

**BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 8, 2019**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 8, 2019 at 8:30 a.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 8:30 a.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.

Chairman Yoder led in the Pledge of Allegiance.

Agenda Item 5. – Approval of minutes of September 10, 2019 and September 24, 2019.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve the minutes of September 10, 2019 as presented.

Supervisor Boothe – yes
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 approve the minutes of September 24, 2019 as presented.

Supervisor Boothe – yes
Supervisor Coleman – yes
Supervisor Kuchenbuch – abstain because not present at meeting
Supervisor Turman – yes
Supervisor Yoder – yes

Agenda Item 6. – Approval of October 2019 monthly disbursements.

Questions and discussion followed.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the October 2019 monthly disbursements and

additional bills as presented.

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

Agenda Item 8.b. – Voting Credentials for the VACo Annual Business Meeting.

On a motion of Supervisor Boothe, seconded by Supervisor Coleman, and unanimously carried, it was resolved to appoint Supervisor Linda Kuchenbuch as the delegate and Chairman Lauren Yoder as the alternate for voting at the VACo annual business meeting.

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

Agenda Item 8.c. – Appointment to Western Virginia Emergency Medical Services Council, Inc. for a term of three years, ending December 31, 2022.

On a motion of Supervisor Boothe, seconded by Supervisor Turman, and unanimously carried, it was resolved to reappoint Mr. Ford S. Wirt to the Western Virginia Emergency Medical Services Council Board effective January 1, 2020 for a three year term.

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

Agenda Item 4. – Moment of silence in recognition of former Board Supervisor J. Frederick Gerald, Sr.

A minute of silence was observed followed by former and current Board of Supervisors members and staff expressing their thoughts and memories of Mr. Gerald.

Agenda Item 7.b. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

Ms. Becky Howell, Burks Fork District – I am sorry I missed the tribute to Fred because he was a wonderful guy. At the visitation the first thing Kathryn said to me was, “He’s gone, but we’ll see each other again.” That’s great. I’m glad you are all sitting down because I am going to say to you all thank you so much for the job you are doing for Floyd County. It is obvious from the lack of contested races throughout the County that everybody is very happy with what you are doing. But I want to be sure that everybody realizes that even though there are not very many people to vote for in November, there are two representatives on the ballot for the

State and the General Assembly which dictates so much of what you all can do. I would encourage everybody to encourage everybody to be sure and vote in November. Thank you.

Ms. Susan Davis, Courthouse District – I am here about the Grants Lane variance. I think probably most everything was said in the letter. I did want to add also that there are structures at the other end of Grants Lane that are as close or closer than my proposed structure would be. I was granted a building permit and spent a fair amount of money before it was brought up that it was going to be moved so I just wanted to add that. I know you all don't know me. I do have a history with Floyd County. I lived in the Burks Fork district on what you call Moles Road now for about 10 years back in the 1970s and 1980s. In fact that County seal you have over your head came from my pen. Anyway that is my history and I am back in Floyd now. Thank you.

Mr. Roger Dickerson, Courthouse District – It has been a while since I came before this Board. I was interested in...a couple of weeks ago, a gentleman got up and talked about the drought that we are having. Of course it is throughout the region. He talked about maybe fires getting out because of it being so dry. But that is not really the reason I want to talk about it. It is the drought, but not about the fires. For many years Floyd County has always depended on their wells to have an amount of water to serve the Town and the County as well. Of course in the last drought we had, many wells went dry. I don't know about the County wells. If we continue to stay in a drought, those wells will be affected too. I guess the County has looked at that on a long-range scale...where we would get our water if something happened to our wells. Do we dig more wells or do we look to a different source? I think we should have been ahead of this thing 20 some years ago. We should have been looking for another source to get water into this County. We all know water flows out of this County. None flows in. Maybe our Water Authority and other authorities need to work together on getting water into this County. It may be a great expense in the long run but it would be worth it. On the road we are travelling now, we could very well lose business. We could lose our major industry that we have in the County. They all depend on water. If their bottom line is making money and if they can't have the water to do it, they will look somewhere else. My thinking is the infrastructure...we need to build upon it, better than it is. We have a nice Industrial Park. I guess we have water lines, sewer lines running through, but we don't have enough water to serve industry if we ever got enough industry in this County. We would definitely have to go a different direction than what we are right now. Thank you.

Mr. John Hopkins, Little River District – I also have water on my mind. Number one I appreciate that you did activate the burning ban a couple of weeks ago. Things are really dry where I am and I appreciate that. I don't know what to recommend about our water future, but I am concerned that we need to be thinking about how we protect the water we have. Perhaps something can be done to mitigate runoff to encourage water to go into the ground instead of running down into the creeks and the river. I would feel better about myself if I had a solution to offer you. I am thinking about it and talking to my friends and maybe we can come up with an idea. I expect you are thinking about it too. I appreciate that you are thinking about it. I don't believe that infinite growth can be sustained in a County with so few water resources. The motto, "To Grow is to Prosper" is a little bit out of sync for the resources this County has. That is it. That is all that I have to say.

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

Agenda Item 7.a. – Constitutional Officers Reports.

There were no Constitutional Officers present.

Ms. Morris – The Sheriff sends his apologies for not being here. He is at a training session.

Chairman Yoder – I saw him one night and he talked about how hard it has been to get down here due to a number of different things. I spoke to the Commonwealth Attorney last week as well.

Agenda Item 7.a. – Subdivision plats as approved by agent for September 2019.

Ms. Karla Turman – You have before you the report for September. There has been a bit of surveying going on. As you look at the subdivision reports in the future, you may notice there are some changes to them. We are trying to figure out what makes the most sense to those of us who are trying to do the reports now. If you ever have questions about anything, please let me know.

Chairman Yoder – On the August report on the second page on the bottom, is that lot line revision a combination?

Ms. Turman – These properties were in an estate that was recently auctioned and they did a lot line revision and parcel of record on the same plat. Then before it went to auction, they changed it so the same ones are on the September report. There is a note on there that it is revised. I believe there were some differences in calculation. What we are going to try is if somebody does have a lot line revision and a parcel of record on the same plat, putting each one where it is supposed to go so you might see the same plat twice with the information in both places. I am trying to get it where surveyors only submit one type of subdivision on a plat because it does get confusing trying to figure out what they are doing. So if they have multiple types of subdivisions they should be on separate plats.

Supervisor Kuchenbuch – This is usually coming out of estates, right?

Ms. Turman – Yes.

Supervisor Kuchenbuch – This is just a suggestion, but maybe an email to the group you sometimes send out to, saying that as estates are coming before us, we want you to follow these kinds of rules so it makes it easier on everybody. It is more cost effective. Every time they have to do this it is costing the estate and heirs more and if it was done properly in the first place before the plat is done it would save everybody time and money. I know the challenges that you face.

Ms. Turman – The issue with this one happened to be that the heirs changed their minds on the lines that they wanted. I try to catch everything before they submit it. I had signed it. They picked it up and they decided to change the lines.

Agenda Item 7.c. – David Clarke, Virginia Department of Transportation (VDOT).

Mr. Clarke said he had a few maintenance and construction updates:

a. On the maintenance side –

Overlay schedule	Finished for all types of resurfacing – plant mix, asphalt, surface treatment and slurry.
Lines after paving	Rt. 8 will be done later.
Pothole patching	Franklin Pike, Conner Grove Road, Stonewall Road and others.
Pipe replacement	Good to work on while the weather is dry.
Dust control	Getting a lot of complaints about the dust.
Motor grading roads	Tough to do with all the dust because it creates more dust and washboards, but we are trying to do it as much as possible.
Other issues	We are preparing for winter weather. We had our dry run for equipment.

b. On the construction side –

Moles Road	Completed.
Downtown signal project	Has been awarded and will start soon. Has a completion date of June 2020. Provided a set of plans to the County to have as a reference.
New crosswalks	Sidewalk work will have to be done first across from the day care. The other will be on the north end of Town on Rt. 221, close to Christiansburg Pike.

Supervisor Boothe –

- 1) They haven't decided exactly where they will locate the crosswalk down by the Post Office?

Mr. Clarke – The traffic engineer will be here next week to look at the one by the day care and he will tell us. For sight distance reasons it would be better near the road with the "T" number on it, but that really doesn't serve the area. He is pretty open to putting it where people tend to cross. It might not be right at the corner if Rt. 615 but it will be in that area.

- 2) When these crosswalks are installed, will it include the flashers?

Mr. Clarke – No. There will just be regular signs for crosswalks. We are looking at doing one closer to Hardees. It is being designed right now and we are trying to find the funding for that. That one will have bump mounts. We will probably have to take a parking spot. It will be more than just sticking a sign in the ground. We will probably have to do something with the tree that is right there, or at least a branch.

- 3) The Town seemed agreeable to eliminating that last parking space.

Mr. Clarke – Yes. It would be like walking out between cars. You are not supposed to do that.

- 4) Mr. Faulkner contacted me and I got him in touch with the Public Service Authority Superintendent so they can talk about putting a sleeve in at some point in this process before you pave.
- 5) Thank you for the patching on Lumber Lane. Did you get a chance to ride through there when you came over Friday?

Mr. Clarke – No. We drove on Gallimore Road.

Supervisor Boothe – The people over there are grateful that they don't have holes to fall in anymore, but it seems like when it was patched it was patched high. Please check that out on your way out.

- 6) There are still ditches that need cleaning out here and there.
- 7) The culverts on Rt. 8 still need to be augured out at some point. There is one right above the bridge like you are coming toward the mill. There is another one halfway up the straightaway.
- 8) Thank you for the progress on trying to get the bridge cleaned out, working with the property owners for permission. I hope we can work something out on how much to take out because that one abutment that has nothing but dirt around it used to be totally circled in water when the bridge was built. That is how much it has filled in.
- 9) How do they establish the high water line?

Mr. Clarke – It is called ordinary high water. I am sure it is not something that VDOT determines. It is something we get from the Army Corp of Engineers.

Supervisor Boothe – If you could take it to the existing normal water line that would be a tremendous help.

- 10) I appreciate everything everybody is doing. You are under regulations that sometimes tie your hands as to what you can and can't do. I do appreciate everybody, especially our local workforce. They have been out trying to do everything they can with what they have to work with.

Supervisor Kuchenbuch –

- 1) Thank you for getting a ditching crew together. That will solve many of our problems.

- 2) Franklin Pike has some real issues with the shoulders.
- 3) I know the line work comes last. The skip marks are much easier to see in the fog than the dots, but it is still not as good as having lines.
- 4) I have visual aids for a leaning tree on Sunny Ridge Road. The tree needs to come down. I've spoken to Darrell [Sowers] about it.
- 5) There is a large pothole on Coles Knob Road, between Bethlehem Church Road and Stonewall Road.
- 6) Laurel Creek Road has very bad wash boarding. I know there is not much you can do in the dry weather conditions, but I want to bring it to your attention.
- 7) On Cannaday School Road they are replacing a culvert and it looks beautiful. However I heard from a constituent that a Smartsview Road culvert replaced that same day seems to be a little high in the road.
- 8) Thank you for all of our local workers.

Supervisor Coleman –

- 1) Thank you for all the work you've been doing. I appreciate that you put treatment on some dirt roads.
- 2) I received a comment on Marcum Drive off of Mount Elbert Road. It looks like the ditch is collapsing about 50' ahead of the driveway to the residence. Large chunks of asphalt are coming off.
- 3) Indian Valley Church of God on Pulaski Road recently had its parking lot redone. They are still fighting issues of drainage from Pulaski Road. The parking lot is lower than Pulaski Road and the parking lot gets filled with debris.
- 4) The pipe needs to be replaced or worked on at Mira Fork right off of Rt. 221 near the bridge. The pipe has collapsed perhaps due to construction in the area.

Vice Chairman Turman –

- 1) I appreciate the new bridge at Mira Fork. We were hoping you would not put the passing lane back in. When you turn towards Willis, just as you start out someone comes around the curve. I think it is a safety hazard.
- 2) A gentleman was in here at our last meeting and he said we needed chloride on Reece Road. The next morning you were there.
- 3) I appreciate the hard work you have done.

Chairman Yoder –

- 1) I had a call regarding Kelly Drive. A lady said they have a lot of big potholes and she has already talked to the local guys.
- 2) Thank you for the dust control.
- 3) I mentioned before a speed study on Countyline Road.

Mr. Clarke – They are still working on it. We are in regular contact with Mr. Stinnett. They will put more signage but it may not be a black and white speed limit sign. It may be curve warning signs if we don't go the speed limit route.

Agenda Item 7.d. – Mr. Mark Brewer, Conservation Officer, and Ms. Betsy Stinson, Wildlife Biologist.

Mr. Brewer and Ms. Stinson distributed Hunting & Trapping in Virginia digests and Earn a Buck questions and answers.

Chairman Yoder – Mr. Boothe asked about the Earn a Buck program and we have questions about whether we should be concerned about black powder season with the drought.

Ms. Stinson – The Department of Forestry typically makes the call and we consult with them. We can do it on a county by county basis or region by region basis. We are waiting to hear but thank goodness we have a little bit of moisture today. I'm sure the agency is looking at this right now. We have had to make adjustments for drought in the past, so it is not a new thing to us. If it occurs, you will be notified and there will be announcements on our website.

Ms. Stinson explained the Earn a Buck program:

- 1) The agency uses a 10-year deer management plan at the County level, which is developed with public input from strongly different stakeholders such as the agricultural community, insurance companies, homeowner associations, cattlemen, corn growers, hunters, and drivers.
- 2) They spend months determining what they want to see regarding deer management in Virginia: 1-increase numbers, 2-keep it stable, or 3-decrease numbers. Each county has a goal.
- 3) Floyd County's goal is to manage the deer at low to moderate levels.
- 4) We keep track of the deer harvest, basically the antlered bucks killed is our index and we do it on a 3-year average.
- 5) In Floyd County at our last regulation cycle we saw it coming up a little bit so we decided to put in Earn a Buck. Floyd County has a long and liberal season now so Earn a Buck is the next step.
- 6) Earn a Buck allows hunters to take 2 bucks but before they take the 2nd buck they have to have killed an antlerless deer in that County. If you kill more antlerless deer, the herd goes down. If you kill fewer antlerless deer, the herd goes up.
- 7) In Floyd County we are trying to get the antlerless deer kill to 50%.
- 8) The program has been very effective in bringing herds down in the counties where it has been implemented. If herds are reduced enough the Earn a Buck program can be removed.

Supervisor Boothe – I picked up this Hunters Digest and saw Floyd listed. I wanted you to come and explain it to give more attention to the programs so hunters would know about the program. I talked to several people and a couple of questions came up. With the call-in system you will have some people cheat so the numbers may be a little skewed. You mentioned that sometimes you back out. How long do you see a county in an Earn a Buck program?

Ms. Stinson – We would want to give it at least a few years in order to get population data and see what the trend is. The regulation cycle is a 2-year cycle. We revisit it every year with the harvest data, but there is some noise in the system like weather and acorn crop. Earn a Buck is fairly new to southwest Virginia. It has been running since 2008 in northern Virginia.

Supervisor Boothe – What is the disease where there are bubbles in the ribs?

Ms. Stinson – You are thinking of tuberculosis in cattle. We have never had that here in Virginia in the wild deer herd. There are several diseases where the abbreviation sounds similar. We cycle through deer having hemorrhagic disease or blue tongue. It can cause mortality in the deer herd while some survive it. We have not seen chronic wasting disease in this area this year. Last hunting season one case was picked up in Culpepper County. We have implemented a program with taxidermists here who are going to take samples for us to monitor for chronic wasting disease. It has not been shown to be transmissible to humans or pets; it is confined to deer.

Vice Chairman Turman – What is the limit on deer?

Mr. Brewer – Season wide it is 5 in Floyd. It used to be 1 a day but now it is 2 a day and no more than 2 antlered deer for the whole season.

Vice Chairman Turman – If someone kills 2 does in a row can they then kill 2 bucks in a row?

Mr. Brewer – Yes. In Floyd County if you have killed 2 does then you can kill 2 bucks.

Supervisor Boothe – I have heard several of the farmers complain that they were having a problem getting a kill permit on their farm. Has that changed?

Mr. Brewer – Since you opened the door, let's talk about that. It is a fair question and I am going to give you a fair answer. There are several issues at play here. The bonus tags are antlerless deer tags that you purchase. If you have a hard time getting bonus tags it is because you haven't tried to buy them. They are good for a calendar year. They don't run out on June 30 like the other tags. Then there are kill permits and DCAP tags. For kill permits I meet with the landowner who is having an issue and if there is damage, I issue a kill permit. People who talk to you and say they are having a hard time getting kill permits, I say it is because they haven't called me. I have been here going on 11 years and I have not ever denied a kill permit to somebody who has legitimate deer damage on a commercial basis. I am very liberal with kill permits. I used to go to the site every time and inspect damage. That has changed. If you are a repeat permittee, meaning I have been to your farm before, I do not need to come back out. I can do everything electronically and email a permit to you. It is a much simpler, more streamlined process. I approach kill permits with the perspective that it is hitting somebody in their wallet. DCAP is the Damage Control Assistance Program. If I give you a kill permit for deer, I would also issue DCAP tags, which other people can use to hunt your land to help kill additional antlerless deer on your land above and beyond the deer they can kill on their own tags. It is another tool to help you as a landowner who has crop damage, but also to support hunters. With DCAP if you are allowed to kill 2 deer a day in that County, then DCAP is not issued in that County. DCAP was active in Floyd last season, but this season it will not be because the daily limit is now 2. Bonus tags are unlimited and are good for the year.

Supervisor Boothe – Thank you. That should quell a lot of misinformation that is out there.

Supervisor Kuchenbuch – What is your feeling on the bear population? Has there been a tremendous increase?

Ms. Stinson – In terms of Floyd, I don't have good data. We manage those on a larger regional scale because the kill is so low to have meaningful statistical data, you need to have a larger area. We added 3 days to the bear season in September in other counties, not Floyd. Bears are attracted to food so 1 bear can seem like many as they go to many households. Phone calls on sightings are not a good indication of population. A female might have a 10 square mile home range and a male might have a 30 square mile home range. They can become tolerant of human odor if they associate a house with access to pet food or other food.

Mr. Brewer – Humans now represent a food source. That is the discussion I have with people around the County who call with bear issues. It is one of four things: 1) bird feeders, 2) grills, 3) trash, and 4) feeding pets outside. You fix the problem and the bears go away. We don't relocate bears. There are 3 more in the woods waiting their turn. You have to fix what the human is doing and that will address what the bear is doing.

Ms. Stinson – We have excellent information on bear behavior on our website. A new problem in the past decade has been the popularity of backyard chicken flocks. There didn't used to be bear problems with chickens but they are attracted to the chicken feed.

Supervisor Boothe – What is the time period for the bear?

Ms. Stinson – A female will go into her den to hibernate in late October or early November. She will have her cubs in January. She will probably emerge around Easter. Her home range will be restricted while the cubs are small. Once they are big enough to travel, she will broaden her range.

Supervisor Coleman – I know Earn a Buck is geared towards numbers and population, does it have any human management focus? I feel pressure to take the first doe that comes by instead of waiting for a mature deer.

Ms. Stinson – We leave that to the hunter. It can even be a fawn. It is a personal ethic and we are not managing that.

Supervisor Coleman – So it is strictly numbers and does not give any account to managing deer. Is there any focus on the buck to doe ratio? As a hunter you see twice as many antlerless deer as bucks.

Ms. Stinson – Deer Management Assistance Programs (DMAP) does that, but there aren't any in Floyd. A property owner can decide to manage the deer on his property. There is a 1 year trial period where the property owner sees if DMAP is a good program for him and we see if he is good for the program. The property owner provides the jaw bone of the deer and we age the deer. We provide the property owner with a report and consult with the owner.

Vice Chairman Turman – I am glad to see this program.

Supervisor Kuchenbuch – With DMAP is there a low end in the amount of acreage?

Ms. Stinson – No. The only rule is that you must kill some deer.

Supervisor Kuchenbuch – Can neighbors join together?

Ms. Stinson – Yes. When you apply you need to provide a map of participating properties. There will be a 1 year trial run. We will give you the tools to extract jaws.

Supervisor Boothe – Did you say nobody from Floyd participates?

Ms. Stinson – That's right and never have. It is probably because you have such a liberal doe season anyway.

Supervisor Boothe – Do you provide a report by County for the DMAP program?

Ms. Stinson – We compile the information but don't make it available to the public, because each property owner has their own management goals so a report would be apples and oranges.

Chairman Yoder – We really appreciate you being here today.

Agenda Item 7.e. – Mr. Steve Durbin, County Attorney.

– Variance request for structure on Grants Lane

Mr. Durbin – You have a request for variance submitted by Ms. Susan Davis. You have before you a current copy of the ordinance regulating this. It almost quotes verbatim from the Code of Virginia. It is codified in the subdivision section that allows you to impose a setback of 35' from roads. It does not specify in your ordinance if that is a public road or a private road. My interpretation is that because it is not limited to public roads that it has a broader interpretation and is applicable to all roads, which is consistent with the purpose of having a setback in the first place. One of the chief purposes is to provide sufficient access if it is accepted into the public system of highways or to provide enough right-of-way for emergency first responders. The ordinance does provide, "The board of supervisors may grant an exception to this setback requirement whenever a large portion of existing buildings along the section of road or highway is within 35 feet of such road or highway." The information I have from Mr. Bolt is that of the 6 structures that he has identified on Grants Lane, 3 of the 6 encroach on some degree on the 35'. One is at 30', one is at 34', and one is at 18'. I certainly think if you are so inclined that there is justification for such a determination.

Vice Chairman Turman – After this new addition how much distance will be left?

Ms. Davis – The corner of the building is about 7' or 8'. I was told when I talked to people that because it was a private road the setback was 5'. The doublewide at the other end is about the same.

Mr. Durbin – The setback has been a subject of discussion by the subdivision committee. It would be good to specify public or private roads or highways or just public roads and highways.

On a motion of Supervisor Boothe, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the exception request for 186 Grants Lane NE, Floyd, VA 24091 for a variance to Code Section 62-31 (c)(2) setback requirement of 35 feet from road or highway.

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

– Regulation of the operation of motorized skateboards or scooters for hire

Mr. Durbin – The next item is a hot topic amongst the local government attorneys of Virginia because the deadline is rapidly approaching. The General Assembly passed a law in this most recent session that gives Boards of Supervisors, City Councils and Town Councils explicit authority to regulate the use of motorized scooters or to establish a pilot program for motorized scooters or to take no action. However if you take no action, once the deadline of December 31 passes you will have no authority thereafter to regulate these uses. Whether you want to have an extensive ordinance or something more relaxed, if you have something in place by that deadline I think you have retained your right to tweak it going forward. My advice would be to adopt something; don't waive your authority. I have passed out a draft ordinance that is being considered by the Town of Blacksburg. It hits the main things I think we want to discuss with the exception of a top speed. I would want to put that in there and I would recommend 15 mph or less. I think you want to have some safety regulations. A complaint I have heard from localities who have experienced this is these scooters being left willy-nilly on the sidewalks, by bike racks, or leaning against public benches. It becomes a problem. I think we want to have something about a minimum age for users.

Supervisor Boothe – Can we regulate where they are used? I have a concern about our proposed bike-pedestrian pathway. Could we deny them use on pathways where there are pedestrians?

Mr. Durbin – I think you could. They are permitted on sidewalks under the Code. But the draft Blacksburg ordinance does talk about restricting access from the Huckleberry Trail. It has provisions for geofencing.

Supervisor Boothe – Can we ban the scooters but not the skateboards from the pathways?

Chairman Yoder – This ordinance is only regulating shared mobility systems. If someone owned one privately then this ordinance would not affect them.

Mr. Durbin – I think you could still regulate as far as safe operation.

Supervisor Coleman – I don't think our infrastructure is prepared for it. I don't think our population is prepared for it.

Vice Chairman Turman – It scares me to think of motorized anything on a sidewalk or path with pedestrians.

Mr. Durbin – The ordinances talk about shared use pathways if it is specifically restricted to pedestrian use as opposed to a bike path, there may be a distinction there. I have to look at that.

Chairman Yoder – From listening to everybody it sounds like we want an ordinance that is quite restrictive.

By consensus the Board of Supervisors requested that Mr. Durbin and Ms. Morris work together to draft the most restrictive ordinance possible regarding shared mobility devices and have the draft ready by the November Board meeting.

- Closed Session – §2.2-3711 A.7. Consultation with legal counsel pertaining to probable litigation

On a motion made by Supervisor Turman and seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation in the pending opioid matters in federal court.

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

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

Supervisor Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Coleman – 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 Consultation with Legal

Counsel and Briefings by Staff Members in accordance with Section 2.2-3711, Paragraph A.7. 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 Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Turman – yes
Supervisor Yoder – yes

This certification resolution was adopted.

Agenda Item 8.d. – Appointment to Floyd County Planning Commission, Locust Grove District.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to reappoint Ms. Deborah Baum to the Floyd County Planning Commission representing the Locust Grove District effective November 1, 2019 for a four year term.

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

Agenda Item 9. – Old/New Business.

Ms. Morris – As you will recall Ms. Martin spoke to you about submitting a letter of interest for the Community Development Block Grant application for the Virginia Individual Development Account. This is the program for low to moderate income earners to get 8:1 matching dollars for any dollars they save up to \$500. Ms. Martin found out that two public hearings are required before the application can be submitted. That was why we couldn't meet the September deadline. She would like to submit this for the January round. The staff will hold the public hearings. It is not required that the public hearings be held by the Board of Supervisors. Ms. Martin will be bringing a Memorandum of Understanding with the The Advancement Foundation for your consideration at the November meeting. They seem to be the only intermediary that serves our County for this program. This is still not committing you to anything. The public hearings are just fact finding and we would like to proceed with those if you are in agreement.

The consensus of the Board of Supervisors was to proceed with the public hearings.

We received a letter from the Auditor of Public Accounts where they reviewed all Commonwealth collections and remittances for the Treasurer, Commissioner, Sheriff and Commonwealth Attorney. They determined that all officials have maintained accountability over Commonwealth collections, established internal controls, and complied with all State laws and regulations. The Clerk of Court is under a separate audit and we have not received anything regarding theirs.

Supervisor Boothe – One of my constituents asked where the Economic Development Authority was with building designs? Are they still moving forward on that?

Ms. Morris – As far as I know they are.

Supervisor Boothe – Could we get an update with some sort of timeframe?

Ms. Morris – Ms. Martin was going to update you today but she had to leave. We will get that for you.

Chairman Yoder – I had a conversation with Dr. Wheeler last week and he assured me...and I know you know this since you are working with him...that they are looking at a lot of different options for the air conditioning of schools. I spoke with Mr. Ingram as well. I assured him that while we didn't have extra money that we wanted to work with them on whatever decision they made. I wanted to let them know we wanted to be supportive.

Agenda Item 10. – Adjournment.

On a motion of Supervisor Turman, seconded by Supervisor Boothe, and carried, it was resolved to adjourn to Tuesday, October 22, 2019 at 7:00 p.m.



Terri W. Morris, County Administrator



Lauren B. Yoder, Chairman, Board of Supervisors