

**AGENDA
BOARD OF SUPERVISORS
REGULAR MEETING
JULY 13, 2021**

1. Meeting called to order at 8:30 a.m. by Chairman Joe Turman, Board Room, County Administration Building.

2. Opening Prayer – led by Cynthia Ryan.

3. Pledge of Allegiance – led by Supervisor Yoder.

4. Roll Call and Determination of Quorum – Dr. Millsaps called the roll.

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

It was determined that a quorum was present.

5. Approval of the agenda – Dr. Millsaps asked if the Closed Session at the end of the agenda could be moved up to take place right after Ms. Amy Ingram’s presentation.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to amend the agenda to have the Closed Session right after Ms. Ingram’s presentation.

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

6. Approval of minutes – June 8, 2021, and June 22, 2021

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the June 8, 2021, and June 22, 2021 minutes as presented.

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

7.a. Mr. Chad Alls and Mr. David Hope, Floyd County Department of Social Services

Mr. Alls introduced Mr. Hope as the Services Supervisor. Mr. Hope would explain Congregate Care, which is one of the levels in Foster Care. This ties into the Family First Prevention Services Act that began July 1.

Mr. Hope explained Congregate Care is the highest level of the four different levels of Foster Care and consists of 24 hour supervision in highly structured settings:

- 1) Group homes are not locked, but provide 24 hour care. Services are provided in the group home and can also be provided in the community. Education is usually provided at a local school.
- 2) Treatment facilities are locked buildings. Medicaid pays for services if the child meets criteria. Placement is based on a child having high risk behavior such as suicidal or homicidal ideation or runaway assaultive behaviors toward adults or children. Education is provided at the facility.

Assessment and diagnostic program helps Floyd County Department of Social Services determine the best placement for children and to see if other services are available that can help the child. It is a 90-day program for children who have high risk behavior or had several disruptions.

Mr. Alls – We start from the least restrictive situation and move upwards. When we receive a child from the Court System Juvenile Detention then the child usually starts at a higher level. The emphasis of Family First is to decrease the use of Congregate Care.

Vice Chairman Boothe – Has the State's recent decision to not allow 5 of its hospitals to receive any more patients impacted us yet?

Mr. Alls – It has not impacted us. We have had situations in the last year where a child might require hospitalization and a bed has not been available. We had one child remain in an emergency room for 3, 4, or 5 days waiting for a placement. In some instances local social services staff are tasked with sitting in a hospital with a child or housing the child in the agency until a placement can be found. It is a very critical need to locate a placement or hospital for a child. Right now we only have 1 child in congregate care which we hope to be able to step down to therapeutic foster home.

Supervisor Yoder – Is the focus of the new initiative to provide healthier situations for children in that the more they are in a home situation the better it is for children?

Mr. Alls – Yes, sir. That is the understanding – children are best raised in their own families in their own homes or with relatives. The use of congregate care while at times is required and necessary, the State feels it should be a last resort. They are making it more and more difficult to utilize these congregate care placements in funding and requirements we have to go through in order to pull down the funding for congregate care.

Chairman Turman – I heard on the news that mental health budgets were being cut by the State. Will that effect you?

Mr. Alls – Potentially it could, yes. Not only for the children but for their parents who we also serve. Services are key to treating parents and the caretakers in order to return children into the home. The absence of those services makes it more difficult for us to achieve permanency we need for children. In Floyd County and other rural areas the biggest obstacle is substance abuse.

9.c. FY22 Resolution of Appropriation

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and carried, it was resolved to approve the resolution for appropriation of FY22 budget as presented (Document File Number 1191).

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

9.d. FY22 Budget transfers identified during input of budget

Ms. Ryan – As I input the FY22 budget I became aware of a couple of errors I made. In the Commonwealth Attorney’s budget I input the part-time labor amount twice, once in total salaries and once as a separate line item in part-time labor. The Compensation Board changed the classification of a position in the Clerk of Circuit Court’s office which resulted in an increase in salary. I missed the salary change from the reclassification when we prepared the budget. Also when I calculated insurance I failed to pick up that one insurance bill goes to the Economic Development Authority but the County pays the portion attributable to the Floyd Flex building. I recommend we correct these line items and put the extra amount to the contingency line.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve in the FY22 budget a transfer of \$16,500.00 from Commonwealth Attorney part-time labor because it was included twice in budget with \$2,263.00 going to Circuit Court Clerk salaries and benefits lines because of compensation board upgrade of a position, \$3,994.00 going to General Properties property insurance for Branwick Building which was not included in budget, and the remaining balance of \$10,243.00 being added to contingency.

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

9.a. Application and agreement with Appalachian Power Company for underground service to Floyd Growth Center

Ms. Martin – This item was not part of the actual bid document for the new building at the Commerce Center. It is essential to the building – 3-phase power that Appalachian Power Company would be bringing to the site.

Supervisor Yoder – This was in the money appropriated for the building, but not in the bid documents?

Ms. Martin – That is correct.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and carried, it was resolved to approve the application and agreement with Appalachian Power Company for underground service to the Floyd Growth Center and to authorize the appropriate officials to execute the documents (Document File Number 1192).

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

7.b. Public Comment Period

Chairman Turman read the handicapped statement, explained the rules for speaking, and called for the Public Comment Period.

Ms. Becky Howell, Burks Fork District – I would like to thank you again for using the microphones. We really do like to hear what you have to say. Today I am representing the Floyd Concerned Citizens in presenting a resolution, not an ordinance, to you for adoption. It is important that you the elected representatives of the people be seen drawing a line in the sand and honoring your duty by standing up for the citizenry against mandates from Richmond and Washington. This resolution is based heavily by the one recently adopted in Carroll County. The resolution is not intended to necessarily be adopted verbatim by the Board, but it deserves serious consideration. It is important that the Board of Supervisors adopt a firm position to serve as guidance to the School Board. Failure to act will be perceived as weakness. While we do not know what Richmond will do if we do not adopt these policies, we do know that the result will be that our children will lose their rights to privacy and be subjected to possible harm and indoctrination attempts. We know the best way to change a nation is to begin by indoctrinating the children. Why do we want to change America, the greatest nation on earth?

Ms. Howell used the rest of her 4 minutes to begin reading the proposed resolution:

**RESOLUTION OF FLOYD COUNTY BOARD OF SUPERVISORS
REGARDING THE VIRGINIA DEPARTMENT OF EDUCATION "MODEL
POLICIES FOR THE TREATMENT OF TRANSGENDER STUDENTS IN
VIRGINIA'S PUBLIC SCHOOLS"**

WHEREAS, the Floyd County Board of Supervisors (the "Board") is aware of the

recently-adopted Virginia Code Section 22.1-23.3, which requires the Virginia Department of Education ("VDOE") to develop certain model school board policies concerning the treatment of transgender students in public elementary and secondary schools, including access to school facilities and participation in school activities by transgender students (the "Model Policies"); and,

WHEREAS, the aforesaid statute requires absolutely that all local school boards, including the Floyd County School Board, must without exception adopt local policies that are substantially compliant with the Model Policies developed by VDOE; and,

WHEREAS, this Board has reviewed the VDOE Model Policies, and is concerned with the substance of the policies, the motivation for the formulation of, and the process used in the composition of said policies; and,

WHEREAS, it is well-established that the United States Constitution protects all parent's and guardian's recognized rights to make decisions concerning the care, safety, custody and control of their children, including the rights to make decisions concerning the moral upbringing, education, care of, and protection of the child, and that these rights have been consistently recognized as fundamental rights protected by the Due Process Clause of the Fourteenth Amendment to the US. Constitution; and,

WHEREAS, the VDOE Model Policies do not appear to adequately protect the fundamental constitutional rights of parents and guardians concerning the education of children in that the Model Policies plainly provide for collusion between minors and school officials by withholding from parents and guardians any and all information concerning a student's demand for transgender status; and,

WHEREAS, the VDOE Model Policies do not in any manner protect the constitutional rights, or offer legal liability protections for school students, teachers or staff who may have religious, cultural, moral or other reservations concerning the implementation of and compliance with the policies; and,

WHEREAS, the VDOE Model Policies appear to have been composed and adopted in a sequestered and insular manner that did not adequately allow for outside input or permit the expression of concerns or objections to certain provisions to be raised from parents, guardians or the general public regarding the implementation of the VDOE Model Policies; and,

WHEREAS, although the VDOE Model Policies are required to be adopted by the first day of the 2021-2022 School Year, certain guidance regarding said implementation and compliance with model policy will not be made available to the School Boards until the end of the 2021 calendar year; and,

Ms. Suzanne Touscany, Little River District continued the reading of the proposed resolution for her 4 minutes:

WHEREAS, the VDOE Model Policies are particularly questionable with regard to access to, and use of particular school facilities, including school restrooms, school locker rooms and showering facilities for the following reasons:

- 1) The Model Policies do not acknowledge or protect the privacy rights of any non-transgender students who may feel uncomfortable or unsafe in using these facilities in the presence of students of the opposite genetic sex;
- 2) The Model Policies fail to adequately respect the First Amendment rights of non-transgender students under the Free Exercise Clause, for whom changing clothes, bathing or using the restroom facility in the presence of students of the opposite genetic sex would violate the tenets of their religious faith - A group which would at a minimum include Jewish, Muslim and Christian students adhering to teachings of their respective religions;
- 3) The Model Policies, by prohibiting even the most basic inquiry into a student's gender identity before using a restroom, could preclude a school from preventing acts of misconduct in a restroom, locker room or even hotel room on a field trip, and do not adequately address the legitimate safety concerns of non-transgender students;
- 4) To the extent that the Model Policies would permit or require the availability to students of alternative, non-stigmatizing, restroom or changing facilities, no funding has been identified by the VDOE or other state entity which would be available to the County to modify current school facilities and in fact, constitutes an unfunded mandate which will unreasonably burden all of the taxpayers of Floyd County;
- 5) The Model Policies nowhere offer the Localities any guidance or legal protection regarding what criterion would qualify any alternative restroom or changing facility as being legally "non-stigmatizing" under the above item number 4;
- 6) The Model Policies nowhere offer the Localities any legal protection from lawsuits which might emanate from the forced implementation of, and compliance with, the Model Policies, as they may in the future be found to be unconstitutional by a Court of Law; and,

WHEREAS, the Model Policies do not appear to provide adequate protection for the unalienable First Amendment Rights of students, teachers and school staff, as they compel a specific class of students be addressed by their "preferred gender pronoun." Such compelled speech would be a violation of both the First Amendment Rights and the religious beliefs of students, teachers and staff members; and,

WHEREAS, the Model Policy is internally inconsistent in that it provides that gender identity is a matter of subjective self-identification, about which school staff have no

way of knowing unless the individual communicates their gender identity to school staff, but the policies simultaneously prohibit school staff from questioning a student as to their preferred gender identity. The Model Policy also prohibits school staff from communicating a student's gender identity to others. Thus, the policy itself creates a conundrum whereby the very question that would enable compliance with the policy is a question that school teachers and staff are forbidden to ask; and,

WHEREAS, this Board is concerned that the Model Policies concerning dress codes and related non-gender specificity were not adequately considered and have unintended consequences in the context of physical education classes, as well as school-sponsored functions, such as field trips, holiday events, Proms, Father-Daughter dances, etc.; and,

WHEREAS, this Board is aware of current litigation filed against VDOE, and is of the opinion that the implementation of, and enforced compliance with, certain provisions of the Model Policies must be suspended, and not rushed through prior to the outcome of and any appeals pursuant to, this litigation; and,

Mr. David Whitaker, Courthouse District concluded the reading of the proposed resolution:

WHEREAS, this Board is always and fully committed to the safety and well-being of all students and will not in any way tolerate bullying, harassment or mistreatment of any student, for any reason, and observes that such conduct is already adequately prohibited and punishable under existing law and policy; and,

WHEREAS, the Floyd County Board of Supervisors wishes to express its support for the First Amendment and Fourteenth Amendment rights of all students, teachers and school staff, and further to express its opposition to certain of the VDOE policies as currently documented in the "*Model Policies for the Treatment of Transgender Students in Virginia's Public Schools*" document;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FLOYD COUNTY, VIRGINIA AS FOLLOWS:

1. That the Board of Supervisors hereby expresses its strong opposition to certain of the VDOE Model Policies for the Treatment of Transgender Students in Virginia's Public Schools as currently documented for the reasons stated herein;
2. That the Board of Supervisors hereby encourages the VDOE and the Virginia General Assembly to suspend the implementation of VDOE's model policy pending the final outcome of current or future litigation filed with regard thereto;
3. That the Board of Supervisors hereby encourages the VDOE and the Virginia General Assembly to reconsider the VDOE policies for the Treatment of Transgender Students and suspend their application pending such

reconsideration;

4. That the Board of Supervisors expresses its support for the First Amendment and the Fourteenth Amendment rights of its citizens, including the right to free exercise of religion and the rights of parents and guardians to direct the safety, upbringing and education of their children;
5. That the Board of Supervisors will carefully consider every budgetary option which is available to it, that it may ensure that all of the rights of the students, teachers and staff of our schools are protected, and that all students are guaranteed a safe, fairly administered and inclusive education.

I want to thank you all for your kind patience and consideration. Thank you.

Mr. Bob Smith, Indian Valley District – We are standing up here, the people of Floyd County. We want to know when you folks will stand up. I am sure you are familiar with these documents I am holding. We want to ask, “Will you act when the next phase arrives – when Richmond takes down the rebel and the obelisk, when they replace them with a Tiny Tim statue perhaps? When a drag queen parade replaces the American Legion and Veterans of Foreign Wars, when Floyd becomes the pot capital of Virginia? When our flag of 50 stars and red stripes on a field of blue and white is replaced with 52 stars and a rainbow? When will we all stand up? Tell us please. Thank you.

Ms. Linda Wagner, Courthouse District – Thank you for using the microphones. I appreciate it. The Model Policies of the Virginia General Assembly give special treatment and attention to very young, impressionable children. They are not even old enough to smoke, drink, or heaven’s sake, vote. And these, according to our government, are reserved for the mature – those over 18. Yet when it comes to gender identity, this same government deems the very young competent to choose their sex, gender or lack thereof. I am here to tell you that I am a mature adult and I don’t understand it. This is a heavy burden for my heart because I believe God created two sexes – male and female. The cultural deception that transgenderism is fact and that we all support the lie or else is deeply troubling. The truth that transgenderism is a belief system has no basis in objective science or medical reality. In the Model Policies it is stated, “that many transgender students undergo the process of gender transition to confirm and live as gender of their identity.” 54.1-24.5 of the Code of Virginia states that Virginia law prohibits licensed professionals from engaging in conversion therapy with youth under 18 years of age. So why is this a discussion in our schools and our country? To cater to this is child abuse and maybe they should be referred to Mr. Chad Alls and Mr. David Hope as they are first line mandatory reporters. This is a non-issue. Conversion therapy is opposed by most major professional organizations, such as the American Medical Association, the American Counseling Association, and the American Psychiatric Association. Yet you are going to spend our valuable tax dollars to instruct your mental health staff at the schools to be proficient in counseling to support transgender students? This is out of the Mayo Clinic. “A body dysmorphic disorder: Body dysmorphic disorder is a mental health disorder in which you can’t stop thinking about one or more perceived defects or flaws in your appearance. A flaw that appears minor and can’t even

be seen by others. You may feel so embarrassed, ashamed, and anxious that you may avoid social situations.” Again, I say they are mandatory first line reporters and if they are supporting transgenderism, they are violating the Code of Virginia and are doing no good function for our children. You discussed earlier with Mr. Chad Alls how you are supporting our children. Let’s support them through our schools. Thank you.

Ms. Kellean Gale, Indian Valley District – I am a newspaper owner, a new one. I get all kinds of people talking to me, all kinds of articles emailed. When I took on this newspaper I didn’t realize the kind of responsibility that it was going to be. These people who come to me, they are not asking me to push the Board, that the Board is bad, that the Board should not obey the law. What they are asking is that the Board of Supervisors, who we elected to be our wall between what is right and wrong for our community, do their job. Not make their decisions because of personal beliefs, make their decisions for what is right for the County, for the State, and for America, and most of all for the people who put you here. This is a conservative community. It is a very diverse community. I am a big-city girl. I have lived all over the world, but there is something about America and simple values that people can raise their kids by. That is what they elected you to do – to be our guardians. What these people are asking me and the newspaper is to stand up for them and I do. Everybody has a right to speak, both sides, all sides. But our Board of Supervisors has the responsibility to weed through all of that and do what is right. The Mormons have a simple ring they give their children. On that ring is 3 letters – C, T, R. It stands for Choose The Right. That is what the people of Floyd are asking you to do – to choose the right. Thank you.

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

9.c. Mr. David Clarke, Resident Engineer, Virginia Department of Transportation (VDOT)

Mr. Clarke provided construction and maintenance updates:

On the maintenance side –

A few storms that resulted in some work	
Pothole patching in front of the overlay schedule	
Secondary mowing	
Drainage	Fox Street by replacing some sidewalk

On the construction side –

Roger Road is moving along. We hope to put a couple of inches of base stone in this week and have it surface treated, weather depending.
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Mr. Clarke – The Board passed the resolutions for the naming of the routes. I need a revised resolution for Route 8. It needs to have the same paragraph as the one in Horse Ridge about the County paying for the signs. I was misinformed and thought it was for any police officer, but it is only for State troopers. It can be passed at the next meeting this month.

Supervisor Yoder – I have a bunch of thank yous today. The patching crew has been working in Check and they are doing a great job. They fixed a lot of spots I have been complaining about for years. They filled in the worst spots of the shoulders on Rt. 221. They filled in a pipe on Deer Run Road that I talked about quite a bit. That pipe probably needs to be replaced because it has been filled in several times. I have gotten calls on Red Oak Grove Road needing work. Stuart Road still needs work, but they have gotten to the vast majority that I have gotten calls about for the past six months. I have also seen crews out mowing, but more mowing is still needed. You have made a real emphasis and it is much appreciated.

Supervisor Kuchenbuch – Thank you for the work on Moore Road. Maybe you can get a supervisor to look at pipes where there is a known problem. If we could just get the ditches cleaned, I think it would solve so many problems, but I know you have to jump through environmental hoops. Bethlehem Church Road is still an issue. I know it is on your radar, but I said I would bring it up. Huckleberry Ridge Road has large holes in it. Laurel Ridge Mill Road in Montgomery County crosses into Dobbins Hollow Road and Rt. 615. More holes are developing on Rt. 677 than ever before. Increased traffic has caused more accidents on Rt. 8 or Rt. 615. Thank you for all the work the crews are doing. Mowing is needed. Thank you and the men and women of VDOT.

Vice Chairman Boothe – Thank you. The crews have been working all over the County. Thank you for the attention to some of the problems that have cropped up. I talked to Mr. Darrell Sowers about a couple of things on Morning View Lane. I forgot to mention to him that there is a place where the brush is hanging out into the road, if you would mention that to him. Have you been over to the school project?

Mr. Clarke – It has been a little bit. I saw it when they cleared the front field there.

Vice Chairman Boothe – There is a catch basin below the tank and then there is an overflow pipe that drains out to a ditch. I noticed during some of the harder rains that the water is running across the road. Do you know if there is any plan to put a culvert under that road?

Mr. Clarke – I am not sure what is required with the permit. It would be an increase in drainage to have to take it to an adequate facility.

Vice Chairman Boothe – Would you check on that, if you don't mind? Several citizens have talked to me about that. I don't know what was in the final document with VDOT. I think there are some potential problems if it is left as it is, especially in the winter. On

the end of Fox Street, did you ever find out who owns the sidewalk that has the missing handrail?

Mr. Clarke – That is the Town's. We will do a sidewalk associated with a VDOT project, but that was a Town project.

Vice Chairman Boothe – I need to talk to the Town because there is a concern about there not being a handrail.

Mr. Clarke – I will check on our side too just to be sure.

Vice Chairman Boothe – The next thing is Facebook. We have some problem spots we have been trying to get fixed on Rt. 8 as far as guardrails. Are they digging out behind those guardrails or are they boring?

Mr. Clarke – I'm not sure.

Vice Chairman Boothe – Well someone needs to figure that out because if they are digging it out and not compacting it back, then we will have even worse problems with the guardrails.

Supervisor Yoder – They fixed some of your draining issues.

Vice Chairman Boothe – I will admit that. They have been good in some respects. Please keep an eye on it because some of these guardrails we have been trying to get shored up and fixed for three years.

Chairman Turman – One of the biggest issues I am hearing is mowing, machine work on the back roads, and overhanging limbs. I get calls about the long work zone on Rt. 8 and people having to wait 20 minutes and then having to wait 7 or 8 minutes halfway through. We get a line of traffic ½ mile long on Rt. 8.

Mr. Clarke – There is an inspector who tries to keep them to shorter work zones. Of course, the contractor would just as soon that the road be shut down, but we can't do that.

Chairman Turman – I know it gets hot and I have directed my share of traffic over time, but when the people holding the signs get back under the shade, the drivers can't see the signs. They did a great job on Buffalo Mountain Road. I noticed they were compacting the gravel on each side of the new bridge. The Board would like to send Mr. Darrell Hollandsworth our best regards. They thank you for all the work with limited staff.

Vice Chairman Boothe – This is for those watching. State route 705, Beaver Creek Road, is closed to through traffic since yesterday through the end of the month. My understanding is they are replacing the culverts at the first crossing of Beaver Creek. I didn't see that in The Floyd Press, but maybe I missed it. When we are going to shut a road completely down, we need to get the word out more.

Mr. Clarke – I will check and see. That is usually the Bridge Office that handles that, but I don't want to put it off on someone else.

Supervisor Yoder – The most important thing is to let Emergency Medical Services and Fire know about it.

Mr. Clarke – I'll find out about it.

Ms. Ryan – We finally received the last piece of information we required from the homeowners on Rose Hill Road for the road abandonment. I will send that email to you.

Chairman Turman – Everyone appreciates how much you widened Buffalo Mountain Road on that road project.

9.b. Updated Floyd County Housing Rehabilitation Project Program Design and Floyd Housing Rehabilitation Oversight Board By-Laws

Ms. Martin – As we told you when your approved this a few months ago, it was going to be reviewed by the Virginia Department of Housing and Community Development (DHCD) and there might be some changes. The main thing they are requiring us to change is the scoring criteria for applicants to the housing rehabilitation program. We had some points in there if they were eligible for other housing assistance programs. That was in order for us to make sure we could afford to get all the work done for the house because we would have a limited amount of Community Development Block Grant (CDBG) funds. But DHCD does not allow us to score according to whether the applicant is eligible for other funds or not. We had to take that out as a scoring criteria going forward. They did allow us for the 15 people who had been pre-qualified during the application process using the original scoring criteria, to keep those in place and work with them first.

Supervisor Yoder – Do you have a timeline on how this process will work?

Ms. Martin – Jennifer Wilsie has been working with 9 of the 15 household slots we have to get all the paperwork done. We hope to have all the paperwork back and the boxes checked off for the first 2 or 3 so the oversight board can be called together in a month or two. But we are not there yet.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and carried, it was resolved to approve the updated Floyd County Housing Rehabilitation Program Design and Floyd Housing Rehabilitation Oversight Board By-Laws (Document File Number 1193).

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

9.e. FY22 revenue and expenditure budget supplement for a \$10,000.00 donation to the Sheriff's Office for the purchase of training and software or equipment

Dr. Millsaps – Sheriff Craig reached out to me and let me know that he received an anonymous \$10,000.00 bequest through a will. That check has been deposited with the Treasurer in our General Fund. But it was the intention of the person that it should go to the Sheriff's Office for specific purposes. This budget supplement will allow the receipt of the funds and the expenditure in a separate line item for the purposes intended.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve a FY22 revenue and expenditure budget supplement for a \$10,000.00 donation to the Sheriff's Office for the purchase of training and software or equipment.

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

7.d. Mr. David Peake, Game Warden, and Ms. Betsy Stinson, Wildlife Biologist

Ms. Stinson presented a slide show and discussed waste management issues that attract black bears:

- 1) Virginia Department of Wildlife Resources (DWR) black bear management plan is a 10-year plan with the last one being from 2012-2021;
- 2) We invite a broad array of stakeholders to participate and set the goals for Virginia and before finalized, the plan goes out for public comment;
- 3) The next bear management plan process is just starting;
- 4) The plan is divided into 2 main sections
 - a. population management by area basis mainly controlled by hunting
 - b. human-bear interaction
- 5) The goal for human-bear interaction is to take a combined cooperative approach;
- 6) Almost 60% of the calls received by DWR about bears are because of trash;
- 7) Almost 25% of the issues are bird seed;
- 8) The key is to manage the food attractant;
- 9) It is unlawful to feed bears in Virginia, either intentionally or unintentionally;
- 10) Your Solid Waste staff are excellent in trying to address this by scheduling pickups, trying to keep sites picked up, and notifying DWR about issues;
- 11) You have good signage at your sites, but the weak link is the person who does not close the doors or leaves trash outside of the boxes;
- 12) Feeding of feral cats attracts other animals like raccoons, skunks, and bears;
- 13) In 2013 we started a Bear Wise Community cost-share program with local governments;
- 14) Past projects have included retrofitting dumpster lids, electric fence around collection sites, and residential curbside garbage cans that are more bear resistant;
- 15) The grant requires a 30% match from the locality and first time applicants are given priority;

- 16) The application deadline is January 2022;
- 17) It is important to have citizen education and cooperation by making folks aware;
- 18) It is good to have community involvement and site-specific programs;
- 19) Floyd County citizens know best what will work best in Floyd County and the answer is not the same site to site;
- 20) We have a wildlife conflict helpline 855-571-9003.

Vice Chairman Boothe – Does the federal government still have programs where they come out and relocate problem bears?

Ms. Stinson – It is a State responsibility to manage black bears and the answer is “No.” The problem is the food attractant. If you got rid of one bear and the attractant is there another bear will come in. Right now we are working on a model ordinance that Counties might want to use as they move forward in managing attractants.

Vice Chairman Boothe – The bears seems to be less afraid of us than I can ever remember.

Ms. Stinson – If a person is attracting bears with pet food or bird seed left on their porch, these are extremely intelligent animals, and they learn porches equal food. I don’t know about Floyd, but in other areas where I work there is now human development of people who are from elsewhere and are not educated in the way of wild animals. Bears understand turf, so don’t take pictures of it, yell from a safe distance, or throw something at it. But the key is the food.

Supervisor Kuchenbuch – How much has our bear population increased in the six County range?

Ms. Stinson – The goal for Floyd has been to stabilize. There is a mandatory check of all bears killed by hunters. A tooth is extracted from each harvested bear which tells us the age. From the harvest numbers we are able to do a population reconstruction. It is not perfect but it is an index for us to know if it is going up or down. Floyd is in a management zone where bear numbers have been stable and the goal in the plan was to keep numbers stable. We increase or decrease hunting seasons to achieve goals. Nuisance food can make the population seem higher than it really is because of the wide range of bears. Our website has fantastic information about bears to share with your citizens.

Supervisor Yoder – Do people from this area participate on the team that plans for bear management?

Ms. Stinson – I don’t believe the stakeholders have been identified yet. If you would like I will give you the contact information for the person leading this. You might want to mention that this is a locality that would like to have a voice in the plan.

Supervisor Yoder – You said the current plan is to remain stable, but do you think over 20 years the bear population has increased?

Ms. Stinson – Yes, over 20 years the population of bears in Virginia has increased.

Supervisor Yoder – Are there certain designs for boxes that you would recommend as more bear resistant?

Ms. Stinson – That would be a longer conversation. One thing to think about is where the boxes will be placed: in a quiet place near woods or near more human traffic. Metal lids are key. Bears are strong. Metal doors help. One of the best thing to do is explore what is available. The Department of Corrections used to make bear resistant boxes that were more cost effective. I don't know if they still do.

Supervisor Yoder – Are there certain cover crops that tend to attract deer and wildlife?

Ms. Stinson – Buckwheat is ice cream to deer. Annual rye is enjoyed by deer but stands up to the browse pressure pretty well. It really depends on the site.

Chairman Turman – We are also interested in the chronic wasting disease found in the deer. Also, has the bird disease affected red tail hawks?

Ms. Stinson – I am not the person in the agency dealing with this, but my understanding is that it affects fledglings. In eagles we see lead poisoning from gut piles left out. If you find a carcass you can call our regional office and report it. If someone is available and you have put the carcass on ice, they will come and take it.

Vice Chairman Boothe – I understand that herd control is practically the only way to slow down the chronic wasting disease in deer. They have Floyd in the same district as Montgomery and Pulaski. Hunting season is being expanded and in September there will be a firearms only season and then firearms only in January through March.

Ms. Stinson – The discovery of chronic wasting disease in a harvested buck last fall was very far from the nearest known occurrence 150 miles away. That sample was taken by one of our cooperating taxidermists. They pull lymph nodes from harvested bucks and we pay them to submit samples for us to test. Once we have a positive result, it triggers the development of a disease management area. I believe that is 25 miles from the location of the discovery and counties within 25 miles are included in the disease management area. The proposal was made, but has not been adopted yet, to extend Montgomery and Pulaski's seasons to match Floyd's. A disease focus area is a 40 square mile area around the site where the animal was discovered. There will be intensive sampling there. We will have a box in each county to collect deer heads, but I don't know how many or where. Details are being worked out. We are ramping up testing in this area. We will also have mandatory check stations on opening day of firearms season where we will take samples from deer checked in.

Vice Chairman Boothe – It wasn't clear to me if this early and late hunting season was just inside the 40 square miles or if it was the entire county. If it is within the 40 miles then mapping is needed. Is it countywide?

Ms. Stinson – No, it is in the disease focus area. We are working out the boundaries right now. There will be public meetings on this at the end of August. The discovery area was southwest Montgomery County.

Chairman Turman – What physical characteristics does the animal display who has the disease?

Ms. Stinson – This animal appeared to be perfectly healthy. As the disease progresses you get neurological impacts. They will stand in a staggered pose. They will be very, very emaciated. They will act dopey. They look like they have a bucket of water thrown on their chest because they are salivating. It is totally different than the hemorrhagic disease we have here.

Vice Chairman Boothe – A deer can contract the disease and it can take a year before it shows any signs at all. I know part of the recommendations are to not eat the brain or any meat along the spinal column, but are there other organs that should not be eaten by humans?

Ms. Stinson – It is the nerve tissue. Any deer harvested in Montgomery, Pulaski or Floyd counties can't be taken whole out of those three counties. If you use a processor or taxidermist it must be within the county, except you could quarter it out and take the quarters out. Hopefully you bury the head and the spine. The Centers for Disease Control has never said that if you eat it you will get it.

Supervisor Kuchenbuch – As the deer roam will Giles County be looked at too?

Ms. Stinson – We are continuing to do surveillance through taxidermists. Our wildlife veterinarian, Dr. Kerchester, is the best person to answer this. I encourage you all to come to the public meetings, either in person or online.

Vice Chairman Boothe – Did you say you would be doing testing at opening day for gun season?

Ms. Stinson – We will be collecting lymph nodes from deer brought to check stations which will be sent for testing.

Vice Chairman Boothe – Is that for all seasons?

Ms. Stinson – No, just the one day of opening day for general firearms will be a mandatory check. In the other seasons you can put the heads and four inches of neck of the deer in collection boxes for testing.

Chairman Turman – How is this disease transmitted? Is this disease known to be transmitted to cattle?

Ms. Stinson – No, it is not known to be transmitted to cattle. It is transmitted by nose-to-nose contact, feeding. That is why all feeding is banned in Floyd, Montgomery, and Pulaski counties year round. Wherever you congregate animals there is saliva and droppings.

Chairman Turman – Deputies have to put deer down that have been hit by cars. I think it would be a good idea to let them know what to look for if they shoot a deer that is visibly not healthy.

Ms. Stinson – I think the public meetings will answer a lot of the questions. I am sure after the meetings that Dr. Kerchester would be happy to come and speak with you. I will let the County Administrator know the dates of the public meetings and we will put notices of the meetings in The Floyd Press.

Vice Chairman Boothe – You also need to put the notices in The Floyd Beacon.

Supervisor Yoder – How should citizens report people putting food out and attracting bears?

Officer Peake – If they call the Sheriff's Office, they will contact us. We will come out and look into it. The first time we have to give them a warning. If they do it again, we can proceed further than that. The warnings you put on the green boxes is the official warning for citizens. If they put food at green boxes, we can proceed with charges.

Vice Chairman Boothe – Is there a Conservation Officer assigned to Floyd?

Officer Peake – Yes, that is Officer Mark Shaw. We are a five county area. I may be the only one working today covering those 5 counties. That is why you may have officers coming from other counties, because they are working. We are based out of Marion. We start our day from our homes, not from Marion.

Vice Chairman Boothe – Could we get an assortment of your brochures to put out at the library and convenience stores?

Ms. Stinson – Yes, we will send them to you if you would distribute them.

7.e. Dr. John Wheeler, Superintendent, Floyd County Public Schools

Dr. Wheeler updated the Board on issues and events at Floyd County Public Schools:

- 1) The schools feel incredible with the air conditioning;
- 2) At Willis Elementary the electrical box was a mess and has been for years and it was redone last week;
- 3) With the Elementary and Secondary School Emergency Relief Fund (ESSERF) funds we will make the rest of the improvements and it will just increase the air quality;
- 4) The makeup areas will keep all the other areas cool and will be the areas with the bi-polar ionization;

- 5) We are a couple of weeks behind on the Collaboration and Career Development Center;
- 6) Yesterday we worked with Ms. Lydeana Martin. She started on a Tobacco Region Revitalization Commission grant for adult education opportunities;
- 7) We want to know what businesses are here and what skills they have;
- 8) Several of our teachers went for professional development in aeronautics and are looking at different careers in that area;
- 9) We will have some exciting news for you as our students compete nationally, especially in engineering;
- 10) Amazon Future Engineers will start being rolled out to younger grades which is the request for the carryover;
- 11) We are starting back August 11.

Vice Chairman Boothe – In auto mechanics there has been so much advancement with computers, are we looking at having the equipment needed to train students with modern equipment?

Dr. Wheeler – About two years ago we bought simulators for the competitions. While simulators, it is what they will use when they go to work. We purchased two of those. We will have a lot more room for auto mechanics. We know the tools and simulators they need. We will see the next one they need and what the instructor wants. We just purchased 3 storage units so we can start cleaning the agriculture area and start revamping those programs. We are going to have a hydroponics class in one of those this year.

Vice Chairman Boothe – Where you have the collection ponds and then you have the outlet at the pond, during the hard rain the water came down the road. Do you know if there is a plan to fix that?

Dr. Wheeler – It is not completely done, obviously, and the other side of the parking lot is not done. We not only have the Department of Environmental Quality (DEQ) but we have the Wetlands group that comes up weekly. DEQ was there right before the rain. The foreman of the job and Timmy Cox work with them.

Vice Chairman Boothe – If a pipe has to be put under the road and go to the creek, does it go with what is already there?

Dr. Wheeler – It does. Once everything is completed it will be good. They still have to run the pipe. The third lane is not coming until next summer. Right now we are on track and they are continuing to monitor it.

Vice Chairman Boothe – I am concerned about the water getting out onto the road this winter in freezing weather.

Dr. Wheeler – We had that issue with the two spots on the top of the hill for years and years. The top of the hill will be resolved because we are cutting the corner off and we have a drain. The bottom of the hill, they are on it. We had a 3” rain. When I talk to

DEQ again I will let them know. The whole intersection won't be complete until next summer.

Vice Chairman Boothe – I bring it up because it will be a problem now, but will definitely be a problem in winter.

Dr. Wheeler – I think they feel like they have addressed it and are monitoring the progress. I will be sure to tell them about the concern for the weather.

Chairman Turman – Do the Schools still teach Civics?

Dr. Wheeler – We're not changing a thing we do. We didn't adopt it. We are fine. We will continue to do what we do for every child. We will continue to follow the law, but we will first look at our responsibilities to every child. We haven't started school yet. Who knows what needs will walk through our door? And if we have needs, whatever they are, we will work with that individual and that family together to meet those needs and look for options. Our curriculum is not changing. We are not teaching anything else. You can read a lot on that from the standpoint of it is bogging down things because it is not true, there is no mandate from the State. Probably school systems around the country are putting it in, but we are not. We are sticking with our curriculum. We are sticking with what our students need to do. If VDOE changes things we will be on top of it. We will bring it to our Board. But right now we are going to keep on doing like we have always done. There is no question we will keep having the same feeling for our students as we have and these teachers have had for many, many years. It is a very understandably vague and confusing issue because it is the whole country's issue. I can tell you right now our policies are the same. We are not adopting anything new. Nothing is changing. Anything we don't like we can table. There won't be any repercussions on it at all. Anything we need as far as resources, whether legal or resources for families and kids, we will look at those first. When those doors open August 11 we will do it like we have done it for years and years.

Vice Chairman Boothe – That is great and it sounds like you are on top of it. Our point was more from history. With Virginia being a commonwealth, what does that mean to the Board of Supervisors and the School Board in the structure? And the Dillon Rule. You would be surprised in the last year how many people I have talked to on various issues who have no clue what a commonwealth is. There is a generation where that information was dropped or they forgot.

Dr. Wheeler – I know Ms. Devito came and spoke to a Civics class. Mr. Yoder came. The teachers invited them to speak to their classes. I agree completely. There are 13 commonwealths. We are founded on it. We are 1 of 13 and that is a special thing. They are doing a good job and that curriculum is not changing. If you want to make changes you need to know your state's structure and the legal system.

Vice Chairman Boothe – I know you are not going to change but I have a suggestion. When counties appoint school boards then you have a pecking order. When counties elected school boards it raised the school board to an equal level with the board of

supervisors. Our only thing over the school board is that we are the funnel for State and Federal money. The reason that did not go to school boards is they didn't want to give them taxing authority.

Dr. Wheeler – School boards from the governmental standpoint are the policies. We look at our policies closely with Virginia School Boards Association. Fortunately we didn't have to go another route because they were not changed. You don't have to accept that because you are already doing what you are supposed to and we will keep doing it.

Vice Chairman Boothe – I want to make sure we are still teaching the basic structure. The State is at the mercy of the Federal. Your local is at the mercy of the State. Right Now your school board is on an equal level, pretty much with the board of supervisors.

Dr. Wheeler – Like a lot of things, it is important when times are good and it is extremely important now for these future leaders to understand that and to understand and take pride in where they are from. It is like what we are working on with Ms. Martin. I want kids to leave the high school and stay here and get big-time jobs with the smallest footprint possible in Floyd County. When you serve, and Mr. Coleman is in the service profession, you don't look for easy. I'd rather be through this time right now, to do the right things with the right people and I think we've got them in place both here with as much autonomy as the state will give us. That is what we keep pushing for. That is what we need and it is part of government. Let the local government govern. Football, cross country, volleyball, cheerleading, MACC [Mountain Academic Conference Competition] teams, we will be rolling. It will be awesome.

Chairman Turman – Thank you for letting us have 4th of July at the high school. People needed that.

Dr. Wheeler – Yes. We will hear about vaccinations and masking but we plan to keep the small group lunches to keep crowds small. We will hear what the mitigation from the State says, we will bring it to the School Board and go from there.

Vice Chairman Boothe – Maybe we can visit the schools again.

Supervisor Yoder – I would love to see the air conditioning in the schools.

Dr. Wheeler – Anytime you want to go just let me know. I don't need to go with you, but I will let the principals know.

Supervisor Kuchenbuch – Is there a replacement at Floyd Elementary for principal?

Dr. Wheeler – Yes. Jason Wheeler, no relation. He is from the New River Valley, but comes to us from Williamsburg. He is working on his doctorate from Old Dominion University. They wanted to come back here and bought a house on Rt. 8. He comes highly recommended. He has already started. His wife will be doing special education. Call anytime and if you want to visit a school, just knock on the door.

7.f. Ms. Amy Ingram, Floyd County Registrar

Mr. Bob Smith – This time I am here for the Electoral Board. I regret that we have two members who could not be here; one for a medical appointment and the other is up in our illustrious capital in Washington D. C. working today. I will turn this over to Ms. Ingram.

Ms. Amy Ingram – I think you saw in your packet where the Code of Virginia has changed. It now requires that all split precincts to be healed, meaning only one ballot per precinct. This applies to local lines, state lines, all lines. I think the thinking behind it was during the redistricting process a commission has been created to look at everything and make the lines the same instead of having 3 or 4 delegates per precinct in some counties. Not in Floyd. But as you know the census numbers haven't been released and everything is on hold. To comply with this law the State decided to give us one year where we could request a waiver. We have one split precinct in Floyd County, which is the Courthouse District and it is split between the Town of Floyd voters and the Courthouse District voters. For example, Montgomery County has 26 splits to heal. We are in pretty good shape. This will be a small precinct when it is created. We have about 400 registered voters in the Town of Floyd. The law requires they have their own officers, their own tabulators, everything for this precinct. If the Supervisors agree, you can pass a resolution which allows me to ask for a waiver in the November election to run everything as we normally do. In so many places with so many ballot styles I think it is confusing for Election Officers to give voters their correct ballots. Our folks at the high school are great. They know to look for the Town code. Everything is uncertain with the law, but we do know we can request a waiver this year. We don't know about next year, but we were told probably not. They want all these splits healed or fixed during the redistricting process.

Vice Chairman Boothe – Will you be able to do it at the high school in another area or do you have to have a totally different location in the Town?

Ms. Ingram – Of course it is up to the Supervisors where we have our voting precincts, but my thought would be to see if we could use two rooms in the high school. That way we could direct a voter across the hall instead of sending them across town. I talked to Kayla Cox and she alerted the Town Council. This election we have Town on the ballot. I asked if this applies every year and was told, "Yes, because in any year there may be a special Town election and to prevent voter confusion." This will be a permanent change going forward.

Vice Chairman Boothe – Since we don't know what is going to happen with the census, and the potential of an election after January 1, this could be on us right away.

Ms. Ingram – I think it will be. There is a cost to have a new precinct. A new tabulator will cost around \$6,400. A touch writer for a vision impaired voter is about \$5,300. I have two spare ADA [Americans with Disabilities Act] machines. I think we might be okay with the touch writer but we might need the tabulator. We will need a whole set of

election officers, 5 at a minimum because of the drop boxes outside. It will be a whole new precinct.

Vice Chairman Boothe – I understand the potential problem, but the Courthouse District is the last one that needs two precincts. There are other districts that need 2 voting sites.

Supervisor Yoder – Informally in the past we talked about some additional precincts like Rt. 8 toward Montgomery County is a prime example where no one normally drives to Indian Valley. Every year it seems like the voting numbers in Indian Valley are lower than any other precinct. I think that is largely because people aren't going to drive 20 or 30 minutes to vote.

Ms. Ingram – Many of them are coming to the Courthouse to vote.

Supervisor Yoder – In the past we talked about one precinct that could serve several districts. That would be hard to do with this new rule.

Ms. Ingram – Floyd County votes. I am proud of them. We have one of the highest percentages, 83%.

Supervisor Kuchenbuch – Not everybody is registered to vote who is a citizen of the County.

Mr. Smith – Of those who are registered we have a high percentage who vote.

Ms. Ingram – We have over 11,000 registered voters out of a 16,000 population and that includes children, so we are pretty good. One other law I will bring to your attention. Some of the COVID laws reverted back. Curbside will now be available for voters who are 65 and older or disabled. Curbside really saved me space wise, because 3,000 some people voted outside in the parking lot. I'm not sure how to set up this fall because I expect a good turnout. Anybody can come upstairs and vote early. I wonder if we can manage the crowd upstairs. Maybe when the census numbers come in we can have a work session and look at different things with you.

Supervisor Yoder – The best thing we can do is make it as convenient for people as possible. In the long run the more people in Floyd who vote, the more weight that carries in our small say in the State.

9.k. Resolution of Waiver for Split Precinct Voting

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adopt a resolution for Floyd County General Registrar to Request State Board of Elections for Waiver to Keep Split Precinct for November 2021 General Election (Document File Number 1190).

Supervisor Coleman – absent
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes

Supervisor Boothe – yes
Supervisor Turman – yes

7.g. Constitutional Officers' Report

No Constitutional Officers were present.

9.n. Closed Session under § 2.2-3711 A.5. for discussion of a prospective business or expansion of an existing business

Dr. Millsaps – In addition to § 2.2-3711 A.5. for discussion of a prospective business or expansion of an existing business we also need to go into closed session for § 2.2-3711 A.8. for consultation with legal counsel regarding specific legal matters.

Mr. Steve Durbin, County Attorney – The reason for the closed session under § 2.2-3711 A.8. is regarding specific advice regarding Virginia Housing Development Authority programs. I would ask the Board to consider also going into closed session under § 2.2-3711 A.7. for consultation with legal counsel for a briefing on the status of Perdue-Pharma bankruptcy.

On a motion made by Supervisor Boothe, and seconded by Supervisor Yoder, and carried, it was resolved to go into closed session under Section 2.2-3711 A.5. for discussion of a prospective business or expansion of an existing business; 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 consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body regarding a briefing on the Perdue-Pharma bankruptcy; and 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 regarding consideration of specific advice for Virginia Housing Development Authority programs.

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

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

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

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and 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 Legal Advice Pertaining to Actual or Probably Litigation in accordance with Section 2.2-3711, Paragraph A.7. And Legal Advice on Specific Legal Matters in accordance with Section 2.2-3711, Paragraph A.8. of the Virginia Freedom of Information Act;

WHEREAS, it was not necessary to discuss a prospective business or expansion of an existing business under Section 2.2-3711 A.5.;

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

This certification resolution was adopted.

Mr. Durbin – I request a motion that the Board direct the County Attorney to cast Floyd County's vote in favor of the proposed Perdue-Pharma Bankruptcy settlement.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to direct the County Attorney to cast Floyd County's vote in favor of the proposed Perdue-Pharma Bankruptcy settlement.

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

9.f. Approval of disbursements

Questions and discussion followed.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and, it was resolved to approve the July 2021 monthly disbursements and additional bills as presented.

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

- 9.g. Revenue and expenditure budget supplement in the amount of \$444,047.93 to the FY21 Schools budget, with \$421,575.04 from Federal funds revenue source for School Food expenditure category and \$22,472.89 from State sales tax revenue for Instructional expenditure category

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve a revenue and expenditure budget supplement in the amount of \$444,047.93 to the FY21 Schools budget, with \$421,575.04 from Federal funds revenue source for School Food expenditure category and \$22,472.89 from State sales tax revenue for Instructional expenditure category.

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

- 9.h. Revenue and expenditure budget supplement in the amount of \$77,166.00 to the FY21 Schools budget, from State funds revenue source to the Instructional category expenditure category for the FY21 Advancing Computer Science Education grant

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve a revenue and expenditure budget supplement in the amount of \$77,166.00 to the FY21 Schools budget, from State funds revenue source to the Instructional category expenditure category for the FY21 Advancing Computer Science Education grant.

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

- 9.i. Carryover request that \$77,166.00 from FY21 Advancing Computer Science Education State grant be carried to FY22 School Board operational budget

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and carried, it was resolved to approve a carryover request that \$77,166.00 from FY21 Advancing Computer Science Education State grant be carried to FY22 School Board operational budget.

- Supervisor Coleman – absent

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

- 9.j. Carryover request that \$221,990.29 from the FY21 Schools budget to the Capital Improvement Fund with planned expenditures for new welding equipment at the Floyd County Vocational School, new outdoor basketball goals at Floyd Elementary School, and new carpet at Floyd County High School

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and carried, it was resolved to approve a carryover request that \$221,990.29 from the FY21 Schools budget to the Capital Improvement Fund with planned expenditures for new welding equipment at the Floyd County Vocational School, new outdoor basketball goals at Floyd Elementary School, and new carpet at Floyd County High School.

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

- 9.l. U.S. Selective Service Local Boards

Dr. Millsaps – I was contacted by Captain Cory Moore who is an Army Officer assigned to the U.S. Selective Service System. They are looking for two positions to be filled on the local board. I have emailed back and forth with Mr. Moore and the question is do you want to make this your appointment or we could advertise and let the public know that these positions are out there and they could apply to him directly.

Vice Chairman Boothe – How was the appointment made previously?

Dr. Millsaps – He had no additional information. I think this was something across the board they let fall off since there has not been a draft in some time. He has been directed to revitalize those. I asked what other communities are doing and his indication was that it is kind of mixed – people can volunteer or it can be done through the Board of Supervisors.

Supervisor Yoder – I would be interested in serving on this. I grew up in a Mennonite family. My grandfather who was Amish received a deferment during World War II and served as an orderly in a military medical hospital, but was not in action. I am no longer part of that community, but feel like I have a unique set of perspectives for people with those beliefs. I could give some insight into that. I would be interested in serving if appropriate.

Chairman Turman – Find out if two Board members can serve? I wouldn't mind being the other one because I could present the other side.

Supervisor Kuchenbuch – I would like to know who our Board is?

Chairman Turman – I think once the draft stopped, they let these slide. I think this is just in case the draft is reinstated.

Vice Chairman Boothe – Did he mention how big this Board is?

Dr. Millsaps – I will find out more information, like can two Board of Supervisors be eligible to serve.

9.m. County Administrator's Report

➤ Status report on groundwater sampling at landfill

Dr. Millsaps – When I first got here we got our initial reports back from the State related to the landfill. We are at a point now where we have gotten more feedback from the State. I will be scheduling a meeting. Billy Newcomb and myself will be meeting with them. All the paperwork was submitted timely. No new VOCs [volatile organic compounds] were detected. No new PGCs were noted. There are some issues related to cobalt at S4. Our discussion will center around that. I am bringing this to your attention so you will know that it will be a continuing conversation. Depending how that conversation goes there could be some additional costs, potentially as much as \$75,000 to \$100,000 over the course of two years, worst case scenario.

➤ Status on hiring of Tourism Director

Dr. Millsaps – Ms. Kayla Cox and myself did phone interviews with 7 candidates. We had 63 candidates for the position. In this case using Indeed was very helpful in generating some response. As a side note we also ended up with 10 applications for Solid Waste, which I understand is unheard of. For the Tourism Director we have selected 3 candidates to move forward. We received 2 more applications since we did those. I need to chat with Ms. Cox and see if they need to be added to the pool or not. For the 3 going forward, we will be including a representative from your Board, Ms. Kuchenbuch, and a representative from the Town Council who has served on the Tourism Development Council. We are excited about the candidates. An agreement has been executed with Ms. Sharkey to work through the end of the month. We may discuss some things after that. She is now a Town employee. The Memorandum of Agreement has been signed by myself and Ms. Cox.

➤ Renew the Little River

Dr. Millsaps – You included some funding for this in the budget. The Chamber has beat us out of the gate on this for their part. We are catching up a little bit. I have reached out to another County Administrator who takes the lead on this. We will be working with them to go through the process. Ms. Hodge and Mr. McEnhill

unearthed a lot of the old forms which has been very helpful. We will move forward with that with more details to follow.

➤ Maintenance Update

Dr. Millsaps – I put out a new maintenance request form. I have gotten some of those back. I would encourage Directors and Constitutional Officers to turn those into me as they see things. Unless they are on the maintenance list they may not be on our radar. I now get daily updates and daily plans about what we are planning to do maintenance wise. Recently work has centered around the recurring leaks at the Courthouse.

➤ Personnel Policy Update

Dr. Millsaps – As you know the General Assembly made a change related to compensatory time for a certain class of employees. It is for employees who are non-exempt per the Fair Labor Standards Act. If those employees earn time it must be paid out in actual payment as opposed to earning compensatory time. In both cases it is at 1 ½ time. We have moved forward and started doing that. I sent notice to all the supervisors that is what is going on. You will potentially see some movement in cash outlay numbers. Having said that, my understanding is that there is a movement afoot among the General Assembly to revisit this issue at their August session and do some type of temporary fix and then later do a permanent fix. I have not seen any language as to what a fix might look like. Right now we are continuing to operate and all of your directors have been told that for now they should assume for budgeting purposes that if someone is working more than 40 hours in a work week, they will be paid time and a half overtime and not earn compensatory time. We will see what the General Assembly solution turns out to be.

➤ American Rescue Plan Update

Dr. Millsaps – I started working on the grant program. As you recall you asked me to put together a grant program once we knew more about the specifics. We are going to ask those in the community, including our own department heads, to submit something in writing with their request. The County will receive about \$3.1 million between the two payouts. Half of that funding is already in our account. In August we will have to submit some paperwork about how we used the funds to date and what our plans are. In terms of areas for funding, the initial guidance limits the use to four primary authorized uses: response to public health needs and economic damage from the pandemic, provide premium or hazard pay to essential workers, replacing lost revenue, or investing in necessary water or broadband infrastructure. More recently there has been additional guidance issued by the Treasury that clarifies that State and Local First Fiscal Recovery Funds can be used for necessary investments in drinking water, water and storm water, and high quality broadband service. The interim final rule defines necessary investments as designated to provide an adequate minimum level of service and are unlikely to be made using private sources of funds. As you read through the remaining documentation related to this, it seems fairly clear

to myself and the other administrators and managers who are working through it, that it generally can be used to buy new things related to water and broadband, but not for operations. There is a provision in the American Rescue Plan that if you are able to prove a revenue loss of a certain level, then you have more options available to you.

Ms. Ryan has run our numbers and worked with our auditor to make sure we are using the correct numbers. Unfortunately, it does not appear that we can recognize a revenue loss. The downside is that the level of flexibility that we hoped to have is likely not there. We will need to expend our money on the categories I discussed previously. I have come up with a draft of the questions I would be asking requestors. I will work on it a little bit more and then send to you for suggestions.

Supervisor Kuchenbuch – Will this be going out soon?

Dr. Millsaps – Yes, hopefully in a couple of days once I have a chance to hear back from you. To clarify to everyone who hasn't attended all of these meetings, the Board directed me to put together a grant application. We would collect information by a deadline from people who want to apply for funds. Part of the reason the Board asked for an application is so that later when we go through an audit, we will have a line between the allowed uses of the fund per the legislation and how the money was actually used. At the time we receive information back from requestors, we will have a public hearing as part of the process to meet that requirement.

Supervisor Yoder – As I understand it we can buy a new waterline but we couldn't pay to patch an existing line because that is operational?

Dr. Millsaps – Our understanding is that the intention of these funds is to improve public health. I have seen a list like fixing the Floyd-Floyd County Public Service Authority (PSA) wells or replacing pipes. But in terms of paying for operations that would not be allowed.

Supervisor Yoder – Really we wouldn't want to pay for operations because how would they pick up costs in a year from now. The system should pay for operations.

Supervisor Kuchenbuch – You could take the pipes that are constantly breaking and replace them with new pipes, then you wouldn't have the operational maintenance costs. What type of response have you received from department heads?

Dr. Millsaps – We have gotten some very specific response from some department heads. I have encouraged other employees to read this and think about how they could utilize this to expand areas related to public health.

Vice Chairman Boothe – Let's say I am with an organization and we filled the paperwork out on what we would spend the money on. They meet the criteria and it has been approved as an allowable expense. The organization spends the money as planned. Then later someone says the money was not spent for an allowed use, the County is on the hook for it, but will we expect the organization to reimburse the

County if they acted in good faith? Let's say we give the money to the PSA for a specific purpose and the money is spent for that purpose. But in an audit it is determined that the purpose did not qualify, will the County require whoever we give the money to, to reimburse us?

Mr. Durbin – I haven't looked at this as far as third party repayment liability.

Vice Chairman Boothe – I don't think it is right for us or whoever to ask for the money back if it is later disallowed.

Supervisor Kuchenbuch – It is my understanding that if we maintain public health, infrastructure for water and sewer and broadband, and those kinds of things that can be directly circled back into public health, then the idea is that we are on sure footing. I think we are relatively safe.

Vice Chairman Boothe – I think this is something we need to decide and something legal counsel should think about too.

Dr. Millsaps – Particularly on the things related to environment and public health, there is specific reference to some related federal programs that if this project would have qualified for this existing federal program, then it is qualified. While I understand your concern, there is now more precedence. Before when you were trying to distribute money under CARES [Coronavirus Aid, Relief, and Economic Security Act], there was none. To the extent there is a risk it is less than previously if you follow the requirements.

Mr. Durbin – I will be happy to look into it and answer that question for you. In the absence of a federal regulation holding third parties liable, it is generally my recommendation to include an indemnity to hold the County harmless anyway. Whether you enforce it in a given set of circumstances is a judgment call.

Supervisor Kuchenbuch – Back to Renew the Little, are we looking at August 28?

Dr. Millsaps – Yes. I gather the Chamber has already started collecting registrations at the Small Town Summer events. We are down to only having \$24,000 remaining in CARES money.

Ms. Ryan – There is \$41,000 that is still obligated to the New River Task Force. We did not receive any invoices from them this last quarter. I asked for an invoice or at least an estimate of the obligated amount that we will be invoiced. They couldn't tell me that either. Please use your resources to find out for us how much we will still need to pay. If it is less than the obligated amount, we might be able to buy additional equipment for Emergency Medical Services.

Supervisor Kuchenbuch – As the Floyd County representative on the New River Regional Commission, I have requested an audit of all monies spent by the Task

Force. They got a lot of money and I want to see where it all went. I will also ask for an invoice or to let us know if that money can be unobligated.

Supervisor Yoder – They don't give you financial statements?

Supervisor Kuchenbuch – We have seen bits and pieces, but I have never seen...they talked about spending \$375,000 on masks. This is not directed at the Regional Task Force, because they did some amazing work, but that was a lot of money including some from Floyd County. Every dollar that left was that much less for us to spend. I would like to see how that money was spent.

Supervisor Yoder – When is the deadline to spend the money?

Ms. Ryan – December 31, 2021.

Supervisor Yoder – Can we give them a deadline to give us an invoice by a certain date or we won't pay?

Ms. Ryan – I would love to set a date of September 30 in order to give us 3 months to purchase something.

Supervisor Yoder – I would hate to wait until December to find out and then have to move quickly like we did last December.

Supervisor Kuchenbuch – Dr. Millsaps can bring this up in the Manager's meetings.

Dr. Millsaps – I will put that on my "to do" list. As you know I have been looking at our organizational structure and I will be making announcements to staff.

10. Board Member Time

Chairman Turman – If you wonder what Tourism has done, go down Interstate 77 and turnaround and stop at the rest area and go in there. Two-thirds of that rest area is Floyd County. They said numerous people come in there who are passing through with no idea of what to do and they end up coming to Floyd and taking in events.

Supervisor Kuchenbuch – That Lambsburg exit is an important gateway to Floyd.

11. Adjournment

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and carried, it was resolved to adjourn the meeting to July 27, 2021 at 7:00 p.m.

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

Supervisor Turman – yes


Linda S. Millsaps, County Administrator


Joe D. Turman, Chairman, Board of Supervisors