

**BOARD OF SUPERVISORS  
REGULAR MEETING  
NOVEMBER 17, 2020**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, November 17, 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 and Angie Ellis, Accounting Clerk 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.

Supervisor Yoder led in the Pledge of Allegiance.

Agenda Item 4. – Approval of minutes of October 13, 2020 and October 27, 2020.

On a motion of Supervisor Yoder, seconded by Supervisor Coleman, and unanimously carried, it was resolved to approve the minutes of October 13, 2020 and October 27, 2010 as presented.

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

Agenda Item 5. – Approval of 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 November 2020 monthly disbursements and additional bills as presented.

Supervisor Coleman – yes  
Supervisor Kuchenbuch – yes

Supervisor Yoder – yes  
Supervisor Boothe – yes  
Supervisor Turman – yes

Agenda Item 6.a. – Mr. J. Chad Alls, Director of Department of Social Services.

Mr. Alls explained the current status of the significant findings from the recent self-assessment audit submitted by Floyd County's CPMT team:

- 1) There are two types of funding for children who come into foster care, Title IV-E federal funding and the State CSA funding;
- 2) When a child comes into foster care it is first determined if they are eligible for the Title IV-E federal funding and sometimes that takes a significant amount of time to the point that if we can't ascertain if they meet the qualifications, we utilize CSA funds in the interim;
- 3) Then if they are found eligible for Title IV-E funding, it is retroactive and we are supposed to reimburse the CSA pool;
- 4) The auditor found two instances where that did not happen which means the individual was paid twice;
- 5) However the auditor made a mistake in the first case and did not see that we had already reimbursed CSA during that fiscal year, so once we provided proof that has been taken off the audit findings;
- 6) We have recouped the money from the other individual who was overpaid and that is being reimbursed to CSA now;
- 7) Another finding is that Title IV-E denied reimbursement to the foster family for a child, who came into foster care while in the hospital;
- 8) The foster family was in the hospital with the child the entire time because the child had significant health needs and the family needed to learn certain medical protocols;
- 9) CSA funding was used in lieu of Title IV-E but because of the way the CSA coordinator coded the transaction it was denied;
- 10) However our appeal has been approved and this finding has been removed;
- 11) Basically we don't owe anything back and we as an agency have put additional protocols in place now;
- 12) The Title IV-E and CSA programs are managed by two different people and that is required by the federal government;
- 13) We have put protocols in place so that when Title IV-E is determined to be eligible and CSA funds were used initially, there is a catch system so that we will know we need to reimburse CSA;
- 14) Those two program coordinators are communicating through a form we have created;
- 15) It should not happen again in the future;
- 16) We have a file audit coming this next year and the files are in impeccable shape.

Mr. Alls – I spoke to our CSA auditor this morning and we are pretty much on track with our budget. I will have a better idea at the end of December. We have some good things going on in the way of adoptions that should be finalized at the end of the year. Some other children are stepping down from residential care to a less restrictive environment.

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

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

Agenda Item 7.b. – Appointments to Floyd County Economic Development Authority for two positions for the term of December 11, 2020 to December 10, 2024.

Ms. Morris – We only received the two letters of interest from the current incumbents so unless you want to discuss the positions further in closed session, we can take action on these appointments now.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to reappoint Mr. Jim Newlin to the Floyd County Economic Development Authority for the term of December 11, 2020 to December 10, 2024.

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to reappoint Mr. Eddie Worth to the Floyd County Economic Development Authority for the term of December 11, 2020 to December 10, 2024.

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

Agenda Item 7.c. – Approval of resolution on Small Purchase Procedures.

Ms. Morris – Several months ago we discussed revising this policy to be in line with the current State Procurement policies. Mr. Durbin provided this draft for your review. Our previous policy was much more restrictive. This policy gives our department heads a little more leeway, because under the current policy which was adopted in 2001, they could only make purchases up to \$1,000.

On a motion of Supervisor Yoder, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the Resolution on Small Purchase Procedures (Document File Number 1143).

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

Agenda Item 7.d. – Acceptance of Abstract of Votes for 2020 November General Election held on November 3, 2020 for: President and Vice President, Member United States Senate, Member House of Representatives District 09, Constitutional Amendment #1, and Constitutional Amendment #2.

Ms. Morris – As before, this is acceptance only for the abstract to be part of the minutes and it is not whether you agree or disagree with the vote.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Coleman, and unanimously carried, it was resolved to accept the Abstract of Votes for 2020 November General Election held on November 3, 2020 for: President and Vice President, Member United States Senate, Member House of Representatives District 09, Constitutional Amendment #1, and Constitutional Amendment #2.

Supervisor Coleman – yes

Supervisor Kuchenbuch – yes.

Supervisor Yoder – yes

Supervisor Boothe – yes

Supervisor Turman – yes

Agenda Item 7.e. – Discussion of Legislative Recommendations for the 2021 General Assembly.

Ms. Morris – I sent to you the Legislative Recommendations that you approved last year. Please let me know if you have anything to add or delete. The General Assembly approved that you can enact a cigarette tax starting July 1. I have been involved with a group from VACo and the cigarette industry would like regional boards set up. They think that would be easier for everyone. I talk with the other New River Valley managers twice a week and we are looking into that to see if that would be easier for all of us. There is a State stamp that has to go on each pack of cigarettes and we will have a County stamp also. We think it would be more cost effective to do it regionally.

Supervisor Yoder – Is that just for cigarettes or tobacco use?

Vice Chairman Boothe – They call it a cigarette tax but it is actually a tobacco tax, I think.

Ms. Morris – York County was in the VACo meeting and they have had this ability for several years. They get some good revenue from it. They told us what they had gone through as far as setting it up. We'll keep researching that. If you are interested in enacting it you will need to do a public hearing on an ordinance.

Supervisor Yoder – Is the reason for a regional approach so that each County have the same tax rate so it is easier for them?

Ms. Morris – No. We would each have our own revenue.

Supervisor Yoder – I don't understand the regional approach.

Ms. Morris – It is for the reporting because all of this has to be reported to the Department of Taxation. We hope to buy bulk rates on stamps, but we will not be sharing revenue.

Supervisor Kuchenbuch – We have been talking about ditches and clearing out culverts and the Rt. 8 bridge. The third point down under Transportation sort of discusses this but it would be nice for VDOT [Virginia Department of Transportation] to rework how they work our secondary roads. Gutters aren't being cleaned. Roads, especially gravel roads, are getting worse and if they had just done step A, then B and C wouldn't be so bad.

Ms. Morris – A lot of the problem is that they have to get a permit before doing the work. It is unbelievable the amount of time they have to wait.

Vice Chairman Boothe – A lot of the problem is with the VDOT structure.

Chairman Turman – Another problem is they start a project and then a weather event comes along and they have to quit and work on what that messed up which throws them off schedule. They are so understaffed that they can't keep up.

Vice Chairman Boothe – Our local forces are doing great with what they have, but that organization has some problems with it. They have taken so much authority away from the residency and kicked it back to Richmond and Salem. Their hands are tied to a certain extent as well.

Ms. Morris – Something along the lines of a review of ...

Vice Chairman Boothe – Review and restructuring of Department of Transportation. I will get a report this morning that they have done all that the engineers will allow them to do at the bridge, which is not what Mr. Clarke and I came to an agreement on that they would clear out their entire right of way. Now they have cleared out directly under the bridge which has left a 3' wall of dirt. I have tried to represent the citizen but I have also tried to protect this Board.

Ms. Morris – I will word it along the lines of review of restructuring VDOT particularly the permitting processes with DEQ [Virginia Department of Environmental Quality] and other agencies.

Vice Chairman Boothe – When we do our Six-Year Road Plan with any new monies that come in, we can designate it in a County-wide project. We could each identify ditches that need cleaning out. However if we do that, they will tell us the other projects will be delayed 2 years.

Supervisor Coleman – If the rest of the Board agrees, would you include something about being mindful of local ramifications of any changes to second amendment rights.

Vice Chairman Boothe – The second item in General Government, unfunded mandates, I recommend and VACo [Virginia Association of Counties] added to their position being opposed to the State changing existing funding formulas which reverts more costs to the locality and less

to the State. Unfunded mandates are a problem but a bigger problem for us is if they start changing the funding formulas that exist.

Supervisor Coleman – I have one other thing as a matter of discussion, but I need to state for the record: This item is regarding the Sheriff’s Office, of which I am an employee. The item 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.

Could we add wording that the General Assembly be mindful if they take up some of these bills concerning law enforcement, law enforcement qualified immunity, and defunding and the severe implications that could have across the Commonwealth for people doing this job. If these things pass it could be perilous times looking for people to protect and serve.

Supervisor Yoder – Perhaps Sheriff Craig will help you craft that language.

Ms. Morris – I can probably talk him into that.

Supervisor Yoder – As an outside observer, finding qualified people to do the job...you don’t want to degrade the quality of deputies that we have. I feel for them because they are under more and more pressure. Our local people do a great job.

Vice Chairman Boothe – Just like it takes a special person to teach our children, it takes a special person to do the job of a law enforcement officer. We are grateful for those who choose to do that. I’m fine with putting something in there about that.

Chairman Turman – It was bad when I was in there, but nothing like it is now.

Ms. Morris – I will work these up and bring them back to you next month.

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 6.e. – Constitutional Officers Reports.

Sheriff Craig handed the Board a thank you card signed by the members of his department for the constant support that the Sheriff’s Office receives from the Board of Supervisors. It is tough times right now for law enforcement. Our department wants you to realize that we truly do appreciate our local government supporting our Sheriff’s Office. It is difficult times for law enforcement. I worry about our applicants and what men and women who are getting into law enforcement are seeing in the news media and think, “Why in the world

would I want to get into that?" I can tell you from my standpoint. I have worked in the school system. I have worked at the Sheriff's Office. For somebody who has it in their heart to help people, there are no better jobs than being in law enforcement or first responders or teachers. These should be the highest paid folks because ironically, they are doing some of the most difficult jobs. There is not a whole lot of support out there, but from our locality we have tremendous support from you and our community. We are very grateful to live here in Floyd and the outpouring of support that is shown. Brownies were dropped off this morning. People take their time and say thank you for being out there. I worry about the application process. The qualified immunity is something we are looking at with the Virginia Sheriff's Association and the Chiefs of Police Association. There is an impact there on our insurance and the amount of money it may cost this County to cover your local law enforcement. There have been some figures tossed back and forth that could be significant. I will not give you numbers until they give me what they are looking at. It could be drastic enough to require a tax hike just to cover insurance for law enforcement officers. Right now it is all up in the air. Law enforcement officers can still be sued if they are negligent. Qualified immunity is to prevent frivolous lawsuits from happening.

Sheriff Craig provided an update on the Sheriff's Office:

- 1) We are trying to get Court up and running and keep everyone safe;
- 2) We delivered over 3,000 masks for the County and those have been well received with some businesses calling and wanting more;
- 3) Law enforcement assisted with the election in providing information on safety and security and being present at each precinct on Election Day;
- 4) Elections staff, especially Amy Ingram did an excellent job;
- 5) One of my staff turned in her 2-week notice of resignation for another job in Floyd where she would not have to work swing shift;
- 6) One officer left and went to work for the State Police and we are trying to fill that position;
- 7) Another officer retires at the end of December and Gary Scott will transfer into the Civil Division position;
- 8) Greg Quesenberry will move into the School Resource Officer position;
- 9) Cody Brown was promoted to Sargent;
- 10) My biggest fear is if they continue to push and go after law enforcement, the best we will be able to do is try to find the best of the bottom of the barrel.

Supervisor Yoder – Deputies were at the voting precincts on Election Day and it added a sense of calm. I appreciate that. They were very professional. I agree with you. I think the Electoral Board and Registrar should be commended as well as all the workers for an excellent election. We had record turnout and it went so smoothly. It was a good job on everyone's part. I appreciate your role in that.

Supervisor Kuchenbuch – Obviously we support you and you know how much we care about every man and woman who is working in your department. But our community is just amazing. I watch your posts every once in a while on social media and see what people do for our deputies. It is so heart-warming. I want to say thank you to the Floyd community for wanting to support you as deeply as they do. Your department and you were willing to work with our Electoral Board and our Registrar. Basically from September 18 until the Saturday

before the election your parking area in the Courthouse parking lot was taken over by elections. But you were willing to do that to make people be able to vote in these very difficult times. It was key that the Electoral Board and Registrar had your support. I want to thank you and your department for that. We were number 5 or 6 in the State for turnout of the entire 99 counties and 6 cities.

Chairman Turman – People used to whine to me about everything the Sheriff's Office did. But in the last few years, I get more people complimenting the Sheriff's Office than ever before. I haven't heard anybody complaining. A lot of people tell me they appreciate what we are doing for the Sheriff's Office but we could do a little bit more, especially when it comes to the School Resource Officers.

Vice Chairman – I echo what everybody else said. Thank you for the job you are doing and please thank officers and the other employees. You have a special work family there as a group. They seem to gel together and that comes from your leadership. All I hear is compliments about the Sheriff's Office.

Agenda Item 6.c. – Mr. Craig Chancellor, member of WSC Development.

Mr. Craig Chancellor – I am with WSC Development and I presented a proposal to the County. The County owns some property on Parkview and Needmore Lane where Legacy Linens operations are. WSC Development is planning on building some homes across the road from that. We have received Planning Commission approval, PSA [Floyd-Floyd County Public Service Authority] approval, VDOT approval and permits. We started clearing that property. I want to present to the Board a proposal to improve the aesthetics of the area, particularly in front of the building that is owned by the County. WSC Development would purchase Leyland cypresses, between 8'-9', and have them delivered to that location and ask that the County then take on the responsibility for planting, maintaining, watering, fertilizing those, basically owning them from that point forward. The cost for the plants is about \$96 a piece. That is between 330'-350' in the green area in front of Legacy on Parkview. Leyland cypresses grow to 25'-30' to provide a visual screen as well as some additional green space for the County there. I have some photos to pass around of the plants themselves so you can see what they would look like in front of that building. The only thing I would adjust on my written proposal is to have the County purchase the plants themselves and WSC could pay in advance or reimburse the cost to save on the 5.3% sales tax. These would be planted in the spring of this next year.

Supervisor Yoder – Is there enough room there?

Ms. Morris – We would have to look at it. When Lydeana Martin and I talked to them, we discussed sight distance.

Supervisor Yoder – Before we do anything we need to see where the right of way is.

Vice Chairman Boothe – I am not opposed to this but I would want to hear from the company leasing the property and find out what their opinion is as well.



Mr. Chancellor – We reached out to the management of Legacy Linens and inquired about doing this. They weren't opposed, but said it was County property and so wasn't their decision.

Supervisor Yoder – My question is whether there is enough distance from the end of VDOT right of way and the parking lot to put trees in that won't impede with either one. I wouldn't be opposed to it if there were enough space there.

Mr. Chancellor – I will be glad to...we are working with VDOT anyway on residential entrances and the cut through on to the road.

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

Ms. Morris – Would you like to discuss why you didn't want to put the trees on your property?

Mr. Chancellor – We are building houses there so it would need to be a large hedge and then entrances in between which might be more of a hazard than a single issue on the other side of the road.

By consensus the Board agreed to look into where the VDOT right of way was on the property.

Chairman Turman returned to the meeting and Vice Chairman Boothe turned the Chair back to him.

Agenda Item 6.d. – Public Hearing on Proposed Ordinance Providing Relief for Operators of Short-Term Rental of Real Property by Waiving Registration Fees.

Ms. Morris read the advertisement of the Public Hearing.

Mr. Durbin, County Attorney, provided an overview of the proposed ordinance to temporarily waive the registration fees for short-term rentals of real property:

- 1) This is being considered because of concern that citizens' income might be impacted by the pandemic and you wanted to provide some relief where possible;
- 2) The idea is to waive renewal registrations from the day of the adoption of the ordinance until the renewal date of September 30, 2021, which should cover everyone who has an existing registration so that everyone gets one free renewal;
- 3) Thereafter without adopting another ordinance the fee will be \$25 for renewals and all new registrations would remain at \$50.

Ms. Baker, Commissioner of Revenue – This year 49 have already prepaid. What will happen with those funds?

Mr. Durbin – It is my understanding that everyone would have to renew between now and September 30, 2021.

Ms. Baker – We had some that were already due for September 30, 2020 and they have paid.

Mr. Durbin – They will have to renew before September 30, 2021 in order to stay current and at that time they would be entitled to that free renewal. Everyone registering after that, it would essentially be a new registration if they missed that September 30 deadline. As the ordinance reads, they wouldn't get a free renewal but they would get it if they paid timely.

Supervisor Yoder – If that impacts your funding, that can be part of a budget request for the upcoming year.

Supervisor Kuchenbuch – What are your thoughts on the ordinance as the Commissioner of Revenue?

Ms. Baker – I think it is very fine for the taxpayers in Floyd because some businesses have actually closed. Some are waiting to see what happens with COVID in the future.

Ms. Barbara Turner, Deputy Commissioner of Revenue – I have 11 closed permanently; 11 have closed for 2020 and they hope to reopen in 2021; 12 are not registered at all this year; 12 have provided documentation but not paid the fee.

Supervisor Yoder – People who are operating these out of their home may not be comfortable with people coming in and using the same ventilation system. But the situation is different for people who have a separate building for their rental.

Chairman Turman opened the Public Hearing for public comments.

Ms. Becky Howell, Burks Fork District – For those people who have already paid and it was \$50 and they get a free renewal, but they would normally only pay \$25 those people are getting a bad deal.

Mr. Durbin – This hasn't been adopted and the effective date would be for renewals after the free renewal. Whether you have paid or not it shouldn't impact you because you are not entitled to that \$25 renewal until after September 30, 2021.

Supervisor Yoder – If you haven't paid up until this point then you are still required to pay your fee that was due back in September. This is going forward.

Chairman Turman declared the Public Hearing closed.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to adopt an Ordinance Providing Relief for Operators of Short-Term Rental of Real Property by Waiving Registration Fees (Document File Number 1144).

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

Supervisor Boothe – yes  
Supervisor Turman – yes

Agenda Item 8. – Old/New Business.

Mr. Mark Bolt, Building Official – County ordinance 62-31, Visual sight distance requires 35' setback and sometimes I bring requests to you for a variance. Subdivisions have the same requirement, but it states, “located on a publicly maintained street having dedicated right-of-way from center lines of streets maintained by Virginia Department of Transportation.” In the past we applied County ordinance 62-31 to all roads, driveways, state maintained, unmaintained roads from the setback. I would like some clarification. Ordinance 62-31 references State law section 15.2-2279. I understand that Virginia law also addresses state-maintained roads. The issue is the Habitat of Humanity’s 7-unit townhouses. The driveway for the 7 units, if we follow County ordinance as we have in the past, they will lose one unit because otherwise it will be too close for the 35' setback. I would like clarification on how we apply County ordinance 62-31 on driveways and private roads.

Vice Chairman Boothe – Under what authority can we regulate driveways or private roads without zoning in Floyd County?

Mr. Durbin – Looking at statute 15.2-2279 it is not predicated on being a VDOT maintained street or roadway. It says, “Any locality may by ordinance require that no building be constructed within thirty-five feet of any street or roadway and may provide for exceptions to such requirement...” It is street or roadway not publicly maintained or privately maintained that is open to the public. If it is dedicated for public use then you can regulate the setback line.

Vice Chairman Boothe – What qualifies as dedicated for public use?

Mr. Durbin – That is a case-by-case situation. You would have to look at the plat and see what is indicated on the plat.

Vice Chairman Boothe – I think we should do away with this ordinance and set the guidelines within the existing subdivision ordinance. If it applies within the existing subdivision ordinance, then you have the guidelines. If it doesn't apply within the existing ordinance, then they can do what they want to.

Supervisor Kuchenbuch – Does this ordinance interfere with people being able to do what they want on a particular piece of property when in actuality it is not endangering anything?

Mr. Bolt – In most cases, no. If you put it in the same section as the subdivision ordinance which has it being state maintained public roads you could eliminate a lot of the variance requests that are presented to you.

Mr. Durbin – You could just define it in section 62-31 to say cannot build within 35' of a maintained road or whatever. You have a lot of flexibility there. It is your choice how you define it. Right now I read it that if it is a public road then it falls within 62-31 but you could tighten it up to be publicly maintained.

Supervisor Kuchenbuch – I am okay with that.

Vice Chairman Boothe – I could live with that but I could see some scenarios where there could be problems down the road, but they would be VDOT's problems and not ours. I would like to do something to take care of the problem.

Supervisor Yoder – It would also reduce the lag so people don't have to wait on us to grant a variance. The difference between public right of way and publicly maintained, what happens if long after we are gone, the public right of way has been discontinued and for some reason the County or VDOT brings it back into public use?

Mr. Durbin – My interpretation is 62-31 applies if it is open to the public, not publicly maintained. My recommendation is that you just amend the ordinance to add publicly maintained in there if that is the way you want to go.

Vice Chairman Boothe – What about prescriptive easements? If we go with right of way then we need language to include prescriptive easements.

Mr. Durbin – It currently reads within 35' of roads and highways. I think you could just add publicly maintained roads and highways.

Vice Chairman Boothe – If you want to include discontinued then it needs to include public right of way and prescriptive easements.

Discussion was held as to whether the ordinance should be changed to address distance from road or right of way.

Mr. Bolt – How about using clarification today until you put it into writing? We are going 35' from public roads...

Vice Chairman Boothe – ...35' from the centerline on publicly maintained roads or where a public right-of-way is in existence.

By consensus the Board asked Mr. Durbin to draft an ordinance that reads something to the effect, "cannot build within 35' of the centerline of a publicly maintained road or where a public right of way is in existence." The Board directed Mr. Bolt to follow this administrative guidance until the new ordinance goes into effect.

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

Mr. Clarke provided construction and maintenance updates:

- a. On the maintenance side –

Weather events resulted in maintenance needs	Our crews worked through the night with the latest rain. October is our month to get ready for other severe winter weather. Covid restrictions will have us doing work differently with crews.
Pothole patching	Asphalt plants are getting ready to close so we are trying to finish. We got to Daniels Run Road, Huckleberry Ridge Road, and some on Christiansburg Pike, Shooting Creek Road, and Kings Store Road. On Bethlehem Church Road we are keeping an eye on the cracks and possible sinking.
Mowing	Finishing up for the year in good weather.
Naming a section of roadway	We are nailing that down and we will ask the Board to pass a resolution, perhaps at the meeting in December.
Pipe repair and replacement	Daniels Run Road
Brush removal	Will be hitting that more in the next month.

b. On the construction side –

6 Year Plan	Doing the surface treatment on Quesenberry Road. We are discussing issues on Ponderosa Road which is the next on the plan.
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Supervisor Yoder – I had a call this week about Eanes Road which is a gravel road. I assume it got washed out in the rain. There are some other roads that are rough. I drove by Check Headquarters one night and they were working through the night. I appreciate all of their work.

Supervisor Kuchenbuch – Of course, Sowers Mill Road and Thunderstruck Road. I appreciate your watching Bethlehem Church Road because we don't want to see what happened on the Parkway to happen there. Someone mentioned that the Daniels Run Road pipe right above Shawsville Pike that the patching wasn't done to good standards. I want to thank everybody on our crews for all the extra work they had to put in last week. They are doing a fantastic job given the severity of the weather and the impact the pandemic has had on crews.

Vice Chairman Boothe – I want to thank you for all you are doing. Please pass on to all the workers to have a happy holiday. I know you are doing all you can with what you are given. We do appreciate what is being done.

Supervisor Coleman – I don't have anything except to say thank you. I've seen a lot of debris on the road and things have been moved out of the way very efficiently. I hope everyone has a safe and happy Thanksgiving and I look forward to hearing from you on those couple of projects.

Chairman Turman – I have some pictures to show you from Buffalo Mountain Road. Right before the rain I was bragging on how good our road is, but now most of Sugar Tree Road is down at Vaughns Mill Road. My neighbor and I are taking our blades and straightening it up. It actually washed the top of the new bridge a little bit. I am trying to get a tree out before it undermines or blocks water up. Sugar Tree Road needs to be machined a little bit. We appreciate the work that all of you do.

Supervisor Kuchenbuch – Can you explain what is happening on Old Pike Road and Pilot Mountain Road with the bridge?

Mr. Clarke – I don't know what work has to be done on it. It was probably the worst damage I've seen. There is a project in the works to replace the whole thing. I am not sure when that is supposed to happen. I will get a date on it.

Supervisor Kuchenbuch – Yes, a lot of our residents go that way to work in the morning and in the evenings back home.

Vice Chairman Boothe – I was talking to a resident in the area where the drop inlet filled up. You might want to check it again. A couple of people mentioned they ran through an excessive amount of water on Rt. 8 at the church this side of Riner that has the white rock with Jesus Saves.

Supervisor Yoder – I am curious about the pothole on Rt. 8 at Tuggles Gap. It is getting bigger. I am worried about it not getting patched before the asphalt plants close.

Vice Chairman Boothe – There are some potholes on Gallimore Lane that need to be patched too if we could.

Chairman Turman – There is a place on Buffalo Mountain Road that you have patched about 3 times in the past year that has come back too.

Agenda Item 6.f. – Dr. John Wheeler, Superintendent of Floyd County Public Schools.

Dr. Wheeler handed out Buffalo face masks to the Board of Supervisors and said that was in case they wanted to wear those for the groundbreaking ceremony for the Collaboration and Career Development Center to be held at 2:00 p.m.

Dr. Wheeler – The budget supplement request is a “wash” because of the flood at Check Elementary for the damage to the office and front hallway. The damage turned out to be more than the initial estimate. The roof has now been fixed and it was a problem for years and years.

On a motion of Supervisor Boothe, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve a supplemental revenue appropriation in Other Funds source for insurance proceeds in the amount of \$64,698.21 and a supplemental expenditure appropriation in Operations and Maintenance category for water damage repair sustained at Check Elementary School in the amount of \$64,698.21 in the FY21 School Board budget.

Supervisor Boothe – yes

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

Ms. Morris – We had a request from the School Board for additional CARES [The Coronavirus Aid, Relief, and Economic Security Act] money. You received some other funds too.

Dr. Wheeler – We did. We are waiting for the legislators at the end of January. Hopefully there will be some hold harmless clauses. We are not in terrible shape compared to the rest of the State. Legislation wanted to wait on ADM [average daily membership] and sales tax which are the two big ones. The other funds are pretty much earmarked on what you can spend them on. Most of those will be for technology and getting technology into the homes once we see where our budget is this year. A priority for me is and always will be to give the step raise every year or we will revert back to 2008. School divisions are trying to do that now and they can't do it. It will kill next year's budget. Right now we are in good shape to finish the year. We are waiting to see what the General Assembly does in the spring and we will go from there. There will be more needs because of the pandemic, technology and to continue with blended. Some of the items on our request are for online and virtual. Teachers are very comfortable with those items. It is continually evolving. Fortunately for us we don't get a lot of money comparatively. A lot of school divisions receive millions of dollars that will be difficult to spend because these are completely earmarked and audited. Our needs are fairly straightforward so it is easy to spend what we have. We will wait and see what this year and next year's budget holds. We will try to keep everyone safe. Dr. Bissell and Jason Deese are tremendous. The turnaround time on my phone calls is extraordinary. It is not getting any better. We are working closely with the Virginia Department of Education and the Department of Health and the other Superintendents in our health district to make sure we are not overwhelming the health district. We will continue to watch and keep it safe and error on the side of caution.

Vice Chairman Boothe – As cases have increased, has VHSL made any changes to their proposed spring setup yet?

Dr. Wheeler – No, nothing at all at this time. It is going to be a local decision. For us it is a little easier because we know who we play. The 25 limit pertains to other than the participants. Other schools may say that no one comes.

Vice Chairman Boothe – Have they changed anything as far as having a program in the spring?

Dr. Wheeler – Right now everything is still planned. The first day of basketball was set this morning. We will have all our games streamed through Citizens. We will look at the best way for away games. We will look at ways to do it live. We probably won't have visiting fans.

Supervisor Yoder – Sports are a way to give people a common bond. I think it is important to find ways for them to watch.

Dr. Wheeler – We will try to stream live. We and our opposing teams will consult with the health district and see if there is any reason why a school can't have an event.

Vice Chairman Boothe – Thank you for working through your communications. There were a few glitches when you cranked up on the virtual, but you have them all corrected. I haven't had any concerns relayed to me since.

Dr. Wheeler – The class sizes are down; the virtual class sizes are down. We were able to accommodate that. It is still difficult for teachers but they are rolling with it, the blended part. Things are going about as good as they can. We just have to keep improving them because we don't know what is next. We don't know what the next order is but we will be ready for it.

Supervisor Yoder – My prayers are with you and all of your staff. You are out in the front lines of this and doing really important work. Our kids deserve to be able to continue to learn.

Dr. Wheeler – It is rewarding being in schools. I spend a lot of time in schools. It is like there is no pandemic at all except for the masks and sitting apart. They are playing on the playground and seeing their buddies and it is all good. I'll see you at 2:00 p.m.

Agenda Item 8. – Old/New Business continued.

Ms. Morris – Jacob [Agee, Recreation Director] and I have been discussing what we want to do with Recreation basketball games, especially with the new regulations. We don't have the capability to stream the games live. His thinking is if we told parents that they could not come in to watch the games that it would not go over well. We want to ask what you think, but our recommendation would be to not have basketball this season.

Vice Chairman Boothe – Another concern is that a lot of the schools don't have proper air circulation with filters. It would probably be a good idea to not have any indoor activities.

Ms. Morris – That was our recommendation. We did okay with baseball. Kids were pretty good about wearing masks. People would distance.

Vice Chairman Boothe – I hate it because these games are an outlet for children. They are under pressure with schoolwork and at home. It has always been their outlet and release. In wintertime you never know the weather, but maybe some outdoor activities, one-day activities. One weekend you could have something in the Floyd Elementary area and then next at Indian Valley and then Check. We could even put on some activities for high school students.

Supervisor Yoder – That's a good idea. Like a field day for soccer.

Vice Chairman Boothe – Elementary schools used to have May Day; we could have a December Day or January Day.



By consensus the Board and Ms. Morris agreed to explore the idea of rotating locations for one-day field days with outdoor activities.

Agenda Item 7.f. – Request from New River Valley Regional Jail to participate in funding a hazardous duty bonus for Jail employees using CARES Act money.

Ms. Morris – We had a request from the Regional Jail that we fund hazardous duty bonuses for them. The last update I received from the Sheriff was that they were going to use their own funding to provide this. Several localities have already committed all their CARES money and they weren't able to participate. The only other request I have received is from the School Board for \$68,000 with a list of items that they have purchased.

Vice Chairman Boothe – I didn't see anything on the list that jumped out at me. Did you or Mr. Durbin see anything that concerned you?

Ms. Morris – No.

By consensus the Board agreed to use CARES money to reimburse the School Board for listed expenditures.

Chairman Turman – I have to give a shout out to staff for being sure to stay within the guidelines. It is incredible how everybody works together to get this taken care of.

Vice Chairman Boothe – That leaves us with about \$688,000 in unobligated CARES money.

Supervisor Yoder – We gave hazard pay to some of our employees. Would Elections staff be eligible for any type of bonus?

Ms. Morris – Not that I know of. Our auditor and attorney still won't let me do anything for Solid Waste.

Supervisor Yoder – I thought I would ask because they came into contact with just about everybody in the County.

Supervisor Kuchenbuch – What is the stumbling block for Solid Waste? Have they given you a clear read on that?

Ms. Ryan – The CARES guidelines say hazard pay can be given to public health and public safety employees, but Solid Waste is classified as public works employees.

Ms. Morris – The auditor did admit to me the other day that it is up to us and it is how we document it. He is starting to give a little bit.

Vice Chairman Boothe – Can you get him to move a little bit more?

Ms. Ryan – We don't know that he will be the auditor with the final say.

Ms. Morris – They still don't have the audit standards yet.

Vice Chairman Boothe – They are exposed to households, manufacturing, business, and medical.

Supervisor Yoder – In my opinion every public employee ought to qualify.

Supervisor Kuchenbuch – Has anything else been brought to our attention from the Electoral Board?

Ms. Morris – No, not as far as we know.

Vice Chairman Boothe – We received the bids for the valves and we worked a deal where we can purchase the valves and all the equipment, meters and training at a much-reduced price. The problem we are running into is getting them installed by the end of December. We need about \$115,000 more to get them installed by the end of December. If the Town comes up with their portion and we could come up with \$80,000, then the contractor is pretty sure he can get them all installed by the December deadline.

Supervisor Yoder – I am fine with this but if the PSA comes back and says that 20% were not installed, then the PSA has to find the money. If the contractor gets to December 31 and says that 80% were installed, now the last 20% can't come out of the general fund. The PSA needs to take the risk, not the County.

Vice Chairman Boothe – We did not specifically discuss that, but I have no problem with that. We can approve the \$80,000 with the stipulation that if there is any payback from the project it is up to PSA.

By consensus the Board approved \$80,000 of CARES money be used for the labor to install the PSA valves by December 31 with the stipulation that if any part of the project did not get complete that PSA would pay for the part not eligible for CARES.

Ms. Morris – We may not have all the bills in to be paid by the December 8 meeting. If it is agreeable with you, anything we get towards the end of the month we will send you a list so we can get it taken care of and paid.

By consensus the Board agreed that Ms. Morris could send them the bills to be paid after the December 8 meeting and then she had the authorization to pay the bills.

Vice Chairman Boothe – I need to make a statement for the record: Today's discussion involves the utilization of certain CARES Act or other funds for the benefit of small businesses and self-employed citizens of Floyd County. I am currently self-employed and conduct business as Jerry Boothe Hardwood Flooring and we also have a farming operation and such employment results in annual income in excess of \$5,000. However, because a large number of County citizens are also self-employed, any interest I would have in the CARES Act program under discussion would be the same as other County citizens who are self-employed, and together we

constitute a group of three or more individuals who are affected by the transaction in question. Therefore, in this situation, the exception to the Virginia State and Local Government Conflict of Interests Act, VA Code Section 2.2-3112(b)(1) applies to this situation. In accordance with that section, I hereby declare that I am able to participate in this discussion and voting on this topic fairly, objectively and in the public interest.

Supervisor Kuchenbuch – I affirm the same statement. My businesses are Linda DeVito, Realtor with Blue Ridge Land and Auction and also Maple Spring Christmas Tree Farm.

Supervisor Yoder – I make the same declaration. I have an LLC as Lauren and Chelsa Enterprises. I do heating and Chelsa does photography plus my farm.

Supervisor Coleman – I make the same statement. I have a small farming operation under my name. I just started Freedom Arms LLC but have not made any income with that business.

Chairman Turman – I make the same statement. I own Sugar Tree Farm-Beef Cattle and I own Sugar Tree Farm Auctions.

Supervisor Kuchenbuch – Is there anything else you can think of? Perhaps have Ms. Martin make a pitch to our businesses.

Ms. Morris – She mentioned that if there were funds left.

Supervisor Kuchenbuch – I am pleased to see the people we are reaching with this. It is really gratifying. I hope we make another attempt to contact every business in this County.

Ms. Morris – After the \$80,000 you have \$609,868.01.

Vice Chairman Boothe – I don't have any problem with putting more money into those programs. I also don't have any problem with turning money back in. Everybody who spends down to the penny is going to go through a massive audit. We might have a massive audit too. But it looks better if you have money to turn back in. That shows you were trying to manage it and not just spending money to be spending money.

Ms. Morris – How much more were you thinking for the RISES program? You have spent \$312,000 of the original \$350,000.

Supervisor Yoder – Were you thinking of payments based on the existing paperwork?

Ms. Tabitha Hodge – Additional payments and they submit new reimbursements. We have already qualified them up to that point, but they will have to submit new reimbursements.

Ms. Morris – Ms. Martin mentioned \$30,000.

By consensus the Board approved up to \$150,000 in CARES money for an additional round of the RISES program.

Ms. Hodge – If you know of any people who are self-employed, we have the abridged application and I am happy to walk people through that.

Agenda Item 6.h. – Mr. John McEnhill, Chamber of Commerce Executive Director.

Mr. McEnhill provided an update on the Floyd Visitor’s Guide:

- 1) Your funding support has made a huge impact;
- 2) We targeted 70 businesses and we got 91;
- 3) We added 4 extra pages to the guide;
- 4) The CARES financing support made it accessible and affordable to a large number of businesses;
- 5) Businesses have participated who have not in 20+ years;
- 6) The guide moves people around the County and tries to get them into outlying areas;
- 7) It includes a full-page ad for ShopFloydVA to help push that;
- 8) There is a full page on Covid safety practices;
- 9) It pairs the “Be Committed Be Well” campaign with the Floyd Safety pledge;
- 10) On an individual business level it includes what each is doing to be safe, such as curbside delivery, by appointment, etc.;
- 11) I expect to have a proof to the businesses for review before the end of the month.

Due to the pandemic the Chamber has cancelled its annual membership dinner, silent auction and awards presentation. We are doing things differently this year. Ms. Terri Morris is this year’s Business Leader of the Year. I would like to present this plaque to her and get some pictures. The reason we are honoring Terri is very obvious, but I wanted to state a couple of things. You are being recognized for all of your contributions for the past 3+ decades, including working closely with others like the expansion of Crenshaw Lighting and H & V operations. You are a strong supporter of entrepreneurial programs and business growth programs. Ms. Lydeana Martin was very complimentary of your support. She said a lot of this would not have happened without your support. You helped the County become financially stable enough to be able to fund major school projects, replacing all the coal boilers in the schools, bringing air conditioning into the classrooms, and then very important to all of us in the business community – being an essential part of the efforts to expand the Collaboration and Career Development Center at Floyd County High School. I am pleased to see that the groundbreaking ceremony is later today at 2:00 p.m. You are an original leader in the quality of life issues: like Agency on Aging, housing issues, and economic development initiatives that include talent retention and attraction and higher education support and manufacturing support. Lastly, you have worked with the Cooperative Extension in serving the County’s 800+ farms and youth programs such as 4-H. Thank you for your contributions.

Agenda Item 6.i. – Closed Session § 2.2-3711 A.1., Personnel – Consideration of candidates for employment.

On a motion made by Supervisor Kuchenbuch, seconded by Supervisor Yoder, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A. 1., Personnel regarding consideration of candidates for employment.

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 Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt the following certification resolution:

**CERTIFICATION RESOLUTION  
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel in accordance with Section 2.2-3711, Paragraph A.1. of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby certifies that, to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

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

This certification resolution was adopted.

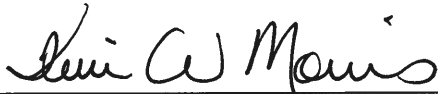
Agenda Item 9. – Board Member Time.

Chairman Turman – I will announce that we will be meeting within 15 days at an undisclosed location for the interview of prospective applicants for the County Administrator position.

Ms. Ryan – I have some good news for you on a topic you discussed earlier in the meeting – giving hazard duty pay to election workers. The Registrar sent information while you were in closed session that CARES money Elections received directly can be used for hazard pay. There will be an emergency meeting of the Electoral Board to approve hazard pay out of their CARES money. Based on your discussion earlier I said that you might be willing to pay for totes and tents and things of that nature out of our CARES money to enable the hazard pay for election workers.

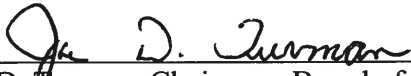
Agenda Item 10. – Adjournment.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adjourn the meeting to December 8, 2020 at 8:30 a.m.



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Terri W. Morris, County Administrator



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Joe D. Turman, Chairman, Board of Supervisors