

**BOARD OF SUPERVISORS
REGULAR MEETING
NOVEMBER 13, 2019**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Wednesday, November 13, 2019 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 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 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 October 8, October 22 and October 30, 2019.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve the minutes of October 8, October 22, and October 30, 2019 as presented.

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

Agenda Item 5. – Approval of November 2019 monthly disbursements.

Questions and discussion followed.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the November 2019 monthly disbursements and additional bills as presented.

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

Agenda Item 6.b. – Constitutional Officers Reports.

Sheriff Brian Craig reported on the status of work and positions at the Sheriff's Office:

- All 3 officers and the dispatcher from the officer involved shooting were back working the following week;
- State police are handling the investigation of the incident;
- All law enforcement positions are currently filled, with one in the Academy and that person is due to graduate in December;
- There is one retirement coming up at the end of December and another one at the end of February;
- We are interviewing right now and hope to have the employee(s) in position prior to the start of the next Academy starting mid-January if the funding is available in the current budget. This would have a person in position before the retirement in February;
- Two new dispatchers started recently;
- Call statistics from 01/01/2018-11/12/2018 are 17,426 calls into Dispatch, which includes fire/rescue, animal control and everything. This year 01/01/2019-11/12/2019 there were 20,570 calls, which is 3,144 calls more than the previous year or an 18% increase;
- We are grateful for the wonderful support provided by the Emergency Services Manager.

Chairman Yoder – I talked to someone who told me about the use of drones in Emergency Management. I don't know if that would be something you would be interested in seeing a demonstration on?

Sheriff Craig – We have considered drones but they are pretty expensive. Training is about \$500 per person and it is another \$100 a year to the Federal Aviation Administration. The high school has a drone and I don't know its capabilities. The good thing is that Montgomery County is a phone call away and we have utilized their drone before for search warrants. It helps with safety but at the point we are at now, hopefully the neighboring jurisdictions will continue to work with us.

Vice Chairman Turman – I am glad to hear that you provide support for your dispatchers.

Sheriff Craig – I started off as a dispatcher and I know how difficult it can be to be on the phone and not know what is going on at the scene.

Supervisor Boothe – If you anticipate using a drone, is that included in the warrant?

Sheriff Craig – There are all sorts of different scenarios for drones, which is what the training covers. I haven't paid attention to the laws because we don't have any drones. When Montgomery County comes over they know what they need in order to fly the drone. The first thing they do is ask that the paper be faxed to them so they can make sure that they can respond.

Vice Chairman Turman – A drone would have been useful when we were searching for the lady on Buffalo Mountain.

Sheriff Craig – We have discussed the usefulness of a tracking dog. We are fortunate that the local jurisdictions help each other out. We work really well together.

Agenda Item 7.a. – Subdivision plats as approved by Agent for October 2019.

Ms. Karla Turman – We had a lot of lot line revisions in October, but not a whole lot of subdivisions.

Agenda Item 7.b. – Request from New River Health District for carry-over of \$78.16 to FY20 budget.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve \$78.16 in local funds from FY19 be carried over into the FY20 New River Health District budget.

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

Agenda Item 7.c. – Lease Agreement extension with Friendly Hearts, Ltd., DBA Legacy Linens.

Ms. Morris – This lease agreement extension is for another year with Friendly Hearts. The agreement has the same terms as last year's agreement as far as County maintenance. The biggest maintenance item we had this year was about a month ago when someone shot an arrow through the side of the building and it landed in one of the pallets inside. Mr. Kenny Cox [Maintenance Supervisor] and I went over to look at that and he did the repairs. The incident is being investigated. All the terms have been met this year.

On a motion of Supervisor Boothe, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve a one year lease agreement extension with Friendly Hearts, Ltd., DBA Legacy (Document File Number 1075).

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

Agenda Item 7.f. – Discussion of new program for Recreation Department.

Ms. Morris – The Recreation Director had an idea for a new program that he would like to offer in the spring after basketball and before baseball for an Adult Co-Ed Flag Football league. The only extra expense we could think of would be larger belts for the adults. We already have the flags, balls, etc. It would be a new, low-cost program.

By consensus the Board of Supervisors agreed with offering the new program of Adult Co-Ed Flag Football.

Agenda Item 7.b. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

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

Agenda Item 7.d. – Discussion of legislative recommendations for the 2020 General Assembly.

Ms. Morris – The list is basically the same as last year except I added the reconsideration of the additional gas tax for localities along the I-81 corridor.

Supervisor Kuchenbuch – Can we ask our legislators to join us at the December meeting?

By consensus the Board of Supervisors agreed that our State legislators should be invited to come to the December 10 Board meeting.

By consensus the Board of Supervisors requested the following changes be made to the Legislative recommendations:

- Transportation: Rt. 8 improvements as top priority;
- Transportation: Add support of VACo [Virginia Association of Counties] recommendation that local engineers have authority to change speed limits if a majority of Board of Supervisors approves change;
- Transportation: With Steve Durbin, confirm that top speed on unpaved roads is 35 mph and if that is not the case, add it to the recommendations;
- Environment/Agriculture: Add support of VACo position on invasive species;
- Health/Human Resources: Support sanctity of human life;
- Health/Human Resources: More funding for mental health, including funding for mental health transport and funding for in-state youth placements.

Agenda Item 7.e. – Exception request – Floyd County Code Section 62-31.

Ms. Morris – Mr. Harmon is requesting an exception to Floyd County Code Section 62-31 to build a roof over an existing cattle loading chute. The Building Official sees no issue with sight distance for the proposed build. The roof would be on poles and the sides would be open.

On a motion of Supervisor Boothe, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the exception request as recommended by the Floyd County Building Official for property on Parkway Lane South between the E911 addresses of 2336 and 2415, Floyd VA 24091 for a variance to Code Section 62-31; vision sight distance requirements; setback.

Supervisor Boothe – yes

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

Agenda Item 6.c. – Mr. David Rose, Davenport & Company; Mr. Paul Jacobsen, Sands Anderson – discussion of RFP results/resolution for financing.

Mr. David Rose discussed results of the request for proposals process and made recommendations for the next steps in Floyd County financing for capital needs:

- 1) In FY19, the County obtained direct bank loan funding for:
 - a. \$6 million of funding from BB&T for Phase 1 or HVAC in the schools;
 - b. \$3.5 million line of credit with Skyline National Bank for economic development projects at the Commerce Center;
 - c. A strategic refunding/restructuring with Skyline National Bank that freed up \$590,000 of cash flow in the next 4 years.
- 2) To obtain \$14.5 million for renovations and additions for the Career and Collaboration Development Center
 - a. Permanent financing for \$7.5 million would be arranged through Virginia's Literary Loan Program which is locked in at 3%. If in the future money can be borrowed for less than that rate, that course will be pursued.
 - b. Davenport & Company issued a request for proposals for interim financing for the \$7.5 million until the County is in line to receive funds from the Literary Loan Program.
 - Two banks submitted proposals, with the proposal from BB&T being the one recommended by Davenport & Company. The BB&T proposal requires no collateral, has a fixed interest rate of 1.97%, all funds are drawn at closing in December and the maturity date is 2/1/2023. The funds will be invested in the State's non-arbitrage program (SNAP). The interest rate will be about the same as the borrowing rate.
 - We will be at the Floyd County Economic Development Authority meeting on November 18 as we will be looking to them to be the legal conduit.
 - The goal is to close by December 16.
 - The County will need to reapply for a \$7.5 million Literary Loan.
 - Spring 2020 the County will want to pursue obtaining a direct bank loan for the \$7 million.

Supervisor Kuchenbuch – Why do you think we only received proposals from 2 banks?

Mr. Rose – I can't answer that. My thought is that it was relatively small. Sometimes we go back and ask. I think the size was the reason. We had a proposal for another County that was borrowing \$17 million and we received 10 proposals. We also set it up to pay early without penalty. Formally the County has no credit rating. Banks would have to do an entire credit review and for 3 years on that kind of money...we will talk to banks and find out if it would make a difference if the County had a rating. We could do that because we know the County would have a good rating. The upfront cost is about \$30,000-\$35,000 per agency. There are 3

agencies – Moody’s, Standard & Poor’s and Fitch’s. The County might want to get a credit rating from only two of them or even just one.

Mr. Paul Jacobsen, Sands Anderson, discussed the resolution for financing \$7,500,000.00:

- 1) In section 5 where it talks about the prepayment we need to delete the three words “or in part” for any resolution adopted;
- 2) The structure is similar to the financing you did with Skyline National Bank through Floyd County Economic Development Authority (EDA) this past summer;
- 3) There will be a Financing Agreement between the County and EDA who is technically the lender;
- 4) There is a Note Purchase Agreement that the bank wants to see between the 3 parties and the form of the Note;
- 5) The resolution covers those 3 documents and approves the project financing of \$7,500,000.00 using the EDA as the conduit;
- 6) The County is making a moral obligation to include this in the budget each year for payment;
- 7) It authorizes the appropriate County officials to execute the documents;
- 8) Maturity of the note is 02/2023 at 1.97%, prepayment in whole without any penalty;
- 9) It authorizes you to proceed with the SNAP program;
- 10) The language regarding the internal revenue code is because it is a tax exempt obligation;
- 11) There is language about this being a qualified tax-exempt obligation meaning the County does not expect to issue more than \$10,000,000.00 in tax exempt obligations in 2019;
- 12) There is language regarding being a small issuer of less than \$10,000,000.00 in a calendar year;
- 13) There is language regarding non-Arbitrage program;
- 14) Finally there is general language authorizing people to do what is needed to close the deal.

On a motion of Supervisor Boothe, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the resolution approving a plan of interim financing with the Economic Development Authority of Floyd County, Virginia, for the acquisition, construction and equipping of property in the County for the certain County and School projects as amended in section 5 to delete the words “or in part” and to authorize the appropriate County officials to execute all documents (Document File Number 1076).

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

Agenda Item 6.d. – David Clarke, Virginia Department of Transportation (VDOT).

Mr. Clarke said he had a few maintenance and construction updates:

a. On the maintenance side –

Pothole patching and shoulder work	Rt. 8 and on a lot of gravel roads
Overlay schedule work	Finished
Pavement markings	Still some needed on Rt. 221
Pipe repair	Starbuck Road
Brush cutting	On many roads

b. On the construction side –

Downtown signal project	Has been awarded. Has a completion date of June 2020 and probably won't start until after the new year. The inspector on the project is handled by the Construction group.
New crosswalks	We are very close to getting the sidewalk at Milestones later this month.
Bridge cleanout	Still working on getting trees cleared off on Rt. 8 near the bridge.
Design work for next summer	Firehouse Road, Quesenberry Road, Mill Run Road.
Speed limit signs	Countyline Road will be posted for 25 mph.

Supervisor Coleman –

- 1) There are potholes in the travel portion of the road just north of 1296 White Rock Road and near 6012 Indian Valley Road. Someone has painted the pothole on Indian Valley Road.

Vice Chairman Turman –

- 1) Thank you for all the machine work in my area.
- 2) I am hearing about the passing lane at the new bridge. I don't know if it was extended or what. My daughter almost got hit the other day and I've almost been hit a couple of times.
- 3) People have asked about cleaning out the culverts at the bridge.
- 4) Right at Troy's Garage at the bridge there is a culvert that collapsed in the middle. There is a wet weather spring on the right hand side and it comes up in the middle of the road sometimes.

Supervisor Boothe –

- 1) Thank you for the paving and shoulder work on Rt. 8.
- 2) A citizen requested work on the guardrails on Rt. 8.

- 3) At VACo our Transportation Committee recommended giving you in your job and your counterparts across the State the authority to reduce speeds that are recommended by the majority of the local Board of Supervisors. If you felt that a speed study is needed you could do it, but you would have that authority again.
- 4) When the State passed the 35 mph on unsurfaced roads, a gentleman at VACo told me he didn't think that applied statewide. It only applied to a group of named counties.

Mr. Clarke – That is the way it started. There were only a handful of counties that were specified but then it got changed and was made statewide. I can find that for you.

- 5) Thank you for what you do and the work on the crosswalks.
- 6) We are looking at controlling skateboards on bike and pedestrian paths. Does VDOT have a position on that?

Mr. Clarke – No.

Supervisor Kuchenbuch –

- 1) I want to thank all the local workers for everything they have been doing.
- 2) Sunny Ridge Road residents would still like for some of the trees to come down.
- 3) High winds are going to be a problem this winter so we need to take down limbs that could be a problem. There are a couple of trees with problem limbs across Rt. 615 between Thunderstruck Road and Huckleberry Ridge Road.
- 4) That same area needs brush cutting.
- 5) I received the letter from you regarding campaign signs. I and my constituents made the effort to put them only where they are supposed to be. If you are going to send out a letter like this one then you need to follow up with enforcement.

Mr. Clarke – That was a statewide letter. I did not create it. It was sent to all Resident Engineers with the request that it be sent to all candidates in their area.

Chairman Yoder –

- 1) I had a call regarding Kelly Drive. A lady said they have a lot of big potholes and she has already talked to the local guys.
- 2) Thank you for the dust control.
- 3) I mentioned before a speed study on Countyline Road.

Mr. Clarke – They are still working on it. We are in regular contact with Mr. Stinnett. They will put more signage but it may not be a black and white speed limit sign. It may be curve warning signs if we don't go the speed limit route.

Agenda Item 6.e. – Mr. Chad Alls, Director, Floyd County Department of Social Services.

Mr. Alls – I am the relatively new Director for the Floyd County Department of Social Services. Friday will be my one month anniversary. I am still getting acclimated and learning a lot about the agency. I would like to learn from you what you would like to see from me on a monthly basis.

Vice Chairman Turman – I liked what Tracie [Brewster, former Director] presented each month.

Mr. Alls – You should have received that report. I don't have access to the old reports since Tracie's computer has been decommissioned. Dakota Stinnett prepared this report. In the future I would like to give you a spreadsheet so you can see from month to month how the agency is progressing. I would like to point out a couple of things on this report. If you look down at Child Services at Foster Care, 16 foster care cases are listed. That is how many cases we have, but we actually have 23 children in care. The State recognizes each individual child as a case. The standard from the State is that each foster care worker has no more than 15 children on their caseload. We have 1 foster care worker and she has 16 children. We have divvied the other 7 children amongst other workers. Virginia's Initiative for Employment not Welfare (VIEW) is not on here. It is a required program for persons receiving Temporary Assistance for Needy Families benefits and we have 22 participants right now.

Chairman Yoder – It is nice to see trends. We are looking at an overview.

Supervisor Kuchenbuch – It would help to include the prior year so we can compare each month to the prior year. It helps us see trends.

Mr. Alls – On the numbers for Child Protective Services in the future I would like to break that down as to how many cases are coming in, how many cases are being validated and looked into, and how many are being screened out or invalidated. That will give you a better understanding of what the agency is receiving on a monthly basis. Statistically, March is the busiest month.

Supervisor Boothe – Tracie sometimes brought someone else from the department with her to discuss their program and explain what they do, like Children Services Act (CSA).

Mr. Alls – I can certainly do that. Is there any program area where you would like me to begin? I can certainly bring Stephanie Pfeil, the CSA Coordinator. Yesterday I spoke with Mr. Boothe about the Family First Initiative. It is an act that allows the State to pull down federal IV-E dollars specifically for preventing children from coming into foster care. Right now prevention services are a voluntary program. When Family First comes into being and the expectation is that will be July 2020, prevention will become a mandated program. We will have to offer the prevention services in the community. Most local agencies, including Floyd, don't have the capacity to handle a prevention program. But the expectation is that the State will fund those positions initially as that is brought into being. The Family First funding would be side-by-side with CSA. They are still working out the kinks as to what funding would pay for what services – substance abuse disorders and treatment, mental health disorders and treatment, and then parent skills and training. These programs are to keep children from coming into foster care.

Supervisor Boothe – It may even free up some CSA money.

Mr. Alls – It should free up some CSA money. It will make the casework for CSA a little heavier. Each Family First case will have to go through CSA. That will be impactful on Ms. Pfeil who coordinates the CSA program.

Supervisor Boothe – If they create another position, even if they pay the salary, we need somewhere to put the person.

Mr. Alls – I was looking at that and we do have a couple of offices on the Services side of the building where we could put 2 desks in there. Of course it would take privacy away from individuals who are in there now, but you don't have everybody there with an office anyway.

Supervisor Boothe – It is pretty evident that we could use another caseworker or two. We discussed this before that we need to continue looking down that road.

Mr. Alls – The match will be 15.5%. The State will carry 84.5% of the costs of the position. I had some visitors from the State. Ms. Angie Moore is the Director of Local Engagement and Performance and Jennifer Lilly is the Regional Director. They came by to meet the staff and to look at the facility. They were concerned with the space issues we are dealing with right now. They are very interested in assisting the local agency from the State perspective and State funding and getting that remedied. From what I understand they are willing to look at the possibility of coming up with the funding to get us somewhere else.

Agenda Item 6.f. – Ms. Lydeana Martin, Director of Community and Economic Development.

Ms. Martin – In your packets there was a Memorandum of Understanding (MOU) related to a Community Development Block Grant application that we would like to do. Mr. Durbin has reviewed the MOU. Right now we are trying to get through the application phase. Mr. Durbin said if we were to be awarded funds that he would want us to have a formal contract and not just a MOU.

Supervisor Boothe – Is the addition of the contract mentioned in the MOU?

Ms. Martin – I thought that had been added in, but let's wait and ask Mr. Durbin when he gets here.

Ms. Martin provided an update regarding the Floyd Growth Center (Lot 4):

- 1) Final site design underway by Hurt & Proffitt;
- 2) Tobacco Commission awarded about \$497,000 for site work and building; awaiting agreement to see the terms;
- 3) Preliminary storm water assessments are that Pond 2 could contain all Lot 4 development, with just minor shoring up;
- 4) EDA wants to retain potential to use "shelf" of Lot 4;
- 5) If don't need pond on Lot 4, will leave us a "bonus area," for extra parking, etc.;

- 6) Hurt and Proffitt found on old documents a drain field on Lot 4 that existed prior to the Floyd-Floyd County Public Service Authority (PSA) offering service there. PSA ran dye tests and everything is currently connected to the PSA.

Supervisor Boothe – It is my understanding that the dye test was only done in the offices.

Ms. Martin – I will verify that everything has been checked and is connected to the PSA.

- 7) Submitted US EDA application in August for \$800,000;
- 8) Informed about 3 weeks ago that we are no longer eligible under Public Works program because our per capita income has risen to 81% of US;
- 9) Special US EDA funds are available right now for those with Presidential Disaster declarations and we are eligible with 2 declarations in 2018;
- 10) We must show:
 - a. NEXUS of Project and Storm Damage: submitted difficulty of business continuity due to power outage numbers, road closures, lack of water, etc; Based on a call with US EDA, we are probably okay, plus they would be willing to fund more than \$800,000 if good case.
 - b. RESILIENCE of Building—need to show that building design will enable continuity of business operations during storm and not just Commerce Center itself.
 - a. Our main hazards are high winds, flash-flooding, drought and risk of wildfire; some risk of geologic). Main business interruptions are power outage, water, roads blocked and direct flooding.
 - b. Ideas for building resilience are:
 - Power generated onsite—backup generators, some solar w/batteries for lights and electronics;
 - Extra insulation—help maintain temperature;
 - Fortified roof—extra ties, etc. for wind and snow load and structural seismic resistance;
 - Defensible space and non-combustible exterior, re: wildfire;
 - Grey water system;
 - Priority road clearance.
 - c. We have to have enough to make the case that we need this money, but we don't want to drive the costs up. We anticipated asking Appalachian Regional Commission for some money, but US EDA said they would just as soon that we not mix that money in. We can ask them for up to 50% so we might ask them for \$1.2 million.
 - d. Do we want to begin final building design now?
 - If awarded funds, US EDA will not review plans until the building is 100% complete;
 - If I could get an engineering company in the next week or two to work on the resiliency question that would be helpful;
 - We could potentially save 6 to 8 months if we did the site design at the same time;

- The disadvantage is that we would have to pay the architectural fees right now because it is only us and the Tobacco Commission and we wouldn't have the US EDA funds.

Chairman Yoder – While the economy is good, I would love to get that building as soon as possible. The longer we wait the higher the chances that there will be some type of recession. At the VACo conference I went to an economic development meeting and they talked about the lack of ready sites in the State and it is a struggle to put somebody into a space within 12 months. It seems like we are in a position to take advantage of that.

Supervisor Boothe – Also the longer we put it out the more the costs might rise. I think we should move ahead with it.

Supervisor Kuchenbuch – I also went to one of the economic development meetings and they just finished a survey on available properties across the State, site characterization.

Ms. Martin – We should have access to that this week. It is an inventory and they are giving their opinion on best uses of locations. Draper Aden worked on that for our region.

It was the consensus of the Board of Supervisors to proceed with final building design on a building for Floyd Growth Center on lot 4.

Ms. Martin handed out a list of construction projects with estimated timelines for completion of actions. Ms. Martin provided an update regarding Floyd Commerce Center Phase 2:

- 1) Completed new mandatory VDOT training in September in Williamsburg;
- 2) Awaiting VDOT approval of request for proposals for engineering services (3 months+);
- 3) Current timeline has project completion at 3rd quarter, 2023.

Supervisor Kuchenbuch – At one of our sessions a gentleman talked about allowing the National Guard reserve units to be out and about doing this kind of work. It helps them get their training.

Ms. Martin – Keep pushing that as that is our ticket in getting these sites ready.

- 4) This project is still projected at 4 years from completion.

Ms. Martin provided an update regarding other community and economic development projects:

- 1) Bike-Ped path on Christiansburg Pike
 - a. Submitted Highway Safety Improvement Program (HSIP) application in Fall 2018;
 - b. VDOT announced this year they decided not to fund ANY projects;
 - c. Two-year grant cycle for HSIP now;
 - d. We need to get per linear foot cost estimate down and/or look at other funding sources.
- 2) The trail at the Commerce Center is being worked on.
- 3) Copper Hill Fiber Grant

- a. Citizens leading all work and awaiting VDOT permits;
 - b. Hope to start construction in 1st quarter 2020 and be complete in 9 months.
- 4) Marketing
- a. New Economic Development video; upgrade EDA website before roll-out;
 - b. Have series of new business photos;
 - c. Metal-working campaign in works with Tobacco Commission and local funds;
 - d. Entrepreneur Community Builder Campaign, including developing more mini-videos for use in Social Media.
- 5) Since about 2012 “talent is king” and while you have to still do sites and infrastructure you have to identify talent.
- a. Investment in career and technical education is wise;
 - b. We have been attending meetings about regional internship;
 - c. The Floyd County High School Career Fair and Workforce Forum was held last week with 40 employers participating and 28 students were interviewed;
 - d. We wrapped up Floyd C4 last week with Bronwyn Watts taking first prize;
 - e. We had Growth Wheel a couple of months ago with 12 participants in 9 businesses.
- 6) Floyd 5 & 10 Business Loan Program
- a. Official approval of an additional \$60,000 from Rural Development;
 - b. Also new info from USDA Farm Service Agency that they have Small Business Loan funds for farming.
- 7) Housing is a critical part of economic development right now
- a. Preliminary Work on Housing Rehabilitation Planning Grant approved, with \$27,000 in additional funds available;
 - b. Will be working on the construction application due in March for \$1,000,000;
 - c. Convened meeting of multiple agencies to better collaborate on rehabilitation;
 - d. New River Valley Housing Study available 1st quarter 2020;
 - e. Subdivision Ordinance Review Committee is continuing to work.
- 8) Grant Summaries
- a. Working 9 grant-funded, economic development projects (11 grants totaling \$2,948,000), plus other locally-funded projects or collaborations;
 - b. Anticipate applying for 4 more totaling about \$2,700,000 in next few months.

Agenda Item 6.g. – Mr. Wade Billeisen – Request abandonment of portion of Weddle Road SW.

Mr. Billeisen – I am speaking on behalf of myself, Mr. Frank Carochi, and Ms. Pam Baker. We are petitioning for abandonment of discontinued State Secondary Route 657, Weddle Road, 1.1 miles from the intersection of Weddle Road/Buffalo Run to the intersection of Weddle Road/Bunkey Run. We are making this request because of underage driving, speeding and drinking and driving that occur on this road; off-roading leads to the destruction of private property; several near head-on collisions in unmarked blind curves and hills; hunting and fishing illegally on private property and partying on private property. We knew when we bought this property that it was going to be an expense of time and money to maintain. It is quite a bit of money that comes out of our pocket and the time it takes to maintain this. If we didn’t take care of it, the road wouldn’t be passable.

Discussion was held regarding the section of road requested to be abandoned and how people would be able to access Sowers cemetery.

Supervisor Boothe – It seems to me that there needs to be an agreement with Ms. Baker prior to our abandoning that section of the road or she will not have access to her property. If there is no agreement and we had abandoned that section of road, it could land lock somebody. There needs to be an agreement on right of way.

Supervisor Kuchenbuch – Ms. Baker needs to get with her attorney sooner rather than later prior to any action by us.

Supervisor Boothe – If this body were to land lock somebody, courts in other areas have made local boards buy a right of way for a person. I don't want to put us in that position.

On a motion of Supervisor Turman, seconded by Supervisor Coleman, and unanimously carried, it was resolved to authorize the County Administrator to advertise a Public Hearing on December 10, 2019 at 1:30 p.m. or soon thereafter as possible on the proposed petition for abandonment discontinued State Secondary Route 657, Weddle Road, 1.1 miles from the intersection of Weddle Road/Buffalo Run to the intersection of Weddle Road/Bunkey Run.

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

Agenda Item 6.h. – Dr. John Wheeler, School Superintendent – Request for transfer from Capital Improvement Fund.

Dr. Wheeler – We have been collecting invoices for these different projects I have talked to you about so we could bring just one request to you for all of them.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the transfer of \$97,873.36 from the Capital Improvement Fund to the FY20 Floyd County School Board budget Operation & Maintenance category for: replacement of air conditioning compressor in the School Board Office server room, new partitions for the Floyd County High School locker room, new equipment for the Floyd County High School weight room, Indian Valley Elementary School fieldhouse bathrooms, two replacement air conditioning compressors for the Check Elementary School gym, replacement of hot water heater for Floyd County Vocational School, used 2018 Dodge Grand Caravan, Floyd Elementary School cafeteria student serving area redesign, new salt spreader and new snowblade.

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

Dr. Wheeler – The other one is for two contributions and one grant that is coming. Check is the only school eligible for Roanoke Foundation. They are changing the instructional space and we received \$19,500 for that. The Booster Club at the high school kicked in \$6,000 which is reflected in redesigning the weight room.

Chairman Yoder – That is great. You will be pleased to know that we did the first step in financing this morning for \$7,500,000. We accepted a bid on interim financing. We got a good rate and we are happy about that.

Dr. Wheeler – The Literacy Loan application will go to the State Board of Education as a first step for that one too.

Supervisor Boothe – One of the sessions at the VACo conference was about workforce development. They talked about doing it at the community college level...and what you and the School Board are proposing here is so far ahead of what they were talking about at the community college level that the person from Pulaski County and I got up and went out. You were doing more than that locally already. I want to thank you for that vision into the future. I think it is putting us way out there ahead of a lot of areas. I think we are really going to benefit from it.

Dr. Wheeler – Ms. Cromer is working on some grants too as far as educating teachers and it is directly related to the current workforce. All of them are technology and it is the same thing the State is going to be requiring us to teach. It is good stuff and all going in the same direction.

Agenda Item 7.e. – Mr. Steve Durbin, County Attorney.

Ms. Martin – Mr. Durbin pointed out to me at the bottom of the first page of the Memorandum of Agreement it states that there will be a future agreement, “The specific terms of the Virginia Individual Development Account grant will be incorporated into a final form of agreement between Floyd County and the Advancement Foundation, which will be substantially similar to the understandings set forth herein.” You said that wording covers the need for a future agreement.

Mr. Durbin – It makes it clear that there will be a subsequent agreement and we don’t have to sketch out exactly what that is at this stage.

Supervisor Boothe – If there is a problem and that agreement doesn’t come into effect does it nullify anything that is in this?

Mr. Durbin – Well, yes. Until that agreement is in effect we just have an agreement to cooperate.

On a motion of Supervisor Boothe, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve the Memorandum of Agreement with The Advancement Foundation in organizing and facilitating the 2020-2021 Virginia Individual Development Account Program (Document File Number 1077).

Supervisor Boothe – yes

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

- Draft ordinance regulating motorized skateboards and scooters

Mr. Durbin – You have before you a draft of an ordinance that would regulate motorized scooters and mostly the sharing of systems where a user would download an app [application software] onto their smartphone which would allow them to access a scooter provided by a scooter company. They pay their fee and get to ride the electric scooter within the range the company has established. The model is to leave the scooters wherever at the end of the users ride. They are growing in popularity in urban areas and are expected to be rolled out into smaller communities over time. I don't think there is an eminent deployment in Floyd County but one never knows. What we do know that is eminent is that if we ever want the authority to regulate this, we must act before December 31. Before you today is a draft ordinance consistent with what we think will be adopted by a number of localities across the Commonwealth and in our surrounding area in particular. I would like to bring to your attention that this is really intended to regulate shared mobility systems. If we want to adopt particular safety standards for the users of these whether they are shared or owned for personal use, we have the authority to adopt that separately within the highway safety standards. We put some language in there that the company will give some education on how to use their equipment, but it doesn't address in any detailed way how users will comport themselves.

Supervisor Boothe – Later on if we have a certain area where we think these should not be operated, will we have the authority to say no use of this type or otherwise in this area?

Mr. Durbin – To the extent that you have the authority in Code Section 46.2 separately you can do that.

Supervisor Boothe – I think we will need to explore safety standards and what is allowed on them when we do have pedestrian-bike paths.

Mr. Durbin – Personally owned devices is a separate issue. For the shared systems we delegated authority to the County Administrator or the County Administrator's designee to determine certain areas where these can't be operated or where they shouldn't be left or in certain weather events to give notice to the operator to remove those so they are not interfering with the special event. Last time we discussed Code Section 50.6 A. 2. and the maximum speed for bicycles is 25 mph and for scooters I think it can go up to 20 mph. We discussed 15 mph and that is how I left it but you have the authority to lower the maximum speed.

Chairman Yoder – I think I would be more comfortable with it if it were 10 mph.

Supervisor Boothe – I'm fine with 10 mph if you want to change it to that.

Supervisor Kuchenbuch – I am too.

Supervisor Boothe – This only applies in the County. If the Town does not adopt an ordinance, would this apply to the Town as well?

Mr. Durbin – Yes.

Supervisor Boothe – I know the Town is looking at it. Do we know the speed they are considering?

Ms. Morris – I don't know.

Supervisor Kuchenbuch – I am starting to lean toward 5 mph.

Chairman Yoder – We can always come back and change it.

Supervisor Boothe – We could make it less restrictive but not more restrictive.

Mr. Durbin – Once you have an ordinance in place if you want to take it up again you maintain that authority. There are other things I would like to point out. Floyd County has sovereign immunity but I would like to see insurance in place so the County can rely on that if necessary and so it will be there if people are injured. You don't want a business to operate here and have injuries incur and there not be a way for the injured person to be made whole. In the Data Sharing section, I am not sure what types of information we might want from operators of these sorts of systems.

Supervisor Boothe – In Section 50-5. Permit Application Procedures B. should that say “not to exceed one thousand dollars?”

Mr. Durbin – Yes.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to authorize the County Administrator to advertise a Public Hearing on December 10, 2019 at 2:00 p.m. or soon thereafter as possible on the proposed draft ordinance regulating motorized skateboards and scooters amended to read “not to exceed one thousand dollars” in Section 50-5. and Section 50-6 A. 2. to read “The maximum speed for motorized scooters or skateboards shall be 5 miles per hour (MPH) and maximum speed for electric-power assisted bicycles shall be 25 MPH.”

Supervisor Boothe – yes

Supervisor Coleman – yes

Supervisor Kuchenbuch – yes

Supervisor Turman – yes

Supervisor Yoder – yes

- Memorandum of Concurrence with the Floyd-Floyd County Public Service Authority (PSA).

Mr. Durbin – I have a couple of questions on the Memorandum of Concurrence. Ms. Martin answered one of my questions earlier about the scope of the grant. Because the project

will likely take place in more than one fiscal year, I think you want to have a provision in there that it would be subject to appropriations. The County will in good faith consider the appropriation of grant funds but nothing herein shall be implied to be the full faith and credit of the County. We just need to make sure we are not creating a debt unconstitutionally. I want a little more specificity on who may be required or responsible for right of way acquisition and something that specifically disclaims that the County would not be obligated to exercise eminent domain or acquire these rights of way and if that becomes necessary it is the PSA's role and they have that authority themselves. I haven't seen the actual Department of Housing and Community Development application that this is to be incorporated in.

Supervisor Boothe – We haven't got it yet. It is my understanding they have to use our system to do the application and we have to give approval to this for them to get into our system to do that process. It is based on low-to-moderate income numbers along the route. In my talking to Mike Maslaney they are still looking at two more properties that may qualify. They won't give us a number until we turn in the actual application with the final number. As far as eminent domain, if they don't give us the right-of-way to hook up we bypass them. Right now within the scope of this project, they are either in or not. This is to hook up a local trailer park. I don't know if all the agreements are in so I won't get into a lot, but they are helping us qualify for this grant.

Mr. Durbin – That helps qualify this but I would still add a brief provision that the County is not responsible for right of way acquisition.

Supervisor Boothe – The plan is for this Board to adopt the Memorandum of Concurrence and tomorrow night the PSA would adopt it. We missed the last deadline because we didn't have all our ducks in a row. We are trying to get ahead of the game this time to meet deadlines. We are pretty assured that we will get some money, but we don't know the full amount yet. When it is awarded we have one year to use the money.

On a motion of Supervisor Coleman, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the Memorandum of Concurrence with the Floyd-Floyd County Public Service Authority with amendments by legal counsel to address two issues: subject to appropriation due to the fiscal years and to clarify that the County will not be responsible for right of way acquisition (Document Number 1078).

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

Supervisor Boothe – At our VACo meeting a gentleman from Montgomery County mentioned that when the General Assembly passed the 35 mph on unsurfaced roads, it didn't apply statewide. It only applied to a group of named counties. Our VDOT representative said that it started out that way, but later they applied it statewide. Before our next meeting could we verify if it applies all the way across the State, or if it is just a group, then we need to petition our legislators to add us to that group.

Mr. Durbin – That will be easy for me to check on.

Agenda Item 6.j. – Closed Session – §2.2-3711 A.7. Consultation with legal counsel pertaining to probable litigation.

On a motion made by Supervisor Coleman 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; and 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 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 acquisition or disposition of publicly held real property in accordance with Section 2.2-3711, Paragraph A.3. and 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.

On a motion of Supervisor Turman, seconded by Supervisor Coleman, and carried, it was resolved to opt out of the negotiating class and to authorize the County Administrator to execute the opt out documentation on behalf of the County (Document Number 1079).

- Supervisor Boothe – no
- Supervisor Coleman – yes
- Supervisor Kuchenbuch – yes
- Supervisor Turman – yes
- Supervisor Yoder – yes

Agenda Item 8.a. – Board of Supervisors reports – Updates from VACo Conference.

Supervisor Boothe – I have been appointed to the VACo Board of Directors and our other district representative is from Montgomery County so we now have 3 people from this area on the VACo Board. I brought back a flyer regarding Family First. Mr. Alls covered it pretty well. It is going to be mandated by next June. With that and other things we are really going to have to look at space more seriously for the Department of Social Services. From what I have seen this program could save some CSA money and it is good for children in that it is keeping them at home with their families. I think it could be good if it works like they are projecting. I think it is important to be part of VACo. I have learned as much there as from anywhere else. If you have the time or inclination, get on a committee.

Chairman Yoder – I want to pass this on regarding the new storm water part of the Chesapeake Bay. They are coming down hard on the wastewater facilities. Once it is implemented facilities are not allowed to sue the State so there are some facilities suing the State before it goes into effect. I don't know if it will impact us or not. The estimated impact to the State is up to \$1 billion for wastewater treatment facilities. If ours is even a fraction of that, it could hurt us very badly.

Supervisor Kuchenbuch – What is happening on the coast are lots of problems are starting to develop because of rising levels of flooding due to tide.

Chairman Yoder – I am on the Agricultural and Environmental Committee and that is a big part of what we talked about. Another thing we talked about was solar coming in and the environmental impact that has because there are some cases in Virginia where there are several thousand acres with solar panels and they are starting to have issues from trying to manage the runoff. Instead of infiltrating to where it falls, it runs off to one spot on neighboring parcels.

Also the State keeps throwing things out for taxation. We will be talking about this for the next year or two in that committee.

Ms. Morris – I went to a session about the State budget. Forecasts are very good for the State budget. They talked about State aid coming back to localities. From the State general fund to localities for K-12 in 2009 it was 35.2%; in this fiscal year of 2020 it is 28.6%. Overall for everything they provide aid back to us in 2009 it was 52% of the budget and now it is 42%. In another session I went to they discussed workers compensation. Presumption claims for certain diseases that are assumed to be work related for police, sheriff, fire. The Joint Legislative Audit and Review Commission (JLARC) is doing a study on these to see if there are things that should be added. They are talking about adding Emergency Medical Services employees to this too. One thing that really bothered me in his talk was that the leading cause of law enforcement deaths is suicide. I am sure there will be more to come from this JLARC study.

Supervisor Kuchenbuch – The three that I attended were the Chesapeake Bay, Recreation, and Economic Development. In Recreation they talked about how Dinwiddie County built something in 2012 and how important it was to their economy and what that ballfield complex has done for them. In Economic Development they talked about surveys of different properties across the State and just what utilities are doing. I voiced my concern about what happened in Floyd with data transmission lines going through with Facebook. Nobody had heard about it on any other end of the State. I said it was like all of a sudden it was on us and we had no idea what was going on and it impacted so much. The other thing I took away is how everybody is scrambling for broadband. We are blessed by the strides Citizens had made to get us where we are. We have to continue to capitalize on that. It is one of the Governor's priorities.

Chairman Yoder – The Rural Caucus is coming up in February and sometimes some of us go to that.

Agenda Item 9. – Old/New Business.

Ms. Morris – I provided a copy of the Abstract of Votes for you and for the minutes we need to record that you have accepted those.

Supervisor Turman made a motion which was seconded by Supervisor Boothe, to accept the Abstract of Votes. Both Supervisor Turman and Supervisor Boothe withdrew their motions.

Supervisor Kuchenbuch made a motion which was seconded by Supervisor Boothe, and unanimously carried, it was resolved to accept the Abstract of Votes for November 2019 General Election held on November 5, 2019 for the a Member Senate of Virginia District 019; Member House of Delegates District 007; Floyd County Commonwealth's Attorney; Floyd County Sheriff; Floyd County Commissioner of Revenue; Floyd County Treasurer; Member Board of Supervisors District A; Member Board of Supervisors District B; Member Board of Supervisors District D; Member School Board District A; Member School Board District B; Member School Board District D; Soil and Water Conservation Director Skyline District; Member Town Council District Floyd; and Member Town Council – Special District Floyd.

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

Vice Chairman Turman requested that Ms. Morris do some research on the resolutions passed in Campbell County, Carroll County, and Craig County to stand up to the Governor regarding the Second Amendment. We need to get ahead of that as soon as we can.

Supervisor Coleman – I was out in the community and had an employee approach me about the health insurance. As we approach the budget season...I know last year we talked about it and made some adjustments.

Ms. Ryan – Last year we added the high deductible plan to the insurance options.

Ms. Morris – Was their concern more about...

Supervisor Coleman -- ...just the price.

Chairman Yoder – There may be some changes coming from the General Assembly.

Supervisor Boothe – Are we currently paying 80%?

Ms. Morris – Yes, you put the two premiums together and average them.

Supervisor Coleman -- I want to say that I have never heard anybody complain about the coverage. The coverage is outstanding.

Ms. Morris – We can definitely look at that.

Agenda Item 10. – Adjournment.

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



Terri W. Morris, County Administrator



Lauren D. Yoder, Chairman, Board of Supervisors