

**BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 13, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, October 13, 2020 at 8:30 a.m. in the Board Room of the County Administration Building thereof;

PRESENT: Joe D. Turman, Chairman; Jerry W. Boothe, Vice Chairman; W. Justin Coleman, Linda DeVito Kuchenbuch, and Lauren D. Yoder, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator, Tabitha Hodge, Operations Manager to livestream and film the meeting.

Agenda Item 1. – Meeting Called to Order.

Chairman Turman called the meeting to order at 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.

Vice Chairman Boothe led in the Pledge of Allegiance.

Agenda Item 4. – Approval of minutes of September 8, 2020 and September 22, 2020.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the minutes of September 8, 2020 and September 22, 2020 as presented.

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

Agenda Item 5. – Approval of monthly disbursements.

On a motion of Supervisor Boothe, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve the October 2020 monthly disbursements as presented.

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

Supervisor Turman – yes

Agenda Item 6.a. – Ms. Lydeana Martin, Community & Economic Development Director.

Ms. Martin explained the new State grant program for Fast Track Broadband Connections:

- 1) CARES funds can be used to expand rural broadband capacity if it is used for the purpose of distance learning, telework, or telemedicine;
- 2) Steve Durbin, County Attorney, recommends that for each household to be eligible that we ask them to indicate for which of those reasons they need broadband;
- 3) There are a number of households around the County where there is already fiber along the road, but people cannot afford to extend it to their home;
- 4) This program specifically called out that it can serve long driveways and private roads;
- 5) Citizens Telephone Cooperative has identified a number of households around the County that meet that particular criteria;
- 6) We do not know at this time if the people meet the distance learning, telework, or telemedicine criteria;
- 7) This program only helps those where fiber is already available on the public road.

Vice Chairman Boothe – Have you talked to Citizens about them being able to complete this work by December 30?

Ms. Martin – There are more households that need this than they can complete by December 30, but they have worked and narrowed the list down to what they can complete. We're looking at around 50 households. My biggest concern is how quickly we will hear back from the granting agency. They assure us they are approving them on a rolling basis and reviewing them quickly, but I am assuming we are 3 weeks out from being able to start the work.

Vice Chairman Boothe – Does Citizens spend the money and then get reimbursed from this grant?

Ms. Martin – Yes, that is correct. I understand the money would be conveyed to the County and we would be reimbursing Citizens.

Vice Chairman Boothe – What are they using as the qualifying factor for the 50 they can do?

Ms. Martin – My understanding is that they are using a driveway or private road of more than 1000'. In this particular project they may only cover the first 200' because they will probably have to pay a premium to get the work done in time.

Vice Chairman Boothe – I'm concerned that some people who may need it the most can't afford it...is income any part of this?

Ms. Martin – Income has not been part of it to this point. If that is something that you would like to see then we can talk about it with them.

Discussion was held as to how income could be determined if it were a qualifier.

Supervisor Yoder – Could we prioritize the criteria of distance learning?

Supervisor Kuchenbuch – I agree that if there is a student in the home then they should have priority over the other criteria.

Supervisor Yoder – I have a question about the telework. There are a lot of people in the County who are self-employed. We are trying to encourage people to do online sales. Does that come into play or does this have to be someone who has...?

Ms. Martin – That is a great point. I think we should clarify that telework does not have to be being employed by someone else. It can be operating your own business. It is about someone's livelihood.

Ms. Morris – Were you thinking about \$400,000?

Ms. Martin – Authorizing a project up to \$400,000 with Citizens putting in at least \$20,000 for the first couple hundred of feet for 50 households. If you are inclined to pursue this, my request would be a project up to \$400,000 with the grant request being up to \$380,000, realizing that our application later this week could go lower because we will scale it to what they think they can accomplish.

Vice Chairman Boothe – And that would be giving priority to homes with school aged children?

Ms. Martin – Yes, if that is what you want to do then that is definitely what we will do.

Supervisor Kuchenbuch – I would like the number one priority to be students.

Supervisor Yoder – I would like to provide that service to as many as possible, but there will probably be some students who don't even have fiber on the public road by their house.

By consensus, the Board of Supervisors agreed that households who met the distance learning criteria would be given highest priority to be served by the project.

Ms. Martin – If there were driveways in the Town who met the criteria, then we would be obligated to share this with the Town. Citizens engineering confirms that there are no households in Town who meet the criteria. I also checked with the Town Manager yesterday to see if they have any broadband project that would be eligible and they do not. The leader at the State on this project confirmed to me yesterday that we do not have to set aside any of this for the Town since they do not have an eligible project.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve a project up to \$400,000 with a grant request up to \$380,000 for a new State Grant Program for Fast Track Broadband Connections and to authorize the appropriate officials to execute the documents (Document File Number 1135).

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

Agenda Item 7.a. – Subdivision plats as approved by Agent for September 2020.

Ms. Morris – I will be happy to take any questions or concerns regarding the September 2020 subdivision plats to Ms. Turman.

Agenda Item 7.c. – Discussion of no applications received for Floyd County Economic Development Authority to fill an unexpired term through December 10, 2022.

Ms. Morris – We didn't receive any applications for the Floyd County Economic Development Authority unexpired term. I have an idea that we can talk about when we go into closed session if you would like.

Agenda Item 7.d. – Approval of resolution to appropriate the second quarter of the approved FY21 budget.

Supervisor Kuchenbuch – How are accounts receivable doing?

Ms. Ryan – Our revenues are about what we budgeted in some line items and a little lower than expected on other items.

Ms. Morris – But we haven't been spending as much either.

Ms. Ryan – I would like to clarify that the amount I provided for the cost of a one-step raise for County employees was from January 1 and not December 1.

Vice Chairman Boothe – That means the amount to be moved from contingency to salaries for the month of December would be \$4,921.66 for the second quarter.

Supervisor Yoder – How much in contingency have we spent so far in FY21?

Ms. Ryan – I don't recall spending anything from contingency.

Supervisor Yoder – Some of the positions we fund like officers are still Constitutional Officers even though some are State funded and some are County funded. So none of those employees would be getting an increase. Nobody at the Treasurer's Office would be getting an increase. This would be Solid Waste, Emergency Medical Services, folks here, Library, Recreation. Do we know if the State is doing anything for Constitutional Officers employees?

Vice Chairman Boothe – The last that I heard one group was proposing a bonus, one group was proposing a pay increase, and the rest didn't want to do anything.

Supervisor Yoder – If this doesn't pass, we could come back and do a 1% raise effective January 1 for the third quarter.

On a motion of Supervisor Boothe, seconded by Supervisor Coleman, and carried, it was resolved to approve an appropriation for the second quarter of FY21 in the amount of \$9,173,928.50 and a budget transfer of \$4,921.66 from contingency to appropriate line items to start a one-step pay increase for County employees effective December 1, 2020 (Document File Number 1136).

Supervisor Coleman – yes

Supervisor Kuchenbuch – no, I find every single person in this County worthy of a raise. I know there are many people still out of work. I am not casting judgement on anybody but I have to vote no.

Supervisor Yoder – no

Supervisor Boothe – yes

Supervisor Turman – yes

Agenda Item 6.b. – Public Comment Period.

Chairman Turman opened the floor for Public Comment.

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

Agenda Item 7.i. – Resolution for change of November and December Board meetings.

Ms. Morris – You might want to discuss the Voting credentials for the VACo meeting in correlation with the change of meeting dates for November and December. For the resolution I put the regular scheduled meeting for November as the 17th in case you wanted to attend the VACo meeting virtually. In the past you have held one meeting in November and one meeting in December.

Supervisor Kuchenbuch – We will probably need additional meetings this year.

Ms. Morris – Interview meetings are handled differently as far as notification and other things.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to adopt a resolution that the Board of Supervisors of Floyd County, Virginia, will hold their regular meeting on the third Tuesday of the month, November 17, 2020 at 8:30 a.m. and cancel their regular meeting scheduled for Tuesday, November 24, 2020 at 7:00 p.m.; and hold their regular meeting on the second Tuesday, December 8, 2020 at

8:30 a.m. and cancel their regular meeting scheduled for Tuesday, December 22, 2020 at 7:00 p.m. (Document File Number 1137).

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

Agenda Item 7.e. – Voting credentials for the VACo Annual Business Meeting.

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

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

Agenda Item 7.f. – E911 Road Name Request – Harvey’s Lane.

Questions and discussion followed.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve the naming of Harvey’s Lane, with the cost of the road sign installation to be paid by the County.

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

Agenda Item 7.g. – Scheduling of Public Hearing for The June Bug Center, Inc. tax exemption request.

Ms. Morris – This was brought to you last month for your consideration. I went back through our files for several years looking at other requests we received. The only two that I found in the last five years were already exempt under State Code. One was for a church fellowship hall and the other was for the little bit of Boy Scout property that is in Floyd County. I didn’t find anything for the Historical Society.

Supervisor Yoder – It would have been before that.

Chairman Turman exited the meeting and turned the Chair over to Vice Chairman Boothe.

Vice Chairman Boothe – I was re-reading some of the paperwork after our last meeting. It was my understanding that if something was classified as educational then it automatically applies. But I got from Mr. Durbin's statements that we needed more than that. We needed to word it in such a way...

Ms. Morris – There is a list of questions in State Code that they have to answer. They met all of those. I can do more research or you can set a Public Hearing.

Vice Chairman Boothe – Unless a majority of this Board is interested in doing it, I wouldn't want to spend our money on advertising it.

Supervisor Kuchenbuch – The majority of what they are doing is educational.

Vice Chairman Boothe – I would like to talk to Mr. Durbin more about this educational part. I know educational meets the criteria.

Supervisor Kuchenbuch – I might have to abstain from this as I sit on that Board too, along with many other community leaders and without any compensation. I will ask Mr. Durbin about that.

Vice Chairman Boothe – If everyone is in agreement let's hold off on this item until Mr. Durbin joins the meeting.

Chairman Turman rejoined the meeting and the Chair was turned back over to him.

Agenda Item 7.h. – Re-adoption of Continuity of Government resolution.

Ms. Morris – The resolution that was in effect has run out. You can adopt this on an emergency basis, but you will need to schedule a Public Hearing if you are interested in adopting this for 6 months again.

Vice Chairman Boothe – Several committees I am involved with are still meeting virtually and they can continue doing that because of this resolution.

Supervisor Yoder – When did our existing resolution run out?

Ms. Morris – I think it was September 30.

Supervisor Yoder – I voted against the last one because of one issue that is no reflection on our staff because they do a great job. We have been in this for 6 months and I haven't seen a situation – please clarify it if I am wrong – where we have needed to pay bills without approval of this Board. That is my only sticking point in here. It worries me when we go away from the oversight of this Board. If we got into a bind, we could still call a virtual meeting and approve bills. I really think we should continue with our ability to do some of the things we can do under State emergency. It worries me when we take control away from elected officials and give it to staff. It is no reflection on you. It is a matter of policy.

Ms. Morris – My thoughts would be if something happened in the middle of the night and we needed to order something right then.

Supervisor Yoder – Even in that case you could order something, it is just paying the bill.

Vice Chairman Boothe – She is limited on what she can obligate on behalf of this Board, aren't you?

Ms. Morris – Under procurement I am, but this resolution opens it up in the case of an emergency situation.

Supervisor Kuchenbuch – If we don't adopt this, does it handicap us in any way if we don't declare a state of local emergency?

Supervisor Yoder – It is a good thing to express to our local community that we are in a state of emergency and that there are things going on that aren't normal. I am 100% behind that. But the idea that we could spend \$1 million in the middle of the night and not know about it just scares me. In January we might have someone new here that I don't know at all.

Supervisor Coleman – It doesn't stop this Board from approving the bills after the fact.

Supervisor Yoder – But we couldn't walk it back.

Supervisor Coleman – I have just seen situations where the timing in trying to get things can be difficult. Those situations are limited to be sure.

Ms. Morris – The items listed under 1.b. page 3 are nothing that I don't do already in my job description.

Supervisor Coleman – It says, "...actions objectively reasonable and necessary in the public health interest...", to me that means any person in the position will have to justify that the payment of the bills was reasonable and necessary and in the public health interests. The person in the position will have to be able to articulate to this Board why it was a necessary expenditure and in the public health interest. To me it narrows the door of what can be done.

Ms. Morris – Would you like to hold this and talk to Mr. Durbin about it?

Supervisor Yoder – I think I would be more comfortable with saying "approve necessary expenditures" instead of "pay bills." The way it reads now the money could be gone and we don't even know about it.

Vice Chairman Boothe – One of us would have to sign the check.

Supervisor Yoder – I just like the idea of everything coming before the whole Board.

Vice Chairman Boothe – We might want to do this through December 30 and then re-evaluate our situation at that time.

Supervisor Yoder – We are only having three meetings before then so if we have a Public Hearing it will be in November. We don't have that many meetings between now and the end of December. It would almost be holding back-to-back Public Hearings.

By consensus the Board decided to come back to this agenda item once Mr. Durbin joined the meeting.

Agenda Item 6.c. – Constitutional Officers Reports.

There were no Constitutional Officers present.

Agenda Item 6.d. – Mr. David Clarke, Resident Engineer, Virginia Department of Transportation (VDOT).

Mr. Clarke provided construction and maintenance updates:

a. On the maintenance side –

Routine maintenance on gravel roads	Various roads; I just came through on Thunderstruck Road and know that one needs work.
Pothole patching	Alum Ridge Road
A lot of pipe repair and replacement	Hummingbird Lane, Dobbins Hollow Road and Daniels Run Road
Brush removal	Laurel Creek Road
Secondary shoulder work	Laurel Creek Road, Bethlehem Church Road
Mowing	

b. On the construction side –

6 Year Plan	Mill Run Road did the surface treating so that road is now done.
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Mr. Clarke – October is our get ready for winter month so we have had equipment in the shop getting the final run through on that. They are working on the requested work to clean out silt and debris underneath the bridge on Rt. 8 just outside of Town. There is a drop off on Bethlehem Church Road and we will put a big patch on it.

Supervisor Yoder – A person mentioned Stonewall Road at Double Springs Road. There are some rough spots on back roads in my district so please machine the gravel roads. I mentioned Rt. 8 before up toward Tuggles Gap. I realize a lot of the line problems up there is because you are paving.

Mr. Clarke – Yes. They eradicated the lines before the paving started. I wish there wasn't the gap in time between the eradication and the paving, but I saw what you talked about.

Supervisor Yoder – Are they finished with the paving? There is a really rough spot when you go up the hill toward the Parkway. There are some big potholes.

Supervisor Kuchenbuch – They did a great job on Rt. 8, but between Morning Dew Lane and the Parkway entrance there are some big potholes. You said they replaced pipe on Dobbins Hollow Road? I will have to check on that. I didn't see them working on it. Sowers Road is closed. Have they finished that one yet?

Mr. Clarke – No. Those don't usually take too long.

Supervisor Kuchenbuch – Is it at the low water bridge?

Mr. Clarke – Yes.

Supervisor Kuchenbuch – I had a call from a constituent about mowing that hasn't been done yet on the corner of Spangler Mill Road and Moore Road. It was making it hard for them to turn. Please check on that. She said it was causing a safety hazard for her. Christiansburg Pike and Needmore Lane is another area that needs mowing. I went through the intersection at Stonewall Road and Double Springs Road and past it to Hale Road is kind of rough. Please, please, please check on Bethlehem Church Road. It will definitely become an issue like on the Parkway between Floyd and Roanoke because it is being undermined with all of the rain. It is buckling. Potholes on Huckleberry Ridge Road are getting worse.

Vice Chairman Boothe – Last month you were going to check on parking close to the crosswalk at Milestones. Have you had a chance to look at that?

Mr. Clarke – Yes. They need to get out and paint cross hatches on that.

Vice Chairman Boothe – The last I went through there the sign people have not put up signs at the high school crosswalk.

Mr. Clarke – I thought they had. I will double check on that.

Vice Chairman Boothe – The crosswalk project is finalized?

Mr. Clarke – Yes.

Vice Chairman Boothe – We talked about moving that handicapped parking spot back to where it was supposed to be. Is it possible to paint the curbing? Or is that on the Town? Or was it part of the contract?

Mr. Clarke – It wasn't part of the contract. I can get with the Town on painting that. Usually the Town paints where they don't want parking.

Vice Chairman Boothe – I am guessing that the 6” hump of cement as you are crossing from the Courthouse to the Blue Ridge Café is to keep cars from coming in. I know of at least three people who have tripped over that. We need to get it painted. I talked to Darrell about putting some kind of railing or post on it to draw people’s attention to it before any more people fall over it. Any idea when Chris is going to get a crew down there and get the stump out at Mr. Vias?

Mr. Clarke – They worked at clearing a bunch of stuff out this past week.

Vice Chairman Boothe – They didn’t take the tree stump out. I saw what they cleaned out. I was under the impression that we still had the right-of-way where the old bridge was at right beside the new bridge. The last time they cleaned the whole corner out. This time they just cleaned directly under the bridge out, which has created a wall. It is fine if that is all we can do. But if we are going to leave that wall there then you need to schedule to clear this out every three to four years because it will pack right back in there again unless the whole corner comes out. I do appreciate you. What has been done will help at least for a while, but it will wash back in again. Thank you and everybody for what you are doing. I know you are doing all you can.

Supervisor Coleman – I’ve spoken to Mr. Sowers about almost everything already. There is a culvert pipe on White Rock Road about ½ mile from Alum Ridge Road that is creating a sinkhole in the road. It has been patched but it is now sinking again. I have been told that there is a pipe under there so it might be giving way. Please have someone check on that. I have heard good things from the neighborhood about Quesenberry Road. Thank you for that.

Vice Chairman Boothe – You were going to look into the crosswalk at the Baptist Church where the water is pooling. Were you able to talk to any engineers?

Mr. Clarke – I looked at it myself. It ponds right there at the ramp.

Vice Chairman Boothe – It is a nuisance right now but will become an ice-skating rink in the winter. It looks to me like a french drain with a grate would take care of the problem.

Chairman Turman – I still hear from people who are concerned about brush along the road that are causing sight distance problems. There is one area on Shady Grove Road where Windsor Road comes out. A week ago someone took the stop sign out there. Like everyone else we need machining on gravel roads. Thank you for everything you are doing.

Supervisor Kuchenbuch – Vice Chairman Boothe brought up a point about drainage. We talked about right there at Grand View Lane and Christiansburg Pike there is a spring and it comes out onto Christiansburg Pike. We have had cars flip. We have had cars go sideways and round and round. I think it is something that needs to be looked at and fixed. Sometimes there is a sheet of ice .1 mile long. Also someone went off the road where I have talked about putting a guardrail on Rt. 615.

Supervisor Yoder – I was in Town headed south on Rt. 221 at the light, two cars were in front of me and one was turning left. The other went around and almost got clipped. Cars were

going everywhere at the intersection. I thought at one point we talked about doing some striping to make it really obvious that it was only one lane.

Mr. Clarke – We can definitely do that.

Vice Chairman Boothe – If you can, find an excuse that they will accept to get rid of one light on each side. Two lights on each side give the impression that there is a turn lane. If we could get the striping and get rid of one light on each side then we should be fine.

Supervisor Kuchenbuch – Are there rules as to when yellow and white paint is used?

Mr. Clarke – There are rules for yellow and white on center line and edge line. I don't think there are rules except for that.

Vice Chairman Boothe – It would be good if more people figured out how to use the new crossing lights. I've watched and I saw one person use it. I've seen people walk up to it and look. I've seen people walk up to it and go. On the corner people are crossing where the old crosswalk was and not even stopping and looking. In a lot of ways I think for the driver it is worst than it was before.

Supervisor Yoder – But at least we have provided a safe avenue to get across.

Vice Chairman Boothe – Is there any chance that safety money can be used to do that one other crosswalk we talked about sometime soon?

Mr. Clarke – The new safety money we get has been very useful. Floyd County has used it well. We get that in July so it might be a next summer thing.

Agenda Item 6.e. – Mr. Steve Durbin, Sands Anderson

– Re-adoption of Continuity of Governance Resolution

Mr. Durbin – As you will recall from the last time this was adopted, it was initially adopted pursuant to the Code of Virginia Section 15.2-1413 which allows emergency procedures to ensure continuity of government may stay in place for a maximum of 6 months. We initially adopted the ordinance to stay in place for 6 months from the declaration of local emergency. That has now come and gone; I believe September 16 was the 6-month mark. We still find ourselves in the midst of the virus pandemic with the potential of local flare ups or other issues that might require a continuation of alternative procedures. It is my recommendation that we have something in place to give you additional authority in case a remote meeting becomes necessary or if it becomes necessary to limit in-person participation by the public or if other public bodies that are constituent organizations below the Board of Supervisors if they need to meet remotely this gives them additional authority to do so as well. I understand an issue was brought to the attention of Ms. Morris on section 1.b. page 3 where the County Administrator is authorized to take actions that are objectively reasonable and necessary in the public health interest. One of the items listed is to pay bills. I understand that the Board would prefer that read to authorize necessary expenditures to respond to the pandemic. You can certainly do that.

Supervisor Yoder – I was the person who brought that up and my only concern is that I would love to see all the bills come across our desk before they are released as is our normal procedure. I have not seen a reason to not do that up to this point.

Mr. Durbin – I think that is entirely legitimate. The intent of the ordinance is to have something in place in case we have a real spike and are confined to our homes again. That is certainly a valid issue and you can make the amendment to authorize necessary expenditures. The Board can obviously give direction to the County Administrator that they want to see every item of expenditure. I would recommend that you see and ratify expenditures even if you do delegate authority. That is just good governing.

Vice Chairman Boothe – One of the things we discussed was the length and time. Does it have to be 6 months?

Mr. Durbin – No. The maximum is 6 months. This ordinance adopts a renewal declaration of emergency that the emergency remains ongoing so it starts the 6-month clock again. Six months is the maximum before you have to review it. The way it is written right now it would automatically expire once the emergency is over. If a vaccine were rolled out and we determined there was no longer an emergency, it should automatically expire. I recommend that we still ratify and revoke it at that time. That is if you advertise it and adopt it formally after a Public Hearing. You can adopt this as an emergency measure right now if you like and it will stay in place for 60 days under the Code. That would put you to the middle of December. It might make sense to look at it again at that time or advertise for a December Public Hearing.

Vice Chairman Boothe – That takes care of our concern. I can live with that. So we can adopt this now as an emergency ordinance with the wording change we discussed.

Mr. Durbin – That buys you 60 days to monitor how things are going. If you are interested you can adopt this as an emergency ordinance with the wording change to section 1.b. to remove “pay bills” and change it to “authorize necessary expenditures to respond to the pandemic.”

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt an ordinance instituting emergency procedures for a 60-day period to ensure continuity of County government in response to COVID-19 disaster with a wording change to section 1.b. to remove “pay bills” and change it to “authorize necessary expenditures to respond to the pandemic” (Document File Number 1138).

Supervisor Coleman – yes

Supervisor Kuchenbuch – yes

Supervisor Yoder – yes

Supervisor Boothe – yes

Supervisor Turman – yes

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to advertise a Public Hearing on December 8, 2020 at 9:30

a.m. or as soon thereafter as possible regarding proposed ordinance to ensure continuity of County government in response to the COVID-19 disaster.

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

– Options for registration of short-term renewals

Mr. Durbin – The way I have drafted this there are some blanks in the Now, Therefore clause so that it was left open for discussion. The idea being that the registration fee contained in Section 46-400(b) of the Floyd County Code is hereby reduced to whatever level the Board is comfortable with and we can also specify if that will be for first time registrations, renewals or both. I also wasn't sure if registrations were on a calendar year or fiscal year so we can clarify that as well.

Vice Chairman Boothe – What about if we did initial registration and then every other year renewal?

Supervisor Yoder – This is just about waiving registration fees for this year.

Mr. Durbin – If you look at the second paragraph after the Now, Therefore clause it does default back to \$50.00 but we could change that to “registration shall be for alternating years or add a clause that registration shall be good for two years.” Is it the consensus of the Board that we want to entirely waive it for this year?

By consensus the Board replied to waive the registration fee for renewals, but not for new registrations.

Supervisor Kuchenbuch – For renewals would it be a good idea to reduce the amount, maybe cut it in half? Initial registration would be \$50 but renewals would be \$25.

Mr. Durbin – You could certainly do that by replicating the second paragraph and saying all renewal registrations for this year are waived and all renewal registrations thereafter the fees will be \$25. That might be easier than skipping a year. If that is the consensus of the Board, we can have a motion of the Board to advertise with the understanding that we will be waiving the renewal fee for this year, subsequent years the renewal fee will be \$25, and new registration fee will remain \$50.00.

Supervisor Yoder – I think the key is for renewals without any changes.

Vice Chairman Boothe – Are we talking about waiving it for the fiscal year or calendar year?

Mr. Durbin – We can check with the Commissioner of Revenue and find out how they are done.

Mr. Durbin – I did not research that question. My recollection of the statute from our previous discussion at the last meeting, regardless of the automatic nature, if the Board makes a finding that the entity is for certain public interests you can authorize an exemption.

Vice Chairman Boothe – The reason I keep bringing this up is because if we state it is educational, under the other parts I can think of several other entities that would qualify, but those are not necessarily educational. If we move forward and set a precedent on this, I would rather have it tied to the education than leave it wide open.

Mr. Durbin – The reasons in Code are “religious, charitable, patriotic, historic, benevolent, cultural, or public park and playground purposes.” You are looking for another way to authorize this based on a more limited scope.

Vice Chairman Boothe – My understanding is that educational purposes were another reason, but you didn’t mention it in that particular part of the section.

Mr. Durbin – It is not in this particular section.

Vice Chairman Boothe – I know of several other agencies that are looking to do this per educational. I don’t know where they got their information.

Mr. Durbin – One way we could address it today is if there is interest in moving forward with an exemption under this section, you could authorize the Public Hearing. I can look at it and if I can determine they are automatically entitled under another section, I can do a memorandum to the Board that the Public Hearing is unnecessary because they are entitled to it.

Vice Chairman Boothe – I don’t want to advertise a Public Hearing unless we have to.

Ms. Morris – The Public Hearing could not be held until November anyway so it would give us time to find out before we had to advertise.

Vice Chairman Boothe – I would like to keep the scope as narrow as we can. This is so we can do this for non-profits but it could open it wide open. If it were tied to educational purposes, I could justify that.

Mr. Durbin – I think what you are asking is if this organization could claim the exemption outright without going through the process of Board approval.

Vice Chairman Boothe – ...or even with Board approval if the education factor is a category.

Mr. Durbin – I can have that answer to you in the next day or so or by the end of the week if you want to contingently approve a Public Hearing.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and carried, it was resolved, contingent upon advice from the County Attorney, to authorize the County

Supervisor Yoder – Depending on how it is done it may be easier to waive it for the upcoming year to avoid having to send refunds.

Mr. Durbin – Let’s assume we go with calendar year 2020 and someone has already paid, you could give that person credit for 2021.

Supervisor Yoder – However it works best for the Commissioner of Revenue.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to advertise a Public Hearing on November 17, 2020 at 9:30 a.m. or as soon thereafter as possible regarding a proposed ordinance providing relief for operators of short-term rental of real property with a one-time waiver of registration fees for unchanged renewals and reducing unchanged renewal registrations to \$25 for subsequent years.

Supervisor Coleman – yes

Supervisor Kuchenbuch – yes

Supervisor Yoder – yes

Supervisor Boothe – yes

Supervisor Turman – yes

- Memorandum of Understanding with Citizens Telephone regarding rebroadcast of Board meetings

Mr. Durbin – The part in here that I wanted to include is in the second paragraph under Implementation where it makes clear that although the County is making this data available, we are not warranting or guaranteeing the security of it or the compatibility of the data, or the fitness for Citizens use of it. Basically it is that we will cooperate with their download of the data – they are entitled to it under FOIA [Freedom of Information Act] anyway – but we are not warranting any use they make of it for rebroadcasting and that the County will be indemnified and held harmless. We are not providing any technology support. If you are comfortable with it, we can send it off to Citizens for any comments they might have.

Agenda Item 7.g. – Scheduling of Public Hearing for The June Bug Center, Inc. tax exemption request continued.

Supervisor Linda Kuchenbuch stated the following for the record:

Today’s discussion involves a tax exemption request from The June Bug Center, Inc. I am a member of a group of three or more individuals who are on the Board of Directors of The June Bug Center, Inc. and for which I receive no compensation. 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.

Vice Chairman Boothe – I thought if something was deemed to be educational and a non-profit it is pretty much automatic. Is that not correct?

business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

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

This certification resolution was adopted.

Agenda Item 7.b. – Appointment to Floyd County Planning Commission for Little River District for a four-year term effective November 1, 2020.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to reappoint Mr. Jeremy Yuvanavattana to the Floyd County Planning Commission for a four-year term effective November 1, 2020.

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

Agenda Item 8. – Old/New Business.

Ms. Ryan – Mr. Mike Maslaney asked to be on the agenda today, but his time available did not work with when you would be in session. He asked that I give you a “head’s up” that it looks like the costs for the curbside voting will be more than Elections has available. Elections received \$51,384 from a COVID allocation. However they anticipate costs will exceed available funds by about \$13,500. Mr. Maslaney is willing to come to a future Board meeting to make a formal request for an allocation from the CARES money, but wanted to make you aware of this anticipated need.

Ms. Morris – They haven’t used all of their funding yet.

By consensus the Board of Supervisors approved using their CARES funding allocation to cover Election expenses that are attributable to social distancing because of COVID-19, but that CARES funding cannot be used for normal budgeted Election expenses.

Agenda Item 9. – Board Member Time.

Supervisor Kuchenbuch – I understand that voting has been well over 20% for registered voters.

Supervisor Yoder – This solves some of the issues that we’ve talked about in the past with people who have a hard time getting there to vote on Election Day. We’ve talked in the past about trying to solve some of the issues people have had getting to the polls on Election Day

Administrator to advertise a Public Hearing on November 17, 2020 at 9:35 a.m. or as soon thereafter as possible regarding a tax exemption request from The June Bug Center, Inc.

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

Agenda Item 6.f. – Closed Session § 2.2-3711 A.1., Personnel – Interview for vacant position on Floyd County Planning Commission for Little River District.

On a motion made by Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 1., Personnel regarding interview for vacant position on Floyd County Planning Commission for Little River District and other personnel issues.

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

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

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

On a motion of Supervisor Boothe, seconded by Supervisor Coleman, 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. 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

because of the way boundaries are drawn. This solves some of those problems. While this costs some money, if we put in an extra 4 polling stations that would cost money too.

Vice Chairman Boothe – I think you are right. Once this election is over, we have redistricting coming up. At that time I think we really need to look at some of these bigger districts and possibly put in an additional polling place.

Supervisor Yoder – The new law is that early voting will be here. I think it will make redistricting a lot easier. A year ago I was thinking we have to come up with a way to help increase voter turnout by the way we draw these districts so people can get to the polls. I think now if you have a month to vote ahead of time it takes a little bit of pressure off.

Supervisor Kuchenbuch – All of the poll workers, the Registrar, I am so appreciative of how all of our County citizens have come together to make this work.

Supervisor Yoder – All of our goal is to get voters to vote.

Vice Chairman Boothe – You want every single voter to cast their vote.

Ms. Morris – I have started working on Legislative Requests so if you have thought of anything so far, I will be glad to add those. I will get that to you in the next week or so.

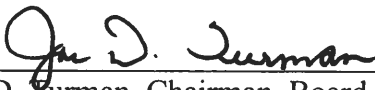
Vice Chairman Boothe – I think one of the key things is when things are happening down there that are directly impacting us, that we emphasize to our representatives that they have to get word to us. I try to look at it as much as I can as I know you do and staff does. It may be to our advantage to put a part-time person in and their sole duty is to go through the General Assembly bill list and try to pull stuff out to bring to our attention before it is approved. Like the fuel tax, we didn't know anything at all was going on until it had passed and the General Assembly had left and we had no recourse at all.

Agenda Item 10. – Adjournment.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and carried, it was resolved to adjourn the meeting to October 27, 2020 at 7:00 p.m.



Terri W. Morris, County Administrator



Joe D. Furman, Chairman, Board of Supervisors

