

**BOARD OF SUPERVISORS
REGULAR MEETING
JUNE 23, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, June 23, 2020 at 7:00 p.m. in the Board Room of the County Administration Building thereof;

PRESENT: Joe D. Turman, Chairman; Jerry W. Boothe, Vice Chairman; W. Justin Coleman, Linda DeVito Kuchenbuch, and Lauren D. Yoder, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator, Tabitha Hodge, Economic Development Technician to livestream and film the meeting.

Agenda Item 1. – Meeting Called to Order.

Chairman Turman called the meeting to order at 7:00 p.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 Coleman led in the Pledge of Allegiance.

Agenda Item 4. – Approval of month end disbursements.

Questions and discussion followed.

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

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

Agenda Item 5. – Public Comment Period.

Chairman Turman called for the Public Comment Period.

Ms. Karen Baker, Little River District – I am a member of Floyd’s Conversations on Racial Equality group. I am a member of a working group on the future of the County Courthouse Confederate “Common Solider” statue. Now this is a statue that was placed by the United Daughters of the Confederacy (UDC) in 1904, one of 50 identical statues that the UDC placed on county courthouse lawns all over Virginia. These were all placed in the first years of

the 20th century. I am here today to consider the history of Floyd County, its culture, and its future, in a very short exposition. I hope to start a discussion, and perhaps enlist our support in an examination of what is proper with regard to the future of our Common Soldier. Many in our county consider the statue as a symbol of southern heritage and southern culture. Others consider it a symbol of white supremacy. Still others think it is quaint. Most have no idea of its origin or intent. To go back to the period at issue – the Civil War – Floyd County in 1860 was composed mostly of small farm holdings and businesses. About 9% of households had slaves and those households were the elite. Lincoln's election in 1860 was widely considered an endorsement for the end of slavery, and secession loomed. When the vote in Floyd came on the issue in 1861, Floyd was deeply divided, with large numbers of unionists and United Brethren, then called Dunkards, opposed. The results of the vote however were unanimous, achieved by physically preventing any "nay" votes. Floyd's role in the Civil War is marked by 3 significant facts. First, 28% of its recruits deserted, at almost 3 times the rate in the rest of the Confederate Army. Second, desertion was driven both by concern for their families and a lack of attachment to the ideals of the Confederacy. Third, by 1864 Floyd had elected as its sheriff a staunch unionist. In other words, support for the Confederacy in Floyd was equivocal at best. Throughout Reconstruction and until the beginning of the 20th century, the joining together of poor white and blacks in political action was of great concern to the political elites of the post-war South, who were again taking control of the political landscape. The United Daughters of the Confederacy, formed in 1894, had as their goal the restoration of the white political gentry to power in the South. To do so they created a mythological heritage for the South comprised of the connection of the common white man to the gentry through the valor of the Lost Cause, and through emphasizing that blacks were inferior. Understanding that symbols are powerful, the UDC raised 224 statues in Virginia and nearly 700 in the South through the early years of the Jim Crow legislative period. The UDC controlled education in this State and made sure that the children of the 20th century were taught both aspects of the mythology. The signal was that the Old South was back. A wistful memory of the common man is indeed part of our statue's appeal, but its underlying message is of white supremacy and that remains its most lasting symbol. The courthouse should stand as a symbol of equal justice under the law without regard to race, religion or other differences. Instead the courthouse statue proclaims that the courthouse belongs to the white descendants of the Confederacy and only them. The statue stands as a signal that white supremacy reigns in Virginia and in Floyd County. The heritage created by the UDC can no longer be recognized as our truth so the statue has to go. Robert E. Lee wrote in 1869, that "I think it wiser, moreover, not to keep open the sores of war, but to follow the examples of those nations who endeavored to obliterate the marks of civil strife, to commit to oblivion the feelings it engendered." His judgment in this matter should guide us in the forthcoming discussion. I have copies of my remarks and I have copies of most of the resources I used to put this together, including a list of the county courthouses where our statute stands and a statement by the National Trust for Historic Preservation on June 18 recommending that these monuments come down from public places. I will provide those to you at this time. Thank you for your consideration.

Ms. Susan Icove, Locust Grove District – I read on the agenda that you will be voting and considering a height ordinance for the County. I wanted to come to you tonight just to ask to put off a decision like this for years to come. I understand this is probably referring to a wind farm of some sort. I know it didn't fly very well years ago, but I want you to consider not deciding on something like this at this time. Why? Let's watch Botetourt. They are putting one

up. Let's see what the people say. Let's hear from them how much their power came from this. Let's also consider that no one on this Board should have any family members or friends that would be protected by this vote, because that would be a conflict of interest. It scares me to have this decision made at this time. Let's consider it whenever the opportunity would come to us, if and when it ever would. Thank you.

Hearing no further comments, Chairman Turman declared the Public Comment Period closed.

Agenda Item 7. – Constitutional Officers reports.

No Constitutional Officers were present.

Agenda Item 10.a. – Discussion/approval of First Amendment to License Agreement – Copper Hill site.

Mr. Steve Durbin, County Attorney – As you may be aware the County currently has communications facilities on a communications tower in Copper Hill that is pursuant to a license agreement that was negotiated between the County and the owner back in 2008. There was a request to reconfigure some of the County's equipment. A proposed amendment was prepared to that license agreement by the tower owner. I have reviewed it and don't see any items of concern. The Board could authorize execution of that agreement.

Ms. Morris – Our equipment is in the correct place on the tower, but they have changed the heights of things since we did this original agreement. We had 20' antennas and they want us to have 10' antennas.

Vice Chairman Boothe – Is there any concern about going from 20' to 10'?

Ms. Morris – No, the antennas are from ProComm and they have already reviewed it.

Mr. Durbin – This is a no rent agreement.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the First Amendment to License Agreement between ATC Sequoia LLC, a Delaware limited liability company and County of Floyd, Virginia and to authorize the County Administrator to execute the First Amendment to the License Agreement (Document File No. 1115).

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

Agenda Item 11. – Old/New Business.

Ms. Morris – I have a couple of items under new business. You have a copy of a letter request from Ms. Lydeana Martin to approve Task Order 2 with Hill Studios. This is for the housing plan composed of the mixed use and mixed income. This would fall under the County's current term contract. There are no local funds involved with this. Funding comes from two planning grants from Virginia Housing she already told you about.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt Task Order 2 of the County of Floyd/Hill Studio Open-end agreement and to authorize the County Administrator to execute the task order (Document File No. 1116).

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

Ms. Morris – We received a request for a budget supplement from Department of Social Services. This is for \$163,000 for congregate care placements. This is 100% Title IV-E funds. There are no local funds involved.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve a supplemental revenue appropriation in Public Assistance State Share in the amount of \$163,000.00 and a supplemental expenditure appropriation in Department of Social Services Fund 110 in the amount of \$163,000.00 in the FY20 budget.

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

Ms. Morris – Per the Board's approval at our last meeting, the online application for the RISES process begins June 25. As you will recall this will be on a first come, first served basis. Because we felt the need to get the funds to people quickly, we want to do a separate check run for these once a week or more if need be. If okay with you we will provide a list to you at the end. Because the timeframe for the program is so short if we have to wait until you have a Board meeting, we were afraid that would slow the process of getting payment out to businesses.

Supervisor Kuchenbuch – I think that makes a lot of sense.

Agenda Item 7. – Public Hearing on Floyd County's Proposed Real Property Tax Increase.

Ms. Morris read the call for the Public Hearing and noted that it was published in the May 21, 2020 edition of *The Floyd Press* and also posted on the County's website.

Chairman Turman called the Public Hearing open on Floyd Count's Proposed Real Property Tax Increase.

Ms. Morris – We have not received any written comments or telephone calls from citizens and no one from the public is here to speak.

Chairman Turman declared the Public Hearing closed.

Agenda Item 10.b. – Discussion of draft ridgeline ordinance.

Mr. Durbin – You have before you two versions of a draft ordinance regulating tall structures on mountain ridges in Floyd County. One version is a simple prohibitory ordinance that provides no tall structures defined as 100' in height could be constructed on protected mountain ridges in Floyd County at a height in excess of 2,500'. This would incorporate the protected ridgeline map. It would prevent the construction of tall structures in excess of 100' on those ridges with exceptions for relatively slender projections, such as cell towers, steeples and projections coming off of existing structures.

Vice Chairman Boothe – 100' could keep a homeowner from having a turbine of their own. The reason I was going with a higher number was because I know it would be less restrictive on the citizens as far as their personal uses.

Mr. Durbin – It is your decision to make policy. In researching the matter, I did see that there are some 1.5-megawatt towers that would be less than 300' in height. That is something to be aware of. The tower I saw would be 150' with a span of sweep of the rotors being another 100' in height.

Vice Chairman Boothe – At one of the previous public hearings, somebody said they had a 125' tower and were running electricity to their home. Doesn't the blade height count in the total height?

Mr. Durbin – The way we drafted it, it does. You are not measuring from the hub; you are measuring from the highest extension of the blade. I included a previous version the Board considered in the past for a comparison. That is more of a regulatory ordinance. It provides for permitting and balloon testing and fines for removing the structure. It is much more in depth in terms of administration. My recommendation would be to go with the simpler version if you are inclined to adopt anything.

Discussion was held as to the height of towers and the difficulty tall structures present to jets and helicopters.

Supervisor Yoder – I echo Vice Chairman Boothe's concern. I really like the 300' threshold or 250'. I don't want to limit someone from doing something. I just don't know if the mega sites, the big, commercial sites are a good fit for Floyd.

Mr. Durbin – My suggestion if you go to Public Hearing is to advertise it at 100' and if you decide 250' is the right height after hearing public comment, you are free to do that because you are making the ordinance less restrictive.

Vice Chairman Boothe – I understand what you are saying, but we are also giving the public the perspective that we are going with the more restrictive. I definitely don't see it going under 200'.

Supervisor Yoder – I am not even opposed to a commercial site being put in as long as it isn't one of the gigantic ones. I don't think we are trying to stop ten 150' turbines. I am concerned about Wills Ridge or another site that has to be levelled to put a road in and size of the base that would have to be dug out. If a large structure were to fall down, how far could it go?

Vice Chairman Boothe – I could live with the 250' number you mentioned. We have to be careful with how we set this number and what we base it on, don't we?

Mr. Durbin – If you have a rational basis for where you are drawing the line then your legislative action will be upheld. Clearly you have the authority to regulate.

Vice Chairman Boothe – I came up with 300' based on average cell phone tower height. But I think we could go 250' to 300' based on cell phone tower height.

Supervisor Yoder – I could go with 350'. My big concern is I don't want to see a super mega site. If we get into it, my big concern is also that if someone starts to build something it may be grandfathered in even if we do pass an ordinance. It is a lot easier to have someone come to us and propose what they want to do and have us reconsider our ordinance based on their proposal than it is for them to start building and at that point we have no recourse.

Vice Chairman Boothe – We don't have any regulation authority on the blasting that goes on? That is all covered under the State laws, isn't it?

Mr. Durbin – It really is. The clear authority is to regulate height and location of protected mountain ridges. You still have other basis of authority like nuisance.

Supervisor Yoder – My other question is the 2500' elevation. I would almost be inclined to raise the height allowed but lower the elevation.

Mr. Durbin – If you lower it then there will be more protected ridges in Floyd County, but on the unprotected areas you would be allowing taller towers. You can do that. 2000' is the statutory limit. That is your floor.

Supervisor Yoder – From all the different dangers we heard over the years, the biggest thing I worry about is the super tall ones. The sites they have to build and the roads that have to go in and what happens 30 years from now. Citizen concerns in the past weren't so much about protecting the tops of the highest ridge lines, it was more about what environmental damage the giant sites might do.

Vice Chairman Boothe – The low frequency waves can also have an effect in different ways.

Mr. Durbin – If you are concerned about low frequency and noise abatement, I think you probably have some authority under this ordinance to require that there be a setback from the property boundary and a setback from any occupied structure. That is not in the prohibitory ordinance but there is an example in the regulatory one.

Vice Chairman Boothe – I am okay with going to 250' height and 2300' elevation.

Supervisor Kuchenbuch – My feeling is if we keep lowering and raising, we may end up inadvertently not allowing for people to build even a certain type of house they want to build. I think we need to be careful as we continue to, in effect, zone by ordinance and the unintended consequences of doing so. That is all I am concerned about.

Supervisor Yoder – I was concerned about that back when we had to have it at 40'.

Mr. Durbin – Let me read to you the definitions from the Code about what the County could not regulate: “Tall buildings or structures” do not include (i) water, radio, telecommunications or television towers or any equipment for the transmission of electricity, telephone or cable television, (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; or (iii) any building or structure designated as a historic landmark, building or structure by the United States or by the Board of Historic Resources.”

Discussion was held as to whether personal use windmills and certain other structures were allowed based on the definition.

Supervisor Coleman – I stick with my opinion on this. I am not in favor of it, but I don't have any problem with giving the public the opportunity to speak about this issue. I would be interested in hearing what the public has to say.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and carried, it was resolved to authorize the County Administrator to advertise for public hearing on July 28, 2020 at 7:00 p.m. or soon thereafter “An Ordinance Regulating and Prohibiting Tall Structures on Certain Ridgelines in Floyd County, Virginia” with the height of the structure being limited to 250' and the elevation being 2300' or higher.

Supervisor Coleman – no

Supervisor Kuchenbuch – no

Supervisor Yoder – yes

Supervisor Boothe – yes

Supervisor Turman – yes

Agenda Item 8. – Public Hearing on Floyd County's Proposed FY21 annual budget and tax levies.

Ms. Morris read the call for the Public Hearing and noted that it was published in the June 11, 2020 edition of *The Floyd Press*. Ms. Morris discussed FY21 budget highlights:

- 1) Because of economic uncertainties related to the coronavirus, the Board has prepared and composed a very lean budget for the upcoming fiscal year;
- 2) Capital items in the proposed budget include:
 - a. Debt service for the \$14.5 million addition to and renovation of the vocational school;
 - b. Construction of a new building at the Commerce Park to attract new businesses with a building cost estimated at \$3.5 million of which grants were obtained in the amount of \$2.3 million;
 - c. Debt service for the purchase of 1 fire truck, 1 ambulance for paid staff, and 1 trash truck;
 - d. Funds are included for a major erosion repair at the closed landfill in the amount of \$73,000;
 - e. There is a small amount of funds to begin repairs on the roof at the Transfer Station Maintenance Building which has been in place since 1973.
- 3) On the Personnel side of the budget:
 - a. An increase in cost for the mandated State retirement system;
 - b. An increase in health care costs;
 - c. Adding 1 full time and 1 part time staff to the paid Emergency Medical Services;
 - d. There are no raises or cost of living for County employees included;
 - e. There is a possible 2% bonus for Constitutional Officers and their employees if at such time it is approved by the Governor.

Chairman Turman called the Public Hearing open on Floyd County's Proposed FY21 annual budget and tax levies.

Ms. Virginia Neukirch, Courthouse District – Considering the uncertainty of COVID-19, I do think a 15% increase sounds high. The expected revenues for meals and lodging tax will be dramatically lower. It looks like this situation will be slow to resolve and Floyd will lose most of its tourist trade this summer. That not only hurts the County's budget, but really affects all the small businesses in Town. Not all businesses may be able to survive, which will continue to hurt the tax situation during this crisis. It is a domino effect. That being said, I do support all the monies going toward the school system as it is in the budget. I think educating our young people is important. Transitions aren't free. I'm sure it will cost more to figure out how to make school work for students and staff. The only thing I suggest, and I don't know if you have any say in this, is to possibly hire a mental health professional to replace the resource officer. My friends in the health field are telling me that mental health is a bigger issue than ever now. With the uncertainty due to the pandemic and unrest in our country on the whole if adults are feeling the stress, children are certainly feeling it also. For that reason, I also support not cutting any money from Social Welfare. I think people in our community will need that help more than ever. I know it is hard to cut back. Everything costs more. I see that in my own household budget. But I ask that you look hard at the budget and see if there are nonessentials. Everyone has their own opinion as to what is nonessential, I get that. But see if there are some expenses that can be put on hold. I know this can't be an easy task and I appreciate all of your hard work. Thank you for being here.

Supervisor Kuchenbuch read into the record a written Public Comment received from:

Mr. Paul Kitchen, Little River District – I would like to attend the Board of Supervisors meeting on June 23, 2020; however, the coronavirus presents a personal risk that I am unwilling to take. Therefore, I ask that you read this during the Public Comment period on my behalf. The following are my words, mine alone. The current economic conditions are impacting members of our community, businesses, and certainly creating budgetary challenges for Floyd County. With that in mind I offer these suggestions for your consideration. Above all of the issues we face personal safety is paramount and should be top of mind and a factor in all decisions. It is also critical that the Supervisors lead by example and wear personal protective equipment to protect one's self and those we come in contact with. It is my opinion that the Board of Supervisors should take measures to assure the financial security of the County by limiting spending to only the essentials. Every effort made [sic] to save and reduce budgeted spending wherever possible. I suggest that every budget line item be scrutinized and evaluated as to the level of importance. Certainly essential spending should continue, discretionary spending should be curtailed, and capital investments be reviewed and where possible delayed. Capital conservation must be the driving force behind all spending decisions. The only way to reduce spending is to prioritize and make the hard choices. The County revenue stream has likely already been impacted and it is probable that further pressures will be felt. During these times members of the community are also feeling the financial strain. It is my opinion that the County should continue to collect revenue as it has in the past. This will work for the County and the majority of residents. In the hardship cases exceptions should be allowed as needed assuring compassion for those that need assistance [sic]. A confidential process should be put in place, which allows those that need additional time to pay obligations, the opportunity to ask for relief. Deal with the exception rather than make a rule that applies to all. This way normal revenue flows are [sic] maintained while helping those in need. Major capital expenditures and debt should be avoided if at all practical. No new capital spending should be considered or approved, planned capital spending stopped if it can be, and all capital expenses evaluated against any go forward plans relating to how business will be conducted while we continue to deal with the Coronavirus. I, as I am sure you do, hope that we will be able to return to our normal lives soon. Now is the time to show leadership by example, use fiscal restraint, and be warm hearted toward those that need help. Now is not the time to promote expansion plans or invest in new projects that might strain the County financial situation. Thank you.

Hearing no further comments from the audience, Chairman Turman declared the Public Hearing closed.

Agenda Item 9. – Mr. F. Jesse Bausch, Attorney with Sands Anderson PC.

Mr. Bausch – Folks from Davenport & Company have been here for the last meeting or two. They did a presentation on the refunding plan which is for 3 existing financings that you already have. These are refundings for savings. There are no new capital projects. This is just to save you money. The resolution before you tonight approves the two different parts of this financing. One part is for the school which was done last year and you will be refinancing a piece of that. That is secured by Indian Valley Elementary School. That will be refunded again with a lease on Indian Valley Elementary. It will match the existing loan but at a lower interest rate. We've had multiple conversations about trying to get it off of collateral, but in the

environment we are in now, banks are looking at things a lot harder than even one year ago. The other part of this refunding is for two other pieces, one for the Branwick Center which was an economic development project and another for various items. Both of them are for savings. Branwick Centers was a taxable deal like a normal commercial loan. It will still be a taxable deal but more like a governmental financing now. No collateral is being put up for those and will be the moral obligation of the County. The School Board met last week and approved their piece which included another lease of Indian Valley Elementary. The EDA meets next week. They will approve the actual bonds and all of the documents. There are 3 separate bonds because there are 3 separate projects. The resolution approves all of that.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the adoption of the resolution as presented to accept the proposal dated June 3, 2020 bid from Truist Bank for such financing with an interest rate as set forth in the proposal and to authorize the appropriate officials to execute the documents (Document File Number 1117).

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

Agenda Item 10.c. – Discussion of Courthouse monument.

Mr. Durbin – There have been requests made by members of the public to consider removal of the Confederate monument standing in front of the Courthouse. I was asked to address some of the legal issues that face the Board in regard to that request:

- 1) It is known as the “Common Solider” monument;
- 2) It was erected in 1904 by the United Daughters of the Confederacy, Floyd Chapter #723; that chapter is not believed to still be in existence;
- 3) The Courthouse property appears to have been acquired by Floyd County prior to 1904, but I have not yet reviewed the public records;
- 4) The application to the Virginia Register when the Floyd Historic District was established indicates that the monument was retained in place when the new Courthouse was built in 1950-1951;
- 5) That is relevant in my mind to make sure we don’t have a situation like in Richmond with the Robert E. Lee monument where there was a reversionary clause and the land was given to the Commonwealth to maintain and protect the monument in its current condition;
- 6) I don’t think we are dealing with that here;
- 7) The monument stands on County property in front of the County Courthouse which contains the County Court facilities and the Clerk of Court’s Office and other offices, such as the Commonwealth Attorney’s Office, the Treasurer, the Commissioner of Revenue and Sheriff’s Office;
- 8) That is significant because the Supreme Court of Virginia has opined a number of times that the judge by statute has jurisdiction over the Courthouse as is necessary for the judicial function, but that authority does not extend when other County offices are located in the same building;

- 9) The monument is part of the Floyd Historic District and it is registered with the United States National Register of Historic Places, Virginia Historic Register;
- 10) The legal issues in my mind are National Register and Virginia Register;
- 11) Neither of these prohibit a change although the changes might jeopardize the continued registry status;
- 12) I have looked at Section 106 of the National Historic Preservation Act and we are not a federal agency and we are not using federal funds for any proposed project that would relate to the Common Solider monument so I don't believe Section 106 would restrict the County from taking action;
- 13) One of the suits that has been filed related to the Robert E. Lee monument in Richmond was brought by property owners in that district claiming the decision to remove the statue would jeopardize their tax status for being properties as part of a historic district and would hurt their property values;
- 14) I'm not sure of the likelihood of that suit prevailing but so far it has been enough to confer standing so at least they can move forward and state their claim;
- 15) Other federal statutes that I looked at are the National Environmental Policy Act, which does not really affect us here and only requires you to consider impacts before making a decision, and the Visual Artists Rights Act, which gives protection to certain visual arts but the protection only exists for the lifetime of the artist;
- 16) Another issue raised was whether we would run afoul of 18 U.S. Code § 1369 - Destruction of veterans' memorials, which makes it a crime to destroy war memorials but that only applies on federal property or for memorials funded with federal funds;
- 17) Code of Virginia § 15.2-1812. Memorials for war veterans, has been amended and will go into effect July 1, 2020;
- 18) In those amendments the locality is given specific authority to remove, relocate, contextualize or cover a war memorial;
- 19) To do so a Public Hearing must be held after 30 days' notice of advertisement in a newspaper of general circulation in the locality;
- 20) After the Public Hearing is held the monument would have to be offered to any museum, historical society or government or military battlefield prior to taking any other action;
- 21) The Code also provides the opportunity for a locality to petition for an advisory referendum so the governing body could have direct input from the voters by an official election;
- 22) It must be ordered 81 days before the election date or be held as a special election;
- 23) We have a general election coming in November and we are more than 81 days out, but it would be fairly tight to get a petition before the Circuit Court;
- 24) It would be my recommendation to consult with the Circuit Court Judge before making any final decisions.

Supervisor Yoder – On the other monument we have at the Courthouse it lists a number of different engagements. Does it include the Civil War? I don't think so. I have two thoughts on that. We have had people who have fought since the last operation inscribed. We may want to consider adding those engagements to the ones inscribed. I know people who have served in Afghanistan and Iraq. That may be something we want to consider.

Ms. Morris – I had that file out the other day and it was done by Mt. Airy Memorials. The last time we added an inscription we had a ceremony and invited people who had served.

Supervisor Yoder – My goal is to honor everyone who served.

Chairman Turman – The expense to remove a statue would come back on us. We will cross that bridge when we get to it.

Vice Chairman Boothe – You are saying that if we decided to move it, we would first have to hold a Public Hearing.

Mr. Durbin – Yes, if you wanted to explore that possibility before you voted to alter it in any way, you would have to hold a Public Hearing after 30 days' notice advertised in the newspaper.

Supervisor Yoder – I have been thinking a lot about this and talked to a few people. My conclusion for the current period is that I have heard from a lot of people who don't really have any skin in the game so to speak. I would really like to hear from...and I've heard from some of these people...but I think the people who really need to reach out to us are residents of Floyd County, people of color who live in Floyd County. I am really interested in hearing their experiences. I reached out to some because I think it is important. You can hear a lot of things from a lot of people and a lot of it comes from outside our community. Sometimes you forget about the people you should actually be listening to. I told someone the other day you hear a lot about white privilege and I think part of white privilege is me projecting what I think my neighbor should feel. I really don't feel like I have an opinion on it. I need to listen to what the community says. I would encourage people who live in Floyd, especially those who are impacted by this, to reach out and let us know. I've had several conversations where people said they didn't want to be public about it. If people in my district want to speak out about it, this is the time to do it. I've learned some things about what has gone on over people's lifetimes that I wasn't aware of. Hardships that were faced in areas that I would never have guessed. I've heard stories that really make me feel for people. Personally, I haven't had to face those things. For me it is a time for listening.

Mr. Durbin – It is an interesting history in Floyd County. In the process of researching these issues I read some of the Civil War history of Floyd County. It has been interesting for me.

Supervisor Kuchenbuch – One of the things about Floyd County is that much of this land was settled by Revolutionary War heroes that were given land grants. Ninety years prior to the Civil War these were heroes of the formation of our great nation.

Chairman Turman – There are 2000 acres in the Buffalo that were given to Light-Horse Harry Lee. There is a cabin on Buffalo Mountain Road that was Robert E. Lee's hunting cabin. I wonder how much of that land they want us to give back now. This is a touchy subject for me. I don't want to get started on it tonight. We need to figure out which way we want to go with it.

Vice Chairman Boothe – I agree with Supervisor Yoder that right now is the time for listening. I have heard a lot of comments both ways, keep it, don't keep it, add monuments to show different things. What concerns me the most, we can concentrate on these objects, but I haven't heard much discussion on how we fix the real problems. We seem to be focusing on the objects. That will come down to whatever the people of this County want. But I don't hear people addressing the issue itself. I think what you are saying about listening and having a dialogue will bring out the issue. Because like you I've had some conversations about things I didn't realize went on and that none of us have faced. I would like to see a community dialogue meeting or something along those lines addressing the issue itself.

Supervisor Yoder – It has been interesting. The minorities I have talked to so far have been much less concerned with the statue and more concerned about other things that are going on and have gone on over their lifetime that I wasn't aware of. That is what I have asked people, "What are you facing? What are the things the County can work on?" There are a lot of things people face the County is not in a position to address. It has been very educational.

Vice Chairman Boothe – One idea was to put a Union soldier beside it and one of Martin Luther King, Jr. in front of it to show where we have been and where we are going, but more importantly let's address the issue itself.

Supervisor Yoder – The other thing that really worries me, I think Floyd County has a really excellent Sheriff's Office and a great Sheriff. I trust every one of them. It lays on my heart what those men and women are facing right now. I publicly want to say how much I appreciate them and the risks they take every day. I think the general community here really appreciates them.

Chairman Turman – Would you like to table this to our day meeting as to which direction we want to go with it? That will give us time to think about it.

Vice Chairman Boothe – It will give us time to hear more from our citizens.

Mr. Durbin – If your discussions prompt any more legal questions please let me know.

Chairman Turman – This is a hot subject and we have to get it right. We don't want a mess in this County. I am just sorry it got stirred up. I have real mixed emotions. I was born and raised here. My family has been here since the early 1700s. I have a lot of history in this County; 32 years in law enforcement. We have never had this problem before. Everybody got along. Some of my best friends in high school were people of color and are still some of my best friends now. We've talked. It is just sad that everything has gotten stirred up right now. I think we have some instigators that are stirring it up. They just need to mind their own business. Let the people of Floyd County work this out. We will leave this for our day meeting and figure out what we are going to do.

Agenda Item 11. – Old/New Business.

On a motion made by Supervisor Boothe, and seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph

A. 7. and Section 2.2-3711, Paragraph A. 8., discussion of legal issues related to the recent cyberattack.

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

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

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

On a motion of Supervisor Boothe, 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 for discussion of legal issues related to the recent cyberattack in accordance with Section 2.2-3711, Paragraph A.7. and 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 – yes
Supervisor Turman – yes

This certification resolution was adopted.

Agenda Item 12. – Board Member Time.

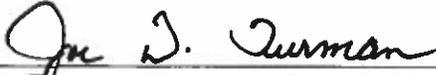
Board members did not discuss any items.

Agenda Item 12. – Adjournment.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and carried, it was resolved to adjourn the meeting to June 30, 2020 at 7:00 p.m.



Terri W. Morris, County Administrator



Joe D. Turman, Chairman, Board of Supervisors

