

**BOARD OF SUPERVISORS  
REGULAR MEETING  
JANUARY 14, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 14, 2020 at 8:30 a.m. in the Board Room of the County Administration Building thereof;

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

**ABSENT:** Jerry W. Boothe, Vice Chairman.

Chairman Turman 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 Yoder led in the Pledge of Allegiance.

Agenda Item 4. – Approval of minutes of December 10, 2019 and January 2, 2020.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to approve the minutes of December 10, 2019 and January 2, 2020 as presented.

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

Agenda Item 5. – Approval of monthly disbursements.

Questions and discussion followed.

On a motion of Supervisor Coleman, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the January 2020 monthly disbursements and additional bills as presented.

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

Supervisor Turman – yes

Agenda Item 7.g. – Exception request – setback requirements, Floyd County Code Section 62-31(B).

Ms. Morris – You have the letter from the Building Official, the request from the landowner, and a gentleman from Clayton Homes is here if you have any questions. They are asking for a variance to leave the septic tank in place that has been there for a number of years and moving the house site. Mr. Bolt had no issues with it as far as restricting any sight distance.

On a motion of Supervisor Coleman, seconded by Supervisor Yoder, and carried, it was resolved to approve the exception request as recommended by the Floyd County Building Official for 219 Rivendell Road NW, Willis VA 24380 for a variance to Code Section 62-31; vision sight distance requirements; setback.

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

Agenda Item 7.a. – Subdivision plats as approved by Agent for December 2019.

Ms. Morris – Ms. Turman gave you the subdivision report for your board packet. If you have any questions or concerns we will pass those on to her.

No questions were asked.

Agenda Item 7.b. – Appointment to the Floyd-Floyd County Public Service Authority (PSA) for a four-year term.

Ms. Morris – We only received one letter of interest and it was from the incumbent.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to reappoint Mr. Mike Maslaney as the County representative to the Floyd-Floyd County Public Service Authority for a four year term.

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

Agenda Item 7.c. – Two appointments to the Floyd County Economic Development Authority (EDA), both appointments for a four-year term.

Ms. Morris – We have two positions open for four years and the only letters received were from the incumbents.

Chairman Turman – Supervisor Boothe called me about this, and I concur with him, that since this was advertised during the holidays that we should extend it and re-advertise the positions for a couple more weeks. It is not that we won't accept the ones received.

Supervisor Yoder – Why would we re-advertise the Economic Development Authority positions but not the Public Service Authority position?

Supervisor Coleman – Was the PSA advertised during the same period? That makes it a little more difficult for me.

Supervisor Kuchenbuch – Yes. Do we need to reconsider the PSA vote and re-advertise that position too?

Supervisor Yoder – It is interesting in that we had a lot of people apply for EDA in the past. I wonder if when people apply multiple times and don't get it, that they no longer think there is a point in applying. I think that might be part of it.

Ms. Morris – The EDA appointments expired on December 10, but the members continue to serve until a new appointment is made.

Ms. Ryan – The PSA member cannot vote on any issues until that position is appointed. There is a difference in how the two Authorities work vote-wise.

Agenda Item 6.a. – Mr. Chad Alls and Ms. Hope Estes, Floyd County Department of Social Services.

Mr. Alls – Everyone has the Social Services report. We did drop one foster child who aged out of the Fostering Futures program. We have 22 kids in care now. We are losing our Adult Protective Services worker. She has been recruited by the State to do some training. We will begin the process of recruiting to replace her as soon as possible. We are going to have a significant shortfall in funding for the Child Services Act. We are almost all of the way through the funding we have been allotted. As a community program it includes the School system, the Department of Social Services, the local Community Services Board and the Court Services Unit. While we have not had a case from them, there is a case pending right now so we may get another child in foster care as a result of that. Next month when I am standing here I will be asking for additional funding. The Community Policy and Management Team will have to really look at the Family Assessment and Planning Team recommendations and make sure we are making the appropriate decisions and utilizing our funds appropriately. I would like to introduce Ms. Hope Estes who is our Benefits Program Supervisor. She has been with us for 4 years but has a world of experience with Montgomery County as a Supervisor. I brought her today to speak about the SNAP [Supplemental Nutrition Assistance Program] E & T [Employment and Training Program] which is relatively new and has just been approved for Floyd County to participate in.

Ms. Estes provided information on the SNAP-ET from a training she attended yesterday:

- 1) The program is for persons who are 18-59 years old, able-bodied to work, and have no dependents;
- 2) The work program is similar to the Virginia Initiative for Employment Not Welfare Program [VIEW];
- 3) We have to have a plan in place by January 31 to meet the requirements;
- 4) There are about 58 cases in Floyd County
- 5) It is a voluntary program at this point, but in the future it is expected to become mandatory;
- 6) For eligible people we have to have a plan in place to get them training, to get them employed, and identify any barriers they might have;
- 7) We will try to get them into literacy programs, or the New River Community College training programs, or the Action training programs to try to help the people become employable, make a living wage and make them less dependent on the system;
- 8) If a person in the program does not meet a requirement of working 20 hours per week or having a dependent in the home or being mentally or physically unable to work; they have a 36-month clock;
- 9) Once they get 3 months of benefits, they have to be meeting a requirement of either being unable to work or working a minimum of 20 hours per week or they are not eligible for SNAP benefits to the end of the 36-month period;
- 10) This program is going into place to try to get people working;
- 11) If they do become involved in the program, then it can extend their benefits while they are enrolled in the program.

Supervisor Yoder – How much more of a workload does that add to your staff?

Mr. Alls – I don't think it will be a great deal of extra work until it becomes mandatory. My plan is to have those cases handled by the current VIEW worker. Of course she is also working Child Protective Services ongoing cases. I am trying to rearrange some of the workloads so we can better manage and utilize the employees that we have until we can possibly get 1 more.

Supervisor Kuchenbuch – The concept of this is good. We want everybody to have the tools they need to become productive members of our society, but again the workload...

Mr. Alls – It will also be difficult to find work placements for participants because in Floyd there are not a great deal of job opportunities, but we will do what we can do to the best that we can.

Ms. Estes discussed fraud in Floyd:

- 1) For Medicaid all the fraud cases we find are actually sent to the State Recipient Audit Unit; we do not handle Medicaid fraud locally;
- 2) Whenever we are reviewing our yearly cases to determine eligibility and find they got benefits they were not entitled to, we write up a summary and send that information to the State;

- 3) We have inquiry access to Virginia Employment Commission, Social Security, and a lot of employers go through the Work Number which is an automated system where we can retrieve their paystub;
- 4) We are required to verify pay with pay stubs if we can't do it through the system or through their employer;
- 5) If the client has SNAP or Temporary Assistance for Needy Families that is handled locally;
- 6) Clients are required to report changes within 10 days or no later than the 10<sup>th</sup> of the month following the change for SNAP and TANF and 10 days for Medicaid;
- 7) If they don't report something, it is up to us to determine if it is fraud and they intentionally did it or if it was unintentional and they forgot;
- 8) We look at the money amount to determine if it is substantial enough to send to the Commonwealth;
- 9) For SNAP we had \$24,708 that I sent out in 2019 and for TANF it was \$2,466 in claims;
- 10) We have 2 cases at the Commonwealth right now that add up to about \$33,000 and we have 2 more getting ready to go and those will amount to about \$15,000.

Supervisor Kuchenbuch – For a County our size is that typical?

Ms. Estes – I would say yes. I handled claims in Montgomery County and this is pretty typical. Montgomery County is larger and there was a lot more. A lot of our clients are truthful. A lot of us live in Floyd County and so we know what is happening and can send out a checklist asking if there are any changes and give them an opportunity to report.

Agenda Item 7.e. – Pepper's Ferry Regional Wastewater Treatment Authority Memorandum of Understanding.

Ms. Morris – This Memorandum of Understanding is for disposal of our septage at the landfill. We don't use Pepper's Ferry Regional Wastewater Treatment Authority a whole lot anymore, but we want to keep it in effect in case. The contract we have right now with Outhouse Toilet Rentals takes everything to Bassett. There are no changes in the agreement from last year.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the Memorandum of Understanding for Septage Service Outside of Service Area for Calendar Year 2020 with Pepper's Ferry Regional Wastewater Treatment Authority and to authorize the County Administrator to execute the Memorandum of Understanding (Document File Number 1087).

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

Agenda Item 6.b. – Public Comment Period.

Chairman Turman called for the Public Comment Period.

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

Agenda Item 6.c. – Mr. Jacob Agee, Recreation Director.

Ms. Morris – Mr. Agee has been working on a sponsorship packet.

Mr. Agee – With the Authority there was no set sponsorship packet that standardized how signs would go up, or if someone sponsored a team how that was handled. Now I do not know who has rights up at the Recreation Park. I have been trying to track that down. I thought it would be wise to create a packet that is standardized and can be sent to everybody. I researched what is being done in surrounding counties and borrowed from them. I included a department sponsorship and then sponsorships for individual sports. As we offer other events I hope to expand this and allow individuals and companies to sponsor specific events.

Supervisor Coleman – Do you personally plan to market this with businesses?

Mr. Agee – Yes. If this is approved we will start. I have a call list.

Supervisor Coleman – I think it is self-explanatory and well thought out.

Supervisor Kuchenbuch – Reaching out in person is important, especially in our community. I'm glad you researched surrounding counties and then tailored it to the needs and ability to pay in Floyd County.

Supervisor Coleman – What is your goal in getting sponsorships?

Mr. Agee – I have no clue. I could forecast it if there was any data from the Authority. In my budget I put \$2,500.00 for the first year. Mr. Shane Edgell has already budgeted \$750.00 for two sponsorships.

Supervisor Yoder – If I recall correctly about 4 years ago we got about \$5,000.00 to \$6,000.00 a year, but our prices were a little bit cheaper than this.

Mr. Agee – From my research I found that we were far below market value.

Supervisor Yoder – We had businesses from other counties sponsor with us because of the exposure they got for the price. I would personally prefer that there be more people involved at a lower price than less people involved at a higher price. Part of what makes Recreation work is having a lot of community involvement. My only concern would be that if we made our prices too high; I would rather have 40 businesses involved than 3 businesses involved.

Supervisor Kuchenbuch – I think there are so many different levels of sponsorship that someone can find one they can afford.

Mr. Agee – That was my thought process. There is varying levels of exposure in each package. I did try to think of what Mr. Yoder was saying but also consider market standards. I

don't want to lower the value of our product, because prices are attached to value in the eyes of the beholder. If you would like for me to lower the prices, please send your suggestions to me.

Supervisor Coleman – I think they are reasonable.

Supervisor Yoder – How do we police what is on the signs that are provided to us? Are there businesses we don't want up there? I can think of businesses that we wouldn't want on the ball field. If there is a T-ball game going on do you really want a big sign advertising whiskey or cigarettes?

Mr. Agee – I can put in there that everything has to be approved by Ms. Morris and me. I think that would be a good addition. I told Mr. Edgell that I would need to see his sign before it was put up.

Supervisor Coleman – I am sure you also have a silent donor program?

Mr. Agee – We do actually.

Supervisor Kuchenbuch – This is a job well done.

Ms. Morris – Another thing Mr. Agee has been working on is the Park Facilities Use Agreement. If you will review that we will bring it to the next meeting for discussion.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the 2020 Floyd County Recreation Department Sponsorship Packet amended to include language that signs had to be approved by the Director and County Administrator (Document File Number 1088).

Supervisor Coleman – yes

Supervisor Kuchenbuch – yes

Supervisor Yoder – yes

Supervisor Boothe – absent

Supervisor Turman – yes

Agenda Item 6.a. – Constitutional Officers reports.

Mr. Eric Branscom, Commonwealth Attorney provided information on the Drug Court and other items in the Commonwealth Attorney's Office:

- 1) We have about 20 people in the program depending on the ones being screened;
- 2) The program has been a success and we are very proud of it;
- 3) We had a recent graduation and another one is coming up;
- 4) We had to work out the kinks but we are at a good pace now;
- 5) Montgomery County, Pulaski County, and Giles County all have Drug Courts and we work together to help people work through problems but each has its own approaches;
- 6) It is Judge Long's passion that makes Drug Court work by trying to find another way to work with addicts;
- 7) It is a lot harder work to go through than going to jail;

- 8) The estimate I have on the amount of money the County should get back from the cost collection program is \$12,191.84;
- 9) If we weren't taking the lead on this program that money would have gone into the State coffers instead of going to the County;
- 10) I would urge you to consider sending a letter to the General Assembly because last year there was a bill introduced to eliminate having local Commonwealth Attorneys handle the cost collection program.

Sheriff Craig provided an update on staffing in the Sheriff's Office:

- 1) I am working on the FY21 budget;
- 2) We still have 2 dispatchers in training;
- 3) Our new deputy, Mr. Michael Clemons, started the Academy last week;
- 4) We are doing a background check on a person to fulfill all the law enforcement positions;
- 5) Mr. Bruce Turner retired but I am excited to say that he is going to come back and help me in the Courtroom so we will not lose him completely;
- 6) Mr. Jamie Brook will be retiring at the end of next month;
- 7) Mr. Dale Marshall, who used to work for Floyd County years ago before he went to Christiansburg Police, was hired to take the Animal Control Officer position;
- 8) With all the work we've done on the retention scale we have gotten somebody back who was taken from us.

Agenda Item 6.e. – Mr. Eddie Worth and Ms. Lori Trail, Drug Court.

Mr. Worth and Ms. Trail provided an update on Drug Court:

- 1) The program started 3 years ago this March;
- 2) It has had tremendous success and I am here to thank you;
- 3) It has paid off for citizens in how it has affected their lives and their family's lives;
- 4) We started the program with 2 participants;
- 5) Our goal is to get to 20 to 25 participants and we don't expect to grow much beyond that with our current resources;
- 6) We are up to 16 active participants and by the end of this fiscal year we expect to be up to 20;
- 7) We've had 3 graduates;
- 8) At the last graduation there were 2 individuals but between them they had 5 children so their successful recovery helped themselves and also their children;
- 9) Participants are required to become employed if they are not already employed and maintain employment;
- 10) This means they become taxpayers in Floyd County;
- 11) Participants as they progress in their recovery are able to prevent removal of their children into foster care or help facilitate return if they are in foster care as a result of their substance use disorder;
- 12) All of our participants have to give 100 hours of community service just to be in the program but they can get more if they get into trouble;
- 13) It is not an easy program and many of our participants say that jail is much easier than what we are asking them to do;
- 14) Another participant will be graduating in a couple of months;

- 15) The benefit of housing to somebody, especially in early recovery...if you don't have a safe, sober place to start then it is difficult to be successful;
- 16) Providing that basic need allows them to benefit from the treatment we provide;
- 17) To determine cost savings we look at Virginia sentencing guidelines from the low end to the midpoint and these are probably under estimates of cost savings because a judge can give more than that.

Supervisor Kuchenbuch – After hearing the sobering news from Social Services, hearing that 5 children were able to remain with their families is important.

Mr. Worth – This is a far reaching program that we can't measure. We don't know, by these people getting help, how it is affecting other members of their families. They are providing great examples. This is a tough program. When you are in front of Judge Long and you have veered off the path a little bit, he knows how to bring you right back on it. He has the respect of all the Drug Court participants. But he is fair. He is the best ever at what he does, in my opinion. We couldn't ask for anybody any better. When we had to get housing 3 years ago you stepped up and helped.

Supervisor Kuchenbuch – Please explain how it is not a time-based program.

Ms. Trail – It takes a participant a minimum of 2 years to complete the program and it might be longer depending on how they progress through it. I would like to echo what Mr. Worth said about Judge Long. I think without him there would be no Drug Court across the New River Valley. Across the New River Valley we've had about 60-65 people so far and it should be growing to around 80.

Supervisor Kuchenbuch – Does the Board of Supervisors need to write a letter to anybody about Judge Long's commitment?

Mr. Worth – Timing could be of the essence right now. Judge Long has done so much good in the drug arena of the County. We've had a tremendous issue here. Judge Long has stepped up to the plate and made it difficult for people who want to do business in Floyd County because there is a price to pay when you do.

Chairman Turman – Judge Long is breaking the ripple effects of drugs. This is 65 people who are not being taken care of at the Regional Jail. Some of the people who are not on hard drugs, they need help and not incarceration. It is the same thing with mental health. I want to see him get Mental Health started.

Mr. Worth – With the 16 participants now at \$28.65 a day in jail we are looking at \$200,000 a year that we would be paying as a County to keep these people in jail.

Chairman Turman – Then when they got out of jail, they would still be a problem.

Agenda Item 6.f. – Mr. David Clarke, Virginia Department of Transportation (VDOT).

Mr. Clarke provided construction and maintenance updates:

a. On the maintenance side –

Stone and gravel	Numerous gravel roads
Bank stabilization	Barberry Road
Tree and brush removal	Thunderstruck Road, Sunny Ridge Road
Pipe	Sowers Road, Thunderstruck Road, Roger Road and a few in Willis area

b. On the construction side –

Sidewalks	Finished at Milestones Day Care and paint crews are scheduled to paint the crosswalk; We've been asked to look at the existing sidewalk at the high school and see about getting a crosswalk painted there.
Downtown Project	Will be starting in a few weeks with a lot being weather dependent; they will be boring under the road and it will be a mess but a lot of the work will be done at night in order to keep walkways and businesses open. It is supposed to be finished at the end of June.
Right of way	Quesenberry Road, Firehouse Road, Mill Run Road
Six Year Plan	We need to get this scheduled.

Supervisor Yoder –

- 1) I don't have anything. I had heard one complaint, but when I drove through it looked great.
- 2) The worst road that I have been on is Sunny Ridge Road and that is not in my district.

Supervisor Kuchenbuch –

- 1) I have received calls on Roger Road and Thunderstruck Road. Graders go out and then it rains. We can't control that. If we could get away from the river it would be great.
- 2) I saw a beautiful, huge bridge over the James River in Botetourt County and I thought about the amount of money that bridge cost when we don't have the money to get roads fixed.
- 3) Sunny Ridge Road needs work.

Supervisor Coleman –

- 1) The pothole on White Rock Road still needs to be fixed.
- 2) I have a couple of safety projects that I would like to meet with you about.

Chairman Turman –

- 1) People have contacted me about the bridge on the little road that comes off Firehouse Road across to Merifield Road. The feed trucks are busting the bridge up. That little

road is the closest way for the fire department to get in. The lady who lives at the end of the bridge is in her 90s and another person on the road has a health condition is on oxygen.

*Mr. Clarke – We may have to put a couple of little projects together. I just drove through Sowers Road and the low water bridge there looks bad too.*

On a motion of Supervisor Yoder, seconded by Supervisor Coleman, and carried, it was resolved to hold a Public Hearing on the Six Year Secondary Road Plan on February 25, 2020 at 7:00 p.m. or as soon thereafter as possible.

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

Ms. Morris – The request for abandonment of a section of Weddle Road has been withdrawn.

Mr. Clarke – Mr. Paul Brown has left VDOT and returned to private practice. Mr. Jesse Miller, who has been with VDOT for some time, has been hired for the Land Use Engineer position.

Agenda Item 6.g. – Mr. Jon Vest and Ms. Dawn Barnes, Virginia Cooperative Extension.

Ms. Barnes – Thank you for all of your support. We are here today to announce good news. Ms. Laura Oliver is our new 4-H Agent. She comes to us from North Carolina Cooperative Extension. I will let her tell you about herself.

Ms. Oliver – Thank you for having me here today. I am originally from Pulaski County. I went to Virginia Tech for my undergraduate degree. For the past 10 years I have lived in North Carolina, 8 years as a 4-H Agent and the past 2 years as an Agriculture Agent for North Carolina Cooperative Extension out by the coast. I am happy to be back closer to home and I am ready to do some good work here in Floyd County.

Supervisor Kuchenbuch – We are happy to have someone back in the position and that it be someone from here.

Supervisor Yoder – Welcome to Floyd. In the past we have helped a few times like with elections for 4-H positions. If you ever need help with anything, reach out and we will be happy to help.

Agenda Item 7.c. – Two appointments to the Floyd County Economic Development Authority (EDA), both appointments for a four-year term continued.

Supervisor Coleman – I hate that we appointed the PSA position when it was under the same advertisement as the EDA positions. They need to be making decisions as well. I am sure the PSA needs to have a voting member.

Supervisor Kuchenbuch – I don't think it would hurt if we reconsidered the motion for the PSA appointment. We would have to re-advertise the position so the person would not be in place for the February PSA meeting. He could attend but not vote and we usually have a quorum. I feel like if we do one then we need to do the others the same way. I will make a motion to reconsider the vote on the appointment to the PSA.

Supervisor Coleman – I will second that motion. We need to send a note to these applicants explaining why we are doing this and it is not because we don't think they are qualified, but we wanted to make sure every opportunity was given to citizens.

Supervisor Yoder – To reconsider the motion then we are voting against Mike Maslaney being appointed to the PSA.

Supervisor Kuchenbuch – I don't think there is anybody more qualified for the PSA than Mike Maslaney and we haven't had people knocking down our doors to serve. It is a difficult position to be in right now. The PSA needs the most qualified individuals to serve. I withdraw my motion.

Supervisor Coleman – I will withdraw my second to the motion to reconsider the previous vote for the PSA appointment.

Supervisor Kuchenbuch – We advertised these positions and I would like to have seen other applicants for the EDA, but it was advertised twice in the paper. I appreciate Supervisor Boothe's point, but we have two qualified candidates.

On a motion of Supervisor Coleman, seconded by Supervisor Yoder, and carried, it was resolved to reappoint Mr. Jon Beegle and Mr. Andy Finn to the Floyd County Economic Development Authority for a four year term.

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

Agenda Item 7.d. – Appointment to the Floyd County Chamber of Commerce Board of Directors for a one-year term.

Ms. Morris – As you can see from their letter they are asking for an ex-officio member. I read in *The Floyd Press* from the Town Council meeting, they were interested in having a member but didn't want their member to have voting rights because they thought it would be a conflict on their part.

Supervisor Yoder – I am interested in this position. There are a lot of things we provide funding to and we sit on the Board and vote, like the Jail Board.

Ms. Morris – The letter says you would have all the rights and privileges of board membership, such as voting and none of the responsibilities, such as committee assignments or attendance expectations.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to appoint Supervisor Lauren Yoder as the Board of Supervisors representative to the Floyd County Chamber of Commerce Board of Directors with all the rights and privileges of board membership (such as voting privileges) and none of the responsibilities (such as committee assignment or attendance expectations) for a one year term.

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

Agenda Item 7.f. – Resolution in Support of Legislation to Improve the Process for Review of Legislation with Local Fiscal Impact.

Ms. Morris – I was asked by Supervisor Boothe to put this resolution on the agenda for your consideration. Basically it asks the General Assembly to put us a little further ahead in the process when they consider bills that have impact on local governments.

On a motion of Supervisor Coleman, seconded by Supervisor Yoder, and carried, it was resolved to approve a Resolution in Support of Legislation to Improve the Process for Review with Local Fiscal Impact (Document File Number 1089).

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

Agenda Item 8. – Old/New Business.

Chairman Turman – I want to talk to the Community Services Board before I do it, but I am on their Board and on the Executive Committee. I have a whole lot more on my plate right now. I might step down from that Board if anyone else is interested in being on it. The Board meets every other month on a Thursday night at 6:00 p.m. They want you to have a year of experience before serving on the Executive Committee. I had always heard about the work of the Chairman but I had not realized the impact and the amount of work that goes with it.

Ms. Morris – It doesn't have to be a Board member. It can be a community member, but several years ago you decided to have a Supervisor serve on that Board.

Supervisor Coleman – I might be interested.

Ms. Morris – You already approved task order #14 with Thompson & Litton for \$910,097.00 for the schematic design, surveying, geotechnical and environmental services for the Collaboration and Career Development Center. But the only money you approved was \$170,514.44 which was for the schematic design. They have completed that part of the task order and this change order would provide approval for the remainder of the funding of \$739,582.56.

On a motion of Supervisor Yoder, seconded by Supervisor Coleman, and carried, it was resolved to approve Change Order No. 1 to Task Order No. 14 for \$739,582.56, the balance of funding for design phase through the construction phase services defined in Task Order No. 14 and authorize the County Administrator to execute same.

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

Ms. Morris – We received a request from the PSA for help with valve replacements they need. The list is divided up between critical needs and additional needs, but from what they said it all sounds pretty critical. They have done an extensive review of their system, especially after the many problems they have had over the last several months. They have found numerous needs of the system. They are requesting assistance from both the County and the Town for the replacement cost of these valves, especially for the critical needs portion. Supervisor Boothe has spoken with the Town in preliminary discussions. He told me they are considering funding half of the cost. In the critical needs the cost would be \$35,504.28 if they can use 6” valves and the \$50,759.04 is for 8” valves. There is still discussion at this point as to which size they need. From what I understand the PSA does not have any extra funds to put toward this at this time. They are below the amount they need to have in their fund balance unrestricted cash.

Supervisor Kuchenbuch – We have been discovering valve problems as they blow. That is creating extra expense. The one on Friday night right down from our alley here took almost 8 hours of time from the afternoon into the evening. It was costly and turned out to be a valve we didn't know about and is no longer needed and was taken out. The problem is there is no mapping. We think we have all of these valves figured out, but as that case pointed out, we didn't even know it was there. The sooner we get this done for the system, the better off we will be. There are now as many County residents on the PSA as there are Town residents so there is responsibility on our part. If we can see our way clear to doing all 29 valves for all of the needs it would be a definite improvement to an already marginal system. We are working to replace water lines and getting grants.

Chairman Turman – Supervisor Boothe explained to me that when valves burst it shuts down half the Town and that costs revenue for businesses and tax for us. He said in the long run it will probably pay for itself. We are talking about \$60,000.00+.

Ms. Morris – Any time we have a break like that the nursing home and H & V have no water.

Supervisor Yoder – Also the publicity makes it difficult to attract businesses to the Commerce Park. Every small county and city PSA is having problems and what is coming down the pike with storm water management will really hit some communities. In the Chesapeake watershed we are talking billions of dollars. That is just for wastewater treatment systems. Finding grants will get harder and harder because everybody will be desperate for them and will be able to show a real need for them. The Mayor told me about the need for these valves. He said if there was a water break, with the new valves they would be able to section off the affected area and the rest of the Town could continue to operate.

Supervisor Kuchenbuch – With one of our water breaks we had to shut down the entire system, and then we had to chlorinate. The longer we wait the more expensive these will become.

Supervisor Coleman – I talked to Mr. Boothe about it and he mentioned hiring the current employees and paying them overtime to fix it. Would you please see if the costs reflected here are based on doing it in-house?

Supervisor Yoder – In the past the Chairman and Mayor discuss an issue and come up with a proposal for each to take to the County and Town respectively.

Ms. Morris – Do you want me to talk to the Mayor?

Chairman Turman – You can, if you don't mind. You can probably get with him easier and quicker than I can.

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

Dr. Wheeler provided an update on issues affecting local education :

- 1) There are some facility bills that could help us 5 years down the road, especially Senate Bill 4 by Senator Stanley which will provide a large pot of money for roofs;
- 2) We are doing well with the progression of instruction and are tying it all into the Collaboration Center;
- 3) The people who design instructional spaces are meeting with teachers; it is instructionally and skill-level driven;
- 4) The estimators of cost will be used again in mid-February;
- 5) Everything is going well and is on schedule;
- 6) The Governor wants to put a lot into many different areas and education is one area, but it is disappointing to some because the budget didn't fund specific Standards of Quality positions that were lost in 2007;
- 7) We are not close to the amounts that were included in the 2007 and prior budgets;
- 8) Propositions in the budget that will help small school systems like ours I have pinpointed and we are going to work with our representatives;
- 9) We have a 6-year budget and the objective is to ask for the same minus the debt service that is coming off;
- 10) Unfortunately there are some unfunded mandates;

- 11) We are 3 years into reallocating positions with our funding and obviously when enrollment drops, funding drops, but we are not at a critical point;
- 12) We will use as much of the State funding and as little local money as possible.

Supervisor Kuchenbuch – What is the student enrollment right now?

Dr. Wheeler – 1,838. The Governor is putting all early childhood programs under one umbrella in the State under the Department of Education. Even private centers will fall underneath this umbrella. In 5-10 years this will be a great, great move. We have gone to every home and there are no unidentified 3-year-olds. New River Community Services has to do this because that is their grant. When the federal government comes in and says you are not serving everybody, they are saying, “Yes, we are. We go out and know where all the 3-year olds are.” The population is down. They are worried about it too.

Supervisor Kuchenbuch – What was the enrollment 3 years ago?

Dr. Wheeler – We are dropping slowly. If you look at grades 8-12, those numbers drop at a much slower rate. We are dropping about 10-15 each year. We will probably end the year in the 1,840s. When we do our budget, we try to stay within 5 +/- . If you go too high you are out of money and if you go too low then you didn't use it.

Supervisor Kuchenbuch – Would you please have someone from your office send to me the numbers from the past 10 years?

Dr. Wheeler – Yes. That is not a problem. If you pull out January minutes over the past 10 years you can get the number for every January, but I will send it to you. That is the other thing we are combatting. We have to be efficient and the best time to be efficient is when you have money.

Agenda Item 6.i. – Mr. Don Marickovich, Draper-Aden Associates.

Mr. Marickovich explained Draper-Aden Associates proposed response and proposed plan for storm water ditch repair for Ditch B:

- 1) The County received a warning letter from the Department of Environmental Quality (DEQ) dated December 12, 2019 asking for a plan of repair on Ditch B;
- 2) In June 2016 several of us met at the landfill to look at several issues brought up by DEQ:
  - a. One was a sediment basin on the southern end of the landfill had piping that leaked and the sediment basin had emptied down the creek;
  - b. Several storm water channels had eroded away;
- 3) We came up with a plan to fix each issue and we moved forward with it later in the year;
- 4) The piping had a hole in it and the County, in late 2017, excavated out the piping area and had the hole patched and cleaned out the sediment basin;
- 5) Ditch B was a big trench that had a lot of rip rap in it from the early 1990s, over time it gradually eroded away;
- 6) The soil back there is very erodible and the ditch was caving in and a lot of trees had fallen in it;

- 7) We decided at the time that the County would have a contractor clean up the area, reshape the ditch and add in a bunch more rip rap;
- 8) It is a difficult construction project because getting access to it is pretty hard – the ditch is about 90' long and pretty steep;
- 9) The repair worked for a while and initially it satisfied DEQ, it slowed down the erosion but did not completely stop the erosion because water is still coming into the ditch;
- 10) I thought it would hold longer than it did but after a couple of years the continued erosion became evident;
- 11) My plan was to interrupt the water, which comes from two different directions, and keep it away from the ditch by building a soil berm across the access road to stop any water going into the ditch;
- 12) The impoundment would build up, overflow the side of the access road, go down a slope to a large flat area, and then join a stream that is fed by the sediment basin and a bunch of springs;
- 13) We met with a contractor and submitted the plan to DEQ who disapproved the plan for a number of reasons:
  - a. They didn't want another impoundment of standing water on the landfill, probably so it wouldn't percolate down to the groundwater;
  - b. There is a groundwater monitoring well in the area;
  - c. They didn't like the idea of the water going off the side of the slope because it might create another ditch that would have to be fixed in 20 years;
- 14) In their disapproval DEQ indicated they would accept any other alternative that would work, but their preferred solution was to install a drainpipe down the ditch to keep the water from hitting the sides of the ditch, with the proper inlet and outlet protections;
- 15) My recommendations are a conservative design to make it permanent;
- 16) To support the pipe and hold the pipe in place at the top and to direct the water into the pipe, we want to install a precast concrete headwall with the pipe secured into the end of the headwall;
- 17) It will be a 36" pipe about 90' long;
- 18) We want to backfill the ditch with stone and soil to cover over the ditch;
- 19) We won't use soil from the area because it is very erodible; we would bring in soil;
- 20) We would put straw matting on it to establish vegetation and seed it;
- 21) Once it is in place and vegetation is established that should be it as far as Ditch B goes;
- 22) At the bottom we have designed outlet protection which is a bunch of rip rap sitting over geotextile fabric so the water will rush down and dissipate the energy of the water.

Supervisor Kuchenbuch – Could the 2018 plan been done without the standing water by doing piping and have it run into the forests?

Mr. Marickovich – You could put in another ditch and redirect it away from there but I don't think DEQ would approve it.

Supervisor Yoder – What I like about this plan is that it is a permanent fix.

Mr. Marickovich – Before this ditch was put in it looks like there used to be a downslope pipe.

Mr. Thompson – Yes. Lorimar took it out in the 1990s.

Mr. Marickovich – We are due to submit the letter to DEQ and they might comment on it, but ultimately I think they will agree because this is what they want. When they approve it they will probably ask for a schedule. I think they are pursuing it because they have to. It was noted in 2016 as a problem and it still isn't resolved. I don't know if they will say it has to be fixed immediately. You might be able to push construction off to next fiscal year in July.

On a motion of Supervisor Coleman, seconded by Supervisor Yoder, and carried, it was resolved to approve Draper-Aden Associates plan to repair Ditch B and to authorize Mr. Don Marickovich to submit the plan to DEQ on behalf of Floyd County.

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

Ms. Ryan – The same day we received the DEQ letter about Ditch B we received another letter from DEQ about 2 other observations. One of the observations just required us to update the Operations Manual which we immediately corrected and submitted. The other observation was that leachate was coming out of the transfer station and flowing into the gravel in front of the building. It was raining on the day in October that the DEQ inspector came.

Mr. Sherrell Thompson, Solid Waste Superintendent – He said it would be fine to put a speed bump there so the leachate will stay on the side of the trash. We will put two signs up.

Ms. Ryan – We are talking about a rubber curbing and Mr. Thompson has already got prices of \$34 per foot. We can buy that locally. Mr. Andy Finn is meeting with us tomorrow to look at putting up 2 signs that indicate trash is not to be dumped beyond this point. DEQ has approved the idea and we are hoping it solves the problem of leachate leaving the building.

Agenda Item 6.j. – Mr. Steve Durbin, County Attorney, Sands Anderson.

Mr. Durbin – On the status of the Recreation Park, in August a decision was made to transition from the Recreation Authority to the Recreation Department. As part of that process the Town and County negotiated for the transfer of the Town's share of the property to the County for use in perpetuity as a recreation park. As part of that process a Public Hearing has to be held by the Town pursuant to Virginia Code 15.2-1800, which is applicable to all localities in Virginia, on the proposed disposition of real estate. That has not been done to date, although it is my understanding that they are advertising for the Public Hearing to be held soon. After the Public Hearing there will need to be a motion to approve the conveyance and then a deed can be executed to transfer the Town's share of the Recreation Park to the County pursuant to a reverter clause that if it were ever to be used for purposes other than a Recreation Park that the Town's share would immediately revert in the Town. Since the Recreation Authority has been dissolved, the County Recreation Department has been moving forward expeditiously to put new policies in place to make sure there is continuity of sporting events and to move forward. It is my understanding that since the dissolution of the Recreation Authority the only events held there so

far were official Recreation Department activities or possibly events that were already scheduled and reserved by the Recreation Authority. We are in the process of adopting a Park Use and Reservation Policy. I expect that at our next meeting that we will be able to present that to the Board for review and comment for additions and questions. Unless and until the Town conveys the interest they hold in the Park it is really joint controlled. The County does not have sole control over the Recreation Park scheduling or events or anything like that.

Supervisor Kuchenbuch – In your discussions with legal counsel for the Town have they given you any indication as to when they will be holding their Public Hearing?

Mr. Durbin – My understanding is that they will advertise right away and hold it at the next available meeting after the advertisement. I think it only has to only be advertised once for a Public Hearing like this. The County is subject to a little higher status of notice.

Supervisor Yoder – I guess in the meantime the only way we can hold an event is if the County and Town both signed off on it. Is that how that would work?

Mr. Durbin – Yes. Speaking strictly hypothetically, if both owners of the Park gave approval for an event and had agreed to terms theoretically that is a way it could go forward. Or if the property were temporarily leased from the Town to the County, but it would take some time to work out any agreeable lease. In my thoughts it makes more sense instead of spending our time negotiating a short-term lease, let the Town have a Public Hearing and just do an outright conveyance.

Ms. Morris – Do you want Mr. Durbin to discuss going further with the Second Amendment Ordinance options?

Chairman Turman – I think the point is moot right now. It looks like they moved forward on their own. I wanted to know the legalities for the County if a militia was formed.

Mr. Durbin – Generally, I would have concerns under the statute passed by the General Assembly some years ago that really limits what any locality can do in terms of regulating firearms or passing any ordinance that governs the use, possession, ownership of firearms. It is very limited and we pointed that out in our previous discussions. Actually this Board put a reference to that statute in the Second Amendment Resolution that was passed back in December as a way of emphasizing that we don't intend to violate that section of the Code of Virginia and that we intend to comply fully with the Code. That is one limitation that you have. The other limitation that would give me concern about passing an ordinance like that or calling for the County to call a muster for militia is that I don't see any Authority in the Code of Virginia for a County Board of Supervisors or any local government to do that. That is really a function of the Governor as the Commander-in-Chief of the armed forces of Virginia. I don't see any independent authority for a locality to organize a militia or anything like that. If private citizens want to associate and explore that it is beyond the scope of what we can regulate, provided that they continue to otherwise comply with the law.

Supervisor Coleman – Is there anything more we can do than we have done?

Mr. Durbin – That is really a case-by-case question in terms of can we pass additional resolutions, can we talk to our elected officials in the General Assembly. Whether there would be standing to pursue legal action is a question that we can only answer if there is a law that we want to take action on.

Supervisor Yoder – Hypothetically if there is a law that is passed that we think violates the Second Amendment, that amendment does not protect us, it protects individuals.

Mr. Durbin – It protects people.

Supervisor Yoder – In my mind because the County has no right to a militia in Code or the Constitution, if Virginia passed a law and court cases came out of it, it would almost have to come from individuals whose rights have been violated.

Mr. Durbin – That is the most likely scenario. I think you are right. I wouldn't foreclose all possibility because I just don't know what might be passed in the General Assembly and I would not want to limit my options or your options, but I agree that is the most likely thing. Individuals clearly have rights under the Constitution. What the Constitutional status of a locality might be is a much murkier question. A County's rights will be more limited than an individual citizen's rights would be.

Supervisor Yoder – For example it is not really limiting our police officers.

Mr. Durbin – That is a really good example where it would be questionable as to what injury the County would be suffering. That is the standing test, in order to bring a lawsuit to vindicate your rights you have to have some right that is being broken or threatened. It is just not clear on its face what right the County has there.

Supervisor Yoder – There is a lot of attention on certain bills and not on others that might really impact us.

On a motion made by Supervisor Kuchenbuch, and seconded by Supervisor Yoder, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 5., Discussion of real estate 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; and under Section 2.2-3711, Paragraph A. 8., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

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

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

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, 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.5.; and Legal Counsel 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 Coleman – yes  
Supervisor Kuchenbuch – yes  
Supervisor Yoder – yes  
Supervisor Boothe – absent  
Supervisor Turman – yes

This certification resolution was adopted.

Agenda Item 8. – Old/New Business continued.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the contract with Thompson & Litton with minor changes to wording made by the County Attorney and contingent upon approval of the EDA (Document File Number 1090).

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

Supervisor Yoder – House Bill 77 has been introduced by Delegate Sam Rasoul. If passed it would require electricity companies to have 80% of their electricity produced by clean energy within 8 years. If it passes it would require Appalachian Power to put in a lot of wind turbines and/or solar. By 2035 it requires 100%. Even if a version of that passes, we are going to be seeing some people looking back at our ridge tops. We went through this 8 years ago and never did anything about it. It might be time to look at it again in order to get ahead of it. By our next meeting or two we should know how that bill is going. I think we would be high on the list because they had test stations here. A lot of the work has already been done here versus going in completely blind someplace else.

Mr. Durbin – If I remember correctly we drafted a few different versions of how to regulate or how you would define a ridge top. We would have to go to Public Hearing again.

By consensus the Board requested that Ms. Morris immediately draft a letter of support for Judge Long’s reappointment.

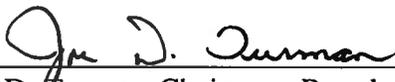
Agenda Item 9. – Adjournment.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, and carried, it was resolved to adjourn the meeting to January 28, 2020 at 7:00 p.m.



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Terri W. Morris, County Administrator



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Joe D. Turman, Chairman, Board of Supervisors