

**BOARD OF SUPERVISORS
REGULAR MEETING
SEPTEMBER 22, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, September 22, 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, Tabitha Hodge, Operations Manager to livestream and film the meeting.

Agenda Item 1. – Meeting Called to Order.

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. – 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 bills as presented.

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

Agenda Item 5. – Public Hearing Concerning the Intention of the Board of Supervisors of the County of Floyd, Virginia to Propose for Passage a Resolution Authorizing the Issuance of up to \$15,000,000 General Obligation School Bonds, Series 2020 of the County of Floyd, Virginia for School Purposes.

Ms. Morris read the call for the Public Hearing and noted that it was properly advertised in the September 3, 2020 and September 10, 2020 editions of The Floyd Press.

Chairman Turman declared the Public Hearing open. Hearing no comments, Chairman Turman closed the Public Hearing.

Agenda Item 7. – Mr. David Rose, Davenport & Company.

Mr. David Rose explained the resolution authorizing the issuance of not to exceed \$15,000,000 general obligation school bond of the County of Floyd, Virginia to be sold to the Virginia Public School Authority (VPSA):

- 1) This was prepared by bond counsel;
- 2) We are hopeful that interest rates will remain where they are;
- 3) If they do it will be better than anything we previously estimated;
- 4) The sale will occur in the latter part of October;
- 5) We need to make the elections at this time so they can put all the various local governments who want to be part of this together and be ready to offer them on the marketplace;
- 6) You have not to exceed \$15,000,000;
- 7) That will take care of \$14,500,000 of the construction amount;
- 8) We previously borrowed \$7,500,000 and planned to get that locked in with the Literary Loan at 3%;
- 9) However because rates are so favorable, we are hopeful that we will not need to use the Literary Loan and will be able to do all the borrowing through the VPSA program;
- 10) That would mean that the all in amount of money would be below 3% which we did not plan for but are happy to see occur.

Supervisor Kuchenbuch – On page 2 of the information you provided you state that the County should continue to assume that the incremental cost of the high school projects will be equivalent to approximately 2¢ to 3¢ on the County’s real estate tax rate. Can you further explain that?

Mr. Rose – You may recall that when we worked on the multiple borrowings, we took advantage of the natural decline in your debt service and we did certain projects that way. Then we knew that due to the sheer magnitude of this project that the debt service, even in the best of circumstances, would be between 2¢ to 3¢ equivalent. If the rates hold, all things being equal, it will be much closer to 2¢ and maybe even a shade under that. We will find out in about a month or so.

Supervisor Kuchenbuch – So our citizens would be looking at a possible 2¢ tax increase on real estate?

Mr. Rose – That is if you as a Board decide to fund this. That is correct. We always use the word equivalent because if there are some other ways you are able to generate new revenue then it would need to be the equivalent of roughly 2¢ on the real estate tax rate. Even though these interest rates are at 50-60 year lows, you will not lose the opportunity to refinance if rates go lower or there is something you need to do. You have to petition VPSA and hopefully they would say “yes.” Even away from that they regularly monitor the debt that is being issued. They may at some point contact the County and say these can be refunded for savings purposes.

They do that on a regular basis. If we as the County run into some problems we can petition them and historically they have been very accommodating to local governments.

Supervisor Kuchenbuch – But if we do refinance it costs us naturally, right?

Mr. Rose – It depends. If you refinance to save money, it will save you.

Supervisor Kuchenbuch – But it costs you money to play in that pool?

Mr. Rose – Yes.

Ms. Ryan – When the Board set the FY21 tax rate at 60¢ which was the same as the previous year, it was the equivalent of a 3¢ tax increase because of the reassessment. Didn't that already take into account the 3¢ needed for this loan? It is not like they will have to increase real estate taxes again. It is already built in.

Mr. Rose – Yes, that is correct.

Supervisor Yoder – It is hard to believe that rates could get any better than this.

Mr. Rose – Let's assume the rate we have to borrow is materially above 3%, then we could just borrow the other half and keep the Literary Loan program going.

Agenda Item 10.c. – Resolution adopting the Virginia Public Schools Authority application.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and carried, it was resolved to adopt the Virginia Public Schools Authority application and to authorize the appropriate parties to execute the application and any associated documents (Document File Number 1130).

Supervisor Coleman – yes

Supervisor Kuchenbuch – no

Supervisor Yoder – yes

Supervisor Boothe – yes

Supervisor Turman – yes

Agenda Item 6. – Public Hearing on An Ordinance to Establish a Different Accrual Date for Penalty and Interest on the 2020 Real Property Taxes Due on December 5, 2020.

Ms. Morris read the call for the Public Hearing and noted that it was properly advertised in the September 3, 2020 and September 10, 2020 editions of The Floyd Press.

Chairman Turman declared the Public Hearing open.

Mr. Steve Durbin, County Attorney with Sands Anderson explained the purpose and effects of adoption of the resolution:

- 1) It would provide some relief for those citizens who may be impacted by the COVID-19 pandemic, especially those who might be in financial difficulties;
- 2) It provides that no penalties or interest would accrue on any amounts of taxes unless the amounts were unpaid on January 5, 2021;
- 3) While it provides some relief, it keeps the same due dates and for those who have the means to pay and elect to pay by December 5, it helps sustain County revenues.

Supervisor Kuchenbuch – Has the Treasurer said anything about collection on the August 5 tax?

Ms. Morris – No, ma'am. The last time she said collections were about 92% which is about average for the timeframe.

Hearing no comments, Chairman Turman closed the Public Hearing.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to adopt An Ordinance to Establish a Different Accrual Date for Penalty and Interest on the 2020 Real Property Taxes Due on December 5, 2020 (Document File Number 1131).

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

Agenda Item 10.a. – Acceptance of bid for propane services – October 1, 2020 – September 30, 2021.

Ms. Morris – We received 4 bids from our advertisement. Based on the bids received I recommend that the bid be accepted from Clark Gas & Oil for propane for the next year. It was a very favorable rate. This is a different company than the one we are currently using so they will have to switch tanks.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to accept the bid of \$.799 per gallon fixed price for propane from Clark Gas & Oil Company for the period of October 1, 2020 to September 30, 2021 and authorize the County Administrator to execute a contract (Document File Number 1132).

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

Agenda Item 10.b. – Authorization to advertise Public Hearing for tax exemption status by The June Bug Center, Inc.

Ms. Morris – We received a tax exemption request from The June Bug Center, Inc. I sent a letter to the requester with questions they must answer per State Code. Their responses are attached to the request I have given to you. If they meet all the requirements per the Code, then the request is brought to you for your review. The next step in the process, if you are willing, is to set a Public Hearing to take comments on the matter.

Supervisor Yoder – In the past when the Historical Society asked for relief, we didn't grant it. Does that sound right?

Ms. Morris – I don't recall.

Vice Chairman Boothe – In Code it says that if you do a certain amount of educational offerings, then you are exempted. I think what The June Bug Center does with education programs ought to qualify them.

Supervisor Kuchenbuch – I would have to agree with you.

Mr. Durbin – The way this application is submitted it would be approval by ordinance of the Board after the finding that it is a nonprofit organization that provides religious, charitable, patriotic, historic, benevolent, cultural, or public park and playground purposes.

Vice Chairman Boothe – Education is not listed as one of the items?

Mr. Durbin – I think you would have to make a determination that the services are charitable and cultural or otherwise benevolent. It is a finding of the Board.

Supervisor Yoder – I am not necessarily opposed to it, but my concern is that we treat everyone the same. I thought a former Board had denied a request because they were worried about how many other organizations would qualify and what it would do to the tax base. I just want to make sure we are even across the board.

Ms. Morris – I will go back and look and see if I can find that about the Historical Society.

Vice Chairman Boothe – Will you please go back and review and see if a precedent has been set? Can we take this up at our next meeting?

Ms. Morris – We could go ahead and hold a Public Hearing.

Mr. Durbin – The request for today is just to hold a Public Hearing.

Supervisor Yoder – If we decide we don't want to do this we will have spent the money to advertise for the Public Hearing.

Vice Chairman Boothe – Could we set the Public Hearing after we get more information?

Chairman Turman – Please bring this back up at the next meeting and we will look at it.

Agenda Item 10.d. – Request from Citizens Telephone Coop to rebroadcast Board meetings.

Ms. Morris – The next item is a request from Citizens Telephone Coop to rebroadcast your meetings. Their request is to download from our Facebook page or YouTube; however we end up doing it and play it on CCTV. They said there would be no cost to us and no responsibility or effort needed by our staff. They would run the broadcasts two or three days after the meeting.

Mr. Durbin – We might want to do a simple memorandum of understanding with them.

The Board agreed by consensus they would be interested in pursuing a memorandum of understanding with Citizens regarding rebroadcast of Board meetings.

Agenda Item 10.e. – Discussion of options for re-registration of short-term rentals.

Ms. Morris – Last month we discussed some options on the re-registration for short-term rentals. Mr. Durbin has some options for you. I spoke with the Commissioner concerning the matter. She said for facilities that have not opened back up yet she is telling them to wait and re-register again and remit the fee at that time. The fee was originally put in place to pay for some of the costs of the program like postage and staff time.

Mr. Durbin – There are a number of ways you can address this:

- 1) You could simply pass an ordinance that waives fees for anyone who is currently registered. You could provide in that ordinance that would be a one-time waiver so that anyone registering between now and a stated future time would have the fees waived and thereafter we would resume the original text of the ordinance without having to have a third ordinance to repeal the emergency interim measure.
- 2) You could provide that anyone who is currently registered within the next 60 days would have their fee waived for the next year.
- 3) There are a number of ways you can do it.
- 4) I would suggest a standard ordinance and go through the normal process and put a sunset provision in there.

Vice Chairman Boothe – It would be similar to what we just did with the penalties and interest and just do it in one document. Do we know what amount of money we are talking about? I was just thinking if we did this what we would be adding to that department to cover these costs.

Supervisor Kuchenbuch – For clarity, if someone were going to start an Airbnb we are saying they wouldn't have to pay the \$50? Or is it people who are already in the business, who have paid their \$50 would not have to pay this year's re-registration fee?

Mr. Durbin – It is any way that the Board deems is appropriate. You don't have to have a fee at all, but the purpose of the fee was to recoup some of the costs of running the program.

Supervisor Kuchenbuch – As I recall it was also to get a handle on how many of these businesses we have in our County.

Mr. Durbin – The registry itself is for transparency so we know who is operating these businesses in the County and to make sure they are complying with the transient occupancy tax and any health and safety guidelines.

Ms. Morris – The Revenue staff spend some time reviewing the Airbnb website and seeing if there are new ones in Floyd.

Supervisor Yoder – Why do we need to have them register every year if they are current on their transient occupancy tax? We know they are still in business because they are still remitting their monthly tax receipts. I can see it if you registered and paid 6 months of taxes and then went 3 months without paying that would void your registration and you would have to re-register. I am thinking from a hotel standpoint. They pay the transient occupancy tax, but do we require them to fill out a form every year and say they are still in business?

Mr. Durbin – Hotels are exempt. By analogy it is like registering your vehicle every year or two. I have to double check the statute but I believe that if you registered this year, you wouldn't have to renew each year. I doubt there is a limitation on you.

Supervisor Yoder – It doesn't seem like a level playing field for someone who is renting out a room in their house.

Vice Chairman Boothe – It is like a contractor's license that you have to renew every year and pay a fee. It is similar to that.

Supervisor Yoder – In the case of the Airbnb their direct competition doesn't have to do this.

Supervisor Kuchenbuch – I think we are comparing things that are different. What about if you had to register your business and pay \$50 and then each year you re-register but it is less than \$50, like \$25? That way we know you are still doing business and that you are complying. But in this time with COVID if we are going to help folks, then we can waive it for this year.

Supervisor Yoder – I am in favor of waiving it for this year.

Mr. Durbin – The main thrust of the fee is to defray the cost of monitoring and compliance. Once a business is in the system, you may feel that a \$10 fee is appropriate to continue to make sure the business is in compliance. It is something we could check with the Commissioner of Revenue and confirm that this would work for their system that they have in place.

Supervisor Yoder – I can see that these businesses might go in and out of business more frequently than hotels so we might want to keep our eyes on them. Maybe every two years we can give them relief from having to fill out a form. If you are collecting taxes every month then that is a pretty good indication that they are still in business and operating. In that case I don't

know that they need to register. In the short term I would love to see something that would give existing businesses relief from it for one year, but not necessarily for new businesses which create more work for the Commissioner's office.

Mr. Durbin – I am hearing that you would like at least an ordinance that would give some relief and waive the fee for 1 calendar year. But there also might be interest in considering a revision to the existing ordinance on a permanent basis where you would pay the \$50 fee as is and then in subsequent years pay a lower amount.

Supervisor Yoder – I would be interested in seeing a biennial registration.

Ms. Morris – We will work on that and bring it back to you.

Agenda Item 8. – Public Comment Period.

Chairman Turman called for the Public Comment Period. Hearing no comments, Chairman Turman declared the Public Comment Period closed.

Agenda Item 9. – Constitutional Officers reports.

No Constitutional Officers were present.

Agenda Item 10.f. – Approval of documents for Virginia Individual Development Accounts application.

Ms. Martin explained the Virginia Individual Development Accounts application and the documents that needed to be approved:

- 1) This is the \$200,000 Community Development Block Grant program that will allow us to help 37 people;
- 2) It is a savings program so a low to moderate income wage earner can save \$500 and get \$4,000 in matching dollars;
- 3) The person also has to do some required training;
- 4) The money can help them either make a down payment on a home or help them with business development;
- 5) The documents in your packet are pre-contract documents which are required before getting to a contract;
- 6) Some of the forms are not relevant to this project but because these are federal funds that pass through to the State, they are forms that are required every time even if they are not pertinent to the project;
- 7) The Memorandum of Understanding is with The Advancement Foundation which will be the entity that does most of the in-the-trenches work;
- 8) We are promoting this program by trying to explain to people what it can do for them, but The Advancement Foundation located in Vinton is a non-profit and they step the applicants through the paperwork;
- 9) They work with the applicants entirely through the process;
- 10) Applicants have to have 14 hours of training;

- 11) Timing has been good because for the people who want to do business development, the Floyd C4 can count for 7 hours of the business training;
- 12) The other 7 hours for everyone have to be on financial literacy; how to create a budget, savings, etc.;
- 13) You will get a similar document to this during the application process;
- 14) This one is just updated to say the money has been awarded, here is how the program works, and lays out the anticipated timeline for the project;
- 15) \$170,000 of the \$200,000 will be used for providing the \$148,000 matching dollars for the savers and \$22,000 for coordinating all of the training;
- 16) \$30,000 of the \$200,000 is for administration;
- 17) We are keeping \$3,000 of that to cover legal review of documents and the required advertisements;
- 18) As the funds are drawn down, we will not be handling the \$4,000 for each saver;
- 19) There is only one lender in the Commonwealth of Virginia authorized to handle these funds for the savers and that is Virginia Community Capital;
- 20) Each applicant will have to create a savings account with Virginia Community Capital and save their \$500;
- 21) Once they meet their obligations the \$4,000 will go into that account;
- 22) The Advancement Foundation will make sure that the money is only drawn out to acquire the assets that are eligible, either a house in the case of a homebuyer or eligible piece of equipment or inventory in the case of business development;
- 23) The whole program is asset based, business development cannot pay for operating costs;
- 24) The point of the program is to create wealth and ownership.

Vice Chairman Boothe – Any funds for The Advancement Foundation come out of this money, right?

Ms. Martin – That is correct. One reason I think we received these funds is because The Advancement Foundation did the same program for Vinton and helped another locality do this and Department of Housing and Community Development thinks very highly of The Advancement Foundation and their administration work. They have been an important partner for us in helping get these funds.

Vice Chairman Boothe – I think I read in here that they screen the applicants?

Ms. Martin – That is right.

Vice Chairman Boothe – If they make a mistake in their screening process is the County liable for that?

Ms. Martin – That is a great question. I don't know. Ultimately the buck will stop with you, but you might want to go back to The Advancement Foundation.

Vice Chairman Boothe – When our attorney reviews this he might want to make sure that there is something in there to give us remedy or protection.

Ms. Martin – It is a good idea to have something in there. Virginia Community Capital will also be reviewing the documents for what the assets for purchase will be. Something can fall between the cracks but there are a couple of layers of review before assets are purchased. We have already had about 20 people apply or inquire about this program, so I feel sure we will be able to get to the 37. My biggest concern for those who are doing it for a down payment for a house is whether they will be able to find a house they can afford. The Habitat townhomes will hopefully be coming online late next year so that will be 7 units. I think 2/3 or more of the participants will be doing this for business development.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to approve the Memorandum of Understanding with The Advancement Foundation for administration of the Virginia Individual Development Accounts contingent upon legal review for remedy in case of errors being made and to authorize the appropriate officials to execute the agreement (Document File Number 1133).

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

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the documents for Virginia Individual Development Accounts application and to authorize the appropriate officials to execute the documents (Document File Number 1134).

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

Agenda Item 10. g. – Discussion of CARES funding.

Ms. Morris discussed items already purchased with CARES funding and suggestions for possible uses of that funding:

- 1) We have continued to receive requests for the RISES program and staff requests additional funding for that program.

Ms. Martin – We are very close to having applications totally \$299,800. We have not promoted the program for the last 3 weeks because we are close to the limit of \$300,000. I don't know if you want to capitalize it more and have us advertise it.

Supervisor Yoder – That would be for additional businesses and not more money for existing businesses?

Ms. Martin – That is correct. We would see if there were any more self-employed, businesses, or nonprofits who are eligible. When we set this up back in June, we were comparing their revenue or income in March, April, or May to the prior year. We heard from a

couple of businesses that were more impacted after May than they were right away because they had projects in the pipeline. I want to ask you to consider allowing businesses to select 2 other consecutive months through September to compare to the prior year. That might make a couple of more businesses eligible who were not eligible previously.

Vice Chairman Boothe – I need to make a statement for the record: Today’s discussion involves the utilization of certain CARES Act or other funds for the benefit of small businesses and self-employed citizens of Floyd County. I am currently self-employed and conduct business as Jerry Boothe Hardwood Flooring and we also have a farming operation and such employment results in annual income in excess of \$5,000. However, because a large number of County citizens are also self-employed, any interest I would have in the CARES Act program under discussion would be the same as other County citizens who are self-employed, and together we constitute a group of three or more individuals who are affected by the transaction in question. Therefore, in this situation, the exception to the Virginia State and Local Government Conflict of Interests Act, VA Code Section 2.2-3112(b)(1) applies to this situation. In accordance with that section, I hereby declare that I am able to participate in this discussion and voting on this topic fairly, objectively and in the public interest.

Supervisor Kuchenbuch – I affirm the same statement. My businesses are Linda DeVito, Realtor with Blue Ridge Land and Auction and also Maple Spring Christmas Tree Farm.

Supervisor Yoder – I make the same declaration. I have an LLC as Lauren and Chelsa Enterprises. I do heating and Chelsa does photography plus my farm.

Supervisor Coleman – I make the same statement. I have a small farming operation under my name. I just started Freedom Arms LLC but have not made any income with that business.

Chairman Turman – I make the same statement. I own Sugar Tree Farm-Beef Cattle and I own Sugar Tree Farm Auctions.

Supervisor Kuchenbuch – Is \$50,000 enough. This is one program that is helping our local businesses.

Supervisor Yoder – We can look at this again in the future to see if more is needed.

By consensus the Board agreed to an additional \$50,000.00 for the RISES program.

2) Ms. Martin and I discussed the AFID [Agriculture and Forestry Industry Development] program.

Ms. Martin – The ShopFloyd program has \$15,000 in it to allow any business to get set up for E-commerce to allow people to shop safely and protect public health. Thirteen or fourteen businesses have already signed up for that technical support. Our AFID planning grant application in the spring had \$8,000 in it dedicated to technical assistance for farm and forestry related businesses. One of the items in the application was helping those businesses be able to add E-commerce to their business. The technical assistance could also be to create a webpage or

update a webpage or nutritional or soil analysis. I put the Floyd Grown 2 application out on Friday and we have already had 13 or 14 applications for that. 3 or 4 of those applications overlap with ShopFloyd, but most of them don't. Since we only have \$8,000 in Floyd Grown 2 to help with technical support, I was wondering if we could use the local CARES funding to help the businesses with the E-commerce part. That would leave the \$8,000 to help with the other technical assistance that they might need. Are you interested in putting more money into the AFID technical assistance since the demand seems to be there? We could look at the best way to make that work with the CARES funding.

Supervisor Kuchenbuch – ShopFloyd needs to be about more than bricks and mortar stores; it should be about our farmers. I would like to see documentation on how ShopFloyd has been effective in helping all of our businesses, including farming. What kind of money were you thinking about?

Ms. Martin – I was thinking about an additional \$15,000 in the ShopFloyd program for now for the farm and agriculture businesses. The limitation on the E-commerce is the time. It needs to happen fairly quickly. We have two years to use the AFID funding for technical assistance.

Supervisor Yoder – I fully support this because it helps our businesses right now but could also have a long-term impact.

By consensus the Board agreed to an additional \$15,000 in the ShopFloyd program.

- 3) There seems to be some question as to whether certain classes of employees are eligible for hazard pay, with our attorneys telling us one thing and our auditors something else. Final guidance for audit procedures is expected to be released in October. The \$225,650.50 pays our sworn Sheriff's Office employees at the rate of \$4.00 per hour and Emergency Medical Services employees at the rate of \$5.00 per hour from March through August.

Supervisor Justin Coleman stated the following for the record:

Today's discussion involves funding for the Floyd County Sheriff's Office. As many of you know, I am employed by the Floyd County Sheriff's Office. The proposed funding would affect the entire department and not just me individually. Together we constitute a group of three or more individuals who are similarly employed by the Sheriff's Office and similarly affected by the discussion. Therefore the exception of State and Local Government Conflict of Interests Act section § 2.2-3112 A (i) applies to this situation and I am able to participate in this discussion fairly and in the public interest. Thank you.

By consensus the Board agreed to hazard pay for eligible employees in the amount of \$225,650.50

- 4) You received a request from the Floyd-Floyd County Public Service Authority for the purchase and installation of radio read water meters. This would allow employees to remain in their vehicles and read meters instead of getting out for public contact. They estimate this could cost between \$175,000 and \$225,000.

Supervisor Kuchenbuch – I have a document from Hurt & Proffitt about chlorinating the water system.

Mr. Mike Maslaney [Floyd-Floyd County Public Service Authority] – I don't have the documents for the radio read pricing. In general most of the water meters in the Town have a lot of age to them and we have been looking at a water meter replacement program. Currently we are replacing them with meters that are manual read. In thinking forward there is new technology that lets us take the manual read and put a wireless radio on top of them. Several other places around us either have or are moving toward this technology.

Vice Chairman Boothe – Richard Burton [Superintendent of Floyd-Floyd County Public Service Authority] said he talked to other jurisdictions and they were using these funds from the perspective of the employees not having to go up to people or into businesses which would help with this crisis. That is how other jurisdictions are justifying it.

Mr. Maslaney – Everyone is looking at uses for this money and are worried about the situation moving forward. It still has a long way to play out. As far as the chlorination program goes, we have been discussing this for a long time. The cost is very high, close to \$500,000. The chlorination clearly kills germs. Most localities have chlorinated water. We have held off for numerous reasons, mostly the cost in general.

Ms. Ryan – Could these items be purchased and installed by December 31?

Mr. Maslaney – That is an issue. Both programs could be tight. For the chlorination system we would have to dig but we do that and we have contractors who are available. The parts are not huge. It is possible to get it done if we move right away. With the water meter program we could probably move pretty fast on that as well. We have already talked to several vendors and they have programs where they would do the installation. I think there is a better than average chance that we could get either one of these done.

Vice Chairman Boothe – The chlorination system would have to be approved by the Department of Health. I have a concern about getting it through that agency in a timely fashion.

Supervisor Yoder – With the CARES funding we can't operate on a better than average chance. It has to be done.

Supervisor Kuchenbuch – While not approved yet, there is talk about extensions being applied to this program.

Ms. Martin – One of the recent FAQ [Frequently Asked Questions] documents from Treasury indicated that a contract signed has to indicate that the work will be completed by December 30, but if the work runs past the contract time it is still an eligible expenditure from CARES.

Mr. Durbin – That is my take on it as well. As long as there is a good faith expectation that the work will be completed by December 30, the fact that it runs over will not make it

unauthorized. I understand the rationale for the radio read because you are having employees exposed to people less so you are mitigating risk. In what way is the chlorination responding to the pandemic?

Mr. Maslaney – That is a good question. There is no doubt that chlorine is a very effective agent at killing bacteria and viruses and other germs. Our water in some ways could get contaminated by something being put in the mixing tank, the chlorine would mitigate any issues or if it was exposed to air at the high school in our tanks. The chlorine would be a fix for all of it. To say specifically that it will save us from COVID...the Health Department is willing to write a letter saying that chlorine is really good at killing germs. I can't tell you that specifically that this is COVID aimed, but it will kill the COVID virus and any other germs or bacteria that are in our water.

Ms. Morris – This is not something that you had in your budget for this year?

Mr. Maslaney – Not for this year. It has been talked about and we've had it as a target for at least one year as we look at ways to upgrade our system.

Supervisor Yoder – It seems to me we could approve the meters because that is an obvious relation to COVID. With the unknown on the chlorination I don't know that we want to do that without finding out additional information.

Supervisor Coleman – I agree. We would need to get some opinions on the chlorination system.

Vice Chairman Boothe – Were you able to confirm that the meters qualified for that purpose?

Chairman Turman – I can understand the meters, but I don't know that the chlorination would qualify.

Vice Chairman Boothe – Anywhere in the system you have the potential for contamination.

Supervisor Yoder – Is there a chance that COVID can be transferred through the water?

Mr. Maslaney – It is transferred by moisture so water is not killing it unless there is something in it.

Supervisor Yoder – Is the lifespan of it long enough to transfer through water a mile down the line?

Mr. Maslaney – I don't know. That is a great question.

Supervisor Kuchenbuch – It is an aerosol and a droplet and if an unmasked person is over that pit and they are working on our system and sneeze or they cough...

Vice Chairman Boothe – With this dollar amount we definitely want confirmation on whether it qualifies. On the meter readers did you get confirmation in writing or by email from someone?

Ms. Morris – No. We just read through the FAQs and it seems they change every other day.

Vice Chairman Boothe – We know we are going to be audited and we are getting into some real number now, the ambulance, potentially the water meters and chlorination. Just those three projects are \$1 million.

Ms. Morris – That is why we are trying to be so careful.

Vice Chairman Boothe – Is there anybody up the line you could check with?

Ms. Morris – We talk with our auditors and our attorneys. It is pretty much impossible to get hold of anybody at the Department of Treasury.

Vice Chairman Boothe – Our auditors won't be the ones looking at it, will they?

Ms. Morris – I think they will. They will receive guidance on audit procedures from the Department of Treasury, but it may be someone else. We talked to our auditors and they seem as frustrated as we are.

Mr. Durbin – In addition to our own auditors I know the CARES Act itself had an allocation of about \$25 million for the Office of the Inspector General to perform compliance audits. There is the potential that we would be audited by that agency.

By consensus the Board agreed to the PSA request for radio read water meters.

- 5) The last item on the list is the New River Valley Task Force expansion. The regional task force is helping us locally too. Enough masks have been purchased for 2 to 3 masks for everyone in the New River Valley. The allocation is based on a formula of per capita and equal shares. All of the other localities have agreed to this.

Discussion was held on how the formula works to arrive at the \$304,408 allocation to Floyd County. By consensus the Board agreed to the \$304,408 allocation for the New River Valley Task Force expansion.

Ms. Morris – We also have some ideas on some grants for childcare services and churches that we need to do some research on. If you are interested, we can bring those back at another time.

Supervisor Yoder – Childcare is a huge issue when schools are closed.

Agenda Item 11. – Old/New Business.

Nobody brought up any old or new business to discuss.

Agenda Item 12. – Board Member Time.

Board members did not discuss any items.

Agenda Item 13. – Closed Session – Personnel §2.2-3711 A.1.

On a motion made by Supervisor Yoder, and seconded by Supervisor Coleman, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 1., Personnel regarding assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers and Section 2.2-3711, Paragraph A. 8., Consultation with legal counsel about CARES Act funding issues.

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

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

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the following certification resolution:

**CERTIFICATION RESOLUTION
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel in accordance with Section 2.2-3711, Paragraph A.1. and Consultation with Legal Counsel in accordance with Section 2.2-3711, Paragraph 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 – yes
Supervisor Turman – yes

This certification resolution was adopted.

Chairman Turman – It is with a heavy heart that we will be announcing the retirement of Ms. Morris at the first of January. I will open the floor for a motion to accept her retirement.

Vice Chairman Boothe – I will reluctantly make that motion. I just want to say thank you for the service you have given to this community. I won't mention the number of years. You and I have been through a lot of things through those years. You will be missed.

Supervisor Yoder – When I was first elected, I was a real pain at times. There were quite a few times you explained a lot of things to me, especially on budgets and things I didn't understand. You had the patience to keep working with me. The County really owes you a huge debt for the many years and the patience for dealing with Supervisors and employees, citizens, tourists, and people coming through the County. We really owe you a debt of gratitude. While I hate to see you go, I don't begrudge your retirement. I really wish you the best in all that life holds in the future.

Supervisor Coleman – I, too, appreciate your patience with a young man here and having questions. I appreciate your time. As Mr. Boothe stated it is with reservations and hesitancy to cast this vote, but I don't want to deny you that which you worked for. I appreciate what you have done for me personally as well as this community.

Supervisor Kuchenbuch – Your years of service both in the Assistant County Administrator's position and in the County Administrator's position has gotten this County through many, many years of growth. You have seen a lot of change during your time in this building and in the other buildings you worked in. Your dedication is what stands out to me. The time you have put in talking to all of us. The guidance that you give when we ask questions, both over the phone and in emails and texts. Your dedication to your home, your Floyd County is without match at this time in this County's history. It is with reservation but with a sense of knowing that your time to enjoy your time has now come.

Chairman Turman – We go way back. Like Mr. Boothe I won't say how many years, but it has been a long time. Even in my past life (as an employee) you helped me a lot. You answered a lot of questions. You have done a lot for us really. You work well with the Sheriff's Department, well actually with all the department heads. It has come to that point in your life. I hate to see you go, but I understand. We will be calling on you. I will miss the fact that I can send you an email, text, or phone call. Even if you are not in your office, within just a few minutes you call me back. I really appreciate that dedication to help us. Even though I am 9 years on this Board I am still learning. Everyday something new comes up...like this pandemic. One year ago nobody thought we would be struggling like we are. You have been a big help through that with this CARES Act and your work and dedication on that. We hate to see you go,

but I understand. I've been there and I knew when my time was up at the Sheriff's Department. You just feel like it is just a part of your life that you would like to move on, without interruptions from this job. Now you won't have time to do anything. I can tell you right now. You will have to get a job to rest.

Ms. Morris – I appreciate all the kind words. I have enjoyed working with each of you and all the previous Boards I worked with and different County Administrators and County Attorneys. As I keep telling you all, you have such an amazing staff here. You are very blessed and the show will go on whether I am here or not. They can handle it. I am sure you will find someone good to replace me. I appreciate the confidence you shown in me over these years. We will go forward.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and unanimously carried, it was resolved to accept the retirement of Ms. Terri Morris, County Administrator, effective January 1, 2020.

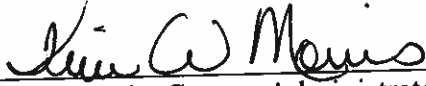
Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to authorize the advertisement of the position of County Administrator.

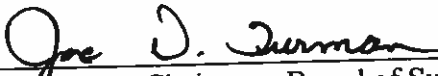
Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Boothe – yes
Supervisor Turman – yes

Agenda Item 14. – Adjournment.

On a motion of Supervisor Coleman, seconded by Supervisor Boothe, and carried, it was resolved to adjourn the meeting to October 13, 2020 at 8:30 a.m.



Terri W. Morris, County Administrator



Joe D. Turman, Chairman, Board of Supervisors