

**BOARD OF SUPERVISORS
REGULAR MEETING
JULY 26, 2016**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, July 26, 2016 at 7:00 p.m. in the Board Room of the County Administrative Building thereof;

PRESENT: Case C. Clinger, Chairman; J. Fred Gerald, Linda DeVito Kuchenbuch, Lauren D. Yoder, Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator.

ABSENT: Joe D. Turman, Vice Chairman.

Chairman Case Clinger called the meeting to order at 7:00 p.m. with the reading of the handicapping statement.

The Opening Prayer was led by Supervisor Gerald.

Supervisor Kuchenbuch led in the Pledge of Allegiance.

Agenda Item 4. – Public Comment Period.

Chairman Clinger called for the Public Comment Period. After no comments from the audience, the Chairman declared the Public Comment Period closed.

Agenda Item 5. – Approval of month-end disbursements.

On a motion of Supervisor Gerald, seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the month-end disbursements as presented.

Supervisor Gerald – aye
Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Turman – absent
Supervisor Clinger – aye

Agenda Item 6. – Closed Session – Personnel §2.2-3711 A. 1.

On a motion of Supervisor Kuchenbuch and seconded by Supervisor Yoder, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Supervisor Kuchenbuch – aye
Supervisor Yoder – aye

Supervisor Gerald – aye
Supervisor Turman – absent
Supervisor Clinger – aye

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

Supervisor Yoder – aye
Supervisor Gerald – aye
Supervisor Kuchenbuch – aye
Supervisor Turman – absent
Supervisor Clinger – aye

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, and 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 Gerald – aye
Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Turman – absent
Supervisor Clinger – aye

Agenda Item 8.c. – Appointment to the Floyd-Floyd County Recreational Authority, Burks Fork District, to fill unexpired term ending December 16, 2016.

On a motion of Supervisor Yoder, seconded by Supervisor Gerald, and carried, it was resolved to appoint Mr. Richie Leonard as a member of the Floyd-Floyd County Recreational Authority representing Burks Fork District to fill an unexpired term until December 16, 2016.

Supervisor Kuchenbuch – aye
Supervisor Yoder – aye

Supervisor Gerald – aye
Supervisor Turman – absent
Supervisor Clinger – aye

Agenda Item 7. – Mr. Don Marickovich, Ms. Lynn Klappich – Draper Aden Associates – landfill recommendations.

Mr. Marickovich noted that we have had a longstanding relationship with the County of Floyd and we really appreciate that very much. You don't see us very much here because things usually go very well. We only come up in front of you when there is a problem and so that is why we are here tonight to discuss an issue with the landfill.

We have a letter in your package with photographs and what the issues were and what the recommendations are. Back on May 25 the County received a warning letter from the Department of Environmental Quality (DEQ). It was based on an inspection that the DEQ inspector did and there are several major issues that he raised. One was the erosion of a ditch in the landfill. There is a sediment basin in the landfill that we show on the pictures that is full. He stated that it needed to be emptied. His inspection report also lists some other issues that he saw.

We replied to that warning letter that we would meet with the County and that the County would come up with a plan of how to address the issues and give the DEQ notification of what that plan was. That is why we are here tonight.

We met on June 15 at the landfill. Some of the Board members were there. It was actually a very enjoyable day. We don't get out too much to the Floyd County landfill unless there is an issue. Mr. Marickovich started a PowerPoint slideshow and showed pictures taken the day of his and the Board members visit to the landfill. Included in the pictures was one of Mr. Dale Slaughter who is a lead field technician who has been monitoring the landfill for as long as he has been an employee of Draper Aden. Mr. Billy Newcomb who was also in the picture is Draper Aden's lead geologist for Floyd County and he works on groundwater issues. We went out to the landfill. We looked at several areas that were listed on the warning letter and while there we discussed what we could do about it. Very helpful, besides the landfill staff, was Mr. Michael Shortt of Shortt's Excavating. He was there with us. We came up with some action ideas.

On the slide Mr. Marickovich pointed out the old landfill that was closed with a flexible membrane liner in the early '90s. In the back was the pre-1988 landfill and there are a lot of trees growing on it now. That doesn't have any kind of cap on it. Another picture shows the sediment basin. Another picture shows an old debris fill and below that is the sediment basin that was put in place to collect sediment during the closure of the landfill in the early '90s. Its basic purpose was to catch whatever runoff there was and let the sediment settle to the bottom of the basin and clearer water would overflow. That is one of the issues. The other issue is the ditch that has eroded away.

Mr. Marickovich showed a drawing of the landfill with two areas highlighted: the sediment basin and the ditch. Standing below the ditch and looking up, the right hand side of the

ditch which is the east side is filled with a lot of rip rap and large boulders. That side looks really stable. It doesn't look like it's eroding away and it looks like it has been there forever. Those boulders have been there for a long time. It's the left side that is eroding away. Mostly what it is doing is caving in on itself. Beyond the left side of the ditch it is heavily treed. We talked out there about several actions we could take to fix this problem. You could rebuild the ditch which would be pretty difficult to do. You'd have to remove the rip rap on the right side, you would have to bring in a lot of fill to fill in the ditch, compact it well, get it stabilized with a good growth of grass. That could be fairly difficult and hard to do, pretty costly, and it is pretty steep too. Plus if you were going to lay back the side that is caving in, the left side of the ditch, you are going to run into a lot of trees. You would have to do a lot of clearing to get your equipment in and to lay that ditch back.

While we were out there Mr. Shortt thought the best approach to take would be to fill in the rest of the ditch with large rock and large rip rap because that stabilized the right side and that would certainly stabilize the left. That would fix the problem probably the easiest way to do it. Once you fill in that you probably wouldn't have to worry about it much anymore. So that is what we recommend. Down at the bottom install some silt fence across the outlet of the ditch to keep any silt that might come from the ditch while you are working on it from getting into the stream below. It discharges below the sediment basin. It does not go into the sediment basin. It's below. Install a silt fence across the bottom of it and get someone in there hauling some stone, large rock, maybe pieces of concrete, debris concrete, and fill up the ditch.

The other major issue of the warning letter was the sediment basin. Pictures on the slideshow showed the discharge piping for the sediment basin. There is a hole in the discharge piping. You can't see the hole; it is a pretty small hole, we think. We couldn't get to it because it is in the front where all the sediment is. The basin really isn't up to its full elevation because all the water is draining through the hole, going into the outlet structure, running down the drainage pipe that goes through the embankment of the sediment basin and out into the stream. Down the stream a little bit is where the drainage ditch comes into it. This sediment basin technically isn't required anymore because once you've stabilized the landfill up above it that is draining to it, once you've got good vegetation and grass over those, you could take the sediment basin out. We talked about that. That would require a lot of work. You would have to empty the sediment basin to begin with, take out all the piping, grade a new drainage way through it and through the embankment and seed everything and stabilize everything. We consider that to be quite a bit of work. We thought it would be less costly to just empty out the sediment basin. That's a standard thing that's done once sediment basins are full. It might take quite a long time before the sediment basin fills up again. That is our recommendation.

The one issue is the hole. In the outlet structure we don't know the size of that hole. We don't know the condition of the outlet structure. The outlet structure in the metal piping might not be in very good shape below what we could see. And there is no sign that the basin ever overflowed. The water level has never reached the emergency spillway and overflowed. Our recommendation is to get in there, dig out the basin, take the sediment back onto the landfill area. Somewhere up there find a suitable area where it is not going to run back into the streams. Place it there in sort of a stockpile, put silt fence around it if you need to, seed it and grade it. Maybe you can use some of the soil onsite for some sort of onsite purpose. Or if not, you can eventually

grade it, seed it, and stabilize it, and be done with it. I think there is about 3' of sediment in this basin looking at the old drawings and looking at where the elevation of the sediment currently is. There is about 3'. But it needs to be excavated because it is not working as a sediment basin anymore. Any water that comes in is going out in the hole. It doesn't fill up with water and overflow. The piping allows the sediment to settle. It's going out the hole. That level is at the hole of the sediment right there.

We recommend that you get someone in there to dig it up, uncover the hole; you can look and see how bad the hole is. If it is not a very big hole you can patch it somehow very easily. If the metal structure is in good shape you could leave it in place. You will have an empty sediment basin. You take the sediment and place it somewhere on the landfill, make sure you contain that pretty well with a silt fence, let it dry out, grow grass on it, and you have a new empty sediment basin, and you are good to go again for "x" number of years. Those are our recommendations: fill the ditch with rip rap, clean out the sediment basin, and repair the riser...hopefully the riser can be repaired and doesn't need to be replaced. If it needs to be replaced, it needs to be rethought a little bit. Maybe take out the piping and do away with the sediment basin altogether. Maybe only a section needs to be replaced and it can be done relatively easy. Also expand the maintenance program.

That deals with some of the other comments that were in the warning letter. One of the comments dealt with the concrete pads that are surrounding the groundwater wells. I think they are supposed to be 6' x 6' pads and some of them the ground has been eroded from underneath them. Those need to be repaired. We are not sure that some even had pads to begin with or some of the pads are under "x" number of feet of soil. That is a maintenance issue that the County should take care of over time.

There was another comment in there that the sampling top of gas probe #9 was broken off and we've already repaired that. That has already been fixed. That is what I mean by expand the maintenance program. Our real recommendation is to talk to a contractor. Mr. Michael Shortt seems to be the person you've used in the past and get a budget estimate for doing the work and see how much it costs.

Chairman Clinger said most of this will be taken care of. The only one that is really questionable is the sediment pond. After we get a preliminary on it as to whether we want to clear it all the way out.

Mr. Marickovich agreed and said once we see what the leakage is. It doesn't sound like a big leak. It sounds like a hole maybe baseball sized. I tried to get close enough to see, but I didn't know if the sediment was going to act like quicksand so I didn't go any further. It doesn't sound like it's a very big hole. It sounds like it's patchable. From what I could see, the metal appears to be in pretty good shape, but you never know until you start digging.

Ms. Morris confirmed that he did say that we are not required to have that pond anymore.

Mr. Marickovich assured them they could take the pond out. Once the County decides if they agree with what we want to do, we'll draft a letter for the DEQ as to the plan for them to respond before you take any action.

Chairman Clinger said from the Board perspective it is just a matter of the sediment pond and which way we need to go with that.

Supervisor Kuchenbuch agreed and added that the ditch is easily fixable. If we laid back the side you are increasing motility of all that dirt and gravel. The trees are helping us.

The Board agreed by consensus to proceed with cost estimates.

Chairman Clinger asked if Mr. Marickovich had any idea how long the follow-up would take?

Mr. Marickovich said it would not take us long to draft a letter to DEQ.

Ms. Klappich added that it could take 30 days to hear back from DEQ.

Mr. Marickovich continued in the meantime you could be doing some cost estimates.

Ms. Klappich said the trick will be timing because we are in July and if they take until August or September, you will have to take a look at the weather and decide when to start this. If the Board decides to go ahead with it do you want to do this in December?

Ms. Morris said we were thinking maybe in September.

Mr. Marickovich said our feeling is that the DEQ won't push very hard as long as we've got a plan.

Supervisor Yoder asked if the costs would be coming out of contingency funds?

Ms. Morris confirmed that would be the case because there was not a line item in the budget to deal with this work.

Agenda Item 8.a. – Approval of Floyd County Solid Waste Plan, including the Town of Floyd. Ms. Morris reported that she left them a copy of the extract from the Town where they had their Public Hearing and approved their part. If you will remember you had the draft copy. We had no comments at our Public Hearing. We've received no written comments.

On a motion of Supervisor Yoder and seconded by Supervisor Gerald, and carried, the Floyd County Solid Waste Management Plan Including the Town of Floyd was approved as presented.

Supervisor Gerald – aye
Supervisor Kuchenbuch – aye

Supervisor Yoder – aye
Supervisor Turman – absent
Supervisor Clinger – aye

Agenda Item 8.b. – Appointment of locality liaison/committee for Virginia World War I and World War II Commemoration Commission. Ms. Morris reminded the Board that they had asked Ms. Pat Sharkey and herself to start this process. Ms. Sharkey attended the informational session last week in Blacksburg. I had schedule conflicts. One of the ladies from the Floyd County Historical Society also attended. The Historical Society has volunteered to be the lead agency for this with some help from the Old Church Gallery. Ms. Morris recommended that the Board accept their volunteerism and let them give this commemoration the recognition it deserves.

Ms. Morris continued there are also some grant opportunities. The first one is due in August and obviously we will not be able to get that one done in time. But there are three rounds of grant opportunities each year so we'll be ready for the next one.

The Board gave their consensus to accept the Floyd County Historical Society's offer to be the lead agency on the Virginia World War I and World War II Commemoration Commission.

Ms. Morris added that Ms. Ryan suggested that they might want to contact the local chapter of Veterans of Foreign Wars (VFW) for some assistance.

Supervisor Kuchenbuch requested that the County Administrator draft a letter stating that the Board has accepted their offer to be the lead agency and state in writing that the VFW should be invited to be on the committee.

Agenda Item 8.d. – Resolution in Support of the Floyd County Sheriff's Department and Virginia State Troopers. Ms. Morris reminded the Board that at the last meeting they asked her to draft the resolution before them.

On a motion of Supervisor Gerald and seconded by Supervisor Kuchenbuch, and carried, it was resolved to adopt a Resolution in Support of the Floyd County Sheriff's Department and Virginia State Troopers (Document File Number 875).

Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Gerald – aye
Supervisor Turman – absent
Supervisor Clinger – aye

Board members expressed their appreciation to Ms. Morris for the well-worded resolution. They asked her to provide a copy to our Sheriff's Office and State Troopers.

Ms. Morris agreed to do that and also suggested that it be printed in The Floyd Press. We don't always do that with resolutions but this time it might be appropriate.

Supervisor Kuchenbuch agreed that having it printed in the local newspaper was a great idea. Also she talked to Sheriff Craig this afternoon. On August 13 from 11:00 a.m. until 2:00 p.m. there will be a Law Enforcement Officer Appreciation. A couple of people who are anonymous in our community wanted to get this together. Two Trees Catering will be doing the catering for it. It will be in The Floyd Press this Thursday. We should all mark our calendars. It would be great if we were all there for this. It will be held at the Recreation Park.

Supervisor Kuchenbuch also mentioned that she had been volunteered by Ms. Ryan to talk to someone about the 100th anniversary of the National Park Service. All communities along the Blue Ridge Parkway are doing hikes and stuff. Ms. Kuchenbuch met with Ms. Libby Wilcox the Chairman of the Rocky Knob Chapter of the Friends of the Parkway. They have set September 24 at the Rocky Knob picnic shelter to do a 1-mile hike. Please mark your calendars for September 24 as it would be nice if everyone could attend. She will provide more information at a later date.

Agenda Item 8.e. – Discussion of 2% raises for State-funded positions effective December 1, 2016. Ms. Morris reminded the Board that they asked her to calculate the cost of providing 2% raises December 1 to all the State supported positions. This would include the Constitutional Officers and their employees, Social Services, and the Registrar. I didn't give you a copy of the breakdown because it includes names and salaries. The result is that it would cost the County about \$35,000.00. As I reported to you at the last meeting, the House and Senate Finance Committees will be meeting with the Governor on August 26 to discuss this issue. This is basically just for your information right now until we see what happens.

Supervisor Yoder asked when the raises were scheduled to go into effect?

Ms. Morris replied December 1, except for Social Services which you had voted to do in July.

Chairman Clinger asked if for her breakdown did you include Social Services in the \$35,000.00.

Ms. Morris confirmed that she had.

Chairman Clinger said since they were scheduled for July 1 does the spreadsheet reflect that?

Ms. Morris answered that Social Services' portion of the \$35,000.00 is \$12,003.00 and is based on the raises going into effect on December 1.

Chairman Clinger said for County staff we want to wait and see what happens. This is an informational item right now. In December we might have to pull \$35,000.00 out of contingency to fund raises. I think we are all on board with wanting to do it.

Supervisor Yoder said what the State is doing is terrible.

Supervisor Kuchenbuch described it as unconscionable and playing games.

Ms. Morris said her staff expressed their appreciation for the raises. I was talking to a couple of guys at the Transfer Station and they didn't even realize they were getting a raise. This was a couple of the young guys. They were very appreciative. They said this is the best job they ever had.

Chairman Clinger said the Sheriff's Office is more in line now. They have a couple of positions open. A person who transferred to Christiansburg is applying to come back to Floyd now.

Supervisor Kuchenbuch said that was our intent.

Ms., Morris added that morale is very high in the Sheriff's Office.

Chairman Clinger said there were several years when salaries were stagnant and schools and everyone else got raises. These raises were well deserved and long past due. You look at most every position in here they are doing two or three jobs of other counties. And they do the jobs well. And the departments work together a whole lot more fluidly than other counties.

Ms. Morris said I tried to pass along to the young men that you all really realize their value and how blessed we are to have our staff.

Chairman Clinger said the Transfer Station staff, no matter what the weather and on holidays, are working so the rest of us can use the services.

Agenda Item 8.f. – Resolution of support for application #13310 to the Tobacco Commission. Ms. Morris explained that this resolution is in support of grant application #13310. Ms. Martin asked for this resolution of support to go along with the application.

On a motion of Kuchenbuch and seconded by Supervisor Yoder, and carried, it was resolved to adopt a Resolution Regarding Tobacco Regional Revitalization Commission Research and Development Application #13310 (Document File Number 876).

Supervisor Yoder – aye
Supervisor Kuchenbuch – aye
Supervisor Gerald – aye
Supervisor Turman – absent
Supervisor Clinger – aye

Agenda Item 8.g. – Transfer of \$2,500.00 from contingency fund to New River Community Services for Floyd County's share of Renew the New – Regional River Cleanup. Ms. Morris reminded the Board we received a funding request for the regional river cleanup too late for it to be included in the budget. When we discussed it we said we would move the funds from contingency for this item.

Chairman Clinger said we are going to have many people come to Floyd to help clean up and many local people will be involved as well.

Ms. Morris said a lot of staff here and some Transfer Station staff are going on a scouting trip Thursday to see what the setup will be. A few of the folks will float down the river and look at spots that need to be cleaned. The actual cleanup is on August 27. They've had to limit volunteers because so many have signed up. Next year will be Floyd's year.

On a motion of Yoder and seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the transfer of \$2,500.00 from Contingency Fund to New River Community Services for Floyd County's share of Renew the New – Regional River Cleanup.

Supervisor Gerald – aye
Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Turman – absent
Supervisor Clinger – aye

Agenda Item 8.h. – Authorization for acceptance of proposal from Anderson & Associates – Cluster Development Regulation Study.

Ms. Morris explained that this agenda item and the next one for consideration are with our partners for the Cluster Development Regulation Study. If you will remember the Board earlier had approved the study itself and the funding. But unfortunately, I did not get you to put in that motion to execute the different agreements. The County Attorney reviewed both of these and made a few suggested changes. The one for the engineer I did on an emergency procurement basis just because Anderson & Associates was so familiar with the Commerce Park and have been doing work out there for 30 years. We needed that a little quicker. The one for The Berkley Group, I took proposals.

On a motion of Yoder and seconded by Supervisor Kuchenbuch, and carried, it was resolved to approve the agreement with Anderson & Associates for the Cluster Development Regulation Study.

Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Gerald – aye
Supervisor Turman – absent
Supervisor Clinger – aye

Agenda Item 8.i. – Authorization for acceptance of Agreement between The Berkley Group and Floyd County for planning services – Cluster Development Regulation Study.

Ms. Morris explained that the first thing The Berkley Group will do is have a kickoff meeting. We set up a committee with two of the Board members on it. We will start those meetings probably in September.

On a motion of Yoder and seconded by Supervisor Gerald, and carried, it was resolved to approve the agreement with The Berkley Group for the Cluster Development Regulation Study.

Supervisor Yoder – aye
Supervisor Kuchenbuch – aye
Supervisor Gerald – aye
Supervisor Turman – absent
Supervisor Clinger – aye

Agenda Item 8.j. – Review of Floyd County Code of Ordinances – Amusements and Entertainments.

Ms. Morris reminded the Board that we talked about reviewing this back when we were working on the budget. We decided to wait until we finished the budget to look at it. To begin the review I gave you copies of the current ordinance that we have, the permit application, the fee schedule. I gave you copies of Franklin County and Montgomery County's ordinances. Interestingly enough, Patrick County does not have a festival ordinance. I also gave you a sheet which shows concerns that we have received from two of the larger event providers in the county. It is going to take several meetings doing research and talking. Some of the concerns are from staff I talked to about how we needed to review the sections of the ordinance, specifically when we have groups over 2,500. One of the main areas would be Emergency Medical Services care...

Supervisor Yoder added and public safety.

Supervisor Kuchenbuch said I think it has to do with some of the smaller events that are now growing.

Supervisor Yoder agreed that there is the potential for many of them to grow, which is great.

Supervisor Kuchenbuch agreed and continued I think what we need to do is get representatives from the festivals and the production companies to come in and talk with us. I would like to hear what they have to say, whether it is in a public meeting or roundtable discussion. I think the more we have information from them the better off we can look at how we go about ordinances. Public safety is the most concern in my book. It always has been and always will be.

Ms. Morris expressed that this is a good idea. I did give you copies from the two festivals with their concerns.

Supervisor Kuchenbuch said she would like to have an open discussion.

Supervisor Yoder said he had been thinking about it a lot because he wants us to be an encouraging county for these types of festivals. I was talking to a store owner in this county and he said, "I don't get but 'x' amount more of customers this week because of Floydfest but that is

‘x’ amount more.” It does have an impact even that far away. I want to be accommodating within certain limits in mind; public safety definitely is part of that.

Supervisor Kuchenbuch explained that what happens is, and I can speak from experience, you have something and then all of a sudden it really gets legs. I can see Yogajam or something at Chantilly or any of these things where they just pick the right artist and the next thing you know, kaboom it is really big. I think it is very important for us to be forward thinking and, as you said, encouraging. I do not want to put so many regulations that we discourage this because it has been shown that these are a very important tool with which our county has gotten publicity. It is really important. You never know if somebody comes here for a Chantilly event or an Across the Way event or even a Yogajam, that one day they start a business here or expand a business they already have.

Supervisor Gerald pointed out that the Replenish festival was bigger than ever this year. It is making plans to get even bigger.

Supervisor Kuchenbuch said that one in particular with the right artist in that genre could explode an attendance at that event.

Ms. Morris said we are in no way trying to hamper anything by what we are doing. We want to keep everybody safe and everybody healthy.

Chairman Clinger said it makes it easier for people to follow than having to go to eight different code sections that cover this.

Supervisor Kuchenbuch remarked that we took what was in the code and Floyd is so different than anywhere else. I think we have the ability to write an ordinance more reflective of who we are and what we want to do and how we want to handle it in our county. I think we table it again.

Chairman Clinger said he thinks we need to address it. Your idea earlier about bringing people in, I am thinking about how to reach out to them.

Supervisor Yoder suggested there are a couple of people already involved whose opinions are really important. One is our Emergency Services Coordinator because he has been involved in the public safety sector for a long time. Another person is the Sheriff. Another is our Tourism Director who has been involved with festivals. What would happen if we formed a committee to work on it made up of our side of the Tourism Council, the County Administrator, and add a few people that we thought were vital to the topic to work through the nuts and bolts and get a framework?

Chairman Clinger said we need to find out those things that we definitely have to have from public safety and then bring in others.

Supervisor Kuchenbuch remarked that both of those things have to happen and I think they can happen simultaneously. I want to hear openly from all of the events – Replenish,

Chantilly, Yogajam, Across the Way Productions, from everybody. Then also have this meeting that we were talking about with you and I from Tourism, the County Administrator, Tourism Director, Emergency Services Coordinator, the Sheriff, and maybe a Town representative. I think we can have both of these things. I am not trying to add more meetings, but knowing what we might want and listening to what people want to have allows us to draft something much more comprehensive and address almost all concerns. Obviously Across the Way Productions has a long history of being able to work with the Virginia Department of Health. We have to have the Health Department in. It might even be good to have the New River Valley supervisor come in.

Chairman Clinger stated the Virginia Department of Health has an 8-page document that has to be filled out for an event. We can't change that.

Supervisor Kuchenbuch agreed we can't change it but it would be good to get some input from the Health Department.

Supervisor Yoder asked if one of the ideas about looking at ordinances is to simplify them?

Ms. Morris replied not really. Ms. Morris replied so far in 2016 I have issued 13 letters for festivals each of which has been under 2,500 in expected attendance. We were looking more toward festivals that exceeded 2,500 in expected attendance, especially with EMS. This week we have a lot of extra staff working because we know we will get a lot of calls on Black Ridge Road. We have to take care of our own people here too.

Chairman Clinger said with this one with Across the Way Productions it is in Patrick County and it would not fall under this. No matter what ordinance we are not going to get anything back to cover these costs.

Supervisor Kuchenbuch replied she understood that and there is no longer a Vesta Rescue Squad which was in place years ago. I think the more open our communications becomes the better off we will be in the long run. It could have a positive impact on next year and future years down on that site. Utmost we have to make sure we have maintained the safety of our citizens throughout the entire county. But we can't disregard the fact that there are going to be 10,000 people right on our border. By the way there is a swath of land on that site that is in Floyd County. No matter what anybody says, Mr. Shannon Zeman and I found it.

Ms. Morris said we want to be proactive and have all of our ducks in a row because these other festivals are growing. We want to plan and be ready.

Supervisor Yoder said we can review the ordinance in a meeting like this but if we invite everyone to come in, it could take a full afternoon. It would take quite a while. Or we could do a lot of it through a committee structure.

Chairman Clinger said he would prefer to see a committee work on it.

Supervisor Kuchenbuch said we could do it in the Tourism Committee. We could have County staff and principal people and we could bring in the groups and talk. We could have presentations at this meeting after we distilled it down. We could continue to work on drafting an ordinance that would be for the future, not just next year. I think this is a very important economic tool and engine for our county. I don't want to handcuff any of the festivals with too many regulations.

Supervisor Yoder agreed that it is important that they know we want to hear them. Sometimes when you do that through a Board of Supervisors meeting you have thirty different issues going on. You can go on and on forever. The other side of the equation though is that I don't want to jump in and make the decision if other people want input.

Chairman Clinger said we need to move this forward. I didn't think it was for here because it would be like the first time we did tourism and it went on and on and on. These music events and gatherings are tourist type things. I think it is better handled through this committee. That way the Town is also included because they have members on the committee.

Supervisor Kuchenbuch said the County Fair could grow beyond anybody's expectations.

Supervisor Yoder said if you went to carnival rides it would blow up.

Chairman Clinger said we had a problem with Replenish. We had a Rescue Squad there, but we had a call go out and they wouldn't leave to handle the call. That's what it comes down to: we have to have a plan.

Supervisor Yoder asked if we want to take a couple of weeks and think about who we want on that committee?

Chairman Clinger replied are you okay with the Tourism Committee being the driving force behind it?

Supervisor Yoder answered Ms. Sharkey brings a lot to the table. You can get committees too big and involving the Town on a County ordinance, I don't know if that is necessary.

Supervisor Kuchenbuch proposed that the committee include Supervisor Yoder and herself and Ms. Sharkey and Ms. Morris.

Chairman Clinger said you could be the principals of the committee and you could invite...

Supervisor Kuchenbuch continued whoever we want to.

Supervisor Yoder suggested that the committee just be himself, Supervisor Kuchenbuch and Ms. Morris.

Ms. Morris agreed with that suggestion because it is a County ordinance.

Supervisor Yoder said just the three of us and we invite the Sheriff, Emergency Services Coordinator, Ms. Sharkey as Tourism Director to speak.

Chairman Clinger said Ms. Sharkey could tell you the other principals who should be consulted. We do need to move this forward to get something a little bit better than what we have now.

Supervisor Kuchenbuch proposed that they start meeting sometime in August.

Ms. Morris agreed and said this review of the ordinance was started because they wanted us to extend the hours they could play music.

Supervisor Kuchenbuch said that will be one of the things we talk about.

Agenda Item 9. – Old/New Business.

On a motion of Supervisor Yoder and seconded by Supervisor Kuchenbuch, and carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.1, Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Supervisor Gerald – aye
Supervisor Yoder – aye
Supervisor Kuchenbuch – aye
Supervisor Turman – absent
Supervisor Clinger – aye

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

Supervisor Yoder – aye
Supervisor Gerald – aye
Supervisor Kuchenbuch – aye
Supervisor Turman – absent
Supervisor Clinger – aye

On a motion of Supervisor Gerald, seconded by Supervisor Kuchenbuch, and 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 Gerald – aye
Supervisor Kuchenbuch – aye
Supervisor Yoder – aye
Supervisor Turman – absent
Supervisor Clinger – aye

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adjourn to Tuesday, August 9, 2016 for a regular meeting at 8:30 a.m.



Terri W. Morris, County Administrator



Case C. Clinger, Chairman, Board of Supervisors