

**BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 23, 2018**

At a regular meeting of the Board of Supervisors of Floyd County, Virginia, held on Tuesday, January 23, 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.

Supervisor Linda Kuchenbuch led in the Pledge of Allegiance.

Agenda Item 4. – Approval of month-end disbursements.

Supervisor Boothe questioned the \$815.00 payment to J.C. Hylton Excavation for culvert replacement.

Ms. Morris explained that we had a situation where we were helping out the Sheriff's Office with a search and we had a unit here from Blacksburg that backed over a brand new culvert and caused some damage to the culvert and their unit. They took care of their unit and we took care of the culvert for the property owner.

Supervisor Boothe asked about a welding class that had the same amount charged to both General Properties and to Solid Waste.

Ms. Morris explained that Doug Thompson at Floyd County Public Schools offered to teach that class for our employees. We had one that we paid out of Buildings and Grounds and several employees at the Transfer Station took the class also.

Supervisor Kuchenbuch asked about the hot spots description for phones.

Ms. Morris replied that our EMS Operations Manager has to have service wherever he is in order to have contact with employees.

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

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

Agenda Item 5. – Public Comment Period.

Chairman Yoder called for the Public Comment Period.

Ms. Jayne Avery, Courthouse District – I am just here to share this in case you haven't seen it. [Ms. Avery showed a flyer to the Board]. This is our honoring of Martin Luther King Day that we are doing this Saturday. You will see who is sponsoring it down at the bottom. We wanted to personally invite you all. This is a very clear and heartfelt attempt to bring the community together in many ways. For many of us he was an extremely influential person in our lives so we wanted to honor that. We have been inviting personally many of the local African-American people of Floyd County to come and share their stories of how Martin Luther King affected their lives. We hope it can be something again full of heart and connection between us and everyone in this community. I just wanted to make sure you knew about it and know that we would love to have you there to be a part of it.

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

Agenda Item 6. – Mr. Don Marickovich and Billy Newcomb – Draper Aden Associates – Presentation of Solid Waste Gas and Water Monitoring.

Mr. Don Marickovich stated they were here to provide an annual update on the status of the landfill. I am Draper Aden's Landfill Gas Engineer. Mr. Newcomb is the groundwater expert.

I will talk about the gas management program and some of the maintenance activities the County has been performing out at the landfill. [Mr. Marickovich had an easel with a map of the landfill and a slide presentation.]

1. Floyd County had a sanitary landfill where municipal solid waste was placed. There was also a debris area for that type of waste. Floyd County's landfill was closed in 1993.
2. Municipal solid waste in a landfill decays. The decay products are mostly methane and carbon dioxide. It is the methane we are concerned about. It migrates up out of the landfill and also underground beyond the edges of the landfill.
3. Virginia regulations require that you are not allowed to have methane at the lower explosive limit (5% by volume methane) migrating beyond your property.

4. Compliance is measured by gas probes around the landfill. We have 10 gas probes around Floyd County's landfill. We used to have 7 around the original property boundary, but probes 1 and 7 always had methane in them. When the County bought the extra piece of land behind the landfill, we put in 5 new probes. Since then we have not detected any methane gas in the probes.

5. The probes are at different depth ranges – 5, 10, 30 feet. Different depth ranges are sealed off by clay. We can monitor from the same probe at different depths.

6. We started monitoring in the mid-1990s when the landfill was closed. We found gas in probes 1 and 7. In 1998 we put in the probes beyond 1 and 7 to replace those. Since then we haven't detected any gas in any of the probes.

7. We also have to monitor the buildings. We have never detected any gas in any of the buildings.

8. You have been completely clean since about 1998. The Department of Environmental Quality (DEQ) will allow you to stop monitoring. You have to request it. It is a pretty detailed report you have to submit. You meet the requirements to request to stop monitoring. We could do that if the Board desires.

9. For the past couple of years the County has been working on maintenance issues at the landfill. Down below the debris area is a sediment basin. Further beyond that is a storm water trench that was installed in 1993 when the landfill was closed. Over the years it has eroded to the point it was 20 feet across and maybe 10 feet deep. The far side was caving in. The County hired Shortt's Excavating Service to fill the trench with large rock and broken up cement.

10. The trench is starting to erode again. This year it will probably require some more work. I'm holding off recommending what to do until I really see how it is eroding. I need to get out there when there is a really heavy rainfall. Shortt's Excavating also dug some basins up above the trench to try to slow down the water.

11. We also worked on the sediment basin which is down below the debris area. When we were closing the debris area there was a lot of area that was bare soil that didn't have grass on it. You have to catch all the silt that comes from that so you build a sediment basin. There were problems with the sediment basin. The barrel that goes down past the berm of the basin sprung a leak and the sediment basin emptied.

12. Sediment basins are really meant to be temporary. Once you get a good stand of grass on the area above it, you could take it out. The County could have taken it out, but DEQ wants the sediment basin in there because it provides a little level of treatment which improves the stream quality downstream. They would rather that you keep it.

13. Shortt's Excavating came in and dug out around the barrel of the overflow device and they found the leak. They put a band around the leak and patched it. They dug out the rest

of the sediment basin so it is almost brand new. They fixed the banks and took out all vegetation that was growing.

14. From a maintenance standpoint the County should consider going back and doing more work on the trench.

Supervisor Boothe asked how often is the methane monitored?

Mr. Marickovich answered once a quarter. If you find methane above 4% by volume, you have to do it monthly.

Supervisor Kuchenbuch asked what was the highest reading we ever had?

Mr. Marickovich replied that except for probes 1 and 7 which were taken out, the readings have always been zero for methane. Those were above 5%. We tried to put in a passive vent to intercept the methane. It didn't affect the probe. We got a blower up to the vent and pulled back out of that. We could get the probe down to zero. But in a matter of days or weeks the methane was back into the probe. We could never get it down and have it stay down. This was back from the pre-1988 landfill. That is where that gas is coming from. There is probably gas in there still.

Chairman Yoder said when you talk about working with DEQ to end testing, is it just for the methane, not for the other testing?

Mr. Marickovich agreed, yes, you could ask to get out of the gas management plan.

Supervisor Boothe proposed a reduced monitoring plan of twice a year.

Mr. Marickovich responded that is possible, but I think they would probably agree to end it unless they tied somehow to the groundwater. Sometimes they don't like to separate the two. If you have a groundwater issue, they might think the gas is partially to blame.

The Board of Supervisors agreed by consensus to have the County Administrator and Draper Aden Associates investigate with DEQ about getting out of the gas management plan.

Vice Chairman Turman asked if the pond was at the upper end of the ditch – the part that was eroded?

Mr. Marickovich answered that the ditch is separate from the pond. The ditch doesn't drain into the pond; it drains below the pond.

Chairman Yoder said the trouble is at the top of the ditch.

Mr. Marickovich agreed that right now it is. Before the County fixed it, it was the whole ditch.

Mr. Billy Newcomb explained that he works on the groundwater component of monitoring. I have provided a paper that tells the history of the landfill and how we got to the groundwater monitoring program so I won't talk any more about gas. We will just focus on groundwater at this point.

1. The landfill was permitted in 1973. There was a closure in 1988, but for the landfill as a whole the County stopped accepting waste in 1993. That affected how the groundwater monitoring program was going to work from there on.
2. It took a little while to get certification from DEQ. From 1993 until 1995 the landfill was doing Phase 1, 2, 3 monitoring. That was not a very effective monitoring program.
3. DEQ amended their regulations and came up with Detection Monitoring and Assessment Monitoring.
4. In 1995 as part of Detection Monitoring, we looked at specific pollutant and chemicals.
5. DEQ required the landfill to go from detection to assessment, which is the next highest level.
6. A series of events occurred where we established groundwater protection standards. During the whole process the County was in compliance with regulations.
7. After we established the standards certain chemicals exceeded the limit which required the landfill to go to the third and final stage which is corrective action.
8. The Corrective Action Permit was approved in 2002. Between 1993 and 2002 the County was working with DEQ and complying with the regulations and going through it in a systematic fashion and process.
9. It took a while to negotiate the Corrective Action Program (CAP) with DEQ and the CAP permit amendment was signed by DEQ in 2005. That was when things really got going.
10. The CAP entailed a process called monitored natural attenuation instead of going in and establishing a bunch of groundwater obstruction wells which pulls groundwater out and treats it. The EPA Superfund program for 30 years proved this was expensive and really not that effective. When you look at the concentration of these chemicals in groundwater a lot of what we see in Floyd County is essentially the target levels that EPA would be looking for anyway. It didn't make any sense to spend millions of dollars to do this.
11. The other alternative is to establish a pretty robust monitoring program and look at certain kinds of chemicals in addition to what DEQ requires. Since you stopped accepting waste and you closed the landfill, you reduced the water infiltration and you've got passive gas venting. All those engineering controls; coupled with the ability of viruses, microbes, and

bacteria that are in the groundwater naturally; when the food source is available certain microbes will grow and reduce the concentrations naturally. That has been a pretty effective program for a lot of facilities, not just landfills. Monitored natural attenuation is a good way to get to the polishing level of a CAP. This is where Floyd County is.

12. There are four types of wells that have been drilled and installed at the landfill – compliance well, performance wells, sentinel wells, and observation wells. Observation wells are not used for chemical monitoring but for groundwater elevation. We have to monitor all the wells for the depth to groundwater so that way we know which way the groundwater is flowing.

13. The compliance wells, performance wells, and sentinel wells are the key. They comprise your corrective action monitoring program.

14. The purpose of the sentinel well is to make sure that everything we see in groundwater that we consider solid waste constituents haven't migrated beyond that point. We want those to be clean and they are.

15. In performance wells we monitor for the full set of target chemicals that regulations require and another set of inorganic and indicator parameters that help us understand what the bacteria are doing in groundwater and how it is affecting chemistry. The performance wells are key for demonstrating natural attenuation is occurring and continues to occur.

16. The compliance wells are essentially the old assessment monitoring wells. The way the regulations are written is that once you enter corrective action, you have a corrective action monitoring plan and program but you have to maintain your assessment program as well. That data is still important.

17. The idea is that the compliance wells are closer to the waste. The performance wells are a little further away. The sentinel wells are even further away. We monitor these three groups of wells and we should be able to demonstrate concentrations going down and indicator parameters indicating that the bacteria are still doing their job. That is what we see here.

18. The landfill has a fairly complex groundwater flow. It tends to go from the right side of the landfill, comes down, and sort of splits like a saddle, one side heads to the southwest to drainage and one to the southeast toward the sediment basin. The wells are distributed along the groundwater flow paths.

19. We also monitor a series of surface water locations.

20. We have tables of 3 years of data up through December 2016 which we were responsible to report to DEQ. There are only a few analytes that are still exceeding groundwater protection standards. Cobalt is an inorganic trace element which is probably not derived directly from the waste itself. It is probably a natural occurring metal that may be enhanced by some of this. Other items on the table are chlorinated solvents which are a standard signature for unlined landfills everywhere. There is nothing exciting or specifically problematic or different for Floyd County than any other unlined landfill.

21. The standards are in parts per billion. While Floyd County's results may sound like a lot compared to the standards, when you factor in natural precipitation and variations in laboratory analyses it is hard to tell the difference. The concentrations in real world terms are really low. Floyd County is at the polishing end stage of corrective action. However, the way the regulations are written, if you exceed the GPS by one part per trillion, you are obligated to do the monitoring program.

Supervisor Boothe asked as water levels have gone down in the wells have the results gone up?

Mr. Newcomb confirmed that they do see that and with the metals in particular. In drier periods of time, there is less water flow and the water is a little more stagnant and concentrations tend to go up. If you get a couple of good snows or a couple of good soaking rains you will see that dilute a little bit.

22. Comparing these snapshots back to 1996 and 2002, we have seen a really sharp decrease. Things are getting better. We are definitely seeing improvements. However based on these results, I don't see us getting out of this monitoring program in the foreseeable future. I think it will be years, but not decades. Unless EPA drastically changes the regulations I don't see a more stringent program foisted on you or a reduction in this. We will have to continue the semi-annual water monitoring and continue to demonstrate that we are getting there. But we saved a lot of money over the past two decades by not extracting and trying to treat it.

23. Since Floyd County did the improvements to the sediment basin, the chlorinated solvent chemicals have disappeared from the spring which is from the surface water monitoring location right below the outfall to the sediment basin. That helps to justify that the work was good. The water sitting in that pond is a good thing. When it finally discharges downstream, it has lost the chemicals.

Supervisor Boothe asked if chromium is still analyzed?

Mr. Newcomb replied that chromium is 100 parts per billion and we don't see it exceeding that GPS anymore.

24. In December 2016 we did have trace elements exceed the GPS in one well but I think that was from sediment in the well rather than groundwater. When trace elements are in groundwater they get stuck to other things.

25. The conclusion to the corrective action status report is that things have gotten a lot better when you look at it over the whole monitoring period. We are seeing mostly stable trends. There are some that are continuing to get better but nothing is getting worse. The overall concentration has come down but it is beginning to flat line a little bit. This means a longer monitoring period until we get below the standards.

Supervisor Boothe asked once we get the numbers below is there a 20 year back out period?

Mr. Newcomb said when the chemicals are below the groundwater protection standards for three consecutive years or six consecutive monitoring events, then you can petition DEQ to end the corrective action program. Then you petition to end the post closure groundwater monitoring program. The end game is to demonstrate that we are below those levels. A couple or few years ago DEQ made a provision that when you are in corrective action monitoring, you can reduce some of your well monitoring locations so you are not being redundant in monitoring. We were able to pull some of these wells out. If we leave corrective action and go back to assessment, we will lose all those performance and sentinel wells but we will have to add compliance wells back in. But given where you are in the post closure period, I don't anticipate you going back into assessment monitoring.

Supervisor Boothe asked when was the last time that off-site testing was done?

Mr. Newcomb answered we installed two wells and we continue to monitor one of those sentinel wells. We also monitor residential wells in the area.

Agenda Item 7.a. – Mr. Steve Durbin – County Attorney with Sands Anderson.

a. Meals Tax Ordinance – Mr. Durbin stated that the last time he was before the Floyd County Board of Supervisors discussing the meals tax ordinance, the question was asked whether there was additional relief for volunteer fire departments and similar organizations beyond the three events per year. The Code has been updated to provide an additional exemption beginning with the fourth event on the first \$100,000.00 of gross receipts. Mr. Durbin provided to Board members an updated draft of An Ordinance Pertaining to Tax on Prepared Food and Beverages. Mr. Durbin recounted that the Floyd County Board of Supervisors adopted a resolution on April 3, 2017 to seek a Meals Tax referendum. On April 18, 2017 the Circuit Court for Floyd County ordered a referendum on the meals tax to be held at the next general election. The voters of Floyd County voted in favor of the resolution at elections held on November 7, 2017. The draft has the rate of the tax as 4% of certain food and beverages sold in Floyd County outside of the Town of Floyd. Section A. of the ordinance defines what food and beverages are covered. Section C. of the ordinance exempts sales in certain situations. It is the duty of restaurants to collect and pay the tax.

1. If you want to adopt this you need to choose the effective date.
2. You may allow a commission of up to 5% of the amount collected to the businesses that collect and pay the tax. I have prepared this draft ordinance with a 2.5% commission.

Supervisor Boothe asked if the Treasurer would have the authority to examine the books of the restaurant to make sure all tax was being properly collected and remitted.

Mr. Durbin replied that the Commissioner of Revenue has the authority to summon any taxpayer and inspect their books.

Ms. Missy Keith, Floyd County Treasurer, stated the Commissioner of Revenue has the authority to inspect the books and I have the authority to collect the amount she determines.

Supervisor Kuchenbuch asked if we didn't want to make this effective this year, how long is the referendum in effect?

Mr. Durbin replied that he isn't sure that there is an expiration period, but he would have to look into that. However if he were asked about doing it ten years out from the passage of a referendum, that would make him think it needs to be revisited.

Ms. Lisa Baker, the Commissioner of Revenue, stated her office is ready to implement this tax. They have already researched forms used by other localities and made sure they could enter this into the computer system.

Supervisor Boothe asked the Commissioner and Treasurer if they saw anything on the horizon that had not been addressed?

Supervisor Kuchenbuch asked if they would be ready to implement this tax on July 1, 2018 or sooner?

They both replied they were ready whenever the Board made the ordinance effective.

Ms. Morris recommended that the ordinance be made effective July 1, 2018 at the start of the next fiscal year.

Supervisor Boothe asked if the tax would be collected monthly or quarterly.

Ms. Keith replied that she believed it was due on the 20th of each month.

Ms. Baker confirmed that would be the same as lodging which is due on the 20th of each month.

Supervisor Boothe asked if we wanted to amend anything in the ordinance would we have another public hearing? For example if we didn't have a commission at the start, but later wanted to allow a commission for collection, we could advertise an amendment to this adopted ordinance.

Mr. Durbin agreed, absolutely. Now that the referendum has passed you have the authority to adopt and amend just like any other ordinance.

Supervisor Boothe asked how confident are you in the amount of collection? It may be prudent to not have the commission for collection for the first year and get some real numbers. Then we could amend it after we see what is collected the first year.

Vice Chairman Turman said we should pay them something for their time to do this.

Chairman Yoder said to him it wasn't a matter of how much we collect but giving the businesses something for their additional accounting efforts. I have heard that from businesses in my district. They are open to collecting this. They are not at all opposed to collecting it, especially if it keeps real estate taxes lower or stable, but their concern is they will have to spend an extra half hour a month to do this.

Supervisor Kuchenbuch said most of this is done on a computer or cash register, right?

Ms. Keith answered this may require them to reprogram their computer or cash register. They may have an additional cost to get it set up.

Chairman Yoder said the businesses in his district are not computerized. There will be a certain level of extra work.

Vice Chairman Turman pointed out that even if it goes through the computer there is extra work to reconcile the records and go through it to turn it in.

Supervisor Boothe stated that he heard from several constituents that this money will be put in the general fund and will disappear.

Ms. Morris stated that it will be put in a separate fund. Our system is not set up to have cash set up in separate bank accounts. We have everything together to earn more interest.

Mr. Durbin said even on your books to transfer that money out from the capital fund to expend it on something else, you would be able to do it but you couldn't tap into what had been collected as meals tax. Let's say you have \$100,000.00 collected in meals tax in the capital improvement fund and you had another \$100,000.00 that came from general revenue. You could tap the general revenue and reallocate it but you couldn't tap the meals tax and put it to anything else but capital improvements. I think that is a legal restriction that comes from the referendum.

Supervisor Boothe said that works if all the money collected goes into that fund.

Ms. Keith replied it is already set up. It already has its own line.

Supervisor Kuchenbuch said I believe we should compensate those folks who are collecting and it makes perfect sense to start on July 1 with the new fiscal year. 2.5% is an adequate amount.

Chairman Yoder said we can always go back and adjust that percent later.

Mr. Durbin explained you can have that percent anywhere from 0% up to 5%. You can't go above 5%. I picked 2.5% for the draft as the middle amount.

By consensus the Board of Supervisors agreed to have the draft ordinance state that the meals tax would be effective July 1, 2018 and the commission for collection would be 2.5%.

On a motion of Supervisor Turman, seconded by Supervisor Kuchenbuch, and unanimously carried, it was resolved to authorize the County Administrator to advertise a public hearing on an Ordinance Pertaining to Tax on Prepared Food and Beverages to be held on February 27, 2018 at 7:00 p.m.

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

b. Discussion of Roberts Rules of Order – Mr. Durbin suggested that the Board ask him any specific questions that they had on Roberts Rules of Order. This qualifies as a small group so my interpretation is that this would be Roberts Rules Newly Revised for Small Groups. One key difference in small groups is that the Chair participates and could make a motion and can vote. That is in State Code too. That is where it departs from Roberts Rules.

Supervisor Boothe said we used to do it where the Chair turned it over to the Vice Chair and then made the motion. Are you saying the Chair would not have to do that?

Mr. Durbin answered not under small groups but that is something you can decide amongst yourselves on how you want to handle that.

Chairman Yoder said generally the Chair has not made any motions...

Ms. Morris continued unless they have turned the Chair over to the Vice Chair.

Mr. Durbin said there are a lot of good reasons to handle it that way, but Roberts Rules for Small Groups does not mandate that you do that. One thing to keep in mind – and this isn't Roberts Rules, but it is Parliamentary Procedure – as far as voting there are certain situations where an abstention would count as a no vote. That applies to impose taxes, to adopt a budget, to appropriate funds in excess of \$500.00. Otherwise an abstention under the State Code is neither a no or a yes to pass standard ordinances that don't spend money you need a majority of members present and voting. Assuming you have a quorum, abstentions do not count as a no vote except in those particular circumstances. If a member disqualifies him or herself under the Conflict of Interest Act that abstention reduces the required quorum and does not count as a no vote.

Chairman Yoder said if we had a 3-2 vote on a particular issue and another member wanted to go back and revote on that particular issue, then you could go back and revisit as long as it was brought up by someone who voted in the majority.

Mr. Durbin replied yes when the issue is revisited in the same meeting.

Chairman Yoder asked if an abstention on a budget is considered a no vote and you had 2 noes and an abstention, could the person who abstained ask to go back and revote?

Mr. Durbin said that is a good question; I will have to go back and look at that. If you were on the losing side a motion to revisit would not be at the same meeting. Let's say the Board takes action and at the next meeting wants to revisit it, that is a different question. Any member can make a motion to rescind a previous action at any time.

Ms. Morris said even new members can do that on an action taken by a previous Board.

Mr. Durbin confirmed, yes.

Supervisor Boothe said there are two resolutions that this Board has passed that has conflicting parts to them. There are two new Board members. There are different votes on different resolutions. Can any member of this Board bring it up for reconsideration?

Mr. Durbin replied yes, at a subsequent meeting a motion can be made to rescind a previous action.

Supervisor Boothe asked if that would have to be specific to that action?

Mr. Durbin replied yes. One example would be, "I move to rescind the motion passed on April 2."

Supervisor Boothe said we would have to do it in two separate motions.

Mr. Durbin confirmed I would recommend that for the sake of clarity so the voting doesn't get confused.

c. Procedure for appointments to committees – Mr. Durbin stated I have been briefed about how appointments are made in Floyd County. I will restate my understanding. Please correct me if my understanding is wrong or not complete. The process here is that interested individuals who might want to serve on boards that are appointed by the Board of Supervisors submit a letter of interest. There are discussions with the individuals in closed session by the Board prior to any action being taken. I think the question is: whether it is recommended after going through that process can you take nominations from the floor as well. Do I understand that right? You could nominate and appoint someone who hadn't necessarily submitted a letter of interest or been interviewed?

Chairman Yoder said we have a deadline to submit the letter of interest and if you don't make the deadline you aren't considered.

Supervisor Boothe said if this Board decides to take nominations from the floor, then why have the letter of interest deadline?

Mr. Durbin responded to me this isn't necessarily a legal question so much as it is a policy question. I would want you to think about what message that might send if someone has gone through the process, submitted their letter of interest, sat down with the Board, looked you all in the eye, had a discussion with you, and then someone who has not been through that

process is then nominated and appointed from the floor. I think that would leave some bad taste in someone's mouth and turn them off from local government.

Chairman Yoder asked let's say we went through that process and we found the individual we interviewed wasn't qualified and maybe they were the only candidate. By the time we finished the interview they realized they weren't qualified. At that point if we continue the way we do, we just re-advertise and start the process over.

Mr. Durbin said there is nothing that would prevent this body from appointing someone, assuming they are interested, on a nomination from the floor. The wiser course might be going and having a discussion with a person you have in mind, re-advertise, and have them submit a letter of interest. It creates the correct perception that it is still an open process and that you are interested in finding qualified candidates.

Supervisor Boothe said it is a policy of this Board and not a requirement as to whether we do the interviews in open session or closed session.

Mr. Durbin agreed, yes. As you know there is a Freedom of Information Act provision that allows you to have closed session discussions with prospective candidates for any office that this Board appoints. You can follow the practice that you have been and I think it is probably a good one. There is nothing in the Economic Development Authority's Articles of Incorporation, for example, which limits your discretion on who you would appoint. It is a matter of your policy.

Supervisor Boothe stated we have to be careful in the interview process on the questions we ask.

Mr. Durbin replied I always recommend a good measure of caution.

Ms. Morris said I pick the questions and ask the same questions to each of the candidates. When we first started this we used to ask the questions out here during open session and we got to the point where we didn't have many people applying. People didn't want everything they said in the newspaper.

Agenda Item 8.a. – E911 Road Name Request – Campbell Crossing NE.

Ms. Morris said new homes have been built back in this area.

Supervisor Kuchenbuch said basically where State maintenance ends, is that correct?

Ms. Morris confirmed that it was. When staff reviewed this area they noted that the numbering was incorrect as far as the original work that we had done with odds on one side and evens on the other.

Supervisor Kuchenbuch said one household was missed altogether.

Ms. Morris stated that Kevin [Sowers] worked with landowners to come up with a solution that is easier for everyone. It turns out that just one landowner needs to change their number. He was happy with that.

Supervisor Kuchenbuch asked what about the house that does not have a number?

Ms. Morris said they will number that. Mr. Sowers had that all worked out. It was quite a quagmire back there with the numbering.

Supervisor Kuchenbuch asked if 354 would be the number for the new house going in? Ron Campbell's house is 352. There are more houses tucked into the wooded areas. There are far more numbers than we have here. I have no problem naming it Campbell Crossing, but this needs a little bit more work because there are a bunch more houses in here.

Ms. Morris replied that Kevin [Sowers] has worked all that out. I believe the other homes would still use Vest Tannery Road. It has been a while since we talked about it. It was only these two houses that would have to change.

Supervisor Boothe asked how do the other houses have access to the road?

Supervisor Kuchenbuch replied there is a private right-of-way that comes up.

Ms. Morris said when we first started everyone was going to have to change their numbers and the names. I'm not sure how many times Kevin [Sowers] has been down there working on this.

Supervisor Kuchenbuch asked why does Mr. Campbell want to change it? If you are going to have some people within that whole area still be Vest Tannery Road and then you are going to have Mr. Campbell and one other one...

Ms. Morris explained Mr. Sowers and Mr. Campbell agreed to the change to provide the easiest solution to affect the least number of people.

Ms. Kuchenbuch asked which sections will be Vest Tannery Road?

Ms. Morris suggested we could defer this until we can get answers to your questions. They don't want us to change it until later anyway.

Mr. Boothe I remember when a road name changed there had to be agreement with a majority of the people along the road. The State maintained part will remain Vest Tannery Road.

The Board of Supervisors agreed by consensus to defer the road name change until the next meeting.

Agenda Item 8.b. – Proposal by Citizens Telephone to video record and air Board of Supervisors meetings on local access channel, CCTV Channel 20.

Ms. Morris stated we received a proposal from Citizens Telephone to video record and air the Board of Supervisor meetings. This same proposal was made about 1 ½ years ago. You decided at that time that we weren't interested. They indicate that it is no cost to us. They have been airing more events like parades and ball games. There are about 8000 households in the County right now and they are serving 1700. I'm still not sure that this would reach outlying areas. They would install the equipment and we would have to turn it on and off each time.

Vice Chairman Turman it will probably reach places close to Town, but not Indian Valley or Buffalo Mountain.

Ms. Morris said I live 4 miles out of Town and don't have cable available either.

Supervisor Boothe said there is a bad volume problem on channel 20. Do you know if that has been fixed?

Chairman Yoder said I don't know that we need to be responsible for filming for them. That is my biggest concern. It wouldn't stop us from turning the camera on and off if our staff is responsible for the filming. I would be much more comfortable if they did it. They can come in and film us all they want to. I am just a little leery of our staff being responsible.

Ms. Morris agreed that we are not real comfortable with that.

Chairman Yoder said I don't want to put our staff in the position of being told they turned the camera off 5 minutes before the end of the meeting.

Supervisor Kuchenbuch said they have students running cameras at ballgames.

Chairman Yoder also questioned how the wiring would work in our infrastructure. We are also going to have security cameras in here. I want to be as public as we can be, but I also don't want our staff to be responsible for other people's equipment.

Supervisor Kuchenbuch suggested that they come and talk to us about it and hear our concerns.

By consensus the Board of Supervisors agreed to defer this item until Citizens Telephone could be placed on the agenda.

Agenda Item 10. – Old/New Business.

Ms. Morris said she had one more item to discuss. Pulaski County has hired a consulting firm to lobby in Richmond to check on the localities ability to levy a cigarette tax, which we are not allowed to do right now. They are asking for support from the New River Valley areas either financially or at least by resolution. I spoke with the Pulaski County Administrator today. He was on his way to Richmond to start lobbying with this firm. He said if you would even consider

a \$500.00 contribution they would appreciate it, but if not even a resolution of support. If they do get this passed they are earmarking their funds for school capital improvements.

Supervisor Boothe said I believe at one time this Board had that on their list.

Chairman Yoder and Supervisor Kuchenbuch both said we still do.

Chairman Yoder said it is prudent to go to the voters and ask them if we should have the authority or not.

Ms. Morris said that the Pulaski County Administrator feels like they will do that too.

By consensus the Board of Supervisors decided they would not provide any financial support to Pulaski County for lobbying efforts.

Ms. Morris asked if they were interested in having her draft a resolution of support?

By consensus the Board of Supervisors requested that Ms. Morris draft a resolution of support.

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 Regarding Specific Legal Matters Requiring Advice §2.2-3711 A.8.

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

Supervisor Boothe – 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 Coleman, 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 §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 Regarding Specific Legal Matters Requiring Advice §2.2-3711 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 said she had received the Kiser Computing Services contract for renewal.

On a motion of Supervisor Kuchenbuch, seconded by Supervisor Boothe, and unanimously carried, it was resolved to authorize the County Administrator to execute a contract with Kiser Computing Services for one year (Document File Number 958).

Supervisor Coleman – yes
Supervisor Kuchenbuch – yes
Supervisor Boothe – yes

Supervisor Turman – yes
Supervisor Yoder – yes

Supervisor Boothe requested that discussion time be added to a future agenda on a
ridgeline protection ordinance and Rescue Squad/Paid Emergency Medical Services issues.

Agenda Item 11. – Adjournment.

On a motion of Supervisor Coleman, seconded by Supervisor Kuchenbuch, and
unanimously carried, it was resolved to adjourn to Tuesday, February 13, 2018 at 8:30 a.m.



Terri W. Morris, County Administrator



Lauren D. Yoder, Chairman, Board of Supervisors