

**BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 27, 2019**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, August 27, 2019 at 7:00 p.m. in the Board Room of the County Administration Building thereof;

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

ABSENT: Jerry W. Boothe, Board Member

Chairman Yoder 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.

Chairman Yoder led in the Pledge of Allegiance.

Agenda Item 4. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

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

Agenda Item 5. – Approval of month-end disbursements.

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

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

Agenda Item 6. – Constitutional Officers' Report.

There were no Constitutional Officers present.

Agenda Item 7.a. – Mr. Steve Durbin, Sands Anderson – Review of Solid Waste Ordinance – Green Box section.

Ms. Morris – Mr. Sherrell Thompson, Solid Waste Manager, is here if he would like to join us.

Mr. Durbin – I made a few revisions to the proposed ordinance. I made some changes to the definition of agricultural waste to try to distinguish that from what would normally be otherwise thought of as household waste or a family farm. We are really trying to distinguish agricultural waste from household waste. We are really looking at carcasses and loads of manure and things that are not appropriate to be in the County's disposal system. I've made some changes to that definition by referencing the household consumption which should make that clear. We're trying to distinguish from a commercial enterprise. The other major concern that we discussed at the last meeting was the ability to have a civil penalty and a prepayment option. I know that some concerns have been expressed about that. I went back and looked at the Code. I feel like the way it was written previously was valid; however if members of the community are raising that as a question there is an easy way to simplify that. What I have proposed in this new draft is that first time offenses of violating the green box regulations would trigger a civil penalty of \$75. Subsequent offenses would be misdemeanors and all other violations are misdemeanors. That way there is no concern about who is exercising that discretion because the Board, if this is adopted, has established it. First time green box offenses are \$75 and civil penalty and there is no discretion after that. Subsequent offense is a misdemeanor. I think that addresses the concern that was raised at the last meeting.

Chairman Yoder – It definitely addresses my concerns.

Supervisor Kuchenbuch – I agree. The only thing I don't want to have happen is we go back to the time when people would dump, but rules are rules and usually if you break a rule there is a consequence. We're not out of the purview of the law or State Code. It will apply equally to everybody.

Vice Chairman Turman – I am the one who requested that Mr. Thompson be here. I want him to give us a definition of what he considers household waste. He is the one who has to separate it all out. One of the questions the Judge asked the officer was, "If you cut something up and put it in a bag and close it like a garbage bag, is that household waste?" Someone put a big screen TV in a garbage bag and leaned it up against a green box. That is why I wanted Sherrell to clarify.

Mr. Thompson – We get that. We even get car tires in a trash bag.

Mr. Durbin – The way I read the ordinance as the proposed revisions would have it, if you have a pool liner and you cut it up and put it in a trash bag and put it in the green boxes, it is still going to fall under demolition waste. It is not household waste. However, if you cut it up and put it in a trash bag, there is going to be no evidence. It is not going to be something that is policed.

Supervisor Kuchenbuch – The concerns are what it does to our equipment, correct Sherrell?

Mr. Thompson – Yes, and the guy picking it up off the ground is hurting his back. Most of the time when you pick it up it rips out of the bag.

Supervisor Kuchenbuch – If that bag had been put in the box, that could still cause problems to the equipment, to the trucks, right?

Mr. Thompson – Right.

Supervisor Kuchenbuch – The question that was raised here the other day was: are the hours that the Transfer Station is open sufficient enough especially on the weekends. I would like to hear your thoughts on that too.

Mr. Thompson – A lot of people don't come in until we are about ready to close. The only way I could see opening that on Saturdays is to hire more people because we are pushed now with our compensatory time and not everyone over there is an equipment operator. If you have it open for the trash part of it, a lot will go to recycling too. You would have to have them working too.

Supervisor Kuchenbuch – The thought was that if someone got up early and started on their Saturday chores, it is hard to get there by the time you close. If we opened it a little later and closed it later, more people would be able to use it. We are trying to be user friendly. We don't want to have couches and pool liners at the green boxes. We are trying to make it so people understand what can and can't be put in our green boxes because in the end we have to pay for a new truck, which is taxpayers' money.

Chairman Yoder – It goes beyond damaging equipment, although that is important. It is also because if you throw some large item in the green box then the next person who comes in finds the green box full. They pull back into the road and maybe they will go to another site, hopefully they don't throw it over the bank. When you put a couch in front of a green box, it is hard for other citizens to use that green box.

Vice Chairman Turman – A man on Buffalo Mountain Road threw a bag into the green box and a post came up and hit him. He ended up in the hospital.

Mr. Thompson – One of our drivers was using a nifty nabber and there was a copperhead underneath the trash bag. Now instead of problems with copperheads we have trouble with bears.

Ms. Morris – One of our workers was stung so many times Emergency Medical Services had to respond.

Mr. Thompson – This week somebody threw a bee's nest in the green box.

Ms. Morris – I assume if they make these changes we will have to change our signs at each box?

Mr. Durbin – I would recommend it to make it clear.

Ms. Morris – That was the first round we had in Court because we didn't have a sign on each box, even though we had one at each site.

Mr. Durbin – We are defining it a little more clearly, but I think the signs already do a pretty good job of saying what is prohibited. We're going back behind that and defining what household waste is.

Ms. Morris – Our drivers carry signs with them so if one is missing they can replace it.

Chairman Yoder – I know this is off topic but I want to thank all the Solid Waste guys who came down and helped with the river cleanup. It was a good turnout of them and the public.

Ms. Morris – They came and left Sherrell back at the Transfer Station to keep that open.

Supervisor Coleman – If we do change the signs, would you please put the Transfer Station address and hours?

Ms. Morris – Yes.

Supervisor Kuchenbuch – Do you think 10:00 a.m. – 2:00 p.m. would be better? Or do you think people will just wait until just before 2:00?

Mr. Thompson – When they come they say I didn't think you closed until 3:00 or 4:00; or I thought you were open all day. It is the same way during the week. They say they figured we were open until 6:00 or 7:00. They drive through the sign up there at the gate.

Vice Chairman Turman – Is there anything that you can think of that would help?

Mr. Thompson – As long as I have been doing it I think I have it figured out. As long as they get it off their property, whether it goes in the box or on the ground, they are done with it.

Vice Chairman Turman – We aren't going to be able to stop the dumping but we need more teeth in the ordinance so when we do charge somebody if word gets out it will slow it down.

Chairman Yoder – I like that we will have a civil penalty for the first time. There are people who really don't know. I like that we won't have the big fine the first time and then if it is a repeat offender you deserve what is coming.

Mr. Durbin – Once you have a civil penalty assessed against you, you can't claim ignorance. You need to be responsible.

Ms. Morris – I don't think Mr. Boothe had any concerns from what he said.

Chairman Yoder – He is ready to go to public hearing on this.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and carried, it was resolved to authorize the County Administrator to advertise a Public Hearing on "An Ordinance Amending the Floyd County Solid Waste Ordinance to Clarify Definitions of Various Types of Solid Waste and Clarifying Regulations Relating to Disposal of Solid Waste at 'Green Box' Locations Within the County and Establishing Civil Penalties for Certain Violations of the Ordinance" to be held on October 22 at 7:00 p.m. or as soon thereafter as possible.

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

Agenda Item 8. – Old/New Business.

Ms. Morris – We had 69 volunteers who came in the pouring rain to help at Renew the New. Fifteen folks who worked for On the Water assisted. Most of our County staff were either there that day or helped set up or clean up. One of our EMS units was parked there; two different units were there during the day. We don't have final numbers yet on the amount collected, but it seems like it was less than last time. We appreciate Mr. Yoder and Ms. Kuchenbuch being there helping us.

Chairman Yoder – I was impressed with the amount of people who turned out, especially in the rain. Some people floated the river and some of us walked the road.

Supervisor Kuchenbuch – I think it was a big success.

Ms. Morris – The Boy Scouts camped at the site the night before and I think they helped Daniel [Sowers, On the Water] do a lot of different things.

Chairman Yoder – We need to give a big shout out to them [On the Water] because they went above and beyond for this event.

Supervisor Kuchenbuch – We had Boy Scouts, Girl Scouts, and a church group.

Ms. Morris – You had one other thing in your Board pack from the Electoral Board. They will be testing the voting machines and have invited you to attend that event.

As I mentioned at the last meeting I put out bids for drainage work at Station #2 Fire. We only received 1 bid in response to our ad. It was \$32,000 over our budgeted amount. The Fire Chief and Mr. Bolt, our Building Official, met on site several times with the contractor. They are trying to come up with a different, cheaper option. You know what it looks like going into Station #2; it kind of drops down. They think the best option would be to mill out a 5' section of asphalt and put in a concrete grate system to try to divert the water to the right side of the

building into the field. We think this has happened because the State road and their parking lot have both been repaved several times. It has gotten above what that level was. If you agree, please reject this one bid that was received from Reed Construction from here in Floyd. The Fire Chief has talked to two other contractors who are willing to do this work at a much lower cost. I was concerned about putting it back out to bid again. Mr. Durbin and I talked today about that.

Mr. Durbin – The Code of Virginia has been amended probably 4 times since the County last re-visited its Small Purchase Policy. As the law stands now you can use Small Purchase Procedures, informal procurement, for construction less than \$100,000. You can adopt your own policy on what is adequate process for that. What you currently have is:

Goods/Services less than \$1,000 – individual County departments have the authority to make direct purchases from vendors of choice;

Goods/Services/Construction \$1,000 to \$5,000 – in order to get the best price, whenever possible, telephone price quotations from at least 3 vendors will be obtained;

Goods/Services/Construction \$5,001 to \$15,000 – the Purchasing Department will obtain 3 written price quotations to obtain the best price;

Goods/Services/Construction \$15,001 to \$30,000 – the Purchasing Department will obtain written price quotations from all vendors on the applicable bid list;

Goods/Services/Construction/Professional Services over \$30,000 – the Purchasing Office will comply with provisions of the Virginia Public Procurement Act as amended.

That top line number now under the Code of Virginia is \$100,000 but you don't have to set yours at that amount. It does give you flexibility if you want to re-visit what your policies are. Currently we think a revised estimate of what the project would cost would be the \$15,000 to \$30,000 range. You could direct us to move forward with obtaining written price quotations from all vendors on the applicable bid list. I don't know if one is maintained, but if we have one we could follow that procedure and possibly have significant cost savings from the bid you received under formal procurement. You may want to update your policy to give yourselves more flexibility. The Virginia Procurement Act applies to all localities, from Arlington to Wise. I don't know that you want to have a policy that authorizes informal procurement up to \$100,000; but maybe you want to go up a little higher than you have it or change the levels. It is still procurement and you are still providing for competition. You still want to get a good, competitive price. It just de-formalizes the process a little bit and is more flexible so you are not locked into a formal bidding process. It is something to think about. I can make recommendations. I have done a number of updates to policies. For tonight's purposes, we are looking for feedback as to whether you want to move forward with formal procurement under your current policy.

Ms. Morris – The one contractor gave us a bid on the revised project and it was \$32,000 more than what we had budgeted. We budgeted \$10,000 for this project. The fire department is willing to pay the balance of the project.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and carried, it was resolved to reject the one bid received from Reed Construction on the drainage project at Fire Station #2 and to authorize the County Administrator to follow Small Purchase Procedures to obtain the best price on the project.

Supervisor Boothe – absent

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

Chairman Yoder – I suggest Ms. Morris talk to Mr. Durbin if there are any changes she would like to see made to the Small Purchase Procedures and then bring the suggested changes back to us.

Mr. Durbin – It might be something as simple as changing the dollar amounts or it could be changing the categories a little bit because of definition changes.

Ms. Morris – I thought each of you might like to have a copy of the manual the Board of Equalization will be using (*distributed copies*). I read it on Monday and have completed all the quizzes. Mr. Boothe asked me several questions about the assessment process itself and how things are valued. Some of his questions I could answer and some I could not. I asked Mr. Don Thomas with Wingate to come to your next meeting. I thought you will be getting questions from your constituents and it might be good for all of us. They are right on schedule. Notices will go out at the end of October. They will have their hearings the first part of November. I scheduled training for the Board of Equalization on December 3. They will start on their work after the first of the year. They usually wait until the end of January or first part of February after we are out of the worst part of the weather.

I thought you might be interested in having the Local Government Officials' Guide to Emergency Management (*distributed copies*). It outlines each of our duties and responsibilities. I thought it was interesting and might be good for you to have.

Chairman Yoder – We talked one time about maybe having a review sometime on our emergency operations plan and maybe inviting the fire department.

Ms. Morris – The Virginia Department of Emergency Management also has a really good pamphlet on hurricane preparedness. Kevin Sowers is looking at that and we may put that on the website since we are getting into that season.

I have a quick update on Recreation. We had 129 kids sign up for football, which is up significantly from last year. We have 141 signed up for soccer which is about the same. We used every one of our new helmets and have borrowed some from the Town of Christiansburg. They have started practice. We've had some bumps in the road, but we got over them.

Vice Chairman Turman – There will always be some. It goes with the territory.

Ms. Morris – We had several last week, but we are doing okay.

Chairman Yoder – The recent policies we adopted for Recreation, I would like to propose that we clarify that discipline is administered only to the person who is responsible. We will not discipline other family members because of the action of an individual.

Discussion was held as to the wording of current policy and whether it needed further clarification.


Chairman Yoder – Mr. Boothe and I went to a VACO [Virginia Association of Counties] conference in Richmond. He was in Transportation meetings and I will let him discuss those. I sat in on a General Government committee meeting. Dr. Stern was there and he is the State Coordinator for Emergency Management. It was a good discussion about emergency management. Everybody had the same questions. We had our Agriculture and Environmental committee meeting. The big thing out of that is some of the upcoming storm water things that the State is discussing. It could have a big impact on some counties. Staff said that if it went through there could be a number of counties who would be required to update their water treatment plants. They estimated Statewide that it could cost \$750 million to \$1 billion. It would cross multiple jurisdictions. According to Virginia Association of Counties staff, Virginia requirements are starting to exceed Environmental Protection Agency (EPA) requirements. Virginia is going beyond EPA regulations on the Chesapeake Bay cleanup. When they sent their requirements to EPA, EPA staff asked, “Why are you doing this? What is the purpose behind some of the regulations?” From what I understand some of the James River basin maybe hasn’t had some of the requirements that the Potomac River has. Some of the James River basin communities will be hit hard on the water management side. The big discussion is who will get to pay for it all.

Agenda Item 9. – Adjournment.

On a motion of Supervisor Turman, seconded by Supervisor Coleman, and carried, it was resolved to adjourn to Tuesday, September 10, 2019 at 8:30 a.m.



Terri W. Morris, County Administrator



Lauren B. Yoder, Chairman, Board of Supervisors

