

**BOARD OF SUPERVISORS
REGULAR MEETING
MAY 11, 2021**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, May 11, 2021 at 8:30 a.m. in the Board Room of the County Administration Building thereof;

PRESENT: Joe D. Turman, Chairman; W. Justin Coleman and Linda DeVito Kuchenbuch, Board Members; Dr. Linda S. Millsaps, County Administrator; Cynthia Ryan, Assistant County Administrator, Tabitha Hodge, Operations Manager to livestream and film the meeting. Lauren D. Yoder, Board Member was at 144 Jacks Mill Road, Check VA and participated in the meeting by phone.

ABSENT: Jerry W. Boothe, Vice Chairman.

Agenda Item 1. – Meeting Called to Order.

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

Agenda Item 2. – Opening Prayer.

The Opening Prayer was led by Supervisor Coleman.

Agenda Item 3. – Pledge of Allegiance.

Ms. Ryan led in the Pledge of Allegiance.

Agenda Item 4. – Approval of minutes of April 9, 2021; April 13, 2021; and April 27, 2021.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to approve the minutes of April 9, 2021; April 13, 2021; and April 27, 2021 as presented.

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

Agenda Item 5. – Approval of monthly disbursements.

Questions and answers followed.

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

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

Agenda Item 7.p. – County Administrator’s Report.

Dr. Millsaps provided an update on topics of interest in Floyd County departments:

- 1) Usage by the public during the shifted Solid Waste hours has been only 1, 2 or 3 people during those times and not more than that;
- 2) Because of the low volume during the shifted hours, we are only staffing the Transfer Station with 1 person instead of 2 during those times;
- 3) We received a positive inspection at Solid Waste, but there was discussion about not having tires on the ground;
- 4) During the budget discussion you might want to consider having a tire storage container that can be hauled to West Virginia for tire shredding;
- 5) Green box calls have declined at County Administration;
- 6) We have 11 green box sites that have bear issues out of the 38 green box sites;
- 7) We hired a vendor to take care of a rat problem at one of the sites;
- 8) Because of the steel shortage, it will take several months to get the bear resistant green boxes;
- 9) If you are still interested in having a new position at Solid Waste, we will start advertising for that position so they can start with the new fiscal year or sooner;
- 10) We have several Emergency Medical Service employees who are on medical leave;
- 11) Vaccine clinics now accept walk-ins and appointments are not being made;
- 12) We are close to the end of having vaccine clinics;
- 13) Interim guidance was released yesterday afternoon from the Treasury about the use of the American Rescue Plan (ARP) funds;
- 14) Looking over the guidance, allowable infrastructure appears to be focused on water, sewer, and broadband, and not some of the other items we discussed;
- 15) Department of Housing and Community Development has reached out to us about our interest in applying for funds through them for broadband;
- 16) Agencies have been reaching out to us and are requesting funding through the ARP money;
- 17) With your permission we will create a basic grant form, send it out to everyone who has an interest in the funding, and ask how their request fits in with the guidance on use of the money;
- 18) One of you suggested that we also ask if they received funding from us through the CARES money and what that funding was used for;
- 19) Ms. Ryan has been preparing for the preliminary audit and because of CARES (Coronavirus, Relief, & Economic Security Act) and information technology it is more involved than previously;
- 20) Mr. Bolt has been working on the design for the Recreation Building;

21) We are working on improving some items with Recreation, including communication with parents, and Mr. Agee being more obviously present at meetings.

Supervisor Coleman – I noticed at Recreation games that some of the equipment could be re-located to assist with parking. There is a trailer sitting at the first field and it would help if it were re-located back behind the gate. I don't know if you have had a chance to have a conversation about re-locating the green box to make parking better. Back to the Solid Waste for a minute...I received another email regarding the ongoing situation at the green boxes in Indian Valley. Basically, there still seems to be a considerable amount of overload at the beginning of the week. I am concerned about the longevity of that location if the problem continues. If we could do anything to alleviate that...I know they are working the best they can. It seems to be worse on Monday mornings, which is the same everywhere.

Discussion was held by the Board on how overloaded all green box sites are on Monday mornings.

Supervisor Coleman – I am curious as to when the new site on Max Mountain Road will be operational. That will help a lot of the issues. I do not see the bid received on that site on the agenda, but we really need to get that site operational. If the Chairman allows, perhaps we could revisit that at the end of today's meeting.

Supervisor Kuchenbuch – In terms of procurement can you reach out to specific fencing companies and ask them to bid?

Dr. Millsaps – You can make sure that certain vendors are targeted in addition to general advertising. In addition, I am trying to get a Cooperative Procurement Arrangement from Montgomery County Schools. The bid is essentially just under \$15,000 which is quite a bit more than expected. Mr. Mark Bolt said because of where it is and what the conditions are up there, the bid specifications were "beefed up." The footers are pretty deep, the posts are pretty sizeable. If you want, we could possibly make it less by backing off, but I don't know if we would regret that or not. We were building it with the expectation that it would be there for a long time. Hopefully, I will be able to get in contact with somebody in Montgomery County tomorrow or later today.

Supervisor Coleman – I am open to as many bids as possible, but candidly I feel like we are on fragile ground with a lot of these sites and this needs to be on the forefront.

Supervisor Kuchenbuch – How quickly was the vendor with that bid going to be able to start the work? I am having one built and it is 4 weeks out.

Supervisor Coleman – We paid for construction and the site is ready. People are ready. I feel the pressure of these green boxes as I am sure every person at this table does. I would like to see us progressing in moving that way in as reasonable and prudent a way as possible. I am all for more estimates if we can get them quickly.

Chairman Turman – I don't think prices are going to come down in the foreseeable future.

Supervisor Coleman – Please relay to the guys at Solid Waste that while we are feeling it, I know they are feeling it in entirely a different way. I fully understand and respect that. I see these guys and they are running up and down the road like crazy. I am worried about our trucks now. This thing never ends. Please express my appreciation to them. I am making suggestions off of feedback that I am getting. I appreciate their adjustment of work hours and everything else.

Dr. Millsaps – Mr. Thompson, Mr. Graham, and I talked about a two-hour meeting with all the staff to get their ideas and try to build a plan from there. I talked to you earlier about asking Dr. Wheeler to get information out through the schools about recycling. Mr. Graham approved it this morning and I will send that to Dr. Wheeler today. Hopefully, this will move some of the trash to recycling. Back to the bid we have...to move the process along are you comfortable approving that unless we find something less?

On a motion of Supervisor Coleman, seconded by Supervisor Yoder, and carried, it was resolved to authorize the County Administrator to execute a contract with the vendor for the fence bid at Indian Valley but also allow the use of discretion into accepting a lower fence bid if we were to receive one (Document File Number 1177).

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

Agenda Item 6.a. – 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 all for doing a better job of using the microphones and remind you again to do so because it is really hard to hear. Thank you.

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

Agenda Item 6.b. – Constitutional Officers Reports.

Sheriff Brian Craig – I am here to provide an update:

- 1) Deputy Tanner Dean is in the Academy and will graduate June 17.
- 2) Hannah West will start the Academy in July.
- 3) New dispatchers are training.
- 4) Legislative changes include a lot of new reporting mandates. For example, every traffic stop has to have GPS (global positioning system) coordinates, whether we

- issued a summons, whether a warning was given, whether you searched or did not search, was the person arrested or not arrested, the race of the person stopped, etc.
- 5) Sheriff's Offices are now also mandated to have their own website and, as of July 1, have a link to traffic stop data.
 - 6) With all these legislative mandates, manpower is being used for things other than law enforcement.
 - 7) We spent another weekend doing green box enforcement.

Agenda Item 7.d. – FY21 audit engagement with Robinson, Farmer, Cox Associates, PLLC.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to approve the FY21 audit engagement with Robinson, Farmer, Cox Associates, PLLC, and to authorize the appropriate officials to execute the engagement letter (Document Number 1178).

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

Agenda Item 7.e. – Request in the FY21 School Budget for a revenue supplement in the amount of \$36,705.57 from federal CARES Act ESSER & GEER Set-Aside and an expenditure supplement in the amount of \$8,101.57 to the Instructional category for Special Education services and support and \$28,607.00 to the Operation & Maintenance category for facilities and cleaning supplies; and a revenue and expenditure supplement in the amount of \$26,500.00 from State funds to the Instructional category to be used for Positive Behavioral Intervention and Support.

On a motion of Supervisor Coleman, seconded by Supervisor Yoder, and carried, it was resolved to approve a request in the FY21 School Budget for a revenue supplement in the amount of \$36,705.57 from federal CARES Act ESSER & GEER Set-Aside and an expenditure supplement in the amount of \$8,101.57 to the Instructional category for Special Education services and support and \$28,607.00 to the Operation & Maintenance category for facilities and cleaning supplies; and a revenue and expenditure supplement in the amount of \$26,500.00 from State funds to the Instructional category to be used for Positive Behavioral Intervention and Support.

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

Agenda Item 7.f. – Request for revenue funding correction in the FY21 School Budget that the Advancing Computer Science Education grant for \$77,166.00 be in the State category rather than the Federal category.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve a request for revenue funding correction in the FY21 School Budget that the Advancing Computer Science Education grant for \$77,166.00 be in the State category rather than the Federal category.

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

Agenda Item 7.g. – Petition from Treasurer dated April 23, 2021 to destroy records per Code of Virginia §58.1-3129. Destruction of paid tax tickets; other tax tickets, records.

On a motion of Supervisor Coleman, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve a petition from Treasurer dated April 23, 2021 to destroy records per Code of Virginia §58.1-3129. Destruction of paid tax tickets; other tax tickets, records.

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

Agenda Item 7.h. – Re-appointment of Mr. Leon Moore to the 9th District Development Financing for a two-year term beginning June 1, 2021 and ending May 31, 2023.

On a motion of Supervisor Coleman, seconded by Supervisor Yoder, and carried, it was resolved to re-appoint Mr. Leon Moore to the 9th District Development Financing for a two-year term beginning June 1, 2021 and ending May 31, 2023.

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

Agenda Items 7.i. to 7.m. tabled to May 25, 2021 meeting.

Dr. Millsaps – We have heard that there may be people interested in applying for these positions, so we are going to leave the positions open a little longer to give everyone an opportunity to submit a letter of interest.

Agenda Item 6.c. – Mr. David Clarke, Resident Engineer, Virginia Department of Transportation.

Mr. Clarke provided construction and maintenance updates:

On the maintenance side –

Picking up brush and brush cutting	Kings Store Road, Franklin Pike
Working on gravel roads	Various roads
Pothole patching	Rts. 8 and 221, Wilson Cemetery Road
Pipe replacement	Good Neighbors Road and Indian Valley Road

On the construction side –

Have started work on Roger Road
They will be doing paving and overlay on Rt. 8 S, Rt. 221, Indian Valley Road, White Rock Road, and Barberry Road

Supervisor Yoder – Deer Run Road has potholes that need to be patched. Bethlehem Church Road, right past Huckleberry Ridge Road, has a big sinkhole. Cypress Drive and others have had gravel put on them but could use a grader where the gravel was first dumped. Thank you.

Supervisor Kuchenbuch – Please thank your crews for their excellent work. I know the windstorm last week brought down a lot of trees and they were hustling to get them down. I have been told that Thomas Farm Road has a lot of debris on it. Starbuck Road, right before the Parkway, has a number of large potholes. Dobbins Hollow Road is starting to have more and more potholes. It was good to see you and to meet Ken King at the presentation and bill signing for the train station and funding that will serve the New River Valley including Floyd. It was great to see Virginia Department of Transportation represented.

Mr. Clarke – That was a good event. It was well attended.

Supervisor Coleman – I appreciate all the work you provided for me personally on some projects. Hopefully soon they will come to completion. Thank you for that. One issue Mr. Sowers is taking care of. On Posey Road they cut timber from a large track of land, which has caused the shoulder to crumble and buckle. It is the side closest to Alum Ridge Road. Ridgeview Road at the Posey Road intersection, coming towards Floyd, has been patched many times and now a hole is developing in the middle of the road on a curve coming down the hill. A pretty decent sized hole is developing on Vaughns Mill Road. That is it. Thank you. Things are looking good out in my area. You are patching as much as you can.

Chairman Turman – Mr. Boothe could not be here this morning, so he wanted me to pass along a huge, heartfelt thank you for the work you did in front of the Courthouse. He said he

greatly appreciates that. In my district people are just talking about roads needing to be machined and graveled around Burks Fork and along Adams Branch. On Little Mountain some people brought up to me that the dip problem you stabilized has recurred since fiber cable was put in. People were also wondering about getting the culvert replaced on Reed Lane, that short section of road between Firehouse Road and Merifield Road. It floods every time there is a rain. People are also mentioning that limbs are hiding the stoplight until you get right down to it. The limbs need to be trimmed back. Thank you for everything you have been doing.

Supervisor Kuchenbuch – Is it Facebook doing the work on Rt. 8 again?

Mr. Clarke – Yes. Thank you very much. I will be in touch about a Six Year Plan resolution which we would like to get passed within the next month.

Agenda Item 7.o. – Family Subdivision Update and Enforcement.

Dr. Millsaps – Ms. Turman has been working very, very diligently on what she is going to report to you. In my experience in government, it is infrequent that people are as thorough in making sure that folks are following all of the rules that you set up and make sure your policy happens. She will tell you what she has been doing, but I have found it very positive and highly unusual in a good way.

Ms. Karla Turman, County Planner discussed issues she encountered regarding family subdivisions and how they had been recorded or not recorded:

- 1) I looked up all family subdivisions done since I have been here from January 2018 to make sure they followed each of the steps that needed to be taken;
- 2) There were 85 individual subdivisions, some of which might be off one parcel of land if there were multiple children;
- 3) With 8 of those the affidavit was not recorded;
- 4) With 28 of those the affidavit recordation number was not on the plat; it may have been recorded but it was not on the plat;
- 5) There were 53 instances where the affidavit was not even referenced in the deed;
- 6) There were 2 instances where the plat recordation number was not referenced in the deed;
- 7) Some deeds just referenced that a plat had been done to be recorded, but a subdivision has to refer to the actual plat that was done;
- 8) There were 2 instances where the deed was conveyed to a person or entity who was not an immediate family member; in those instances, they were to a trust;
- 9) There were 8 instances where the grantee did not sign the required affidavit and his name was not included on the plat;
- 10) Some of those were spouses so they would legally be an immediate family member, but they did not sign the affidavit which is required;
- 11) Ms. Martin, Mr. Bolt, and I, met to talk about what we can do as the County to make sure all steps are being followed;
- 12) I would like, as of today, that when a family subdivision is submitted for review:
 - a. I look over the affidavit to make sure it is correct

- b. If it is, I would give the affidavit back to them with a copy that they have to record at the Courthouse
 - c. They would bring back to us the recorded affidavit so we know it has been recorded
 - d. I can write the affidavit recordation number on the plat;
- 13) They would also have to submit a draft copy of the deed so we can be sure it refers to the affidavit and the plat;
 - 14) Several attorneys were involved with deed issues, but we had 1 who on almost all of his included the affidavit recordation information and he was the only one; another attorney included it on one or two of his;
 - 15) We want to make sure they are aware of the requirements of the family subdivision, but without saying, “you messed up”;
 - 16) We do have some family subdivisions where nothing has ever been recorded;
 - 17) People don’t realize that the 3-year conveyance period doesn’t start until the deed is recorded and we will be informing those individuals that the 3-year period doesn’t start until the deed is recorded so that they are aware of that;
 - 18) For family subdivisions where the deed was not recorded, we would give those grantors and grantees a three-month grace period, so that if they want to go ahead and record the deed, we will go back to whenever they recorded the affidavit and the plat to begin their three years;
 - 19) After that three-month grace period if they haven’t recorded the deed, the 3-year period will start whenever they do record the deed.

Ms. Lydeana Martin, Community and Economic Development Director – When the changes were made to the family subdivision to add the 3-year period it was just to make sure people were really doing family subdivisions. The path for a clear chain of title is not being created because these documents aren’t being recorded and connected back. That is what the concern is here. There is no way that someone buying a piece of land will know the situation with that piece of land. For full transparency for the buyer, they need to know what they are getting into and what obligations there are.

Ms. Turman – I have talked to Rhonda Vaughn (Clerk of Court) regarding the recording of the affidavit and it not being referenced in the plat and the deed. We have worked out that we are going to provide a copy of the affidavit that will include a place for me to write in the plat number and the deed number. They will not index on that instrument number, but it will be the names on the affidavit that will be indexed. So someone doing a title search would catch it. They will see the affidavit that references the plat and the deed.

Dr. Millsaps – Ms. Turman and Ms. Martin have been working on this for a while. We talked about people who may have done several of the steps but had not done the final step of recording the deed. Most people don’t acquire, move or subdivide property very many times in their life. While your attorney should be helping you with that, the reason we came up with the grace period is to notify people that they are not in the process where they think they are, so we are going to give you a little bit of time to get this squared away. There are a couple of these where the subdivision happened some time ago. Those folks may very well believe they are able to do things with that property that they are not able to do unless they cure this. That is why we

wanted to give them a period of time to come in and fix it so we can keep to the policy you created and still recognize that this is not something people do every day.

Supervisor Kuchenbuch – How far back do some of these go?

Ms. Turman – The furthest back is May 2018, but I only looked at those from January 2018, because the family affidavit was not required until a couple of months before I started working here. When someone does a subdivision or lot line revision, I have a plat information sheet that I give to them which tells them the steps they need to take. It does state on there that the 3-year period does not start until the deed is recorded. I have now taken family subdivision out of that regular sheet and created one for itself and listed each step and highlighted a lot of information on what needs to be done. I give that sheet to everybody no matter what type of subdivision or lot line revision when they first come in. Some people don't know that a parcel of record for a subdivision does not take effect until the deed is recorded and the land is conveyed. They can record the plat which they do, and the Commissioner of Revenue gives it a new tax map number, but it is still in the grantor's name.

Supervisor Kuchenbuch – Will the Clerk of Court be charging fees to do this?

Ms. Turman – There will be an affidavit recordation fee which they would have had to pay anyway. We will not pursue those where the affidavit number was not recorded on the deed, so they will not have to do a new deed. The issue where the affidavit was not recorded on the plat, or the plat was not recorded with the deed, I am waiting on our County Attorney's guidance on how we should handle those. When people submit a family subdivision for approval, they have to submit the signed and notarized affidavit and plats. Once I have signed off on the plats, they are supposed to take everything to the Clerk's Office. The affidavit gets recorded, and the Clerk writes the number on the plat and that gets recorded. Sometimes that step is being missed. In Ms. Martin's and my discussion, if we require them to pre-record the affidavit, then we will know that it gets put on the plat because I will put it there myself. With them submitting a copy of the draft deed, we will know that the names on the affidavit, plat, and deed match at the time the draft deed is submitted. I would like to start this new procedure as of this afternoon.

Dr. Millsaps – We wanted to make sure you knew about this change of procedure, because as soon as letters are sent to attorneys and families you might hear about it.

Supervisor Kuchenbuch – It would be great if we could have a copy of what you will be sending out.

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

Dr. Wheeler – I am here to give you an overall update. We are winding down and gearing up at the same time. Our last day of school is May 27. We have done very well as far as getting our kids face-to-face and having as much time with them as possible in regular school this year. We have gotten many accolades from the State and Virtual Virginia on that. We are gearing up for a summer experience which is not only about academics but the social and emotional needs of families. We are reaching out to families. We want to get them ready for

August 12 when we open up. Next year will be 5 days a week. We will work with Virtual Virginia for those who want a virtual experience, but we think it will be very few. We are in the 4th year of our long-range plan and the biggest area was resources for students in the programs we offer, the people who offer them, and the space we offer them in. This year we are in the process of renovating Willis, Indian Valley, and Check libraries. Library use has changed over the years. The other thing we are doing is in the old gym at the high school. It has old baskets and a divider that can't be opened. We are taking the divider out and putting a winch on the basketball goals. We are pricing the air conditioning with our CARES money. The venues we will have in Floyd and Willis for basketball and volleyball tournaments will be incredible. The original HVAC (heating, ventilation, and air conditioning) budget was reduced by \$3 million, and we are looking at putting back every penny as well as bi-polar ionization in every facility. It has been a great year and it is an exciting time of year and we are looking at making it better next year. I have enjoyed working with Dr. Millsaps. I think we have a good understanding now. We sat down with Thompson & Litton, so they understand we are the customer. We will get a timeline on the HVAC project so that we can go to the next phase of adding the other components. The Collaboration Center will never go over budget. I promise. Ms. Erica Sunshine is on top of that. They give us information and we give it to our Boards. We are hoping the parking lot across the street will be done in July. The main slabs are about halfway down for the new section. If everything goes well, we are looking at making a transition next December over Christmas break to get things into the new section, then they will start Phase 2 which is the 8th grade area.

Supervisor Coleman – Thank you for reminding everybody that collectively we are the customers.

Dr. Wheeler – As always go over there and look. Be sure to wear your hard hat.

Agenda Item 6.e. – Closed Session regarding Fiscal Items and Budget.

On a motion made by Supervisor Coleman, seconded by Supervisor Kuchenbuch, and carried, it was resolved to go into closed session for fiscal items and budget under §2.2-3711 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; and under §2.2-3711 A.8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

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

- Supervisor Coleman – yes
- Supervisor Kuchenbuch – yes

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, 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 fiscal items and budget under §2.2-3711 A.7. and §2.2-3711 A.8., of the Virginia Freedom of Information Act;

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

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

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

This certification resolution was adopted.

Agenda Item 7.a. – Approval of FY22 tax rates for Real Estate, Public Service Corporation, and Mobile Homes; Personal Property; Machinery/Tools; and Merchants Capital.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to advertise a Public Hearing to be held on June 8, 2021 at 9:15 a.m. or soon thereafter for a budget amendment for the receipt and expenditure of CARES funds.

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

On a motion of Supervisor Coleman, seconded by Supervisor Yoder, and carried, it was resolved to approve the tax rates as advertised in The Floyd Press on April 15, 2021 and April 22, 2021 in the amounts of Real Estate, Public Service Corporation, and Mobile Homes at \$0.63

(per \$100/assessed value); Personal Property at \$3.20 (per \$100/assessed value); Machinery/Tools at \$1.55 (per \$100/assessed value); and Merchants Capital at \$3.50 (per \$100/assessed value).

Supervisor Coleman – yes, these capital projects are long overdue, and they range over a broad range of things from economic development to critical services, infrastructure.

Supervisor Kuchenbuch – no, I am most definitely in favor of everything that we are trying to move forward on...the radio system, the ambulance, the shell building, the fire truck...all of these things are worthwhile in this community. I feel and have felt and have stated on many occasions and will do so again that I think the monies we spent last year, although very worthy for our education system, may have been in excess. With all of that I felt that the bare minimum should have been going into our coffers from our citizens, especially in this time.

Supervisor Yoder – yes

Supervisor Boothe – absent

Supervisor Turman – yes

Agenda Item 6.f. – Mr. Steve Durbin of Sands Anderson, County Attorney, to discuss cigarette tax options.

Dr. Millsaps – Cigarette tax options has been a topic that certainly preceded me and continues on. There has been discussion among this body that if a tax were levied whether we would participate in our region or even working with another region. We wanted Mr. Durbin to come and talk more about the tax and what your options might be. In addition, your Commissioner of Revenue and Treasurer have worked really hard talking to their colleagues about what their experiences have been and how this might work however you choose to go forward. So that we would have accurate numbers, Ms. Keith has called every business in the County, but not in the Town, to see how many packs of cigarettes they actually sell. I am certain she is the only person in the region who has done that so thank you.

Mr. Durbin – You have options available to you because of revisions in the State Code of Virginia, which now empowers counties to levy a cigarette tax. Previously that was only a power that cities or towns had and counties in northern Virginia. Unlike cities or towns, you are limited to a maximum tax rate of 2¢ per cigarette or the equivalent of 40¢ per pack. You do have the option to create and become a member of a regional tax collection authority. It would be formed pursuant to the statute that permits the levying of the cigarette tax and pursuant to §15.2-1300 Joint Exercise of Powers by Political Subdivisions which allows counties to act jointly. The magic number for that is 6 localities would have to join to form a regional body. The pros and cons of that approach are on the upside if you have a number of localities doing that for the first time, there will be a learning curve. Rather than each locality having its own different office that would be preparing to implement the tax, you would have one. Then moving forward, you would have the shared overhead costs of one, or a few, centralized agent(s) responsible for levying the tax, collecting the tax, and enforcing it. You would have a centralized staff and would streamline the workforce that way. The cons of that approach are that it could be more complicated if you have six different localities with six different tax rates. Going the regional approach would not necessarily dictate what your tax rate will be. If you have a number of

different tax rates, I can see how that might impact the efficiencies you are trying to gain by having a regional approach. I am aware of a number of localities who have considered joining a regional board, but the cities or towns already have their tax system up and running, so there isn't much perceived value and they are more likely to go it alone.

Supervisor Yoder – Is it true that individual stores don't have to collect it and we can do it on a wholesale level?

Mr. Durbin – The wholesalers and distributors would be responsible for obtaining the stamps, applying the stamps, and paying the tax. Retailers would be responsible for making sure that they are selling stamped cigarettes.

Supervisor Yoder – If we did it on a County basis where each individual had to buy a stamp then it would be on them?

Mr. Durbin – They would have the option of purchasing stamped cigarettes from a distributor. They would only have to put the stamps on themselves if there were no wholesalers or distributors to buy from.

Supervisor Kuchenbuch – So you are saying if we go with the regional approach, there are wholesalers who are affixing the individual stamps on packs of cigarettes inside of a carton?

Mr. Durbin – If you impose a tax, then they have to be taxed. But if you go it alone the wholesalers and distributors are responsible for getting a Floyd County tax stamp on it or they can't sell the cigarettes in this county.

Supervisor Kuchenbuch – With the regional approach, then it would be a regional stamp and the wholesalers are affixing those stamps to the cartons or individual packs.

Supervisor Yoder – I have talked to a couple of store owners who say it is one more thing for them to keep track of. They are already keeping track of meals tax and sales tax. If it were done at a wholesale level, then it would be easier on each location here in the county.

Mr. Durbin – The way the ordinances I have seen are set up you identify certain people as agents who are responsible for applying the stamps and the retailers are responsible for buying from one of those designated agents. Anybody who wants to sell wholesale cigarettes in Floyd County would have to sign up. It is not like retailers would not have options. The agents would have to make sure they are purchasing the appropriate stamps for the applicable tax and making sure the stamps were applied to the cigarettes before they were sent to the retailer. For the retailers, the tax would already be built into their costs and they would be selling stamped cigarettes.

Supervisor Kuchenbuch – Where in this chain does the tax get collected?

Mr. Durbin – When the stamps are purchased by the wholesaler.

Supervisor Yoder – In the case of a small store that sells cigars but only buys 1 or 2 boxes at a time and not through a normal wholesaler, how would they go about getting a stamp for those?

Mr. Durbin – This is a good question that is on people’s minds and needs to be clarified. This is not a State tobacco products tax or a cigar tax. It is a cigarette tax. The definitions of a cigarette are constrained.

Supervisor Kuchenbuch – These are pre-rolled, in cartons or packs. So loose tobacco, pipe tobacco, chewing tobacco, so none of those are taxed, correct?

Mr. Durbin – Correct. I will have to look at the definition for roll your own. I don’t think they are subject to the cigarette tax, but snuff, chewing tobacco, cigars are not under the definition of cigarettes and subject to a cigarette tax.

Further discussion was held as to specifically what items would be subject to the cigarette tax.

Supervisor Yoder – I don’t want to eliminate some stores from selling certain items because they sell so few they can’t find a wholesaler to purchase from. It would be nice to do a little bit of research on stores that do specialty things to be sure we have covered all bases so they can continue to sell.

Mr. Durbin – The County tax would not be applicable in the Town unless the Town does not have a cigarette tax, in which the County tax would apply or if the Town were to adopt a cigarette tax but also state in their ordinance that the County tax also applied within the Town limits.

Dr. Millsaps – There has been discussion through the New River Valley Regional Commission (NRVCS) about doing this on a regional basis. For us to be able to do this regionally there must be 6 participating jurisdictions. At this point if both Floyd County and the Town of Floyd participated and the other localities who have indicated they probably will, we would get to 6 but that is it. At some point that may not be an option. Based on Mr. Boothe’s questions to me in previous meetings, I pushed Mr. Byrd (Executive Director of NRVCS) to come up with his best guess estimate of what it would cost to do that function. There would also have to be discussion of how the costs would be divided out to participants. His estimates to us assume that on a regional basis he would need:

- 1) A fulltime employee with benefits, the base pay would be about \$60,000
- 2) Office space
- 3) Stamps purchased for around \$30,000 to \$35,000
- 4) Because it is dealing with the region, there would need to be a vehicle for around \$27,000
- 5) The total would be \$120,000 to \$150,000 to be divided among the participating localities.

There is a recognition that the region would not get to 6 participants and there is discussion of joining another region which Mr. Durbin is working with.

Mr. Durbin – I am working with the Mt. Rogers Planning District Commission. I am working with them in exploring their options in setting up a regional tax collection board and as conceived it was just going to be within the region and not open it up to other localities outside of that footprint. That is not prescribed by statute. If there is interest in doing that and willingness on their part to let that happen, there is not a State Code provision to prevent it.

Ms. Missy Keith, Treasurer – When I called the stores, there were two smaller ones who were concerned they would not be able to change their cash registers. One made the comment he would probably just quit selling cigarettes because he was not even selling 100 packs a month.

Mr. Durbin – I doubt that will be necessary if they are buying prestamped cigarettes.

Ms. Keith – I will be able to tell them that now that you have explained how this would work. The numbers I came up with were nowhere near the amounts put out by the Weldon Cooper Center.

Dr. Millsaps – My Byrd ran some initial numbers and put together a spreadsheet of what his estimate would be in terms of revenues at 40¢ per pack. It was based on experience in Charlottesville. A couple of jurisdictions who are already charging were able to give their actual amounts, and it turned out the spreadsheet was significantly higher. The original estimate was about \$149,000 for Floyd County absent the Town. Ms. Keith contacted each Floyd County business and Ms. Keith's data of expected revenue is the most reliable.

Ms. Keith – If they told me they sold 50 to 60 packs, I used the highest number and that method results in 13,192 packs of cigarettes sold in Floyd. This would generate \$5,276.80 each month which is \$63,322 a year before buying the stamps. To go from the Courthouse to all of the stores is 84.2 miles or two hours driving time to count the cigarettes. This would be a problem during audit week or tax deadline week when I can't have one person in the office out counting cigarettes.

Ms. Lisa Baker, Commissioner of Revenue – In Radford they just randomly check.

Mr. Durbin – It is just a matter of due diligence as to whatever you think is appropriate.

Dr. Millsaps – In many ways the administrative part is very similar to the meals tax and transient occupancy. In terms of the enforcement at the regional level, Mr. Byrd had that person also be in charge of enforcement. If the County did it, then it would be possible for us to ask our law enforcement to handle it.

Mr. Durbin – If there is a violation then the Constitutional Officer could report it to the Commonwealth Attorney or the Sheriff for law enforcement action. I have seen under the regional approach where they are vesting the enforcement agents of the regional body with arrests powers and with the ability to carry weapons. The default would be that if you became aware of a violation during your typical audit, spot-checking process, you would refer that to law

Ms. Keith – I don't feel comfortable asking the ladies who work with me to go out and seize cigarettes. But now that you are saying the deputies or one could ride with us...

Supervisor Kuchenbuch – I do wonder if imposing a tax would create a situation where unbeknownst to retailers there are folks who sell them unstamped cigarettes.

Ms. Keith – There is also the situation where a retailer buys cigarettes and half of them could expire before they are sold. Would I refund their money back to them?

Mr. Durbin – You can provide in your ordinance for a method to sellback the unused or damaged stamps. In the case of expired cigarettes, we could account for that.

Dr. Millsaps – We are not asking for a decision on this today, but we wanted to provide you with more information than you had before. Mr. Durbin, do we have to make some kind of decision by this summer?

Ms. Keith – Also the cigarettes that are already in the stores, do they have to buy a stamp for those too?

Mr. Durbin – There would be an effective date of hypothetically August 1. Anything sold in the County after that date would have to be stamped. You want to give them time to have inventory control.

Supervisor Coleman – I want to make sure this would not exclude any providers who service Floyd, so our retailers don't have to look for another wholesaler.

Dr. Millsaps – That makes sense. We can circle back to the smaller localities in Giles and Pulaski Counties to see what their experience has been.

Ms. Keith – Another thing to consider is that people might buy their cigarettes at Walmart and decide to go ahead and get their bread and milk and other purchases at the same time. We could lose other revenues if people shop outside of the County.

Supervisor Kuchenbuch – What are your feelings on this as our two financial people for the County?

Ms. Keith – It will be a lot of work.

Ms. Baker – We are blessed with the staff we have but it will be more work on our employees.

Ms. Keith – My two deputies do not feel comfortable going out to the stores for enforcement, so I would be the one to do it. That would be hard, because there are things I have to do at the office that they don't do.

Supervisor Coleman – Would your position change if we went the regional approach?

Ms. Keith – If somebody else was doing the enforcement, yes. I am not afraid of working and putting the time in to get the computers set up and finding space for the stamps. It is the enforcement part I don't want to do.

Ms. Baker – That was both of our concern from the beginning...the enforcing part of it.

Mr. Durbin – With the regional approach you would not be in charge of the tax stamps. It would be the regional office.

Supervisor Kuchenbuch – You would just be tallying the monies.

Ms. Keith – I am okay with that.

Mr. Durbin – You would be reviewing the regional reports and make sure they were doing appropriate reporting.

Supervisor Kuchenbuch – You would make sure we are getting what we are supposed to be getting.

Ms. Baker – Both of us want to make sure we are doing right for the County.

Mr. Durbin – I do not see a time limitation on this so let me get back to you on that.

Supervisor Coleman – Do we know anything about the legislation regarding a possible marijuana tax? Are there deadlines with that?

Mr. Durbin – No, that issue is still wide open. I have not researched that.

Supervisor Coleman – Would you please? I would hate to make this decision and a couple of months later we are looking at that when we could have made all the decisions at one time.

Supervisor Yoder – It is several more years before marijuana can be sold.

Agenda Item 6.g. – Closed Session regarding Manufacturing and Support Services.

On a motion made by Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to go into closed session for manufacturing and support services under § 2.2-3711 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., § 2.2-3711 A.5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community., and § 2.2-3711 A.29.

Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

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

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

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, 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 manufacturing and support services under § 2.2-3711 A.3., § 2.2-3711 A.5., and § 2.2-3711 A.29., 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 Kuchenbuch – yes
- Supervisor Yoder – yes
- Supervisor Boothe – absent
- Supervisor Turman – yes

This certification resolution was adopted.

Agenda Item 7.b. – Adoption of Resolution to accept the financing proposal dated April 8, 2021 from Truist Bank for the Economic Development Authority of Floyd County to issue, offer, and sell its lease revenue bond in an amount of approximately \$5,150,000 to finance a new radio communications system for the County and also in an amount of approximately \$1,950,000 to finance a shell building to be developed for economic development purposes with an interest rate set forth in such proposal and to authorize the appropriate officials to execute the documents which include a Ground Lease, a Lease Agreement, a Bond Purchase Agreement, and an Assignment Agreement.

On a motion of Supervisor Yoder, seconded by Supervisor Coleman, and carried, it was resolved to adopt a Resolution to accept the financing proposal dated April 8, 2021 from Truist Bank for the Economic Development Authority of Floyd County to issue, offer and sell its lease revenue bond in an amount of approximately \$5,150,000 to finance a new radio communications system for the County and also in an amount of approximately \$1,950,000 to finance a shell building to be developed for economic development purposes with an interest rate set forth in such proposal and to authorize the appropriate officials to execute the documents which include a Ground Lease, a Lease Agreement, a Bond Purchase Agreement, and an Assignment Agreement (Document File Number 1179).

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

Agenda Item 7.c. – Adoption of Resolution to accept the financing proposal dated April 6, 2021 from Skyline National Bank for the Economic Development Authority of Floyd County to issue, offer and sell its lease revenue bond in an amount of approximately \$400,000 to finance a new recreation building and office renovation; in an amount of approximately \$625,000 to finance fire and rescue vehicles; and also in an amount of approximately \$475,000 to finance a garbage truck and ambulance with an interest rate set forth in such proposal and to authorize the appropriate officials to execute the documents which include a Bond Purchase Agreement and a Financing Agreement.

On a motion of Supervisor Coleman, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adoption a Resolution to accept the financing proposal dated April 6, 2021 from Skyline National Bank for the Economic Development Authority of Floyd County to issue, offer and sell its lease revenue bond in an amount of approximately \$400,000 to finance a new recreation building and office renovation; in an amount of approximately \$625,000 to finance fire and rescue vehicles; and also in an amount of approximately \$475,000 to finance a garbage truck and ambulance with an interest rate set forth in such proposal and to authorize the appropriate officials to execute the documents which include a Bond Purchase Agreement and a Financing Agreement (File Document Number 1180).

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes, the reason I am voting “yes” for these even though I voted “no” for the tax increase is because I always felt that if we put the

minimum, we would still be able to afford all of these things that I am absolutely in support of. I want to make sure that is in the record. Thank you.

Supervisor Yoder – yes

Supervisor Boothe – absent

Supervisor Turman – yes

Agenda Item 7.n. – Discussion of Tourism Program Draft Agreement.

Dr. Millsaps – Ms. Kayla Cox, Town Manager, and I have been working on a rewrite of the Tourism Program Agreement originally between the town and the Chamber of Commerce and the County to have a new cooperative agreement between the County and the Town for a joint tourism program. Our tourism effort has grown and become successful. Ms. Pat Sharkey, the current Tourism Director, gave us some numbers. We have attracted 3,700 visitors annually who provided upwards to \$4.9 million in travel related local taxes generated in the locality since 2012.

Other than grammatical corrections, the only other major change is changing the part regarding record keeping to state, “All such records will be kept in accordance with requirements of the Commonwealth Library of Public Records standards.”

I shared this agreement earlier with Supervisors Kuchenbuch and Yoder who are your representatives to the Tourism Development Council.

Supervisor Yoder – The only thing I saw that I would not be in favor of is in item 3 Program Direction, where it speaks about the Tourism Director management team. I just can't see that the Chairman of the Tourism Advisory Board would be part of that group simply because with the Town and County funding the position, it should remain with the Town and County to manage that employee.

Supervisor Kuchenbuch – I shared the same thoughts with Dr. Millsaps as well. That came out as well in our preliminary discussion at the April 13 Board meeting.

Supervisor Yoder – The reason I feel strongly about this is because the Town and County are putting the money in for that particular position. I look at the strategic planning as a different thing where we do want input from outside sources. But on the day-to-day operations and what our employee is doing, I think we need to be very careful about making that too broad with too many bosses.

Supervisor Coleman – I considered this as an employee, and I had in essence two bosses. I can't understand how that is going to work. It will work if everyone is on the same page, but that won't always happen. Are we providing enough clarification? Does it make sense to use the model of Chairman and Vice Chairman as the role of the County and Town? This still seems to be a grey area.

Supervisor Kuchenbuch – This brings us back to whose employee is this going to be?

Supervisor Coleman – I don't think we are quite getting there.

Dr. Millsaps – This is something Ms. Cox and I have talked about quite a bit because right now she and I would be in these roles. I will speak for myself. I think we feel like it is doable for us for several reasons. First of all, we see this as a professional level position. In that way it is an employee working from a strategic plan that is set out from these different groups. Even the annual work plan is set out by us jointly. We are envisioning if we were to say just to the Town and the County and this employee as an example, the three of us would get together every month and check in on how things are going. Right now, we are envisioning the person will still be in the space that Ms. Sharkey occupies so the employee would not physically be in either building. I know we are trying to bring clarity, but I feel really comfortable with this. As one of the two supervisors that Ms. Cox and I can work on this together jointly. There is a structure set up in here in case for some reason one supervisor says "yes" and the other says "no" those differences can be brought forward to the Tourism Development Council. We did try to address that concern and recognize that if there are different people in these roles that it might be different. I have shared employees like this before and as long as everybody is professional it seems to work pretty well. We just have to make sure we hire somebody who is very professional. I feel like we will be able to do that. Part of the reason we structured it this way is there is always some give or take between the Town and the County. This way we felt like both of our respective elected bodies would feel like you had a seat at the table in the discussion every month. That would perhaps help give the elected officials more comfort and understanding that when we decided to do one event instead of another event that the interest of each entity – County and Town – was represented.

Supervisor Kuchenbuch – That takes us to item 6. The Operating Team. That is why I think it should just be the County Administrator and the Town Manager because then you are talking about oversight of staffing, budgeting, and general operations of the joint tourism program. It is those two individuals who should be in charge of all of those things. There can be meetings with the Advisory Board and the Tourism Development Council, but the boots on the ground are the County Administrator and the Town Manager. I really strongly believe that is how clarity will happen for this position. It has been somewhat ambiguous for the past eight years. It is only because we had a stellar employee that it didn't go south.

Supervisor Yoder – From what I have seen Dr. Millsaps and Ms. Cox can work together well. I don't have a lot of concern about it in the short term. We can make it a two-year agreement and if there are problems, we can make changes. We have done that in the past. I would think those two would be the only ones with day-to-day operational control.

Supervisor Kuchenbuch – Item 7. Financial & Budgeting, the one thing that would be good is that as we are stepping this up, we pay 60% of all funds received from our transient occupancy tax or \$25,000 whichever is greater each fiscal year this agreement is in effect. The Town only pays a flat \$30,000. I wonder now that we are on a level playing field here that if we are doing \$25,000, do we up ours to \$30,000 and 60% and the Town goes to \$30,000 and 60%?

Supervisor Yoder – I think one of the reasons we originally had the Town with a set dollar amount is because they are looking at their transient lodging and meals tax and we are

only looking at our transient lodging tax. Our meals tax has to go to capital expenditures. They are looking at a different formula in judging success.

Supervisor Kuchenbuch – So do we at least put some sort of percentage in there?

Supervisor Yoder – It doesn't matter to me. As long as we don't do an extremely long-term agreement, it doesn't matter to me. In some ways I wish we would just put a set amount for both, so it is set for budgeting. I think it would be easier.

Supervisor Kuchenbuch – We could both do \$30,000.

Supervisor Yoder – That would be easier.

Supervisor Kuchenbuch – Did you and Ms. Cox have any thoughts about how much it might take?

Dr. Millsaps – Our discussion was some recognition that maybe there should be a percentage as well for both. The Town has just a flat amount where ours has a percentage or dollar amount. The reason for having similar type language for both the Town and County would be in the hopes this would become a long-term document that wouldn't have to be addressed unless you wanted to over time. A percentage would hopefully reflect whatever growth there was. The other question is whether we think the amount is sufficient. We didn't really get into that. We are envisioning that once this agreement is taken care of then after the summer season is over, there would be a community wide strategic planning process for tourism. Potentially there would be some recommendations for program direction that would also suggest a cost. We didn't want to figure out a cost at this point.

Supervisor Kuchenbuch – Are you and Ms. Cox envisioning this to be a long-term agreement?

Dr. Millsaps – It would be nice if it could be with the option that you could cancel it, change it, or amend it with reasonable notice.

Supervisor Kuchenbuch – Mr. Yoder did you say you wanted to see this for two years and then re-evaluate it?

Supervisor Yoder – I just mentioned that number because we had been doing it every two or four years. I am fine with it being for longer. But because it is a new way of doing things, it would be good to re-evaluate it at some point within the next couple of years.

Supervisor Coleman – I would say an evaluation not to exceed two years. That would give us a little bit of flexibility if we wanted to come back and look at it. I am not comfortable that I would want to go longer than two years without revisiting it.

Supervisor Kuchenbuch – I would assume the County Attorney and Town Attorney will have final review before anything is signed.

Dr. Millsaps – Ms. Cox and I were hoping that if we could get to a conceptual document that both the County and Town elected officials could approve on a consensus basis, we would take it to the attorneys and make sure we had not forgotten anything, and then bring it back for a formal vote. We are just trying to move things along because the current agreement ends June 30.

Mr. Durbin – That makes sense. Work out what the terms of the deal are and then we can put it into the language to make it happen.

Supervisor Kuchenbuch – For clarity purposes for 7.f) we should just table the question about the County/Town will be the fiscal agent. It flows better if every place it says “County/Town” it was replaced with “fiscal agent.” How do you feel about 8.e) “A program of work shall guide the activities of the tourism program and its staff and shall be reviewed and approved annually by the operating team, with final approval by the governing bodies.” Do you want final approval by the governing bodies? We are not approving things that are going on in other departments. It seems like we are making this position a special case when maybe it shouldn’t be. We are trying to make this a more streamlined regular job within the County or Town.

Supervisor Coleman – I definitely don’t want to stop forward movement because of waiting for action from each governing body. We can trust our County Administrator to give us updates.

Supervisor Kuchenbuch – Item 10. Duration of Agreement, I guess two years. But 10.c) Assignment and Delegation: “The Town or the County may not assign any right or delegate any duties hereunder without the express written consent of both the Town and County.” We already know the fiscal agents, and this seems repetitious. 10.d) Termination “Any party may terminate this Agreement by giving the other parties written notice at least ninety (90) days...” As far as I am concerned if you know you want to pull out, we need at least 6 months, not 3. That is both of us. The same thing applies to breaching the contract, I think 24 hours needs to be replaced with 72 hours or 5 days. I think they did an excellent job.

Supervisor Coleman – Yes, I am not trying to make this more difficult.

Supervisor Kuchenbuch – We still haven’t addressed the overarching situation with this, meaning where does this employee reside.

Dr. Millsaps – In terms of the operating committee, there seems to be a consensus that the Chairman of the Advisory Board be removed and there is still mixed opinion about whether it should be both the Town Manager and the County Administrator, but definitely removing the Advisory Board person from that list. On item 7. it sounded like you want us to try to pick a flat amount for both the Town and the County.

Supervisor Coleman – I like it as Mr. Yoder stated for budget purposes.

Supervisor Kuchenbuch – That wouldn't keep us from adding more if the transient occupancy tax exploded.

Supervisor Yoder – Could we have language that has an amount for both Town and County and say that can be re-evaluated every year at budget time as long as we increase it at the same rate?

Supervisor Coleman – We couldn't decrease it?

Supervisor Yoder – We could say re-evaluate every year at budget time as long as changes are made at the same rate.

Supervisor Coleman – If either one of us got into a budget hardship the other is likely to be there also. If the majority of the governing bodies agreed there could be a reduction.

Supervisor Yoder – We usually do our budgets before the Town so I wouldn't want us to put more in without it being understood that money would only be available if the Town matched it.

Supervisor Kuchenbuch – If in November we find our transient occupancy tax is much more than expected, then Dr. Millsaps could come before the Board and request a line-item adjustment. Would that be possible?

Supervisor Yoder – Nothing stops us from putting money toward anything. If the County wanted to do something tourism related there is nothing stopping us.

Dr. Millsaps – This is an employee's job so if we make it easy to reduce funding, when we go out to recruit for this job, the person may feel the job has to be reaffirmed every year. It lends a certain amount of uncertainty for an employee.

Mr. Durbin – Be aware that you are creating an uncertainty that you don't want to create.

Dr. Millsaps – I intend to move the definition of "fiscal agent" further up to make it clearer and replace the places where it says County/Town consistently with fiscal agent.

Supervisor Kuchenbuch – We still have to come up with where this employment resides. I don't know that I want to leave here today with that still ambiguous. That changes things in another part of the document.

Dr. Millsaps – In 8.e) I can remove the part of the sentence about "with final approval by the governing bodies." In 10. Duration of Agreement we talked about two years and potentially moving the termination of agreement to 180 days and in termination of breach to 72 hours.

Discussion was held as to how long the termination for breach should be.

Mr. Durbin – I haven't reviewed this document yet, but I wouldn't get too hung up on this. I can recommend some language for this section.

Supervisor Yoder – Instead of looking at each thing, maybe the best approach would be to let our attorney look at this and give us recommendations.

Dr. Millsaps – I can make some of the changes based on this conversation today and talk to Ms. Cox and then send it to Mr. Durbin. That leaves the outstanding issues are still what the financial language should be, the operating committee, and where the employment rests.

Supervisor Kuchenbuch – What do you think of 6.a) Mr. Yoder?

Supervisor Yoder – I think I have already spoken to that. The Town and County are the ones putting the money in so they should provide the oversight. The way it is written would be a deal killer for me.

Dr. Millsaps – If you are okay, I feel like we have enough guidance to move to a new version and talk to Ms. Cox and get something to Mr. Durbin.

Agenda Item 8. – Board Member Time.

Supervisor Coleman – You have heard me refer to a couple of projects that I have worked on with Mr. David Clarke. Chairman Turman has been part of both of these. The projects have been near and dear to my heart with these two families. We want to potentially honor some folks who have given the ultimate sacrifice in different ways. Fortunately, VDOT has a program to do that. I have sent to you two draft resolutions that I will be making a motion that we approve. We will get two memorial highways named for some fallen heroes from our community – one being for an individual in the Vietnam War and one for an officer who was killed in the line of duty. You have those resolutions before you. I think the families deserve it. Unfortunately, they could not be here today. If the Board would be agreeable, I would like to invite them to our night meeting on June 22 and formally present each family or a representative of the family with a nice copy of the resolution. There is a cost associated with the resolution for the James Michael Cox Vietnam Memorial Intersection; we would be responsible for the sign cost because it was not an officer killed in the line of duty. The cost would be \$1,000, and I would ask the County to absorb that cost.

Supervisor Yoder – Do you want us to vote on it now or wait until the families are here?

Supervisor Coleman – Both families expressed to me that they would prefer we move forward because this process has taken a long time. I think both families would be very open to coming and having us present the framed document.

On a motion of Supervisor Coleman, seconded by Supervisor Yoder, and carried, it was resolved to approve a resolution regarding Highway Intersection Naming of Route 619 Horse Ridge Road and Route 631 Sumpter Road in Floyd County as the "James Michael Cox Vietnam

Memorial Intersection” and that Floyd County agrees to pay the costs of producing, placing, and maintaining the signs calling attention to this naming (Document File Number 1181).

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

Supervisor Coleman – I have spoken to Vice Chairman Boothe and he is agreeable to the resolution. I don’t want to leave him out.

Chairman Turman turned the Chair over to Dr. Millsaps so that he could make the next motion.

On a motion of Supervisor Turman, seconded by Supervisor Coleman, and carried, it was resolved to approve a resolution to name Route 8 in Floyd County from the Montgomery County line, south to the north Corporate Limit of the Town of Floyd near Route 685 Needmore Road as the Scott Allen Hylton Memorial Highway (Document File Number 1182).

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

Supervisor Coleman – For clarification this represents both of our districts.

Supervisor Kuchenbuch – Absolutely. I know Sunday was the anniversary. I remember that day. I think this is a wonderful thing that we are able to do.

Supervisor Coleman – I would have liked to have this in place at the memorial service, but there are a lot of moving pieces and it did not come together by then. Mr. Clarke and his staff have been great to work with. I think we can still honor these families and invite them to be part of the June 22 meeting.

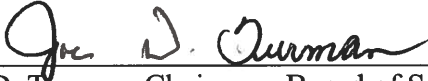
Chairman Turman – When the signs arrive, we should have a memorial service at Needmore Road and invite representatives from Christiansburg Police Department and Hillsville Police Department and the family.

Agenda Item 10. – Adjournment.

On a motion of Supervisor Yoder, seconded by Supervisor Coleman, and carried, it was resolved to adjourn the meeting to May 25, 2021.



Dr. Linda S. Millsaps, County Administrator



Joe D. Turman, Chairman, Board of Supervisors