

**BOARD OF SUPERVISORS  
REGULAR MEETING  
MAY 14, 2019**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, May 14, 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.

Supervisor Kuchenbuch led in the Pledge of Allegiance.

Agenda Item 4. – Approval of minutes of April 9, 2019 and April 23, 2019.

On a motion of Supervisor Turman, seconded by Supervisor Coleman, and carried, it was resolved to approve the minutes of April 9, 2019 as presented.

Supervisor Boothe – abstain, not present for the meeting  
Supervisor Coleman – yes  
Supervisor Kuchenbuch – yes  
Supervisor Turman – yes  
Supervisor Yoder – yes

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the minutes of April 23, 2019 as presented.

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

Agenda Item 5. – Approval of May 2019 monthly disbursements.

Questions and discussion followed.

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

additional bills except for a check to Hollow Nest Boarding which was to be voided and additional information requested.

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

Agenda Item 7.c. – Appointment to New River Community Action Board of Directors for a two year term effective July 1, 2019.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to reappoint Mr. John McEnhill to the New River Community Action Board of Directors to a two year term, effective July 1, 2019.

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

Agenda Item 7.d. – Appointment to Ninth District Development Financing, Inc. Board of Directors for a two year term effective June 1, 2019.

On a motion of Supervisor Turman, seconded by Supervisor Boothe, and unanimously carried, it was resolved to reappoint Mr. Leon Moore to the Ninth District Development Financing, Inc. Board of Directors for a two year term, effective June 1, 2019.

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

Agenda Item 7.e. – Approval of service agreement with Robinson, Farmer, Cox & Associates for audit ending June 30, 2019.

Ms. Morris explained this is the annual letter we receive that outlines the responsibilities of the audit firm and the County for the audit for the fiscal year ending June 30, 2019.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to authorize the County Administrator and Chairman of the Board to execute an engagement letter from Robinson, Farmer, Cox Associates for audit services for the year ended June 30, 2019 (Document File Number 1044).

Supervisor Boothe – yes  
Supervisor Kuchenbuch – yes  
Supervisor Coleman – yes

Supervisor Turman – yes  
Supervisor Yoder – yes

Agenda Item 7.f. – Amendment to Participation Agreement with VACORP for Disability Program.

Ms. Morris explained this disability program is for the newer employees who are covered by the Virginia Retirement System hybrid program. The Virginia Association of Counties Risk Pool (VACORP) made a decision to change providers from Standard to Anthem. There will be a slight change in the rates but Standard's rates were projected to go higher. This rate will be locked in for 5 years. The coverage will be comparable to what was offered in the past.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to authorize the County Administrator to execute the VACORP Disability Program Participation Agreement Amendment as presented (Document File Number 1045).

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

Agenda Item 7.h. – Request for transfer of revenue authority from Floyd County Schools Operational to Floyd County Schools Capital Outlay in the FY19 budget.

Agenda Item 7.i. – Request for transfer of expenditure authority from Floyd County Schools Operation & Maintenance category to Floyd County Schools Transportation category in the FY19 budget.

Ms. Morris explained that these requests from the School Board were because they had 4 school buses break down and it was going to cost about \$15,000 to fix the 4 buses and each had about 225,000 miles on it. The Schools found these 4 buses from Mountain Valley Transportation and each had less than 180,000 miles on it. The School Board would like approval of these transfers so they can purchase the 4 buses.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve a budget transfer of \$12,000.00 from County Funds Operational Revenue to County Funds Capital Outlay and \$12,000.00 from the Operation & Maintenance category to the Transportation category in the FY19 Floyd County School Board budget for the purchase of four used buses from Mountain Valley Transportation.

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

Agenda Item 6.a. – Constitutional Officers Reports.

There were no Constitutional Officers present.

Agenda Item 6.b. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

**Mr. Bob Smith, Indian Valley District** – Good Morning. I will be very brief today. The first subject would be I would really like to see some action so that the people from Floyd County that we act on that Citizens' proposal to record and broadcast all the meetings. Just a quick note that I also like to suggest that all positions on the Boards that you consider should be advertised. That's all I have to say today. Thank you very much.

**Ms. Karla Turman, Locust Grove District** – May 12 – May 18 is National Police Week. Tomorrow, May 15 being National Police Memorial Day, I just wanted to say how much I appreciate the Sheriff's Department. I wish they were here but I will speak with them this week. I will give you some blue ribbons if you would like to show support. Outside of my job here I am a Board member for Virginia Chapter, Concerned of Police Survivors. We have quite a few in Virginia and I do what I can to help in the Southwest Virginia area.

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

Agenda Item 7.a. – Subdivision plats as approved by Agent for April 2019.

Ms. Karla Turman – Included in your packet was the plat report for April. This winter through March was pretty slow compared to last year. But we are starting to pick up now with 2 plats going to the Planning Commission next week. One is a 7 lot subdivision and one is 5 lot subdivision. We have one on Woods Gap Road which is 1 agricultural lot and 6 standard lots. The other is 2 agricultural lots and 3 standard lots.

Agenda Item 7.b. – Subdivision Ordinance review.

Ms. Karla Turman asked the Board of Supervisors to appoint a Subdivision Ordinance Review Committee to review the current subdivision ordinance and recommend changes to the Planning Commission and Board of Supervisors. Ideally the Committee would have no more than 8 members with 2 being from the Board of Supervisors, 2 from the Planning Commission, 1 surveyor, 1 real estate professional and 1 or 2 citizens who own property in the County.

Discussion was held as to how many individuals should be on the committee, how the individuals would be recruited and selected, and the direction given to the committee on what the Board wanted them to consider.

It was decided to advertise for public interest in serving on a Subdivision Ordinance Advisory Committee. The Board decided to hold a work session to determine directions to give the committee. That work session will be on the same date as the Public Hearing on the FY20

budget, with the date and time to be determined later in this meeting during the work session on the proposed FY20 budget.

Agenda Item 6.c. – Mr. David Clarke, Virginia Department of Transportation.

Mr. Clarke provided construction and maintenance updates:

a. On the maintenance side –

Road repair for upcoming overlay	New Haven Road, Haycock Road, Hope Road, Diamond Knob Road, Burks Fork Road, Rush Fork Road, Shawsville Pike.
Slurry	New Town Road, Alum Ridge Road, Woods Gap Road.
Gravel down	Sunny Ridge Road, Roger Road, Cypress Road, Dobbins Farm Road, Silverleaf.
Pipe replacement	Daniels Run Road, Spangler Mill Road, Huckleberry Ridge Road, Alum Ridge Road, Rush Fork Road.

b. On the construction side –

Moles Road	Bids are in and has been awarded to C. R. Henderson out of Giles County.
Mira Fork Bridge	Should be done this fall.
Mill Run Road	Will be the next small project we will do. We are doing preliminary engineering. It will be done by State crews.
Traffic engineering	We have a meeting today with traffic engineers and we will look at some of the things Supervisor Boothe mentioned such as the downtown project, and a passing lane on Rt. 8 by The Bread Basket.
Six Year Plan	We held the Public Hearing last time. Based on the comments Silverleaf Lane and Reedsville Road were the issues from the public. I can prepare a resolution for next time. If we add those 2, probably only 1 more can be added. <i>The Board discussed the relative difficulties and needs for improvement of various roads in the County.</i>

Mr. Clarke agreed to send the paving schedule to Ms. Morris so she could forward that to Board members.

Supervisor Boothe –

- 1) It was a joy to ride on Music Road. They did an excellent job ditching, machining and everything else.
- 2) There are 3 driveways in a row on Woods Gap Road that have aprons, but the 4<sup>th</sup> driveway has a big dropoff. That homeowner said for 2 years he has been discussing

with VDOT getting the ditches cleaned out. He has dug the culvert out. I called about it and I think it has now been taken care of, but you might want to check on it. It looks bad when 1 citizen is treated differently than another citizen.

- 3) I have had more calls about the roughness of the underlay than any other road or situation since I have been on the Board.
- 4) On Wills Ridge Road (Rt. 729) off of Rt. 8 there are potholes and the edge has broken off to the white lines on both ends of the road.
- 5) There has been some work on the potholes on Laurel Branch Road from Rt. 729 to Rt. 221, but there are 1 or 2 more that need work and there are several places where the edge of that road is breaking off.
- 6) Has the bid on the pedestrian crossing in the center of Town gone out?

*Mr. Clarke – No, it will go out to bid in June.*

Supervisor Boothe – Will the money set aside for it this year be carried over for that project?

*Mr. Clarke – It is funded right now. It is an allocation that stays.*

- 7) A new sign has not been put up downtown for the crosswalk where the yield sign was damaged. We talked about using flashing signs and having it come out of safety money. Will they look at that when they come to Town?

*Mr. Clarke – We will have to do that one separately.*

Supervisor Boothe – Do you have any projection on when they can do that?

*Mr. Clarke – No, it shouldn't take that long, but I don't know.*

Supervisor Boothe – I've been on the Board 15 months and we've talked about it for 15 months. I know the people involved have been addressing it longer than that. I'm just looking for a ballpark. Do you think it will be done by the fall?

*Mr. Clarke – It is out of my hands really. That is not equipment that we do. I am relying on others to get it purchased and installed.*

- 8) We talked about trucks entering signs on Rt. 8 and talking to the property owner about trimming trees back on Wills Ridge.
- 9) Please forward to Terri Morris a copy of the permits you put in to do ditching on Gallimore Lane. Why does waiting on the permits for the ditch cleaning prevent the potholes being filled?

*Mr. Clarke – They are not related.*

Supervisor Boothe – This is stuff I have been talking about for over a year. The potholes have gotten worst. I don't understand why they can't be filled. I would like to get that off the list. The potholes on Lumber Lane are getting bigger. I appreciate our local

crews, but it seems somewhere in the process that VDOT has decided it does not matter if our citizens have safe roads to traverse or if our children have a safe road to ride to school. I am going to find out where in the hierarchy they have decided that our roads don't need as much attention. I have gotten more calls about the condition of our roads than our nickel tax increase. I don't know what the answer is.

*Mr. Clarke – They could not do much more patching than they did this past month. Of course, you don't hear from the people you did patch.*

Supervisor Boothe – Most of the stuff on my list I've been talking about since at least last spring. You are great at taking care of things that pose an immediate danger. But the guardrails on Rt. 8 haven't been addressed yet. What really got me upset this weekend is that I stopped at the Little River Bridge and the culverts haven't been augered out. I drove down the gentleman's driveway to see under the bridge. He came out and we talked. He is 82 years old. Silt has built up. Trees are creating a dam. He is going out into the water chest deep and prying the trees out to protect his property. I know we've talked about that project for over a year. I would like a copy of the permit applications for that process. That bridge was a poor design. If it had one more bay, the water would not have backed up. We need to do something about that situation. He cleaned the drop inlet out himself. If getting the permits is that much of a problem and I need to go to the State or Federal level, we will go for you. We will go to bat for you.

Supervisor Kuchenbuch –

- 1) We all understand your role here. Do we need to make Richmond understand? Is there just no money for roads? Our roads are falling apart. We have nothing but wonderful things to say about our local crews. You need more people.
- 2) Pilot Road out of Christiansburg is being done right. They are eating the pavement and putting down blacktop. That section will probably last a really long time. Then we see Rt. 8 just past the County line in Floyd. What is going to happen to the section of Rt. 8 in Floyd County? Is it going to get slurry on top of it?

*Mr. Clarke – That is what that is.*

Supervisor Kuchenbuch – A major artery like Rt. 8 got slurry on top of it.

*Mr. Clarke – We've done it on I-81, Rt. 460. Every County thinks they are the only one that gets...*

Supervisor Kuchenbuch – Is that the best way to spend our money...the other stuff is going to come up, at least Rt. 615 will last.

*Mr. Clarke – We can't afford to mill and replace asphalt on all of the roads.*

Supervisor Kuchenbuch – Why is that?

*Mr. Clarke – Because the gas tax is 17¢ a gallon. It is the same as it was in 1985.*

Supervisor Boothe – And as more roads are added to the system that takes more maintenance.

*Mr. Clarke – Slurry is a sealant that preserves a road that is already in decent shape. It will look better once the lines are put on it. Slurry smoothes out after it is down for a while. You can't roll it and make it smooth; whereas asphalt you can roll and make it smooth immediately.*

- 3) The forgotten part of Rt. 615 from the Little River Bridge to Thunderstruck Road is completely crumbling and there are no guardrails and a 100' drop.
- 4) Huckleberry Ridge Road has large potholes.
- 5) We try to help people understand that it is the gas tax and not property tax that funds roads.

Supervisor Coleman –

- 1) I reached out to Darrell with several issues this past week on dirt roads that were taken care of on the same day. I received wonderful responses back that I forwarded to him to share with our local crew. They have done an outstanding job on a lot of these dirt roads and even some of our hard surfaced roads that I have requested attention on. A couple of issues still remain.
- 2) White Rock Road between Copper Valley and Indian Valley has a hole that is continuing to get bigger. It is in the travel portion of the highway.
- 3) Indian Valley Road between Camp Five Road and Rocky Hill there are some holes there as well.
- 4) Ridgeview Road still has some holes from Sam Reed Road to Fayne Mountain Road. The places where they have dumped asphalt and used the grader, will they come back and do more work?

*Mr. Clarke – Some of those may be the places scheduled for overlay. Indian Valley Post Office Road and about 2 miles of Indian Valley Road are getting overlay.*

Supervisor Coleman – Please check on Ridgeview Road because there are center line cracks that are spreading out into each lane. I do appreciate all the work they have done. If they would just check those 2 remaining places. I share similar concerns to Supervisor Boothe. Some of the roads are in rough shape and it is hard to make people understand so anything you can do I appreciate.

Vice Chairman Turman –

- 1) A gentleman called me about White Oak Grove Road. He wants to know if it can be made 45 mph speed limit.
- 2) A lady emailed me about the far end of Buffalo Mountain Road by Hylton's store. It is getting rough.
- 3) They did a great job on my end of Sugar Tree Road, but the other end of the road the weekend before last the water jumped the ditch and took the whole curve out down to the creek. They fixed it yesterday but it is still pretty rugged through there.
- 4) Friday evening we had 2" of rain and 1" on Saturday and ¾" on Sunday and it just about took out Mira Fork Church Bridge. They brought some cones in and set up. It was right



where the culvert was put in but over the years the creek has moved. I was wondering if the church would let you cut the corner off and bring it back where it used to be.

- 5) I want to apologize to VDOT and Darrell and Ricky. A person in my district is fired up on Facebook and has been calling them vulgar names. He has not called them by name, but by job title. I can't control what my constituents do, but 90% of them really appreciate what you all are doing. I will talk to him when I see him. There is no sense in using the language he is using. He is putting out phone numbers and trying to get everyone in Floyd and Carroll to call VDOT. I agree with Supervisor Boothe, we need to start with our State Representative and State Senator and talk to them.

Chairman Yoder –

- 1) I have mentioned the shoulders on Rt. 221 several times. I'm concerned about the area between Check and Copper Hill.
- 2) I got calls on 2 dirt roads. Conner Lane goes out to the Parkway and it is really rough. Lick Ridge Road is pretty rough.
- 3) A couple of meetings ago I mentioned pipe that was replaced after the hurricane. It is still on private property.
- 4) On Boothe Creek Road I got a call this week that an F-10 pickup was pulling one of the pipes down Boothe Creek Road and up Whitlocke Road. The gentleman who called me said the pipe had rusted out on the bottom and the pipe was falling apart as they pulled it down the road. He and his kids walked the road and picked up metal on Boothe Creek Road. He does not know about the road that the truck turned on, but the pipe damaged the surface of Boothe Creek Road.

Ms. Morris –

- 1) We called the call center about the directional sign at the corner of Oxford Street and Rt. 8. It is leaning way over and in a tall vehicle you can't see to pull out, probably from the strong winds we've been having.

Ms. Ryan –

- 1) There are some large potholes on East Oxford Street.

Agenda Item 6.d. – Closed Session.

Closed Session – Real Property §2.2-3711 A.3., Consultation with Legal Counsel and Briefings by Staff Members §2.2-3711 A.7; Consultation with Legal Counsel §2.2-3711 A.8.

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. 3., Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; 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, where such consultations or briefings in open meeting would adversely affect the negotiating or litigating posture of the public body; and under Section 2.2-3711, Paragraph A. 8., Consultation with legal counsel employed or retained

by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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 Boothe, seconded by Supervisor Kuchenbuch, 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 Real Property in accordance with Section 2.2-3711, Paragraph A.3.; Consultation with Legal Counsel and Briefings by Staff Members in accordance with Section 2.2-3711, Paragraph A.7., and Consultation with Legal Counsel Regarding Specific Legal Matters Requiring Advice 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, for portion for which I was present  
Supervisor Kuchenbuch – yes  
Supervisor Turman – yes  
Supervisor Yoder – yes

This certification resolution was approved.

Agenda Item 7.g. – Floyd County Economic Development Incentive Program.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the Economic Development Incentive Program as amended for item number 2 (Document File Number 1046).

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

Agenda Item 9. – Old/New Business.

No one had any old or new business to discuss.

Agenda Item 8. – Work Session on Proposed FY20 Budget.

Ms. Morris handed out information regarding the local cost by department per household and per person for FY19.

Supervisor Boothe stated Floyd County contributes about \$4,400 per student in local funds. Ms. Morris explained that since the State takes out debt service and capital funds, they only acknowledge about \$3,900 per pupil.

Ms. Morris said we received the final numbers from the Compensation Board for the Constitutional Officers budgets and those have been put into the proposed FY20 budget for revenues, which added around \$24,000.

Ms. Ryan said we also finally got the numbers for insurance costs and while some items went up in cost, workers compensation did not go up as high as I had projected it would because we had a favorable experience modification.

Supervisor Justin Coleman stated the following for the record:

Today's discussion involves the County budget which includes 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.

The Board continued to discuss the proposed FY20 budget, specifically reviewing and making decisions on those items that had been highlighted at previous budget work sessions.

On a motion of Supervisor Boothe, seconded by Supervisor Turman, and unanimously carried, it was resolved to authorize the County Administrator to advertise a Public Hearing to be held on June 4, 2019 at 7:00 p.m. regarding raising Supervisor salaries to \$5,500 with \$1,200

additional for the Vice Chairman and \$1,800 additional for the Chairman, with the increases to go into effect January 1, 2020.

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and unanimously carried, it was resolved to authorize the County Administrator to advertise a Public Hearing on the proposed FY20 budget to be held on June 4, 2019 at 7:15 p.m. or as soon thereafter as possible.

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

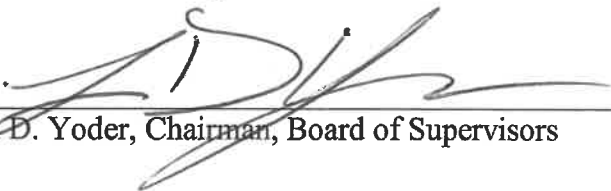
Agenda Item 10. – Adjournment.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to adjourn to Tuesday, May 28, 2019 at 7:00 p.m.



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Terri W. Morris, County Administrator



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Lauren D. Yoder, Chairman, Board of Supervisors