

**BOARD OF SUPERVISORS
REGULAR MEETING
JUNE 12, 2018**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, June 12, 2018 at 8:30 a.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, Linda DeVito Kuchenbuch, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator.

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

Vice Chairman Turman led in the Pledge of Allegiance.

Agenda Item 4. – Approval of minutes of April 30, 2018; May 2, 2018, May 8, 2018; May 14, 2018; and May 22, 2018.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the minutes of April 30, 2018; May 2, 2018; May 8, 2018; May 14, 2018; and May 22, 2018 as presented.

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

Agenda Item 5. – Approval of June 2018 monthly disbursements.

Questions and discussion followed.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the June 2018 monthly disbursements and additional bills as presented.

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

Agenda Item 6.c. – Ms. Tracie Brewster, Floyd County Department of Social Services (DSS).

Ms. Brewster introduced Ms. Dakota Stinnett, DSS Administrative Office Manager. Ms. Brewster stated that they were here today to talk about the foster care caseload. We talked to you about this in October, 2017. The numbers were rising and they continue to go up. In 2014 and prior years we averaged about 6 kids in care. In 2017 the numbers tripled for various reasons. A lot of the children came to DSS because of the substance use of their parents. Some children came to us because of court mandated services. The IV-E funds we are requesting today are 100% reimbursable back to the County, but it has a slow return rate. In October 2017 we requested \$90,000.00 from the County to be put into the IV-E fund. The County only put \$18,000.00 into IV-E at that time. Today we are requesting money to go into IV-E and we are in desperate need of that money. Our budget year ends at the end of May and we're past the end of May.

Ms. Stinnett stated DSS requests a revised revenue appropriation be made in the amount of \$110,000.00 and a revised expenditure appropriation be made in the amount of \$60,000.00. Changes that caused this request are contingent upon the significant increase in the agency's foster care caseload. For reporting purposes, Floyd County DSS will show a negative balance of \$95,000.00 at the end of June 2018. However, this amount will be reconciled in July reports and counted toward FY18.

Ms. Brewster submitted a letter with the request to the Board. This request will also affect our CSA spending as well. You will see a request come to the Board for CSA spending because we have foster care increases that not only affects IV-E, but also CSA spending as well. We try very hard and very diligently to get all of our children approved for IV-E funding and that is our optimal goal because those are 100% reimbursable back to the locality but there are some things we spend on children that are not IV-E reimbursable and some children are not IV-E reimbursable. We do our very best to make sure if they are IV-E children.

Ms. Stinnett stated that our CSA request will be for about \$100,000.00.

Ms. Brewster said we try very hard to avoid removals of children. We always look first for placement with family, but we want to maintain the safety of the children.

Supervisor Boothe asked that in the future the request letter be included in the Board packet so that the Supervisors would have a chance to review the request prior to the meeting.

Agenda Item 7.b. – Setting of tax rates for Public Service Corporations and Mobile Homes.

Ms. Morris stated you held a Public Hearing on the tax rates for Public Service Corporations and Mobile Homes on May 22, 2018. We have passed the required 7-day waiting period before adopting the rates.

On a motion of Supervisor Boothe, seconded by Supervisor Turman, and unanimously carried, it was resolved to set the tax rates per \$100/assessed value or other applicable standard of:

Public Service Corp	\$0.59	Fire/Rescue Fund	\$0.01	Total	\$0.60
Mobile Homes	\$0.59	Fire/Rescue Fund	\$0.01	Total	\$0.60

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

Agenda Item 7.h. – Onward New River Valley overview of “Onward 2023: Join the Movement.”

Ms. Morris stated you received a letter request from Onward New River Valley inviting our Chairman to be an honorary campaign cabinet member. This is a five-year economic development strategy. It is a very ambitious campaign to stimulate \$180 million in new capital investment and 1,720 new jobs in the New River Valley over the next five years. This is not asking our Chairman or any other Board members to fundraise. It is a way of showing each County’s support. They are not asking the Counties for any extra funds. They are looking for private investments.

By consensus the Floyd County Board of Supervisors agreed to support Onward New River Valley’s five-year economic development strategy, “Onward 2023: Join the Movement.” Floyd County Board Chairman Lauren Yoder accepted the position of honorary campaign cabinet member.

Agenda Item 7.i. – Revenue/expenditure transfer request from Floyd County School Board.

Ms. Morris stated we received a revenue/expenditure request from the School Board. They sold some surplus equipment and used it to purchase a used vehicle for Maintenance. Dr. Wheeler and I discussed the use of funds. I told him to proceed with the purchase. They have purchased the vehicle.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve a budget transfer of \$7,500.00 from County Funds Operational Revenue to County Funds Capital Outlay and \$7,500.00 from the Transportation category to Operation & Maintenance category in the FY18 Floyd County School Board budget.

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

Agenda Item 6.b. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

Ms. Edna Whittier, Little River District – I am representing the Little River Missionary Baptist Church in this situation. With the Floyd Friends, the Religious Society of Friends, we are inviting you dear Floyd County Board of Supervisors. The Little River Missionary Baptist Church would like to extend a cordial invitation for you to join us for an open dialogue promoting “Quit Quitting.” The event will be held in the fellowship hall at Little River Missionary Baptist Church located at 1148 Poor Farm Road SE in Floyd County on Saturday June 23, 2018 from 3:00 p.m. until 6:00 p.m. The discussion will consist of personal stories, history and the continual persistent work toward understanding, inclusion, and acceptance within our Floyd County community. The dialogue is scheduled to begin at 3:00 and the community potluck will begin at 4:30. Please come to listen, understand, and participate in this community dialogue. If you are unable to attend, please pray the Lord will continue to bless us with his grace as we continue to work toward becoming an inclusive part of the Floyd County community. Yours in Christ, Reverend Clinton Crump, Pastor. Then there is a flyer to go with it that shows “Quit Quitting – a community dialogue and potluck and then the date, the place, and the time. Please come to listen and join a community dialogue consisting of personal stories, history, and the continual persistent work toward understanding, inclusion, and acceptance within our Floyd County community. All are welcome. Please bring an open mind and a covered dish.”

Mr. Charles Whiting, Indian Valley District – Good morning. I am here to clear up something that the representative of the media may have misinterpreted. I don't know quite how. Sorry. But in the May 10th edition of what's going on in the County, I had stood up or at the previous meeting I mentioned that I was concerned with the so-called cluster housing. It was somehow misinterpreted that I was in favor of it. Just to go slowly, it is a lot deeper than that. If it is a matter of County residents who are struggling to find affordable housing, that's one side of the coin. If it's an attempt to...I'm not quite sure in this day and time how to word this except honestly...if it's to bring in not just out-of-staters or out-of-area but immigrants who would be coming in...I know there is a push going on across this country to bring people in. I've just got based on information I've heard from various sources, there appears to be an interest in collections of church groups and well-meaning people to bring in refugees and house them. I think the results in many other areas; Lewiston, Maine which is an interesting little place, it's over run now. It's called Little Mogadishu. There are a lot of social problems that are exacerbating and outdistancing the capabilities of local government. If you are coming in with subsidized housing, how are these people going to contribute to the community? I just want to clear what was reported in the May 10th paper. I am NOT in favor. I think there is a great deal that needs to be answered before such an endeavor is put forth because we have limited resources in this County. Most everyone does. To take on a group of however many will be a burden to the schools, social services. Also it will bring into play court interpreters. I think that we probably need to be informed straight up who is doing the developing, what the ideas are, how are these going to...if you start in one area and rezone, what will the effect be? I just ask that you all look very carefully at what is being proposed by who and what the motivation is. This has some serious repercussions if it is not handled neatly. I want to clear the record up. I am

NOT in favor. Thank you. On a separate issue...the weather fairy that puts information out there to warn us all about what might be coming from our weather, thank you very much for what you post. I find that to be helpful. Thank you.

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

Agenda Item 6.a. – Constitutional Officers reports.

Sheriff Craig provided an update on personnel in his office:

- Two deputies, Mr. Floyd Harman and Mr. Cody Brown, in the Academy, will graduate on June 28.
- There is one more deputy, Mr. Caz Cantrell, who needs to go to the Academy.
- Ms. Fran Weddle is retiring with over 30 years of service.
- Ms. Tara Hollandsworth, who will be taking Ms. Weddle's position, started Monday. She was a dispatcher for us for years.
- A retirement lunch will be held for Ms. Weddle on June 25 from 12:00 – 2:00 p.m. in the Courtroom.
- Ms. Sarah West went to a grant school and she came back and wrote a grant and got one to put in a disposal site for prescription drugs. We've had that site outside dispatch for about one year.

Agenda Item 7.a. – Subdivision plats as approved by Agent for May 2018.

Ms. Karla Turman reported that for May 2018 five new lots were created and there were three lot line revisions.

Questions and answers followed regarding one of the lot line revisions and one of the family subdivisions, particularly as one of them related to County boundary lines. Ms. Lydeana Martin and Ms. Turman stated they would pull the plats and make them available for the Supervisors review.

Agenda Item 7.c. – New River Valley Regional Commission Phase II contract.

Ms. Martin explained a cost comparison chart related to Phase II at the Commerce Center and the building of the new road and utilities into that area. The total grant received was \$1.493 million, which is a combination of Appalachian Regional Commission (ARC) and Tobacco Commission funds. We have a choice as to who administers this project. It is not just the administration of the dollars but also navigating through Virginia Department of Transportation's (VDOT) process. It would cost us a total of \$50,000.00 if we administer this locally. If VDOT administers the money, it would cost \$347,000.00 more. VDOT has to be involved either way, but if it is VDOT administered they have a lot more regulations they have to deal with and it undergoes more review. We can apply to administer it ourselves and there is an application to do that. We have to be able to demonstrate that we have administered this type of project before, which we have not. But the New River Valley Regional Commission has and they would be willing to administer it with Ms. Turman and I doing part of it. They would be

willing to do all of the work for \$50,000.00, of which \$20,000.00 can be covered by the ARC funds. The Tobacco Commission does not allow any of their money to be used for the administration, which leaves \$30,000.00. The timeline on this has been extended. It will likely take three or four years. We have been fortunate so far in that we have no money in this; we just have our time in it. It seems logical for us to try to administer this locally but with support from the New River Valley Regional Commission.

Chairman Yoder asked would we need to budget \$10,000.00 a year for the administration?

Ms. Martin confirmed that was correct. Once we get under contract to administer this locally, we can request that any money not needed and used elsewhere on the project to be reallocated to administration of the project. But I can't promise that at this point.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to authorize the County Administrator to execute a contract with New River Valley Regional Commission for the amount of \$30,000.00 to administer Phase II of the road and utility project at the Floyd County Commerce Park (Document File Number 980).

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

Agenda Item 7.d. – Discussion on shell building process.

Ms. Martin explained that since this item concerns a prospective business or industry it needs to be discussed in closed session.

Agenda Item 6.d. – Mr. Chris Price, Virginia Department of Transportation.

Mr. Chris Price addressed normal maintenance issues and construction projects:

- 1) We are doing a lot of mowing. We are hoping to have all the paved roads mowed by the 4th of July.
- 2) We are doing some patching on several roads ahead of paving schedules.
- 3) We have done a lot of grading of gravel roads to get them back in shape. We got to Sunny Ridge Road this month.
- 4) We have worked with our guys to address drainage issues. We still have some problems, but I have noticed that in heavy rains we don't have nearly the issues we had a couple of years ago.
- 5) The bid for contract on New Haven Road was accepted yesterday.
- 6) Route 750 is moving along. There is a scheduled closure on June 25 for about one month and we will have a detour in place.
- 6) I have a meeting today with our drainage and environmental group regarding Moles Road.

- 7) We will take a look at the Secondary Six Year Plan that you passed. I will look at the money you have.

Supervisor Coleman expressed his appreciation for the work done on Hylton Road. I have been made aware of a maintenance issue on Route 752. The culvert on that road is exposed and has caused some equipment issues for people living on that road. Please follow up on the GPS routing signs. We have trucks coming through from Montgomery County on Indian Valley Road. Any time something is happening on the Interstate, trucks go by Indian Valley Elementary up to Max Mountain, which is not a good idea.

Mr. Price responded there is a statewide effort by Traffic Engineering to try to work with some of these GPS groups.

Supervisor Coleman said as I have said before the only way for this to be effective is for the "Not Recommended GPS Route" signs to be posted in Carroll and Montgomery Counties.

Vice Chairman Turman handed a petition to Mr. Price signed with 28 names of people who live on Reece Road SW. The petitioners request that Reece Road be paved. Vice Chairman Turman said that on Route 221 as you turn to the right where the bridge is going to be replaced, the culvert has been mashed in by heavy equipment. This is causing water to back up. Some of the roads in Burks Fork are having brush come across the road in heavy rains. Limbs are hitting vehicles. The heavy rains are causing the pavement to crumble on Reece Road behind Mira Fork Church.

Mr. Price said they are making a big effort right now to address mowing.

Chairman Yoder said he has heard a couple of complaints on gravel roads where the ditches were cleaned and the dirt was piled up in the middle. When it rained there was a foot of mud. It took a few weeks to get the gravel down. I've gone down a couple that I got calls on and the gravel is down now and they look excellent. My biggest concern right now is on Hummingbird Lane where there are two spots where the pavement is starting to crumble and it looks like it could cave in.

Mr. Darrell Sowers, Maintenance Supervisor, said he believes those are scheduled to be replaced in the fall.

Supervisor Kuchenbuch said she received complaints about mowing. I know the contract crews are mowing most of our main roads. Citizens said pulling out of Fairview Church Road onto Route 8 is dangerous. Residents on Sunny Ridge Road don't want it to be paved but they want better maintenance of their gravel road. It finally got taken care of and everyone on that road is pleased with the grading work and the gravel. We just need to keep those types of roads on our radar. I agree GPS routing is important. I talked to David Clarke about the downtown project. We need to look for other money to go toward that. We don't want to put the project on hold, but if there is money elsewhere that you can get creative with, I would greatly appreciate it. On the paving schedule Route 615, Christiansburg Pike from Thunderstruck Road to the Little River bridge is the most important part of the road that needs fixing. I know you want to fix it

from the county line down to Thunderstruck Road. That is a lovely notion, but that part is not as bad as the other part. That part is too heavily traveled to be left unattended.

Mr. Price explained that several paving contracts went out and some of the projects were split up. That section was on one contract and the section that is getting done was on another contract. A decision was made to throw out several contracts because the bid price was too high. That one was on a contract to be done this year but it was delayed.

Supervisor Kuchenbuch said Route 615 is too heavily traveled to have it thrown out. The other section doesn't need it but Thunderstruck Road to the bridge does need the work. A great job was done on Bethlehem Church Road. There are some huge potholes in Locust Grove District. I really would like to see the speed reduction at Pine Tavern extended past Black Forest Road. The guardrail at the county line on Christiansburg Pike looks like it is going to fall over. Do you have any litter signs?

Mr. Price said he would check but he doesn't think there are any. Are you looking for something specific?

Supervisor Kuchenbuch replied no, she just wants to see if there is anything available.

Supervisor Boothe thanked them for the work on Woods Gap Road. I have to mention the guardrail on Route 8.

Mr. Price said we sent the charges to the Traffic Engineering Group. I talked to him last week and he is putting it on the task order. That will be given to the contractor to schedule and do the work.

Supervisor Boothe requested that when it is scheduled, please let Ms. Morris and I know. Is the speed study at Wills Ridge still moving along?

Mr. Price responded that he would check on that.

Supervisor Boothe said when we did our drive around there is one pedestrian crossing sign in Town. If you get me a sign, I will set it there.

Mr. Sowers said we are working on getting one set up.

Supervisor Boothe asked how often do the contract crews mow?

Mr. Price said it varies; it depends on the route. We have a schedule for primary routes.

Mr. Sowers said it is an as needed contract. Our biggest problem has been the weather.

Supervisor Boothe said Route 773, Elephant Curve Road, has several holes. It needs a little attention. Route 810, Gallimore Lane, has several places where the pavement is crumbling. On Dusty Rock Road there is about 2 miles that is 40 miles per hour and 1.5 miles that is 55 miles per hour. A request has been made to me to reduce that additional 1.5 miles.

Mr. Price said we looked at that and turned in the request from the gentleman out there. They made the decision it doesn't warrant the speed reduction. I can get some more information on why that decision was made.

Supervisor Boothe said the Route 8 bridge at the West Fork River was cleaned out several years ago. I was looking at that site yesterday and sediment has built back up. It is a big job but it needs to be cleaned out again. The drop inlet, ditch and spillway also need to be cleaned out.

Mr. Price said that they could look into alternative funding for the downtown project, but he had to warn them that would likely delay the project. Right now it is on a very aggressive schedule with a plan to advertise it this fall. By using the secondary money it gave us the opportunity to put together a very aggressive schedule.

Supervisor Boothe asked by delay if they meant just a few months?

Mr. Price replied no longer than that. There are other sources of money but it could be on a six year plan so it could be 2025. There is other money but it is competitive with other statewide projects.

Supervisor Kuchenbuch asked that they check possible other funding sources, but personally she did not want this project delayed.

Supervisor Boothe asked when the downtown plan is finally nailed down, if the Supervisors could get a copy of the final plan?

Mr. Price agreed we will send that to you. It will probably be in about three months. It has been amazing how fast this project has progressed.

Agenda Item 6.e. – Mr. Stephen Durbin, Legal Counsel.

On a motion made by Supervisor Kuchenbuch and seconded by Supervisor Coleman, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 3., Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; under Section 2.2-3711, Paragraph A. 5., Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; under Section 2.2-3711, Paragraph A. 7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultations or briefings in open meeting would adversely affect the negotiating or litigating posture of the public body; and under Section 2.2-3711, Paragraph A. 8., Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Supervisor Boothe – yes

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

On a motion of Supervisor Boothe, 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 Turman, seconded by Supervisor Kuchenbuch, 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 Real Property in accordance with Section 2.2-3711, Paragraph A.3.; Prospective Business or Industry in accordance with Section 2.2-3711, Paragraph A.5.; and Consultation with Legal Counsel and Briefings by Staff Members in accordance with Section 2.2-3711, Paragraph A.7., and Consultation with Legal Counsel Regarding Specific Legal Matters Requiring Advice in accordance with Section 2.2-3711, Paragraph A.8. of the Virginia Freedom of Information Act;

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

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

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

This certification resolution was adopted.

Agenda Item 6.f. – Dr. John Wheeler, Superintendent, Floyd County Public Schools.

Dr. Wheeler handed out the FY19 School Budget and explained changes to the format. Every Student Succeeds Act (ESSA) requires that school budgets now have the instructional category itemized by school. You will see a lot of red in the 20 lines because we used that for Floyd Elementary. We created 400 new lines for the other three elementary schools. It is all about what we are getting for the money we spend. It will now be presented in a collaborative fashion. That was the biggest difference. The high school did not change because we only have one high school.

We were really underserved in Mental Health at Floyd Elementary. We did not create a new position but reallocated 1.5 special education positions. We are about ready to add a reading specialist at Floyd Elementary. That will make a huge difference for us. The six year plan is going in a good direction. Ideally when a student leaves at grade three they are reading at grade level. Our scores indicate a need, but it is hard to tell because we don't have an assessment going through. I think in special education we are in great shape. We added a position last year, reallocated a position at the high school. We took care of Check Elementary. We made a half time split between two schools into a full time position. Caseloads are good. We are not extending ourselves to the maximum.

We have a new infrastructure for technology. We were using half of the bandwidth that we have coming in from Citizens. That was constant at the high school. We had our usage evaluated by Citizens. We have a five year, no interest payment with more firewalls and protections. We have to put in a filter for the students. We had over 700,000 devices hooked to our system. A lot of those are printers. They are going through all of those. There are now 350,000 devices still active. We will have different access levels for students, teachers, and guests. We will be able to monitor our network much better. The security system at the high school will be impressive. The door buzz in system will be tied into the camera system. We also have gotten Identi-A-Kid which has been around for a while. It is a visitor management and student check-in system. When you scan in your license it searches the national database for sex offenders. You will have to sign in through this system. It will also check the student into the student database system. Our plan is to keep the doors locked all the time.

From the budget standpoint there were no big surprises. We have new scales for the teachers and a new insurance plan that will be very good, especially for families. It may increase employees' take home pay up to \$300.00 per month. The teachers' scale has 30 steps and it is based on the marketability of our 12 local composite index (LCI) school divisions which have similar revenues from across the State. I compare those 7 steps and see where we are now, then I go to every local school division, then from state data I get LCI, then I do the rankings. The change in ranking among the 12 local composite index school divisions which have similar revenues from across the State now compared to before is as follows:

Steps	Previous Ranking	New Ranking
0	2 nd	2 nd
5	5 th	4 th
10	9 th	5 th
15	10 th	5 th
20	12 th	5 th
25	12 th	5 th
30	12 th	4 th

A person on the old scale had to work 39 years to get the same amount as 30 years on the new scale. The mechanism of the new scale allows me to reevaluate it every year. We are looking at the other two scales right now, classified and administrative. There are about 36 positions we have to compare on those. We are going through every job description. Some job descriptions are so old that they are not digital. Every employee got an increase this year. The teachers got one based on the new scale. Classified and administrative employees got a 2% pay raise.

Supervisor Kuchenbuch said she applauds that this long overdue process has been done and in an exhaustive manner.

Dr. Wheeler discussed the 5% drop in average daily membership (ADM) since 2010 and how that affects state funding. He said the FY19 budget assumes an ADM of 1913 and hopefully the actual number will be within 5 of the estimate. With attrition, positions are reallocated to meet the needs of the students as membership drops. Next year I plan to add an 8th grade guidance counselor position for our only transitional year. If we do start building then we need someone to oversee the 8th grade so it will be self-contained.

Dr. Wheeler said the library has been remodeled to be a collaboratory. When it is finished in late July, please come by and see the results. The next thing you will see from us will be a carryover request and it will be used to pay for Citizens and the Identi-A-Kid.

Agenda Item 7.e. – Resolution to reaffirm endorsement of the principles of the Virginia Fair Housing Law.

Ms. Turman said with the County receiving Community Development Block Grant funds we are required to have a Fair Housing action every year. The Fair Housing resolution is the easiest and quickest way to get that done this year.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to adopt a resolution reaffirming Floyd County Board of Supervisors endorsement of the principles of the Virginia Fair Housing Law and that it is the policy of the Floyd County Board of Supervisors that said principles are, and continue to be, adhered to in this County (Document File Number 981).

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

Agenda Item 7.f. – Discussion on Trusts within the Subdivision Ordinance.

Ms. Turman stated this discussion involves a family subdivision with land held in any type of trust. The County has received several requests for family subdivisions involving trusts during the past year. We have required the 3-year holding period which is required under the family subdivisions. Mr. Durbin suggested that we go ahead and put a trust provision in the

family subdivision ordinance. While doing some research to come up with some language for the ordinance, I discovered there is a 15-year holding period for family subdivisions involving trusts.

Supervisor Boothe asked if there was some wiggle room on that 15 years?

Mr. Durbin replied there is but only for changed circumstances. You could adopt a provision that allows exceptions to the 15 years in cases of things like divorces, deaths, and other events for which you could provide a mechanism for some relief. Our normal family subdivision provisions are adopted under high-growth subdivision, which is Code of Virginia § 15.2-2244(C). That gives us some flexibility because we can adopt reasonable regulations. We have determined that a 3-year holding period is reasonable instead of 15 years. We are allowed to do that for family subdivisions for a family member of the owner. When the owner is a trust, a different section of the Virginia Code applies. It doesn't give us a high-growth exception for that. Land held in a trust can be done for the beneficiaries of the trust provided these conditions apply. One of the conditions is a 15-year holding period and a restrictive covenant is put on the property subject to the right of the locality to waive that in appropriate changed circumstances. A restrictive covenant would be that this property shall not be conveyed to non-members of the immediate family for a period of 15 years.

Ms. Turman stated that the restrictive covenant has to be referenced in the deed.

Ms. Martin said it also narrows it to immediate family members.

Ms. Turman explained for our regular family subdivision ordinance, we can allow grandparents to give land to a grandson and his fiancée. She is not their immediate family member, but we can allow that as he is the grandson.

Mr. Durbin clarified that we have always interpreted that as long as one of the grantees is an immediate family member according to our definitions, then it is permissible.

Ms. Turman said under the trust each beneficiary of the trust would have to be an immediate family member of each grantee. If two sisters were beneficiaries of a trust and wanted to convey land to one of their sons, they could not do that because we do not have aunts and uncles and nieces and nephews as immediate family members. Grandparents could convey land to their grandson and his wife.

Mr. Durbin said if you wanted to, I think you could revise to allow aunts, uncles, nieces, and nephews in the definition of immediate family members. But then you would be applying that not just to the trust, but for all. You would be broadening it. It is my recommendation that you provide the limited exception for trusts under these conditions for 15 years. Right now they can't do anything at all.

Ms. Turman said the trusts would be allowed the same exceptions for changed conditions such as marriage, death, and bankruptcy.

Supervisor Boothe asked what about the family subdivisions that involve trusts that have already been approved?

Mr. Durbin replied those would be of record. They are subject to whatever they signed on for, whatever the affidavit provided. In the future, without some action, this will preclude any trusts from future subdivisions. Keep in mind this has to go to the Planning Commission for a recommendation as well.

Supervisor Boothe stated I think 15 years to hold the land is too long.

Ms. Turman responded we have no choice. It's either they can't do it at all or we add the language to the family subdivision ordinance that allows them to do it with the 15 year affidavit. The Planning Commission meets next week.

Supervisor Boothe said when we send something to the Planning Commission for them to bring something back to us, there needs to be a recommendation from them. We didn't get that on a recent issue.

By consensus, the Board of Supervisors decided to send the issue of addressing trusts in the Family Subdivision ordinance to the Planning Commission with the suggested language if the ordinance were to be changed and request that the Planning Commission make a recommendation back to the Board by July 17, 2018.

Agenda Item 7.g. – Information on subdivision lot sizes.

Ms. Turman stated that per their request she prepared a spreadsheet that listed lot size, setback, and other items under current County and PSA regulations and proposed cluster development regulations. Homeowners Associations are already required in our ordinance in certain situations.

Supervisor Boothe asked if Homeowners Associations could be required in a subdivision that has three or more houses built by a developer and the road does not meet the criteria to be a state maintained road?

Mr. Durbin replied that he would have to look into this.

Agenda Item 6.e. – Mr. Stephen Durbin, Legal Counsel continued.

On a motion made by Supervisor Boothe and seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 3., Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; under Section 2.2-3711, Paragraph A. 5., Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; under Section 2.2-3711, Paragraph A. 7., Consultation with legal counsel and briefings by staff

members or consultants pertaining to actual or probable litigation, where such consultations or briefings in open meeting would adversely affect the negotiating or litigating posture of the public body; and under Section 2.2-3711, Paragraph A. 8., Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, 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 Real Property in accordance with Section 2.2-3711, Paragraph A.3.; Prospective Business or Industry in accordance with Section 2.2-3711, Paragraph A.5.; and Consultation with Legal Counsel and Briefings by Staff Members in accordance with Section 2.2-3711, Paragraph A.7., and Consultation with Legal Counsel Regarding Specific Legal Matters Requiring Advice in accordance with Section 2.2-3711, Paragraph A.8. of the Virginia Freedom of Information Act;

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

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

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

Supervisor Yoder – yes

This certification resolution was adopted.

Agenda Item 8. – Old/New Business.

Ms. Morris said we received updated information for the Compensation Board positions. It was \$4,200.00 less than we had in the budget. We have updated the budget to reflect that. We will bring the FY19 budget to you for the night meeting for adoption. We will need to adopt the compensation plan as a part of that. The only question I have is whether there is any interest in changing the building permit fees?

By consensus the Board decided to leave the building permit fees as they are.

Supervisor Coleman requested additional information regarding the revenue and expenditure supplemental appropriation request from Floyd County Social Services.

Ms. Ryan provided a spreadsheet itemizing the year-to-date revenues for Public Welfare and Assistance and expenditures for Social Services.

Supervisor Boothe stated in the future I would like to see more detail to support the request and I would like to receive the request in the Board packet so I can review the information prior to the meeting.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the supplemental revenue appropriation request in the amount of \$110,000.00 and the supplemental expenditure appropriation request in the amount of \$60,000.00 to fund 110 – Social Services in the FY18 Floyd County budget.

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

Discussion was held as to how to fill the vacancy for the position representing Locust Grove District on the Floyd-Floyd County Recreational Authority Board caused by Chairman Yoder's resignation. The position expires December 16, 2018. Supervisor Kuchenbuch said that she was willing to fill out the term until December at which time a change will need to be made so that there will be a representative for each district.


On a motion of Supervisor Boothe, seconded by Supervisor Coleman, and unanimously carried, it was resolved to appoint Ms. Linda Kuchenbuch to the Floyd-Floyd County Parks and Recreation Authority representing the Board of Supervisors to fill out a term expiring December 16, 2018.

Supervisor Boothe – yes
Supervisor Kuchenbuch – yes

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

Agenda Item 9. – Adjournment.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and carried, it was resolved to adjourn to June 26, 2018 at 7:00 p.m.



Terri W. Morris, County Administrator



Lauren D. Yoder, Chairman, Board of Supervisors

