

**BOARD OF SUPERVISORS
REGULAR MEETING
FEBRUARY 26, 2019**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, February 26, 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; Jerry W. Boothe, W. Justin Coleman, and Linda DeVito Kuchenbuch, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator.

Chairman Lauren 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 Hearing on Deed of Easement between the County of Floyd, Virginia and the Floyd-Floyd County Public Service Authority (PSA) for a permanent right-of-way and utility easement to locate, erect, install, construct, remove, replace, reconstruct, maintain, operate and use buried water lines. The permanent easement will be ten feet wide and shall run with and along the County property on West Oxford Street, Floyd, Virginia.

Ms. Morris read the call for the Public Hearing and noted that it was published in the February 14, 2019 and February 21, 2019 editions of *The Floyd Press* and also posted on the County's web site.

Mr. Steve Durbin, County Attorney – I think the County Administrator's comments pretty much says it all. The one thing I would add is that as we discussed at a prior meeting, the proposed deed does contain provisions for repair and replacement of any damage that would be required in the course of PSA removing, installing or maintaining their waterlines. It does include a provision calling for non-emergency work to be done after business hours because that is the primary parking for the public.

Chairman Yoder declared the Public Hearing open for comments from the audience.

Hearing no comments from the audience, Chairman Yoder closed the Public Hearing.

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

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

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

Agenda Item 6. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

Ms. Edna Whittier, Little River District – It is my understanding from what I read in “The Press” that there is a possibility of asking the Board to approve or support – I’m not sure of exactly the wording – the Republican Party’s support against an abortion bill that is coming to the General Assembly. I’m not sure I’m saying that right. I’m an LPN. My specialty is working with children in pediatrics with tracheotomies and ventilators. In the 30 years that I have been doing that I have worked with extremely fragile children and I worked with children who are stable, but still considered fragile. One of the children I worked with in the early 80s had encephalocele, which is part of the brain extruding from the skull. This child was four months old when I worked with her. It was extremely cautious in terms of working with her because part of the brain is outside of the skull and there is seepage that is going on. There is fluid that is going on. If we had to change her...if I had to change her, I had to be very careful on moving her. These kinds of children don’t necessarily survive at birth and if they do, they don’t necessarily survive very long. But this child was four months old. Because of her situation the parents had 24-hour care with her. That doesn’t always happen. It is possible that you can’t get nurses or it’s possible they don’t have insurance. It simply isn’t there. These things are not necessarily discovered with amniocentesis or ultrasounds. Allowing parents to have the choice of whether they want to try and have the baby born or not is something that I support because I have worked with single parents, usually mothers, who have no insurance and are really having a difficult time with managing their child, particularly if they have other children. There have been cases where I’ve seen the caretaker, which is the parent, become very ill and in one case the parent did the only thing they could do. They got out by dying. They did not commit suicide. They simply had a heart attack and died which left other relatives to deal with it. I’m hoping that you don’t support or not support this. I’m hoping that you just simply say this isn’t our position to be doing. Basically that is it.

Mr. Fred Gerald, Indian Valley District – I am here tonight to support the resolution that you are about to vote on. It is near and dear to my heart. I can’t see anybody supporting the bill our esteemed Governor has come up with to allow abortion doctors to leave a baby born alive under the abortion bill to die. I am suffering with Parkinson’s so you are going to have to look over my...what I used to call my senior moments. I think the Senate has already voted against it. We need to email our representatives and have them support this because it is just opening up more of a...and then doctors to intend this horrible thing....doctors taking the life of babies. Infanticide is what I am trying to say. That is what is happening. It’s a horrible thing. I’m stuttering and all that tonight but I just could not come here tonight...because I have a

wonderful feeling that God has the only say in who should live and who should die. The Bible says, "Beware of those who shed innocent blood." What is more innocent than a young baby? The womb used to be a safe place...the safest place there is, but now that safety is taken away just like safety is taken away in our churches. A gunman comes in and kills 300 to 400 people at a time. I want the Board of Supervisors...I have all the confidence in the world in you guys that you are going to support this bill. Knowing you and your background and working with you, it was a pleasure. I just urge you above all things to support this resolution. It will help stem this tide of eventually – abortion on demand. I guess that is all I want to say. I appreciate every one of you for the job you do. Again I have all the confidence in the world that you are going to vote for this resolution. If you do I think God blessed this group of men here in the past and he will bless you in the future. If you support this bill that is against the murder of unborn children he will bless you again. He will bless this Board as a whole and each one of you personally. I hope you will vote for this resolution. That is all I've got to say. I wish I was more of an orator.

Mr. David Whittaker, Courthouse District – You hear a lot nowadays of different people accusing the other party of Hitler-like tactics. Let me tell you a little bit of something about Hitler. Hitler had a program called T-4. It was run by Karl Brandt. It was their euthanasia program. Karl Brandt was one of Hitler's personal physicians. He performed innumerable forced abortions on women deemed genetically inferior, racially-deficient, or mentally or physically disabled. He actually had euthanasia centers where different age people...if they were deemed...they were taken from their hospitals with the excuse Germany needed the space for their soldiers. They were then exterminated one way or the other, cremated, and their ashes sent to their parents. This foretold of his mass murders and his later disposal methods. So, you know, the killing of an infant or letting an infant expire after it has already been born is pretty close to that. I hate to see us going in that direction. You know God intended at the moment of conception he intended to create a human being. Any attempt to prevent that human being from becoming a human being is just murder. That's all I've got to say. Thank you so much.

Ms. TracyAnn Costello, Indian Valley District – I would like to start by thanking the Board of Supervisors for your service to the citizens of Floyd County. You give countless hours of your time and energy for the betterment of our community and I appreciate your efforts. I come to you today as Chairwoman of the Floyd-Floyd County Parks and Recreation Authority, where I have served on the board for over 10 years. The authority was created 35 years ago to bring organized recreational sports to Floyd County and also to acquire land for recreational use. I believe the authority has served its purpose, in that realm, and would benefit from now being a department of the County and Town. There are only 2 recreational authorities in the Commonwealth of Virginia that I am aware of, one is a trail system and the other is funded by a large trust, neither of which resembles our authority in any manner. There was a discussion amongst our board several years back for this transition to occur. At that time, the majority felt that the move to a department was not warranted. We are in a different space now and the majority of the board voted that it is now time for this change. This change is for improvement. We can continue to struggle as an authority, and new board members will not change that situation. Or we can choose to make a change for improvement, to improve our programs, equipment and recreational space. Since my time on the board, there have been many changes, one of them being a decline in youth registration for recreational sports. Though it may be due to a variety of factors, it appears one reason for the decline is an increase in travel teams and

AAU (amateur athletic union). A new program guide, offering a variety of sports and other activities, has been instituted by our new director, Andy Mabe, such as he is accustomed to in the previous counties where he worked in recreation departments. I believe a focus on new activities and programs will continue to benefit the County for both our youth and adults and bring in added revenue. There are day to day aspects of the position that would be eliminated if the authority were to become a department. Just one example is our director spending over an hour of his time on the phone with the copier company trying to fix issues, not the best use of his time when he could be developing new recreational programs and promoting these programs throughout the County. This is just one example of a change that would be a better use of our director's time, there are many more. Another aspect of change that would benefit recreational sports is the funding. With the authority becoming a department, the funding would most likely increase. Many in the community already believe our recreational programs are through a department of the County and are surprised to learn it is an authority, only partially funded by the County and Town. I just wanted to give a brief explanation for some of the reasons why I voted for this change. I am, and always have been, available to talk to others regarding our Parks and Recreation Authority. Please feel free to call me; I'm more than willing to discuss this further. Thank you for your time.

Ms. Susan Peters, Indian Valley District – I just wanted to talk for a minute about the compassion that I found in Floyd County. I am a newcomer here, 20 years. I was not here before I was born so I am not a native. But when we moved here, we found wonderful examples of acceptance wherever we were. We were some of the Y2K crazies who showed up. The Sheriff's Office sent a deputy out to make sure that we were decent folks. He would drive up the road and if he saw any of us out there struggling with stuff, he would stop and he would let us know, "You could do it that way, but maybe there is another way you could do it." That was his way and we learned from that. It was wonderful for someone coming from the city. We had a time when our neighbors slaughtered a pig and then went up to the Village Mart to buy the razors to shave it before we ate it. Everybody laughed at us. We laughed at ourselves and we learned and have just been welcomed in this County. That was the way they showed compassion to us. That was the way you all showed compassion to us as we came in here and tried to fit in. We've really appreciated it and I have. I've seen compassion throughout this County in so many different ways. Recently there has been some talk on Facebook I understand about the way animals are treated in our County and that has not been a popular thing. Some people think that there are others who aren't treating those animals well. We have compassion for all sorts of living creatures in this County. I'm real, real grateful for the way that we are responsible to each other for these things, that other people will come alongside us and help us figure out that you don't have to shave a pig and many other things. That's the kind of compassion that I see and that's the kind of compassion that I see in a resolution that would support a life position from the moment of conception on. Each baby has unique DNA and if we want to say that this is just a part of a mother's body it seems very improbable and unscientific to think that a different DNA would be in a mother's body and be part of a mother's body. I remember President Reagan saying at one point that if someone were to come across a drunk lying in the street, you don't just automatically cover him with dirt and assume he is dead. You do what you can to revive him and support him and help him out of his misery. What we need to do as a compassionate thing here in Floyd County is to support the life position, my position, from the moment of conception until the moment of natural death because that is the compassionate thing to do. We do it for

animals. We do it for adults. We should do it for the most defenseless of people. Thank you very much.

Mr. Bob Smith, Indian Valley District – I want to thank everyone who came out tonight. I think a lot of these people here are in favor of the resolution that was recently presented to the Board. While I am from Washington, D.C., I do have one ancestor from Floyd. My mother has determined that. Unfortunately in the Commonwealth of Virginia and this country something is broken. The headlines read “Born-Alive Abortion Survivors Protection Act defeated in United States Senate!” Yesterday the United States Senate voted against legislation to prevent the killing of newborn infant children. The Senate’s position on abortion is now so extreme they don’t seem to mind executing babies after birth. By this measure it will be easier to legally kill babies than to execute convicted killers. The Born-Alive Abortion Survivors Protection Act, a simple proposal that would have required that “any health care practitioner present” at the time of a birth “exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational stage.” The bill, which even exempted the mother involved from prosecution, would also have required medical practitioners to “ensure that the child born alive is immediately transported and admitted to a hospital.” It prescribed a possible term of imprisonment of up to five years for violations, not including penalties for first-degree murder that could have applied. In response to this act by the Senate, our President tweeted late Monday night that “This will be remembered as one of the most shocking votes in the history of our Congress.” Americans are incredulous. Senator Ben Sasse of Nebraska, who sponsored the bill stated, “I want to ask each and every one of my colleagues,” and I would ask everyone here, “whether we are okay or not with infanticide.” Here in our beloved Commonwealth, the three highest public officials have effectively endorsed infanticide, so what’s next Senator Warner, Senator Kaine, and Governor Northam, what say ye? And we ask you tonight, something here is broken, what is your stand?

Ms. Linda Wagner, Courthouse District – Bob led the segueway into Governor Northam. We must remember that he is a pediatrician. He is a doctor and he had to take the Hippocratic Oath on becoming a new physician. This is an expression by swearing the oath of medical ethics, which states, “I do solemnly swear that I will be loyal to the profession of medicine and practice my art in righteousness and honor. I shall take care of the sick and well to the utmost of my power. I will hold myself aloof, take care of the sick and well”...I’m sorry, I had an accident yesterday and I am not feeling well... “I will hold myself aloof from wrong, from corruption, and from the tempting of others to vice. I will exercise my arts solely for the cure of my patients. I will perform no operation from a criminal purpose and far less suggest such a thing. I will do no harm to any life. These things I do promise, pledging myself before God and in front of my peers.” I personally think that he has forgotten this oath and I wonder if he is in assembly on the Sabbath.

Ms. Kim Kraft, Indian Valley District – I have lived in the Indian Valley District for only about 5½ years. I came because I had seen a letter to the editor that there was going to be a resolution in front of the Board. I definitely wanted to come and lend my support to any resolution that would affirm life from conception to death. I am the daughter of a 93-year-old and the grandmother of a 6-month-old. I also work as a social worker, going into people’s

homes and doing screenings for people who are elderly and disabled and seeing that they get services that they need. Since I have lived in Floyd County, I have not been very active because I work for the Department of Social Services in another county. But I have subscribed to your paper and I do know that this is a County – that as this lady here said – is compassionate. I’ve seen that there are fundraisers for people who have had terrible tragedies. I’ve seen people pitch in to help feed each other. I see that people are helping each other in times of floods. I’ve also, when I worked for a few short months for Floyd County Social Services to help out, I saw that there was great community support for people helping people to get their homes fixed. I feel like if a person has a child, if a child is born that needs help, that there are plenty of people in this community that can pitch a hand and will help the family to manage that. To me there is only one reason for murder and that would be self-defense. So if we start making other reasons for murder, such as somebody’s going to be sad, somebody is going to have a hard time, I just feel like that is a slippery slope that we don’t want to go down. Thank you for letting me speak.

Ms. Becky Howell, Burks Fork District – First of all I would like to thank you for using the PA system so well tonight. I would urge you to move forward on video recording the meetings so those people who cannot be here because they work or whatever can be informed. I will be here every meeting saying that same thing. You are all familiar with the phrase, “facts tell, stories sell.” Tonight I am going to give you both, but you will have to suffer through the facts before you get the story. Stories are compelling, but I hope you will take the time to verify the facts for every decision that you make as our elected representatives. Abortion is a very emotional topic. I am here to help you get past emotions and look at the facts regarding the failed House Bill No. 2491, a bill to amend and reenact – and I am not going to read all the Code sections to you; it is about five or six of them – relating to abortions; eliminate certain requirements. The bill failed but it sure to come up again in future sessions. You have I am sure heard a lot about severely deformed babies. I reviewed the bill posted on the General Assembly’s web site and found nothing in the bill about severely deformed babies. I’m not an attorney and I could have misunderstood what I read, but I am pretty sure I read it correctly. If you have any doubt, I encourage you to read it for yourself. If you would like to know where it is, I can email you the link. There were four items that were proposed in this legislation, which of course failed. The first one was to remove the requirement that an abortion during the second trimester be performed in a hospital. The second one was for an abortion after the second trimester of pregnancy, the requirement for three physicians to certify the need for the abortion was reduced to one, and the requirement that continuation of the pregnancy be “likely to substantially and irremediably impair the mental or physical health of the woman” was changed to simply “likely to impair the mental or physical health of the woman.” While informed consent is still required, the requirement for an ultrasound was removed. The offer for a woman to hear the fetal heart tones was removed and the definition of “informed written consent” was removed. Also removed was the requirement that the Department of Health publish printed materials to be made available free of charge which would inform the woman of the free services available to assist her through pregnancy, upon childbirth and while the child is dependent, and remove the requirement that they give accurate scientific information about the human fetus at the various gestational ages. The fourth change was the removal of the requirement that facilities in which five or more first trimester abortions per month are performed to be classified as a category of hospital. That’s the facts. Now here is the story. We all know that parenting is not for the faint of heart. Even when you have the perfect child, and who among us doesn’t have the

perfect child? I can only imagine that it is extremely stressful if your child has a severe mental or physical deformity. So why would we remove those provisions that provide resources and information about the ways in which government helps the parents? Very briefly, I do substitute at the high school. You all probably know that. Because I am a retired teacher I can get the top of the scale when I am substituting for a teacher. I get minimum wage when I substitute for aides. If I have a choice between those two positions, I take the aide where I am getting minimum wage. Why do I do that? Because those children in the special needs classroom are truly special. They bring joy to my heart and a smile to my face every time I am there. This seven page bill does not apply to severely deformed babies only. It applies to any baby. Thank you.

Mr. Fred Gerald, Indian Valley District – Talking about facts...all of these children being aborted...every child that is aborted is a taxpayer, right, potentially. I thought I better throw that in.

Ms. Shelly Wood, Indian Valley District – I have more of a comment. I'm really not clear as to when an individual's constitutional rights begin. So if you are born when do you have rights? Is it like an hour later? Is it right when you are born? Is it before you are born? In some areas if a woman is murdered and she is pregnant, that is two homicides? I think some of that is changing or has changed. And also the terminology of fetus...at what stage is a fetus a baby? Some people say conception. Is that at two weeks, two months, nine months, born? These are some things that we need to address as a society. I would really like to know when the constitutional rights begin because I believe once you are born, you have rights. And it is murder. Thank you.

Ms. Trudy Zoleva, Courthouse District – Joe Turman, he knows me. My brother called him once and he said...I was...I don't know what he told him. I was talking to my brother about Jesus Christ, Yahweh and my brother thought I was psychotic and I probably needed to be put into a mental institution. I guess. I don't know. All I know is that my husband told me to read James chapter 3 about the tongue and to be very careful on what I have to say. I'm just like this lady here. I'm very nervous. I didn't really understand what she said and I thought well you know, I'll talk to her after the meeting and see what she says. That lady over there talked about activities for children. Well I've been there. I've done that. I've been lied to most of my life. I've been sent out in the world without my armor and I wasn't prepared for what was going to happen. I'm one of those women that it's my body and I'll do what I want. I had abortions and I had a term baby die. But if anybody here is a true Christian they know that I am forgiven and I can have joy in my heart. But that one lady talked about activities, sports and that. If this law is passed and I heard somebody say, "And it will." We know a presence like that. We won't have anybody to do any activities. Prophecy must be fulfilled. You women in here you need to read Genesis 3:16. And you men in here there's two parts to the last of it. And if you don't start doing your job like the lady said you are not going to be blessed. I'm going to be blessed because I just now stood up for my Creator. And I might be martyred. I might be tortured. My husband he prepared me for that. I might have a heart attack before that from being nervous, but I'm calming down now. I'm ashamed of what I did, but I had to go through what I had to go through. Tomorrow is my birthday. I'm glad my mom didn't abort me. She has had a difficult life too because she has been lied to. If you men pastors don't start telling us women the truth, it

is just going to keep getting worst at least for us individually. My mom is alive. She is 93 and I love her dearly. She just didn't know how to handle me because she didn't have a Holy Bible. She had man. "Cursed be the man that trusteth in man, and maketh flesh his arm, and whose heart departeth from the Lord," Isaiah 4:6 or Jeremiah or something. I thank you all for listening to me. I hope I did the right thing.

Ms. Andrea Garland, Indian Valley District – I'm coming as a mother of an adopted baby. We adopted him at 5 days old. I waited 18 months but really like 13 years. I'll tell you my story about him. I had gone through all the infertility work and all the steps that parents go through when you aren't able to have a child of their own. I had many prayers to God that he would make me a mother before I was 40 because I thought 40 is...now I wish I was 40. But anyway, John was born 1 hour and 5 minutes before my 40th birthday. In fact it was so close that I thought maybe he was born on my birthday. I can't think but God had a hand in that. God knows where these babies are going. God knows how precious they are. I can't imagine that little baby being aborted. He was born to a 13-year-old mother and a 16-year-old father. They weren't married. The parents of the mother were very religious and did not believe in abortion. But she did go through Planned Parenthood which to me is surprising. I heard recently that thousands of babies have been aborted through Planned Parenthood. Only 17 had been adopted. I think I have one of those 17. To me that is amazing. I'll tell you why Planned Parenthood wants to abort babies, because they sell baby parts. There is a big, big market in baby parts...thousands of dollars for like a heart...a baby heart. To me it is just barbaric. I could never, ever support abortion and I am so glad that God gave us a little baby boy who is now a big boy. I thank you very much for listening.

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

Agenda Item 7. – Dr. Noelle Bissell, Director, New River Valley Health District.

Dr. Noelle Bissell – That is a big topic, a very big topic. I appreciate everyone who came out. Mine may not be as of much interest to them, but hopefully it is interesting to everybody. I appreciate your time this evening. I want to talk to you tonight about a very pressing public health issue that we are dealing with and will become a lot more visible in the coming weeks and months. I wanted to make you aware of that so there are no surprises:

- 1) Sexually transmitted infections are an urgent public health crisis right now.
 - a. 1 in 2 sexually active young adults will get a sexually transmitted infection by the age of 25.
 - b. There are 20 million new infections diagnosed in this country every year.
 - c. The United States leads industrialized nations in sexually transmitted infections.
 - d. The cost of sexually transmitted infections is \$16 billion annually.
 - e. We have gotten so good at contraception that people just don't reach for condoms anymore.
 - f. All it takes is one episode of unprotected sex to get a sexually transmitted infection.

- g. Since 2013 chlamydia is up 22%, gonorrhea is up 67%, syphilis is up 76%, and congenital syphilis, where a mother passes that infection on to her unborn child, is up 154%.
 - h. When you have a chronic infection like this it increases the risk of other infections.
 - i. Long term consequences are infertility, miscarriage, stillbirth, and ectopic pregnancies.
 - j. Most of these infections are curable and treatable.
 - k. HIV just 20 years ago used to be a death sentence because it led to AIDS, but now it is a chronic illness that people live with and take medications and go on about their day.
 - l. Resistant gonorrhea is a concern even though it is not here in our area yet, because it is in North America and there is no current antibiotic to treat the infection.
 - m. It takes 7 years for an antibiotic to get to market and there is nothing in the pipeline to treat resistant gonorrhea.
 - n. We want to change the narrative. The topic is surrounded by stigma.
 - o. Young people are having sex and they tend to take more risks.
 - p. We've started a campaign at the New River Health District with some additional funding we applied for.
 - q. You may see or hear some of our ads – on billboards, on bus systems in the New River Valley, digital marketing, and radio.
 - r. Most people think if they have a sexually transmitted infection that there will be symptoms, but that is absolutely not true. In fact most people who have it, don't know they have it and they are passing it on to other people.
 - s. The only way to know is to get tested and that is our big push right now. We are offering free testing and free treatment.
 - t. We have a new mobile unit that we are getting out and offering testing. For those who test positive we are offering treatment.
 - u. We are also trying to educate people about how to have sex safely and responsibly to prevent sexually transmitted diseases and also unwanted pregnancies.
 - v. Right now 1 in 2 pregnancies are unwanted in this country and that leads to why most people are here tonight.
- 2) The second issue I want to bring to your attention is no less stigmatizing, that is addiction.
- a. Our area is seeing an increase in pretty much all drug groups. We are seeing a lot of methamphetamine right now.
 - b. Traditionally this area had been oral opioids, prescription opioids. As the Board of Medicine and doctors have gotten a lot more restrictive about prescribing those, if you have someone who is addicted, they will go for anything they can.
 - c. They are going for illicit drugs. Heroin is cheaper. Methamphetamines are cheaper.
 - d. Most people who use substances don't use just one substance.
 - e. Tobacco is a huge gateway drug.
 - f. The Juuls – electronic cigarettes – are really an epidemic among our young population right now.

- g. One pod has the same amount of nicotine as one pack of cigarettes. Some kids are using 3, 4, or 5 of these each day.
- h. It is not regulated by FDA and we don't know what else is in there.
- i. Some users are putting marijuana and other drugs in their electronic cigarettes and we don't know the long-term health effects.
- j. Prevention which is education of our young people. We are working with schools, youth groups, and anyway we can to get the word out about substance use and the risks.
- k. We are trying to develop trusting relationships. As a government agency a lot of people don't trust us, especially if they are using illicit drugs.
- l. We need to educate everyone that addiction is a disease. A lot of people still think of it as a moral failing.
- m. Until we overcome that stigma, we are fighting an uphill battle.
- n. Withdrawal is one of the worst things a person goes through.
- o. We are endorsing treatment options, such as mental health with New River Valley Community Services, New River Community Action, and primary care providers for medication-assisted treatment.
- p. That is surrounded with controversy because people think it enables or promotes drugs. But data shows that people on medication assisted treatment hold down jobs, have more stable relationships, stable housing, and less interactions with law enforcement.
- q. For harm reduction we have to meet people where they are. We have dispensed over 500 doses of naloxone in the New River Valley through Revive trainings. It helps people who have overdosed. This prevents death.
- r. This illness costs \$500 billion a year in this country, which is 2.8% of our gross domestic product.
- s. We are not a significant portion of the world's population, yet we consume 85+% of the world's opioids.
- t. Another controversial thing is syringe exchange where we dispense clean syringes and collect dirty ones. We do this to prevent complications and to engage so we can get these people into treatment.
- u. I will be hosting a summit in the spring or summer. We have some funding to bring people together. We have to change the narrative and open the dialogue.
- v. If people think we don't have injection drug use in the New River Valley, they are sadly mistaken. Everyone in this room probably knows someone who either themselves or has a family member or a friend who is affected in some way by addiction.
- w. By exchanging syringes we can save money by preventing the spread of HIV, which costs hundreds of thousands of dollars. Hepatitis C treatment with one episode of the disease is about \$60,000. Some people get recurrent disease. If someone ends up needing a heart valve replacement, that can run \$500,000.
- x. We will send out invitations to this summit. We will bring in people from many communities: physicians, law enforcement, local government, community members, faith-based folks, to really start the discussion.

- y. There are 4 reasons minors can seek treatment without parental permission: 1) mental health, 2) substance use, 3) contraception and sexually transmitted infections, 4) pregnancy.
- z. We have studies that show comprehensive sexual education delays the onset of sexual activity more than if we try to preach abstinence. We need to change the narrative and have that discussion.

Agenda Item 8. – Mr. Carl Gutschow, Thompson & Litton and Dr. John Wheeler, Superintendent, Floyd County Public Schools.

Chairman Yoder – We're happy to have the good folks from Thompson & Litton, School Board members here, and Dr. Wheeler. It is quite the audience here to listen to all of this. Thank you for being with us.

Mr. Gutschow – No problem. Thank you for the opportunity to be here. My name is Carl Gutschow, Project Manager and Architect with Thompson & Litton. With me today is Steve Farris who is a Professional Engineer and our Director of Engineering. I think the primary and the main reason I'm here tonight was that I sent a letter to Terri Morris last week and said, "We're ready to bid the boiler replacement, the air conditioning, and the new controls project that we started working on last fall." These are a set of specs, 565 pages and a set of drawings, 138 pages that are ready to go out to bid. It has been sent to Virginia Department of Education. It is a requirement to move towards bidding. We requested a letter from Dr. Wheeler. He has to approve as School Superintendent. He has to approve the project to go to the Board of Education. That has been done. The plans were sent, the specs have been sent to the Board of Education. I have to send a letter that it meets Code and requirements of the Board of Education. I'm talking about Richmond. That's been done. The emails were flowing in today that they are satisfied, that the documents are good, and that they do meet the requirements, a few reminders of what we do after construction on some paperwork we have to submit to VDOE. But that's kind of where we are at today and I guess I'm representing and saying, "Let's bid the project." And the reason that my zeal is here was we started the countdown about two weeks ago and the reason I am adamant about bidding it is the timing so we can get the boilers put in before the fall comes. That is the highest priority, plus we have a summer season coming up and much of the work inside the classrooms can be done. Because once we move into the school year then the contractors are going to start doing shift work. They will be working in the evenings or weekends and that makes it more cumbersome. The more we can get done now and if we can start now and start pre-ordering the equipment, Steve and I feel that the boilers are probably like a 6 to 8 week lead time so if we get this bid and get bids back by April 1, then we'll be just about right with school out in May and we'll start pulling the boilers out then. Some of that work can go on with the kids in school because they'll just be working in the boiler rooms and will be putting in fuel tanks and other support work. There are electrical upgrades we have to do. So that's it. I'm out of breath. I've been thinking about this a long time. A lot of people worked very hard to bring it to fruition and we are excited to be able to get to this point and move on. I understand that there were some questions that you had. I'm here to answer those questions and address any concerns you may have.

Chairman Yoder – I think one of the questions related to the additional amount that was requested and how that would pair with this? Will it be done separately?

Mr. Gutschow – I think we should do it separately, again because of the timing. There are a couple of strategies to look at and that is to break that out, as it were, as phase 2. That could be parallel with that. They are not exactly related but they are similar types of construction. Contractor on site would be the incumbent if we put out a separate bid package of course. You would have that contractor or contractors would have some advantage but still it would be a competitive bid and you are meeting the requirements of competitive bid. But again I think the target is getting this, the larger project, going.

Chairman Yoder – We don't want to hold that up.

Mr. Gutschow – Correct.

Supervisor Boothe – So this is the \$6 million original project.

Mr. Gutschow – It is.

Supervisor Boothe – Excluding the new stuff.

Mr. Gutschow – Right. As Dr. Wheeler and I have discussed and my engineer, we have all discussed, this is parallel with the six-year plan that the school system has. So this is not new it is just Thompson & Litton day lighted it because we said, "Hey, these pieces or these pieces or these pieces, we heard a lot when we were doing our fieldwork from the Maintenance folks." We told Dr. Wheeler that this stuff is over the next 2 to 5 years; it will be coming up. It was kind of like, "Hey, what do you want to do?" Because I didn't just want to ignore it. I wanted to bring it to your attention. It is important. It is not an add-on. It is not something we forgot. It is just that our track was to cool the classrooms, fix the boilers, replace the boilers, and put in a whole new control system and that is what this project is. And by the way, as a little add-on we are replacing water tanks and pressure pumps at Indian Valley and Willis as part of this as well.

Supervisor Kuchenbuch – I am going to preface my remarks and questions by saying that yes all of this is necessary, but I am going to ask the question of you, are these buildings structurally sound enough to have all of these upgrades done?

Mr. Gutschow – Oh, yes.

Supervisor Kuchenbuch – Absolutely, unequivocally?

Mr. Gutschow – No doubt.

Supervisor Kuchenbuch – Okay. That's what I wanted to hear.

Mr. Gutschow – No doubt.

Supervisor Kuchenbuch – Even in a 1939 building?

Mr. Gutschow – That is not an issue – putting these air handlers in. We are putting in these fan cool units that are about 6' to 8' long, 8" deep, 30" the other direction. We're hanging them from the ceiling and the reason they are semi-exposed is because there is a plaster ceiling above the ceiling you see there that leaves us no cavity room to conceal them, but they are also in this fashion easy to maintain, change the filters, work on the equipment. We are concealing as many of the pipes as we can. These things suspend from all thread rods which will be fastened directly to the bar joists that are in almost all the schools. The exception is...they all have bar joists, excuse me. It is just the high school does not have the plaster ceiling. But there is an economy of scale for the contractors building this same thing everywhere. And then when it is handed over to the school system they are maintaining the same thing everywhere so we didn't want to make a bunch of different systems. Just to recap, our study back this time last year: identify alternatives to coal-fired boilers currently used for space heating in each school; identify areas of each school that are not air-conditioned or conditioned with multiple smaller systems; identify electrical equipment upgrades – we got to bring some up to do this; we have to bring up the electrical – identify replacements of the controls. We are putting in an entirely new control system. It is called a digital direct control that in some cases will be wireless so they will be able to control all the heat from a centralized computer system and monitor the temperatures, what the boilers are doing. All of those things, as you can imagine these days, are digital. You selected option 1b which is the \$6 million option which was to upgrade the boiler plant with propane and add direct expansion coolant which is an air conditioning system.

Supervisor Boothe – Will the current generator have all the electrical changes, the backup generator?

Mr. Gutschow – Once again...

Dr. Wheeler – With the six year plan we have those...which you have as far as the facility was one of the positives about this addition to look at what that is as part of our six year plan. Those generators are in our scope. And we have to look...we don't have generators in an area that is designated as a shelter. And there never was put one so those generators are within our scope that we know we are looking at.

Supervisor Boothe – The original intent for which those were bought was so the school system could serve as an emergency shelter. And it didn't work out that way.

Dr. Wheeler – It didn't but the good thing is we're not replacing something that was recently put in. These things are beautiful antiques. That is on our radar. We're going to hopefully do that in our budget a little by little because they do need replacing.

Supervisor Boothe – With the changeover if you have to you will upsize or whatever you have to, to make sure that the heating system works?

Dr. Wheeler – We have a plan on getting some recommendations from these people who are putting it in. We're going to have a list on what we can buy and we're going to know the

price so they will fit right in. We've talked a little bit about that already. We need this in to make sure we're going to be able to get what we need.

Mr. Farris displayed the plans to the audience and showed them which sections at the high school would be cooled.

Chairman Yoder – We are running behind anyway, but just so everybody in the audience knows what we are talking about, we are essentially cooling the majority of all of our schools and replacing old coal boilers with LP gas.

Supervisor Boothe – Are you still addressing containment of these tanks?

Dr. Wheeler – Yes, they have done that.

Mr. Gutschow – They will be buried at all but the high school.

Supervisor Boothe – Is it going to be walled? You said all but the high school?

Mr. Gutschow – At the high school it will have a fence around it for safety.

Supervisor Boothe – More than just a chain link fence?

Mr. Gutschow – Well, a chain link fence, yes.

Supervisor Boothe – I just have safety concerns.

Mr. Gutschow – It will be way down the hill away from the high school. The other reason we are doing that is because of the proposed addition. We don't want it to be in the way.

Supervisor Boothe – Well I understand that, but I am concerned about an exposed tank in this day and time. We'll see how it goes.

Mr. Gutschow – We are putting on all the safety devices.

Supervisor Boothe – I know. I just felt like I needed to voice that concern.

Mr. Gutschow – Understood and taken.

Supervisor Kuchenbuch – I am not a fan of LP gas but I understand in this day and age...I would have liked to have seen some other possible alternatives, but I understand that you need to get this moving. I understand this timetable. I want this on the record.

Supervisor Boothe – Is there wording in there about modification, for example if it came in at \$6.5 million?

Vice Chairman Turman – What was the \$1.8 million for?

Chairman Yoder – That was essentially replacing the older units that are already in the existing places. Those will need to be replaced in the next 2 to 5 years.

Dr. Wheeler – As Carl said that is right there on our map and we have an eye on it on our budget. As he put it they brought it to light. They gave us a letter and made it very detailed. It is good for us and we just brought it to your attention. There are a lot of moving parts to that.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to authorize the County Administrator to advertise for bid the Boiler Replacements, New Air Conditioning and New HVAC Control System project at all five of the County Schools.

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

Agenda Item 9. – Ms. Lynn Chipkin, Ms. Melissa Shaw, and Dr. Anna Sims – Floyd County Humane Society.

Ms. Chipkin – I would like to read a statement about the standard of care for dogs in our area. We are hoping that Floyd can be a leader in the protection and humane treatment of domestic animals by considering our proposed ordinance. We would like to address the neglect of animals and propose the following protections for dogs, specifically when tethered or penned outside:

- 1) The amount of time on a chain,
- 2) The length of the chain,
- 3) Temperature restrictions on chaining,
- 4) Categories of dogs restricted from being tethered
- 5) Adequate shelter, sustenance and water.

We have researched local ordinances in our area as well as written legislation from around the country and professionals and experts in the care and well-being of domestic dogs to develop our proposed ordinance, including research by local resident Dr. Dottie Laflamme, a retired veterinarian nutritionist. We believe for animal control officers to effectively monitor and address issues of neglect and inhumane treatment, the conditions must be defined carefully. This will empower animal control officers to fully satisfy conditions of their employment. These specific guidelines will protect domestic dogs and better the quality of their lives, their owner's lives, and the lives of fellow citizens. The Floyd County Humane Society will continue partnering with Animal Control, connecting them with the HSUS [Humane Society of the United States], which offers training for animal control officers on animal cruelty, investigations and also aids them in interpreting local ordinances. Also, Floyd County Humane Society will assist animal control officers with helping owners comply by supplying whatever is needed, doghouses, and whatever to get people up to standards.

Ms. Shaw – By having the local ordinance we are hoping Animal Control will be empowered to go and see if a situation is up to Code. They would notify the owner they are not in compliance with local ordinance. They would give owners our information and let them know we have resources. The Floyd County Humane Society is an all-volunteer, non-profit organization. We will do everything in our power to help them comply. That lessens the burden on Animal Control and creates a positive relationship between us, Animal Control and the owner. We are trying to make this a positive event for everybody involved.

Dr. Sims – I want to comment a little bit on why we think this is needed. Obviously in the State Code there are standards of care for domestic animals. Companion animals have their own category. The standards are fairly vague and open to interpretation. Our hope is by being specific...one example is temperature requirements, we propose that animals cannot be left outside on a chain for extended periods of time if it is below 32°.

Ms. Shaw – Our ordinance says 12 hours, which is a long time.

Dr. Sims – Right now it is very much up to interpretation. Our animal control officers may feel like they can't go in and help an animal because it is not defined very clearly. There was legislation [SB 1025] passed this year in both the House and Senate in Richmond and it looks like it will incorporate some of what we propose: a minimum chain length of 10' or 3 times the length of the animal. Unfortunately weather restrictions were left out of the final State bill. Most people agree that there are certain weather conditions when it is not humane to leave animals out for extended periods of time. By defining that more clearly and reaching a consensus on what that should be will help raise the standards in a way that everyone can understand.

Ms. Shaw – I guess you have the two statements from the Attorney General's Office and two statements from animal control experts about how in extreme weather conditions animals need to be brought in. There is not enough definition in current County ordinance about animal cruelty. For an animal control officer to go out and have to make that call, they don't feel like they can. We are trying to make it easy.

Dr. Sims – ...easy for both animal control officers to know the rules and for the citizens to know what the expectations are.

Ms. Shaw – There is a statement in there just showing you some statistics about why these types of regulations help the community in general and not just the dog. Basically you are decreasing the likelihood of having an aggressive dog.

Chairman Yoder explained that the usual procedure in considering a new ordinance is that it is drafted by the County Attorney. Different stakeholders have an opportunity to comment on the ordinance and then a public hearing is advertised and held.

Mr. Durbin – I've had an opportunity to read through this and have a couple of questions. One question is about the animal trainers and breeders and American Kennel Club, have they been consulted during this process?

Ms. Shaw – This doesn't really apply to breeders, trainers, or people who have kennels. That is sort of a separate entity. The American Kennel Club is not really an organization that has any kind of regulatory standards.

Dr. Sims – If you are talking about local people, we have talked to some local dog breeders. When we looked at other laws the one we based it on was a statewide law in Pennsylvania.

Mr. Durbin – Are you aware of any localities in Virginia who have adopted this or something similar?

Dr. Sims – I believe Roanoke County has something about tethering. We looked at the 5 surrounding counties.

Ms. Shaw – None of the surrounding counties, except perhaps Roanoke, has anything that really moves above and beyond what the State already does. There are a numbers of towns, cities, and counties in Virginia that have... Albemarle County has a recent...

Mr. Durbin – I have read Albemarle County's.

Ms. Shaw – A lot of places are working on it. It is a bit of a new movement brought on a bit because the State hasn't been able to pass anything.

Dr. Sims – I'm sure you are aware of a lot of complaints lately. We have been inundated and we can't do anything. We are just a rescue group. It has been all over the media. We think the time is ripe to take this head on and sort of set a standard.

Supervisor Boothe – Since we operate under the Dillon Rule...

Dr. Sims – We're fine. You can trust me on that.

Supervisor Boothe – I want to hear from our legal counsel on what we have the authority to do.

Mr. Durbin – I have some concerns. I know there are some cities and towns who've adopted more strict ordinances but they have charter powers and I haven't looked at those. I'm more interested in what counties can do. There is authority for localities to adopt ordinances that parallel the animal cruelty statute and a number of others. It lists a lot statutes that you can adopt as local ordinances as well. It is very specific. Albemarle County appears to have taken the authority to adopt animal cruelty and they've created a presumption if you violate these tethering requirements that you've committed animal cruelty. The problem with the animal cruelty statute is that it is very broad. It can be difficult for the animal control officers to know if this is animal cruelty. It appears the Albemarle County ordinance has created a presumption if you violate these tethering provisions there is a rebuttal presumption that you have committed animal cruelty but you can present evidence to rebut that. It is not exactly what is adopted here [proposed local ordinance] but it goes in that direction.

Chairman Yoder – I would like to get a copy of what other counties have done.

Supervisor Boothe – I would also like know how communities have been affected, including financial problems, from adoption of the ordinances.

Mr. Durbin – I'm on the local attorneys' list server and I would be happy to send out a request and see what the experience has been on the localities who have adopted tethering ordinances.

Agenda Item 10. – Ms. Karla Turman, Floyd County Planner.

Ms. Turman – You have before you the agreement with VDOT for us to be able to administer the transportation project at the Commerce Center Phase 2. VDOT also requires a resolution from the County authorizing the local funds to be committed and for the County Administrator to execute the agreement.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the resolution for VDOT Project Number ARC0-031-647 (Document File No. 1026) committing its local share of preliminary engineering, right-of-way and construction and to authorize the Chairman and County Administrator to execute the Standard Project Administration Agreement (Document File No. 1027).

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

Ms. Turman – The second item I will be discussing with you tonight are questions for the Planning Commission and Board of Supervisors for the Subdivision Ordinance Review. I hope to get a sense from you as to what areas of the Subdivision Ordinance needs to be looked at, reviewed, discussed for possible changes. The Planning Commission is still discussing it.

Supervisor Kuchenbuch – Requiring perking (Question 1.c.) It is really let the buyer beware. They should make sure the land perks before they buy.

Supervisor Boothe – The government can't be everything to everyone. I thought we were talking about relaxing some of this stuff. This comes across to me as creating more red tape.

Ms. Turman – The questions on things we might want to look at came from staff from a list we've been keeping for many years. The questions are to start the discussion. The staff and Planning Commission are not recommending any of this. Maybe creating a new subdivision category is not the way to go (Question 20.). Maybe the requirements for the perking (Question 1.c.) and boundary survey (Question 21.), etc. that they are looking to relax can be done within the current Subdivision Ordinance.

Supervisor Boothe – Boundary survey for retained/remainder lots (Question 21.) This got taken out of the family subdivision. We were under the understanding that it applied all across the board to no longer survey remainder parcels unless there is a question of it being at least 1 acre. Outside of that we looked at it as just being an additional burden. That was one area I hoped to see taken out. We have heard from VDOT through the years how as soon as the County adopted that there is a mandatory VDOT standard road into a subdivision, everyone got around it and that is why we have all of these houses and entrances along every State road (Question 5.). The State Code says if you intend that road to be taken into the VDOT system, then it has to be to VDOT standards. We have been talking about cluster development with no State roads. I don't see why we shouldn't take that out of the picture altogether. If we can require a homeowners association in a cluster development, then require one in a regular subdivision. Another thing to take into consideration on the lot size the width of the road should not be included in the mandatory lot size. Right now if you are building a VDOT standard road you can do a 1 acre lot. That was enticement to not build along the road. That VDOT road right-of-way is included in the 1 acre so you don't have an acre; you probably have $\frac{3}{4}$ or less or the lot needs to be expanded to whatever the width of the road is to have full acreage (Question 15.). Every time we make something mandatory in the Subdivision Ordinance we increase the price of that property. I have no problem with a 50' right-of-way and it being graded and stabilized, then if the HOA wants to have it upgraded, let them take care of it to meet VDOT standards. I am looking at it as this is why we have houses on State maintained roads and the open space is behind and you can't see it for the row of houses. If we take that requirement out, people will start building off of the road and instead of having 10 entrances on the State maintained road, you will have 1.

Chairman Yoder – My main concern with that is some type of standard for the road and right-of-way for emergency vehicles. We face issues with fire trucks because you need a truck large enough to fight the fire but you need to be able to get to the fire.

Supervisor Kuchenbuch – For boundary surveys (Question 21.) you owe it to yourself to find out where your property corners are, but surveys have gotten expensive. I don't know.

Chairman Yoder – I heard about someone having to spend \$900 to get land perked (Question 1.c.) when they bought a couple of mountain acres they only planned to use for camping with a pop-up tent and a picnic table.

Ms. Turman – The situation came up where a lady wanted to do a lot line revision, but she had to perk the land she was selling, which was 6 acres that the buyer just wanted to use for hunting land. But as I explained to her, he might just plan to hunt on it but the next buyer may want to put a house on it.

Vice Chairman Turman – I have a problem with the boundary survey for retained/remainder lots (Question 21.). When 5 acres was cut off a family farm, every other adjoining piece of land had to be surveyed. When the parents died and the sons inherited, they had to get the whole thing surveyed, which cost them \$20,000. Why do you have to get a survey if you have a plat that matches the plats around you?

Supervisor Boothe – I have no problem with surveys on new lots, but if I am selling 1 or 2 acres and I have 200 acres left, the cost of surveying the whole thing makes it not worth selling the 1 or 2 acres. I think we are going too far with that. And for the perking (Question 1.c.) the buyer needs to work that out with the seller.

Chairman Yoder – Can it be shown on the deed that the lot has not been perked?

Ms. Turman – If it is not perked on the plats, family subdivisions and agricultural subdivisions all have to have a statement that it has not been tested and approved for private wastewater and septic.

Supervisor Boothe – You could do that on a normal plat where it says it has been, use that same wording.

Supervisor Kuchenbuch – The cost of perking ought to be a negotiation between the buyer and seller.

Chairman Yoder – Even if land doesn't perk, people have options but they are expensive.

Supervisor Boothe – For a large subdivision of 5 or more lots that is going to impact our water system, a test well to test the water in the area might be a good requirement.

Ms. Turman – Would you be interested in a committee looking into that? As Lydeana [Martin] once told me, your septic system might fail and it will not affect your neighbor but it will affect someone 10 miles down the road.

Supervisor Boothe – I didn't expect this to go anywhere.

Chairman Yoder – That would be a Health Department issue.

Ms. Turman – For perking, do you want to get rid of that requirement? Or do you want to have a minimum, such as if it is 5 acres or more it would have to be perked?

Chairman Yoder – I am almost to the point of eliminating the requirement altogether, but having it noted on the plat.

Ms. Turman – Right now we have that but only as it applies to Family and Agricultural Subdivisions.

Supervisor Boothe – We should apply it to all of them.

Ms. Turman – I talked to Lydeana about this and her vision is that you could end up having several 2 acre lots along the roadside that couldn't perk.

Mr. Durbin – If you start accumulating unbuildable lots in the County that is not good for economic development. There is some downside to taking it out, but I am not saying that is not the way you want to go.

Supervisor Kuchenbuch – I still don't like we are creating 2 acre lots alongside every road in Floyd County.

Supervisor Boothe – If we eliminate the VDOT requirement on the roads, I think you will see more development off the road rather than along the road. It would be nice to have the open lots along the road and the houses were off the road.

Ms. Turman – If you were to do away with the road frontage requirement, then we would have to look at the lot width requirement and the setback. It is going to domino what we have to look at, but I'm not saying we shouldn't.

Supervisor Boothe – You could word it in a way that if you are doing a lot on a State maintained road, then any setback requirements and width requirements apply. We aren't saying you can't build along the roads, but then you have to follow those standards. We are trying to make it easier for those building off of the roads.

Chairman Yoder – In that case you would require an HOA to maintain the roads. Can we do that on a subdivision?

Ms. Turman – We have discussed that before. I'm thinking that we cannot require that for anything but cluster and townhomes.

Mr. Durbin – For cluster subdivisions you have specific authority in Code. I'm concerned that you can't require an HOA for non-cluster subdivisions.

Ms. Turman – In our ordinance now if you have 15 connections to a mass well/drainfield you can require an HOA.

Mr. Durbin – With cluster you are allowing the developer to increase density over and above what it would otherwise provide. In exchange for that you are allowed to impose reasonable regulations. I will have to look at that.

Ms. Turman – Becky [Howell, Planning Commissioner] asks if we can take the cluster provision for bigger lot size like 1 or 2 acres and call it cluster development and then require an HOA that way? Right now if you are on a State maintained road you can have 1 acre lot on a new road. Whether it is a new or old street you can do .5 acres if you have public water or public sewer, if you have both public water and sewer it is .26 acres.

Supervisor Kuchenbuch – Getting back to the HOA situation, what if when they came to you with a plat or an idea of what they want to do and they don't want to build a State maintained road, and as a County we gave them a piece of paper that if you don't do an HOA

you are running the risk that your road will become unmaintainable because the County does not intend...

Chairman Yoder – You would still run the risk of not being able to get fire and rescue up that road. But even without a 50' road right-of-way, you could have 5 houses burn down if you couldn't get a fire truck to them.

Ms. Turman – Any plat that has a driveway or road that is not State maintained has to have a statement on there that it will not be maintained by the Virginia Department of Transportation or the County. That requirement is already in our Subdivision Ordinance. I think our Subdivision Ordinance already says that something about the 20' easement for family and 50' agriculture has to be maintained in a passable condition. Right now if a lot is on a publicly maintained road it has to be deeper than it is wide. That is to prevent flag lots where people could create a lot with setback of 175' and then the person will make a really skinny line all the way to the back and expand their property.

Supervisor Boothe – What is considered to be the problem with a flag lot?

Mr. Durbin – One of the problems is that you are creating driveways right next to each other, single family homes with a driveway to this flag lot and that flag lot, driveway after driveway.

Chairman Yoder – Essentially you could double stack your lots and put a house in front of a house all the way down the road.

Mr. Durbin – one of the things the no flag lot rules is trying to prevent is having many lots down one driveway and EMS will have a hard time getting in because people are not maintaining their narrow flag lot driveway.

Ms. Turman – There is a document with 28 questions that have been posed that I would like at some point for you to look at. The Planning Commission hasn't seen all of them either. I met with the PSA on February 14 and right now our Subdivision Ordinance does give them the authority to say yes or no. It says if the lot is within 500' of a service line, PSA may require them to connect to that. Mike Maslaney came to the Planning Commission meeting last week and the PSA is supposed to work on some sort of wording for their own use. He suggested we take out the 500' and leave that open. Personally I don't like that because they might require somebody at 500' or somebody at 1000'. I like having set standards.

Supervisor Boothe – We also discussed that if somebody has their own system that they use the same materials as the PSA so it will be compatible in case we take it over.

Chairman Yoder – For homework we need to go over the 28 questions.

Ms. Turman – The big things right now are the requirements on perking, requiring a survey and boundary surveys. They don't want to put internal lines in there. If they have 4 or 5 properties, they just survey the boundary. When the Commissioner's Office sees it they think it

is a lot line revision and they treat it like a lot line vacation and it is taxed as 1 lot, where actually they have 5 sellable lots. Per Lisa Baker [Commissioner of Revenue] she would prefer to see those lines in there. I always tell them when I get those that if they don't have internal lines that the Commissioner's Office might see that as a lot line vacation. This has been happening when people have a survey of their property to have it recorded. Right now we don't have anything in our Subdivision Ordinance about plats of survey for purchases of record so I think we should put something in there because the County does not have to approve them. We don't approve them but we look at them and sign off on them to verify they are not a lot line revision or a lot. The Clerk's Office won't record them without us signing them.

Supervisor Boothe – I have always thought it is strange how they handle plats and deeds differently. A deed has to be recorded by State law. But when we go to do a plat there is other regulations.

Mr. Durbin – For years that was how some people circumvented the Subdivision Ordinance. They would just do a “metes and bounds” and put it in the deed and record it. That was how they were subdividing property.

Ms. Turman – That is another reason for surveys. Subdivisions have been done by “metes and bounds” and nothing closes and it ends badly. Some people think that because they have a subdivision plat recorded that it is done and it is not. They have to record the deed. They have to put it on all the plats.

Agenda Item 11. – Constitutional Officers' Report.

There were no constitutional officers present.

Agenda Item 12. – Old/New Business.

Ms. Morris presented several items under New Business.

Ms. Morris – Mr. Worth brought information to you at last meeting about a rental property we were looking at for Drug Court participants. We have a Residential Rental Agreement that has been reviewed by our attorney. There was a reduction in the rental amount. Mr. Worth, Supervisor Kuchenbuch and I looked at the property. There is only 1 bathroom. There is a bedroom downstairs and some living area. There is also room upstairs for a bedroom and some living area. There is a separation of space. The entrances are all on one level and then the person has to go upstairs.

Supervisor Kuchenbuch – We need to put the security deposit amount in the agreement.

Ms. Morris – For the other property we are renting for Drug Court, the drug court participant made the first repayment of rent to us.

On a motion of Supervisor Coleman, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the Residential Rental Agreement and authorize the County Administrator to execute the agreement (Document File No. 1028).

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

Ms. Morris – The next item is a Proclamation that March 2019 is Multiple Sclerosis Education and Awareness Month that was sent to Chairman Yoder.

Chairman Yoder – This was sent to me by Ms. Toni Quesenberry. She passed along her regrets that she could not be at the meeting tonight, but she requested that we adopt this proclamation. They are having a banquet in Roanoke on March 9.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the Proclamation that March 2019 is Multiple Sclerosis Education and Awareness Month in the County of Floyd, Virginia (Document File No. 1029).

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

Supervisor Kuchenbuch – Last year other counties had their proclamations in standup certificate folders to create a display. I request that we put this proclamation in something similar or in a frame for a nice presentation.

Supervisor Boothe – At the PSA we talked about having a separate agreement on when the work would be done and not have it be part of the Deed of Easement between the County and PSA. The concern is that if the County sold this building that stipulation would convey with the deed if it were in the deed. The idea is to have a separate agreement on the part about when the work would be done.

Mr. Durbin – You could take the language out and convey the easement and at the same time do a separate agreement that just applies to the County and that would be enforceable. It could also be done at the time the property was sold. It is a relatively minor issue and can be done either way. You could authorize tonight and not deliver it until you get signatures back on an agreement.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the Deed of Easement with the Public Service Authority and a supplemental agreement regarding the time the work will be performed and

authorizing the Chairman of the Board and County Administrator to execute the Deed of Easement and supplemental agreement (Document File No. 1030).

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

Ms. Morris – The meeting with the Town Council to discuss dissolving the Floyd-Floyd County Recreational Authority is on March 7 at 7:30 p.m. We have to have a tax rate to the Commissioner by April 22 so we need to set some budget workshops.


After discussion it was determined that the Board will have a budget workshop at 5:00 p.m. on March 7 before the meeting with Town Council. The March 12, 2019 meeting will include a budget workshop in the afternoon.

Agenda Item 13. – Adjournment.

On a motion of Supervisor Turman, seconded by Supervisor Coleman, and carried, it was resolved to adjourn to a budget work session on Thursday, March 7, 2019 at 5:00 p.m.



Terri W. Morris, County Administrator



Lauren D. Yoder, Chairman, Board of Supervisors

