

**BOARD OF SUPERVISORS
ADJOURNED MEETING
JUNE 4, 2019**

At an adjourned meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, June 4, 2019 at 7:00 p.m. in the Board Room of the County Administration Building thereof;

PRESENT: Lauren D. Yoder, Chairman; Joe D. Turman, Vice Chairman; Jerry W. Boothe, W. Justin Coleman and Linda DeVito Kuchenbuch, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator.

Chairman Lauren Yoder 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 Turman led in the Pledge of Allegiance.

Agenda Item 4. – Public Hearing on “Ordinance Establishing Salaries for the Board of Supervisors”.

Mr. Steve Durbin, County Attorney with Sands Anderson PC stated that the “Ordinance Establishing Salaries for the Board of Supervisors” has been duly advertised for Public Hearing. The Code of Virginia establishes alternative procedures for fixing Board salaries:

- 1) The first method (Code Section § 15.2-1414.2) is for the Board to adopt, prior to July 1 in an election year, by majority vote, a schedule of salaries for the members, Chair, and Vice Chair. There is no limitation on the amount of compensation that a Board can authorize under this procedure, because there is the requirement that the salaries do not take effect until after at least 40% of the members of the Board stand for election, and the new terms of office begin. So the limitation there is that the public will decide at an election if the Board acted reasonably.
- 2) The second method is the one you are acting on tonight and it follows Code Section § 15.2-1414.3. This procedure is not limited to election years, because this procedure contains a rate schedule that the General Assembly has set based on County population. Under this procedure, the General Assembly has established a level of compensation that is already presumptively reasonable so there is no time limitation. It is just set forth by statute. Because the direction from the Board was that you are not interested in anything other than what the State Code provides, we prepared the ordinance for adoption under the second method. Under this method you do have to adopt it by ordinance. It takes effect on a fiscal year, rather than a term of office basis. If you look back at the Board’s 1984 ordinance, it was done the exact same

way by an ordinance passed in June to be effective immediately in the following fiscal year.

Chairman Yoder declared the Public Hearing open for comments on the ordinance.

Ms. Becky Howell, Burks Fork District – Just so that there will not be anyone who comments, surprise, surprise...I have nothing to say. Thank you.

After hearing no further comments from the audience, Chairman Yoder declared the Public Hearing on the “Ordinance Establishing Salaries for the Board of Supervisors” closed.

Agenda Item 5. – Public Hearing on Floyd County’s Proposed FY20 annual budget and tax levies.

Ms. Morris provided highlights of the County’s proposed FY20 budget, which again focuses on education, public health, safety and welfare. I categorize this proposed budget as a hold steady one with no tax or fee increases. The overall projected increase over the current year is \$770,461 if the \$2.5 million for a proposed shell building is removed from the current budget, since those funds were never appropriated.

1. On the revenue side of the budget:
 - a. We are anticipating \$344,398 in additional local revenue, the majority of which comes from increased real estate values at \$305,881 for the June 2020 billing after reassessment. We are also anticipating an additional \$95,324 in personal property tax collections.
 - b. On the State revenue side, projections are for \$574,709 in additional funds. The majority of this comes from \$311,427 in additional Social Service funds and \$170,000 for an EDA grant for the Commerce Park upgrades.
 - c. We do not anticipate any new Federal funds at all.
 - d. Based on current year collections, we anticipate an additional \$100,000 in meals tax revenue. As you will recall, the referendum as passed by the voters this is to be used for capital purchases such as police cars.
2. Some of the highlights on the expense side that account for the projected increase include:
 - a. \$271,043 increase in State and Federal school funds;
 - b. \$333,687 increase in Department of Social Services State, Federal and local funds;
 - c. \$100,000 increase in Comprehensive Service Act expenses, of which \$60,200 is State/Federal funds and \$39,800 is local funds;
 - d. Inclusion of \$240,458 for a debt service payment for new boilers and air conditioning at all schools;
 - e. Addition of Recreation as a County department with an additional \$100,000 over current year costs.
3. We have very few capital projects in the proposed budget, which include:
 - a. Completion of the roof replacement project at the Dog Pound;
 - b. Purchase of a generator to be shared between Animal Control and the Maintenance Building;
 - c. Replacement of one heat pump at the Courthouse;

- d. Minor parking lot repairs at the Library;
- e. Upgrades to heaters and drainage system at Station #2 Fire Station.

Chairman Yoder declared the Public Hearing open for comments on the proposed FY20 annual budget and tax levies.

Mr. Leon Moore, Burks Fork District – I only have a few comments about the budget. As you know I come from a numbers background and I looked things over quite a bit. I saw two or three things in the budget that I want to ask you to look at and reconsider. One of them is the SRO position which was not funded this year. I frankly think that needs to be funded. And another one that I saw that was not funded this year is Access to Community College Education. I think that is another one that needs to be funded. I think it was \$20,000 recommended but the Board did not approve that. I'm a firm believer in education. I was telling Doug over here that I graduated from college in 1966 and I paid every dime of my education. I didn't have it. My mom and dad didn't have it. The only reason I was able to graduate was an old bald-headed banker gave me a job. I worked. He came up one day and asked me, he said, "Have you signed up to go back to college?" I said, "No sir. I don't have the money." He said, "You better. Your job is going to be eliminated." I told him, "I can't. I don't have the money." He said, "Don't you worry about the money. I've got money downstairs." He loaned me the money for two years to finish up at East Tennessee State University. I paid every dime of it back out of my pocket. When I graduated there were not many teaching jobs and coaching jobs in 1966 so he put me back to work in the bank and I stayed there until a few years ago. So I believe in education. I followed the discussion we had the last several months now. I want to make one comment to you. A new building doesn't make an education. Education comes from the people inside that school doing their job. That's my comment on that. I think those issues really need to be funded. You need to take a look at it. I've got a lot of respect for Brian and the people who work for him. They have a dangerous job now. Unfortunately the world is in a situation where you have to worry about things that I didn't worry about. I ask you to take a look at the budget and I can go down through here and show you several places in the budget where things can be cut out to pay for those issues there. Terri made the comment about the budget increase. Well, I did some looking too and do you know that your expenditures have increased \$3.3 million from the approval of the 2017 budget to the proposed budget here and that is moving back and forth funds for the EDA building which kind of disturbs me on that because that \$2.5 million was appropriated in FY2018 and we were working on plans and getting everything ready in 2017 when I left the EDA Board and here we are in 2019 and all we've done is dig a few holes over there. You look at the newspaper a couple of weeks ago and you look at how many of the kids are going to work after school. Well folks, you go around Floyd County and you look at the places where you've got to go work and then you find a couple or three that are good places. H&V still has their sign up requesting people. Otherwise it is Hardees, the Blue Ridge and areas like that where you can't make a living. So I would ask you to really rethink what you are thinking about on the shell building and get that done. Because without a shell building ready to go you don't stand much of a chance of getting industry in here in the community now. I followed very closely the proposals that you got from Davenport and I listened particularly to the last couple of presentations made. Unfortunately what they are proposing to you and what you are talking about is the old proverbial story of kicking the can down the road. You are not saving any money. It is costing you money. When they talk about savings they talk about cash flow for 3 or 4 years. If you don't think about this very seriously and look at it very

seriously...calculations I've come up with about 2023 or 2024 at the latest the citizens will have a great big old tax increase. It will have to be to pay for it. Because you look at your expenditure increases and your revenue increases and they are not coming up. I appreciate what you do but there are a few things that I would ask you to really look at. I thank you very much.

After hearing no further comments from the audience, Chairman Yoder declared the Public Hearing on the proposed FY20 annual budget and tax levies closed.

Ms. Morris noted that on the ACCE [Access to Community College] funding that just this week we received a letter that we got full funding for that so there is no need for local money. That program will continue.

Chairman Yoder stated that there are no cuts to the SRO [School Resource Officer] position. The current positions are still there. We did include some part-time money for additional people. A lot of time we will have SROs in all of the schools. It may not be a full-time position but there is part-time money there for people.

Vice Chairman Turman said if they ever try to cut the ACCE program, they will have a fight.

Chairman Yoder said fortunately it is funded this year but the local government did not have to fund it. It is covered by grants so the taxpayers don't have to carry the burden.

Agenda Item 6. – Work session on Subdivision Ordinance.

Lydeana Martin provided a background on items to consider regarding the Subdivision Ordinance:

- 1) There are both short and long-term factors
 - a. Landowners property rights – property freedom vs. property protection;
 - b. County financial impacts in the way of unrestricted residential growth is more expensive and there are limited state road funds;
 - c. Health/Safety/Welfare for protection and sufficiency of water;
 - d. Demand for affordable business and housing sites, especially near Town;
 - e. County character of rural with farmlands.
- 2) A community services study from 2010 determined that a dramatic shift from farm and forests to residential has negative fiscal consequences.
- 3) Floyd County's water exists in cracks and fissures and there is not a big pool underground which makes us vulnerable to drought and deep well drilling will not likely produce higher water yield.
- 4) The minimum 2 acre lot size was driven by private well and septic needs. It is difficult to meet all the health department setbacks for wells and drainfields on a 1 acre lot.
- 5) It is difficult to balance the different factors affected by a Subdivision Ordinance because it is a limited tool.
- 6) You are trying to cover a wide range of places and scenarios and the same rules can have different impacts depending on the scenario.

Ms. Karla Turman discussed the requirements under the current Subdivision Ordinance and presented an ongoing list of possible changes to the Board of Supervisors for their direction as to which items should be forwarded to a Subdivision Ordinance Review Committee for discussion and recommendation. By consensus the Board of Supervisors determined which items to forward to the Subdivision Ordinance Review Committee. The list of items is on file with the Floyd County Planner.

Agenda Item 7. – Closed Session – Personnel §2.2-3711 A.1.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 1., Discussion, consideration, or interviews of prospective candidates for employment: assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

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

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

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

This certification resolution was approved.

Agenda Item 9. – Old/New Business.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to appoint Ms. Deborah Baum, Mr. Jerry Boothe, Mr. Levi Cox, Mr. John Lewis, Mr. Mike Maslaney, Mr. Mark Sowers, and Mr. Lowell Yeatts to the Subdivision Ordinance Review Committee to review and make recommendations to the Planning Commission and Board of Supervisors regarding that ordinance.

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

On a motion of Supervisor Boothe, seconded by Supervisor Turman, and carried, it was resolved to adopt the “Ordinance Establishing Salaries for the Board of Supervisors” as advertised (Document File Number 1052).

Supervisor Boothe – yes
Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Turman – yes
Supervisor Yoder – no

Vice Chairman Turman stated that he received a phone call regarding brush hauling to Hillsville and that Floyd County should do so too.

Ms. Morris noted that Floyd County is not allowed to do so under their Department of Environmental Quality (DEQ) permit.

Vice Chairman Turman stated that Carroll County is not allowed to do so under their DEQ permit either.

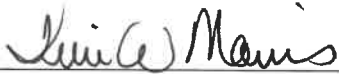
Ms. Morris explained that Floyd County had to update their IRS Code Section 125 cafeteria plan because of the health savings account that was being offered along with the high deductible health insurance plan. She provided a copy of the draft section 125 cafeteria plan for review.

Chairman Yoder stated that Freedom of Information Act (FOIA) training was now required for locally elected officials.

Ms. Morris stated that she would inquire of the FOIA Council if the training they were providing on June 21 for County staff would be eligible for Board members to meet their requirements.

Agenda Item 10. – Adjournment.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to adjourn to Tuesday, June 11, 2019 at 8:30 a.m.



Terri W. Morris, County Administrator



Lauren D. Yoder, Chairman, Board of Supervisors

