

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

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, June 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 and Linda DeVito Kuchenbuch, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator.

ABSENT: W. Justin Coleman, Board Member.

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 Chairman Yoder.

Agenda Item 3. – Pledge of Allegiance.

Supervisor Boothe led in the Pledge of Allegiance.

Agenda Item 4. – Approval of minutes of June 12, 2018 and June 26, 2018.

Supervisor Boothe – On page 7 of the June 12, 2018 minutes I requested the work on Morning Dew Lane and on Woods Gap Road at the May meeting and not the June 12, 2018 meeting. On page 9 on the third paragraph down where it talks about the Route 8 bridge at the West Fork River, I also mentioned a drop inlet, ditch and spillway that needed cleaning out.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the minutes of June 12, 2018 as amended and June 26, 2018 as presented.

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

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

Questions and discussion followed.

Ms. Morris – In the additional bills for June 2018 the check for Hylton Excavating will be held until Friday when the work at the Maintenance Building is completed. He is doing a great job. They will be starting work at the Legacy Building next week.

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

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

Agenda Item 6.a. – Ms. Tracie Brewster, Floyd County Department of Social Services (DSS).

Ms. Brewster – We provided the information for you this month on an annual basis. We already had a spreadsheet with that information because we like to look at trends. We provided the information to you ahead of time and I am available to answer any questions you may have. It shows the trend that we have been talking about already. The foster care numbers jumped on us. The numbers were incredibly low for a long time. You can see back in January 2017 we were down to 9 and then in February 2017 we were down to 4. Currently in May 2018 we were up to 23. That is why we had to come and ask for additional funding. We are hoping to get those numbers back down. We have several children on the adoption track. One of those adoptions has been finalized. We are hoping by early fall to have additional adoptions finalized. We are working on returning some kids home. As we talked about before, when I looked back at trends for Floyd, we averaged about 10.

Supervisor Kuchenbuch – The average for the last few months has been about 15.

Ms. Brewster – You will see that this locality has also seen an increase in our Medicaid numbers. We are staying at about 1500 or so. We are looking at Medicaid expansion. That is about to happen as well. In our budget we asked for additional funding for another Benefits worker. We are nervous downstairs about how we are going to handle Medicaid expansion even with another worker. Our SNAP numbers stay about the same in the 800 range. TANF stays about the same historically.

Chairman Yoder – A lot of people don't think about in addition to the cost to the State, Medicaid expansion is going to cost the localities. It is another thing the State pushes down to the localities.

Supervisor Boothe – We think we can make room for the additional worker downstairs, but that is the maximum capacity.

Ms. Brewster – We are busting at the seams. We do our best to operate with the space we have, but we are at full capacity.

Supervisor Boothe – At what age does a child exit the foster care program?

Ms. Brewster – At age 18 a child can make a decision to stay in foster care until they turn 21. If they opt out, they have a grace period when they can opt back in. Research showed that when children opted out they were becoming homeless and becoming lost in the system.

Agenda Item 7.a. – Subdivision plats as approved for June 2018.

Ms. Karla Turman – For June 2018 two new lots were created and there were four lot line revisions.

Agenda Item 7.b. – Resolution for appropriation of FY19 budget.

Ms. Morris – The next item on the agenda is the resolution for appropriation of the FY19 budget. It is presented here at 100%, but we can make any type of changes that you want.

On a motion of Supervisor Boothe, seconded by Supervisor Turman, and carried, it was resolved to approve the resolution for appropriation of FY18 budget as amended by taking \$2,500,000.00 out of the Economic Development Authority department (Document File Number 982).

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

Agenda Item 7.d. – Adoption of Resolution for signing of County warrants.

Ms. Morris – There has been a change in employees in the Treasurer’s Office so that is why this resolution is being presented to you.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and carried, it was resolved to adopt a resolution authorizing the following officers to sign County warrants for the County of Floyd: Lauren D. Yoder, Chairman; Joe D. Turman, Vice Chairman; Terri W. Morris, County Administrator; Cynthia B. Ryan, Assistant County Administrator; Melissa Keith, Treasurer; Pamela Sue Stinnett, Chief Deputy; and Ciera Boyd, Deputy (Document File Number 983).

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

Agenda Item 7.e. – Acceptance of bid for roof replacement on Extension Building.

Ms. Morris – We received five bids for roof replacement on the Extension Building. None of the bids were from local contractors. They were not able to do the work. Two of the proposals did not meet our specifications and were eliminated. Mr. Bolt, Mr. Cox and I

reviewed the proposals. We recommend acceptance of the bid from S. G. Young Contracting, LLC. It is the lowest, most responsive bid. Their bid is \$26,227.00.

Supervisor Kuchenbuch – That firm also had the longest warranty on the work, an extra five years.

Ms. Morris – We had \$25,000.00 budgeted for this job so we are not off too much.

Supervisor Boothe – Please take pictures be taken during the demolition and during the construction just as a record of the work.

Ms. Morris – It helped us that there was no asbestos in the building.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and carried, it was resolved to authorize the County Administrator to execute a contract with S. G. Young Contracting, LLC for the amount of \$26,227.00 to furnish the materials and perform the labor necessary for the completion of roof replacement at 209 B-1 Fox Street, Floyd, VA (Document File Number 984).

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

Agenda Item 6.b. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

**Ms. Bob Smith, Indian Valley District** – I am going to be unusually succinct this morning. I have five words. Vote “No” on cluster development. Thank you.

**Mr. Roger Dickerson, Courthouse District** – I know you already made appropriations for the Economic Development...the \$2 million, I forget exactly the number. But anyway, I also know that you will choose your own time to decide when you are going to do this. We need to speed this thing up. We need to speed it up. We’ve waited long enough as it is. You should have already had plans. You should have already had the building site already taken care of. You haven’t done that and you should have done that. You didn’t do that. Now is the time to do it and get it done and build a damn shell building and get it over with. That’s all I’ve got to say.

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

Agenda Item 7.f. – Floyd County School Board requests a supplemental revenue appropriation and a supplemental expenditure appropriation of \$118,003.70.

Ms. Morris – The School Board has received additional funds and they show where they want to put it on the expense side.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and carried, it was resolved to approve the supplemental revenue and expenditure appropriation requests as presented in the amount of \$118,003.70 in the FY18 Floyd County School Board budget.

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

Agenda Item 8. – Old/New Business.

Ms. Morris – I have one new business item. We received a request from the Electoral Board that the new position you approved of the full-time Assistant Registrar position be under the County’s Personnel Policy. They do not want to put the Registrar position under the County’s Personnel Policy, but continue to do what they have been doing with that position until such time as there is a change in person in that position. The Commissioner of Revenue staff and the Commonwealth Attorney staff are already under the County Personnel Policy.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and carried, it was resolved to approve the addition of the Assistant Registrar position under the Floyd County Personnel Policy.

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

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and carried, it was resolved to amend the agenda to permit Mayor Will Griffin to speak to the representatives of Virginia Department of Transportation (VDOT).

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

Agenda Item 6.d. – Mr. Anthony Ford, Virginia Department of Transportation.

Mr. Ford – Normal maintenance issues are:

- 1) In the Willis headquarters area they are hauling stone, machining unpaved roads, trimming brush where needed, mowing, pothole patching, and cleaning some pipes out as needed;
- 2) In the Check headquarters area they did some grading, machined gravel roads on 25 routes;
- 3) On Route 673-Coles Knob Road, Route 610-Hummingbird Lane. Route 654-King’s Store Road, Route 679-Bethlehem Church Road, Route 819-Black Forest

Road, Route 661-Jerry Lane, and Route 8 North; we have done patching and pothole work;

- 4) Some pipe cleaning has been done on Route 653-Shawsville Pike;
- 5) We have done mowing on primary routes like Route 221 and Route 8.

Mr. Ford – The work we have planned to do for the next month includes:

- 1) Pipe replacements on Route 615-Christiansburg Pike, Route 8 S;
- 2) Machining and ditching on various gravel routes;
- 3) Safety project at the intersection of Route 676-Hale Road and Route 612-Stonewall Road;
- 4) Mowing of primary and secondary routes will continue;
- 5) Slope project on Route 706-Thunderstruck Road;
- 6) Patching ahead of surface treatment and slurry seal.

Mr. Ford – Responses to questions Supervisors raised at previous meetings:

- 1) Work needed on a bridge on Route 8 near Route 698 over the West Fork. It is actually two separate actions. One action will happen with the bridge crew. One action will happen with the area headquarters maintenance crew. The bridge crew is obtaining the permits. We hope that work will happen in the next month or so. The maintenance crew work of cleaning the ditch and the drop inlet and the culvert should happen in the next week or so.

Supervisor Boothe – What about the spillway? It looked to me like that spillway is filled up a little and it has to be cleaned out too. If you just clean the ditch, the drop inlet and the culvert; it will just back up again.

Mr. Darrell Sowers with VDOT – Ronald has the permit for that. They are going to try to schedule it for next week. Our maintenance crew will do that. In the stream work has to be done by the bridge crew.

- 2) The Downtown Pedestrian Project is still on schedule. We are hoping to advertise it for construction December 2018. If you get into our system, you will see an advertisement date for construction of June 2019. We are hoping to accelerate it and get it done with advertisement for construction December 2018. That doesn't mean we are going to start turning dirt. It will probably be spring 2019 before we see actual physical work going on.

Supervisor Boothe – I would like to see a final plan for the project.

Mr. Ford – We are still coordinating with Traffic Engineering. The short answer is ultimately yes, but right now we don't have a final plan to share with you. We are still working out some kinks with Traffic Engineering on what we think would be best.

Supervisor Boothe – A lot of things came up at the Public Meeting and I still don't know what has been added and what hasn't. I think the Town needs to be included in that.

Supervisor Kuchenbuch – It would be nice to see it before it goes to advertisement.

Supervisor Boothe – Is there going to be any repaving in that area? Are you going to have to dig out and then repave? The reason I ask is because Supervisor Kuchenbuch, Mayor Griffin, and I serve on the Public Service Authority (PSA). We are discussing that we would like to put a sleeve under there so at a later time piping can be laid for a high pressure pipe. That way we don't have to mess up your asphalt. If you look back at history VDOT comes in and paves something, then PSA comes in and cuts it up.

Mr. Ford – I will have to get back with you on that.

Supervisor Boothe – This is why I am interested in the scope of work being done.

Supervisor Kuchenbuch – With this project communication and coordination with PSA is very important.

- 3) There were questions on sign height regulations for any signs installed downtown. The minimum height in an urban setting or where you expect to have pedestrians is 7' from the ground to the bottom of the sign. That is fairly standard. I know there is some concern about coordinating with existing fire department signs. I haven't walked the project and seen it. David Clarke and I plan to do that soon.
- 4) There was a question about speed reductions or speed limits to be installed. Traffic Engineering tells me that the two main triggers are if traffic count is less than 400 vehicles per day and if you average fewer than 3 crashes per year over a 3 year period, then they typically don't want to install speed limits. They can put a curb warning sign. They can put up a chevron to delineate curbs and things like that. Typically that is the trigger they look at. I looked at Route 735-Dusty Rock Road and the traffic counts on that vary from 70 per day to 310 per day depending on the section.

Supervisor Boothe – I know the citizen will ask if those are the triggers, how did the rest of the road qualify for reduced speed limits?

Mr. Ford – I will continue to follow up on this.

Mr. Ford – That was the last of the follow up on items from the previous meeting. Mr. Clarke told me that you were going to pass a resolution today to declare Route 727 – Moles Road a Rural Rustic Road.

Ms. Morris – This is needed so VDOT can move forward with the design and approval for construction.

Mr. Ford – This one is fully funded and in the Six Year Plan. We are looking to start construction on this road at least by January 2019. This resolution is just a formality.

Supervisor Boothe – Please look at the pedestrian crossing on Main Street near the old Presbyterian Church. Also take a look at switching the signs and eliminating at least one parking space at the end. That should open it up so people can see. A citizen contacted me requesting speed reduction in the Town of Floyd lower than the current 25 mph and 35 mph. They asked that the speeds be reduced in the heavy pedestrian and traffic areas, possibly to 15 mph or 20 mph. Last month I mentioned some roads that need pothole filling. I need to add Route 794 – Lumber Lane. I have been requesting the guardrail on Route 8 and it keeps being promised but not fulfilled.

Mr. Darrell Sowers – I talked to the contractor this morning. The task order has been assigned and issued. He told me that he hoped to get to it in the next 30 days. The problem is the contract has no teeth in it to make him do it. We are kind of at his mercy. There are two sites on this task order. He assured me they were a priority for them as well as us.

Supervisor Kuchenbuch – I want to go on record again about Route 615 – Christiansburg Pike from Thunderstruck Road to the Little River bridge. Mr. Price explained to us last time that paving got thrown out. You are doing some patching on that road before the slurry seal goes down from the county line at Dobbins Hollow to Route 706. But the really bad part of the road is from Route 706 to the Little River bridge. It got thrown out and I implore you to find a way to put it back in. Both sections will now be paved except the middle section which is probably the worst section. I want to go on record as saying that. We also need a guardrail on Route 615 at the county line. That guardrail is going to fall over. When it snows or ices that road is treacherous. I received an email yesterday about Countyline Church Road. I was on that road three weeks ago and it is in very bad shape. Between Shooting Creek Road and Thomas Farm Road it is really bad. We have requested the 45 mph speed limit sign at Pine Tavern be moved north about .5 mile to before you get to Black Forest Road. It is dangerous to pull out of the Pine Tavern.

Mr. Ford – Mr. Clarke and I discussed the sign at Pine Tavern. The Residency is in full support of moving that sign to where you propose. Unfortunately we have to go through Traffic Engineering to get their concurrence. We will try with them again.

Vice Chairman Turman – I am getting complaints about intersections where visibility is cut down because of overgrown bushes. Before you get to Mr. Bernie Baxter's business on Route 719-Laurel Branch Road, he was wondering about getting some vehicle warning signs.

Chairman Yoder – He has a body shop and he wants "Truck turning" signs or anything that warns people.

Vice Chairman Turman – New guardrails were put in next to a bridge that is being replaced. They will have to tear out the guardrails next year when the bridge is rebuilt. Yet we can't get guardrails on Route 8. Brush cutting has been requested on Turnip Patch Road, especially before school starts and the school buses having to travel through there.

Chairman Yoder – Thank you for the work on Hummingbird Lane. On Camp Creek Road there is a small tree leaning over the road so far that it hits the antenna of my pickup truck.

Supervisor Kuchenbuch – On Route 679 - Bethlehem Church Road, I received comments on overhanging trees.

Chairman Yoder – I have gotten several calls and emails about Shawsville Pike. Requests are for speed limits and guardrails or anything that can be done. I know any work on that road would be expensive but maybe some signs about trucks and lowering the speed limit.

Mr. Sowers – We added some signs there last year. We can look to see if there is any funding left.

Chairman Yoder – I could tell you a few places on that road where a guardrail is needed but there isn't enough room for one.

Mayor Will Griffin – Back in 2015 we had VDOT do a right of way study in the Town of Floyd with the hope of addressing some of the larger issues in Town. Since that time really nothing has happened. We have asked several times what is going to be done about the identified areas. The bad part is that questions come to Town or to Jerry [Supervisor Boothe] and we have to say that it is the responsibility of VDOT. It doesn't seem to get resolved. We need some help in getting away from that. There are about four or five instances in Town where there is plant growth or trees into the sidewalks. It has become a one lane of traffic. If you have two people, you are pushing somebody out into the road or one has to stop. What happened is when we talk to people working for VDOT we are told that they are not an enforcement agency. I understand that but if trees are overhanging a road you will clear those up. I've seen the VDOT truck ride through Town with a truckload full of political signs. To me that is enforcement. And you are choosing to not enforce this. I know there are issues in that no one wants to see their shrubs or trees cut back. We also wonder what the liability might be. We are aware of the problem and if someone has to walk in the street to get down the right of way and they get hit, where is that going to go? We don't want to see that. It is difficult.

Mr. Ford – Who was the point of contact at the District when you did the right of way study?

Mayor Griffin – It was Mr. Paul Brown. We need to move forward and the Town and County can't do anything because it is your property.

Supervisor Boothe – I have a copy of the report and it identifies several places that are problems. I am sure some of the places have gotten worse since then rather than better. Do you have something that actually lists the width of right of ways? The report talks about obstructions in the pedestrian parts, but it doesn't really give you a right of way number for Route 8 at the stoplight or Route 221 in front of the new pharmacy.

Mayor Griffin – We found out that the right of ways vary. There is a porch on the top of the Republic of Floyd. The end of the porch is considered to be in the right of way. The widths really vary.

Supervisor Boothe – It would be good to know this for homeowners. I would like this information for Routes 221 and 8 in the Town.

Mr. Ford – At a minimum for any road improvement project or when the road was originally built, we should have as-builts delineating the right of way. At the District there is a set of plans that shows what the right of way is. I'm sure we can get our hands on that.

Supervisor Boothe – Please provide a copy of those plans for the Town and one for the County.

Chairman Yoder – Heading north into Town from the Patrick County side people need to slow down. He requested blinking lights on the sign that says 25 mph ahead. The flashing lights on the sign in Check have been very effective.

Mayor Griffin – At the last meeting the Town signed the construction contract for the sidewalk project coming through Town. The way the contract reads the contractor has 180 days to complete from the signing of the contract. Construction should be soon. The only water project the PSA has in the path of the sidewalk is on West Oxford Street, but it will be on the other side of the road.

Supervisor Boothe – Please send to Ms. Terri Morris the code section regarding sign heights.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adopt the resolution designating Moles Road, Route 727, From: Route 604 to: 0.95 miles southeast of Route 604 as a Rural Rustic Road (Document File Number 985).

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

Agenda Item 6.c. – Constitutional Officers reports.

Sheriff Craig provided an update on Drug Court and personnel changes in his office:

- There are 8 participants in Drug Court;
- One participant is close to graduating from Drug Court;
- We had a bunch of indictments and I will be doing a press release about that;
- We hired 3 Deputies and they will all be going to the Academy;
- We have 2 additional positions to hire;
- Mr. Caz Cantrell resigned and went to work for a steel mill;
- One dispatcher was hired;
- Ms. Fran Weddle retired and Ms. Tara Hollandsworth took her place.

Agenda Item 6.e. – Closed Session.

On a motion made by Supervisor Boothe and seconded by Supervisor Kuchenbuch, 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.

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

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

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

On a motion of Supervisor Turman, 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. 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 Boothe – yes  
Supervisor Coleman – absent  
Supervisor Kuchenbuch – yes  
Supervisor Turman – yes  
Supervisor Yoder – yes

This certification resolution was adopted.

Agenda Item 6.f. – Mr. Stephen Durbin, Legal Counsel.

Mr. Durbin – I was advised that the Board wanted to discuss the potential for regulating protected mountain ridges in Floyd County. In 2000 the General Assembly adopted a statute that allowed localities to protect and regulate tall buildings and structures on protected mountain ridges. We looked at this back in 2011 and no action was taken at that time. Essentially what the statute permits you to do is codified in the zoning section, but it appears to let you adopt a stand alone ordinance that is not a zoning ordinance. It is a stand alone protected ridge top ordinance. It would permit the County to designate protected mountain ridges and to regulate the construction of tall buildings and structures on those protected mountain ridges. The definition of a protected mountain ridge is essentially any ridge that has an elevation of over 2000' and is at least 500' over the adjacent valley floor. The geography in Floyd does raise an interesting question because you look around for where is the adjacent valley floor or how are you going to define that. One view is that there are a few particularly tall ridges within the County that clearly meet that definition. A more expansive view is that most of Floyd County is over 2000' and the adjacent valley floor is the Blue Ridge escarpment along the Parkway. The Code does provide that the determination of the public body as far as designating what is a protected mountain ridge is conclusive. I read that as being not subject to review; however, I think you still want to consider that and base it on good facts. Other localities have adopted protected ridge top ordinances and chosen a different metric. For example, I believe Tazwell County does not consider it a protected mountain ridge until 3000'. You do have that flexibility. We have the ability to regulate less than the State Code enables us to. For tall buildings and structures we are really talking about dwellings, office buildings, actual structures and wind turbines. There are exceptions essentially for cell towers, antennas, steeples, and power lines. When we looked at this back in 2011, we prepared two different versions of a proposed ordinance. One is more regulatory that says you can build tall buildings and structures but you have to have approval, certain setbacks, collect zone, appropriate foundation, measures to protect water, and etc. The other version was basically a prohibitory ordinance that just said beyond these protected mountain ridges we do not permit tall buildings and structures. You can regulate the height. You can say a 250' structure is permissible but a 500' structure is not.

Supervisor Boothe – Wouldn't it be a good thing to have something to relate that number to so it is not arbitrary and capricious?

Mr. Durbin – That would be his recommendation. I think when we looked at this in the past, I think they were building towers in excess of 400'.

Supervisor Boothe – The smallest cell tower is about 257' and the tallest one is 430'. I'm sure that depends on the elevation of where it is located.

Supervisor Kuchenbuch – We going to be telling someone where they can build a house?

Mr. Durbin – It depends on where you draw the line. You couldn't build a 400' tall house if that is where you draw the line. You could permit a 50' tall house.

Supervisor Boothe said some of the wind turbines they talked about when this first came up were 150' to 200'.

Chairman Yoder – One of my main concerns if we were to pass this is I don't want to restrict somebody from putting in a small wind turbine to power their house or a silo or dairy barn.

Supervisor Boothe – There was a map at the time showing which parts of the County would be affected at 2000'. Three-quarters of the County would be affected. I didn't realize you could go up from that 2000'. Do we still have that map? Could you recreate the map at 2500'?

Mr. Durbin – If you could locate the 2000' map and recreate it at 2500', it would clearly identify the adjacent valley floor. It might be helpful.

Ms. Martin – The only thing about the 2000' map, it shows anything 2000' and higher. If you wanted to show the separation you would have to say 2199' or less. The 2000' map was everything in the County except right along the Little River and a couple of places here and there. It was mostly along the northern border of the County.

Mr. Durbin – Regarding your concern on personal wind turbines, there is an exception in the definitions that reads, "Tall buildings and structures" do not include i) water, radio, telecommunication or television towers, etc.; ii) structures of a relatively slender nature and minor vertical projections of a parent building, including but not limited to, chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires or windmills. The way I am reading that there is a distinction between a turbine and an onsite windmill.

Chairman Yoder – If it is attached to a house by a wire, even if it is 50' away, then it is still considered part of that structure, I think.

Mr. Durbin – You could look at that on a case-by-case basis. It says of a relatively slender nature so if the sweep of the windmill arms are within a certain range that the Board defines as slender, then I think you can address that concern.

Chairman Yoder – I am not sure that I am for restricting people's use to their property. I definitely worry about that because I thought about putting one up at my house before. Over the next 20 years technology might get to the point where it is cost effective.

Mr. Durbin – You might also be able to address that concern by the height definition.

Supervisor Boothe – I said 300' to 350' because the smallest cell tower is 257' and that is relating to something that is already in place. I am a staunch property rights person, but we also have an obligation to considering one of our biggest draws is the beauty of the County. We could easily see that destroyed. Last time we wanted to know the tax impact. I was on the committee and I had many discussions with Dan [Mr. Campbell, former County Administrator] about because there were no prior turbines there was no prior tax structure. We could only relate to the land where cell towers are located and it being an improvement to the property and the value went up. For a resale value we could not find where something was sold around it. I

would like to see the information that Lydeana Martin is going to get together showing the original 2000' and above, one at 2500' and above, and one at less than 2500' to see the difference. I want us to look at this, but I want us to do it the right way. I don't want to put anybody in the position where they are uncomfortable.

Mr. Durbin – Until we see what the maps look like, am I correct that you are not looking for any modifications to the proposed draft ordinances?

Supervisor Boothe – Personally I like the draft last time where the second paragraph talks about tourism, except for the elevation and height. Patrick County named theirs “The Communication Tower Ordinance.”

Mr. Durbin – First of all they invoked the zoning power.

Supervisor Boothe – They don't have zoning.

Mr. Durbin – They adopted it under the zoning section. They did not adopt it under Section 15.2-2295.1. They adopted it under Section 15.2-2280 and it is essentially a countywide zone that has this one regulation. It was adopted before the new regulation from the General Assembly.

Agenda Item 6.g. – Closed Session.

On a motion made by Supervisor Turman and seconded by Supervisor Kuchenbuch, and carried, it was resolved to go into closed session 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 Coleman – absent  
Supervisor Kuchenbuch – yes  
Supervisor Turman – yes  
Supervisor Yoder – yes

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

Supervisor Boothe – yes  
Supervisor Coleman – absent

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

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, 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 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 Boothe – yes  
Supervisor Coleman – absent  
Supervisor Kuchenbuch – yes  
Supervisor Turman – yes  
Supervisor Yoder – yes

This certification resolution was adopted.

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

Dr. Wheeler – In the letter I explained that we will have a carryover of \$327,850.15 that we would like to go into the Capital Improvement Fund. In the second paragraph of the letter I tell you about what we are looking at for an electronic security installation. It will still leave the Capital Improvement Fund healthier than it has been in a while, depending on the other projects we are doing with facilities. We have to be very aware of a couple of boilers that we are keeping a close eye on. It looks like we'll probably be requesting more than the amount in the letter, about another \$13,000.00. We are putting in a couple more additional areas at Floyd Elementary for security cameras. The Library looks great. We are going to put LED lighting ballast in there. The current lighting dates back to the 1950s, 1960s and 1970s. The security areas at the high

school will have the student check in system and visitor management system. Those are the only changes. Everything else can be found on our website – the budget, what we’ve accomplished with your help. And we greatly appreciate it. Everything else is flowing like it should.

Supervisor Kuchenbuch – Is the carryover the result of being more cognizant about where the dollars went during the school year so we ended up with \$327,850.15?

Dr. Wheeler – If you look at the list on “About Us” on the website, for a lot of items I put reallocated for positions. We took advantage of the natural need where we’re utilizing our staff. That worked out naturally so that was beautiful. Every month we look at every category and every year we look at the three year average. You are probably looking at a small increase from State and Federal revenues. A lot of it is internal. I foresee if you look at the infrastructures, Transportation is on a good track with a six year plan. Every now and then we will do a \$5,000.00 to \$10,000.00 repair on a bus to get five more years out of it. We are going to keep that fleet healthy. Technology we are in good shape there. We are hoping to minimize that budget. We have the facilities coming up now which is the big thing and it will be tied to the Capital Improvement Fund. Once that starts out of that pot of money, Timmy [Cox, School Board Maintenance Supervisor] and I will have to look in case a heating issue comes up, we’ll have to contact these places next month and ask what does it looks like. We have to compare what to do for the long run. Once you get those three infrastructures new like anything else, then you can really handle the budget. There is where it is coming from. We are stable in two different areas. We can really say we know where we need it. The other two salary scales should be the only thing on our budget this year and I’ll keep pulling once those studies come back in.

Agenda Item 7.g. – Floyd County School Board requests a budget transfer of \$327,850.15 from FY18 revenues in excess of FY18 expenditures into the Capital Improvement Fund.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and carried, it was resolved to approve that \$327,850.15 from the FY18 Floyd County School Board budget be carried over to the Capital Improvement Fund.

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

Agenda Item 7.c. – Appointment to the Floyd County Social Services Board, Little River District, four year term, effective July 1, 2018.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and carried, it was resolved to appoint Ms. Terra Alagna-Cole to the Little River District position on the Floyd County Social Services Board, for a term from July 10, 2018 to June 30, 2022.

Supervisor Boothe – yes  
Supervisor Coleman – absent

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

Agenda Item 8. – Old/New Business.

Supervisor Boothe – I received a request to add a cardboard recycle site to the dumpsters on Route 8 right outside of Town down below Dr. Marshall's.

Supervisor Kuchenbuch – I attended my first Floyd-Floyd County Recreational Authority meeting. I am pleased with our appointment of Ms. Beth Burgess to the Authority. She has taken on the role of Treasurer. Ms. Kendra Arthur has taken the Town position that was previously filled by Mr. Mike Patton. Last night it was brought up that County appointments have to take an oath to serve, but the Town appointments do not. Why is that so different?

Ms. Morris – I will let the Town know that their appointments should take the oath too. Mr. Durbin recommended that be done when they come up for reappointment.

Supervisor Kuchenbuch – Ms. Arthur was just appointed and she is willing to take the oath. One of the other things that came out of last night are job descriptions for both the Director and the Administrative Assistant and an evaluation form for both. One of the things I stressed at the meeting was that both the Town and the County should be looked upon as resources for consultation. We are serious about the job descriptions and there will be a 90-day review starting October 1 of both of the employees now that they have job descriptions and have an understanding of expectations. We will be developing an entirely new policy manual. The meeting lasted three hours and every bit of it was discussions about these things. I wanted you to know we are moving in the right direction. We had a quorum, but not every member was present. I was pleased. Supervisor Kuchenbuch provided the draft documents discussed. It also came up about having the County dump their trash. There is a similar dumpster at Floyd Xpress.

Chairman Yoder – At that location the Town would be responsible for dumping. We would love for the Town to go down to the Recreation Park and empty trash, but they say it is too far to drive.

Supervisor Kuchenbuch – That would be cooperation if they could go down there after they get the one right outside here.

Chairman Yoder – The Town has not been interested in doing it in the past, but maybe that will change. They want to charge a fee, but we do not charge rent for using our building.

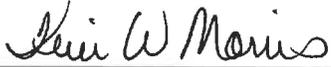
Supervisor Boothe – The Town considers their contribution proportional per citizen.

Chairman Yoder – They have two votes on the Authority, but it is all good. I don't want us to buy a particular type of bin for one entity.

Ms. Morris – It can't be picked up by our trucks. The Town picks up the one behind the Floyd Xpress Mart. Our trucks can't pick up that type of dumpster.

Agenda Item 9. – Adjournment.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and carried, it was resolved to adjourn to July 24, 2018 at 7:00 p.m.



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Terri W. Morris, County Administrator



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Lauren D. Yoder, Chairman, Board of Supervisors