

**BOARD OF SUPERVISORS  
REGULAR MEETING  
OCTOBER 22, 2019**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 22, 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 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 “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.”

Ms. Morris read the call for the Public Hearing and noted that it was published in the October 3, 2019 and October 10, 2019 editions of *The Floyd Press*.

Mr. Steve Durbin, County Attorney with Sands Anderson, gave a brief overview of the ordinance.

Chairman Yoder declared the Public Hearing open to anyone who wished to address the Board of Supervisors regarding “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.”

**Mr. Bob Smith, Indian Valley District** – As a person who does work on my own house I would hope that the ordinance would tolerate limited amounts, small quantities of drywall or pipe or wood pieces. I go to the dumpster and it looks like people have dumped a whole truckload of stuff. If I knock out a section of wall to put a door in or something, I don't want to get into trouble for throwing away what would fit in one of those 50 gallon black plastic bags worth of construction stuff into the dumpster. If people who do their own work aren't affected

then I say it would be a good thing. I am so annoyed to see people leaving sofas and big monstrous stuff like that. They won't even put it in the dumpster. They just set it there. I don't know. Something needs to be done about that. I hope this will handle some of that too. Thank you.

After hearing no further comments from the audience, Chairman Yoder declared the Public Hearing on the proposed ordinance closed.

Agenda Item 5. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

**Ms. Carolyn Deck, Locust Grove District** – I have written this letter in support of our Sheriff's Office and Deputies. We in the community of Floyd County wish to express our deepest appreciation for the service and sacrifices of our Sheriff and Deputies. We understand the daily stress and dangers that they must deal with and we salute their courage and strength. There was a recent incident where one of the officers was shot at. We have all been stopped, at one time or another, for some traffic violation. Of course, we are then greatly annoyed. Often I hear the questions, "Well why didn't they just let me go? Why did they have to give me a ticket?" Take a moment to think about that. If they let one person go, they would have to let everyone go. And if they only let one go and not the others, then they would be accused of favoritism. Our Sheriff and Deputies swear an oath to uphold the law as it is written. In doing so, they protect us. Children can be run over by speeding reckless drivers. Vehicles that have not been properly inspected can suddenly break down or drive erratically and endanger the lives of others. We all know the menace of drunk drivers. Who are you going to call in the middle of the night when you hear someone breaking into your house? When a desperate criminal is on the loose, and this did happen not too many years ago in Floyd and it was a murderer, are you going to go out and put your life at risk by trying to capture him? No. We stay home behind locked doors because we know our Sheriff and Deputies are out there protecting us. In these times of attacks on our public schools, we know our law enforcement will protect our children. Sometimes police in very large cities can become riddled with corruption. This is certainly not the case in Floyd. Those who disrespect all police because of what they read on the internet, need to become aware of how their opinions are being manipulated by a "one size fits all" mentality. I am very grateful for the honesty and dedication of our Sheriff and Deputies and I salute our men and women in blue. I will be collecting signatures to present to the Sheriff's Office in the upcoming month. Thank you.

**Ms. Amber Skies, Burks Fork District** – I would like to comment. I did not take the opportunity to comment when we were talking about the dumpsters, but if I have a moment I would like to speak to that now. I have small children and I work on my home and do construction. I see all sorts of valuable things. I know the community uses the green boxes as sort of a recycling center sometimes. I find that to be very valuable because there are many times I need something and I drive by and there it is. I don't have to pay for it. Somebody else didn't need it. What a blessing that is. So if you are going to have restrictions on what can go in or if you are concerned about the green box situation, my thought as a citizen and a member of this community is what opportunities can we do to provide like a recycling center for unwanted

items so that people can be using that 2” by 4” that is going in the dumpster and doesn’t need to go into a landfill. What can we do, again, to provide opportunities to prevent our waste from being a problem and create them to be an opportunity. Thank you.

**Mr. Bob Smith, Indian Valley District** – I’m here for what I intended to speak to tonight. As you know we lost a very great gentleman who was once a member of your Board, Fred Gerald. I’ve been speaking to a lot of people out in the valley and believe there would be a lot of support to change the rather ungainly name of Indian Valley Post Office Road to Fred Gerald Road. I’ve spoken with our representative on the Board, Justin. I would like to see the Board take an action to see if we couldn’t do that in his honor. He was definitely a man who deserves it. Thank you.

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

Agenda Item 6. – Approval of month-end disbursements.

Questions and discussion followed.

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

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

Agenda Item 7. – Constitutional Officers’ Report.

There were no Constitutional Officers present.

Agenda Item 8.a. – Virginia Department of Transportation (VDOT) 2019 Fall Transportation Meetings.

Ms. Morris – I want to remind you about the 2019 VDOT Fall Transportation meetings. This will be on October 30 at 4:00 p.m. in Salem. They have outlined their various initiatives that they have planned for the year and this is what the Public Hearing will be about. They are also accepting written comments until November 30 if there is anything you would like to submit.

Supervisor Kuchenbuch – I will probably attend this meeting.

Chairman Yoder – Thank you for bringing that up. Roads are always a big topic for us.

Agenda Item 8. – Old/New Business.

Chairman Yoder – Are you ready to take action on the ordinance we had Public Hearing regarding earlier this evening?

Supervisor Boothe – I have a question. If a sawmill owner needs to get rid of some sawdust, does that qualify as commercial, agricultural, or what category would that fall under because it is not construction?

Mr. Durbin – I think it is industrial solid waste because it is all establishments engaged in manufacturing. You are manufacturing raw timber into a finished product. You can always get rid of it by hauling it to the Transfer Station; just don't put it in the green box. One of the purposes of this is to not overweigh or over burden the green box and the equipment you use to haul them out when you have that robust equipment at the Transfer Station that can handle all of that. You certainly can dispose of your waste, but the green boxes are for a more limited purpose.

Chairman Yoder – The real issue is we are damaging our trucks and making an unsafe site for people who are trying to do the right thing.

Vice Chairman Turman – That is what we are concentrating on in the ordinance – what is going into our green boxes and receptacles.

Supervisor Boothe – We don't really differentiate, in regards to the comment during Public Comment, between construction and demolition wastes whether it is a little bit or a whole lot. If you have 1 person put a lot or 10 people each put in a little, you still end up with the same problem.

Mr. Durbin – You end up with things that are difficult for our equipment to handle at the green box site. I will say as a matter of enforcement, if I cut out a little drywall and have some scrap wire and it does fit into a plastic bag, there won't be any enforcement action because no one is going to know it is there.

Supervisor Boothe – Just to address the other comment, I don't think any of us are opposed to somebody being able to reuse something they find. But the problem is if somebody goes to pick something up and they injure themselves, we are liable. That is why we don't allow people to sort through waste. If you pick something up you are in violation. From a liability standpoint we can't sit here and say, "Put stuff outside the box so other people can come pick it up." If somebody gets injured it comes back on us.

Mr. Durbin – That is not to say that a non-profit can't have a recycling program established where people drop off and pick up so you are repurposing and reusing things, but I don't think it makes sense to have it at the green box site. That is a liability issue for the County. It is not set up for that purpose.

Supervisor Coleman – Have we heard anything back from Constitutional Officers who may be involved?

Ms. Morris – No, sir.

Chairman Yoder – Did you reach out to the Commonwealth Attorney?

Mr. Durbin – I forwarded a copy and asked for comments, but did not receive any.

Supervisor Boothe – I guess it is enforceable the way it is then.

Question from lady in the audience – Is the problem with too large of items that are going in, sofas and appliances or all construction?

Chairman Yoder – Generally we have the one section for public comment, but I will answer the question. That is really the big issue. We've got situations where there are large items. Our trucks are damaged when trying to load them. There have been cases where our employees have been hurt. It can be dangerous. It is a liability issue if we condone the practice and someone in the community gets hurt while trying to drop off or get something.

Supervisor Boothe – There is no telling how many hydraulic cylinders we've had to replace over the years.

Chairman Yoder – The Transfer Station takes all of those things. If you have a sofa you can take it to the Transfer Station and you are not charged. The green boxes are more for small, residential trash as a convenience. Contractors are charged at the Transfer Station, but not homeowners.

Vice Chairman Turman – We've had citizens injured when they threw their trash in the box, and something illegal that had been dumped, flew back out and hit them.

Chairman Yoder – To be very clear, this ordinance has been in place for a long time. What we are doing is clarifying some of the things that have been illegal to do for a long time. The way I look at this ordinance is that there are two main goals here: 1) Clarify what is acceptable behavior and what isn't and 2) Add a civil penalty so that if someone honestly doesn't realize they are in violation there is a lesser fine of \$75 for a first offense.

Mr. Durbin – The default right now is \$500.

Supervisor Boothe – The ordinance talks about what is in the box. Should we put something in there about this not being allowed around the bulk containers or does what is there already suffice to cover that?

Mr. Durbin – Subsection c says, "It shall be unlawful to leave items at green box or bulk container locations outside of such containers, regardless of whether such items would otherwise be permissible to deposit within such container."

Supervisor Coleman – Under Section 42-11(b), “...shall be subject to a fine of up to \$2,500.00 and/or 12 months imprisonment as provided in the Code of Virginia...” Since this is a local ordinance that could be punishable by jail time, the defendant would have the option to have counsel. Would that be at the expense of the County since it is a County ordinance if it ever got so far that a person would be looking at jail time?

Mr. Durbin – If you are appointed counsel because you qualify and you are convicted as part of your conviction you would pay your counselor fees. If you are not convicted, I would have to look to see if that comes out of the County monies or State monies. This was in the existing language.

On a motion of Supervisor Turman, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the 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 as presented (Document File Number 1074).

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

Ms. Morris – As you will remember you adopted a burn ban resolution and an emergency ordinance on September 24, 2019. This resolution allows the Director of Emergency Management to lift the ban in the event weather conditions improve. I don't know if you want to talk about that tonight?

Chairman Yoder – Kevin Sowers [Emergency Services Coordinator] suggests that we look at this on Friday. The next two days are expected to have high winds and low humidity, but there is a chance of rain again this weekend. He thought maybe we could lift the ban on Friday evening to allow people to burn over the weekend.

Supervisor Kuchenbuch provided rainfall data for Floyd and surrounding localities.

By consensus the Board of Supervisors agreed that Chairman Yoder as Director of Emergency Management should look at the weather situation on Friday, October 25, 2019 and make a decision then as to whether to lift the burn ban.

Mr. Durbin – It was adopted as an emergency ordinance so it will be in effect for 60 days and no more. I like the idea of having it adopted as a permanent ordinance plus a resolution so you can always repeal the resolution, but you have an ordinance that puts procedures in place. Then without a public hearing you can adopt a resolution declaring an emergency whenever you need it. It is something to consider going forward.

Ms. Morris – I have a couple of school project updates for you. On the boilers everything has been installed at Floyd Elementary and Indian Valley Elementary. They have been inspected and approved. Heat has been in operation for the last couple of weeks. Everything is working well so far. On the air conditioning bids per your instructions, Thompson & Litton and the School Board have been in negotiation with the one bidder that we had to work within our monetary framework. I provided a copy of the letter to you outlining the results and recommendations. On page 2 of the letter you will see the revised project. We will have air conditioning equipment and installation in 97 classrooms that are not currently cooled. We will be doing an upgrade of the electrical service both for this project and for future needs if we can expand this. They will be putting new valves for heat in each classroom. They thought the valves in there were the original ones from the 1940s and 1950s. Each classroom will now have its own thermostat to control the heating and cooling. They recommended that the County direct purchase all the equipment. We will be purchasing what was bid to save us considerably on sales tax and bond costs. Page 3 gives you a summary of the areas that will not be cooled. It is basically hallways, restrooms. The biggest area is the old gym at the high school and the locker rooms will not be cooled. The next page gives you the bid from Nor-Well with a cost breakdown for each school. The page after that gives the breakdown by the type of equipment or installation. Thompson & Litton met with the School Board last week and went over all of these revisions. The consensus of the School Board was to recommend approval of this revised bid from Nor-Well. This is in the amount of \$3,057,000.00. This will come under our available funds that we have left in this loan account. You see on the sheet from Nor-Well that there is also an allowance of \$50,000 for any overruns. They do not want to do the add-ons there below that in the amount of \$80,000. They want you to consider if there are funds left that they be allowed to discuss that further, possibly to do some of these add-ons or to replace the water tank at Willis.

Supervisor Boothe – We do not have to consider the add-ons right now. We can consider that later with any funds that are left over.

Ms. Morris – Yes, sir. They want to research that.

Chairman Yoder – Do you want a vote on this tonight?

Ms. Morris – If you would consider it, we would certainly like to get started.

Supervisor Boothe made a motion to accept the revised bid from Nor-Well Company, Inc. in the amount of \$3,057,000.00. The motion died for lack of a second.

Chairman Yoder – The areas in dark blue are the areas that are currently air conditioned, correct? The legend is hard to understand. So the lighter blue is where new air conditioning will go.

Ms. Morris – Yes.

Chairman Yoder – The white is areas currently heated and ventilated only. Those will remain the same.

Supervisor Kuchenbuch – Yes, those areas have no air conditioning.

Supervisor Coleman – Why are the current places not being utilized? This whole wing at Indian Valley Elementary is alleged to have air conditioning if I am interpreting it right. I will speak with my School Board representative. I need to clarify this rather than make assumptions.

Chairman Yoder – So Willis Elementary for example, the main area that I would be concerned about is the cafeteria.

Supervisor Boothe – If you look at Floyd County High School you have the classrooms and you have areas that are only heated and ventilated, but what is the purple up here on top? I would like a better explanation, but I am not prepared to hold the process up for that explanation.

Chairman Yoder – So at the high school the cafeteria is air conditioned, but not the kitchen.

Supervisor Kuchenbuch – The Agriculture shops will remain unairconditioned and the old gym, locker room, and teacher workroom.

Supervisor Boothe – Basically if I understood the School Board Chairman correctly the other night, they are looking at doing just the classroom areas or areas of instruction in order to stay within the budgeted amount.

Supervisor Kuchenbuch – Understood, but I find it hard to deal with Willis Elementary children and Check Elementary children...when they go to lunch have to go into unairconditioned spaces after they have been in air conditioned spaces learning, then they go into a hot cafeteria and they don't eat properly.

Supervisor Coleman – Sometimes that is the only meal kids get.

Ms. Morris – Dr. Wheeler did say they will have enough cooled space to move children out of the cafeterias if need be at those two, if it got completely unbearable.

Chairman Yoder – At Check that wouldn't be far; at Willis that would be a long hike.

Supervisor Coleman – A question I would like some of the School Board members to answer is I guess this will be a closed door environment throughout the schools now?

Vice Chairman Turman – That is what was worrying me. You have big areas that are not air conditioned and you have little areas that are. If you leave a door open, you will suck it all out and it will cause the system to run more.

Supervisor Boothe – We could air condition the whole thing, but just have to come up with another \$3.1 million.



Vice Chairman Turman – I understand that.

Supervisor Kuchenbuch – Maybe they have to look at the other monies they have and are utilizing and think about taking care of what we have.

Supervisor Boothe – I didn't mean that smart-alecky, but we told them what we have...

Ms. Morris – They have done what you asked.

Supervisor Boothe – They did exactly what we asked them to do. I can't attest that this is the best plan, but they did what we asked them to do within the funds that are available.

Vice Chairman Turman – But when you see it in dark blue and white, it sort of drives it home.

Supervisor Coleman – That was all the information we had at the time. Right now we have publicly committed to trying to do these renovations and we have so many irons in the fire I don't know that we can properly do these renovations like we first talked about.

Supervisor Boothe – Wait until the bid on the renovations and new construction comes in. That is what I want to see. What did Chairman Ingram say, "If this went over 45% can you imagine?...I think they are concerned about it too, with what all they are trying to work through."

Vice Chairman Turman – I don't like to say I told you so, but I have been preaching that ever since day one.

Supervisor Boothe – There is some other stuff happening that is raising some questions that you brought up before about how are they going to pay for the furnishings in these buildings within the existing budget. Something came to light today that drove that home for me.

Supervisor Coleman – I just have a problem with not taking care of existing buildings. I don't want to stall the process. I don't know if we need to sit down and talk with them jointly. I know I am personally going to be speaking again with people, but there are just a few questions that I have. I know we are limited to basically just funds and not overstep our bounds.

Vice Chairman Turman – May I make a suggestion? They are on a timeline and need to get it done. Can we set up something for the first of next week, maybe one night, and have a special meeting. We can ask the questions that we need to ask. I don't think another 3 or 4 days...what do you think?

Chairman Yoder – We are responsible for the taxpayers' money so it is not improper for us to understand what we are spending the money on.

Vice Chairman Turman – We have 15,000 people out there we've got to answer to.

Supervisor Kuchenbuch – We have to talk.

Chairman Yoder – We can look into that. It will be hard to pick a night without knowing what works for some of them, but we can do a special called meeting.

Supervisor Boothe – Can I ask a question? I understand the concerns and wanting to know more. In the end if they stand by this same plan, are we prepared to adopt it?

Supervisor Kuchenbuch – I don't know.

Chairman Yoder – My biggest concern, from what I think I understand about it is, I would like to see all the cafeterias air conditioned. That would be my personal preference.

Supervisor Boothe – Which classrooms are you going to take out? I'm just looking at what they presented here. I'm not being ugly. I'm not trying to be. But they presented it where the classrooms and instruction areas have been air conditioned. Do we want them to add costs for the cafeteria areas and we talk about adding more money to this?

Supervisor Kuchenbuch – There is more money out there right now for projects. Maybe they have to reevaluate the projects to take care of our existing...

Chairman Yoder – I think that can be a discussion point if we did have a joint meeting. I would be interested to hear what their priorities are.

Supervisor Boothe – Maybe I am looking at it wrong. I've always said if I wanted to dictate what that Board sets as its course of action I would have run for School Board instead of this Board. It is not that I don't want to understand. I would love to understand more. But in the end if they come back with the same plan, then we're still right back to where we are right now. Do we support the plan they put forward with the funding or we don't.

Supervisor Kuchenbuch – I think we need to talk with them.

Vice Chairman Turman – If we have a joint meeting, they may have information that hasn't been presented yet that they can bring up and will help with our understanding.

Supervisor Boothe – If they stick to this same plan, the only choice we come back to is approve the plan presented or we say figure out how much will it cost to air condition the cafeterias and we'll add the money. Really those are our only choices.

Vice Chairman Turman – That is a question I am not prepared to answer.

Supervisor Boothe – I'm not trying to put you on the spot to answer it. No, I am just trying to look at what our options are and really these are our options – approve what they present or we look at trying to find more money to air condition the 2 cafeterias if that is the 2 areas of concern.

Chairman Yoder – Before I vote to spend \$3.1 million I would like to hear how important they feel some of these spaces are. If they feel that the cafeteria is not that important, fine. I would just like to hear from them and make a decision based on what they tell me rather than just speculating. If that is where they are at, I guess I would be fine with it.

Supervisor Boothe – Even if the School Board is not able to make it, maybe Dr. Wheeler could answer a lot of these questions.

Vice Chairman Turman – It doesn't have to be the whole Board.

Supervisor Boothe – If Chairman Ingram and Dr. Wheeler could show up or the Vice Chairman and Dr. Wheeler.

Supervisor Kuchenbuch – I would love to see all of us and all of them.

Chairman Yoder – I think it is important for us to at least understand what we are voting on.

Ms. Morris – Dr. Wheeler would have been here tonight but he had another obligation.

Chairman Yoder – I think all of us are open to meeting again. Actually if we have questions we could reach out and visit our individual schools.

Supervisor Coleman – That is what I intend to do.

Chairman Yoder – I think I will reach out to my School Board representative and see if we can do a walk-through before then. I'm pretty lucky in that I have an engineer as a School Board member. Tomorrow we'll reach out and see if there is a night that is good for them and then we will call a special meeting for that purpose. We will update everyone when we hear from them.

Supervisor Boothe – Back when we had the variance request to the 35' setback and we had a discussion about whether the 35' needs to be changed or whatever, you mentioned something about the subdivision committee might be talking about that part of the aspect.

Mr. Durbin – If I remember correctly the issue was to clarify whether that setback applies to public roads, private streets, or every roadway, alley, etc. in the County.

Supervisor Boothe – We got into a discussion about changing that number and we can't change it within the confines of the subdivision ordinance because that setback ordinance is a stand-alone ordinance. This Board would have to discuss changing that 35' number before we actually do it in the subdivision because it is a stand-alone ordinance.

Mr. Durbin – I think the subdivision committee can consider it and if it is something that you would recommend being in the subdivision ordinance and taken out of streets and sidewalks

as far as how it is re-codified certainly do it that way. I would want to look at what leeway you have to change the setback number.

Supervisor Boothe – Is that 35' something VDOT [Virginia Department of Transportation] has to put through the Code system that we don't have the authority to change? We are looking at several things and one of them is the elimination of the VDOT standard roads in subdivisions. We are talking about keeping the right-of-ways. We are also talking about how we can expand lot usage because there are some small lots due to all the setbacks. Also, there was discussion about reviewing the Health Department setback numbers to see if those are set by Code or if that was a wish list like perking was.

Mr. Durbin – I would recommend that you change the language governing the 35' to make it very clear. Right now I am interpreting it to mean that it applies to all roads, streets, alleys in the County.

Supervisor Boothe – We also want to codify that it is from the prescriptive easement edge and not necessarily from the pavement.

Supervisor Kuchenbuch – While Mr. Durbin is looking up the information, I would like for us to recognize that Scout Troop 19 has been with us this evening. They are going to be chartered through The June Bug Center sometime in the near future. They will be a stand-alone all girls Boy Scout troop here in Floyd County. The Floyd County other Boy Scouts have started having girls but Troop 19 has been around for a couple of years working on their Eagle Scout badges now. This is a community service merit badge. They have also done first aid safety through the Christiansburg Rescue Squad. As a Supervisor and citizen of this County I am glad to see this kind of effort. They are going camping this weekend. We also have members from the Master's degree program from Radford University observing tonight. I would like to recognize those folks as well.

Mr. Durbin – It is codified right now under streets and sidewalks but you can have it codified as part of the subdivision ordinance too. There is a distinction between building of buildings and building of houses. You have more discretion to vary the setback relating to building of houses. Building of buildings it looks like a firm 35' setback. The Code of Virginia says buildings so I take that to mean ...

Supervisor Boothe – Well, a house is a building so that is a conflict in itself. That is their gray area.

I would like to update you on the Transportation Committee. My idea of giving the local engineer the authority to change speed limits has been upgraded. The Chair of our committee wants to push the General Assembly to give each local governing body of their jurisdiction the authority to set speeds on secondary roads. Either one will get us what we want or what we need. What I first proposed was if a majority of this Board requested a speed, he could reduce it. It would still be at least 3 of us.

Supervisor Kuchenbuch – We are not the only ones having issues with speeds?

Supervisor Boothe – No, we are not. We are not the only rural County that has sections of secondary road that you shouldn't travel 55 mph on.

On a motion made by Supervisor Turman and seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation in the pending opioid matters in federal court.

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

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

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

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

#### **CERTIFICATION RESOLUTION CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Consultation with Legal Counsel and Briefings by Staff Members in accordance with Section 2.2-3711, Paragraph A.7. of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby certifies that, to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

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

Supervisor Yoder – yes

This certification resolution was adopted.

Agenda Item 9. – Adjournment.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adjourn to a special called meeting, date and time to be determined.



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Terri W. Morris, County Administrator



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Lauren D. Yoder, Chairman, Board of Supervisors