

**BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 28, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 28, 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 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.

Vice Chairman Boothe led in the Pledge of Allegiance.

Agenda Item 4. – Approval of month end disbursements.

Questions and discussion followed.

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

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

Agenda Item 5. – Public Comment Period.

Chairman Turman called for the Public Comment Period.

Ms. Becky Howell, Burks Fork District – I am here to beat a dead horse. You asked if we needed accommodations. Please use your microphones so we can hear, get close enough to it so we can hear. Thanks.

Mr. Paul Kitchen, Little River District – I am an invasive species. That's right. I am one of the many invaders that already devour Floyd County natural resources. Beware – there are many more of us on the way. The migration of the human species into Floyd County is understandable. The County is beautiful, has a pleasant climate, has numerous outdoor

recreational opportunities, and a culture of the arts envied by our neighboring counties. However, as humans we consume our natural resources at an ever increasing rate. We want housing, infrastructure, food, and water no questions asked. We just need, no want it all. The problem is there is not enough to go around. As the population of Floyd County grows the ability of Mother Nature to provide for us is ever more perilous. Her greatest challenge will be to sustain the water supply we humans and every living thing on earth needs. After reading the Floyd County Source-Water Protection Plan, I have become very concerned for the future. The report clearly shows vulnerability to drought by the drought indicated from 1998 to 2002 when 500 replacement wells were drilled in the County. The report tells us we do not have the geology conducive to retain high volumes of ground water. New wells impact neighbors' wells by reducing volume and risking cross contamination. Water quality is also a very big concern. According to the Virginia Department of Environmental Quality, Floyd County streams are already impaired. For example: Little and Big Indian Creek – high water temperatures; Dodd's Creek the West Fork – fecal coliform and high water temperatures; Laurel Creek – fecal coliform; Little River – e coli, fecal coliform and high water temperatures; Meadow Run – e coli; and Pine Creek – also e coli. We the human invasive species are the cause of this excessive consumption and contamination. What can we do about this? It is my opinion that the Floyd County Board of Supervisors can act to manage growth by taking into account the resources we have when planning and approving development. Ask the question...do we have the needed resources to support growth? Enact ordinances that require evaluation of resource impact, review and update the Subdivision Ordinance to assure that new development projects are limited to the resources we have. Failing to plan is a plan to fail. Failure means that we will use up or contaminate the water and everything that needs water, fails. Failure means the destruction of the beauty we enjoy today. Keep in mind...a damaged water resource is very costly, if not impossible to mitigate. Therefore, I ask the Board of Supervisors to plan to succeed today, tomorrow, and for the future quality of the environment we live in. Thank you.

Mr. Michael Gale, Indian Valley District – I want to start by thanking Ms. Morris and Mr. Agee for their assistance when my wife and I asked to reserve the County ball field earlier this month. They were polite and helpful through the entire effort. Please do not take that negatively against them. The peaceful assembly of people that happened on January 18th was all that we had planned and hoped for it to be. We came, we policed up the area we were going to use beforehand and did so again afterwards to leave it cleaner than we found it. I thanked the Sheriff's deputies that were there at the time and I do so again in this meeting. All was peaceful and the people there were pleasant and respectful as I expected them to be. There is a correction to be made for the public record. In a newspaper article published by *The Floyd Press* on Thursday, January 16th, it was written that a permit had been issued and then cancelled. At no time did I file for a permit for our planned assembly. At no time did I verbally or in writing mislead our purpose. In fact, there was no written process to request even a reservation initially. We have always said, as we put in writing on the Facility Reservation Application on January 9th, that this was "A peaceful assembly of freely associating people concerned about protecting civil rights." That is all I have to say about that. About subdivisions and water planning...from before I moved to an existing house in Floyd County I had read and heard that water supplies for this area were delicate and needed to be respected as a limited resource. As a resident, a voter, a concerned citizen; it is my desire that the Board of Supervisors think more about the sustainable needs for water of future generations and put less of a priority on growing the population or revenues in this County. Thank you.

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

Agenda Item 6. – Constitutional Officers’ Report.

Mr. Eric Branscom, Commonwealth Attorney, provided information on the contributions Judge Marc Long has made to public safety in Floyd County and the status of his reappointment:

- 1) The story in today’s *Roanoke Times*, while it may be technically accurate is misleading, this fight is not over;
- 2) I have been talking to a number of the legislators and everything I am hearing is firmly on Judge Long’s side;
- 3) Obviously there will be a lot of wrangling back and forth;
- 4) I have been texting with Delegate Rush and I have not gotten much from him about this, unfortunately;
- 5) Senator David Suetterlein has been in contact and I have to applaud him as he has done quite a bit of work for us;
- 6) Senator Bill Stanley from Franklin County stood up for Floyd and he and David Suetterlein are working together;
- 7) Senator Stanley has taken the lead because he is on the Judiciary Committee;
- 8) We are trying to get a firmer grasp of what occurred in the House but it is concerning;
- 9) I know the Board sent a letter before but I would urge you to send a follow up because everyone I have been able to speak to – I haven’t been able to speak to the Soil and Water Conservation Officers – are supportive of Judge Long and I think we can make that clear;
- 10) I suggest we send it not just to our delegates but to Senator John Edwards of Roanoke because he is the Chair of the Judiciary Committee and to Senator Creigh Deeds who is one of the ranking members of the Senate;
- 11) Some of the things Judge Long has done for Floyd County include:
 - a. He has made Floyd County a safer county;
 - b. Since I came on board 5 years ago, drug-related crimes have effectively declined, particularly manufacturing and dealing of drugs;
 - c. I am picking up in jail conversations that people are afraid to cross the border into Floyd to make those kinds of drug deals, specifically because of Judge Long;
 - d. I have been doing this kind of work for 25 years and you just do not see that anywhere, where a single judge has this kind of impact;
 - e. Burglaries are down and property crimes are down;
 - f. People look to Floyd with an envious nature;
 - g. When Governor McAuliffe restored political rights for a couple hundred thousand convicted felons, the Virginia tradition before that was because the Governor’s Office was so careful in restoring political rights, a number of jurisdictions – well over half in the State – automatically restored gun rights as well;
 - h. In this sweeping restoration of rights, a lot of jurisdictions, particularly in eastern Virginia, continued doing that;
 - i. Judge Long, I am proud to say, has not; he looks at each case individually so there is a careful analysis of things;

- j. Many people get their gun rights restored because it is appropriate, but people who have been previously involved in drug dealing and crimes of violence involving guns have not had their rights restored, which I think is also appropriate;
 - k. One of the greatest threats to second amendment rights is someone who is irresponsible with a gun;
 - l. That is what we try to avoid by having these restrictions by keeping guns out of the hands of people who are irresponsible and have proven that in the past;
 - m. I think everyone here is aware of the great features we have with Drug Court;
 - n. One of the reasons my office decided to sign up and go along with Drug Court is because Judge Long is one of the judges we felt could actually make it work;
 - o. In other jurisdictions and other places I have worked we've had Drug Courts set up but they are largely a means to avoid going to jail and it is generally not treated all that seriously and it is not terribly effective;
 - p. It is money thrown into something that delays people from their ultimate punishment rather than actually helping them;
 - q. What Judge Long does that is different is he has the reputation and ability to be tough on people to push them through and get them on the straight and narrow;
 - r. We are seeing tremendous results and you don't see that with just any judge; you get that with a judge with enough resolve to push it through;
 - s. Judge Long shared with me that for years he was a criminal defense attorney and he had years and years of dealing with people who were addicts, and he would see people who otherwise had good, decent lives and it was all thrown away and eaten up just by addiction to drugs;
 - t. He got frustrated because there is nothing in the system, at least at this point, to really help them; the therapeutic community in the Department of Corrections, is at best only so-so and sometimes even makes people worse;
 - u. There are drugs in the prisons so just locking people up doesn't do it;
 - v. That has driven him to want to get something else in place and you don't see that in every judge that comes along;
 - w. A lot of people will come in and do their job and be perfectly fine with it, but when you have someone who has a passion to help people and make the world a better place, I would say that is something we want to hold onto because it just doesn't come along every day.
- 12) The concern I have here is with Delegate Chris Hurst and his actions toward Floyd County; I am deeply disturbed by it; I am angered by it;
- 13) Mr. Hurst has forgotten one of the key things when you are in an elected position – your job is to be the best in governing, not just for yourself, not just for your district, but for everyone in the Commonwealth;
- 14) He doesn't realize that the actions he is taking which may be for his own personal benefit or political enhancement, will affect the people of Floyd deeply;
- 15) He may have forgotten that the people in Floyd work with the people in Pulaski, Radford, Montgomery, and Giles; we are in touch with them on a daily basis and this is not going to go unnoticed or unanswered;
- 16) It is arrogance; it is callousness that is deeply disturbing; he is not returning calls to me and to Sheriff Craig; he has not done a genuine review of Judge Long;

- 18) This is not about Republican versus Democrat; it is not about left versus right; it is about common decency for a man who has done a lot for our community, particularly Floyd County;
- 19) The lack of decency of Delegate Hurst in not addressing that and not allowing the people of Floyd to have a voice because we are going to be the ones most deeply affected by this.

Supervisor Kuchenbuch – He did not return my calls either.

Chairman Turman – I sent an email to Nick Rush and it went straight through. When I sent it to Mr. Hurst it was blocked and kicked back.

Mr. Branscom – Just because we are not in his immediate district, we are right next to it and we are all affected. We are all in the 27th Judicial Circuit. We work with the Radford and Montgomery Sheriff's Office and Giles. We are an interconnected community.

Chairman Turman – One thing I would like to interject is that I talked to Judge Long about a Mental Health Court. He has a passion for that also. We really need that.

Mr. Branscom – Exactly. We simply don't have a good alternative in Virginia to deal with people who have mental health issues. The beds in mental health institutions are woefully inadequate. I think nationwide there are about .5 million and in the State under 10,000. We have people come through who need help all the time. If they are unable to help themselves the only alternative is to lock them up for no other purpose than they need mental health treatment. It is just wrong. When you have a judge who is willing to take a stand and try to fix that, it is irresponsible for someone to step in and make a decision for political gain that affects our community.

Vice Chairman Boothe – He and another judge were looking into moving in that direction for a Mental Health Court. I was glad to hear it.

Mr. Branscom – Judge Williams is doing a lot with that.

Vice Chairman Boothe – My understanding is that they were collaborating.

Mr. Branscom – Exactly. Judge Williams is at the General District Court level and he would probably see the vast majority of the cases that come through at that level. But you also need authority from the Circuit Court to have it happen circuit wide. General District Court judges have their jurisdiction limited by the jurisdiction they are in at the moment. For example, Judge Williams is largely in Montgomery County most of the time and Giles. So he will be limited by those places. But with a Circuit Court working in conjunction with that, they can actually work things statewide as well as throughout the district.

Vice Chairman Boothe – It is my understanding that while there are differences, a lot of the pieces for a Mental Health Court has been put in place by the Drug Court.

Chairman Turman – Most people have a misconception about Mental Health Court that we want to incarcerate people who have mental health issues and we don't. We have people in the jail who don't have a mental defect enough to need to be confined, but they need help. They walk that straight line between they know it is wrong to do this, but they do it anyway.

Mr. Branscom – At this point the most we can do is we have to jury-rig something and try to piece it together with one law over here and one law over there and try to work something out. But there isn't a good option for the courts as to where someone should go. You either let them go, put them on some sort of probation which isn't geared up for that. They have their hands full just trying to keep track of people we put on normal probation.

Chairman Turman – You incarcerate someone like that and you will do them more damage than good.

Mr. Branscom – And they come out with more severe problems. The jails are not equipped in any way...

Chairman Turman – It is a teaching institute.

Vice Chairman Boothe – I have talked with several of our State legislators about how our State spends money to bring business and industry to the State, why not approach some of these service providers with an incentive for them to locate these facilities here in the State? Just like they would a business or industry. For a lot of our programs we have children that are out-of-state or so far away, it is costly and a drain on the entire system. If the State would recognize that and give some incentives for some of these service providers to locate here in Virginia. At least it will be in the State, mostly like in the tidewater or northern Virginia, but at least it is still in State.

Chairman Turman – The training center in Hillsville is a prime example. They were helping people and they closed it down.

Vice Chairman Boothe – The government backed out of their part of the program and they couldn't make it.

Mr. Branscom – We are spending so much on incarceration when a good portion of that could be put into that. You have a lot of volunteer agencies and other organizations set up to help with that.

Vice Chairman Boothe – Back in the 1990s you had a lot of preventive services and everything swung around that we would take care of them after they had gone to court and been convicted. It went from preventive to incarceration. It has been long enough that I see it swinging back around, but it is too slow for the problems we have today.

Mr. Branscom – The trick is keeping people in there who want to see it moving. That is why when you have the courts involved...legislatively things get bogged down. On our end we don't have the authority; mine is limited to the County, even when we work with other Commonwealth Attorneys. The Circuit District Court has statewide authority. They can break

the logjam and get things going. That is why Drug Court works. You have these different organizations, like Probation and Parole and Community Services Board, and it is trying to get them all coordinating.

Vice Chairman Boothe – Politics is not in the middle of it. It is just right and wrong. We have to get back to that middle ground where we are working together.

Mr. Branscom – It can be political at the national and state level, but at the local level we need to get things done.

Chairman Turman – I think I can speak for the whole Board...any way that we can help.

Mr. Branscom – At the moment get a letter off. Keep the pressure on. Let Senators David Suetterlein, John Edwards and Creigh Deeds know that we are strongly behind this.

Vice Chairman Boothe – What about the Judicial Committee?

Mr. Branscom – I think that would be fine. I don't want to limit you.

Supervisor Coleman – I am deeply disturbed that one delegate can be so vocal about something that does not directly affect his district as it does ours. I know what it was like at the height of the methamphetamine epidemic here. As a member of this Board I am concerned about what we could face on our community resources having to recycle this whole event once again. It is unfortunate that we have to go through this and we will be the ones to suffer.

Mr. Branscom – You know as well as I do, in the General Assembly it is not one delegate having that much authority, it is because other delegates have allowed him to have that authority. The House needs to stand up. Like I said, it is not right and left or Republican and Democrat because coalitions get built. There is crossing of the aisles all the time. Whatever happened with this it has not been made sufficient enough priority and I think our delegates and representatives need to know that it is a priority for Floyd. We are not going to roll over and let this happen.

Supervisor Yoder – It disturbs me on two levels. First of all I think it is shameful that people refused to listen to just about everyone that I talked to in Floyd County. It is not just a couple of people who feel strongly. I have gotten multiple phone calls and emails from people who are really concerned about it. Judge Long has been both firm and puts out a helping hand when appropriate. I think that is felt in the community. People appreciate that. Families have been touched through the Drug Court. We don't know what would happen if he wasn't reappointed because we don't know who would come and how that would work out. The second part that disturbs me is what Supervisor Coleman said. Is this going to start happening on other issues to where forces outside our area dictate what the County can't do and we don't have a voice all of a sudden. It is scary on so many different levels. The fact that I can call my delegate and it does not matter is scary.

Supervisor Kuchenbuch – What disturbs me more than anything is the silence of our delegate, Nick Rush, on this issue.

Supervisor Coleman – I was encouraged to see Senators Suetterlein and Stanley take a stand.

Supervisor Kuchenbuch – He has enough of a voice and enough of a stature, even though he is now in the minority party, for him to not stand up for Floyd is very distressing.

Mr. Branscom – I agree. This has now gone too far. It should not have reached this point.

Chairman Turman – Would it be appropriate to ask some of the people who have been through Drug Court to write a letter?

Mr. Branscom – We have been working on that. A victim wrote a very long letter in support of Judge Long. Other people who have been victims of these crimes as much as we can...a lot of people want to put it past them...but the ones who are interested in helping out we are helping them do that and get their voices heard. This is not your average situation. Judge Long has touched a number of lives; he has helped a number of people. I know some people are very happy about this situation because they have been on the other end of Judge Long looking over his glasses and saying some stern words. We need to remain united as a community and present a front because Mr. Hurst may dismiss us as not being in his district; he may dismiss us for being a County off to the side. We are united and we are well-connected. We have plenty of people here who have great connections all over the State, the United States and the world even. This is important to our community. We can stand up and push back on this.

Supervisor Kuchenbuch – I will be in Richmond next week and I will be sure to get in anybody's ear and face and be vocal about what is going on.

Ms. Morris – From what I am hearing, you would like for me to write another letter.

Mr. Branscom – We are getting good support on the Senate but we need to keep letting them know that they have our support and they will be representing the true values of Floyd.

Agenda Item 7. – Mr. Jacob Agee, Recreation Director.

– Recreation Park Use Agreement

Ms. Morris – At last meeting we gave you a copy of the Recreation Park Use Agreement. I don't know if you have any thoughts about it or concerns.

Chairman Turman – On the 2nd page where it says, "Cancellations within a 24-hour period..." shouldn't that be "if you cancel after 24 hours you can't get a refund?"

Mr. Agee – That was the intent. I need to reword that.

Chairman Turman – On the 2nd to last page it says "No pets are allowed in the Park."

Ms. Morris – I have added the part about service animals.

Supervisor Yoder – Are we banning pets on the trail? Originally when we set up the trail it was planned to allow dogs on a leash.

Mr. Agee – I wouldn't have an issue with that. I am just trying to keep pets from the ball fields.

Supervisor Boothe – The liability on the walking trail is no different than the liability on the ball fields now that it is the County's. On page 1 where you have "more than 100 expected attendees...All large groups are expected to following existing 'Amusements and Entertainments' ordinances, set forth by the County." I don't remember the last time I saw the Entertainment ordinance.

Supervisor Kuchenbuch – I don't think you were here, but we just had a full review right before your election.

Supervisor Yoder – About 3 years ago we had a fairly comprehensive review. We set up a committee who met with different event coordinators.

Supervisor Kuchenbuch – I thought there should be some language in here that states the Park could be closed in weather events.

Mr. Agee – When we apply pesticides there is a waiting period of 36 to 48 hours. I don't know how you feel about roping the Park off for the fumigation period.

Ms. Morris – An issue is that it is a State road going up in there. Virginia Department of Transportation (VDOT) is checking on that. Mr. Clarke may talk to you about it at the next meeting.

Vice Chairman Boothe – VDOT told Cheryl [Whitlock-Allen, former Recreation Director] at one point in time that if they wanted to they could put a gate across the road and gate it closed from 10:00 p.m. until 6:00 or 7:00 a.m. I don't know if that will transfer or not.

Ms. Morris – He is checking on that too. There are pros and cons on both sides.

Supervisor Yoder – There is one home that uses it as an access.

Vice Chairman Boothe – You could put the gate above the first turnaround. You have to have a way for somebody to get back out.

Supervisor Kuchenbuch – Where it talks about referencing our policies and the County being named as "additional insured," I wonder if down the road you and Ms. Morris can work on a templates or a schedule like we have it in the Entertainment ordinance. I think it would be good to have a template so we are not re-creating the wheel every time. When it was the Recreation Authority it said, "Dogs cannot run at large within the perimeters of the Park." That is what we had at that time in the County ordinance.

Supervisor Yoder – This is not what that says.

Supervisor Kuchenbuch – If they cannot run at large, then it means they could be there on leash.

Mr. Agee – Should I include something about cleaning up after your dog?

Supervisor Kuchenbuch – Absolutely.

Vice Chairman Boothe – From an administrative standpoint it would be simpler to say, “No animals other than service animals and service animals must be on a leash.”

Mr. Agee – How would that affect it if the Rotary Club wants to put a dog show on? Can there be special exceptions for that? At some point or another I would like to include a program with pets if there is a way we can create a loophole.

Supervisor Kuchenbuch – It has been a very successful program that they put on.

Vice Chairman Boothe – The way the wording is in the deed I think we need to expand it a little as to what is considered recreation and what is not. In the deed it says specifically, “only for recreational activities.” Is a dog show technically a recreational activity?

Supervisor Kuchenbuch – What if we were to have a concert at the Park? We need to think about that.

Ms. Morris – Steve [Durbin, County Attorney] said that concerts at a park are generally considered a recreational activity, but paving the whole thing over to create a limited use concert venue would be a problem. He said church groups are allowed to re-create.

Vice Chairman Boothe – When we get to that point we need to make sure we have an understanding with the Town as to what they consider recreation and what doesn't.

Ms. Morris – All of this goes back to the 1989 deed. It has to be used for a public outdoor recreation park.

Chairman Turman – You already had wording in the Use Agreement that there is a \$25 fine for failure to pick up after a pet.

Supervisor Yoder – I don't want to have a dog in the playground or on the field, but I would like to see people be able to take their dog on a leash down the trail. A lot of people walk with their dogs.

Vice Chairman Boothe – If someone has a service animal going to watch their child play a game, then they are not going to be limited to just the trail.

Supervisor Yoder – I think service animals are completely different.

Vice Chairman Boothe – Limit pets to just the trail.

Supervisor Yoder – What I would like to see is pets must be on a leash and are only allowed on the walking trail. Service animals are exempt from that. Dogs in the woods on a leash are not going to bother anyone. Owners are liable for whatever the dog does.

Mr. Agee – I have no issue with dogs being up there. I put no pets because I see it becoming an issue if owners don't clean up after their dogs in places like the ball field or where kids are going. Bringing your dog to the Park enhances the whole experience. If I can strike a balance with that I am fine with it.

Vice Chairman Boothe – I don't have a problem with it if they are limited to the trail, and the owners clean up after them.

Supervisor Kuchenbuch – We can revisit it if it becomes a problem.

Ms. Morris – I have not gotten comments back from Mr. Durbin from his review of this.

Supervisor Yoder – Is there anything about profanity or anyone who is out of control?

Mr. Agee – If I remember correctly that is in the ordinance and it has “must follow all County ordinances.”

Supervisor Kuchenbuch – We had that in policies for each of the different sports but not as a general park policy.

Ms. Morris – We can easily add that. We will keep working on it.

– Ideas for new events

Mr. Agee – I tried to organize these events chronologically. I have done research on what is done in other Counties, some of the events were suggested by parents, and a lot are ones I wanted to do. Some of them would require investment or extra legwork on our part. I think these are the next stepping stones for us as a department. I think I have a good handle on programming as far as athletics goes and it is time we start doing other events.

Supervisor Kuchenbuch – The kite festival is not on here.

Mr. Agee – The kite festival is going to happen. I don't know why I didn't put it on here. Before Andy [Mabe, former Recreation Director] left we had to sell the Mahindra in order to stay afloat. I have been looking at a Toro2040z. It is a jack of all trades. It has hydraulic on the back that can drop a rake or a drag. It is zero-turn. It costs about \$5,000-\$6,000. Bobby Estienne at Moyer suggested a generic Gator or Toro would be a better option. I wanted your opinion on buying something. The Mahindra was inadequate for the job we used it for.

Ms. Morris – We have been looking around for a nice, used one.

Supervisor Kuchenbuch – I would like for you to keep looking around. It is a necessity.

Mr. Agee – I don't know if you have seen the field. When Andy and I came along we were limited as to what we could do. I do not have a license right now to put Round-Up down.

Supervisor Kuchenbuch – Are you going to the pesticide certification class?

Mr. Agee – Yes. That is a long, expensive process and I probably won't be done by baseball season. Jon [Vest, Virginia Cooperative Extension] will not do it because there is a large liability issue, but we can hire somebody to do it. We would have to close the park and keep people out.

Vice Chairman Boothe – If we don't have the authority you definitely need permission to close the road. There is a concern with the people who live there.

Ms. Morris – We would notify them of course.

Mr. Agee – The softball field stayed okay.

Vice Chairman Boothe – We are not using Round-Up are we, but something like it?

Mr. Agee – There is a treatment for it.

Supervisor Kuchenbuch – There is a broadleaf weed killer that will be used to extinguish the weeds that are growing and the best time to apply that will be as soon as they start growing when we get some warm weather in between the snow that will fall between February and March. Actually if you spray and let the snow fall, your kill rate will be even better.

Mr. Agee – There is a technician Mr. Estienne at Moyer recommended who is coming either tomorrow or next Wednesday to look at re-doing some of the infields. The lack of irrigation at times can be destructive just because of the way the fields are laid out. Different sediments get redistributed in places that cause drainage issues and puddles. He is looking to see how much it would cost to take 2" to 3" up on both infields and lay a proper mix down and get the groundwork laid for some type of irrigation if it is possible. I don't think anyone wants to spend an exorbitant amount of money on irrigation. The Authority prepared a brochure. I think that is a great idea given the demographics of Floyd. I have a sample for you to look at. I could get about 15-20 pages in a brochure and send them home with students and put some at businesses. It would be a good public relations marketing effort.

Supervisor Coleman – I like your events.

Ms. Morris – This is a few things that Jacob has been working on.

Supervisor Yoder – On the concerts I think we are fairly saturated with music events. The Town is going to have multiple ones throughout the year. There are music events held every weekend.

Mr. Agee – I approached Chantilly Farms about us putting on a concert like Steeledrivers or someone similar and was told that you will always make a profit if you invest \$10,000-\$15,000 in it.

Supervisor Kuchenbuch – I think you've hit the right market in terms of dates. It is after everybody else's. It is a good time for them. I'll have to give it some thought.

Supervisor Yoder – I worry about us doing things that take away from the private sector. There are a lot of events where people are trying to make money and if you add another one to the mix, it can be seen as they would have had more at their event the week before. Many people don't have the money to go to two events in back to back weeks. I have heard that about the Town. Since they are hosting a free event it might keep some from a paid event a couple of days later. I would be careful with that. We don't want to be competitive with the private sector. I see Recreation as what niches are not filled and how can we fill them.

Supervisor Kuchenbuch – I think the swimming and golf lessons for young kids could fill a niche that is not being met. There might be someone out there that develops a love and has an innate ability for golf and it would be amazing.

Mr. Agee – That is what I was thinking with things like the Buffalo hike. Even though they are not there to play football that day, they might enjoy it and try some other activity. A lot of the events were designed with the intention of getting people out and trying things.

Supervisor Coleman – I really like the front page because it includes all ages and every part of the community. I agree with Supervisor Yoder, we don't want to interfere with the private sector.

Agenda Item 7. – Lydeana Martin, Director of Community and Economic Development.

Ms. Martin provided an update on storm water credits at the Commerce Center:

- 1) Mark Cline from Hurt and Proffitt came and talked to you a few months back about storm water management on lots 4 and 8 at the Commerce Center and storm water credits – You have to address not only the quantity of water runoff but also water quality;
- 2) You can either build systems to do that on your site or you can buy nutrient credits from places that set that aside;
- 3) In our case there is also the potential of using some of the area already set aside for the buffer area to not be developed; it includes some wetlands and steep slopes;
- 4) Hurt and Proffitt has done some preliminary analysis on that and gave us an estimate of approximately 15 pounds of runoff;
- 5) It was \$11,000 per pound last year and now it is \$14,000 per pound so doing the entire area being considered, it would be about \$220,000 of offsets;
- 6) It takes about 11.5 or so to do lot 4 and lot 8 together that would leave about 3.5 for Phase 2, which wouldn't cover all of it but it would help some;
- 7) The EDA talked about this and would like to do it if you don't have any objections or concerns;
- 8) We would set it to 50' off the other property line in case anything came up where you needed to adjust a property line;

- 9) We could not include the area that has utilities crossing through;
- 10) We are talking about roughly 54 acres of land so it is the majority of the buffer area.

Vice Chairman Boothe – The buffer area was set up for that anyway.

- 11) The EDA wanted me to find out if there is any additional maintenance that comes with this and according to Mark Cline there is no additional maintenance but you are limited in the maintenance you can do;
- 12) The walking trail could not be bush hogged or mowed more than 4 times a year but since it is under canopy hopefully that will be enough;

Supervisor Kuchenbuch – What are the downsides?

- 13) The only downside that I can think of is that if there is a future use where you wanted to cross this area, you would be giving it up in perpetuity, but honestly there is a lot of grade and Old Field Creek;

Vice Chairman Boothe – The only thing we ever thought about was if we did build a service road from there to Rt. 221, but we pretty much killed that. If we did road improvements we could come from the old park and use Rt. 615 as the main entrance.

Supervisor Yoder – I think it is a great idea.

- 14) The land has been surveyed and we don't have to re-survey it we can just indicate how far off the boundaries but there will have to be documentation from Hurt and Proffitt that will cost around \$5,000;
- 15) The other 4 or 5 acre property would cost a couple thousand dollars to do the analysis but you would probably only gain 1 pound and it might restrict the development of a fishing pond or any boardwalk.

Ms. Martin provided an update on the Housing Rehabilitation planning process:

- 1) One of the goals of the planning grant is to gain a better understanding of housing in the County;
- 2) One of the reasons we could pursue it this year is they will accept a scattered site so it does not have to be in one neighborhood, but they did tell us they wanted as close groupings as you could get;
- 3) My biggest concern is matching funds so we are exploring programs we could tag team like Rural Development has a Section 504 Home Repair program for seniors who have very low income; they can get up to a \$10,000 grant for housing rehabilitation;
- 4) One of the real catches with this program is if a house participates then every problem has to be fixed to a little above building code; you can't go in and just fix one thing; which makes sense but also can make it expensive;
- 5) If we could find even a couple of houses where we could get some Rural Development funds or other little mixes, it will hopefully make our application competitive and it will also help us if we get to do the project to make the dollars work;

Vice Chairman Boothe – This is limited to rehabilitating existing houses?

- 6) Yes, it is limited to rehabilitating existing houses unless a house is bad enough that it would take more, they call it substantial reconstruction, but it is really taking a house down and putting up a new one in its place;
- 7) If we get \$1 million it will take a certain amount for administration so our estimate is that if we got the money it would be 10-15 houses that could be rehabilitated at the most in one round;

Supervisor Yoder – Does that include wells and new septic fields or is it just in the actual framework of the house?

- 9) I don't know if these funds could address those issues but Southeast Rural Community Assistance Project, Inc. has some potential assistance for that and there are also weatherization funds that Community Housing Partners administers for our County;
- 10) There is no big amount of money in any of them but it will be a lot of work to overlay all the pieces;
- 11) I'm meeting with the funder tomorrow in Abingdon and we have a management team meeting on Thursday to show them some maps and zero in on a project area;
- 12) We have to interview all potential participants in the project area in the first half of February;
- 13) We are interviewing next week for a Housing Rehabilitation Specialist who would be the person to go into every house and estimate the cost needs and then do a really in-depth estimate on a couple of houses all of which is to support our application;
- 14) The grant application has to go in by late March.

Ms. Martin displayed a series of maps showing various housing demographics in Floyd County – housing of the disabled, housing of people over 65, housing of the low-to-moderate income, housing of people who have expressed an interest in assistance, and condition of homes.

Ms. Morris – We will provide you copies of these maps because they are very interesting.

Ms. Martin – The Regional Commission is working with us through the planning grant so their map person produced these. Ms. Terry Smusz from New River Valley Community Action had somebody provide their list so it has been a team effort.

Vice Chairman Boothe – We should be able to get all of this done to meet the June 30 deadline stated on page 3, shouldn't we?

Ms. Martin – Yes. Our focus with the planning grant is to get the application in by the end of March.

Vice Chairman Boothe – On page 5, section 3, items F. and G. it talks about adopting a local anti-displacement plan and also taking a yearly action to affirmatively further fair housing. At some point I need a little clarification on those.

Ms. Martin – G. I can speak to; item F. I cannot. Item G. is in every CDBG application. I think F. is just a standard thing in all CDBG grants. Some Development Block Grants are for a downtown revitalization project and they might tear houses down. You would have to say what

you were going to do because of those things. In this case the only situation where a home would be displaced was when the person wanted to participate and they would be getting another dwelling on the same site. I will ask that question tomorrow.

Vice Chairman Boothe – On page 10, number 8, who will be in charge “of quality control to include all aspects of grant administration and project implementation?”

Ms. Martin – Project implementation will be us, grant administration day-to-day work will probably be done by the Regional Commission, but the buck stops with the County ultimately.

Ms. Morris – They have a filing system that we have to follow.

Ms. Martin – It is very intense.

Vice Chairman Boothe – I want to make sure I understand this. On the planning grant and the actual grant itself for the projects, if something goes off the rails we have to send back any money that is leftover that hasn't been used. But we are not on the hook for anything that was used as long as it was used properly?

Ms. Martin – That's right. We'll do our best. You don't know how many competitors there will be until we turn it in, but you don't get it if you don't apply.

Vice Chairman Boothe – Will the money be expended and then reimbursed so we will be fronting the money?

Ms. Martin – Most likely, and it will be over a two year time horizon. One thing that is reassuring to me and I hope it will be to you is that the person, Jennifer Wilson, we are working with at the Regional Commission has done 2-4 of these in the last few years and has experience.

Vice Chairman Boothe – Will that person be taking care of the...will it be bid out work... or will we have to handle that locally?

Ms. Martin – It will be bid out work and they will be working with the Rehabilitation Specialist who will be the person who checks the work and makes sure it is done properly. Ultimately the buck will stop with us but there will be people on the ground.

Vice Chairman Boothe – Will Mark [Bolt, Building Official] be involved with this in any way other than general inspections?

Ms. Martin – Mark is on the management team in order to be engaged and give us guidance and so he will be aware of everything, but he won't be responsible for anything specifically on the grant work.

Agenda Item 8.b. – Floyd County Planning Grant Agreement for the Floyd County Housing Rehabilitation Project.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the Floyd County Planning Grant Agreement for the Floyd County Housing Rehabilitation Project and to authorize the County Administrator to execute the Agreement (Document File Number xxx).

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

Supervisor Kuchenbuch – Lydeana and I participated in a Regional Commission conference last Friday representing housing needs in Floyd. There were 16 people there – some from the State, some from funding arms, some from Floyd Initiative for Safe Housing (FISH), some from County offices. People discussed various issues affecting their communities, like downtown Christiansburg looking for ways to revitalize that area. Our group worked together all day long and came out with some really good, consistent ideas.

Vice Chairman Boothe – Is there any update from Habitat on their project?

Ms. Martin – We haven't seen any final plan that would go to the Planning Commission. Karla [Turman, Floyd County Planner] and I by virtue of working with FISH have seen some preliminary ideas, but we don't have any final plans yet. Their hope is to be able to begin construction in 2021.

Vice Chairman Boothe – Are they still receiving the left over Pulaski money?

Ms. Martin – Yes. That is our most recent HOME funds plus the next cycle and they got State HOME funds. One of the things the Habitat Board is going back and forth on is whether there should be a ground floor bedroom in case a senior was interested in a townhome. Typically the bedrooms are all on the second floor, but our senior population needs other options. They are trying to take that into consideration for a few of them. Read *The Floyd Press* next week and there will be a big article on it.

Vice Chairman Boothe – Does American Disabilities Act (ADA) come into play with bedrooms upstairs?

Ms. Martin – I don't know. I know when you rehabilitate a building you have to have a couple with ADA access, but I don't know about new construction.

Ms. Ashley Spinks, editor of *The Floyd Press* – Ms. Martin is right. If there is a bedroom downstairs then it is considered ADA compatible.

Agenda Item 7.a. – Appointment to New River Valley Community Services Board to fill an unexpired term through June 30, 2021.

Chairman Turman – I think this is an important appointment but I need to step down because of my other appointments. The Community Services Board meets the 4th Thursday every other month in Blacksburg. The next meeting is February 27 at 6:00 p.m.

Ms. Morris – This appointment does not have to be a Board of Supervisors member.

Vice Chairman Boothe – I think there has been a Board of Supervisors member on it since the early 2000s. I was on it for 6-8 years. At that time we thought having local government people on the Board helped bridge the gap between that agency and the local Departments of Social Services.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, and carried, it was resolved to appoint Vice Chairman Jerry Boothe to the New River Valley Community Services Board to fill an unexpired term through June 30, 2021.

Supervisor Coleman – yes

Supervisor Kuchenbuch – yes

Supervisor Yoder – yes

Supervisor Boothe – abstain

Supervisor Turman – yes

Agenda Item 8.c. – Funding request from Floyd-Floyd County Public Service Authority (PSA) for replacement of valves.

Supervisor Kuchenbuch – We’ve had another water leak.

Ms. Morris – Per your instructions I have been in contact with the Mayor. Town Council did have some discussion on the matter at their last meeting but they did not come to a conclusion.

Vice Chairman Boothe – The Mayor and I talked about it and they are looking at critical needs. I talked to Richard [Burton, PSA Superintendent]. The problem is we don’t know how exactly how many 6” and 8” valves we have. I suggest, if the Board is in agreement, that we do up to half of the \$50,759.04.

Supervisor Kuchenbuch – Are the valves causing part of the problems or are the pipes just so old...

Vice Chairman Boothe – I think part of it is the pipes but the big problem in order to make repairs we shut off half the Town or we shut the whole Town down. A lot of the repairs on Rt. 221 cause H & V to shut down and the nursing home is without water. Customers are about 50/50 between Town and County. When the businesses in Town shut down we are losing sales tax, not to mention the problems individuals run into.

Supervisor Kuchenbuch – The PSA workers can do a majority of the work in order to keep the cost down.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and unanimously carried, it was resolved to spend up to \$25,325.00 contingent on the Town covering an equal amount for critical need valve replacement and authorize the County Administrator to take the funds from contingency.

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

Agenda Item 8.d. – Deed between the Town of Floyd and the County of Floyd for a certain real property recorded in the Office of the Clerk of the Circuit Court of Floyd County, Virginia in Deed Book 170, page 439.

Ms. Morris – The Town has scheduled a Public Hearing on February 6 for the disposition of the Recreation property. You would be authorizing the acceptance of the conveyance. You can wait to vote on this until after the Public Hearing in case there are any changes.

Vice Chairman Boothe – On page 2 it says, “The Grantor’s property interest conveyed herein shall AUTOMATICALLY REVERT to Grantor in the event of either a) the property is conveyed to anyone other than the County of Floyd, or b) the property is used in the future for any purpose other than a public park for recreational activities.” The two current bodies may understand what we mean by recreational activities but 10 years from now different people may be sitting here. I think there needs to be some definitions worked out between the Town and County attorneys that tie down what we mean by recreational activities. It can be in an addendum to the deed.

Agenda Item 9. – Old/New Business.

Supervisor Yoder – I went to my first New River-Highlands Resource Conservation and Development Area meeting. There were only about 5 or 6 of us present. The total makeup of the Council is someone from each County, each soil and water district, and from the planning districts. There could be 30-40 members to the Council, but they are having difficulty getting people to attend to even fill the officers’ slots. We could ask our soil and water district to appoint somebody. We are not eligible to get money from the National Forest Service. We are the only county in the whole district who does not have any National Forest land. But there are other things they can do for us. For example, Slatemont is very integrated and has steep terrain, the Forestry Club at Virginia Tech could come out and spend a day cleaning up brush from places that might be a fire hazard. The Regional Planning Commission could appoint someone to the Council and so could the soil and water district.

Vice Chairman Boothe – We could ask the Regional Planning Commission to check into it and see how many appointments they can make. We need people at the table.

Ms. Morris – I have a meeting in the morning at the Regional Planning Commission, I will talk to Kevin Byrd [Executive Director].

Supervisor Yoder – At our last meeting I was appointed to serve on the Chamber of Commerce Board and I got a message that they may be changing that role.

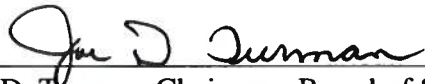
Ms. Morris – The Town did not want their appointee to have voting rights so the Chamber is going to discuss it again at their next meeting.

Agenda Item 9. – Adjournment.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to adjourn the meeting to February 11, 2020 at 8:30 a.m.



Terri W. Morris, County Administrator



Joe D. Turman, Chairman, Board of Supervisors