

**BOARD OF SUPERVISORS  
REGULAR MEETING  
JANUARY 24, 2017**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 24, 2017 at 7:00 p.m. in the Board Room of the County Administrative Building thereof;

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

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 Yoder 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 Kuchenbuch, seconded by Supervisor Yoder, and unanimately carried, it was resolved to approve the month-end disbursements as presented.

Supervisor Gerald – yes  
Supervisor Kuchenbuch – yes  
Supervisor Yoder – yes  
Supervisor Turman – yes  
Supervisor Clinger – yes

Agenda Item 6.a. – FY18 budget workshop schedule.

Ms. Morris stated we need to talk about our budget workshop schedule. The main date is for the tax rate which has to be to the Commissioner of Revenue by April 26. Cindy [Ryan] and I hope to have a draft budget to you by the February 14 meeting if not before. We will also have the notebooks with all the requests for you. We talked a little bit at the last meeting about the reassessment timeframe. I wondered if you thought any about that? I would suggest waiting one more year to do it so we stay with the five year timeframe. The reason for that is we are going to have to replace the CAMA system in the Commissioner's Office. We have been bandaiding it for several years. We have no maintenance on it anymore. The company does not offer maintenance because it is very out-of-date. This is the system that contains all the real estate data they use. Preliminary prices to replace the system are in the \$125,000.00-\$140,000.00 range. I think we need to have that in place before we do the reassessment.

Chairman Clinger said there is nothing wrong with that. I think if anything we will see property values go up and we will be better off the longer we can hold off to capture that.

Ms. Morris pointed out it will also keep us on the same five-year frame we've used.

Chairman Clinger said it must be done every four to six years so as long as we are at five we are splitting the difference.

Ms. Morris concurred with the timeframe and said unless an assessor is on staff then it can be done every year.

Chairman Clinger said I don't think one person could get it done in a year.

Supervisor Kuchenbuch remarked that the person would be very busy.

Chairman Clinger asked if we paid about \$350,000.00 last time? That amount every five years...

Ms. Morris agreed with the cost and said we try to spread the cost over two years.

Supervisor Kuchenbuch said that amounts to \$70,000.00 a year over the five years. The person would need a vehicle, and benefits.

Chairman Clinger asked what type of background does the person need to have, just a real estate license?

Supervisor Kuchenbuch replied the person would have to have both real estate and appraiser licenses.

Ms. Morris said in larger places they have a staff too.

Chairman Clinger said with the amount of volume if we could do it every two years, rather than paying that every five.

Supervisor Kuchenbuch questioned \$350,000.00 is what we are paying? And what I am seeing is what we are getting?

Chairman Clinger responded we put it out for bid and this is what we got.

Supervisor Kuchenbuch said I know, but what I am saying is that I am on the other end of things and I am seeing what they are doing. This might be an item of discussion.

Chairman Clinger said if we are holding off till next year this might be something we look at in next year's timeframe. I would hate to do it in the same year. You need a year to get them in place, trained up and everything set up.

Ms. Morris added and all the field work.

Chairman Clinger answered I was thinking about our paperwork. You have to have procedure manuals and everything.

Supervisor Kuchenbuch said if we are looking at doing it, they could already start. This is interesting.

Chairman Clinger asked Ms. Morris to make note to bring this up during budget time. Which department would it fall under?

Ms. Morris replied they would be their own department.

Supervisor Kuchenbuch asked who would be their main supervisor, you?

Chairman Clinger said it could be here rather than up through the Clerk's Office, or Treasurer, or Commissioner.

Ms. Morris agreed and said you would want that separation from the Commissioner's Office.

Supervisor Kuchenbuch added I would think that if you had them on staff, they would be doing it every two years and there would be other things they could possibly be doing.

Ms. Morris said of course they would be doing the new construction all along too.

Supervisor Yoder asked when you say \$350,000.00 does that include every cost each year? Just looking through this [December expenditure report], we've spent \$40,000.00 just this year.

Ms. Morris explained that some of that is maintenance on software.

Chairman Clinger said when we do the reassessment we put half the total cost in one year and the other half in the second year so we do not get hit with it all at once.

Supervisor Yoder remarked that one benefit is that it is so hard to come up with that amount in the budget during those two years. You have a couple of years off and then you have to find \$200,000.00. You hope the benefits will offset the cost.

Supervisor Kuchenbuch said this is something to really study.

Ms. Morris agreed that this needs to be planned for. We'll check with some of the other counties our size.

Supervisor Kuchenbuch suggested not Montgomery County which would not give us a true idea, but maybe checking with Bland County.

Chairman Clinger said if we had our own assessor on staff when Mark [Bolt] issues a Certificate of Occupancy then we can get a true assessment at that time and not wait. Some of these people who move in right after an assessment have five years before a true assessment.

Ms. Morris said the assessors go out and pick up new construction.

Chairman Clinger stated so ongoing assessments of new construction are included in the bid.

Ms. Morris confirmed that and said Mark's [Bolt] office sends information to the Commissioner of Revenue who sends it to the assessors.

Supervisor Yoder pointed out they might be picking up construction that is permitted, but they would not be picking up other things that could change land values.

Chairman Clinger said when we go through lot line revisions and those types of things can sometimes create another acre. Wells and septic systems can also affect land values.

Supervisor Kuchenbuch asked Ms. Morris to find out when she was checking around if the assessors take on other responsibilities such as subdivisions.

Chairman Clinger agreed and added if it was not a full-time responsibility perhaps they could fill in when Mark [Bolt] took vacation. It would be helpful if the person had that building knowledge as well.

Supervisor Yoder said it all goes back to space which we don't have.

Supervisor Kuchenbuch questioned the software is that out-of-date or the equipment?

Ms. Morris replied the software. We are trying to replace a computer every year in that office.

Chairman Clinger said we will have the books at the February 14 meeting.

Ms. Morris answered we will have the books for sure and we will try to have a draft for you then too.

Ms. Morris said the regional budget work session for New River Valley is February 6. Twenty-six agencies will be presenting their requests at that meeting.

Agenda Item 8. – Old/New Business.

Ms. Morris said last time you approved the name One Lighting Way. The requestor misunderstood the form. He wanted "one" as the building number, but we are not able to accommodate that because the system starts numbering at "100." He settled on just naming the road Lighting Way, if you approve.

On a motion of Supervisor Yoder and seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the naming of Lighting Way, with the cost of the road sign installation to be paid by the requestor.

Supervisor Kuchenbuch – yes

Supervisor Yoder – yes

Supervisor Gerald – yes

Supervisor Turman – yes

Supervisor Clinger – yes

Ms. Morris provided an update on the music festival ordinance. The committee of Supervisor Yoder, Supervisor Kuchenbuch and Ms. Morris diligently worked on the task of reviewing and updating the ordinance. The ordinance was adopted in 1977 and it was time for an update. The committee met with the Sheriff, Emergency Management Coordinator, and each group which holds festivals in the county. We received great input from each of them. In your pack I gave you a copy of the current ordinance and also the committee's recommended changes. There are also three new sections to be added. We were suggesting that when we get it into the shape you want that we can do this fairly quickly before the festival season starts.

Chairman Clinger said I really like how you put the cover for each section change which made it a lot easier to read.

Supervisor Yoder said Ms. Morris put a lot of time into this. I want to commend her for her hard work.

Supervisor Kuchenbuch echoed absolutely, I second that.

Ms. Morris said we had some good meetings and discussion.

Supervisor Kuchenbuch said everyone who attended was very pleased with the fact that they could speak about it. They brought fresh perspective. It allowed us to see it through their lens and that was good, especially some of the smaller ones. We truly feel that some of these smaller festivals could grow quite rapidly.

Chairman Clinger said I do think it will help to have this in place so as they grow, they think about whether they want to grow. Sometimes you get to the point where you reach a threshold where you are losing money or it loses its flavor.

Supervisor Kuchenbuch said that isn't what we were trying to do. The point is we want these things in place so they would understand they have to be responsible for these things. There were a couple of occasions where I said year four and five of FloydFest we had no idea what was going on. We always had medical staff on hand at FloydFest, but the thing changed so rapidly. They all understood that. It is an important livelihood for the county. We gain a lot of benefit from it. Yoga Jam and Replenish, those two festivals in particular have brought a number of different people to Floyd, who had not been here before. When they go to these festivals for a couple of days, they come into Town and shop. They are a real boost to the county.

Ms. Morris said we thought too that as they grow, they will be more cooperative because they've had ownership in developing this.

Supervisor Yoder said we tried to adapt where we could.

Ms. Morris said the important thing is that each person felt that they were heard.

Supervisor Yoder said a lot of these changes were not things we necessarily thought about going in, but they had concerns about it and we tried to balance that concern with what we felt was necessary.

Supervisor Kuchenbuch added it was a great process.

Supervisor Yoder commented the new sections come from listening to the Sheriff and Emergency Management Coordinator. I'm sure we could tweak that if we wanted to, but that is basically what they are asking for here. We didn't make any real changes to what they requested.

Chairman Clinger said the only thing I have on the new section for EMS Requirements is the preference for command center for a larger event. We don't define larger event.

Supervisor Yoder said on events over 2,500 we require pre-event meetings. In those pre-event meetings in order to pull a permit they will have to meet what emergency management requires of them. Some of these things might be requirements depending on the type of event. For example, an event with alcohol might require something ...

Chairman Clinger continued increased security that would not be required if there were no alcohol.

Supervisor Yoder said he felt that was a call he could make if he saw an event getting too big.

Supervisor Kuchenbuch said if Replenish Festival got two or three big artists that had just broken big, and all of a sudden they were looking at 8,000 people, a command center probably wouldn't be as necessary as long as they met all the other emergency management conditions. There would not be any alcohol at the event. It is when you put it into the mix, it changes the dynamic.

Chairman Clinger suggested wording that said "at his discretion" because just saying "preference" puts it into their hands instead of ours. With preference we can't really say you have to do it.

Supervisor Yoder said it might also depend on availability because the County does not have one [a command center].

Supervisor Kuchenbuch asked if Patrick County has one?

Supervisor Yoder replied Henry County has one. They got it from Martinsville.

Supervisor Kuchenbuch said there was a big command center at FloydFest.

Chairman Clinger pointed out that he saw breaking points of 2500-5000. But what if an event says 2500 but they end up having 3500-4000, but they keep saying 2500.

Supervisor Kuchenbuch said she and Supervisor Yoder would go out and count heads.

Chairman Clinger said would this keep them from getting a permit the next year? Some places will underreport their attendance

Supervisor Kuchenbuch said one of the things we could ask and require is a notarized ticket sales.

Supervisor Yoder stated there are two parts to this: How do you know? What is the penalty? The penalty is spelled out in our current code of \$1,000.00 and confinement in jail for 30 days.

Chairman Clinger said if you are at that breaking point it might be cheaper to pay the \$1,000.00 fine than contract ALS for 3 days.

Supervisor Yoder asked how do you ascertain how many people are there? Do you put someone at the gate with a clicker and just start counting heads?

Chairman Clinger said I would like to see that if it was violated, you may not be able to get a permit next year. This would keep people from underestimating every year. If they know if I underestimate this year I may not be able to have this event, it might change their perspective on it.

Supervisor Yoder said I think where we will find the biggest violations are coming off the exemptions. I think once you get over the exemptions it is not as big a deal to add another officer. It is when you are bumping up against the 2500.

Chairman Clinger said that is what gets me. It is that first onset of all of it which is your officers and ALS. I like it. Don't get me wrong. I'm just trying to figure out...

Supervisor Yoder said even under the exemptions, security is required.

Ms. Morris said most festivals have security already.

Supervisor Kuchenbuch concurred that most festivals have security, off-duty police officers.

Supervisor Yoder said it is a good question. I think that is where our issues will be, those events close to 2500.

Chairman Clinger said in the areas where festivals are being held they are not constrained by space. That is the one part I would like to look at a little bit further.

Supervisor Kuchenbuch said we can require, if they use electronic ticketing, a notarized report from the ticketing company telling how many tickets have been issued, both paid and nonpaid. Attendance is not just paid attendance.

Chairman Clinger said I am thinking about things like the car show where they just rip the ticket. You can never know.

Ms. Morris stated years ago we used to require that they bring all the tickets to us and we counted them and stored them. That was back in the days.

Supervisor Yoder said even with that how would you know they brought all the tickets to you? If I was going to have an event and use the exemption, I definitely wouldn't bring more than 2500 tickets.

Ms. Morris said she would do some more research.

Chairman Clinger said other than that I think you've done a great job and I appreciate it. The Board will move forward with it.

Ms. Morris responded that she would go ahead and put it in final form and research some of these questions.

Chairman Clinger said that would be fines and penalties. The fine could go up.

Supervisor Yoder said it talks in here about the County could bring suit in court. This may be a question for Jim [Cornwell, County Attorney] if we could determine that this festival is over the limit could we force them to only allow "x" number of people on the property? Could you say, you've reached your limit, you must close your gates?

Chairman Clinger said that is basically what it would have to be.

Ms. Morris pointed out that Sec. 6-36 says that they have to give us written permission to go on their property to determine compliance.

Supervisor Kuchenbuch added Sec. 6-38 (d) talks about "the attendance at the music festival is in excess of the number for which the permit was issued, the promoters shall, within 48 hours, pay the additional fees required by this article. Failure to so pay shall constitute grounds for forfeiture of the bond required in subsection 6-37(a). If the attendance at the music festival is less than the number for which the permit was issued, the promoters shall be entitled to have refunded such excess paid."

Supervisor Yoder said that is great so far as the fees. My concern would be the security.



Chairman Clinger said to put some teeth into it they would forfeit the bond. If you put in for 2500, you must limit your capacity to that. If you go over...

Supervisor Yoder said how are we going to check for that? What happens if there is a big artist who has a big hit and they put in for the exemption and then 8000 people show up? In that case they will say we'll lose the bond but we'll make more than that. It would be interesting to know what our authority would be to shut the gates.

Supervisor Kuchenbuch said we could make them have some way of documenting ticket sales by going through a ticket company. No more of just tearing a ticket in half.

Supervisor Yoder said on the other hand you have volunteers. There are so many people who go through the gate.

Chairman Clinger said with FloydFest they had printed tickets for volunteers with a cash value of \$0, but it is still a ticket.

Supervisor Kuchenbuch said and it was recorded in the system. I could tell you how many volunteers were on that site; how many staff were on that site; how many vendors were on that site. I could tell you how many paid attendees were on that site because I had them ticketed in each category. I had to study that. I had to print them. I had to make excel spreadsheets about them. I know they can do it. That is how we managed the growth after the 8 year hump. It became like a snowball.

Ms. Morris suggested she go ahead and type it up as close as possible to final form. I'll research these questions and send it on to Jim [Cornwell] to make sure everything is legal.

Chairman Clinger said that is basically the penalty where it says incarceration or the amount. Can we change that ourselves or does it have to go through the judge? Ask about forfeiture of the bond and could we shut the doors? If you are permitted for 2500, that is the limit of tickets that can be sold. That is the capacity.

Supervisor Kuchenbuch agreed and said that would include staff and everyone. Let's say the The Lumineers show, you could have someone from the County down there. You could work to ascertain what is going on.

Chairman Clinger said if you book the The Lumineers way ahead of time and then they turn big, they could say I've already sold my 2500 can I go on at this point and renew my permit for 5000?

Supervisor Yoder said that is what we want them to do.

Supervisor Kuchenbuch said I keep saying with Replenish they may hit the jackpot on a Christian artist who all of a sudden explodes on the scene.

Chairman Clinger said I want them to be able to have it, but they need to reapply.

Supervisor Yoder said the key is everyone's safety so we don't have a situation where there are a lot more people than security and medical service available.

Ms. Morris said we also stressed that we want them to have all of this so we don't have to tax our other units and things because we have to protect everyone in the county.

Supervisor Yoder agreed and said if someone has a heart attack in Indian Valley the services must be provided. We don't want to have all of our services concentrated on an event and not be able to provide services to our citizens, especially our taxpayers who pay for it.

Ms. Morris said everyone understood that.

Supervisors Yoder and Kuchenbuch concurred.

Agenda Item 7. – Closed Session – Real Property §2.2-3711 A. 3. and Prospective Business or Industry §2.2-3711 A. 5.

On a motion of Supervisor Kuchenbuch and seconded by Supervisor Yoder, and unanimously carried, it was resolved to go into closed session under Section 2.2-3711, Paragraph A.3, Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and under Section 2.2-3711, Paragraph A.5, Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Supervisor Yoder – yes  
Supervisor Kuchenbuch – yes  
Supervisor Gerald – yes  
Supervisor Turman – yes  
Supervisor Clinger – yes

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

Supervisor Gerald – yes  
Supervisor Kuchenbuch – yes  
Supervisor Yoder – yes  
Supervisor Turman – yes  
Supervisor Clinger – yes

On a motion of Supervisor Gerald, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the following certification resolution:

**CERTIFICATION RESOLUTION  
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Real Property in accordance with Section 2.2-3711 Paragraph A. 3 and Prospective Business or Industry in accordance with Section 2.2-3711 Paragraph A. 5 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 Kuchenbuch – yes


Supervisor Yoder – yes

Supervisor Gerald – yes

Supervisor Turman – abstain because he had to step out of meeting

Supervisor Clinger – yes

On a motion of Supervisor Gerald, seconded by Supervisor Yoder, and carried, it was resolved to adjourn to Tuesday, February 14, 2017 for a regular meeting at 8:30 a.m.



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Terri W. Morris, County Administrator



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Case C. Clinger, Chairman, Board of Supervisors

