

**BOARD OF SUPERVISORS  
REGULAR MEETING  
FEBRUARY 25, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, February 25, 2020 at 7:00 p.m. in the Board Room of the County Administration Building thereof;

PRESENT: Joe D. Turman, Chairman; Jerry W. Boothe, Vice Chairman; W. Justin Coleman, Linda DeVito Kuchenbuch (arrived at 7:30 p.m.) and Lauren D. Yoder, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator.

Chairman Turman called the meeting to order at 7:00 p.m. with the reading of the handicapping statement.

Agenda Item 2. – Opening Prayer.

The Opening Prayer was led by Supervisor Coleman.

Agenda Item 3. – Pledge of Allegiance.

Supervisor Yoder led in the Pledge of Allegiance.

Agenda Item 4. – Public Hearing on Six Year Secondary Road Plan with Virginia Department of Transportation.

Mr. David Clarke, Residency Administrator in Salem District, Virginia Department of Transportation (VDOT) – I will give a little background on the current Six Year Secondary Road Plan. We will invite the public to speak to the Board. The Board will consider public comments. This draft Six Year Plan was passed by the Board last year less projects that have or will be completed this year. This is for secondary road construction and the construction budget for next year. Floyd County gets about \$700,000 each year in construction funds for improvements of secondary roads. The majority of that is earmarked for unpaved roads. This is supposed to be used on secondary roads, but there is about \$50,000 added to the unpaved road allocation and if the Board chooses they can put a small amount to improvements on non-unpaved roads. This is an annual hearing as prescribed by law. It is a six year spending plan and not a six year construction plan. We have 12 projects on the plan and that is probably more than can be completed in six years. The final plan will probably not be approved for another month or two because after hearing comments we might want to go around and look at some of the requests.

The draft plan includes:

- 0) Countywide cost center for traffic services and engineering
- 1) Route 718 Mill Run Road – hard surface unpaved road between Route 221 and Route 720 – Should be done this year

- 2) Route 641 Ponderosa Road – hard surface unpaved road
- 3) Route 760 Quesenberry Road – hard surface unpaved portion from Shady Grove to 1 mile from Shady Grove – We are in the right of way stage on that
- 4) Route 768 Firehouse Road – hard surface the unpaved portion
- 5) Route 680 Starbuck Road – hard surface the unpaved portion from Paradise Lane to Thomas Farm Road and from Thomas Farm Road to the Parkway
- 6) Route 712 Hope Road – hard surface the unpaved portion
- 7) Route 764 Merifield Road – intersection improvement, drainage and hard surface
- 8) Route 683 Roger Road – hard surface 0.5 miles of unpaved road from Route 221
- 9) Route 820 Silverleaf Lane – hard surface from Route 681 Franklin Pike to end state maintenance (0.50 mile)
- 10) Route 728 Reedsville Road – hard surface unpaved road from Route 729 Laurel Branch Road to Route 743 at Wade Road, approximately 1.2 miles
- 11) Route 790 Lick Ridge Road – hard surface from Griffith Creek Road to Pynnhaven Path, approximately 1 mile
- 12) Rural addition projects – There is a provision in the law that allows Counties to use some of their Secondary Road funds to take a private road and build it and upgrade it for taking into the State system of maintenance. Only 5% of the construction budget can be put toward this account. We don't have a project that we are working on, but we like to put 5% toward this in case one comes up

The first three, maybe four priorities we have already begun working on so they are pretty set. For the last half to two-thirds of the plan, it is the Board's prerogative to change priorities, drop a road, add a road, however they see fit.

Hearing no comments from the audience, the Chairman declared the Public Hearing on the Six Year Secondary Road Plan closed.

Agenda Item 5. – Approval of month end disbursements.

Questions and discussion followed.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and carried, it was resolved to approve the month end and additional bills as presented.

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

Agenda Item 6. – Public Comment Period.

Chairman Turman called for the Public Comment Period.

**Mr. Jeff Dowd, Locust Grove District** – I do have a question. Maybe I can ask Lauren since he is my representative. I'm not quite certain of the process in terms of running for Board of Supervisors or the swearing in, but do you take an oath to defend the Constitution of the

United States as well as the Constitution of the Commonwealth of Virginia both? (*Supervisor Yoder nods yes*). Great. Amendment II of the United State Constitution reads: “A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.” Article I. Bill of Rights – Section 13 of the Constitution of Virginia reads very similarly but with much more context: “That a well-regulated militia, composed of the body of the people, trained to arms is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.” Webster’s Dictionary defines militia as follows: • a part of the organized armed forces of a country liable to call only in emergency; • a body of citizens organized for military service; • the whole body of able-bodied male citizens declared by law as being subject to call to military service. I took a little bit of time and read through Floyd County’s emergency plan. As I read through Floyd County’s emergency plan, as it pertains to Military Affairs, so called ESF #16, I felt that it lacked any mention of ‘we the people’ or the militia. Of specific note is the general concept of the document: “Floyd County does not have military installations within the jurisdiction and does not maintain standalone agreements with any military assets.” The policy outlined in our emergency plan twice states the following: DMA, which I understand to be the Department of Military Affairs, units will not directly respond to requests for assistance from local officials except to save human life, prevent human suffering, or to prevent great damage to or destruction of property. DMA units will advise local officials to submit requests for assistance through the Virginia Emergency Operations Center, or VEOC. The plan leaves Floyd County at risk in the event of a catastrophic, statewide or nationwide event of natural disaster, civil unrest, or terrorist activity. As a result, I want to encourage the Board of Supervisors of Floyd County to strengthen the County security plan by adopting an ordinance that recognizes the muster and the organization of the Floyd County militia. We encourage one or more of you to sit on a recently convened Militia Organization Committee and learn about what the people of Floyd County are doing to ensure that this weakness in ESF #16 is abated. To date let me inform you, Floyd County Militia has accomplished the following: 1) We have successfully mustered from the unorganized militia to serve in the Floyd Militia; 2) We have successfully coordinated the militia into teams ordered by district, and established or are establishing a reliable point of contact for those volunteers; We have successfully conducted an initial training event for all Floyd Militia members, which is an ongoing process; 4) We have established relationships with newly formed militias outside of Floyd. It is our wish that the Floyd Militia be included as a part of ESF #16, as it is clearly cited in both Constitutions of Virginia and the United States, that we are the militia, and we are necessary to the security of a free state. We welcome dialogue with you, the Floyd County Board of Supervisors, so that we can achieve this most desired and necessary outcome. Thank you.

**Mr. Hunter Crawford, Indian Valley District** – Over the past few months our State has gone down a very dark and tyrannical path. Our governing officials have actively tried to strip away the Constitutional rights and freedoms of citizens. At the spearhead of their assault has been the second amendment and thus why I am speaking to you tonight. First off I want to commend the Board and our Sheriff’s department. You listened to the voice of the people and you passed a sanctuary status in our County. This symbolic message spread to over 130 localities in Virginia as a demonstration to Richmond that the rights of the lawful gun owner shall not be infringed. However further measures are necessary to protect the legal gun owners

of Floyd County. Richmond has already demonstrated that they do not care about the constitutional and fundamental human rights of gun owners. And so I insist that the Board do more to protect the gun owners of Floyd County. I urge the Board to become involved with the Militia Organization Committee that Jeff spoke of. I insist that the Board pass a County ordinance that clearly defines any law which violates constitutional and fundamental human rights will not be enforced past January 1, 2020. I insist that a public vote on the ordinance be scheduled no later than the next Board meeting. I also insist that the ordinance include County support of any means necessary to protect the rights of its County citizens, to include but not limited to, a Sheriff's posse or militia. In our team of Concerned Citizens we have access to attorneys who would be more than willing to validate the legality of a County militia. And let me remind the Board that they vowed to use any legal means necessary to protect the second amendment rights of the people of Floyd. Need I also remind the Board that it is we the people who you serve and not Richmond. In conclusion let me leave you with a quote from Patrick Henry that sums up the resolve of myself and others in Floyd County, "Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!" Thank you.

**Mr. Robert McCumber, Courthouse District** – My wife and I located from upstate New York, a small town called Ilion 5 years ago. One of the major reasons we did come south, where we love it here, happened to be the difference in gun laws. New York State has an abortion on gun laws. They are not working. Albany is the same thing as Richmond. It is a completely different country than Floyd, Virginia or Ilion, New York. That was the home of Remington Arms. You probably know what is going on with Remington Arms. It is just ridiculous. Handguns have to be registered. Every one you own has to be on your permit and registered. There are two kinds. There is concealed and possession only to keep them in your house. Prior to that when I went to Canada to hunt a few years ago, my wife couldn't touch my weapons if someone broke into the house. She would have been a felon. That is ridiculous. As far as the assault weapon ban, does it really matter how many your clips can hold? It is like a car. Why should a car be able to go 150 mph when the speed limit is 55 mph? Same idea. We're not asking for anything that is not in the Constitution. I hate to see it buried in there. I have gone through it once and I am not going to go through it again.

**Mr. Charles Whiting, Indian Valley District** – As Hunter Crawford pointed out this frontal assault out of Richmond with the democrat majority being funded greatly by outside sources, whether it is Mike Bloomfield [sic] or George Soros or other very, very well off people who have serious global agendas, this government in Richmond has gone out of whack. If you can destroy human life prior to birth or at birth in my mind and in my heart and soul, that's pretty gruesome. It's evil. Then they step on all sorts of other laws. There seems to be much more import to having confused people bathrooms or anything else that I can't possibly conceive why this is even an issue. But those God given and forefathers demands so that each free man and woman and it can protect themselves of their own volition, these are being squelched. I do know that Floyd County is stretched. We have very little in the way of State police. We have an overburdened Sheriff's department. It is a big, long County. They mean well but they can't be everywhere nor can we expect them to. I noticed that during a manhunt for a fellow whose name I will leave unsaid, it was very helpful to have citizens involved and keeping an eye on their neighbors and in that area so police could concentrate on their leads. Even with the joint task force, they were stretched thin. I just think the militia, in conjunction with the Sheriff's

department and other emergency services, can be a very valuable asset because if you have an investment in your home, which Floyd is for us, you will defend it. I think you can rely on reasonable people to be there to assist. Thank you.

**Mr. Kerry Nichols, Burks Fork District** – Some of you know me up here. I work for the County as a paramedic. These guys made a good case for the Constitution. I hope you consider using the militia, working with the militia, because they are comprised of the good citizens of Floyd County, who care about their County and they want to help out. I'm not going to talk about the guns or anything else. I know you remember, Terri especially and probably Lauren, back in 2015, when the County was short on help for EMS [Emergency Medical Services]. I remember one night I was the only paramedic on duty. I ran 5 calls, 4 to the hospital in 1 night. I ran with my driver; I ran with volunteers. I don't know what the situation right now is on EMS in the County, but there is something out there that may be headed our way. If this covid-19 [coronavirus] if it hits like they are saying it might, the County is going to need every bit of help they can get. You have a lot of good men here who could all be drivers. Get them in an EVOC [emergency vehicle operator course] course to drive an ambulance. I think it is something to consider. You have a good source of help here. They are all good people, good taxpayers. I wish you would consider that.

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

Agenda Item 7. – Constitutional Officers' Report.

There were no constitutional officers present.

Agenda Item 8.a. – Floyd County Recreation Department Facilities Use Agreement.

Ms. Morris – The first item is the Recreation Department Facilities Use Agreement. We made the changes that you requested last time. We've added the definition of recreational activities.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and carried, it was resolved to approve the Floyd County Recreation Department Facilities Use Agreement as presented (Document File Number 1093).

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

Agenda Item 8.b. – Deed with Town of Floyd conveying Recreation Park property to County.

Ms. Morris – The next item is the deed with the Town of Floyd conveying the Recreation Park property to the County. Town Council was scheduled to vote on this last Thursday at their

meeting, but the meeting was cancelled because of the weather. Their attorney feels that they will adopt it at their next meeting. We've also added the recreational activities definition in this.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and carried, it was resolved to approve the Deed with Town of Floyd conveying Recreation Park property to the County as presented and to authorize the appropriate officials to execute the Deed (Document File Number 1094).

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

Agenda Item 8.c. – Proclamation recognizing March 2020 as Multiple Sclerosis Education and Awareness Month in the County of Floyd.

Ms. Morris – The next item is a request that came to Supervisor Yoder requesting that you adopt this proclamation recognizing March 2020 as Multiple Sclerosis Education and Awareness Month.

Supervisor Yoder – It is a similar proclamation to what we have adopted for the past few years. I think we provided a copy of the proclamation to the group. I have people in my district who are suffering from this. They wanted me to pass along that they are sorry. They have come in the past to make this request, but they are out of town this week.

On a motion of Supervisor Yoder, seconded by Supervisor Coleman, and carried, it was resolved to approve the Proclamation recognizing March 2020 as Multiple Sclerosis Education and Awareness Month in the County of Floyd (Document File Number 1095).

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

Agenda Item 8.d. – Restrict \$750,000 in a Capital Reserve Fund per Davenport & Company recommendation.

Ms. Morris – Please table this until we have budget deliberations when we can talk about it further.

Agenda Item 8.e. – Renewal of Anthem – The Local Choice for employee health insurance.

Ms. Ryan – We received the proposal from Anthem. I provided the new rates to you. These are the same plans we've had in the past and they don't have any changes to the plans. Rates have gone up 4.8%. They provided a list of high bills and we had 10 people who had bills in excess of \$25,000 during the plan year. Some of them were very, very expensive. I was

relieved that rates only went up 4.8% because I was expecting the increase to be higher. I recommend that we go with the same 3 plans we've had in the past – Key Advantage 250, Key Advantage 1000, and the High Deductible Health Plan. By April 1 I have to provide to The Local Choice our plan choices and the amount of the employer paid portion of the premium. We have the month of March to determine the employer paid portion of the premium.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and carried, it was resolved to approve Anthem Key Advantage 250, Anthem Key Advantage 1000, and Anthem High Deductible Health Plan through The Local Choice as the health plans to be offered to Floyd County employees for FY21.

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

Supervisor Linda Kuchenbuch arrived at meeting at 7:30 p.m.

Agenda Item 9. – Old/New Business.

The Board set the following dates and times for budget workshops: Wednesday, March 4 8:00 a.m. – 12:00 p.m.; Tuesday, March 10 regular meeting followed by budget workshop 8:30 a.m. – 3:00 p.m.; Wednesday, March 25 4:00 p.m. – 8:00 p.m.

Supervisor Yoder – I have had a lot of people contact me about this West Virginia thing. It is my understanding from talking to some of them that Counties don't have the ability to put something like that on a referendum. I would like for our County Attorney to clarify that for us.

Supervisor Boothe – I would like to add that the County Attorney provide a written opinion on what ordinances we can adopt regarding the second amendment, gun regulations, and militias.

Agenda Item 10. – Adjournment.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adjourn the meeting to March 4, 2020 at 8:00 a.m.



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Terri W. Morris, County Administrator



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Joe D. Turman, Chairman, Board of Supervisors

