

**BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 28, 2017**

At an adjourned meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 28, 2017 at 6:30 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.

Agenda Item 1. – Budget work session.

By consensus the Board of Supervisors decided to invite Dr. Noelle Bissell, Director of Health, to the next regular meeting so they can meet her and ask questions about the FY18 Health Department budget request.

By consensus the Board of Supervisors decided to invite the Chairman, Vice Chair, and Director of the Floyd-Floyd County Recreational Authority to a budget work session to discuss their FY18 budget request. The Recreational Authority will be asked to provide an itemized expenditure sheet for the Authority's \$65,000.00 budget request.

Agenda Item 2. – Regular Meeting.

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, March 28, 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.

Agenda Item 3. – Opening Prayer.

The Opening Prayer was led by Supervisor Gerald.

Agenda Item 4. – Pledge of Allegiance.

Supervisor Yoder led in the Pledge of Allegiance.

Agenda Item 5. – Public Hearing on “Amendments to Chapter 6 of the Floyd County Code of Ordinances, Amusements and Entertainments.”

Ms. Morris read the call for the hearing. The Public Hearing was advertised on March 9, 2017 and March 16, 2017. We were initially contact by a couple of event organizers in the County concerning the restrictions on time that music can be played or performed. After reviewing the ordinance we realized that it was adopted in 1977. It needed some updates. The Board set up a working committee of two Supervisors and myself to review the ordinance. We met with organizers of each major festival held in the county and one outside the county. They provided excellent feedback on how the ordinance affects each of them directly. Of course the Board's main concern was for the safety of our citizens and visitors and also the most efficient use of our limited resources. The biggest changes proposed were the deletion of the 8 hour limit on music being played and reducing the quiet time to only 2:00 a.m. to 8:00 a.m. Two new sections were also added; one of which is security requirements and the second is emergency medical service requirements. Also added was a requirement for a pre-event meeting with county staff when the attendance of 2,500 people is expected.

The Chairman called for comments from the audience.

Mr. Travis Bishop, Replenish Festival, explained that he came to Terri [Morris] about the 8 hour music ordinance and how we felt restricted by it. All I want to say is thank you for this consideration to change it.

Mr. Jason Gallimore, Chantilly Farm, said that he wanted to take this opportunity to thank all of you guys for cooperating with us as event producers here in the county to make the rules a bit more flexible. I think it is a win-win for everybody. I understand the other items that are in the ordinance are really here to protect public safety and like you said the County's resources. I just want to thank you for your cooperation. If there is anything you need from us, just let us know.

Ms. Sally Truslow, Chateau Morrisette, echoed their sentiments. We appreciate the careful consideration, the questions, and the opportunity to interview. I saw it as a two-way street with learning on my part and learning on your part. And now when I reread the suggested changes I really support the EMS recommendations. Love, love that. And the other recommendations in there, I didn't know how old all this was; it is really interesting. Not as old as me, that's good. I totally support this. Chateau Morrisette thanks you for your participation and your joint cooperation with us as a whole county.

Chairman Clinger declared the Public Hearing closed. This time around having the collaborative effort between the county, Board members, and the community working together helped the whole process out. It made for an overall better ordinance.

Supervisor Kuchenbuch echoed that. Part of my coming on this Board and being lucky enough to have won the election, one of the things I wanted to do was make it a more participatory forum and getting the public involved. Even though this was a small segment, it just shows how important it is to have everybody at the table. Because then there were ways that we as a committee, after speaking with all of you, were able to really drill down and hone in on what the changes needed to be and how best to make them work for the festivals. Because overall this is a very important segment of our population's investment in our tourism dollars.

That is really important and brings money and a certain level of notoriety to our county in a very, very positive way. Thank all of you for your efforts too.

Supervisor Yoder said he appreciates all the people from each event that spoke to us. You took time out of your schedule to do that. It made our jobs a lot easier to try to form something that worked for the county and also for the events. We want to support the events. I just appreciate the work that you did to support us.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to adopt the Amendments to Chapter 6 of the Floyd County Code of Ordinances, Amusements and Entertainments as presented (Document File Number 898).

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

Agenda Item 6. – 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 8. – Approval of month-end disbursements.

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

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

Agenda Item 9.a. – Resolution of intent to abandon Secondary Route 750 from Route 8 to 0.09 miles west of Route 8, a distance of 0.09 miles, pursuant to 33.2-909 of the Code of Virginia of 1950, as amended.

Ms. Morris reported that the Virginia Department of Transportation (VDOT) had a request from the landowner at the intersection of Route 8 and Route 750 to purchase some surplus right of way. After VDOT researched the area, they found out the property would need to be abandoned by the County first. They had never asked the County to do that abandonment when that last improvement was done. This abandonment process is just a little bit different from the way we usually do them because the property is still in VDOT's control. If you are interested, the Board would need to adopt the resolution that I gave you. It is to post intent to abandon. We would have to post that property for 30 days. Any citizen can request that you have a Public Hearing for their comments if they are not in agreement with it. If you get no

requests for Public Hearing, then you can go ahead and adopt the second resolution, which I did not give you, to abandon that section.

Supervisor Kuchenbuch asked if the section was right in front of the house?

Ms. Morris described it as right before Ms. Lydeana Martin's house and is used to store gravel at the present. If we do get a request for a Public Hearing we will have to schedule that, hold the Hearing, and then the Board will make a decision at that point. Like I said, it is a little bit different than when a citizen is requesting an abandonment that is still under County control. Then they have to do all the legwork for it.

Supervisor Kuchenbuch asked what is this on the 2nd page of the map about a resolution of 1989?

Chairman Clinger answered that in the bottom left hand corner it states this is a Traffic Engineering Report from October 23, 1989.

Supervisor Kuchenbuch asked has it languished since 1989?

Ms. Morris wondered if it was just never brought to the Board to do.

Chairman Clinger speculated that they did their report and it fell through their cracks.

Ms. Morris said when this property owner petitioned VDOT to try to purchase this section, they went back through their records. If you are interested in going ahead, you need to adopt this resolution. We will have to post it in three places for 30 days.

Supervisor Yoder asked are there any right of ways or anything like that on this section? I know of another situation where property was abandoned and someone lost their right of way.

Chairman Clinger replied there is a difference between abandoning a property and abandoning a right of way. We are not talking about right of way here. We are talking property abandonment.

Supervisor Yoder said I know of a case out my way where a road was changed and there was a property with a right of way to it, but when the change was made and the property went to another person, they no longer had a right of way through there. They have a right of way within 15' of the VDOT right of way, so there is a small section of land they don't have a right of way to. It is messing up their deed. That is why I am asking.

Chairman Clinger said we had a similar one before you got on the Board where we had a property had been abandoned but the right of way had never been abandoned. Since the right of way had never been abandoned the homeowner was still allowed to use it. We are just talking property abandonment and not right of way abandonment.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the resolution of intent to abandon Secondary Route 750 from

Route 8 to 0.09 miles west of Route 8, a distance of 0.09 miles, pursuant to 33.2-909 of the Code of Virginia of 1950, as amended (Document File Number 899).

Supervisor Yoder – yes

Supervisor Gerald – yes

Supervisor Kuchenbuch – yes

Supervisor Turman – yes

Supervisor Clinger – yes

Agenda Item 7. – Ms. Amy Ingram, Registrar and Electoral Board.

Ms. Ingram thanked the Board for last year's budget. We got our new equipment in. We acceptance tested it and we think it is going to work. There is not a lot of change in the Registrar's budget request. We are in pretty good shape. I would like to ask for a small raise for my part-time assistants from \$12.50 to \$13.00 per hour. Both of them have been faithful for over 20 years to the County service. I would also like to ask for an increase in the IT support. We always seem to run short. It is hard to plan for. You never know what is going to break. This year we are a little bit in the hole on that line item. I've asked that it be bumped up to \$500.00. In my travel I have asked for a \$300.00 increase so that I can take one of the assistants to some training with me. Each year we get more changes, more laws. It is a lot to keep up with. It helps if a couple of us go. It helps fill in the gaps so we can break up and go to different sessions. Some of my line items have gone down because last year we had to bump things up because of the Presidential election. Amazingly everything went really smoothly. We had a lot of people working together. I was nervous over the scope of it but it turned out well.

We had our big expense in voting equipment. If you want to come see it, you can come up to the office. I have a test election set up. You can see what the ballots look like and how you feed it in. It is more modern. One feature the poll workers are going to like, if you do a write-in on your paper ballot, it scans an image and it prints off at the end of the night on the tape. It is an image of what the person wrote so you don't have to flip through the ballot bin and make sure you got them all. It is a more automated process for write-ins. We have an invitation to you to come to the first logic in accuracy where we load the ballots into the machines. It is at the end of April. We will get that letter to you. It will be held on April 24 at 9:00 a.m. in the basement of the Courthouse. This time part of our contract was to have support from the company at that first logic in accuracy ballot loading so we will have someone from Texas with us. We had a project manager with us for two days and we accepted each piece of equipment one by one. It was quite a lengthy process. It included accepting the stands the equipment sits on. The next day we did some training at the Community Room. We invited three officers of election per precinct to get a hands on look at the equipment.

Ms. Tammy Belinsky, an Electoral Board member, said I want to speak in support of the small raise for the assistants because they are really dedicated. During our crunch times they don't bat an eye about working extra or hard. They both work really hard. I want to put a plug in for that request. I also want to mention Amy's [Ingram] ability to navigate these budgets each year. She does a good job reflecting what is going to happen year to year, election by election. There is a lot to it. With the primary coming up we will have two elections again. It is not just one election; it is two. We have to plan for an extra officer to hand out the other ballots and that kind of thing. There is a lot to it.

For our Electoral Board budget, travel was the biggest change. We won't need U-Hauls to haul this equipment around. Those logistics were complicated. We did include equipment delivery to polls but we don't think that will be necessary. You'll get off cheap because we'll go back to doing it the way we used to do it. Each Electoral Board member was assigned a precinct to deliver the equipment in their own vehicles and the two equipment technicians, one of each of them, will deliver equipment to the precincts. This item may not be necessary. We are going to test run it in June and see how it goes with how hauling this equipment works for us in our own vehicles.

Ms. Ingram said we might need to borrow the County van too. It is not just our voting equipment. It is our signage and handicapped parking. They carry a lot of things out. Our voting equipment the past few years had a ballot bin that looked like a gigantic trash can. Now it collapses. The bottom falls out and it folds up flat in a little case.

Ms. Belinsky said the training and travel is the increase in the budget. We have a new Electoral Board member, Mr. Brecc Avellar. Mike Maslaney, if you recall, stepped in midterm to take over Mr. David Zachow's term. That term expired and we are hoping he will be an officer of election. Mr. Avellar, who has served as an officer for many years, has been appointed as the new Board member. There are increasing needs to attend training events. That is just the way it is.

Supervisor Kuchenbuch stated it is a \$1,200.00 increase, almost \$1,300.00.

Ms. Ingram explained the Code of Virginia requires one Board member and the Registrar or staff member to attend a training. That's the minimum. When you go to these trainings, the conference at The Homestead has these breakouts and if you only have one person, you can't cover everything. You miss the networking. You learn a lot at the meetings. In the past the funding has just been to provide one person to go to meetings. But especially with the new person on the Electoral Board, continual law changes, we would really like to see it so the whole Board could participate in updates and trainings. The Electoral State Board Association meets at The Homestead. The training that the State Board provides is in Richmond. The state training is 3 nights in a hotel. That is where the expense is, the hotel.

Ms. Ingram added and the travel getting there.

Ms. Belinsky said last year only Mike [Maslaney] went to The Homestead because that is the way our schedules worked out. This year all three of us went to The Homestead. It was a good event for Brecc [Avellar] to be involved in. We had some good meetings.

Supervisor Yoder asked if that is held in the winter?

Ms. Belinsky replied in early March. He had just been appointed.

Ms. Ingram added he had been on the Board two days.

Ms. Belinsky explained Brecc [Avellar] had been out of town on business and swung through there just in time on his way from an out of town business trip.

Ms. Ingram said we have really amped up the training for the poll workers and it has helped with the retention of officers. Every year there are a lot of changes,

Supervisor Yoder said you did a really good job on the Presidential election.

Ms. Ingram thanked him and said we were using our new electronic poll books. We implemented that at the end of August. That was a huge change and they jumped in and did it. We have some good folks. We hear at these meetings that a lot of workshops are on how to get officers. They take ads in the paper and on television. We have to turn away people and they are sad because they want to work.

Supervisor Yoder said he saw due diligence in trying to decrease costs where you can.

Ms. Ingram explained yes she was able to do that because there are no federal elections in FY18.

Supervisor Kuchenbuch asked if they wanted to keep the education and travel around \$3,000.00 for the foreseeable future?

Ms. Ingram replied yes, \$1,000.00 per Board member.

Supervisor Kuchenbuch said she appreciated that Ms. Ingram used her experience to look at her budget and find areas to decrease it.

Ms. Ingram replied you never know if there might be a special election or something that you don't know about.

Ms. Belinsky said the thing the officers have noticed about this equipment, it is the same type of system. You hand fill out a ballot and insert it into a scanner. The scanner takes just a little bit longer to accept the ballot. When it does it waves a flag at you. It takes a little bit longer because it captures an image of the ballot for the write-in votes.

Supervisor Yoder said he heard one complaint about the last election. The ballots were double sided. You had someone sitting at each scanner so as voters came up that person could see it. I don't know how this new one will work, but I can see that making people uncomfortable.

Ms. Belinsky answered if the ballot is single sided it can be inserted any way.

Mr. Dale Proffitt [Electoral Board member] added the new ones have privacy screens.

Ms. Belinsky agreed that they have side panels. We will make sure we use those.

Ms. Ingram explained that the constitutional amendments were on the back side last time. We could have printed it all on one side of legal paper, but it would have increased costs.

Ms. Belinsky said we had complaints prior to the Presidential election so we admonished the officers on this issue. But we also asked them to watch the screen on the scanner because it is very small and it gave messages when it rejected the ballot. They may not have been looking at the ballot. They were looking at the little display on the scanner. We wanted them to watch the display. Now this new machine will tell the voter in big letters if there is a problem with their ballot. What has usually happened is that the voter voted for more than one candidate. The old machine used the term over voted. The new machine says something more rational like you voted for more than one candidate, do you really want to do that?

Agenda Item 9.b. – Resolution Requesting a Referendum for the Establishment of a Food and Beverage Tax in Floyd County.

Ms. Morris said I brought you a draft resolution last time for you to consider to request a referendum for the establishment of a food and beverage tax in Floyd County to be given to the judge in circuit court to possibly be placed on the November referendum.

Chairman Clinger said I understand the way we have this sample draft worded is how it would show on the ballot. Can we set the amount? It says here pursuant to the Code. Can we put in the language the amount we want to levy? Or do we do that after we are given the authority?

Ms. Morris replied you would do that after you are given the authority.

Chairman Clinger asked if we wanted it to go somewhere other than the general fund like EMS, Sheriff's Office, Solid Waste, can we put that in the language to show the intent of where it would go?

Ms. Morris replied I am not sure about that but I would be glad to ask the County Attorney.

Chairman Clinger said that would be contingent on my moving forward on this. I don't want to do another tax that goes into the general fund because pretty soon it is lost and then you forget what the intent was for it.

Supervisor Yoder clarified you are saying that since we have the capital fund set up we could say, "Shall we levy this to go into the capital fund?"

Chairman Clinger responded I don't mean straight into EMS, Sheriff or Solid Waste, but I think it should be for capital items.

Supervisor Yoder replied we have a capital fund now.

Chairman Clinger said since we have a capital fund in each one.

Supervisor Kuchenbuch added it would be a percentage on what is collected.

Chairman Clinger explained if it was for 4% it could be 1% to each and 1% to the County for administration.

Supervisor Yoder said you could just put it into the capital fund and have a committee set up.

Ms. Ingram asked if she could interrupt. She saw that on the agenda so she pulled up something about it. Ms. Ingram provided information on the way the wording could be phrased.

Chairman Clinger read, "...the referendum shall include the language stating for what projects and/or purposes the collected tax will be used." So you can put the language in.

Ms. Belinsky said I think you have to put it in.

Supervisor Yoder suggested putting it into our capital fund and have our equipment committee recommend how that is spent.

Ms. Morris reminded them that Mr. Cornwell said it can only be your intent, you can't make future Boards continue to do that.

Chairman Clinger said if we put it into the capital fund into each one of the categories, it is harder for a Board later on to meddle with it. If it is in general capital it is easier to say we have this much capital, let's go on and spend it.

Supervisor Yoder asked so you are saying that one year the Sheriff's Office might get \$100,000.00 to buy cars even if they don't need cars?

Chairman Clinger replied no, I was thinking about putting a percentage in. We are allowed up to 4%. If we go 3%, then 1% to EMS, 1% to Sheriff, 1% to Solid Waste. These are the services we are claiming the tourists are using. This is something new for all of us up here. It has been broached and broached.

Supervisor Kuchenbuch said everybody she has talked to feels this is a much needed, long overdue tax. Every constituent I've spoken to is willing to go out and sell this to other people to make them understand why this is needed. And why it is not a tax increase on everybody. But I agree in many respects. The idea the meals tax is being generated is for the most part on people visiting our area. I go out to eat and you go out to eat. We will be spending a little bit more money locally as well. But if an 85 year old is not going out to eat like everybody else is they won't incur the tax. I don't want to have to tax them anymore than I need to so I would just as soon have it be a meals tax. I hear what you are saying Case [Chairman Clinger] about wanting to delineate it, but don't we ultimately have control over those capital expenditures? So if they don't need Sheriff's cars, we can still say no you don't need Sheriff's cars. I don't care what you have in your capital budget. You don't need them this year. We have the control.

Supervisor Yoder explained I have seen in the past from Fire & Rescue when that line item goes up to a large amount, maybe they didn't use it for a few years, then the expectations

are all that money is ours because it has our name on it. That is why I would not support putting it under individual line items because then it becomes even if we don't need it, we still deserve it.

Chairman Clinger said before that wasn't under capital, it was under a fund for them so in essence it was for them to use for anything they wanted.

Supervisor Yoder said they viewed it as their capital line item. It has caused a tremendous amount of misunderstanding. I don't want to set up another case where it could be misunderstood as one particular group versus another particular group. In five years from now if EMS costs go up 150% and the Sheriff Office's costs only go up 50%...

Chairman Clinger said if we look historically on how much we are spending on vehicles for each one of those departments, and look at what the projected revenue that is supposed to be coming in from that [the meals tax], it would cover our current level of investment in the Sheriff's Office and the EMS. It wouldn't cover Solid Waste but every two years. But these are things where we are already incurring costs. If the revenue generated increases it could mean we have more people which means you have to have more EMS and Fire & Rescue. To me to get the people on board with it and me on board with it, you are going to have to say where it is going. General fund is just too encompassing.

Supervisor Kuchenbuch said the capital fund is a good idea. I don't think we as this Board should feel like we have any more say so or feel like we are any more entitled to make a decision than a Board ten years from now if there is a meals tax and they see a different need in our county.

Chairman Clinger said they can change it. We can only specify our intent. We can't codify that it has to go there. Our intent is to do this. I think that is what we were going forward on. Our intent as this board today is to fund these projects.

Supervisor Kuchenbuch asked what about putting it in the capital fund, not the general fund? We will use it where the needs of the county are best seen. It might not be the Sheriff's Office. It might not be EMS. It might not be Solid Waste. There might be something that happens here in this building all of a sudden.

Chairman Clinger said if we do it that way a future Board can move it wherever they want. If we're putting it in the general fund the next Board is going to say, we're moving it here.

Supervisor Yoder said I don't think anybody is saying we want to put it in the general fund. We have a capital fund that can only be used for capital.

Chairman Clinger compared it to tourism. We have it [the transiency tax] where 3/5 is earmarked for tourism. We see the investment going into tourism. We see the payback on what's happening with that. Look at Pat's [Sharkey] office with 10 to 1. If we don't put it toward something off the bat, you are just taxing to tax.

Supervisor Yoder said tourism is going to a tourism general fund. We are saying it has to go to Pat's [Sharkey] office. It is not required to go to Jacksonville Center or wherever. We

decide where it goes every year. One time it went to Lydeana's [Martin] office before Pat [Sharkey].

Chairman Clinger said it required us to put 3/5 back to a tourism effort and not specifically to Pat's [Sharkey] office. We were required to use it for tourism and look at what we got from it. If the transiency occupancy tax had gone into the capital fund or something else, can you remember back when that was put in? I can't. What was the intent for it? Where if we say what our intent is straight up in our resolution, future Boards don't have to follow it. I know when I am getting ready to change one I look back to check the historical context.

Supervisor Yoder said I think we are setting ourselves up to have issues down the road when the percentage of need changes.

Chairman Clinger said if the needs change in the future the Board can change it. If the needs change in the future it doesn't stop the Board from changing it. We can't tie their hands to this way. We are just saying what our intent as a Board today is to do with the money. If the needs change a future Board can change it. All they have to do is say we have a motion to change the resolution. We do that all of the time. But it shows what our original intent was.

Supervisor Kuchenbuch asked is it a matter of where do we agree that this money should go?

Supervisor Yoder interjected I don't think that is the issue, for me it is not. I want it to go to those areas. If ten years ago this happened and I am sitting here and we need to move 50% of the money out of the Sheriff's Office, then there is a perception that I am voting for a 50% reduction in the support for the Sheriff's Office.

Ms. Morris asked if they preferred to have all the money put into a capital fund and each year you look at the requests?

Supervisor Yoder responded yes, that is what he preferred.

Chairman Clinger said but then you are setting yourself up for coming in and a Rescue Squad vehicle is needed and four Sheriff's cars, how do you decide which one gets what out of it? That is the point of allocating some to each, then they can do some forward planning. Look at our fleets and how much we are talking about putting into the Sheriff's Office. Every year we are looking at three vehicles. The 1% doesn't quite cover that.

Supervisor Yoder said I just don't buy the idea that a certain amount of money has to be spent on a department every year.

Chairman Clinger said but we aren't putting into it, we are putting it in the capital fund like the school. We are forward thinking. We started the capital fund there so we can look 4 or 5 years up the road.

Supervisor Kuchenbuch said as long as the capital funds can be moved between these agencies, I am not sure that I have as much of a problem of where it goes. But you are saying the

perception is if that capital money is earmarked for the Sheriff's Office and if all of a sudden we see we need two new garbage trucks for Solid Waste, you are saying the Sheriff's Office is going to say wait a minute that money was earmarked for us and now you are...

Supervisor Yoder continued we planned for three years to buy cars this year and now you are taking our money away.

Chairman Clinger said if we didn't have this tax in place and needed two new garbage trucks, what would we do? We would go take a loan. Why are you treating it as something separate when this whole chunk of money is a windfall for us instead of a nest egg for each department? If EMS were to decide they don't want to buy a vehicle for two years because their vehicles are good and they want a new building and they decide to hold it for that. I am just giving each department a chance to use the capital to help offset planned costs.

Supervisor Kuchenbuch said obviously each Board has the ultimate say as to where that money goes. If we see fit to move it somewhere else, Lauren [Supervisor Yoder] is saying it looks like we are reducing...

Supervisor Yoder said I lived through the existing Fire & Rescue fund and it has taken us a long time for the equipment committee to finally get to the point where they believe in it. They would see \$700,000.00 sitting here and say that is our money give it to us, buy us trucks. Why are you coming out looking at our equipment? You have \$700,000.00 sitting there; buy us some trucks. That was the perception when we started the equipment committee. What happens if there become other needs that we haven't thought of, such as a sidewalk for example? One year our Board may say that is tourism related and we really need it and that is where it needs to be spent.

Chairman Clinger responded that Board can say we are not going to make the commitment to the tourism office we will use the tourism money for the sidewalk.

Supervisor Kuchenbuch said let's say we have done all of this work to the Commerce Park and all of a sudden we want this money for a walking trail. I can see these funds collected from a meals tax go to the beautification of trails of Floyd County too. I don't know that we have a line item for that but it would be great to have more walking trails in Floyd. We hear about that all the time. I'm just saying. I'm not saying I am earmarking anything right now. I agree that there are things that might come up that we have no idea about now.

Vice Chairman Turman said I think we are overthinking this myself. We are creating problems that we don't even know if they will happen or not. The main thing is where to store the money and maybe put it at our discretion as to whether it goes to Fire & Rescue, Sheriff's Office, or wherever it is needed really.

Supervisor Kuchenbuch asked if we have to spell everything out?

Chairman Clinger read from Code of Virginia §58.1-3833, "If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe." They have to say how much it is going to be at least. We

can't just say we want the authority to tax. We have to say at what percent we want. Chairman Clinger continued reading, "If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language..." Part A says we have to say how much. Part B says if we want to spell where it goes to, that is optional. We don't have to put it in. If we do say here that we want it to go toward something, the resolution must contain that language.

Supervisor Kuchenbuch asked can it say something as vague as the capital fund for future county improvements?

Ms. Morris said you can explain those things in your advertising.

Chairman Clinger stated if we decide to go with putting an earmark we have to say toward what.

Supervisor Kuchenbuch said we can say earmarked for county capital improvements as deemed necessary over time, or something like that. That would allow us the freedom to buy new fire trucks when needed, putting in a sidewalk or walking trail to downtown, to add an ambulance to the Rescue Squad, to buy a grabber for Solid Waste.

Supervisor Yoder said you just couldn't use it for payroll or office supplies or something like that.

Supervisor Kuchenbuch said I wouldn't want to do that. This would be great to use for capital improvements.

Chairman Clinger said before we move forward on it, the way our sample referendum is worded we don't have an amount set. Are we thinking the maximum amount of 4%?

Supervisor Yoder said that is what the Town has and I would match ours to the Town.

Vice Chairman Turman agreed that it would be good to make it the same rate as the Town.

Chairman Clinger said we have consensus on 4%. The second part is do we want language saying where it goes or leave it very vague?

Vice Chairman Turman replied I think it needs to be at our discretion.

Chairman Clinger asked should we say capital?

Vice Chairman Turman concurred capital.

Chairman Clinger said we have consensus that we want it to go to capital. Do we want it vague enough just to say the general capital or do we want to spell out projects as far as our intent being Fire & Rescue and Solid Waste?

Supervisor Gerald said I think general would be better.

Chairman Clinger said I see consensus on that. Incorporating those we would change the language to 4% and we'll let Jim [Cornwell, County Attorney] tidy it up to say what our intent is. Do we want to see it with the changes again? What is the timing of getting it on the ballots Amy [Ingram, Registrar]?

Ms. Ingram explained the Clerk has to have it in hand in August.

Chairman Clinger said then we have time. So if we feel comfortable sending it back to Jim [Cornwell] to incorporate our intent and bring it before our next Board meeting in April for a vote.

Ms. Morris said once you pass the resolution it goes straight to the judge. We just petition the court.

Supervisor Kuchenbuch asked how long does petitioning the judge take?

Ms. Morris replied it shouldn't take long.

Agenda Item 9.c. – National Library Week 2017 Proclamation.

Ms. Morris stated this is the proclamation they provide to us each year for National Library Week. It is the week of April 9-15.

On a motion of Supervisor Gerald, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to adopt the National Library Week 2017 Proclamation as presented (Document File Number 900).

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

Agenda Item 9.d. – No Kid Hungry this Summer Proclamation.

On a motion of Supervisor Gerald, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the No Kid Hungry this Summer Proclamation as presented (Document File Number 901).

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

Ms. Morris explained that Ms. Ryan sat in on the conference call with First Lady McAuliffe and can provide further information.

Ms. Ryan reported that this is one of Ms. McAuliffe's initiatives. They were talking to County Administrators and encourage those counties that don't already have a summer feeding program to take it on in County Administration. We are very fortunate that our school system already does this. Ms. Pam Harris administers the program. Because in Floyd County we have slightly over 50% of children on free and reduced lunch, the summer program is open to all children in Floyd County free. This year it starts June 5 and goes through July 28. They make the food at Floyd Elementary and from there they take it to the high school and Check Elementary. They make it at Willis Elementary and take it to Indian Valley Elementary. For counties where the program is already implemented, they want local governments to get involved by promoting it through proclamations and also to advertise the program like putting it on our website.

Supervisor Kuchenbuch suggested social media posts.

Ms. Ryan agreed and added getting flyers from Ms. Harris and posting the flyers at County sites.

Supervisor Kuchenbuch said this is a great program. Doesn't Plenty! help too?

Ms. Ryan replied not that I am aware of.

Agenda Item 9.e. – Deed of Easement between David Wayne Clemons and County of Floyd.

Ms. Morris reminded the Board that we have been looking for options to handle the septic at Station #3 Fire. We are having the tank pumped once a month and it costs about \$350.00 each month. One of the fireman and our Emergency Services Coordinator spoke to the adjacent land owner. He is willing to go along with an easement for us to have the use of 1/3 acre of his property for another septic field. He is able to maintain the full use of his property. His easement would be perpetual and remains with the property. The one thing I would ask you to consider is on page 2, item c. would be the payment for the use of his property.

Chairman Clinger asked if we can grant tax credits for reduction of his taxes?

Ms. Morris replied that we can and that is what we do with the property next to the landfill on which we have a monitoring well. We give that person a reduction in their real estate taxes.

Chairman Clinger said it is 1/3 of an acre and he still gets to use it, but only for agriculture. You can't build a house there. We are really encumbering an area larger than 1/3 of an acre. It is very nice to help us out considering what our costs are. Maybe a 20% reduction on his taxes? I know 1/32 of his total amount based on acreage would be an insult.

Ms. Morris said what he pays on just the land value is \$418.00 a year.

Supervisor Kuchenbuch asked if it is in land use?

Ms. Morris replied no that is just the taxes on the land itself, not the improvements.

Chairman Clinger said I don't want to insult him.

Ms. Morris said he hasn't asked for anything. He just asked us to be fair.

Supervisor Yoder said if you stop and think about it he has an open field there. We're going out in the middle of it with a drain field. It is going to be a good portion of his property that is impacted because he can't build a house down there anymore. He has to leave it in pasture from now on. There are a lot of restrictions going on there.

Ms. Morris said he just wanted to use it for farming.

Supervisor Yoder pointed out it restricts his use a lot and it gets us out of a jam.

Ms. Morris agreed that he is being a good neighbor to us.

Chairman Clinger said that is why I was thinking 20%.

Supervisor Kuchenbuch said she was thinking 25%.

Supervisor Yoder said 25% of \$400.00 is \$100.00 per year. I would give him the whole amount. He is saving us \$350.00 a month.

Supervisor Kuchenbuch conceded he is, but I don't know that I would give him the whole thing.

Ms. Morris explained that with the property next to the landfill, they go ahead and pay their taxes and we refund it back to them.

Vice Chairman Turman asked how much do we give them?

Supervisor Kuchenbuch asked the full amount? Then we have set a precedent for the whole amount there.

Supervisor Yoder pointed out that it isn't that much money when you consider our other option of an alternative system. Just the maintenance on that would probably be \$400.00 per year.

Ms. Morris said the Building Official estimated \$30,000.00-\$40,000.00 if we put that system in.

Chairman Clinger said we have consensus to go for the full amount.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to authorize the County Administrator to execute the deed of easement between David Wayne Clemons and the County of Floyd with the changes discussed (Document File Number 902).

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

Agenda Item 9.f. – Consulting Agreement between Kiser Computer Consulting and the County of Floyd.

Ms. Morris reported that this agreement is with our IT consultant. There were no changes from last year's agreement except for changing the day of the week from Thursday to Wednesday. And he asked for payment of two paid holidays this year instead of an increase in rates as he has done with all of his other clients.

Chairman Clinger said I think a consultant is different from an employee.

Supervisor Kuchenbuch said forget it, strike it.

Chairman Clinger said we have consensus to strike the paid holidays.

Supervisor Yoder asked where is this item budgeted?

Ms. Morris replied that it is actually in every department.

Supervisor Yoder asked if she had any idea of the total amount?

Chairman Clinger said the Registrar said more IT was needed. Do all the departments' requests balance out to this \$29,120.00?

Ms. Ryan replied we prepared a spreadsheet on IT costs at Ms. Kuchenbuch's request. It came to about \$48,000.00 over a year's time.

Chairman Clinger said so this is a minimum because this agreement is for "x" number of days at this many hours a day at this rate of pay.

Ms. Ryan said that \$48,000.00 also reflected equipment costs that were included in addition to the consulting costs. We couldn't break out just the consulting costs.

Supervisor Kuchenbuch said so this extra work is at the \$70.00 an hour rate.

Chairman Clinger said so we are just agreeing to a minimum. If we don't call him this week he still gets a check.

Ms. Morris said no we only pay him for the hours he works.

Chairman Clinger responded this says he is guaranteed a minimum of 8 hours a week.

Ms. Morris said that is when he supposed to be here, but it doesn't always happen.

Chairman Clinger said so if we don't need him and he doesn't come up, he can still bill us for 8 hours according to this agreement.

Ms. Morris said but he doesn't though. It is just hours worked.

Ms. Ryan explained we always need him at least that much and usually more.

Chairman Clinger said section 4. says, "...the rate is \$70 per hour with a minimum 8 hours a week guaranteed." So if we don't call him for 8 hours that week we still send him a check.

Ms. Ryan concurred that the agreement is worded that way, but we have never had less than 8 hours of work lined up in a week.

Ms. Morris explained that we have a list of work that needs to be done each week.

Supervisor Yoder asked if there is enough for a full time staff member?

Ms. Morris answered we look at that every year. It is such a balancing act.

Supervisor Yoder said this is something I hear a lot.

Ms. Morris said you would have to pay someone a lot.

Chairman Clinger said could we piggyback with the school?

Ms. Morris said we tried that and they weren't interested.

Chairman Clinger said with the new regime change it might be something to rebroach with them.

Ms. Morris replied I don't know what their schedule is either.

Supervisor Yoder asked if you need someone on call? A lot of this goes back to dispatch.

Chairman Clinger said they are so big, are we close enough to get an assistant for that? Is it something like the School Resource Officer where we fund part of it? Is it something where the schools need another person to help with IT, can we help with a guarantee of...

Supervisor Kuchenbuch asked how many IT people do they have?

Ms. Ryan replied at one time it was four people and the Director, but they have changed how that department is structured.

Supervisor Kuchenbuch agreed it would be nice to have someone on staff.

Supervisor Yoder pointed out that the library has a full time IT person on staff for four libraries, but the whole County doesn't. That struck me as a little odd.

Supervisor Kuchenbuch remarked she didn't know how much it might cost.

Chairman Clinger said I wonder if we want to address it during budget time. Every year we crunch the numbers and see the need for it. We are leaning more and more toward it with getting some new systems in that we have in our budget this year.

Ms. Morris said I don't know that we have time to do it this year.

Supervisor Yoder suggested signing this agreement. We can still talk about it in our budget if we wanted to hire somebody next year in March. You could still have that discussion.

Supervisor Kuchenbuch said that is a great idea.

Ms. Morris agreed it would give her time to research the possibilities.

Supervisor Yoder said I am just hearing from more and more departments their need for IT help; that they would use him more if they could.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Gerald, and unanimously carried, it was resolved to authorize the County Administrator to execute the contract between Kiser Computer Consulting and the County of Floyd with the changes discussed (Document File Number 903).

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

Agenda Item 9.f. – Request to transfer \$2,575.00 from Contingency to Board of Supervisors Miscellaneous deposition of remains of county resident.

Ms. Morris reported that you have already approved the bill for this expense. This item comes under the Sheriff's Office to take care of for folks that don't have any family to take care of their remains.

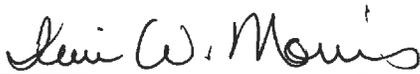
On a motion of Supervisor Yoder, seconded by Supervisor Turman, and unanimously carried, it was approved to transfer \$2,575.00 from Contingency to Board of Supervisors Miscellaneous for the deposition of remains of county resident.

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

Ms. Morris reported before this transfer they just approved there was \$189,350.00 in Contingency from \$200,000.00 that was originally appropriated.

Agenda Item 10. – Work session on proposed FY18 budget.

On a motion of Supervisor Yoder, seconded by Supervisor Kuchenbuch, and carried, it was resolved to adjourn to Monday, April 3 for a budget work session at 1:00 p.m.



Terri W. Morris, County Administrator



Case C. Clinger, Chairman, Board of Supervisors