

**BOARD OF SUPERVISORS
REGULAR MEETING
FEBRUARY 27, 2018**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, February 27, 2018 at 7:00 p.m. in the Board Room of the County Administration Building thereof;

PRESENT: Lauren D. Yoder, Chairman; Joe D. Turman, Vice Chairman; Jerry W. Boothe, W. Justin Coleman, Linda DeVito Kuchenbuch, , Board Members; Terri W. Morris, County Administrator; Cynthia Ryan, Assistant County Administrator.

Chairman Lauren Yoder 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 Coleman.

Agenda Item 3. – Pledge of Allegiance.

Chairman Yoder led in the Pledge of Allegiance.

Agenda Item 4. – Public Hearing on “An Ordinance Pertaining to Tax on Prepared Food and Beverages.”

Ms. Morris read the call for the Public Hearing and noted that it was published in the February 8, 2018 and February 15, 2018 editions of *The Floyd Press*.

Mr. Steve Durbin of Sands Anderson gave a brief overview of the ordinance.

Chairman Yoder declared the Public Hearing open to anyone who wished to address the Board of Supervisors regarding “An Ordinance Pertaining to Tax on Prepared Food and Beverages.”

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

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to adopt Section 46-500 to the Floyd County of Code of Ordinances, Tax on Prepared Food and Beverages as advertised. (Document File Number 965).

Supervisor Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Coleman – yes
Supervisor Turman – yes
Supervisor Yoder – yes

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

Questions and discussion followed.

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

Supervisor Kuchenbuch – yes

Supervisor Coleman – yes

Supervisor Boothe – yes

Supervisor Turman – yes

Supervisor Yoder – yes

Agenda Item 6. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

Mr. Eric Branscom, Commonwealth Attorney – I'm sorry I don't make it to the morning meetings. Unfortunately the Circuit Court has been conflicting too much lately for me to be able to come down here and report what is going on in the Commonwealth Attorney's Office. What I wanted to let you know about, which has actually been going on for months, is our Cost Collection program. The reason that I needed to let you know is because when you get to the end of the financial year you are going to have an extra bit of income. I don't know how much it is yet. Mr. Gino Williams [former Commonwealth Attorney] actually started it here. What happens is when somebody is in court and they have costs that are generated from being in court, whether it is a traffic offense or anything more, they generate court costs. If they don't pay it within 30 days it goes into collections with the court. The DMV suspends their license and it also goes into a collection process with the courts. There is a peculiarity in the Virginia Code that allows the Commonwealth Attorney's Office to make the election as to who does the collection. Usually most offices across the State do something with the Department of Taxation or they assign the local tax collectors to collect and so forth. Out of the four or five different options there is only one option that actually ever brings any of that money back to the locality. If the Commonwealth Attorney's Office elects to be the collection agent for these overdue costs, then the Commonwealth Attorney's Office can elect to have a 35% collection fee. That fee does not actually come to my office. What happens is the 35% collection fee on any money that comes in goes into a general fund that is held by the Clerks of the Court. At the end of the year, it is disbursed. Half of that goes to the State's general fund. The other half comes to the County's general fund. It is just another way of adding income. Most counties just have the Department of Taxation do it. The Department of Taxation doesn't really do anything but put liens on people's taxes. The collection rate they have is actually very, very low and nothing actually comes to the locality. When this was started by Gino Williams what happened is that they took a portion of time and they would issue show causes for people and bring them into court. We don't actually need to do that. I started the program over in Montgomery County and all we did over there was issue letters to people to let them know to try to encourage them to pay. We don't really even need to do that because some years ago the Division of Motor Vehicles

(DMV) decided when people do not pay their costs within 30 days, they suspend their license. That is the most powerful incentive for people to pay. So what happens is we don't really have to do anything except make that election to have it be a local matter and some funds come in. It is not going to be a whole lot. I'll let you know right up front that it is not going to be a lot of money coming in because the amount of fines and costs going through Floyd County is not tremendous. It works best in counties where you have an interstate going through and have lots of people being pulled over from all over and ignoring the tickets. When Montgomery County started this it was about \$70,000.00 per year that started appearing. That would be a lot for us, but for Montgomery County it is a drop in the bucket. But it was a positive instead of a negative. It is what we are doing. I don't know how much it will turn out to be. When we look at the reports from the Department of Taxation, it is hard to read between the lines with them because they write off a certain percentage of the amounts but they count it as collected even though no money comes in. What we will find out sometime in early July is exactly how much it turned out we have. When it came to our budget request I had to take a wild guess what it would be to send out a certain amount of letters to see if that would work. I put in \$1,000.00. I think Gino [Williams] ran the program for \$500.00. Whatever you can throw at it will be fine. You might even want to wait and see after July how much, if anything, it generates. It will generate something, but I just wanted to let you know that this is coming up. It is percolating through. Judy Bell is already collecting and so is Rhonda [Vaughn]. It is going into their fund they set up with the Supreme Court as a line item. That is the only major thing going on that might affect the budget in a very small way that I thought you might want to know. It is a step forward. There are other things going on with the Drug Court. It has been a while since I have been down for a visit. Chairman Yoder asked the County Administrator that Constitutional Officers also be listed on the agenda for night meetings in case some people want to come. Chairman Yoder thanked Mr. Branscom for coming and presenting and for all that he does.

Ms. Mary Freeday, Little River District – As you all might remember I promised you that I was going to come in here regularly and give you climate science updates. This is your first installment. I recently read a little bit of disturbing news. It was a report issued a couple of years ago by The International Energy Agency. It was a warning at that time, and this is global, that we had to get our global emissions under control before 2017 to avoid “locking in” extremely dangerous warming. This is connected to the world's carbon budget. There is a total amount that we can emit in order to keep warming under 2 degrees Celsius. According to the report if we hadn't begun to make major changes to our infrastructure and power sources by 2017, there would be no more room in that carbon budget for any additional factories or power plants created unless they were zero-carbon or unless currently producing plants started getting shut down. So in other words a lot of people were calling 2017 year Zero. Since it is now 2018, this news should either really freak us out or make us commit to buckling down and getting really serious really, really fast. Since I have a 9-year-old that is where I am going with it. I wanted to come in here tonight because I know you are looking at the budget for the upcoming year and I want you to also strongly consider our carbon budget. I'm here today to advocate for some really serious and fast changes, but I also wanted to make something clear. Many of the things that we can do to lower our county's emissions can also raise our residents' quality of life. We've come to associate our high-carbon modern lifestyles with ease and comfort, so I have been noticing in the newspaper there's all this pushback when it comes to making these changes. But truthfully, a healthy, low-carbon environment can also bring us healthy and happy

lives. Here are some examples. Obviously removing the coal-fired furnaces from the schools will translate into health benefits for our students and teachers, because the burning of coal is associated with increases in asthma and other respiratory problems, heart disease, reduced birth weight and improper immune development. But on the other hand, putting rooftop solar on the schools should mean, over time, lower energy bills. That savings could be put into lowering our class sizes, or maybe increasing the number of counselors available, so that our students have better educational, social, and emotional support. I'd also like to propose, as you are looking at the budget that you really seriously consider our emergency preparedness, especially for extreme weather events, like floods. I think one of the best things you could do to keep us safe in the coming years would be to budget for worst-case scenarios and then be thankful if they don't materialize, so we can be ready if they do. I know this has been discussed but one of the easiest ways to cut emissions is going to be to make all of our county and public buildings as efficient as possible, and certainly to make sure that any new buildings, like the CTE building that the School Board is talking about, is as close to net-zero as possible. A green building plan, or green renovations plan, really needs to be a County priority. Again, over time, this would save money on heating and cooling costs, and that savings could be put into any number of projects including maybe an incentive for homeowners to be able to do the same. Finally, as we all know, a whole lot of people who live in the County, including myself, commute down into the valleys for employment. All of our cars going up and down these mountains is definitely a significant source of our County's emissions. I was just wondering? Could Floyd County potentially collaborate with the New River or Roanoke to get a few Smart-bus routes in place for our commuters? Having something like that available would save us money on gas, extend the lives of our tires and vehicles, give us time to work, read, sleep or relax, instead of having to drive up and down the mountains. And it would really lower our County's emissions. The bottom line is we need to get smart and creative when we are thinking about what's possible. Our goal needs to be to improve the quality of life of Floyd County citizens in addition to improving the quality of our environment. This whole situation could be a win-win for everybody, if we choose to look at it that way. That is all I really wanted to say. Sorry I went over and thank you very much.

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

Agenda Item 7. – Ms. Dawn Barnes, Unit Director, Virginia Cooperative Extension.

Ms. Dawn Barnes, Senior Extension Agent for Family and Consumer Sciences; Mr. Tyler Painter, Extension Agent for 4-H Youth; and Mr. Jon Vest, Senior Extension Agent for Agriculture and Natural Sciences; reported on the accomplishments of the Floyd Extension Office in 2017. Ms. Barnes stated in addition to us we have three support staff who are with us on a daily basis. We are required on a yearly basis to send a report to our supervisor about all we've done. We are providing this report to you. We are here for three reasons tonight.

1. To answer any questions you might have.
2. To thank you for your continual support.
3. To let you know we have a needs assessment coming up which is how we decide every five years what the needs are in the community. It helps us to direct the programming that we do. We would like to invite your input on that also.

Ms. Barnes said one of the items that is coming up is our well water testing program. The cost is \$55.00 per participant. We try to do this program every two to three years depending on Virginia Tech's ability to take samples from our area. The program is March 19 and March 21 we collect the samples. In about a month we get the results from the samples tested. Once we get those back we can give you an overall report.

Mr. Vest added different families have benefitted and changed water systems and changed supply systems. One individual family had already experienced life-threatening liver issues contributable to what was in the water. After making changes they were very appreciative of having that opportunity.

Ms. Barnes said it is budget time. We haven't really changed anything. Our salaries change and the State changes cost-of-living. We appreciate your support and try to be mindful of the money the County supports us with and try not to make ill use of our funds.

Supervisor Boothe asked on the water sample if an overlay map was compiled on what had been found so far?

Ms. Barnes replied we receive sample reports but not by where they are in the County. Once they leave us they go by numbers and when they come back they come in an envelope to the people. They take it and we don't know the result for each person. It is kept as confidential as possible.

Supervisor Boothe said I was just thinking that if there were particular areas that were problems it would be good to know, but I don't want to invade their privacy. Do you still do soil sampling?

Mr. Vest replied absolutely. We just took about 52 samples yesterday to Virginia Tech. If anybody would like to have their soil sampled, instead of mailing it in and incurring mailing costs, bring it to the Extension Office. If I have the opportunity to get to Virginia Tech the same week, I'll hand deliver it. They will usually get the results in ten days or less. We're still operating fairly quickly on that right now. We had the opportunity at the Vegetable Meeting last night at Plenty! to have soil sample kits there and explain the process. We also have soil sample kits at the library or the Extension Office for pickup. We try to make them available at any given program. It's valuable from the agriculture perspective and not just the horticulture and production side, but for pasture and hayfields.

Supervisor Kuchenbuch asked if they were available to go to a new homeowners' house and provide your expertise.

Mr. Vest responded I always try to work around a commercial individual so that I will be heading in that direction and can pick up a homeowner. I don't turn anybody down. Last night's meeting was full. We are doing well with interest and participation. The grafting class is popular. Mr. Vest gave an overview of his work priorities:

1. Our commercial meeting will be held either March 12, 16, or 19. I'm waiting for a specialist to get back in touch with me regarding the insect side. I'll be doing the commercial vegetable production.
2. This year we are faced with a difficult situation. For those producers that are currently supplying out on the wholesale side to Virginia Produce for our Southwest Virginia Farmers Market intermediate sources, unfortunately the industry have specified we will have to go to a harmonized GAP (Good Agricultural Practices) food safety or origin safety program. That is something we were instrumental in trying to get our main growers established in GAP training and GAP certified in the past couple of years. In the interest of progressive thought processes, now it is a harmonized GAP coming down from the industry, not necessarily from our production practices. By September all of my producers that are not harmonized GAP certified will not be able to go or take their product. I had a meeting this past week with the representatives down at the Southwest Virginia Farmers Market. It is probably the number one concern on your agriculture agents right now – how to get all of our producers to use this as a market opportunity for their product, up to speed, and fill in those boxes or hoops in order to get them through and taken care of by the end of the year.
3. The spotted lantern fly will eventually makes its way down here. It will be very destructive on peaches and grapes. Its host is the Tree of Heaven, which are those weedy trees along the Parkway. When you get rid of the host it moves over onto our fruit. It is a displaced invasive. It is something we will have to deal with when it arrives in southwest Virginia. If anybody locates it in Floyd County, let me be the first one to know about it so I can relay that information to Virginia Tech's entomology department. Right now it has reached the uppermost portion of northern Virginia. It will eventually become a normal insect for us. Our best way to combat it is to realize its life cycle, how we might change our integrated pest management programs, and suggest programs to our growers that are impacted by it.

Ms. Morris recommended that the extension agents explain for the benefit of new Board members how the cost sharing and salaries work for the program.

Ms. Barnes explained:

1. As a whole Cooperative Extension funding comes from federal, state, and county.
2. The budget we presented shows not only your percentage of what you are paying toward overall salaries, but also what the other two sources are contributing to those salaries.
3. You pay 1/6 of my salary, because I am split between Floyd and Montgomery Counties since I do programs in both.
4. The amount paid by each funding source has changed over time.
5. Our paycheck actually comes through Virginia Tech because we are part of the land grant university system.

6. We have a Master Gardener coordinator who services the New River Valley. Pulaski, Giles, and Floyd each contribute 20% to that salary and then the other 40% is from Montgomery County and they are housed at Montgomery County.
7. 100% of Kim Turman's salary is State so she does not show up on the formula.
8. Both Penny Webster and Cindy Beckner are part-time and paid by the County. They are our support staff working directly with Floyd.

Agenda Item 8.a. – Request transfer from Contingency in the amount of \$10,000.00 to Economic Development Authority for entering into Phase 2 of contract with Creative Economic Development Consulting, LLC.

Ms. Morris stated Mr. Beegle was here at the last meeting and explained the Phase 1 study Creative Economic Development Consulting was doing and asked for assistance with funding on Phase 2. A few of you were at the EDA meeting last night and heard Creative Consulting's presentation.

Supervisor Kuchenbuch suggested that this request be considered during FY19 budget preparation.

Ms. Lydeana Martin said she had printed copies of the Phase 1 report. Ms. Martin said basically Phase 1 was an assessment of our current competitive analysis:

1. Virginia Economic Development Partnership (VEDP) who visited us last year was surveyed to see if they would bring a prospect here, and what they thought our strengths and opportunities are. Strengths they identified were:
 - a. Quality of life.
 - b. Deal-making ability. Creative with finding money and working with businesses.
 - c. Community connectedness.
2. Existing businesses in the County were surveyed of which 100 responded. About 50% indicated they plan to grow.
3. 85%-90% of our businesses employ fewer than 10 employees.

Ms. Martin explained that the next step would be take some of the key messages that came out of the surveys and other research the consultant did and translate that into an action plan on how we can better work with existing businesses and how can we get our message out to the right people on attracting businesses. They would help us develop a more formal business retention program so if somebody wants to grow that is not on our radar screen, we can assist them. For example are they landlocked, do they have a succession plan if they are going to be retiring soon, do they have any red flags going up that we can help with? In essence it is taking all the pieces learned and place them into a strategic action plan that is not just goals.

Ms. Martin said last night Mr. Beegle asked about ways EDA could get more independent money. In the past they had bond floats which helped them. With the new tax law passed there is some question on how beneficial that particular program is going to be. Are there

other ways the EDA can look at independent funds, which is one of the things he asked about last night.

Vice Chairman Turman inquired about the cost of Phase 1?

Ms. Martin replied Phase 1 cost \$21,500.00.

Vice Chairman Turman asked how many phases do you have to go through?

Ms. Martin answered that is a good question. One of the things she mentioned last night that she thinks would be good for us is a supply-chain study. That is looking at existing businesses here and who they buy from and who they sell to. She has also made that recommendation to Onward NRV. I am hoping that is something we can tag team on with them. As far as I know there are only two phases, but I wouldn't be surprised if the supply chain didn't require additional work apart from this.

Supervisor Kuchenbuch asked do you feel that the \$21,500.00 was worth it in what you received?

Ms. Martin replied yes, for a couple of reasons. I found them to be creative. There was a workforce study done a couple of years ago in the New River Valley that looked at gaps. She looked at the data and identified them as business opportunities when you have people going to the C4 programs and we have a shortage of bookkeepers, and other things in the New River Valley. I think it is very important to have a third party reaching out to VEDP to get that kind of feedback. I think if we surveyed them directly they may not be as blunt about things that are not easy to hear. A lot of it was validation of things that we already thought we knew. Sometimes you are so close to something you don't know if you have tunnel vision or if it is right. I thought it was really valuable to have someone who has worked all over the southeast and other parts of the country take a hard look at our assets, at our businesses, and give us a third party perspective of strengths and weaknesses, threat and opportunities. A lot of the information bubbled up from within us, but having someone be able to put perspective on it was really valuable.

Chairman Yoder said I see this is maybe helping us get direction on what to try to focus on for recruiting.

Ms. Martin responded that's right. Literally every community in the world is trying to recruit businesses. The message she was reinforcing is you have to look at what your assets are and what fits for you and how do you best get your message out. One of the takeaways that I hope you heard last night was that when people actually visit Floyd, many people fall in love with Floyd. The challenge is in getting people to visit. When prospects contact the State, and the State puts out a request for proposals and one of the first questions is: "Are you within two miles of an interstate?"; it is hard for us to get that visit. And even when someone visits the New River Valley, in a best case scenario they get to Floyd but they don't get as far as Chateau Morrisette or the Blue Ridge Parkway. The key thing for us is following relationships from people who are already in Floyd County whether it is businesses or individuals or people visiting Floyd and spending two hours or half a day and talking to them about the opportunities here.

When we are competing with every other community in the country on a piece of paper, it is hard for us to compete. It is a sense of community connectedness and experiencing Floyd.

Supervisor Boothe asked from the information that comes out of this how do you expect it to help retain existing businesses?

Ms. Martin replied she stated last night that nationwide 75% of new jobs and private investment come from existing industry. The easier wins and the place to put most of your effort is with existing businesses as long as you have people who are willing to grow and interested in growing. From that survey it appears that we do. Ultimately the balance of what you want us to focus on is up to you. The survey of existing businesses was on things they need help with. Everybody is interested in tax rebates or incentives. But we learned that help with marketing, social media related things, and the kinds of things we have already been doing, but we can step it up a level. We don't have a solid list of all the businesses in the County and that is a challenge, but we do the best we can to reach out to people. I think 75% of our focus should be on existing businesses and the other part should be working with Onward NRV and the VEDP in Richmond and making sure they are aware of what we have to offer and stay in the front of mind with them. More and more they are involved in larger projects, but occasionally they hear about smaller projects and we want to be front of mind when they hear about smaller projects.

Supervisor Coleman asked about the timing of this transfer request?

Ms. Martin answered it would be good to move fairly quickly from the data we have so businesses will see that we are following up after we interviewed them and following up with VDEP. But I don't think three or four months matters a great deal, but I would hate to see it wait a year or two if we can avoid it.

By consensus the Board requested the information presented to the EDA. The Board would review the information and discuss the transfer request at a future Board meeting or as part of the FY19 budget.

Agenda Item 8.b. – Approval of Lease Agreement for Drug Court participant.

Ms. Morris stated the next item is a lease agreement for a Drug Court participant. Judge Long charged me with the duty of finding rental housing for some of their Drug Court participants. This would be for a person who might need removal from their home situation to ensure success. The parameters he gave me were the property needed to be in town close to the courthouse so the person would be able to walk to court or for drug tests. They would be able to walk if they found a job in town. I found an available apartment and have provided a copy of the proposed lease for your consideration. The County Attorney has reviewed the lease. The rent is \$400.00 per month. It does not include power but it does include water and sewer. The County would pay the costs upfront out of the Drug Court line item. The participant would be required to repay the County after they get into a position where they are able to do so.

Supervisor Boothe pointed out that DSS might be able to assist the participant with their heating bill.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to approve the Lease Agreement with Lineberry Enterprises, LLC for the Drug Court program and to authorize the County Administrator to execute the lease as presented (Document File Number 966).

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Boothe – yes
Supervisor Turman – yes
Supervisor Yoder – yes

Agenda Item 8.c. – Request from Floyd Amateur Radio Society for use of County property.

Ms. Morris stated we received a request from the Floyd Amateur Radio Society. They requested use of the grassy area right behind our building here and the parking lot on June 23 and 24 for their American Radio Relay League Annual Day. They would have a couple of small generators and some screen shelters, radios and temporary antennas.

Supervisor Boothe asked if they have insurance?

Ms. Morris confirmed they did and added they set up here for every election. Ms. Morris added they would also be covered under our liability insurance since the function would be on our property.

Mr. Steve Durbin, County Attorney, suggested he could provide a one-page agreement similar to the one used by EDA for the equipment auction held on their property.

Ms. Morris replied we have one that we use for other County property that we could adopt and use.

By consensus the Board agreed to allow the Floyd Amateur Radio Society to use the County property on June 23 and 24, 2018 for their event.

Agenda Item 8.d. – Update on Anthem policy.

Ms. Ryan said she asked The Local Choice representative about some additional information regarding the Anthem Blended Rate health insurance coverage so she could explain it to employees. I found out that one thing I told you was in error. I had given you the example of a 25-year-old deputy working for 20 years and being eligible to retire at 45 and being able to continue their health insurance. That is not true. In addition to having to meet the conditions of the Virginia Retirement System program under which they are covered, Anthem has an additional requirement that the retiree has to be at least 50 years old with 10 years of service with the County or 55 years old with 5 years of service with the County.

Agenda Item 10. – Old/New Business.

Ms. Martin provided information on Opportunity Zones and explained that she had received this last week and a response is due this Friday.

1. The new federal tax law has an incentive program to encourage qualified investors, which means anybody who has a net worth of \$1 million or who makes \$200,000.00 a year and has been deemed a qualified investor, to invest in opportunity funds. These are invested in low income census tracts in the United States and the investors will be eligible to carryover earnings and reinvest them.
2. In Virginia 840 census tracts have been identified as low income census tracts. The Governor can nominate up to 25% of those census tracts to be eligible for this program.
3. Floyd has 3 census tracts and we have the opportunity to submit them in prioritized order. All three census tracts qualify as low income census tracts.
4. The Governor will pick only 1 out of every 4 census tracts to recommend to the federal government.
5. Census tract 1 comes over west of Route 8 and follows through the center of town on Rt. 221. It includes the Commerce Center, the Industrial Park, and the Innovation Center, as well as the old DonnKenny building.
6. The priority will be given to Enterprise Zones or any state or federal or local investments that we can point to.
7. We do not have a high stress fiscal index.
8. Priority will be given to a high investment driver such as proximity to a research facility and the edge of Floyd County is 20 minutes from Virginia Tech.

Ms. Martin stated I need to know if you want to go forward with this and how you would want to prioritize the census tracts. At the very least we don't want this to count against us. If someone is considering two places in southwest Virginia, we want to have this too.

The Board agreed by consensus to make census tract 1 the first priority due to the Commerce Park being located there, census tract 0 the second priority due to it having a small stretch of Route 58, and census tract 2 being the third priority.

Ms. Morris handed out the first draft of the FY19 budget. We need to set up budget workshops because we have to give the tax rate to the Commissioner of Revenue by April 26.

Supervisor Boothe said he had received a complaint about the condition of the flagpole at the courthouse. It either needs to be painted or replaced.

Ms. Morris said she would look into that. She added the County seals at the courthouse and the Administration building both need to be repainted. The high school art class is going to repaint those for us once we figure out a way to get them down and taken over there.

Supervisor Boothe asked whether food and beverages sold during Recreational Authority games were subject to the new meals tax?

Mr. Steve Durbin replied that it would depend on who was selling the food. If it was the Recreational Authority itself or another 501(c)3 organization then it would not be taxable. In his opinion if the Recreational Authority hired the concession out to an entity that was in the catering business, then it would be taxable. Collecting and remitting the tax would be up to the contracted commercial enterprise.

Agenda Item 9. – Closed Session – Real Property §2.2-3711 A.3., Prospective Business or Industry 2.2-3711 A.5., Consultation with Legal Counsel and Briefings by Staff Members §2.2-3711 A.7., and Consultation with Legal Counsel Employed or Retained by Public Body §2.2-3711 A.8.

On a motion made by Supervisor Kuchenbuch and seconded by Supervisor Coleman, 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; Section 2.2-3711, Paragraph A. 5., Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; 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 under Section 2.2-3711, Paragraph A. 8., 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 Boothe – yes
Supervisor Kuchenbuch – yes
Supervisor Coleman – yes
Supervisor Turman – yes
Supervisor Yoder – yes

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

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Boothe – yes
Supervisor Turman – yes
Supervisor Yoder – yes

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

**CERTIFICATION RESOLUTION
CLOSED MEETING**

WHEREAS, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Real Property in accordance with Section 2.2-3711, Paragraph A.3; Prospective Business or Industry in accordance with Section 2.2-3711, Paragraph A.5; Consultation with Legal Counsel and Briefings by Staff Members in accordance with Section 2.2-3711, Paragraph A.7 and Consultation with Legal Counsel Employed or Retained by Public Body in accordance with Section 2.2-3711, Paragraph A.8 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 Boothe – yes

Supervisor Coleman – yes

Supervisor Turman – yes

Supervisor Yoder – yes

Agenda Item 10. – Old/New Business continued.

Ms. Morris asked on what dates the Board would like to hold budget work sessions?

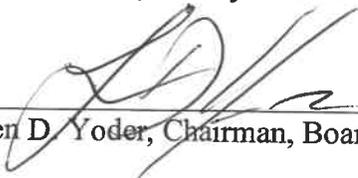
After discussion it was agreed by consensus to hold a budget work session on March 7, 2018 at 1:00 p.m. and in the afternoon of March 13, 2018.

Agenda Item 11. – Adjournment.

On a motion of Supervisor Boothe, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to adjourn to Wednesday, March 7, 2018 at 1:00 p.m.



Terri W. Morris, County Administrator



Lauren D. Yoder, Chairman, Board of Supervisors

