

**BOARD OF SUPERVISORS
REGULAR MEETING
JUNE 13, 2017**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, June 13, 2017 at 8:30 a.m. in the Board Room of the County Administration 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 8:30 a.m. with the reading of the handicapping statement.

Agenda Item 2. – Opening Prayer.

The Opening Prayer was led by Supervisor Gerald.

Agenda Item 3. – Pledge of Allegiance.

Supervisor Kuchenbuch led in the Pledge of Allegiance.

Agenda Item 4. – Approval of minutes of May 9, 2017 and May 23, 2017.

On a motion of Supervisor Turman, seconded by Supervisor Yoder, and unanimously carried, it was resolved to approve the minutes of May 9, 2017 and May 23, 2017 as presented.

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

Agenda Item 5. – Approval of June 2017 monthly disbursements.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the monthly disbursements and additional bills as presented.

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

Agenda Item 8.a. – Subdivision plats as approved by Agent for May 2017.

Ms. Morris reported that as they could see on the subdivision report plats, May was a fairly busy month.

Agenda Item 8.b. – May 2017 Department of Inspections Report.

Ms. Morris reported that there was a large increase in permits issued over last year at this time and over last month. Business is good.

Agenda Item 8.c. – Resolution Approving Financing with Skyline National Bank.

Ms. Morris stated last month you accepted the bid from Skyline National Bank for the FY18 equipment purchases. The loan is for \$650,000.00 for a five year term with a 2.15% interest rate. This resolution outlines all of the procurement steps that we followed and authorizes the Chairman and I to execute the financing documents.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve the resolution for financing \$650,000.00 for a 5 year term fixed interest rate of 2.15% with Skyline National Bank and authorize the County Administrator and Chairman of the Board of Supervisors to execute the financing documents (Document File Number 925).

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

Agenda Item 8.d. – Appointment to the Floyd County Social Services Board, Indian Valley District, four year term, effective July 1, 2017.

Ms. Morris stated no letters of interest were received for the Social Services Board position.

Nobody approached any of the Board members and expressed interest in the appointment. Supervisor Gerald requested that Ms. Morris re-advertise the position.

Agenda Item 8.e. – Appointment to the New River Valley Community Services Board, three year term, effective July 1, 2017.

Ms. Morris stated no letters of interest were received for the New River Valley Community Services Board position. Ms. Morris said she spoke to the Director of the Community Services Board and he knew a couple of people who might be interested. The incumbent, Mr. Jimmy Duncan, is not interested in serving again because of time commitments.

Vice Chairman Turman suggested advertising the appointments in a different manner.

Chairman Clinger suggested contacting local ministers about both of the appointments because they have outreaches that serve the clients of both of these boards.

Ms. Morris said she would re-advertise and post the appointments at the library also.

Agenda Item 8.f. – Discussion of Tourism and Marketing Services Agreement.

Ms. Morris reported that the current agreement expires on June 30, 2017. The Town Council has reviewed the agreement. They have two suggested changes.

Supervisor Kuchenbuch said I see they want to extend the period of the agreement to four years. Given our current Director that is probably not a bad idea.

Chairman Clinger said we had the period of the agreement shorter for the first couple of years.

Supervisor Kuchenbuch said going to four years might be too long, but I am okay with it if it is the consensus of the rest of the Board.

Ms. Morris stated the Town Council is also changing the wording on their share of the contribution from “\$30,000.00” to “at least \$30,000.00.” This gives them the option to contribute more.

Chairman Clinger said our contribution is tied to a percentage of the amount collected from the transient occupancy tax.

Supervisor Yoder said we might want to change the wording on our contribution to reflect the amount in this year’s budget of \$26,500.00.

Ms. Morris said she had thought about that too because if we include the Airbnbs we will be receiving more in the transient occupancy tax. Ms. Morris suggested changing the County wording to something similar to the Town Council’s wording of “at least \$25,000.00.”

The Board of Supervisors gave consensus to Ms. Morris’ suggested wording change and asked her to send the agreement to the attorneys for review.

Agenda Item 8.g. – Update on Little River Cleanup – Renew the New.

Ms. Morris updated the Board on the plans for the Floyd County river cleanup. Last year we participated in the regional cleanup. Last year seven staff and one Board member participated in the cleanup at the Radford site.

This year each locality is holding events in their respective areas. Floyd’s event will be August 26. We are doing this in conjunction with the Chamber of Commerce’s Rubber Duck Race. We will have the cleanup in the morning and the Rubber Duck Race in the afternoon. The Town is also going to join us in this endeavor. They are going to match our \$2,500.00 and also contribute the use of their equipment. A committee has been meeting regularly to plan the event. We decided to limit the number of volunteers this first year because of the difficulty accessing the Little River in some places. We will limit it to 60 volunteers and 30-40 staff. Registration will start at 8:00 a.m. We plan to get in the river by 8:30 a.m. We are going to break it up into

two separate sections of the river so we are not so congregated in one place. We will have 40 people on the river and 20 people walking and cleaning up along the banks of the river. We are moving along with the planning and I think it will be a good event. A lot of work will be done the week prior to the event, especially Thursday and Friday.

We will meet at On the Water. Daniel Sowers has been awesome about scoping the river out and counting the tires. He is supplying the canoes and kayaks. We will cover about 5 miles of the river. There is still regional money left from what we contributed last year. It will be used to buy the t-shirts. They are doing that for each locality. We will have to buy everything else. The Chamber of Commerce will provide the food and we will purchase it from them. We will use all of our staff from the landfill and the Town staff. We will have the event rain or shine unless there is thunder and lightning. We are hoping it will help the Chamber's event too.

Agenda Item 10. – Old/New Business.

Ms. Morris reported that she had to re-bid the septic system because the first set of bids were so varied, we were afraid that people weren't bidding on the same thing. The winning bid was a little lower and the other two were a little higher than what they originally bid. Mr. Bolt has talked to the apparent low bidder and he has everything included. He is a local business but has never worked for us before.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to accept the bid of Tri-County Excavating LLC in the amount of \$5,998.31 and authorize the County Administrator to execute the contract for installation of a Type II septic system at Station #3 Fire.

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

Ms. Morris updated the Board members on other procurement items. She reported that requests for bids are out on the chiller. There has been a lot of interest in that. We have signed the contract with Homes Plus Custom Building, Inc. for work on the Animal Control Shelter. It will probably be a month or so before they get started.

Ms. Morris stated that interviews will be held tomorrow for the other four new full-time EMS positions.

Agenda Item 6.b. – 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 7. – Closed Session – Real Property 2.2-3711 A.3. and Consultation with Legal Counsel 2.-3711 A. 7.

On a motion made by Supervisor Yoder and seconded by Supervisor Turman, 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. 7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultations or briefings in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Gerald, 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 Kuchenbuch, 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 Consultation with Legal Counsel in accordance with Section 2.2-3711, Paragraph A.7 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 – yes
Supervisor Clinger – yes

Agenda Item 6.c. – Mr. Chris Price, Virginia Department of Transportation.

Mr. Price stated that maintenance work this past month has included a lot of mowing with contract help along the paved secondary roads. Once those are finished mowing will move to the gravel roads. We are doing a lot of paving and patching with a contractor, Blue Ridge Paving. They are in the Check area right now. Our big contract paver did a little bit of Indian Valley and they had to pull out and do some other work. Hopefully they will come back in the next few weeks. The parts of Indian Valley they have done look good. There will be some paving on Black Ridge Road. We did some bank stabilization on Twin Falls Road and a curve project on Thunderstruck Road. We machined some gravel roads, including Sunny Ridge Road. We've done a little bit of brush cutting. We haven't had a lot of rain but the ones we've had have been somewhat violent. We've spent some time fixing washouts. We are allocated so much per County to spend on Maintenance. We are going to hit that budget of \$2.5 million spent in Floyd County this past year.

We are probably doing our last pour of the sidewalk at the high school today. We extended the sidewalk down. The ADA ramp was not lining up so we extended it and did some work across the road as well. We will finish out the week there. While that crew was here we had them work on Howell Alley below Hardees. There was a blunt curb that they fixed.

In Construction Projects on Vaughns Mill Road we got in 80% of the pipe and are doing slope work to improve drainage. There was one sight distance issue we addressed.

In looking at the Secondary Six Year Road Plan I see that the downtown Floyd project has been added. I have a meeting set up with our guys about that next week. We will keep you updated as we nail down the scope of the project.

Supervisor Kuchenbuch said she heard from people that they don't want any parking taken away. We have so little parking in town as it is. Be creative if you have to take one away put one in somewhere else. But ultimately safety is of the highest importance.

Mr. Price replied that he would keep the parking situation in mind. I think we can minimize the amount of parking that is taken away. This project will probably get a lot of attention once it gets going. We are in the very early stages of this project. We've identified some issues. We will get out and talk to people and business owners. We may or may not have a public hearing on it. We may have a citizens' information meeting on it.

Supervisor Kuchenbuch asked what determines whether a Public Hearing is held on a project?

Mr. Price replied that decision can be made by you. A lot of times it is the type of project that determines whether a hearing is held. Larger projects require Public Hearing. Even if a Public Hearing is not required per our design manuals, if it is desired we will hold one. The thing about that is that a lot of opinions are given about how it should be. You want that, but...

Supervisor Kuchenbuch said at least it gives people an opportunity to voice their opinions.

Mr. Price continued as we move further along in project development, we have discussed holding some type of public information meeting. One other Maintenance item I forgot to mention earlier. We recognize that FloydFest is coming up. That affects our Willis Area Headquarters the most. We spoke to the Superintendent out there yesterday. As we get closer to that event, he will have graders out there on the gravel roads, do asphalt work if needed, and cut brush. We will be working on some roads over that way so everyone can get in and out and have a safe trip.

Mr. Price said I know you moved Moles Road up on the Secondary Six Year Road Plan as a priority. We will be starting the project development on that. Diamond Knob Road was up there on last year's plan. We have that road ready to go. I got full sign-off on it early this morning. I don't think it will affect any money on Moles Road, but it is ready to go. Our plan is to try to move forward. We can construct that project this summer. There weren't a lot of environmental concerns and the Diamond Knob Road project moved through quickly. We plan on starting it next month and go ahead and knock it out.

Supervisor Gerald said his question on paving Indian Valley Road had already been answered. He thanked Mr. Price for the mowing.

Mr. Darrell Sowers, Residency Maintenance Manager with VDOT stated that they spent about a week last month getting Higgs Road back in shape after the flood. We spent a lot of money getting it back and hopefully it will last a while now.

Supervisor Kuchenbuch said she noticed the traffic count strips on Rt. 615 and Barberry Road this morning and wondered why they were there?

Mr. Price replied that we hire a consultant to do a lot of our traffic counts. I don't know the exact reason they are here now. Floyd County is growing and traffic is increasing. I think they are really trying to catch up on the traffic counts and see how things have changed.

Chairman Clinger asked if there are more than 250 a day does it put the road into a different category?

Mr. Price confirmed that it does for paved roads.

Chairman Clinger asked when there are two strips together is it measuring speed as well as traffic? On Route 615 there are double strips and in Town it is only a single strip.

Mr. Price replied that he did not know if it is that or has something to do with trucks.

Supervisor Kuchenbuch thanked him for all the work done on the roads after the floods and storms. You got the roads in shape very quickly. Ms. Kuchenbuch explained another incident where a truck driver was routed by GPS onto roads that could not accommodate a tractor-trailer. Warning signs on roads might be beneficial for truck drivers of 18-wheelers.

Mr. Price acknowledged that this has been a continual battle for VDOT and counties as to what roads to sign.

Supervisor Kuchenbuch said obviously you wouldn't put a sign on Route 8. But there are a lot of roads in the County that 18-wheelers should not be on.

Mr. Price agreed that it is a good discussion to have. Our traffic engineering people are looking at it. It never hurts to bring it up. Our traffic operations center is working directly with a lot of the GPS people. VDOT just signed an agreement with Ways.

Supervisor Kuchenbuch agreed that is where the problem needs to be tackled. You can't send these vehicles on secondary roads.

Vice Chairman Turman stated that when you pull out of Mira Fork Road to come across and look back toward Willis the limbs on the pines stick down and kills the visibility. I appreciate all the machining that has been done.

Mr. Price responded that we looked at that guardrail that you mentioned at an earlier meeting. If you hear any more complaints and can nail it down, let us know. We just don't see the problem.

Vice Chairman Turman agreed. He also mentioned that a school bus comes down Shady Grove Road and instead of backing down that hill and come out on Route 221 to turn, she comes around Mira Fork and goes out down there. I know the visibility is bad. When I am crossing there in farm equipment, I can't see because of the pines.

Supervisor Yoder thanked him for all of the work on gravel roads. I am glad to hear that the rough section on Route 221 will be milled and paved. I got a lot of complaints about that section. Do you have the paving schedule available? I keep getting calls from people about that.

Chairman Clinger said he went online and found it.

Mr. Price stated that he would send the paving schedule to Ms. Morris so she can forward it to everyone. Mr. Price said we are trying to increase the amount of money we get on these secondary roads for paving. Hopefully we can start catching some of these in the next few years.

Supervisor Yoder said the work I have seen that you have done on the unpaved roads is remarkable. They are in better shape than I have seen in years.

Chairman Clinger asked if the sealcoat to be used on Route 221 will be with a different company than the one who did it right out of Floyd that time?

Mr. Price replied yes, I need to check on what we are going to do there. I know it didn't go well. I don't even know if it will be the same type of sealcoat. I think they have gone away from using that.

Chairman Clinger said the guardrail south right outside of town on Route 8 was supposed to be addressed a couple of years ago. I know it was on the plan and then got pushed back. I would like to bring it to your attention again and get a focus on that guardrail. Like everybody else I would like to thank you for the work you have been doing. The sight distance with the brush cutting before FloydFest will help a lot. It helps a lot with our country winding roads.

Mr. Price responded we are aware of the amount of traffic that weekend. We will try to get them in good shape so as they come through they will have a nice ride in.

Supervisor Yoder said on Route 221 they didn't just cut the brush right on the road, but also up the slope some. It looks good.

Vice Chairman Turman said the people on Vaughns Mill Road really appreciate the work you've done. I went through there the other day. They must be placing some of the stones.

Mr. Price confirmed that they are. I noticed that yesterday. I talked to our Construction Superintendent about that. I really think that sets it off.

Vice Chairman Turman said some people have said now that you have widened the road and put some gravel on it, kids are speeding through there. I reminded them that we discussed this when it was originally brought up – that it would go from a dirt track to a hard top track.

Mr. Price agreed that is one of the first things I bring up to people when we discuss projects. I'll pass it on that people are pleased with how it is looking.

Agenda Item 6.d. – Mr. Steve Durbin, Sands Anderson PC – Draft Ordinance Creating a Registry for Short-Term Rental of Property.

Mr. Durbin explained that the State code that enables the ordinance, and as it is drafted it tracks that language, has a number of functions depending on the locality. The key issues that I see are that it enables a registry for the Commissioner of Revenue and the Treasurer to track short-term rentals within Floyd County for purposes of uniformly administering the transient occupancy tax. As written, the transient occupancy tax would apply to airbnbs. It would be applicable in most of the circumstances, but it is not necessarily tracked at this point. The second function it could have is as a tool for the Department of Health insofar as those short-term rental operators that fit the definition of hotel that is subject to regulation by that department. It would allow the Department of Health to have them on their radar screen. This is mostly just a registration ordinance, but it would put them on the radar for enforcement and compliance if the Department of Health chooses to do so. The third function is just so the public at large can know that these things are being operated in their neighborhood or communities. For localities that have zoning, it would help enforce any regulations they have. I think that is one of the reasons for the legislation, but is not applicable here. And finally, it may also help with application for building code enforcement insofar as one might modify an existing structure to make it more attractive for tourism. There might be building code issues that wouldn't otherwise come to light.

Chairman Clinger asked if ADA access and fire extinguishers would apply?

Mr. Durbin replied that it may. I have stayed in some airbnbs in the past and it makes you wonder. They have cooking facilities and an occupant could start a grease fire. I don't know if these short term rental apps have internal guidelines on what they should have. But there needs to be some visibility for the public to see.

Chairman Clinger stated the ordinance you drafted addresses the things you just discussed. It would also allow us to charge a registration fee.

Mr. Durbin said the fee has to be related to the actual cost of maintaining the registry; it is nominal and just defrays the County's costs. It is not to be a revenue-generating fee.

Chairman Clinger inquired if having a registry would put the County in the position of the Building Official having to do an inspection? I don't want having the registration fee in essence be saying we authorized you to do this and because you paid the fee you met all requirements to operate.

Mr. Durbin replied essentially they could operate in Floyd County without this ordinance being in place. We just wouldn't know about it and wouldn't be able to ensure they were paying the taxes. We wouldn't be able to track whether there were health code issues or whether there was building code enforcement we would want to take for health and safety purposes. We might not even know it is happening. The registration is just a visibility mechanism.

Chairman Clinger said I just didn't want to get into a point similar to where we get questioned when someone has bought a house later on and asks to see where the Building Inspector signed off on this.

Supervisor Kuchenbuch added folks might say if you have registration why didn't the County make sure the place was safe?

Supervisor Yoder said this is not a license to operate.

Mr. Durbin said correct, this does not set up a licensing regime. It just requires that they register.

Chairman Clinger said I just want to make sure the registry doesn't imply or infer that we have any responsibility.

Ms. Morris suggested that a statement be included on the application that they must check with the Building Official.

Mr. Durbin said that is a good thought, when they sign we could include some disclaimer language that this does not constitute a license. It is your burden to ensure that you are in compliance with all laws including health and safety codes and regulations of the Department of Health.

Supervisor Kuchenbuch said with the litigious nature and what could happen if somebody perishes and they have registered with the County, it could come back to bite us.

Mr. Durbin said that is a valid point. But I think Terri [Morris] has a nice idea because they will have signed the form that says it is on them to make sure they are complying with health and safety codes.

Chairman Clinger asked do we want to do just a registry or do we want to license where the Department of Health has to look at it?

Mr. Durbin said this draft ordinance tracks the State code.

Ms. Morris explained that the Commissioner of Revenue's office has already done a considerable amount of research trying to find airbnbs. It is a little tricky because on their websites they don't give specific addresses; it just gives a general area of where it is. Mark [Bolt, Building Official] has been helping them.

Mr. Durbin said that he did a 10-minute search at the time he drafted this ordinance and found a handful identified as Floyd County. But you don't know how many there actually are.

Supervisor Yoder asked what is the fee to maintain the registry?

Ms. Morris said we haven't discussed the fee.

Chairman Clinger said there must be enough of a penalty for not registering.

Mr. Durbin suggested that chronic violations would prohibit you from registering.

Chairman Clinger said if we prohibit them from registering and they continue doing it, we have no way to compel the Airbnb website to remove them. They would be unregistered and not paying the transient occupancy tax.

Mr. Durbin said another way to say that is that they could still break the law.

Chairman Clinger asked if at that point and they were violating this could we have the Sheriff's Office issue a violation?

Mr. Durbin replied yes. They could take enforcement at that point. For a fee you should consider the staff time in helping the applicant fill out the form and answer questions and put it into the database; perhaps a \$30.00-\$50.00 annual fee.

Ms. Morris agreed that was the range she was thinking about for a fee. We can set a fee and monitor how much time it is taking staff and look at adjusting the fee in the future.

Vice Chairman Turman asked if it was an annual registration.

Mr. Durbin confirmed that it is.

Ms. Morris said she and Mr. Durbin discussed if a person had multiple properties all the properties would be covered under one registration.

Mr. Durbin confirmed that the language of the statute, in his view, had a person register as an operator and the person could register several properties.

Chairman Clinger asked if the operator would still have to list each property on the registration?

Mr. Durbin confirmed, absolutely.

Chairman Clinger said we should give the operator a copy of the transient occupancy tax at the time of registration so they are on notice that they are required to collect that.

Ms. Morris said the last time I looked at their list they had about a dozen they found.

Chairman Clinger pointed out the list could change all the time. I guarantee if you start looking next week closer to FloydFest you will see many more.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to hold a public hearing at 7:30 p.m. on July 25, 2017 on an Ordinance Creating a Registry for Short-Term Rental of Property and authorizing the County Administrator to advertise the Public Hearing.

Supervisor Gerald – yes

Supervisor Kuchenbuch – yes

Supervisor Yoder – yes

Supervisor Turman – yes

Supervisor Clinger – yes

Vice Chairman Turman asked whether this ordinance would affect the Re-entry Council?

Supervisor Yoder said this only affects rentals for less than 30 days.

Vice Chairman Turman said when they come out of jail they live in a place for “x” number of days.

Chairman Clinger said but the person who just got out of jail is not paying the rent.

Vice Chairman Turman said they do have to pay a certain amount of rent.

Mr. Durbin said if it falls under this definition of short-term rental then they would have to register and pay the fee. I didn’t see anything that would allow exemptions for this situation.

Supervisor Kuchenbuch said this is not an airbnb, it is court ordered.

Vice Chairman Turman corrected that it is not court ordered. For example if someone is getting out of Regional Jail it is a program to help them get on their feet. It can be anywhere from 2 weeks to 6 months.

Chairman Clinger asked if the person moves out after 2 weeks does the next occupant have to be part of the program? If so, then it seems to him to be a long-term rental to the Re-Entry Program and they are subletting it to the individual.

Mr. Durbin said it depends on how it is set up. If the lease is to the Regional Jail that we will keep a room here, then technically it is a long-term lease.

Vice Chairman Turman said the lease is probably with the Re-entry Council.

Mr. Durbin said I will give this some thought and let Terri [Morris] know if this is something we need to discuss before it is adopted. But it is an interesting question.

Agenda Item 7. continued – Closed Session – Real Property 2.2-3711 A.3. and Consultation with Legal Counsel 2.-3711 A. 7.

On a motion made by Supervisor Turman and seconded by Supervisor Kuchenbuch, 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. 7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultations or briefings in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

On a motion of Supervisor Turman, 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 Kuchenbuch, 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 Consultation with Legal Counsel in accordance with Section 2.2-3711, Paragraph A.7 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 – yes
Supervisor Kuchenbuch – yes
Supervisor Yoder – yes
Supervisor Turman – yes
Supervisor Clinger – yes

Agenda Item 11. – Work session on proposed FY18 budget.

Chairman Clinger asked how do we make the decision as to which agencies get paid quarterly or annually?

Ms. Morris replied that was the way it was set up years ago based on agencies' requests.

Chairman Clinger said he was thinking about this for cash flow purposes. When we did the six month appropriation we kept a lot of cash on hand. Can we specify which departments get paid monthly? Can we set that?

Supervisor Kuchenbuch asked if we should try for consistency?

Ms. Morris replied it is okay to pay quarterly for outside agencies. The School system has a lot of debt that is due in July. A lot of our debt is paid in July. All of the quasi-agencies are paid quarterly.

Supervisor Yoder pointed out that the Rescue Squad is paid monthly.

Ms. Morris agreed that they asked to be paid monthly.

Supervisor Kuchenbuch asked that if the Rescue Squad asked to be paid monthly we didn't have to do that, did we?

Supervisor Yoder said we could change Recreation Authority to be paid monthly.

Supervisor Kuchenbuch added we could change Rescue Squad back to quarterly.

Ms. Morris said it would be pretty impossible to change how we paid bills for departments to quarterly.

Supervisor Yoder said there is one place where it may help them in controlling their budget if they were paid monthly.

Ms. Ryan said agencies who are already paid monthly would have a difficult time changing to quarterly payments.

Ms. Morris said instead of doing it through the appropriation process, we could make the timing of payments by policy.

Chairman Clinger said we held a Public Hearing regarding the FY18 budget and we have waited the required time since the hearing.

Ms. Morris asked if they wanted to consider changing the EMS billing rates and tent fees?

Ms. Ryan said there are also a couple of expenditure items she wanted to bring to their attention. The FY18 budget does not include the cost for the hybrid short-term disability. This item was not included in the past because the dollar amount was insignificant. In FY18 it will be at least \$3,066.00 spread over 10 departments. As more of our long-term employees are leaving, we are hiring new employees who are in the Hybrid retirement program which includes a disability component that was not applicable to the previous retirement programs. Ms. Ryan asked if they wanted to include the \$3,066.00 over the 10 departments? Or would they prefer to have the departments absorb the cost in FY18 but include the item in the FY19 budget?

Chairman Clinger said he would prefer that the departments absorb the cost in FY18 and make a note to include this item in the FY19 budget.

Ms. Ryan asked whether the Board members wanted to include an expenditure line item in the FY18 budget for green box enforcement?

Vice Chairman Turman said it would result in increased costs in the Sheriff's Office budget because there were other costs that would be incurred to keep the retired deputy in the part-time green box enforcement position.

Chairman Clinger said he would prefer that we not budget for the part-time enforcement but absorb it as we can afford it.

Ms. Morris suggested seeing how much was collected in court fines and using that money to hire part-time enforcement.

Supervisor Kuchenbuch asked if the court fines for green box enforcement come back to us?

Chairman Clinger said fines collected from County ordinances come back to the County.

Ms. Morris stated that we have created a separate account in the budget to track the court fines collected.

Chairman Clinger said six or eight months from now we might not have the need for an employee because of the success of the previous enforcement.

Vice Chairman Turman said even if we don't hire an employee, we can use the court fines collected to pay overtime to current employees for enforcement.

Supervisor Kuchenbuch said a lot of dumping is still going on at sites that are not green box sites. Citizens need to realize that dumping is illegal too.

Ms. Morris said we also have a \$200.00 difference between the final amount quoted for the loan payment and the amount that was used in the budget. We will just absorb that difference.

Supervisor Yoder suggested for EMS rates we should look at the rates charged in Franklin County and Carroll County which have programs similar to ours. I wrote down the average rates between Carroll County and Franklin County. For loaded mile the average is \$14.00 with Carroll County having a fee of \$13.00 and Franklin County having a rate of \$15.00. For Basic Life Support Franklin's rate is \$500.00 and Carroll's is \$450.00. For ALS2, Franklin charges \$850.00 and Carroll charges \$800.00. For ALS1, I propose adding \$100.00 to make it a total of \$650.00 which is similar to Franklin County. When you base rates on a comparable county that is next door to us it provides a basis for your fee. Botetourt, Galax and Radford are handled differently than ours, but Carroll and Franklin's programs are more similar to ours.

By consensus it was decided to discuss the following proposed fees when the EMS Board convened.

Description of EMS Service	Current Fee	Proposed Fee
Basic Life Support (BLS)	\$460.00	\$475.00
Advance Life Support (ALS 1)	\$550.00	\$650.00
Advance Life Support (ALS 2)	\$650.00	\$800.00
Loaded Mile Fee	\$ 10.00	\$ 15.00

Ms. Morris stated that Mark Bolt [Building Official] recommended a commercial tent fee of \$100.00 plus the state tax and leave the residential and non-profit fees as they are.

Supervisor Kuchenbuch asked why is the fee based on square footage such a problem?

Ms. Morris explained that it is very expensive to pay by square footage for larger festivals.

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve effective July 1, 2017 for the issuance of a building permit

and required inspection of large tents over 900 square feet for commercial use and/or for-profit organizations a fee of \$100.00, plus the 2% state surcharge.

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

On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was resolved to approve effective July 1, 2017 a \$35.00 inspection fee per public event that has inflatable amusement devices.

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

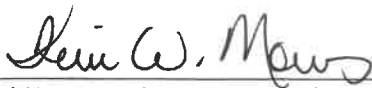
On a motion of Supervisor Turman, seconded by Supervisor Gerald, and carried, it was resolved to approve the FY18 budget as presented in the amount of \$37,586,400.00; tax rates to be set at \$0.55/\$100 for real estate, personal property tax at \$2.95/\$100, machinery/tools at \$1.55/\$100, public service corporation at \$0.55/\$100, merchants capital at \$3.50/\$100, and mobile homes at \$0.55/\$100.

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

Agenda Item 12. – Adjournment.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and unanimously carried, it was resolved to adjourn to Tuesday, June 27, 2017 at 7:00 p.m.

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



Terri W. Morris, County Administrator



Case C. Clinger, Chairman, Board of Supervisors

