolution of the problem and not just the resolution of the cases. He is focusing on how we can work with these companies and go forward from it ever happening again.
- 20) We file cases for counties like yours in federal court and then they are removed to the multi-district litigation for discovery purposes. This results in one set of depositions and expert witnesses which is a more efficient process and is less costly for the counties, cities and states.
- 21) We are pursuing two cases – (1) the manufacturers of the drugs, and there are about 15 of those. We are filing public nuisance cases and a civil RICO (Racketeer Influenced and Corrupt Organizations Act) in federal court. There is a civil conspiracy case on these companies going out to doctors and individuals and selling their drugs for chronic pain. They paid doctors millions of dollars to write articles and publish them in professional publications and say they were safe for use when there was never a placebo controlled blind study. We also have failure to warn and negligence against the manufacturers. (2) We are suing the distributors of the drugs which are Cardinal Health, McKesson, and AmerisourceBergen. Distributors of drugs are required by law, if they see suspicious levels of prescriptions, to tell the Drug Enforcement Agency. Our case against them is that they failed to do that.
- 22) Some pharmacies are being sued when they had deals with doctors that the prescriptions could only be filled at that pharmacy.
- 23) We are not suing doctors.
- 24) We would like for you to consider us pursuing an action on behalf of Floyd County for these cases. We would likely file them in federal court.
- 25) The reason you should get involved instead of waiting is because of the results of the tobacco litigation. The states settled the cases. Because the counties and cities did not file and state their claims, the funding did not funnel down to them. That is likely to be the case with this as well. That is why counties and cities are more interested in getting involved this time.
- 26) We would visit with you about your individual damages. We know they are in broad categories like criminal justice, law enforcement, and social services. We would make it as easy on the county as possible, but we would need to visit with somebody and gather the data and our expert witnesses would put together damage models to show the specific losses.

Agenda Item 10. – Old/New Business continued.

Ms. Lydeana Martin and Ms. Karla Turman discussed recommendations on cluster development. We had a planning grant of \$20,000 to get some time with an engineering firm, a planning consultant firm, and legal counsel. The original group had a complete draft of a subdivision ordinance with a cluster provision in July. That went to the Planning Commission and they have worked through that. We have some consensus items from the Planning Commission. Some of the goals of cluster development are to accommodate growth for housing while at the same time preserving farms, working lands and open space. We know we need more housing options, especially near Town. Keeping housing together in clusters versus what can be done now means less road development because the lots are smaller. The only real way to accommodate tight cluster development in Floyd County because of our water situation is if you have a central water system and ideally having multiple sources for that water like the PSA does. Right now if you are on public water and sewer and you are on a road to State standards you can have a lot just over $\frac{1}{4}$ (0.26) of an acre, which is 11,250 s.f. Just to break even, if a person sets aside half of their land for open space, a minimum lot size would be half of the 11,250 s.f. or 5,625 s.f. We think you could reduce that to 1,700 s.f. lot size for attached town homes and still meet the 35 feet setback and the 10' rear yard. Attached dwellings would go right up to the property line. Town homes are often multi-level. A detached home could be as small as 2,600 s.f. lot size. The current subdivision ordinance requires that you can only develop on State maintained roads.

Ms. Turman discussed the consensus items from the Planning Commission:

- 1) There were no formal recommendations from the Planning Commission to the Board of Supervisors, but they had a list of items on which they came to consensus.
- 2) A site plan would have to be developed which multiple agencies would have to review. This would include the Subdivision Agent, Emergency Services Coordinator, the PSA, the Health Department, and VDOT.
- 3) The cluster subdivision should have both public water and sewer.
- 4) All utilities should be underground.
- 5) The overall subdivision should have 50' of lot frontage.
- 6) Interior lots would have to front on a public or private street.
- 7) Even if it is a private street it needs to be built to VDOT standards with the exception of term radius width and slope, because those are the normal expensive things for VDOT.
- 8) They would only like to allow clustered residential, single-family attached and detached. The single family attached could be a duplex, but more likely just a row of townhomes. No multi-family homes would be allowed.
- 9) 50% would be permanent, open space. That open space does not have to be contiguous.
- 10) Only impervious surfaces would be allowed. No buildings would be allowed in the common area, but trails and sidewalks could be in the common area.
- 11) Once the site plan is set, including the different phases, the land could not be divided; the ownership could not be divided.

- 12) For purposes of streets and common area maintenance they would have to be owned by the homeowners' association (HOA). There was discussion about selling parts of it for agricultural, but it would have to be owned by the HOA.
- 13) There would be a maximum limit of five units per acre instead of having a minimum lot width. There is no minimum lot width or lot size or lot depth. The lots per acre are calculated on the entire parcel not just the developable area so it really comes down to ten units per acre in the developable area.
- 14) The maximum lot size would be $\frac{3}{4}$ acre because if you go much bigger than that there really is no use for cluster development.
- 15) Front yard setback would be 35' minimum and 100' maximum for fire safety reasons. Anything more than 100' would have to be approved by the Subdivision Agent.
- 16) Rear yard would be 10' for a single family detached and attached.
- 17) Any detached single family would have to be 10' from the property line.
- 18) An HOA must be established which would be responsible for maintenance of the roads and all common areas.
- 19) A performance bond should be required for the streets and utilities to be sure they get done. The developer would put that up until they were 75% sold out. It would be required before they could even touch the dirt.

Ms. Turman continued with staff recommendations:

- 1) Any interior street with a bridge or guardrails is built to VDOT standard without exception. *(Ms. Martin explained that is because VDOT has agreed to help us review these even though they are for private streets and say what meets their standards and what doesn't. That means all we are looking for are the three VDOT exceptions of turn radius, slope, and width. VDOT will not review a bridge or guardrail situation on a private street so that would require an engineer or somebody with a lot more technical expertise than we have. You could have it so the developer had to pay enough money so we could hire an engineering firm to review that, but we saw this as a workaround.)*

Supervisor Boothe stated he could not understand requiring a VDOT standard bridge on a road that is not up to VDOT standard. If they have an engineer that signs off on constructing that bridge the responsibility falls on them, not us unless we assume that responsibility. With that wording we may be assuming a liability that we may not want to assume. I want it to be safe, but the onus should be on the developer.

- 2) Staff recommends that PSA be allowed to issue a waiver to the public sewer requirement if it should be needed. *(Ms. Martin explained that PSA's water service goes significantly beyond its sewer availability. If the PSA wanted to provide water service to the cluster development but did not want to provide sewer, which is more expensive, the sewer could be handled in the open space area with mass drain fields. We met with the two PSA staff people and they were comfortable in certain instances to having drain fields in open spaces.)*

Supervisor Boothe said I can see County representatives consulting with PSA, but a waiver of sewer requirement should be handled in-house. The way this is worded it sounds like PSA would be issuing the waiver and they cannot waive a County ordinance. I am concerned about the impact on the ground water in the area if there was a mass drain field in a concentrated area.

- 3) It would allow traditional neighborhood design principles, which is a walkable community, with complete streets, close into Town and that the common spaces benefit all the neighborhood residents.

Ms. Turman said I looked at Villages at Tinker Creek, which is a cluster subdivision in Roanoke County off of Plantation Road. In Roanoke County you have to have a minimum 10 acre site. They only have a 45% open space requirement which means 5.5 acres would be developable. They do allow 5.5 lots per acre which is more than the Planning Commission is recommending. They do not have a lot size interior to the development. They have no minimum lot size requirement. They let the developer decide how they will divide the property. They require sidewalks. There are no setback requirements in the development itself. Outside of the development they have to meet all the regular setbacks. This particular one is a 37 acre parcel development. They have 95 single family detached homes and 20 town homes. They have five private streets with just one main public road that goes through the subdivision.

Ms. Martin discussed the cost and requirements to build a road to VDOT standards according to information provided by Hurt & Proffitt and Paul Brown at VDOT. The estimated cost for one mile of a two lane secondary road is \$5,730,769 for a VDOT road and \$3,438,461 for a private road. PSA has about half of their capacity remaining for water. There are about 73 parcels of property that have 5 or more acres and are within 500 ft. of public water outside the Town and 11 parcels that are wholly or partly within the Town.

Agenda Item 6.d. – Mr. David Clarke, Virginia Department of Transportation.

Mr. Clarke addressed normal maintenance issues and construction projects:

- 1) We are still cleaning up a lot of debris from weather events. A lot of people have come in from out of the County to help us out.
- 2) We are trying to get potholes patched.
- 3) A pipe replacement is planned for Franklin Pike and one for Rt. 8. One on Indian Creek Road has been completed.
- 3) We plan to do some sight distance work at Hale Road and Stonewall Road when the weather allows.
- 4) We are working on a shoulder repair and slide on Macks Mountain Road.
- 5) New Haven Road should already be started or starting soon.
- 6) Alum Ridge Road will start soon.

Mr. Clarke stated the Public Hearing on this year's six year plan will be held at 6:00 p.m. on April 24. He will send out a draft plan which will be the resolution passed last year with four routes removed that will be completed this year – Alum Ridge Road, Vaughns Mill Road, Diamond Knob Road, and New Haven Road.

Supervisor Boothe asked if he had a chance to look into a reduced speed on Rt. 8 near Wills Ridge?

Mr. Clarke said that area is congested enough that they could conceivably drop the speed limit. Mr. Clarke replied they need to wait until good weather to do a speed study.

Supervisor Boothe asked about the guardrail on Rt. 8.

Mr. Clarke said yes, that is still on the list.

Supervisor Kuchenbuch said that Rt. 615 is falling apart where freezing and thawing is causing major erosion at the shoulders and now into the road up near the County line and in other spots. On Laurel Creek Road there are some branches in the road.

Vice Chairman Turman said on Burks Fork Road where you turn off Buffalo Mountain Road at Little Flock Church and Bolt Mill Road turns to the right, they have complained about the potholes. It hasn't been machined in a while and it needs gravel.

Supervisor Coleman said I want to follow up about the GPS signs. During the last snow storm some out-of-state folks who were relying on their GPS in the Indian Valley area had to seek shelter in the Rescue Squad. I have continued to receive emails about this issue. Please see if there are any options to get signs that state this is not a recommended route. The signs need to be at the Montgomery County and Carroll County ends. On Sawmill Hill Road the asphalt is coming off in pieces. There is a bakery near there so there may be increased traffic. Also, the gentleman who is willing to offer his property on Indian Valley Road for sight distance is still asking about that.

Chairman Yoder said thank you for coming last Friday and looking at roads with us. I mentioned to you earlier that the person at 4921 Shawsville Pike asked about a guardrail.

Mr. Clarke said a traffic engineer will have to look at that.

Agenda Item 6.e. – Dr. John Wheeler, Superintendent, Floyd County Public Schools.

Dr. Wheeler said Channel 10 news came and did a nice story about our Early Childhood program which will air on Thursday morning and evening. We had a few teachers present about Kindergarten Readiness at the Community Foundation of the New River Valley meeting which was held here in Floyd. We heard about non-profits here in the New River Valley and we are going to work with one from Virginia Tech which works on getting people employed and getting them career planning and development. You were there for the presentation from Schneider Electric. The two areas you will see within our own resources that goes with all the goals is early literacy and mental wellness. That means getting special education teachers and putting them in the areas where we need them at Floyd Elementary and Check Elementary. We are hoping to get more support for pre-K through 2nd grade within our own people.

Supervisor Boothe asked how they were doing as far as having enough space?

Dr. Wheeler replied we are good everywhere. The biggest thing we need is experiences. The Collaboration Center will do that and at the same time take out the only crowded space we have and get the only transitional class we have from 7th grade to high school in its own area. There is one need at Floyd Elementary and I am looking at using the old dilapidated building by the baseball field. Right now ISS and counseling offices are there. I am looking at getting a nice mobile unit that fits the foundation. We want to open up another Head Start there. We are going to do this within our budget. That will give us another 1000' of class space. Everywhere else we are good.

The Board of Supervisors adjourned for lunch at Willis Elementary School. The Board reconvened at 1:00 p.m.

Agenda Item 8. – 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 Boothe, 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; 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 Boothe – yes

Supervisor Kuchenbuch – yes

Supervisor Coleman – yes

Supervisor Turman – yes

Supervisor Yoder – yes

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

Supervisor Boothe – yes

Supervisor Kuchenbuch – yes

Supervisor Coleman – yes

Supervisor Turman – yes

Supervisor Yoder – yes

On a motion of Supervisor Boothe, 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, for portion of closed meeting in which I was in attendance. I stepped out of the meeting for one discussion.

Supervisor Coleman – yes

Supervisor Boothe – yes

Supervisor Turman – yes

Supervisor Yoder – yes

This certification resolution was adopted.

Agenda Item 10. – Old/New Business continued.

Mr. Stephen Durbin, County Attorney with Sands Anderson, was asked his opinion of the class action lawsuit against pharmaceutical companies.

Mr. Durbin replied that he had the opportunity to hear the Wagstaff & Cartmell presentation in another county. His law firm is reviewing the lawsuit and he recommended the Board table a decision until the next meeting.

Agenda Item 9. – Budget Workshop.

Ms. Morris provided a couple of updates from the last workshop. I talked to Ms. Karen Thompson about Fairview Home. She referred me to the Administrator who is at the Community Services Board. I asked if we contributed money if it would be for management fees? She confirmed that is correct. I said this would not be a buy-in to be a member or to have a seat on the Board? She confirmed that is correct. I asked if we wanted to be a member if the cost would be much higher? She replied that would be up to the Board if they wanted to take us in and that would require changes to the by-laws.

I talked to Phillip Belcher, the EMS Operations Manager. He was very thankful that you are considering adding three more people. He said we would still need 32 hours a week for flex-time employees and that would not include coverage for vacations.

Supervisor Justin Coleman stated the following for the record:

Today's discussion involves the County budget which includes funding for the Floyd County Sheriff's Office. As many of you know, I am employed by the Floyd County Sheriff's Office. The proposed funding would affect the entire department and not just me individually. Together we constitute a group of three or more individuals who are similarly employed by the Sheriff's Office and similarly affected by the discussion. Therefore the exception of State and Local Government Conflict of Interests Act section § 2.2-3112 A (i) applies to this situation and I am able to participate in this discussion fairly and in the public interest. Thank you.

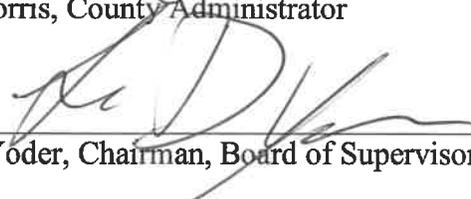
The Board reviewed the revenues to make sure the amounts expected to be collected were reasonable. The Board reviewed the expenditures and discussed further budget cuts. By consensus it was decided to advertise the draft budget as it was at the end of the meeting on April 11, 2018 and to not make any further changes until after the Public Hearing to be held at 7:00 p.m. on April 24, 2018.

Agenda Item 11. – Adjournment.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and carried, it was resolved to adjourn to Tuesday, April 24, 2018 at 6:00 p.m.



Terri W. Morris, County Administrator



Lauren D. Yoder, Chairman, Board of Supervisors