

**AGENDA
BOARD OF SUPERVISORS
REGULAR MEETING
January 25, 2022**

1. Meeting called to order at 7:00 p.m. by Chairman Joe Turman, Board Room, County Administration Building.
2. Opening Prayer – led by Supervisor Cox.
3. Pledge of Allegiance – led by Supervisor Boothe.
4. Roll Call and Determination of Quorum

Dr. Millsaps called the roll.

Supervisor Cox – present
Supervisor Kuchenbuch – present
Supervisor Bechtold – present
Supervisor Boothe – present
Supervisor Turman – remotely present

It was determined that a quorum was present.

5. Approval of the Agenda

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the agenda with two changes: removal of approval of the December 14, 2021, minutes, and adding a closed session under § 2.2-3711 A.3: “Discussion or consideration of the acquisition of real property for a public purpose or the disposition of a publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body”.

Supervisor Cox – yes
Supervisor Kuchenbuch – yes
Supervisor Bechtold – yes
Supervisor Boothe – yes
Supervisor Turman – yes

6. Approval of Disbursements

On a motion by Supervisor Kuchenbuch, seconded by Supervisor Bechtold, and unanimously carried, it was resolved to approve the disbursements dated 01/25/2022.

Supervisor Kuchenbuch – yes
Supervisor Bechtold – yes
Supervisor Cox – yes

Supervisor Boothe – yes
Supervisor Turman – yes

7. Approval of Minutes

On a motion by Supervisor Cox and seconded by Supervisor Kuchenbuch and carried, it was resolved to approve the minutes with the discussed amended corrections of December 7, 2022.

Supervisor Cox – yes
Supervisor Kuchenbuch – yes
Supervisor Bechtold – Abstain
Supervisor Boothe – yes
Supervisor Turman – yes

6. Presentations

Lydeana Martin, Community and Economic Development Director –

Good evening, everybody. Dr. Millsaps asked me to just give you a little bit of a heads up about an ARPA funding request that is from the EDA for the Innovation Center. Given the importance of air quality right now. With everything going on. The EPA has three requests for the possible use of ARPA funds, a total of 12,100.00. Based on estimates that we've gotten, it would be to do the deep cleaning of the HVAC ducts and rebuilding it would be to clean the HVAC coils and to add ionization units. There are ionization units on two of the seven HVAC units but not on the other five. So, I'm happy to entertain any questions you have, or I just want to really give you a heads up that you'd be seeing that. I'll try to speak loud for just a minute like this. All right? I do this partly for my sake, but partly because we have a couple of new members. And I wanted to just review a little bit of this project since it's kind of already down the road just a little bit. But Floyd County Housing rehab received a grant for just a million dollars from the state of Virginia for housing rehab, through a whole long process over the last couple of years to get to have people kind of raise their hands for help if they were interested in it. This is one of the first times that the state has done what they call a scattered site. Usually, it's all in a neighborhood or a city. But since Floyd is so durable, they were willing to kind of open this up. With this, I know a million dollars sounds like a lot of money. But these days, it's not that much. So, we're hoping to help 15 households, it is based on some income eligibility. And I can tell you that all of these are owner-occupied houses, many of them are senior citizens, disabled, you know, families with small kids and that kind of thing. So again, just over a million and state grant funds, the county committed about \$12,000 to this part and waving of building permit fees, which counts as a local match. And then we have eight other partners putting in \$162,000. That includes habitat \$100,000. So, there'll be using volunteers to build two houses. Citizen's telephone is put in some match, USDA Rural Development and Fish has gotten a little bit. So that's just a sample that was helpful in helping us get the grant to show broad support in matching dollars. So, the grant agreement with the funder with a say is already signed many months ago at this point. And tonight, there are some other documents at this stage that I'd ask you all to

consider. I do apologize that this has been a fast-moving thing for several reasons between the holidays and some illnesses and different things happening. It's just been hard to get pieces from everybody. And even at this point, we have Steve Durbin's input, but we still don't have the input from the state on three of the documents. So, we could end up revisiting this, but we're just trying to move it down the field as best we can. The first item for your consideration is the program design document that should be at the top of your pack. You all approved this document already. But there are several changes, they're all relating to one topic, originally, all the beneficiaries, all the households were going to be required to make a mortgage payment, essentially based on their ability to pay. But due to the pandemic, the state changes those rules so that there is no ability to pay the payment. So that means we must modify our program designed to be consistent with the state rules on that. So, you'll see that kind of spreads through that document. And we can come back and take these one by one, but I'll just kind of give you an overview at first is that okay? A next document is a construction contract. You'll see that that's a three-party agreement between the county, the construction company, and the owner of the household that you had, unfortunately, these three documents you had one version of in your packets, and then I got Steve Durbin's changes on the phone about five o'clock or so this evening. So, you have an updated version. So, the second document is literally identical to the first one but instead of it being for the main rehab part of the house, certain things must be in a separate contract. So, if there's demolition involved like if the house is in such poor condition that it's cheaper to rebuild and to, repair it, if they need ADA compliant, so if they need a ramp or something to access their home, that's a separate contract. And if their well or septic is unsafe and needs to be repaired, that is a separate contract. So, all of the changes that Mr. Durbin proposed to the first contract that you now have in front of you, the same changes would be proposed to this contract, because literally, the only difference is the heading at the top. But for some reason, we must have two separate documents. And then the last change document is the temporary relocation agreement that is signed between the county and the homeowner, the grant includes \$2,000 to be used, some of the rehabs are so substantial, the person cannot remain in the home during the work. And so, there's up to \$2,000 in grant funds to cover that, of course, it's been very difficult to try to find temporary housing right now, as everybody knows, it's just hard to find a rental property. And particularly, you know, someone that can't walk well, and needs as few steps as possible and those kinds of things. But we've got the first two taken care of, one can stay with the relative, the other one that we found a lease or lease property for them. So, the rest of the documents that were in your packet, are these attachments, and all those forms are standard forms kind of provided by the state. So, it's not really anything that we've had to draft or, anything like that. The only caveat to those would be if they come out with a new version, sometime during the project, we would have to switch to the new version. So, are there any general questions about that? Okay, so we can start if you'd like with the program design document within her original practice. You have any questions; I will try to answer them.

- A conversation ensued with Supervisor Boothe and Ms. Martin questioning the payment obligation of the homeowner in which Ms. Martin clarified the homeowner does not have to pay anything due to COVID and State changes and the only obligation for payment would be if their house got approved, and they

turned around and sold it within the first five years. If that were to occur they would be obligated to repay the assistance they received from the proceeds of the sale.

- Continued conversation with Supervisor Boothe referencing page four and questioning who is responsible for checking and obtaining confirmation. Ms. Martin explained once a year is her understanding, we need to check in with the homeowner to ensure that they are still living there and have not sold the property and noted there will be a lien on the House.
- Supervisor Boothe asked if the original people moved out and it is now rented to a third party, what happens in this case? Ms. Martin stated that whoever moves in would have to prove to be income-eligible or else the money would have to be repaid and again we have a lien on the property to help make sure and to protect us.
- Supervisor Turman questioned who is obligated to keep the house insured to which Ms. Martin replied to Supervisor Turman, it would be the responsibility of the homeowner, and they will have a signed agreement confirming that.
- Supervisor Kuchenbuch asked the question, what would happen if the homeowner unfortunately died? Ms. Martin shared that they talked through many scenarios and conveyed that a family member would be eligible however would have to meet the income requirements and if not, they're going to have some obligations.
- Supervisor Boothe question for clarification purposes if an extension is going to be needed it is unclear within the contract if it is 30 or 90 days. Ms. Martin clarified, DHCD rules say that only have 60 days for anything, but they can grant extensions. Ms. Martin will send Steve's, attorney, DHCD version of the contract to review. Jerry continued, asking if the deed of trust on page eleven doesn't knock out the lien on the deed itself, Ms. Martin confirmed that Jerry's statement is correct.
- Supervisor Kuchenbuch shared, it's the state's responsibility to want to make sure that the homeowners that are getting the work done, also understand the commitments they have, and it will be an unrecorded deed of trust. Ms. Martin responded, so in this case, the deed of trust will be recorded so that if they sell the property, what will not be recorded in the note because they're not making monthly payments.
- Ms. Martin also presented, one thing that didn't occur to me until today, Mr. Yoder, our former board member was on two active groups that are making this project possible. One is the management team, which Ms. Kuchenbuch serves on

the board's behalf. And then there's an oversight board that approves each. This board reviews each applicant and kind of gets into the nitty-gritty, deep detail a little bit more they can see income information if they want and so Mr. Yoder had served on that. I don't know for certain if he was serving on behalf of the board. Mr. Cox interjected and volunteered to replace Mr. Yoder in this position.

On a motion by Supervisor Boothe, seconded by Supervisor Kuchenbuch, carried it was resolved to appoint Supervisor Cox to the Floyd Housing Rehabilitation Oversight Board.

Supervisor Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Bechtold – yes
Supervisor Cox – abstain
Supervisor Turman – yes.

- Supervisor Boothe asked Ms. Martin if it is necessary to re-adopt what was presented today. Ms. Martin replied yes.

On a motion by Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried it was approved as amended the program, contingent on DHCD final approval.

Supervisor Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Bechtold – yes
Supervisor Cox – yes
Supervisor Turman – yes

- Ms. Martin noted, thank you and one thing that I should have mentioned is that Mr. Durbin advised that at the next meeting the board, he will draft something that would be a document between the county and Habitat for Humanity/fish, because they at least on this first house that we're releasing, they are willing to put in additional money beyond the \$2000.00 to help because that house has got to be totally rebuilt. And so, we don't think \$2000.00 will cover two and a half months, and we don't think that's going to be long enough. So for this first one, Steve is going to draw up something that says, an agreement for you all to consider simple things as simple as an attorney can do between you all and Habitat for Humanity, they will, they will sign the lease, and then you will have an agreement with them to contribute up to \$2,000.00 as identified here, and we don't know if we'll be able to use this same property for other families that it's going to depend on timing and how it all unfolds. But that will be an additional document that will be coming to you. But that won't stop us from carrying forward.

On a motion by Supervisor Boothe, seconded by Supervisor Kuchenbuch and unanimously resolved to approve the three documents Contract, Non-Occupancy, and the

Three-Party Contract, as revised by County Attorney Steve Durbin, pending approval of DHCD.

Supervisor Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Bechtold – yes
Supervisor Cox – yes
Supervisor Turman – yes

- Supervisor Kuchenbuch thanked Ms. Martin for the work involved in this process.
- Supervisor Turman read the handicapped statement.

8. Constitutional Officers

- Amy Ingram – Floyd County General Register

I'm coming to you tonight to explain a little predicament that I'm in with my new pole iPads. What happened at the end of 2020 Our Vader technical book ticketing system was de-certified, and we came to the board for money which you helped us out to get a new system, and then the actual pad part was an iPad which was billed from a different vendor. Somehow, the invoice did not get to me until just lately, the company says they emailed it however I did not find it. I said why did you wait a year to tell me that we were delinquent \$3,720 And they said, I can change the date to be anything on the invoice. And the problem is the fiscal year that this should have come from is closed I'm asking for your suggestions and how to pay the bill that we have to pay.

- Conversation with Supervisor Boothe and Ms. Ingram ensued questioning if the original budgeted amount that was not used carried over to this year's budget. Deputy Assistant County Chiddo asked to interject and confirmed research that the \$3720.00 was carried over, it was originally approved and provided a copy for the Board to review past approval.

On a motion by Supervisor Kuchenbuch, seconded by Supervisor Bechtold and unanimously carried it was approved to authorize payment of \$3720.00 from contingency funding to pay the invoice as presented.

Supervisor Kuchenbuch – yes
Supervisor Bechtold – yes
Supervisor Cox – yes
Supervisor Boothe – yes
Supervisor Turman – yes

- Supervisor Kuchenbuch initiated a statement complimenting Ms. Ingram on her leadership and the hard work of the volunteers and workers of the polls. Supervisor Turman also complimented Ms. Ingram and her team and questioned

what appeared to be a good turnout due to curbside voting. Ms. Ingram shared that Burke Fork's had the highest number in the county, 166. Supervisor Boothe also noted that he heard no complaints and all he heard was praise for Ms. Ingram's team.

- Supervisor Turman continued to state that he has been talking with some people regarding an additional polling place at Green Mountain and shared the belief that it would bring additional voters to this new site. Ms. Ingram agreed to investigate this and put the budget request together.
- Supervisor Boothe asked what is going to happen with the town with regards to a separate voting place? Ms. Ingram stated The Department of Elections issued new guidance that a town in a split precinct does not have to be cured. But they said to keep in mind that it could change if the new attorney general issues a different opinion. And, you know, when you have a town that only has 368 registered voters, that's not a real cost-effective move.

9. County Administrators Report

- Dr. Linda Millsaps, County Administrator
 - a. Refuse Equipment Corp. 8 Refuse Containers with Lids and Recycle Slot for cardboard – Obtained quote and using some funds put aside for green box improvements as well as recycling funds to help pay for getting nine new containers. Some will replace at existing sites, and some will be added. As well they are front loaders so they can empty with the truck. Supervisor Boothe questioned the lychee issue. Dr. Millsaps stated that they had the conversation specifically about Mr. Boothe's question concerning the lychee and they felt that with these particular containers the process would be acceptable for that. Supervisor Turman added a request to look at the boxes on Buffalo Mountain Road due to the weight of the truck, weather, and a safety issue due to soft dirt. Dr. Millsaps thanked Supervisor Turman for the recommendation and would pass on the suggestion for the drivers to carry salt/gravel and throw it out when it appeared unsafe in areas.
 - b. FY23 Budget Request Letter – All departments and constitutional officers have received the budget request letter as well as the follow-up departmental excel template with past approval year and request for this year's budget. As well the Regional Commission hosts a session for all the regional organizations to make presentations. Deputy Administrator Assistant Ms. Chiddo and I have been flooded with all their requests in the last few weeks. This meeting will be a zoom call on February 1st.
 - c. Cyber/Security Insurance – Follow-up discussion with the previous attorney who worked on this indicated that all of this has been closed in terms of

the insurance and there will not be any kind of local criminal prosecutions. They're clear about which direction this is going which was international. Supervisor Boothe shared the State Police was reporting that their investigation is still ongoing along with the National Guard which Dr. Millsaps confirmed.

d. Redistricting Update – We have preclearance approval from the AG office. The next step is to record the ordinance and boundary map in the official minutes of the Floyd County Board of Supervisors Meeting, send a certified copy of the ordinance along with the map to the local electoral board, the secretary of the Commonwealth, the Department of Elections, and the Division of Legislative services. Once that happens, we are officially completed.

e. Tourism Development Council – We will have a Tourism Summit on February 23rd, 2022, from 9:00 am to 2:30 pm. We are focused on invites with a vested interest in tourism. The goal of the meeting is to lay the groundwork for a new tourism strategic plan, which would then be submitted to the state for hopeful funding for many of the Tourism activities. Supervisor Kuchenbuch noted that the exchange that happened at the first meeting was quite lively with a lot of good discussions about a variety of topics. I believe the Summit is going to be a good thing and encourage, as supervisors, to attend.

f. EMS update – Recap for the first meeting of paid EMS staff and second meeting follow-up for February 3rd, 2022. The second meeting will have an additional part as an educational in-service training with the Department of Social services presenting on adult services. This will assist with making the appropriate referrals from EMS to Social Services. Supervisor Boothe commented regarding the first meeting and how Dr. Millsaps and Ms. Chiddo did an excellent job conducting the meeting and believe with this communication we will see a lot of improvements.

g. Radio System – We have a committee that has been working on that which includes, me, Supervisor Boothe, Mr. Coleman, Sheriff Craig, and Mr. Sowers. We have been talking with vendors and Chris McNabb was able to record the meeting for the Board of Supervisors who were not able to attend as well as the binders and books that were left for you. Both of which are to remain confidential at this point because they include business resources. We have been working on some other options as well, maybe some regional options. One interesting idea is Pulaski has new radios, but they have moved to a new system and were able to reduce the cost by about 30% by changing those out from new ones.

- On the last note, Mr. McNabb, IT manager, has been working hard and our Facebook page for the county is now active he has also been working on a lot of our county website which should be live shortly. And want to personally thank Mr. McNabb for all the work he continues to put in. As well, if you recall at the last meeting with the approval of iPads, Mr. McNabb has been working on that.

However, we discussed but did not have a formal motion about getting the Board iPhones as well. I will let Mr. McNabb explain more about that.

10. Old/New Business

- Chris McNabb, IT manager

For the iPhone, it will be a \$250.00 purchase price with an unlimited plan with a monthly cost for all five of \$243.75. As well the names of the phones will come up with the names of your corresponding districts. As well, with the iPad, I wanted to make sure we could have a centralized management system for the I devices. This will allow me to query them without having your devices physically here which would be supportive of timely FOIA requests and be able to assist with that. The entire purpose behind the centralized system is that both iPad and iPhones will have the same account and will be able to link it to the same login credentials. We will be able to set up the Board folders and all the information electronically now and the information will be dropped in a folder for you to review. Supervisor Turman added that was one of the reasons I've been pushing this for a few years and Ms. Chiddo was telling me how much paper we burn just to do one packet and the time involved which will free up staff. We as a Board just have to do a little catch-up.

On a motion by Supervisor Kuchenbuch, seconded by Supervisor Bechtold and unanimously carried, it was approved to purchase the iPhones, one for each district Supervisor, chargers and to allow staff the appropriate signatures as needed.

Supervisor Kuchenbuch– yes
Supervisor Bechtold – yes
Supervisor Cox – yes
Supervisor Boothe – yes
Supervisor Turman – yes

- Dr. Millsaps, County Administrator

Please refer to the correspondence in your packet, one I believe is Hurt and Profit regarding the possibility of developing a new waste collection site in Willis the other is from Karla. Supervisor Turman voiced concern regarding the development of a new waste collection site in that area as he stated he is getting other negative feedback. Dr. Millsaps responded that she is aware that there are some concerns and stated we are somewhat challenged in the locations in Floyd as there is very little real estate that is owned by the county as opposed to some other counties which make citing Green Box sites difficult. Supervisor Turman stated that he would do his best to try to find another site.

- Supervisor Turman

Move to go into closed session under § 2.2-3711 A.3. Discussion or consideration of the acquisition of real property for a public purpose or the disposition of a publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Closed Session under § 2.2-3711 A.3

On a motion by Supervisor Kuchenbuch, seconded by Supervisor Boothe and unanimously carried it was resolved to go into closed session under § 2.2-3711 A.3. Discussion or consideration of the acquisition of real property for a public purpose or the disposition of a publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body

Supervisor Kuchenbuch – yes
Supervisor Bechtold – yes
Supervisor Boothe – yes
Supervisor Cox – yes
Supervisor Turman – yes

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

Supervisor Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Bechtold – yes
Supervisor Cox – yes
Supervisor Turman – yes

- Dr. Linda Millsaps - At this time I'd entertain a certification motion and we discussed only the matters that we entered closed session to discuss.

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

Supervisor Kuchenbuch – yes
Supervisor Cox – yes
Supervisor Bechtold – yes
Supervisor Boothe – yes
Supervisor Turman – yes

**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 under § 2.2-3711 A.3. Discussion or consideration of the acquisition of real property for a public purpose or the disposition of a publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body contract.

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.

This certification resolution was adopted.

- Supervisor Turman, if nobody else has anything, I would take a motion to adjourn.

On a motion by Supervisor Kuchenbuch, seconded by Supervisor Boothe and unanimously carried it was approved to adjourn the meeting with the next scheduled meeting for February 8, 2022, 8:30 a.m. +


Supervisor Turman – yes
Supervisor Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Bechtold – yes
Supervisor Cox - yes

13. Adjournment

By consensus the Board adjourned the meeting to February 8, 2022, 8:30 a.m.



Linda S. Millsaps, County Administrator



Joe D. Turman, Chairman, Board of Supervisors