

**BOARD OF SUPERVISORS  
REGULAR MEETING  
JULY 25, 2017**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, July 25, 2017 at 7:00 p.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 7:00 p.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 Linda Kuchenbuch led in the Pledge of Allegiance.

Agenda Item 4. – Public Comment Period.

Chairman Clinger called for the Public Comment Period.

**Ms. Kamala Bauers, Little River District** – I wanted to talk before everybody else because I am doing something totally unrelated to the other thing. I'm here to tell you about some work that is being done in Floyd. Linda [Kuchenbuch] is already aware of this. There is some work being done in Floyd to develop and educate the public about our need for affordable housing in Floyd. We are seriously struggling with a lack of all kinds of rental housing, but specifically those who need very low income housing. I just wanted to tell you that there is a group working on this and we would like to come back next month with an actual presentation. Today I just wanted to let you know we are having a renter's workshop and I will give you information about that for anybody in your district who might be interested. But I did want to let you know that we will be back.

**Ms. Mara Robbins, Locust Grove District** – It is really great to see you all again. It's been a while. It was just about three years ago exactly that I was in this room for the first time. I was here with members of Preserve Floyd. We brought you guys information that you were not getting from the land agents or companies or higher government in regards to the Mountain Valley Pipeline. I think we did a really good job as a County working together. Within three months it moved out of Floyd County. Although three years later it is still threatening our neighbors. What we come to you with today is a much bigger problem. It is one that is going to take a lot of shoulders to the wheel. It is going to take a lot of creative thinking and a lot of planning and that is the issue of a climate action plan. We need to address what's happening

with our climate, emergency preparedness, preparing for droughts, extreme weather, floods, as we've already seen and creating a plan to move into a future that our children and grandchildren can survive in.

We recently, about six weeks ago, took a Mayor's Climate Agreement to the Town Council who unanimously approved that Mayor Griffin should sign onto this mayor's movement. At the moment, there are at least 361 mayors across the nation who have participated in this. After being approved and going through a few drafts last Friday, Mayor Griffin signed this agreement. During that signing with our co-Chairs of Preserve Floyd, Jayn Avery and J. L. Fogo as well as one of our wonderful members, Mary Freday, said that the greatest resources we have in Floyd County are our people and our land. Considering that how can preserving our climate ever be a partisan issue? Like all things it should never be more than right versus wrong. Doing what we can to preserve our quality of life should be the goal for all of us. We can't put it off on future generations. That is what we are here to talk to you about today. I can tell you that just about everybody in this room who is going to present to you knows more than I do. I can tell you a lot about fracking wells and compressor stations, and the six different pipelines in our region, but I am not a climate scientist. But the strength and the devotion and the commitment that I have seen from citizens of this county through our group, Preserve Floyd, has been absolutely outstanding. This is something we are really committed to and we hope that after hearing what we have to say today that we can all work together to put together a plan that is going to work for Floyd as we move into the future. Thank you all. I encourage you to listen closely to what everybody has to say as well as reviewing the materials. You will receive some materials that probably won't be included in the public speeches.

**Mr. Billy Weitzenfeld, Courthouse District** – I am President of SustainFloyd, which is a non-profit here in Floyd who since 2009 has been promoting renewable energy with a variety of programs and projects. I am really here on behalf of our Board of Directors who proudly endorse and support the work of Preserve Floyd in this climate change agreement and the effort to move towards a more renewable, energy-based society. I also wanted to mention that in 2011 we came before the Board and we talked about an energy inventory that we were doing of the county. The Board actually endorsed and voted to...we weren't necessarily asking your permission but we wanted to let you know what we were doing. That study has been completed. I think you got that through an email. That is a benchmark that can be used as we hopefully develop programs and initiatives in the County with the support of the Board and with collaboration of local government to reduce carbon and promote renewable energy. I've just got to say if there has ever been common ground on any issue that any of us have ever faced in our life, it is climate change. It is literally about the ground we stand on. It is going to take a lot of work. The only way we are going to be successful is if we work together. Thank you very much.

**Ms. Jane Cundiff, Little River District** – I am here to support Preserve Floyd and what we are doing. I would also like to request that our Floyd County government take a broader and tougher stance on protecting our environment. With every breath we take, every drop we drink, and every bite we eat, we depend on healthy ecosystems. It is the duty of government to first and foremost, protect the lives and health of our citizens. We depend on old forests for oxygen as well as for harboring the biodiversity that allows new forests to mature. We depend upon clean water that is not polluted by neglectful neighbors. We depend upon local food that is

grown in unpolluted soil and watered with clean water. Even our local economy is now dependent on attracting people who come to enjoy our healthy, beautiful mountains. I propose that the County develop a tax system that rewards those who are preserving old forests, streams and marshes, while taxing heavily that which damages them. I think there is one thing in Floyd that most of us can agree on. We love this land and we want to keep it that way. The more we can reward those who are protecting our air, our water, and our soil, the more we can look forward to loving this land for generations to come. It is a duty of government to first and foremost protect the lives and health of our citizens here in Floyd County. So please take a broader and tougher stance to protect the environment that our very lives depend upon.

**Ms. Mary Freeday, Little River District** – I am going to talk about climate science, climate chaos and some climate solutions. Atmospheric carbon dioxide concentrations have been rising since the beginning of the Industrial Revolution. We needed to keep them below 350 parts per million (ppm) to maintain the climate that we are familiar with, but we didn't. In 2016 carbon went above 400 ppm for the first time in several million years and global temperatures have been going up too. Our climate has warmed 1.1 degrees Celsius since the late 19<sup>th</sup> century causing increased flooding, droughts, super storms, wildfires and coral bleaching. It is also melting the permafrost where methane is stored. This methane is equivalent to 205 gigatons of CO<sub>2</sub>. Its release could lead to another .5 degrees of warming. That .5 degrees we might not be able to stop and had not been previously anticipated by our world governments who have been attempting to make a complex ecological system fit into a narrow economic framework. We've endured decades of international debate on how much warming we can get away with while making few substantial changes.

We've seen the rise of a climate change denial movement in this country, which I find particularly interesting. Because when this data was first brought before our government in 1986, Republicans and Democrats alike were alarmed. In response new President George H. W. Bush remarked, "Our land, water, and soil, support a remarkable range of human activities but they can only take so much. I'm an environmentalist and that is not inconsistent with being a businessman nor is it with being a conservative." Following the Rio de Janeiro Earth Summit six years later he said, "The United States fully intends to be the world's preeminent leader in protecting the global environment."

But 25 years have passed and 2017 has a 57% chance of becoming the 2<sup>nd</sup> hottest year on record, which is particularly relevant because the record highs in 2015 and 2016 were aided by an El Niño event. This year the El Niño has passed and the temperatures are going up anyway. Clearly we have been doing something wrong and it is time to make a change. After the Great Depression, FDR initiated the New Deal. This allowed, among other things, rural communities without electricity to form energy cooperatives. We need another New Deal and it comes in the form of the community choice resolution that we are presenting to you today. We need a community solar option here in Floyd. An option that has been found to yield two times the amount of energy per dollar spent as personal rooftop solar. Also counties across Virginia are solarizing their schools using power purchase agreements that are saving the school boards money. The solutions are right in front of us. Making these changes may not be easy, but they will be possible and they are necessary. The question is not "Is this really happening?" Or "Should we do anything?" The question is "What should we do first?" Because the time to act is now and the power to act is yours.

**Mr. Archer Berzins, Courthouse District** – I am 12 years old. I would like to speak today about replacing the coal furnaces in Floyd County Schools with rooftop solar. On a cold winter day, hundreds of kids arrive at Floyd County Schools. They are greeted by a large black dust cloud that smells of sulphur and burning iron. It is on a morning like this that I stare at this unpleasant mass and imagine the pollution we are so carelessly releasing into our world. I would like to speak today to urge you to end coal power at Floyd County Schools.

I would first like to ask you to acknowledge effects coal has on the health of children. In numerous studies, coal use has increased the risk of acute lower respiratory infections such as pneumonia. Coal pollution accounts for over half of the deaths of children due to pneumonia. Individuals exposed to coal usage also have a higher risk of lung cancer, cardiovascular disease, cataracts, asthma, tuberculosis and more. Who wants to send their children to a place where all these health problems are at risk.

While people have many different beliefs, it is generally agreed that pollution is not a good thing. It is also a common belief that nonrenewable resources will not last forever. In this case, when children go to school they should be taught to use a renewable, cheaper and environmentally friendly source of energy. Children in public schools would learn so much about solar energy if their schools would simply make the switch. Do we really want to teach kids to use something that soon will not exist?

Lastly I would like to speak about the cost of solar power. It has largely decreased in the past few years. Now its levelized cost of electricity is almost equal to that of coal. By 2020, solar energy will be cheaper than coal. With health, education, and cost benefits, why haven't we changed? Thank you for your time and I hope you will consider removing the coal furnaces from Floyd County Schools and replace them with solar power.

**Ms. Becky Howell, Burk's Fork District** – This is not really to you all. [Ms. Howell said this facing the Board of Supervisors. Ms. Howell turned and addressed the audience.] If you are really and truly interested in solar the Extension Service is putting on a workshop tomorrow in Rocky Mount. It cost \$10.00. I would be glad for someone to ride with me. Thank you.

After no further comments from the audience, the Chairman declared the Public Comment Period closed.

Agenda Item 8. – Preserve Floyd.

**Ms. Erica Largen with Preserve Floyd** stated on Christmas Eve 1968, the astronauts of Apollo 8 did a live broadcast from lunar orbit. So Frank Borman, Jim Lovell, William Anders – the first humans to orbit the moon – described what they saw, and read Scripture from the Book of Genesis to the rest of us back here. And later that night, they took a photo that would change the way we see and think about our world.

It was an image of Earth – beautiful; breathtaking; a glowing marble of blue oceans, and green forests, and brown mountains brushed with white clouds, rising over the surface of the moon.

And while the sight of our planet from space might seem routine today, imagine what it looked like to those of us seeing our home, our planet, for the first time. Imagine what it looked like to children who are now grownups. Even the astronauts were amazed. “It makes you realize,” Lovell would say, “just what you have back there on Earth.”

And around the same time we began exploring space, scientists were studying changes taking place in the Earth’s atmosphere. Now scientists had known since the 1800s that greenhouse gases like carbon dioxide trap heat, and that burning fossil fuels release those gases into the air. That wasn’t news. But in the late 1950s, the National Weather Service began measuring the levels of carbon dioxide in our atmosphere, with the worry that rising levels might someday disrupt the fragile balance that makes our planet so hospitable. And what they’ve found, year after year, is that the levels of carbon pollution in our atmosphere have increased dramatically.

That science, accumulated and reviewed over decades, tells us that our planet is changing in ways that will have profound impacts on all of humankind. The 12 warmest years in recorded history have all come in the last 15 years. Last year, temperatures in some areas of the ocean reached record highs, and ice in the Arctic shrank to its smallest size on record – faster than most models had predicted. These are facts.

So the question is not whether we need to act. The overwhelming judgment of science – of chemistry and physics and millions of measurements – has put all of that to rest. Ninety-seven percent of scientists, including by the way some who originally disputed the data, have now put that to rest. They’ve acknowledged the planet is warming and human activity is contributing to it.

So the question now is whether we will have the courage to act before it is too late. And how we answer will have a profound impact on the world that we leave behind not just to you, but to your children and to your grandchildren.

Across America, local governments are taking action to address climate change while making their communities healthier and more resilient. Seeing a lack of meaningful action on the national stage, Floyd citizens urged the town’s leaders to join the National Mayor’s Climate Initiative, a nationwide effort to spur towns and cities to provide climate leadership at the local level. Floyd is proud to be among them. In that first small but important step, we demonstrated that Floyd recognizes its fundamental responsibility to take stock of our share of global greenhouse gas emissions and work to ensure a stable climate for future generations. However, that commitment, which Floyd’s Town Council approved by resolution last week, is only the beginning.

With the resolution in consideration today Floyd County has the opportunity to expand that commitment by performing a county-wide greenhouse gas emissions inventory and engaging hundreds of citizens and stakeholders in order to develop a Climate Action Plan. In fact, SustainFloyd has already performed a greenhouse gas emissions inventory. A climate action plan represents both a short and long-term set of strategies for the town and county to pursue to reach the community’s energy and climate action goals as expressed in the resolution.

We know that nearly every aspect of our lives is impacted by energy. It warms our homes, fuels our vehicles, runs our businesses, enables communication across distances, and plays a critical role in producing and transporting the food we eat.

A climate action plan, once fully implemented, would enable Floyd County to reach the emissions reduction target as stated. This will require being much more efficient with the energy we use in the buildings where we live, work and go to school; to rethink the ways we get around; to make wise development decisions as our population grows; to invest in clean energy sources, and to be more deliberate in our everyday consumption and disposal choices. Some of these changes will require investment, but it is increasingly clear that the costs of inaction would be far, far greater.

Here's the good news: these changes will also bring significant benefits to Floyd's citizens and community as a whole. Communities that are designed for energy efficiency in buildings and transportation options enjoy the economic benefit of avoided energy costs – retaining those dollars in the local economy. Communities that make sure people can get where they need to go in more active ways enjoy better public health outcomes, improved air quality, reduced congestion and more thriving civic spaces. Communities that make deliberate and wise choices about development are better positioned to preserve rural landscapes, support robust local food systems, and maintain the health and integrity of local watersheds, forests and wildlife habitats.

Everyone here loves Floyd County. Adopting this resolution and creating a climate action plan to reach these targets shows that love. For example, Blacksburg's Climate Action Plan is divided into six chapters covering the major sectors of the community that substantially contribute to Blacksburg's greenhouse gas emissions. These include: Residential, Transportation, Commercial/Industrial, Food, Waste and Recycling, Land Use, and Renewable Energy. The plan spells out goals, measurable objectives, and implementation strategies across each of these sectors.

We have seen a steadily growing number of Floyd's citizens become actively engaged in creating their own clean energy future, and our local actions have inspired other Virginia communities along the way. Let Floyd County continue to be a leader in Virginia.

I think Floyd recognizes that our community and the world at large will be facing critical energy challenges in the coming years and decades, but with those challenges will also come opportunities. By taking action today, we can ensure a smooth transition to a clean energy future that will preserve our quality of life, improve economic resilience and foster an ethic of responsible stewardship for our shared natural resources and climate.

**Mr. J. L. Fogo with Preserve Floyd** provided a petition signed by over 240 citizens and a flyer. I am from the Little River District. Every community hopes to have a thriving economy coupled with clean air to breathe, pure and uncontaminated water to drink, and good food to eat. Throughout the country...and the world, for that matter...we have seen time and again how that has been compromised over time. Here in Floyd, we are extremely fortunate to have largely avoided the contamination of our soil and water. Our air is a joy to breathe. We can thank any number of factors for that. Our terrain, like much of the rest of the Blue Ridge, has not been all

that accessible or convenient to super highways or the infrastructure that supports major development. Couple that with the strong independence of the people who settled in these mountains and cherished the wild abundance of the land and water.

What I have seen is that almost everyone in this county holds this wild abundance most dear in their hearts. It doesn't matter whether it is families who have been here for generations, newcomers, and everyone in between, we are all pretty much in agreement that we want to keep this county free of the problems that we see in so much of the rest of the country. Personally, I am very grateful that I stumbled onto this piece of heaven on Earth, and I have a deep respect for all the people who helped to make Floyd a place so much unlike so much of the rest of the country.

I came here from the Great Plains region of this country...land that stretches out wide to the sky in every direction. Completely accessible to every imaginable development under that big sky: big farm country and big oil country. To get right to the point about that area, when I was young we had all those wonderful things that Floyd has today and that is what drew me here. We had clean water, fresh air, pure soil...and that friendly, localized focused set of ethics that holds our county together as a community...like family. But that is gone now in the Great Plains. The soil and the food grown are so contaminated with herbicides and pesticides that it has leached into the drinking water to the point that it is unhealthy, and the soil is so depleted from big ag that without an annual infusion of toxic industrial fertilizers, they can't even grow a crop. To further compound the damage, the oil industry has carelessly and recklessly contaminated the fresh water zones with a cocktail of oil, salt water, and other toxic chemicals.

Just as a side note – I had my family here for a reunion this past weekend and they all come from the Great Plains. They came armed to the gills with drinking water in bottles. They cannot drink the water back there. They couldn't wrap their heads around the fact that we can.

Right now we have many conceivable threats to this county here. I am grateful for the protections that we have in place to guard against certain contaminations such as septic drain fields. History, however, shows us we cannot rely on big corporate interests to be accountable or ethical in their approaches to making profits off the rural lands. They all need watchdogs. We all, as citizens and communities, have that responsibility to be the watchdogs in protecting our resources and in curbing the manmade effects of climate change.

I have a close relationship with a man who has worked with businesses, schools, and local planning commissions to make dynamic transitions from fossil fuel to alternatives. He emphasizes that there is a need to utilize a variety of sources of energy for that transition. He says, and I completely agree, there is no magic bullet but that every locality has its own unique opportunities to go beyond the basics of wind, water, and solar. I am looking forward to working with him and others to realize those transitions right here in Floyd.

If you could all take a look at the 100% flyer that I handed out to you all. This outlines the vision of the Solutions Project utilizing the renewable sources we are all familiar with, and yet not included in these there are other sources that have made significant advances and can hold great promise in places like Floyd. All these will lower our energy costs and keep our money here in Floyd. For instance, I work with two businesses which currently realize benefits

from geothermal applications and am closely associated with another one in West Virginia. Rare Earth Magnet Generators are also showing great gains in being a part of that solution. My friend I mentioned earlier has had great success with these applications. The solutions are here and as opportunities arise we can effectively and efficiently make those transitions right here.

So I implore the Board to take a stand to protect the County of Floyd from any and all actions that are detrimental to the safety of our air, land, water, food, and people, now and in perpetuity. Note the resolution we sent you. By adopting this resolution committing to renewable energy development in Floyd and discouraging the further advances of the diminishing resources of petrochemicals, I believe we can be a courageous example of moving well into the 21<sup>st</sup> century in a way that will help to preserve this way of life that all love here in Floyd. Close to our hearts are good friends, good neighbors, safe for children, and a continued draw of a “wonderful destination” for our tourism industry and a thriving small farm and commercial economy.

Erica [Largen] pretty much laid out what the things are in the draft. I would like to get everyone to think about what we are asking local government to focus on:

- An energy policy that supports achievement or near zero greenhouse gases regionally by 2050 through a variety of alternative energy technologies;
- Adoption of economic policies and programs that phase out fossil fuel subsidies and that create positive environmental and economic benefits to our community;
- Ensure universal access to clean energy for low-income families;
- Provide educational and job training, retraining, and re-employment for fossil fuel displaced workforce, as well as for military veterans;
- Provide tax incentives for growth of green jobs in our County;
- Fair trade policies;
- Protect forests and improve land and agricultural practices to capture and store carbon currently in the atmosphere;
- Establish policies and programs to modernize Floyd County’s infrastructure with a goal of doubling efficiency of existing buildings from 2015 standards by 2030;
- Increase Emergency Preparedness by increasing funding for education and training for our residents due to the adverse impacts of climate change expected to accelerate in the years ahead.

Where there is a will there is a way. Preserve Floyd will work with SustainFloyd and other groups and with the local governments. We are in this for the long haul. I hope you are too. Thanks for allowing me to speak. I am proud to be part of this process.

Supervisor Kuchenbuch stated I want to applaud all of you for coming tonight. I have been a voice on this Board who wants to see citizen involvement. I walk the walk; I talk the talk. I am glad to see a roomful of people wanting to make effective change in our community. I think this particular issue, many issues as it is not just one issue requires us to all work together. That means that you can’t just look at these five people sitting on this Board, who sit with a budget every single year and go line by line by line by line. And this is not making excuses, but there is such a limited amount of money. Now, many of these changes are not going to cost money. But many of these changes we need to work together through public, government, and

private partnerships. If there are people within your organizations that are good at writing grants, Floyd stands poised to be a leader in Virginia. But it is going to take all of us working together to really effectively make this issue come to pass by 2050, 2030 is only 13 years away.

Erica, I sat in my living room and watched that shot on Christmas Eve. I am one of those people that watched on television as the earth came into view. My father worked in the space program so I have a slide in my house. I am one of the few people who actually has a NASA slide so that really resonates with me. I've always known that. Right now if we are going to make this happen, then we are all going to need to work together. And us just sitting here making a resolution, which is all fine and good, is not just what we need to do. We need to effectively start committees. We need to have people working with our staff, going out getting grants, and finding ways to make this happen. We also have to be willing to put windmills up. This Board sat a couple of years ago and a roomful of people almost as big as this said "No, we don't want them." We have to come to grips with this divergent need of people wanting to not have something, yet want to have something. That is so important. I mean I don't want birds cut up in a windmill either. But if we are going to figure out ways to make things happen, then we have to be open to all of it. I applaud each and every one of you for being here. I know there are probably 10, 20, 30, 40 more people who would have been here. I want to continue this dialogue and I hope you do too. And I think it is not just coming to this meeting tonight but it is starting to get this process working and really focusing on this issue. Just as an aside the Appalachian Trail Conservancy has given us a letter tonight speaking about the Mountain Valley pipeline. And I for one will continue to oppose it with every bone in my body.

Supervisor Yoder said he wanted to commend Archer. Sometimes we can get excited and look at the big picture and we are thinking about this huge problem we have to solve. I want to commend Archer. He found the one thing that this Board can actually probably do at some point and focused on that. That is pretty commendable for a 12-year-old.

Supervisor Kuchenbuch said she would say the same thing to Archer. I would drop my kids off at school and wonder the same thing. It has been on my mind too.

Vice Chairman Turman asked that the resolution be tabled until next meeting. We just got this on Friday. I would like to read it over some more.

Supervisor Kuchenbuch said I want to study it. I read it on Friday. I want to study it some more and I want open dialogue. Rather than just rush and say we are going to do it, I want to see us develop the framework with which we can actually make this happen.

Chairman Clinger asked Ms. Morris to schedule this resolution for the agenda of the next meeting.

Agenda Item 9. – Public Hearing on Floyd County's draft ordinance "An Ordinance Creating a Registry for Short-Term Rental of Property."

Ms. Morris read the call for the Public Hearing and noted that it was published in the July 6, 2017 and July 13, 2017 editions of *The Floyd Press*.

Mr. Steve Durbin of Sands Anderson provided background on the ordinance. You have a draft of the proposed ordinance establishing a short-term rental registry in Floyd County. The impetus for this is pursuant to new legislation the General Assembly passed this year. It was designed to give localities a tool to address the rise of ecommerce and short-term rentals available online to book houses or sometimes yurts, campground cabins or things like that, anything that would fall under the definition of a short-term rental. The function is essentially to establish a registry to put these rentals on the radar. Right now although you can go online and see that there are a significant number of properties on offer for short-term rentals in Floyd County, it is not clear that they are all registered and that they are collecting and paying over the applicable transient occupancy tax and things like that.

The function is to put these rentals on the map so that the County can then ensure a number of things. Number one that proper health and safety regulations are being met. Number two it puts them on the map for collection of the transient occupancy tax which is already applicable in Floyd County, but not necessarily being collected on this species of commerce. Additionally it provides the mechanism for neighbors and county citizens so they can be aware that someone is operating a business like this in their vicinity. It may also be used for purposes of building code enforcement to make sure all the applicable requirements of the building code are complied with. For example if someone is modifying a structure to convert it to short-term rental use, it will help make sure they have pulled the proper permits or meeting the appropriate construction guidelines. Localities outside of Floyd County would also use it for purposes of land use control, zoning, and things like that. That is not an issue for us, but it is one of the reasons behind it in the General Assembly. As advertised it carries a registration fee of \$50.00 per registrant. It carries a penalty of \$500.00 for violations of failure to register when short-term rentals are being offered, but not registered.

Chairman Clinger asked if they are an Airbnb or whatever, they are subject to the transient occupancy tax?

Mr. Durbin confirmed that they are. They meet the definition of transient occupancy. If they meet the requirements of the preexisting ordinance, then they should be collecting it and paying that over. It is not necessarily the case that all of them are, but this would put those on the maps so that we can ensure that the field is level.

Chairman Clinger asked if we pass this and they hadn't paid in the past, could you charge them for not having collected it?

Mr. Durbin replied that adoption of the registry would not operate to cause liability on someone. They would already have that liability. If they were operating an Airbnb for example, and not paying the applicable taxes, they already have liability.

Supervisor Kuchenbuch asked if this would be punitive? We wouldn't want it to be punitive and we don't have to charge up to \$50.00, right? That is a maximum of \$50.00, right?

Mr. Durbin answered the amount could be determined by the Board tonight if you were to take action.

Chairman Clinger declared the Public Hearing open to anyone who wished to address the Board of Supervisors regarding “An Ordinance Creating a Registry for Short-Term Rental of Property.”

**Ms. Chris Moreno, Burk’s Fork District** – My husband and I own Mountain Song Inn in Willis. I’ve seen most of you around town. I have not really been active with you since the tourism days when we got a lot of work done back then. It has become a very wonderful thing that we are all very happy with. The level playing field is what I am all about. I just have three rooms. There are many farms that have farmhouses around here that can rent three rooms. I’m not willing to say \$50.00 is not enough. I mean it should be at least \$50.00. I pay that much to have my water tested every year. I pay \$50.00 to the health department for an inspection. I have business insurance which is what I really worry about with these people. They think they are going to save the farm with a \$40.00 room and they may lose the farm in a liability case. I’m not against Airbnb. I’m on Airbnb. It is something I would like you all to consider very, very much because tourism is our lifeline here. It would only help tourism by upping the lodging tax. I get a little confused on collection of federal and state taxes. I think those that are using Airbnb need to be aware of and also insurance liability. I think it is an education process that has gotten really out of hand and it happened so fast that it is going to take time to catch up. But I do know that when we had our last Virginia tourism group here from the state, they said Floyd is way ahead of the game on this. And that is something to be proud of. Thank you for listening.

**Ms. Kamala Bauers, Little River District** – I am one of the owners of the Hotel Floyd and I am on Airbnb at the Eco Village because I had to compete with myself. Actually people who won’t book through a hotel anymore will only do Airbnbs. In order to be competitive in this market you have to do both. I try to dot every “i” and cross every “t” but I just wanted you to know our Treasurer is so on top of it that she actually sent a letter saying make sure you are paying your taxes. Because she goes out on the website, and you can look at who is doing Airbnb, so they did that on their own. Hallelujah to the County Treasurer. I thought you would want to know that. I am in favor of the \$50.00. It is not a big deal. I am in total agreement that if you are going to operate an Airbnb, then you need to do everything. We have to test our water, so we test our water and at the Airbnb as well. It is important for people to be safe.

Mr. Durbin pointed out that the ordinance does list exemptions in item G. “No registration shall be required pursuant to this section who is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act; licensed or registered with the Department of Health, related to the provision of room or space for lodging; (iv) licensed or registered with the County of Floyd related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments. So if you are already...

Chairman Clinger said a member of one of those organizations...

Supervisor Kuchenbuch added you will not be doubled.

Chairman Clinger said that was a question someone asked me and I wasn’t sure about it. Thank you for clearing that up.

After no further comments from the audience, Chairman Clinger declared the Public Hearing on the proposed ordinance closed.

Supervisor Kuchenbuch said I think levelling the playing field is important. I think Airbnb is a significant part of the tourism in Floyd County. I think we should adopt this ordinance.

Supervisor Yoder stated he was curious what the actual cost might be.

Ms. Lisa Baker, the Commissioner of Revenue, responded I need to talk to the Treasurer because she has to set it up in her system as well. We will have to do mailings of letters to everybody that is listed.

Supervisor Yoder asked if \$50.00 sounds like a reasonable amount from your aspect of covering some of the costs?

Ms. Baker responded, yes, it should cover the costs.

Supervisor Yoder said I don't want to put you on the spot, but what do you think of the ordinance?

Ms. Baker replied that everybody should have to have the terms. It will help us pick up businesses that we don't have either. We will be able to have those in our listing with our office.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt Section 46-400 to the Floyd County of Code of Ordinances, Creation of Registry for Short-Term Rental of Property as presented. (Document File Number 931).

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

Supervisor Kuchenbuch said I don't want this to become punitive and I think Steve [Durbin] answered that question. I realize that Airbnbs are not like a hotel. We have limited resources. What I would like to see is the lodging association try and get all Airbnbs together and maybe help Airbnbs understand just some of the pitfalls that perhaps B & Bs and hotels, like liability, business, to kind of educate everybody. I think that would be very helpful. If the lodging association, which I assume you are both a part of...

Ms. Moreno replied if there is any way to get the list once you have it, we would love to invite them because that is one of our stipulations – that you must be a taxpaying business to be a part of the lodging association.

Supervisor Kuchenbuch said I am sure many of them would join.

Ms. Moreno answered it is a wonderful way to get knowledge. When Hotel Floyd is full they send people to me. I rarely send people to them. When they get full they are very generous about sending people to all in the association.

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

On a motion of Supervisor Gerald, seconded by Supervisor Turman, 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 – yes

Supervisor Clinger – yes

Agenda Item 6.a. – Letter Request from the Appalachian Trail Conservancy.

Ms. Morris stated in your packet there was a letter request from the Appalachian Trail Conservancy that was sent to two Board members. They are asking that you take a position against the current route of the Mountain Valley Pipeline. They provided a draft letter for you to consider.

Vice Chairman Turman proposed that this matter be tabled until the next meeting.

Chairman Clinger expressed his concern that if we said no to the current route, they might come back to Floyd.

By consensus the Board decided to table this matter until the next meeting.

Agenda Item 6.b. – 2018 Legislative Recommendations.

Ms. Morris said she had provided a copy of last year's Legislative Recommendations for your review to see if there is anything you want to add or delete. This will also be included on the agenda for the next meeting.

Agenda Item 6.c. – Update on EMS/Rescue calls for FY17.

Ms. Morris stated she provided a fiscal year update on the number of calls answered by EMS and Rescue. I've broken the calls down by the day of the week and time of day. You'll note that EMS responded to 1,331 calls and Rescue to 277. I also have the detailed list of all the calls I entered. These numbers do include all calls even if they were cancelled or standbys. Mr. Belcher, EMS Operations Manager, also provided highlights of activities for this year.

Chairman Clinger noted that the highlights are similar to what Tracie Brewster at Social Services provides.

Supervisor Kuchenbuch stated she really likes this report.

Chairman Clinger asked if there is any way we can get this updated each month?

Ms. Morris responded absolutely. They used to come and report to you every month. Maybe they can do that once a quarter.

Chairman Clinger replied if we get reports like this, when we see something we can ask them. It will keep it on our radar to keep looking at it.

Supervisor Kuchenbuch said she loves this – to know that every single one of the 7 patients all survived a myocardial infarction.

Agenda Item 10. – Old/New Business.

Ms. Morris stated that Ms. Martin provided you with changes to the Family Subdivision section of our Subdivision Ordinance. That is for your review also. I don't know if you want to look at it before you set a date for a public hearing.

Ms. Martin asked if they wanted the Planning Commission to have a separate public hearing?

Chairman Clinger replied as we move forward it might be better to have both at once. Let's do a joint public hearing. Put that on the schedule for next month. Do we need to have anyone else here to answer questions when we discuss this? If so, let Lydeana [Martin] or Terri [Morris] know so they can schedule them.

Ms. Morris asked if she should invite legal counsel?

Chairman Clinger responded yes, that would be a good idea.

Ms. Martin said the consultant has one more trip here.

Chairman Clinger asked if it would be better to have him here for the public hearing or here to answer our questions? At the public hearing it would just be the call. If he is coming once, let's bring him to the day meeting so we can get some background from him.

Supervisor Yoder said that several people mentioned to him that the hallways at the courthouse needed painting.

Chairman Clinger said usually it is just supplying money for the paint and the trustees do the painting.

Supervisor Yoder said someone said the judge said something about it so I thought we could go ahead and look into it. It probably won't cost much.

Ms. Morris said she would look into it. Ms. Morris asked if they had been by the Maintenance Building? The work crews have painted it. You will be very surprised. I'm pretty sure the building was built in 1973. I'm afraid the building will fall down from shock because it

has a coat of paint on it. It looks good. The pound is moving along also. The septic is finished at Station #3 Fire Department also.

Supervisor Yoder said he went out with the assistant chief and looked at it the other night when there was a call. They were very impressed with the job.

Supervisor Kuchenbuch said she went by and was duly impressed too.

Ms. Morris reported that the contractor came in today and I asked him about the adjacent landowner who had given us the easement. He said the landowner was pleased with it also.

Supervisor Kuchenbuch said that Pat Sharkey has set up a County of Floyd booth at Floydfest. Supervisor Yoder and I will be working at it to represent Floyd.

Ms. Morris stated that when you approved the resolution of appropriation last month, you did not do the Recreational Authority as we dealt with some issues there. Could you please approve that appropriation for \$55,000.00 tonight so we can pay bills.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Gerald, and unanimously carried, it was resolved to approve the resolution for appropriation of FY18 budget for \$55,000.00 to the Recreational Authority but that the Board of Supervisors retains control (Document File Number 932).

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

Agenda Item 10. – 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 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.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 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 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;

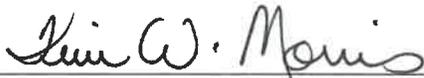
WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

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

Agenda Item 12. – Adjournment.

On a motion of Supervisor Turman, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adjourn to Tuesday, August 8, 2017 at 8:30 a.m.



Terri W. Morris, County Administrator



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Case C. Clinger, Chairman, Board of Supervisors