

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 11, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 11, 2020 at 8:30 a.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, Operations Manager to livestream and film the meeting.

Agenda Item 1. – Meeting Called to Order.

Chairman Turman called the meeting to order at 8:30 a.m.

Agenda Item 2. – Opening Prayer.

The Opening Prayer was led by Supervisor Coleman.

Agenda Item 3. – Pledge of Allegiance.

Supervisor Kuchenbuch led in the Pledge of Allegiance.

Agenda Item 4. – Approval of minutes of July 14, 2020; July 22, 2020 and July 28, 2020.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, and carried, it was resolved to approve the minutes of July 14, 2020 as presented.

Supervisor Coleman – abstain because of absence from that meeting
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

On a motion of Supervisor Boothe, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve the minutes of July 22, 2020 and July 28, 2020 as presented.

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

Agenda Item 5. – Approval of monthly disbursements.

Questions and discussion followed.

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

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

Agenda Item 7.a. – Subdivision plats as approved by Agent for July 2020.

Ms. Morris – I will be happy to take any questions or concerns regarding the July 2020 subdivision plats to Ms. Turman, if you have any.

Agenda Item 7.b. – Resolution establishing the method of computing and reflecting tax relief pursuant to the Personal Property Tax Relief Act of 1988 – Specific Relief.

Ms. Morris – This item is your yearly resolution to establish the method of computing and reflecting tax relief. The resolution designates the percentage of PPRTA funds [Personal Property Tax Relief Act] that come back to the County. The Commissioner of Revenue and the Treasurer calculate this percentage to completely exhaust those funds so we can start assessing the rates out to the citizens. This percentage changes every year based on the amount of taxes owed.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the resolution establishing the method of computing and reflecting tax relief pursuant to the Personal Property Tax Relief Act of 1988 – Specific Relief (Document File Number 1122).

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

Agenda Item 7.c. – Approval of FY20 year-end transfers.

Ms. Ryan – We are reporting on the final expenditures by department for FY20 after the two check runs in July. Some of the departments that were within appropriation prior to these check runs are now slightly over budget and some that were already over budget, and for which you approved transfers on June 30, are over budget again. We were able to determine department transfers and cover most expenditures except for two items in two departments. One department is over budget by \$243,339.73 and is totally because of the encumbrance for the Trane invoices for the Schools HVAC project. We were hoping we would receive those invoices in July and be able to charge and record revenue in FY20. But the bills did not come in on time. The other department is over budget by \$117,045.40 which is totally caused by the invoices from the ransomware incident that we have turned over to our insurance company for reimbursement.

As of yet we have not received any reimbursement. Your expenditure appropriation was sufficient except for those two items.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the FY20 year-end transfers as presented:

| FROM | AMOUNT | TO | AMOUNT |
|------------------------------|-------------|-----------------------------------|-------------|
| 1209-Commissioner of Revenue | \$1,410.00 | 1101-Board of Supervisors | \$1,210.00 |
| | | 2105-Juvenile & Domestic Court | \$10.00 |
| | | 3503-Medical Examiner | \$40.00 |
| | | 7102-Recreation | \$150.00 |
| 1301-Electoral Board | \$6,120.00 | 2104-County Attorney | \$5,270.00 |
| | | 403230-Emergency Medical Services | \$850.00 |
| 7301-Library | \$3,250.00 | Fund 111 CSA | \$600.00 |
| | | 8205-6038 Jail | \$2,650.00 |
| 8301-Cooperative Extension | \$19,800.00 | 8205-6038 Jail | \$19,800.00 |
| 2106-Clerk of Court | \$6,550.00 | 8205-6038 Jail | \$6,550.00 |
| 8150-EDA | \$72,100.00 | Fund 50-Environmental | \$56,000.00 |
| | | 3102-Sheriff Law Enforcement | \$11,000.00 |
| | | 3301-Sheriff Courtroom Security | \$5,100.00 |

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

Agenda Item 7.d. – Approval of carry-over requests to FY21 budget.

Ms. Ryan – On June 30 you approved a carryover request for \$1,283,350.04 from the CARES money received that remained unexpended at the end of FY20. Once we determined the dates of service from several bills and which were for FY20 or FY21, we found that we need to request an additional carryover of \$16,339.84 to FY21.

| DEPARTMENT | AMOUNT | SOURCE TYPE | REASON FOR USE |
|-------------------------|-------------|--|---|
| 3505-Emergency Services | \$16,339.84 | Expenditures – Code 5895 Coronavirus Emergency | Funds have already been received & may be spent through 12/31/2020. In June \$1,283,350.04 was already approved for |

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| | | | carryover. Identified some of the expenditures on the list were actually FY21 and not FY20 so this just corrects the amounts spent by fiscal year. <i>Recommend</i> |
|--|--|--|--|

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the FY20 carry-over requests to FY21 as recommended.

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

Agenda Item 6.a. – Mr. Tom Moser, Confederate Monument.

Mr. Moser discussed why, in his view, Confederate statues and monuments are important for citizens to understand United States history:

- 1) H.R.7608 - State, Foreign Operations, Agriculture, Rural Development, Interior, Environment, Military Construction, and Veterans Affairs Appropriations Act, 2021 has been passed by the House of Representatives. Adriano Espaillet, the first formerly undocumented immigrant in Congress, has added language, "Notwithstanding any other provision of law or policy to the contrary, within 180 days of enactment of this Act, the National Park Service shall remove from display all physical Confederate commemorative works, such as statues, monuments, sculptures, memorials, and plaques..." So if you go to Gettysburg you aren't going to see anything.
- 2) Issues that led to the Civil War included arguments over slavery, State's Rights, and tariffs; the publication of Uncle Tom's Cabin creating an uproar among abolitionists; and Southern planters wanting to take their slaves and go west to new States to raise cotton after years of overworking the land led to soil depletion and poor crop production.
- 3) Decision to secede from the Union:
 - a. South Carolina seceded December 20, 1860.
 - b. Six other states followed.
 - c. Virginia was sitting between 2 countries and held a secession convention in Richmond in early February. On April 4 a vote was held and 90 representatives said stay with the Union and 45 said secede.
 - d. Fort Sumter was fired upon because Lincoln refused to get his troops out of the fort in Charleston harbor.
 - e. Civil War breaks out.
 - f. Lincoln wants 75,000 militiamen to put the insurrection down with 3,500 to come from Virginia.

- g. Governor Letcher will not send Virginia troops to kill fellow Americans.
 - h. Virginia takes a second vote on April 16 with 88 members saying to secede and 55 wanting to stay with the Union.
 - i. A statewide referendum was held on May 23 and 128,000 Virginians said let's go with the Confederacy and 33,000 said let's stay with the Union.
 - j. Jubal Early voted twice in the secession meetings to stay with the Union. But when he saw that Virginia would be fighting with the Confederate side he said, "I would call upon gentlemen to recollect that it often happens that those who begin a revolution do not end it."
- 4) Casualties and statistics of the Civil War:
 - a. Of 8.1 million people in the Confederate states, about 1 million served in some capacity in the Confederate armies or navies or in other words about 13% of the population went to war.
 - b. The battle at Franklin, Tennessee started at 4:00 p.m. and lasted 5 hours with almost 9,000 casualties. Floyd County men were in this battle.
 - 5) According to James McPherson, a noted professor at Princeton, the soldiers on the two sides fought for different reasons:
 - a. The typical Northern soldier wasn't fighting so-much to stop slavery but to keep the nation united as one.
 - b. The big planters in the South wanted to keep slavery, but the typical farm boy from Floyd just wanted the army to go away from their homes so they could raise their families in peace.
 - 6) Toward the end of the war there was a lot of desertion because the Confederate Army was short on food, on ammunition, and on soldiers. Grant put out pamphlet #31 that stated rebel deserters will not be enrolled, drafted or used as substitutes or otherwise recruited into the U.S. Army. In other words, he would allow deserters to go home and live in peace.
 - 7) Between 1,800 and 2,000 soldiers from Floyd County served during the Civil War. They were in the 24th, 42nd, and 54th Infantry, and Stuart's Horse Artillery. The 54th Infantry fought in the western theater in Tennessee, Georgia and Alabama. The rest of the Floyd men were in Northern Virginia or in the eastern theater.
 - 8) There are 9 Confederates buried in the old cemetery across from Floyd Country Store. Hervey Deskins was our representative at the secession convention and he is buried there. First Lieutenant James Madison Howard was killed when Stoneman's Raid came through Floyd. Lieutenant George Kitterman is buried in Floyd. He was with Company A of 24th Virginia. He was taken prisoner during Pickett's Charge and imprisoned at Fort Delaware. The Phillips family from Indian Valley had 14 people who fought in the Civil War and the Quesenberry family from Floyd had 12 people who served. In a Floyd Press article it stated that a person named Burwell Hylton had 14 kids and 10 were in the Civil War from Floyd County.
 - 9) Steven Hood wrote a book entitled Patriots Twice about what people did after they served in the Civil War. Eleven United States Presidents had in their administration men who served as Confederate soldiers. One became the Chief Justice of the Supreme Court. Three became associate justices of the U.S. Supreme Court.
 - 10) To paraphrase Bud Robertson who taught at Virginia Tech for 44 years and wrote 20 books, Civil War monuments were not put there to denigrate the Black race. They were put there to memorialize the bravery, dedication, and complete total sacrifice

these men made to leave their farms and fight for four years. Bud Robertson's thoughts: The four-year war was the most vital moment in our Nation's history in our evolution. It settled the issues of slavery, state's rights and the limits of federation. Before the Civil War the only thing the federal government did for me and you was deliver the mail. There was no federal income tax. They raised their money by charging tariffs. The war was because emotions overruled reasonable thinking. Forgetting this war is impossible. This is how our nation came to be. It became a United States instead of a lot of separate states that ran their own shows. The left in this country is always perpetually offended and its policy is to deny the past, exploit the present, and ignore the future. If we ignore our past we are in deep trouble. The left is armed with historical ignorance, misguided protests, childish emotions and wish to take away your history from you by taking away your monuments. Ninety percent of Americans can't pass an American history exam. You need to know about your history to pass judgment on it. You can't pass judgment if you don't know what it is.

Agenda Item 6.b. – Public Comment Period.

Chairman Turman explained the rules for speaking and called for the Public Comment Period.

Ms. Sue Anne Boothe, Courthouse District – You might remember me from the last two meetings. I am back again because this is very important. I am going to ask you again as I have at the last two meetings, do not give in to the pressure to remove our Confederate monument. Confederate veterans were declared American veterans, and as such this current fad to remove our history is inadvisable and disrespectful. Please, please do not remove the monument. I would also like to say that I do hope you pass the ridgeline ordinance. I appreciate that. I should have spoken at the hearing, but I didn't. Thank you very much.

Mr. Gabriel Nunez, Burks Fork District – I brought to the attention of some folks in the County health concerns, noise pollution, property values, property damage regarding the green boxes on 3000 Black Ridge. I bought the house a couple of years back and shortly thereafter the County put a bunch of gravel to reach the green boxes basically in our front yard. Talked to the neighbors who have been there for 30 years and he doesn't want to put his complaint out. We have since built a little, tiny house for my soon to be mother-in-law. It is about 85' from the green boxes. Basically we have come to the conclusion that the only thing we can do is put a fence on the property which will make it nearly impossible to service the green boxes. I guess we are just here to say we are going to build a fence since that is all we can do. Dale Wade owns the pasture right there. Robert Nichols says you can put the green boxes there [Buffalo Mountain Ziplines]. He will spread that out. Coy Moore down the road said he would take them down there so there are two places to go. We have tried to be patient about that.

Ms. Beth Leeder, Burks Fork District – I am his fiancée. May I talk on this issue too? The noise pollution is intense. They come sometimes on Wednesday very early like 4:30 a.m. You are going to wake up when a dumpster is being dumped. When two are being dumped you are definitely going to wake up. We have two young boys at the house. They don't need to get

up, especially last year when they were going to school. It is not just the dumpsters. It is people coming at 3:00 a.m. They open their car door. Music is blaring. They slam their car door. They throw their garbage and get back in their car. Music is blaring and they slam the car door. They drive off. It is a lot and it is constant. Garbage in our yard is every single day. There is garbage debris going through our yard. Other people have come into our yard and picked our apples and chestnuts because it is a pull off and they feel they should, I guess. I'm not sure. People are also driving onto our lawn. The dump truck yesterday we saw hit our chestnut tree when they were dumping the garbage. It is a lot. It is not just us not liking the dumpsters there. I think about six months after we bought the house the city came and took – I don't know how big – a portion of our yard so that they could come up and service the dumpsters.

Ms. Karen Baker, Little River District sent comments to be read into the record – I make this statement in support of removal of the Confederate statue from the Courthouse lawn. In 1993 the United States was asked, as it had been four times since 1923, to patent the insignia of the Daughters of the Confederacy, which featured the flag of the Confederacy. Only a few organizations are awarded such Congressional patents. Senator Carol Mosley Braun, the only Black senator, rose against the renewal, arguing that it is not right that “Americans such as myself who believe in the promise of this country will have to suffer the indignity of being reminded time and time again that at one point in the country’s history we were human chattel...we were property. We could be bought and sold.” She ended up with an unlikely champion, Senator Howell Heflin of Alabama. He stated that he was “a son of the South,” and his grandfather had signed Alabama’s ordinance of secession in 1861. However, “we live in a world today where symbols mean a great deal,” and “we must get racism behind us.” For his position, Heflin was attacked as a traitor, as someone who had forgotten history. He stood his ground, and stated that “the issue is one of symbols and whether Congress should specially endorse symbols which are obviously so painful to large segments of our population. In my judgment, it should not.” Ultimately the patent was not renewed. The point of this bit of history is to reiterate that symbols do matter. On our Courthouse lawn is a symbol that glorifies the Confederacy, the cornerstone of which was the South’s intent to preserve its right to continue slavery, as every state that joined the Confederacy asserted. In its original placement by the Daughters of the Confederacy, it was intended as a statement that the South had not been bowed by the War, and that White supremacy was still the cornerstone of the South. It was intended to remind all that entered the Courthouse of who was in charge and who was favored. Whether some people in this County see it as only a memorial to their ancestors, its symbolic meaning standing at guard before the Courthouse cannot be escaped. Senator Heflin, “Son of the South,” understood that power, and rejected its application in our current society. I hope the Board of Supervisors has the courage of Senator Heflin, to stand against symbols endorsing White supremacy.

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

Agenda Item 6.c. – Constitutional Officers reports.

Sheriff Brian Craig provided an update on the Sheriff’s Office:

- 1) Court is up and going this morning.

- 2) We have hired Steve Delozier, a volunteer member of the Check Fire department, as an E911 dispatcher. He started at the beginning of August.
- 3) Today is the first day back at Schools and we have an officer at each school to keep our youth safe.
- 4) When activities resumed in town on Friday and Saturday nights, we went back to assigning officers to do rounds through town.
- 5) Court has been interesting with COVID-19, but for the most part things are running smoothly.
- 6) Things seem to be doing well throughout the County from the Sheriff's Office standpoint.
- 7) One of our E911 dispatchers just had a child and all are doing well.

Agenda Item 7.e. – Budget Transfer of \$56,580.30 from Capital Improvement Fund to the Instructional Category in the FY21 School Board budget.

Ms. Morris – The next item is a request from the School Board for a transfer of \$56,580.30 from the Capital Improvement Fund to the Instructional category for the Computer Science grant they received but did not fully expend by the end of the school year.

Supervisor Yoder – Is there a reason this was put into the Capital Improvement Fund?

Ms. Ryan – I tried to contact Dr. Wheeler when we received the request to put the money into the Capital Improvement Fund. I wanted to suggest to him that the unexpended grant revenues be requested to be moved directly to the Instructional category and only the remaining unexpended funds be requested into the Capital Improvement Fund. Unfortunately, Dr. Wheeler was on vacation when I tried to contact him so we just put his original request in as he sent it to us.

Supervisor Yoder – That makes sense. Initially when I read this, I questioned why it was in the Capital Improvement Fund. That goes against the whole idea of the fund.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve a budget transfer of \$56,580.30 from the Capital Improvement Fund to the Instructional Category in the FY21 School Board budget.

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

Agenda Item 7.f. – Resolution in support of the New River Valley Health Task Force's Community Wellness Commitment.

Ms. Morris – The next item is a resolution in support of the New River Valley Health Task Force's community wellness commitment. The Task Force is requesting that all our localities and colleges use a uniform message in our public information efforts about the virus so they have come up with this resolution as to the things we will abide by. They have logos and

other things we can use for signs. They are on their website if you are interested in looking at them.

Supervisor Yoder – We are just saying that this is good practice for our citizens to follow?

Vice Chairman Boothe – The last paragraph says that it is not mandatory; it is just asking the citizens and businesses to follow these guidelines.

Supervisor Coleman – I agree with the total aspect of it, but I have some problem with the wording. I struggle over the Code section that says, “You shall...” Some of the items on the list individuals may or may not do. Overall I agree with the message.

Supervisor Yoder – I don’t want this to be the “mask police.” I read it that we are asking individual community members to do these things.

Chairman Turman – I agree with the rest of them that if it said, “we shall,” if it was mandated...

Supervisor Yoder – I don’t want us to get into the enforcement business.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and carried, it was resolved to approve a Resolution in support of the New River Valley Health Task Force’s Community Wellness Commitment (Document File Number 1123).

Supervisor Coleman – no
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

Agenda Item 7.g. – Discussion of CARES [Coronavirus Aid, Relief, and Economic Security Act] funding.

Ms. Martin provided an economic update on the impact of COVID-19 on Floyd County citizens and businesses and the RISES [Floyd County Resiliency Initiative for Small Employers] program:

- 1) The unemployment rate in Floyd as of June 2020 is 6.8 %, compared to 8.3% for Virginia and 11.1% for the United States;
- 2) It is not unusual for Floyd’s unemployment rate to be lower than the State and the United States which I attribute to the work ethic of people in Floyd County;
- 3) The five industries with the most unemployed from the largest number to the smallest is Accommodation and Food Service, Health Care and Social Assistance, Retail Trade, Construction, and Manufacturing;
- 4) Floyd County was hit harder in Manufacturing than Virginia at large, probably because a higher proportion of Floyd people work in Manufacturing than the state at large;
- 5) 252 of the 502 Floyd people unemployed in June were not in a classified industry;

- 6) On April 4, 242 Floyd people filed initial unemployment claims, but the number of initial claims has declined over time with only 27 Floyd people filing initial claims on August 1;
- 7) Continued unemployment claims for Floyd people peaked at 642 on May 2 and there has been a gradual decline with 370 continued claims on August 1;
- 8) If you add the 27 new claims on August 1 and the 370 continued claims on that date, it means about 400 Floyd people are claiming unemployment;
- 9) I don't know if this data includes self-employed people;

Supervisor Yoder – With the self-employed a lot of people probably had limited employment and saw their income come down.

Ms. Martin – During the time the Pandemic Unemployment Assistance (PUA) was available, self-employed people were eligible. You did not have to lose total income, you just had to prove loss of some percent of income and then you were eligible for the full \$600 per week. This ended on July 31.

Mr. Yoder – Do you think a lot of the self-employed did not file?

Ms. Martin – People may not have known or understood or were reluctant to ask for that kind of help. We tried to get the word out far and wide. If it becomes available again, we will need to redouble our efforts to get the word out.

Supervisor Kuchenbuch – I know the self-employed aspect of the program was very confusing. I heard that from a number of people.

Vice Chairman Boothe – I need to make a statement for the record: Today's discussion involves the utilization of certain CARES Act or other funds for the benefit of small businesses and self-employed citizens of Floyd County. I am currently self-employed and conduct business as Jerry Boothe Hardwood Flooring and we also have a farming operation and such employment results in annual income in excess of \$5,000. However, because a large number of County citizens are also self-employed, any interest I would have in the CARES Act program under discussion would be the same as other County citizens who are self-employed, and together we constitute a group of three or more individuals who are affected by the transaction in question. Therefore, in this situation, the exception to the Virginia State and Local Government Conflict of Interests Act, VA Code Section 2.2-3112(b)(1) applies to this situation. In accordance with that section, I hereby declare that I am able to participate in this discussion and voting on this topic fairly, objectively and in the public interest.

Supervisor Kuchenbuch – I affirm the same statement. My businesses are Linda DeVito, Realtor with Blue Ridge Land and Auction and also Maple Spring Christmas Tree Farm.

Supervisor Yoder – I make the same declaration. I have an LLC as Lauren and Chelsa Enterprises. I do heating and Chelsa does photography plus my farm.

Supervisor Coleman – I make the same statement. I have a small farming operation under my name. I just started Freedom Arms LLC but have not made any income with that business.

Chairman Turman – I make the same statement. I own Sugar Tree Farm-Beef Cattle and I own Sugar Tree Farm Auctions.

Ms. Martin continued by giving an update on Floyd's RISES program and other ideas for the uses of CARES money:

- 10) 73% of people are not currently engaging in normal out-of-home activities;
- 11) We have had at least 40 applications as of yesterday with requests of almost \$260,000;
- 12) We have mailed out just over \$229,000;
- 13) You allocated \$250,000 so I ask that you increase that allocation; remove the limit of one grant per household, particularly for the self-employed; and specifically allow the purchase of inventory as an eligible expense;
- 14) Ms. Pat Sharkey, Floyd Tourism Director, and the tourism webpage has a Virtual Visit Floyd with a one-page list of about 35 businesses that can be clicked on to get to business websites to buy something;
- 15) With ShopFloydVA website we are working together on something more robust that would be a full site that would be eligible for CARES money, because it helps people shop safely from their homes for Floyd County products and services;
- 16) Most people expect to make a portion of their purchases online since COVID-19 and many consumers plan to shift almost completely to online shopping;
- 17) Many consumers intend to continue these habits even after the COVID-19 crisis is over;
- 18) We envision the ShopFloydVA website having a promo code so that for any participating business, a customer could add to their online shopping cart; they would show proof of purchase using the promo code and we would reimburse \$10 for any \$30 purchase;
- 19) We would advertise this site heavily, especially targeting Christmas shopping, because that is a make or break time for many businesses;
- 20) We could also offer technical support to help businesses set up for online sales, which would be an extension of the Floyd Grown 2 project and open up the opportunity to more businesses;
- 21) Benefits would be public safety by limiting physical contact, business impacts in that \$2 in private dollars is matched by \$1 in CARES dollars, creates a bridge to the future for businesses to move online, and in the future it can be marketed along with Tourism promotions;
- 22) Costs would be about \$5,000 for webpage set up; \$15,000 for contracted help; \$20,000 for marketing; \$15,000 for technical support; and either \$50,000 or \$100,000 for a discount code model depending on how many businesses participate;
- 23) The total cost for ShopFloydVA could be between \$105,000 to \$155,000.

Vice Chairman Boothe – I just want to clarify that the \$10 off is for a \$30 or more purchase and not per \$30 of purchase?

Ms. Martin – Yes, I picture this as being if someone purchases at least \$30 from someone’s online site they could use the discount code to take \$10 off of the purchase.

Supervisor Yoder – I really like this idea. I’ve talked to a number of business owners who are going to increase their online presence. I think this is a great way to incentivize that.

Supervisor Kuchenbuch – I think most businesses given the opportunity will jump on board.

Ms. Morris – They tried this in Giles County and they’ve had fairly good success with it.

Ms. Martin continued by presenting other ideas for use of CARES money:

- 24) Add additional prize money to Floyd C4 for the best COVID-19 product, service or safety idea;
- 25) Add a childcare support grant where we could provide an amount per slot for any month the business is open;
- 26) Provide PPE (personal protective equipment) to all businesses and non-profits and some for the Innovation Center;
- 27) Provide technology or PPE grants for churches and other non-profits;
- 28) Provide retraining funds for workers unemployed due to COVID-19 to upgrade their skills and move into other work;
- 29) Provide optional short-term lodging vouchers for residents who have been told by their place of employment that the employee needs to quarantine or isolate.

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

Mr. Clarke provided construction and maintenance updates:

a. On the maintenance side –

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|---------------------------------------|---|
| Machining and putting gravel on roads | We have hired extra trucks to come in and get started. |
| A lot of dust complaints | As soon as it stops raining it doesn’t take long for the dust to pick up. We have gotten to some but not all that we need to. |
| Pipe repair and replacement | Boothe Creek Road and Ridgeview Roads they have been working on those with big pipe and just poured concrete. Hale Road will be started next month. |
| Ditch work | Here and there. |
| Tree removal | Rt. 221. |
| Pothole patching | Being done ahead of paving schedule – Stonewall Road, Black Ridge Road, Alum Ridge Road, Indian Valley Post Office Road, parts of Routes 8 and 221. |

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| Fiber project | Checked into issue of box in the parking lot. We are still looking at that. |
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b. On the construction side –

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| 6 Year Plan | Mill Run Road will be the next to get started. We have a new contractor we are working with, Gardner. |
| Downtown project | Still working on the timing and the sounds of the signals. We are in weekly, if not daily, contact with traffic engineering division about trying to get that refined. |

Supervisor Coleman – Thank you for everything. I mentioned something to Darrell Sowers on Higgs Road that needs attention. I want to follow up with you on the two naming projects we discussed.

Supervisor Yoder – I received a call about Diamond Knob Road. You paved the top portion of it, but the caller told me that the portion that goes off the mountain has been scraped so much that boulders are coming up and low vehicles are having a hard time getting through. He also said the last time it was scraped a spring has been directed into the road and making a muddy mess. On Hummingbird Lane toward the Parkway, on the paved section where it goes over the Little River, there is a sizeable crack in one of the abutments of the bridge. It is 4' to 5' long and gaping open. You mentioned the 6 Year Plan, will work be done on any other roads this year?

Mr. Clarke – It will probably be next year on Ponderosa Road because the right of way is not complete. We might get to Quesenberry Road because the right of way is complete on it.

Supervisor Kuchenbuch – I talked to Darrell Sowers about where the new guardrail on Rt 615 was put. Right after it was completed, we had two big rains. A lot of gravel is starting to wash away. I appreciate all the work on dust abatement. I have been called about Thunderstruck Road and they request that you keep watching that. There needs to be a plan for Roger Road or we are going to lose that road. The spring off that mountain needs to continue to be checked because it is getting more and more narrow.

Chairman Turman – You do a great job for the few number of people you have. I am hearing concerns from people on the secondary roads where bushes are encroaching on the roads. In some of the intersections the grass is getting up pretty high which makes it hard to see small cars and motorcycles. We appreciate all the work you are doing.

Vice Chairman Boothe –

- 1) I serve on the VACo [Virginia Association of Counties] Transportation Committee and was involved in a conference call that included Senator Marsden (37th district) and Delegate McQuinn (70th district) and Deputy Secretary Donohue. I heard a lot of discussion about megaprojects and passenger trains. There is no doubt that is where the concentration of money will be going for quite some time. With the 5¢ gas tax

increase this year and the 5¢ gas tax increase next year, they are anticipating that by 2026 it will bring in \$554 million additional dollars. But I don't see much of that coming our way based on the way the discussions were going.

- 2) Right now we have perfect weather but we are coming into the rainy season, we need to get that bridge cleaned out from under and get that off the table before that gentleman gets washed away again. This would be the prime time if you could get the auger crews in there. Whoever is doing the work on Rt. 8 has cleaned the spillway out. Now getting the culverts augered out would take care of it.
- 3) All along Rt. 8 we talked about guardrails and there are washed out places.
- 4) Crosswalks need to be repainted at Milestones and at the high school.
- 5) Rt. 8 needs line painting. Citizens have called about having problems on foggy mornings and they cannot see and tell where they are at because they don't have white lines.
- 6) Ditching needs to be done on Rt. 8.
- 7) This is not at you but over you. I know how the process works and we have a low population, but at some point, we have to be in the number one slot on some of this stuff that Salem is overseeing. I am at the point of talking to Deputy Secretary Donohue. There are some items we have talked about for 2½ years. Our system counts as much as Tidewater and Fairfax. I know you are working on limited funds and they have taken a lot of your authority away. I have reintroduced, and VACo Transportation Committee has agreed, to give you the authority back to set speed limits on roads again.

Mr. Clarke – I appreciate your patience and concern and I understand.

Supervisor Yoder – Do you have any idea when the Facebook project on Rt. 221 will be completed?

Mr. Clarke – No, but I can find that out.

Supervisor Yoder – It has been going on for two years and people are about done with taking an additional 15 to 20 minutes to drive.

Vice Chairman Boothe – They are tired too of playing demolition derby with flaggers sending them through from both directions. At the end of Oxford Street where it comes out on Rt. 221, water is ponding up right where the crosswalk is at.

Supervisor Kuchenbuch – There are a couple of areas where springs have opened up. These are going to be a problem this winter. There is a spot by the Grand View Lane - Rt. 615 intersection where there is a spring that runs into the road. I will write down the problem areas and give them to you at our next meeting.

Supervisor Coleman – I have two that I know of in my area.

Agenda Item 7.g. – Discussion of CARES funding continued.

Ms. Morris provided an update of CARES funds uses, pending items and suggestions for discussion for possible future use:

- 1) We received our 2nd payment of \$1.3 million from the CARES money yesterday;
- 2) We have sent two transfers to the Town for their share based on population because that was how our funding came to us;
- 3) Pending items include:
 - a. Purchase of additional tests;
 - b. Starting this week, testing will occur only once a week;
 - c. We ordered a considerable amount of PPE because we were told we need to provide PPE for everyone going into Courts;
 - d. PPE purchases include masks, gloves, gowns, and hand sanitation stations for all buildings;
 - e. We have ordered technology upgrades for your meetings;
 - f. We have ordered 3 debit/credit machines;
 - g. The EMS vehicles all have heart monitors, but only 2 of those test respirations of a patient so we are buying another heart monitor that will test respirations;
- 4) Suggestions for discussion for possible future use include:
 - a. We could purchase a storage unit (\$15,000) to hold all of the PPE we are buying because it would be cheaper to buy a trailer than pay rent;
 - b. NRV Business Continuity Team Phase I you already approved (\$10,000); they got a \$100,000 grant from GO Va to match so each locality only needed to put in \$10,000 to start the program which will be administered through the Regional Commission and will assist all businesses and localities;
 - c. Last week they hired a health director and program manager who will work with any business in the New River Valley who has cases;
 - d. They received \$250,000 for Phase II from GO Va and are asking for \$25,000 from each of the 5 localities to continue to administer the program for as long as it is needed;
 - e. The New River Valley Community Services Board (NRVCSB) is asking for \$32,260 for a crisis center on property they own in Radford;
 - f. Our part would be used to retrofit the rest of the building;
 - g. Our officers spend a lot of time, like 10 to 12 hours, in the emergency room when they have a temporary detention order and then often have to transport the person to the Tidewater area or Marion;
 - h. The officers would be able to take the citizens directly to the Crisis Center where the citizen would be COVID-19 tested and our officer could release custody to the Crisis Center deputies.
 - i. So far they have been using 4 deputies from Radford and they would hire 4 more;
 - j. NRVCSB staff would work with the person to get him or her the services he or she needs;
 - k. NRVCSB is asking for a contribution from each locality based on population to retrofit the building and they are hoping to get grant funding to keep the program going in the future;
 - l. All of the other localities have agreed to participate;
 - m. According to Dr. Wheeler, almost all the CARES funds Floyd County Schools received has been used for meals;
 - n. The Schools bought some PPE but could use a lot more (\$100,000);

Supervisor Yoder – Would we buy a bulk amount of PPE for them and they would use it throughout the year as needed? The reason I ask is there is always the possibility that the Schools get shut down...

Ms. Morris – In that case we could move it over and we could use it. We are going through stuff pretty fast.

Supervisor Yoder – One of the questions would be cross-use for other departments.

Ms. Morris – The masks that are being made locally I have shared with the offices at the Courthouse and give to visitors here. The PPE for EMS we bought is masks, goggles, gowns. They put masks on every patient. We have gotten a lot of things from Virginia Department of Emergency Management that didn't cost us anything.

- o. The last suggestion I have is to make a flat payment to all of our businesses and self-employed, not with a big complicated application, and that we handle it on our side so that Ms. Martin and her staff can get back to working on economic development.

Vice Chairman Boothe – As I understood Lydeana, in the past if there were two different businesses at one address, only one could apply even though they are separate and distinct businesses. I think we need to re-examine that. You could have one person operating three businesses out of one address. You can also have a husband and wife team who are running two separate businesses.

Supervisor Yoder – On another side I haven't done any actual work as Yoder Heating for three years, but I still have a DBA [doing business as] in that name in case I go back to it. So if you do it across the board...

Vice Chairman Boothe – We would have to have some way of proving that it is an active business.

Supervisor Yoder – How about if I have 5 businesses at the same address but each only does \$2,000 in annual income? The address requirement needs to be eliminated, but if I have five LLCs I should only pick one in order to apply.

Ms. Morris – You can change that address requirement under the RISES program by consensus.

Supervisor Kuchenbuch – Back to the NRV Business Continuity Team, it now sits at almost \$1 million. Is that what they think this program will need from now on. Is there any way to get reporting on this? I think it is money well spent, but I would like to see a little on the accountability. I would like to see how many businesses they are helping and who they are helping.

Ms. Morris – They might not be able to tell us who it is because of HIPPA [Health Insurance Portability and Accountability Act], but they should be able to tell us by County.

Vice Chairman Boothe – They should be able to give you a breakdown by group such as so much spent for medical, but nothing specific.

Ms. Morris – If you are in consensus about the items suggested, except the flat payment to all businesses and self-employed that I know you want to think about, if you would let us know so we can get started.

Supervisor Kuchenbuch – I feel like the RISES program could use some more money and I don't know if the amount suggested for the online store is enough. That will be a lifeline for businesses in Floyd County.

Supervisor Yoder – There are so many people that could be helped by the cold storage study. Our farmers are our biggest industry and we don't do a lot to help them. People in agriculture are good at producing a product but have a difficult time getting it to market to buyers. The online presence could help.

Vice Chairman Boothe – I can see the online shop and cold storage both helping the farmer greatly.

Supervisor Yoder – Most of those people won't apply for anything.

Ms. Morris – Originally we didn't think the cold storage would qualify under the CARES, but they have loosened up the regulations a little and that is why we put it back on here.

Ms. Morris – I am hearing that you want to:

- 1) Change the requirement where if there is more than one business at an address, they can both get funding;
- 2) Add \$50,000 to the RISES program;
- 3) Do the online store;
- 4) Do the cold storage study;
- 5) Purchase storage unit for PPE;
- 6) Give money to Schools for PPE;
- 7) Contribute to the NRVCSB Crisis Center;
- 8) I will come up with a simple application for the flat payment to businesses and self-employed and bring it back to you to look at.

Supervisor Yoder – Please bring the application form to our next meeting.

Agenda Item 6.e. – Mr. Steve Durbin, County Attorney

– Consideration of draft Ridgeline Ordinance;

– Consideration of status of Courthouse monument;

– §2.2-3711 A.7. 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;

– §2.2-3711 A.8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

On a motion made by Supervisor Coleman, and seconded by Supervisor Yoder, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body regarding a tax assessment challenge that is pending in Circuit Court and a brief discussion of the opioid litigation; and Section 2.2-3711, Paragraph A. 8., Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding consideration of draft Ridgeline Ordinance, consideration of status of Courthouse monument, and consideration of dropping penalties and interest for one month on December real estate tax late payments.

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

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, 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 Coleman, and unanimously carried, it was resolved to adopt the following certification resolution:

CERTIFICATION RESOLUTION CLOSED MEETING

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Legal Advice Pertaining to Actual or Probably Litigation in accordance with Section 2.2-3711, Paragraph A.7. and Legal Advice on Specific Legal Matters 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 – yes
Supervisor Turman – yes

This certification resolution was adopted.

Supervisor Coleman made a motion to have consideration of the statue on the Courthouse lawn be placed on the ballot of the Fall General election. The motion died for lack of a second.

Chairman Turman – It is the consensus of the Board that after due consideration the Board does not intend to take further action on the monument at this time.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and carried, it was resolved to adopt an Ordinance Regulating Construction of Tall Structures defined as 300' in height on Protected Mountain Ridges defined as having an elevation of 2300' (Document File Number 1124).

Supervisor Coleman – no
Supervisor Kuchenbuch – no
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

Vice Chairman Boothe – I know we went to Public Hearing with the height of the structure at 250' but 300' is less restrictive for property owners. Some were already approaching the 250'. I didn't want to restrict other property owners who might need that 50' to set up their own private system.

Supervisor Yoder – I agree with that.

Supervisor Coleman – I appreciate that change however I remain consistent in my position that I am not going to support anything that I feel restricts individual owners to make any decisions to make an income or maintain an income or anything as such.

Supervisor Kuchenbuch – I am very much in favor of property rights. I do not like zoning by ordinance. I don't want to tie our future hands as we move toward energies that may come in the future.

Chairman Turman – I am all for property rights too. I hear a lot of people say they want to keep these mountain ridges as they are and I agree with them.

Agenda Item 8. – Old/New Business.

Ms. Morris – We received a request from the New River Valley Community Services Board requesting that you approve a proclamation in support of August 31 as International Overdose Awareness Day.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve a Proclamation in support of International Overdose Awareness Day (Document File Number 1125).

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

Ms. Morris – The Treasurer provided to you a report on tax collections ending June 30, 2019. As it has for many, many years our collections remain steady and high. Your personal property collections are at 95.90% and real estate collections are at 98.25%. As part of this you must decide if you want to advertise the delinquent real estate list in the newspaper, which we have not done for several years because of the expense. For the past few years we have advertised that the lists are available for review in the Treasurer's Office.

By consensus the Board asked Ms. Morris to advertise in the newspaper that the delinquent tax list is available for review in the Treasurer's Office.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve a contract with Hurt & Proffitt H&P for civil engineering work for Building 1 of the Floyd Growth Center and to authorize the County Administrator to execute the contract (Document File Number 1126).

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

Agenda Item 9. – Board Member Time.

Vice Chairman Boothe – Do we have to advertise a Public Hearing to relieve penalties and interest on the December 5 real estate tax payment until January 15?

Mr. Steve Durbin – That can be done by resolution. You would want to do that fairly soon because some people pay their taxes early.

Supervisor Kuchenbuch – I would like to know the percentage of people who paid in full.

Supervisor Yoder – We can put the resolution to waive penalties and interest on the December 5 real estate tax payment to January 15 on next month's agenda.

Supervisor Yoder – I have received multiple calls in the last two weeks about bear problems. Some of it is generated by our green boxes and some might just be because bears are more plentiful. We need to think about solutions to this problem. One of our Legislative Requests to the General Assembly might be to consider a longer hunting season for our area. We also might need to look at how we deal with trash in general. One idea is to have alternate sites where you move the boxes after 6 months at one site to another place in the same area for 6 months. Another idea would be to go to manned sites, but then they would only be open for certain hours which would lead to other problems.

Ms. Morris – This problem is really working our employees. It is nothing for them to spend 3 or 4 hours at a site just cleaning up from where the bears have been.

Supervisor Yoder – It is a serious situation and it is endangering the community. We have to take it seriously somehow. I am almost to the point of asking that the green boxes be removed from one particular area. It is becoming a public safety issue.

Vice Chairman Boothe – If we know there are problem areas with bears and we don't figure something out, there is a major liability issue since we are aware of the problem.

Mr. Durbin – I think a plaintiff's attorney would argue that now that you are aware of it you should take reasonable action. I would respond that as the County you have sovereign immunity, but it is a legitimate concern.

Supervisors Yoder and Kuchenbuch – Both morally and ethically.

Supervisor Coleman – I took some pictures of boxes in a heavily populated bear area in Tennessee where you have to lift and slide the doors to open and it automatically retains the door when it is shut back.

Ms. Morris – Would you like to have Mr. Thompson [Solid Waste Superintendent] on the agenda next time to discuss some options?

Vice Chairman Boothe – Yes, please.

Supervisor Kuchenbuch – We could also discuss the issue Mr. Nunez brought up in Public Comment if there are other people in that area willing to have the green boxes moved to their site.

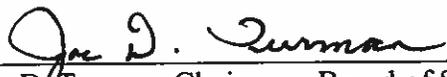
Ms. Morris – The property owner where they are currently located does not want them moved. We have been dealing with this issue for a while.

Agenda Item 10. – Adjournment.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to adjourn the meeting to August 25, 2020 at 7:00 p.m.



Terri W. Morris, County Administrator



Joe D. Turman, Chairman, Board of Supervisors