

MINUTES
BOARD OF SUPERVISORS
REGULAR MEETING
August 23, 2022
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
7:00 pm

1. **Call to Order:** Chairman Turman called the meeting to order at 7:00 p.m.
2. **Opening Prayer:** Supervisor Cox offered the Opening Prayer.
3. **Pledge of Allegiance:** All attending, including the Board, said the Pledge of Allegiance.
4. **Quorum:** Dr. Millsaps called the roll and determined, with all Board members attending in person, that there was a quorum.
5. **Approval of Agenda:** Dr. Millsaps indicated that the staff requests an additional closed session for consultation with legal counsel. Specifically, to discuss election provisions and opioid settlement provisions. On a motion by Supervisor Kuchenbuch, seconded by Supervisor Boothe, and passed unanimously, the Board approved the agenda as amended.
6. **Approval of Disbursements:** On a motion by Supervisor Kuchenbuch, seconded by Supervisor Cox, and passed unanimously, the Board approved the disbursements as presented.
7. **Public Comments:** Chairman Turman opened the public comment period and offered assistance to those who needed it. He also requested that everyone honor the golden rule and treat each other with respect. Dr. Millsaps indicated that three people had signed up to speak, and three letters had been sent to the office to be read at the meeting.

Virginia Cartwright (Locust Grove): Hello, I'm Jane Cartwright and I'm from Locust Grove district. I have lived there for 23 years with my husband, Lynn, and our four daughters. I taught at Check Elementary School for 27 years. And I love my community. And I'm very, very loyal and proud of it. I'd like to thank you for this opportunity.

My husband and I, cannot speak for the entire community committee that we meet with, but we don't have a problem with FloydFest day people. We have a problem with FloydFest night people and their behavior. We are termed as ground zero. I live at 5952 Floyd Highway north. The main stage of FloydFest is 100 feet off my back property line. I have found the two committees that in past meetings that Kelly Gates proposed, I think that we need to do that for our

ordinances or what we pass out to people who are possibly coming to live here. They need to know what's going on, and it needs to be accurate.

Mine and my husband's main two wishes are that we have a noise ordinance, the same as Galax. And they have theirs because of the Fiddler's convention. Sunday through Thursday, 10 pm. Friday through Saturday at noon. I would like to be able to sleep during FloydFest and my animals would like that as well. And I have goats and chickens and dogs and a cat and hopefully by then pigs and a couple of steers.

Please allow our committee member Kelly Yates to be on the agenda. So, we can see some sympathy and empathy from y'all as a Board because we rely on you. You all are there for us. We rely on you very much. I would personally like Mr. McBroom to put in a six-foot privacy fence and maintain it for the property owners on their property that would save our property lines from ... (inaudible) who are doing things at night, it's probably best that they shouldn't be doing. And it would also help with the noise.

There are two other main concerns, and I'm almost done. We're concerned about declining, either declining property values because we live next to this establishment and/or if our values go up, then we'll have to pay more taxes because we live next to a venue that we had nothing to do with. This affects 100 households. I'm accepting that it's coming. There are some ways to make it better. Thanks again.

Dan Vest (Locust Grove) - Okay, thank you, Dan Vest, Locust Grove district. Floyd County Supervisors and the citizens of Floyd County are who I want to address tonight. Here's a word that is applicable to at least two of this year's issues here in Floyd. You have either been given one conundrum or is to have your own accord. Here are the two issues I'm going to list in specifics.

Issue one - here this past spring or winter, you argued publicly why nothing on your level can be done to help the residents of the Simpsons area in Check. And even now, they're being subjected to explosions and gunfire on weekends. Other counties help their citizens. They have enforceable noise ordinances, why can't Floyd?

Issue two – now you are silent on the greater Check community being changed forever through the shoehorning of a year-round festival park in the middle of the residential agricultural area. 200 acres with 700 proposed parking spaces on it. Attendance in excess of 15,000 people and music allowed to two o'clock in the morning each night the festival is there. And there's going to be more than one. Now that's country living, isn't it?

If you're not following what a conundrum is, the bottom line, you can't help the first issue without doing, going against the second issue. That's the conundrum. It

appears that even the church next door to the Festival Park doesn't even concern you and will be collateral damage as a result of your inaction. Are you not aware of the message you're sending by being silent? I can think of two. The first message is, anything goes in Floyd if you have enough money. And the second message, county residents are secondary. In closing, I would like to know exactly what a community's way of life is worth to the Floyd County government. I'm sure all the other areas of the county would like to know as well. After all, now listen up to all Floyd County citizens if they can happen to Check, no part of Floyd is safe. Silence is a position. Thank you very much.

Kelly Yeatts (Locust Grove) - Good evening. My name is Kelly Yeatts and I live in the Locust Grove district. As the supervisors know and as my fellow citizens know, I remain strongly opposed to the proposed relocation of FloydFest to a property that the owners have announced will be called Festival Park. Two weeks ago I asked this board to appoint two independent committees. The first to address the required 10-year review and enforcement of the comprehensive plan. And the second is to review the amusements and entertainment ordinance, which has been deemed ambiguous. I indicated that I would ask for time on the agenda, which I did in writing last week. And I received confirmation that the request was received and was told it was being sent to the Chairman. To date, I have not received a response. And I'm obviously not included on tonight's agenda.

Additionally, two weeks ago, the chairman himself declared this board to be neutral. This is an interesting statement because it seems to me that a neutral board concerned with representing all its citizens, would welcome citizen involvement in government. And would further encourage independent committees to deliberate important issues impacting the future of the county. A neutral board, it would seem to me would jump at the opportunity to allow individuals independent from the board, encompassing all sides of the issues, to collaborate and find solutions. This is what I continue to ask for - an opportunity to collaborate for the betterment of the entire county. Again, not should be appealing to a neutral board as a way to ensure transparency in government. Since I've not been allowed an opportunity on the agenda, let me further clarify that the two committees should first present their findings and recommendations in a public hearing, so that all citizens have an opportunity for input. And after a public hearing, and further review, the committee should present their findings to the board and be allowed participation in the approval process of those recommendations and changes. I respectfully asked again, for these committees to be formed immediately. Time is of the essence. If the board wants to talk of being neutral, it's now time to walk the walk. Thank you.

After the three speakers, an additional individual requested to speak.

Robert Woolson (Locust Grove) - Robert Wilson from Locust Grove. And the name is spelled W O O L S O N. It was misspelled in the paper last week. Joe at

the beginning of the meeting, you asked us to be respectful. I think we all have been Linda and Jerry continues to stare down at whatever it is they're working on. Everyone else is paying attention. I'm sorry.

(Discussion ensued between the Board and the speaker about appropriate behavior at the meetings, Supervisors making notes during the meetings, previous comments by the speaker, and questions regarding the residency status of some Board members).

Ms. Chiddo read a letter from **Ms. Judy T. Hubbard**: Dear board members I own property located at 476 Timberline Road Copper Hill, Virginia, which joins property acquired by FloydFest. I am deeply troubled by the results of FloydFest coming into this area. This farmland has been in my family for over 200 years, and me being the fourth generation to own and live on the property.

Proudly my son will be the fifth generation to possess it. Down through all those years, the family has been able to live in peaceful existence with neighbors. The proposals put forth by the owners and investors of FloydFest will forever end our rights to peaceful coexistence with others. With the proposed traffic pattern, we as landowners will be denied ordinary going and coming plus the ability of Fire Rescue and even police passage for the protection of our property and our health needs. Just as a reminder, nearly every landowner on this road is over the age of 65.

Another concern is that the population of excuse me another concern is the pollution of land with trash and pollution of the water. There is a stream of water that runs from the FloydFest property onto my property. With all the concerns with pollution in the nation these days, how will we have a guarantee of safe water on our properties downstream from that property? Why is this neighborhood being discarded by the county government in this matter? Do we as human beings not have enough importance over the almighty dollar? I plead with each of you to deny the encroachment of our God-given right to a private and peaceful livelihood sincerely, Judy T Hubbard.

Ms. Chiddo read the next letter, dated August 22, from **Maryann Jackson**. Dear members of the Floyd County Board of Supervisors. My name is Maryann Jackson and I live on Timberline Road in the Locust Grove district. I was unable to attend the board meeting on Tuesday, August 9, 2022. But I reviewed the video recording of the meeting. During the public comment period, Kelly Yeatts requested that independent committees be formed to review the Floyd County comprehensive plan and to revise the Floyd County amusements and entertainment ordinance. She also requested she be given time on the agenda at the next meeting to formally discuss the formation of these committees. Unfortunately, I do not see that. That is on the agenda for the next meeting on August 23, 2022. I wholeheartedly support Kelly's request and strongly encourage the board to reconsider adding it to the agenda. With massive

changes being proposed to the use of farmland in Floyd County. It is important that an independent group examined the effects these changes may have on the county and its citizens. I permit my communication to be read out loud.

Ms. Chiddo read a third letter, received on August 22, from **Sean Jackson**. To the members of the Floyd County Board of Supervisors. My name is Sean Jackson. I live on Timberline Road in the Locust Grove district during the public comment period during your meeting on 9 August 22 Kelly Yeatts requested that independent committees be formed to review the Floyd County comprehensive plan to revise the Floyd County amusement and entertainment ordinance. I enthusiastically support Ms. Yeatts's request. I note as well that at your meeting on August 9, Miss Yeatts requested that she be given time on the agenda at your next meeting to formally discuss the formation of these committees.

Unfortunately, I do not see Miss Yeatts on the agenda for your meeting on August 23, 2022. Why is that? Further, the board chair has felt the need to state publicly that the Board of Supervisors is neutral on the matter of turning 200 acres of farmland of significance into what is effectively a large parking lot. The fact that Miss Yeatts's request has not been honored appears to indicate your words and actions are at variance. I would suggest you resolve that variance to avoid any further erosion of your credibility. Given the significance of the changes being proposed regarding the use of farmland in Floyd County, an independent group must examine the effects these changes may have on the county and its citizens. Failure to do so will have significant short- and long-term consequences. And again, permitted to read that aloud during the meeting. Thank you.

One additional member of the audience requested to speak.

Brecc Avelar (Little River) - I have not planned to make any comments, but I would appreciate it if I could have just a few moments to support our Board of Supervisors. I think you all do a great job.

I also have a farm in Locust Grove, with a Pilot address. And if you will look up Pilot it happens to be in Montgomery County. But that farm is in Floyd County. It's because the postal service runs their letter carriers out of the Pilot post office. And that's why it may seem that some people who live in Floyd County get their mail from a Montgomery County address. So, I want to support our supervisors, as they all live in Floyd County. I know where they live. And I want to make sure that's really clear.

The other thing I would like to be able to say is about a lot of the things that are being addressed at FloydFest. This board has considered zoning ordinances for many years ... for decades. And they've been rejected because most citizens in Floyd don't want to be told what to do with their land. They want to be able to make that decision themselves. Now, somebody wants to do something other than farming. And I think that we ought to seriously consider whether we want

zoning or not. I for one, don't want zoning. But it sounds like there are some people here that do want zoning. And so, I think that we should be very seriously considering what we want. Do we want zoning, or do we not want zoning? So that really is the question that I think needs to be put before the Board. Thank you. Sorry, I'm Breck Avelar from Little River.

The Chairman declared public comment closed.

8. **Board Time** – The Chairman offered an opportunity for Board members to speak.

Supervisor Bechtold - Y'all know me. I'm Kalinda Bechtold, Indian Valley district, Christian constitutional conservative. I stand for the people's rights. Everybody. I'm going to read the amendment of the Bill of Rights - Amendment 14. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No State shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States. Nor any State, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of laws. It's pretty simple. You want zoning, you want to open that Pandora's Box. Because right now you don't want FloydFest. The next board members might not want your chickens or your pigs, or your tent revival. You don't want to open Pandora's, door. Our personal property rights are paramount to our liberty our freedom our happiness. And that's what makes Floyd Floyd Thank you. Thank you, Joe.

Chairman Turman also chose to make a statement:

You know a lot of times I have a hard time articulating what I want to say, and people misunderstand what I'm saying. Other times they just choose not to listen. Are you carrying on a conversation back there? That's what we were talking about. I can't concentrate if we've got a conversation going on back there.

That's the reason, lots of times everything gets misconstrued when it's said. When I said this board was neutral, I said this board is neutral. It was in response to a note letter that was being read that was against what you all are supporting. As long as I'm chairman we will listen to both sides. Period. Now the chairman can do whatever they want to. I'm going to give everybody the right to speak.

When we leave this board and go out that door, our personal opinions are ours, not the board's. Some of us may agree with you. We're not going to sit here and say that. I don't know why you expect us to help y'all. When you abuse us, put us down, run us down. When the only thing we're trying to do is be fair and honest with all the citizens. Mr. Yeatts is not the only agenda because not set the agenda. We've got a lot of scuffed covered tonight. We didn't have time to put her on agenda.

What she needs to do if she wants to do it. She needs to outline how she wants these committees set up. Who's going to appoint committees, and who is going to be on the committees? Give us something to work with. And give it to Dr. Millsaps. She can for us, we have time to look it over. Think about it. When she's on the agenda. We'll have questions for her. And we'll be able to answer your questions. We just can't go out and start setting up committees. We got rules to follow. We are laws. We need to check with our attorney and see if we can legally set up these committees. It takes time. I'm not going to be bullied. So, I'd say I'll everyone a chance to talk if they're honest and respectful in what they say. Because that's what you expect from us.

9. Old Business

- a. **Closed Session** – On a motion by Supervisor Boothe, seconded by Supervisor Kuchenbuch, and passed unanimously, the Board moved to a closed session for the matters listed below.
 - i. **§ 2.2-3711. A.3** – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating of the public body. Equipment
 - ii. **§ 2.2-3711. A.29.** Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Facilities
 - iii. **§ 2.2-3711. A.8** – Consultation with legal counsel employed or retained by a public body regarding specific legal matters. Election provisions and Opioid Settlement.

On a motion by Supervisor Còx, seconded by Supervisor Kuchenbuch, and passed unanimously, the Board came out of closed session.

On a motion by Supervisor Boothe, seconded by Supervisor Cox, and approved unanimously, the Board certifies that they only discussed the topics for which they went into closed session.

- b. **Intent to Award** – On a motion by Supervisor Boothe, seconded by Supervisor Kuchenbuch, and approved unanimously, the Board allowed the staff to move forward with awarding the radio contract, notify the selected vendor Motorola, continue discussions with the vendor, and authorize appropriate signatures. The Board also thanked the staff,

especially Kevin Sowers, for all the work on this project. All indicated it is a good purchase for the safety of the county's first responders.

- c. **EMS Billing RFP Approval** – Dr. Millsaps explained that Myra Grim has expressed her desire to retire, and as a result, the county is looking for a new solution for EMS billing. She indicated that Kim, Kevin, and Myra worked hard on this RFP. Finally, she clarified that the RFP is transparent about Floyd's commitment to soft billing.

On a motion by Supervisor Bechtold, seconded by Supervisor Cox, and passed unanimously, the Board voted to approve the RFP as presented for advertising with appropriate signatures.

- d. **Floyd County Schools FY22-23** – Dr. Millsaps explained that the below changes were not included in the budget document, due to the extended legislative session. The request is to alter the final county budget to reflect the final numbers from the Commonwealth.

- i. The County Administrative staff requests a revenue increase adjustment be made to the 2022-23 Floyd County school budget year of \$61,431. This addition allows their county budget to reflect the final and actual revenues received from the Commonwealth.

On a motion by Supervisor Boothe, seconded by Supervisor Bechtold, and passed unanimously, the Board approved the requested revenue increase adjustment.

- ii. The County Administrative staff requests that \$61,431 in adjustments be made to the 2022-23 school budget expenditures. The new category expenditure levels are as follows: Instructional \$16,032,086.05, Admin. Attend. & Health \$1,169,626.87, Transportation \$2,038,947.15, Debt Service \$663,000.29, Facilities 40.0, Operations and Maintenance \$2,630,445.58, Technology \$1,310,297.62, School Food \$1,343,330.00. These numbers reflect the use of the final Commonwealth numbers and associated school responsibilities.

On a motion by Supervisor Kuchenbuch, seconded by Supervisor Bechtold, and passed unanimously, the Board approved the requested adjustments.

10. New Business

- a. **PPT – Discussion**

- i. Lisa Baker, Commissioner of Revenue, and Missy Keith, Treasurer

Dr. Millsaps explained that both the Commissioner of Revenue and the Treasurer were not able to participate due to illness. Dr. Millsaps handed out data provided by the Treasurer regarding the PPT. Chair Turman thanked the Commissioner for speaking on the phone despite her illness. The Board members discussed the projected numbers.

- b. Remote Early Voting Location Ordinance Discussion – tabled as may not be necessary per the Registrar.
- c. List of Automatic Approval of Checks – The staff provided the Board with a list of payments they would suggest the Board consider allowing them to pay outside of the normal process. The staff explained that timely payment is becoming more challenging due to very slow mail. Plus companies are asking more often for ACH payments. Examples of payments include Skyline, Truist, AEP, Clarke, and the PSA.

After discussion, the action was tabled until a specific and all-inclusive list can be provided. Dr. Millsaps also noted that the staff has been challenged to print checks outside of the regular run due to difficulties with the BAI system.

Chairman Turman asked about getting a shredder day scheduled for the community. Supervisor Boothe suggested reaching out to the Farm Bureau. Chairman Turman suggested the county start offering this quarterly.

11. County Administrator's Report

- a. **Zero Turn Mower** – both a bush hog and a zero-turn mower have been donated to the Parks and Recreation Program.
- b. **Outdoor Classroom** – more than \$15,000 in time donated by citizens for the project. Special thanks to Jane Cundiff for her efforts.
- c. **Recreation Funding** – Dr. Millsaps reported that our parks and recreation programs generated more than \$45,000 over budget.
- d. **IBMA and Farm Trail** – Dr. Millsaps reported that the county, town, and tourism programs are participating in IBMA. Tourism also is picking up work on the Farm Trail program.
- e. **Grant Workshop** – Jacob Agee and an EMS staff member are taking a grant writing workshop.
- f. **Floyd Serving Seniors** – 55 people in attendance.
- g. **EMS** – New tip sheet is available to help citizens have all needed information available to EMS. Supervisor Boothe requested special attention be given to making sure veterans are identified to assist with financial support. Dr. Millsaps shared EMS's request that folks put up their pets if they are calling EMS.

- h. **VACo County Officials Summit** – Dr. Millsaps reported her attendance and suggested Board members attend in future years.
- i. **Onward Strategic Planning** – Dr. Millsaps shared slides from the final presentation. She noted that an extra goal was added because of Floyd's input.
- j. **ACEE Students** – Dr. Millsaps provided the Board with a list of all the places all the ACEEs students worked. The program had 45 students that volunteered a total of 1,795 to local nonprofits and government organizations.

12. **Correspondence** – The staff encouraged the Board to read the correspondence in their folder.

13. **Adjournment** – On a motion by Supervisor Boothe, seconded by Supervisor Bechtold, and approved unanimously, the Board voted to adjourn.

- NOTE – Minutes have been created in the order of the agenda. On occasion, the Board may take up items out of turn due to timing and speaker availability. They will be reported in the order on the published agenda.


Dr. Linda Millsaps, County Administrator


Joe Turman, Chairman