

At the recess meeting of the Giles County Board of Supervisors on Tuesday, June 30, 2009, at 6:30 PM in the Giles County General District Courtroom, 120 North Main, Pearisburg, the following were present:

Richard McCoy	Chairman (At-Large Member)
Paul Baker	Vice Chair (At-Large Member)
Howard Spencer	Western District
Eric Gentry	Eastern District (Absent)
Barbara Hobbs	Central District
Chris McKlarney	County Administrator (Absent)
Kevin Belcher	Assistant County Administrator
Bryan Reed	GIS Coordinator/Subdivision Agent
Susan Kidd	Board Secretary
Richard Chidester	County Attorney

## CALL TO ORDER/INVOCATION

Mr. McCoy called the meeting to order. Mr. Reed offered the invocation and led the Pledge of Allegiance.

## APPROVAL OF MINUTES

***Mr. Baker moved to approve the minutes of June 3, 2009. Second by Ms. Hobbs. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.***

## VACO – DONALD HART, PRESIDENT

Mr. Donald Hart introduced himself to board members as the new president of the Virginia Association of Counties. His home county is Accomack on the eastern shore. He said he had a goal of visiting every county in Virginia during his tenure as president of VACO. Mr. Hart expressed the importance of all counties being united to get things done – especially in the rural counties located on either side of the state. He said VACO is working to achieve success, not prevent failures. One of their main focus points is to prevent unfunded mandates from the state and General Assembly. They have been successful this year in stopping several of those that were being considered. Mr. Hart encouraged the board members to participate in the legislative process through VACO and especially be active in the rural caucus. He also encouraged them to contact him or VACO if they need anything.

## HOMELESS SHELTER REQUEST FOR TAX EXEMPT STATUS

The board reviewed a request from the Homeless Shelter Board to consider tax exempt status for the Homeless Shelter's real property.

***Ms. Hobbs moved that a public hearing be scheduled for July 16<sup>th</sup> to consider real estate owned by the Giles County Homeless Shelter as tax exempt. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.***

## PLANNING COMMISSION RECOMMENDATIONS

### SPECIAL EXCEPTION – SIZEMORE - CAMP

Mr. Reed noted that a public hearing was held several weeks ago concerning this proposed special exception for Rick Sizemore to permit a private for profit, nonprofit, or public organization camp. Mr. Reed reported that the Planning Commission has unanimously recommended approval of the request.

***Mr. Spencer moved to accept the Planning Commission recommendation for approval of the special exception request for Mr. Sizemore, Sizemore Incorporated, as presented. Second by Ms. Hobbs.***

**Discussion:** Ms. Hobbs asked if they had received any comments on this at all. Mr. Reed said there were none during or after the public hearing. One adjoining land owner picked up an information packet and was satisfied with the answers he received to his questions.

**Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.**

#### **SUBDIVISION PLAT – JOHN MOREHEAD**

Mr. Reed presented this large lot subdivision for John Morehead. All are large lots with the exception of parcel A which has road frontage. Lots will be served with public water and sewer. Parcel B also has road frontage while Parcels C, D, and E will have access from a 50 foot access easement coming off Kow Kamp Road. This does meet the requirements of the subdivision ordinance. Mr. Reed stated that the Planning Commission did recommend approval of the plat with the addition of a note to be added to the plat that utility easement set forth on the plat shall be 20 foot wide and centered on the utility lines as finally installed. Ms. Hobbs asked if it was feasible to come off Kow Kamp Road to Parcel A and B. Mr. Reed said he had not been to the property, but since the surveyor had included a 20 foot easement, it may be difficult for Parcel B to come off with its own road frontage. Ms. Hobbs asked if it was legitimate to have a large lot subdivision with one that is not a large lot. Mr. Reed said because they have the required road frontage it may be. Ms. Hobbs said it was still part of a large lot subdivision. Mr. Reed said throughout the county there have been other similar situations approved. According to the subdivision ordinance, if they have the requirements of a subdivision then it can be done.

**Mr. Baker moved to accept the Planning Commission's recommendation to approve the large lot subdivision for John Morehead as presented. Second by Ms. Hobbs. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.**

#### **SUBDIVISION PLAT – ERIC VAUGHT**

Mr. Reed noted this is a subdivision of a subdivision. The total acreage of the original tract was 55 acres. The latest division was a 15 acre lot was split off in 2008. That 15 acre lot is now being proposed to be split into two 7.5 acre tracts. This will be the 4<sup>th</sup> split off the parent tract and that is why it is being brought before the board. The only comments the Planning Commission had is they noticed the drain field was laid out but the septic number was not on the plat. Mr. Reed spoke with the surveyor this morning and that permit has been issued. The Planning Commission has recommended approval.

**Ms. Hobbs moved to accept the Planning Commission's recommendation to approve the subdivision plat for Eric Vaught. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.**

#### **AMERICAN ELECTRIC POWER – 90<sup>TH</sup> ANNIVERSARY RESOLUTION**

Mr. Belcher presented a resolution recognizing the 90<sup>th</sup> anniversary of American Electric Power. (Copy attached).

**Ms. Hobbs moved to adopt the resolution in recognition of the 90<sup>th</sup> Anniversary of American Electric Power. Second by Mr. Spencer. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.**

#### **REQUEST FOR COMMENT – NRV PDC**

Mr. Belcher presented a request for comment and/or indication of no conflict from the NRV Planning District. This was in reference to VPDES permit renewal for APCO in Glen Lyn.

**Mr. Spencer moved to indicate the county has no conflict with the VPDES permit renewal for APCO in Glen Lyn. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.**

## PAYMENT OF WARRANTS

***Mr. Spencer moved to appropriate funds in the amount of \$448,638.42 for payment of warrants presented June 30, 2009. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.***

## PUBLIC HEARING – NARROWS VOTING PRECINCT

Mr. McCoy opened the public hearing to consider a proposed change to the location of the voting precinct in the Town of Narrows. Mr. Chidester noted this would move the voting precinct from the town hall to the fire hall – approximately 50 yards away. This location does have handicap access and parking that is much improved from the existing location. This has to be done tonight in order to meet the deadline for the Justice Department in time for the November elections. There were no comments and Mr. McCoy closed the public hearing.

***Ms. Hobbs moved to approve the request to change the Narrows voting precinct from the town hall to the fire hall and forward the request to the proper agency. Second by Mr. Spencer. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.***

Ms. Hobbs noted that the board has been requested to submit any comments on the Route 61 bridge in Narrows to VDOT by July 16<sup>th</sup>.

## BUDGET SUPPLEMENTS AND TRANSFERS

Ms. Tickle noted that most of the supplements were funds received during the year. The largest amount on there was for the Wheatland Eco-Park project and was just breaking the funds out into separate budget lines. Last year the funds were all placed into Economic Development, but with the start of the project the lines were broken out into site development, engineering, etc. This just helps track funds better.

***Ms. Hobbs moved to approve 2008-09 budget supplements in the amount of \$259,056.82 as presented. Second by Mr. Baker.***

**Discussion:** Mr. Spencer asked about PSA fuel reimbursements. Ms. Tickle explained the PSA drivers have a card and fill their trucks at the county tanks. The county then invoices PSA and is reimbursed. She noted the fuel cost savings from this has been significant and it also keeps price fluctuation from becoming a problem. Mr. Spencer asked if any towns were taking advantage of this. Ms. Tickle said only PSA, county and schools at this time. This is a big savings improvement for the Sheriff's department too.

***Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.***

***Ms. Hobbs moved to approve 2008-09 budget transfers in the amount of \$795,836.99 as presented to satisfy audit requirements. Second by Mr. Spencer. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.***

## APPOINTMENTS

***Mr. Baker moved to reappoint John Mills to the Indoor Plumbing and Rehabilitation Board for a one-year term ending June 30, 2010. Second by Mr. Spencer. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.***

***Ms. Hobbs moved to reappoint A. W. Skeens, Nancy Rader, and Howard Spencer to 2 year terms on the Indoor Plumbing and Rehabilitation Board. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.***

***Mr. Spencer moved to reappoint "Chappy" Baker to the New River Police Academy Board for a one-year term ending June 30, 2010. Second by Mr. McCoy. Approved unanimously (3-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent; Mr. Baker-abstain.***

***Ms. Hobbs moved to appoint "Chappy" Baker as the alternate representative on the Agency on Aging Board for an unexpired term ending September 30, 2009. Second by Mr. Spencer. Approved unanimously (3-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent; Mr. Baker-abstain.***

## **STOCKPEN WATER PROJECT**

Mr. Belcher reported that he had received an email from Bill Wright with SERCAP giving the county permission to design the Stockpen project and use part of the \$103,500 in SERCAP funds to do so. He stated the intention is to do an addendum to the existing agreement with Thompson and Litton. This will get things that much closer to what they feel is the best method for getting the project done and apply for construction ready funds through DHCD. Mr. Belcher said he wanted to get the board's approval that this is what they want staff to pursue. Mr. Spencer noted they have had this money (SEPCAP) for three years and wanted to use it this way but were unable to get an answer. Now they finally have an answer, but Mr. Wright says we can "use a portion". Mr. Belcher said he told Mr. Wright in a previous email that about \$75,000 would be the cost for environmental and design. Mr. Wright is saying not to use the whole amount. Mr. Belcher said the email says that "you have written permission." This is in the email but they were unable to provide a letter from their board.

***Mr. Spencer moved to proceed with the Stockpen Water Project as indicated. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. McCoy; Mr. Gentry-Absent.***

## **DAY REPORT CENTER/ASSIGN A HIGHWAY**

Mr. Belcher said he had held several conversations with Grayson County about their desire to form a day report center and assign a highway project. They would like to follow Giles' model and have us help them with start-up. Grayson has about a \$400,000 jail bill and anticipate that increasing to \$700,000 in the upcoming year. They would like to save a portion and re-invest that into youth programs that could provide even better long-term results.

Mr. Belcher said he has sent detailed information to Grayson and they have now requested a formal proposal from Giles. He asked if that was something the board would consider and how we they like to see this move forward. Mr. McCoy said he thought it was a good thing, and he would like to see Giles do the same for Grayson as Mercer did for Giles. This is a way to help them and help our program too. Ms. Hobbs said she agreed that this would be a good thing. Mr. Spencer asked how much time this would take from county staff. Mr. Belcher said he has been going down there to talk to them and touch base – probably a day every other week or so. Carroll County and Galax are also interested, so this may move into a regional effort.

Mr. Spencer asked if they had received any negative comments from the regional jail. Mr. Belcher said he has received continuing questions through various sources, but he has heard nothing directly from the jail. Mr. McCoy said the jail is already discussing going to a fixed rate charge for each county. Mr. Chidester said he did not think there is anything in the current agreement that provides for any payment other than per diem. Anything else would require agreement of ALL member jurisdictions. Ms. Hobbs asked if anyone knew where the \$1 million came from that the regional jail is proposing to use to build a training academy. Mr. McCoy said that is money left over from the construction project – instead of turning it back in, they were looking for somewhere to spend it. Mr. Spencer said the board attended a meeting several months ago and saw a presentation that they were investigating construction of a training facility. Mr. Chidester said he questioned what authority the regional jail has to build a police academy; that is not within their authority or original jurisdiction. Mr. McCoy said he agreed and it seems that idea has since died down.

Mr. Belcher said he had discussions with some of the finance committee of the regional jail. They have broken up charges for the past and upcoming year based on what they consider fixed and variable costs. He has asked them for details on what they consider to be fixed costs. Mr. Belcher said he was invited to be involved in developing the concept for that program, but he told them he just wanted to see the numbers. Ms. Hobbs said if the county has an agreement that they only pay the per diem, then they should not have to pay anything else. Mr. McCoy said that was how he felt also and it seems to be the county attorney's opinion too. Mr. Spencer said they can get around that by increasing the per diem. Mr. McCoy said that would just have to be dealt with if they can justify it happening. Mr. Spencer said the board needs to let the county representative to the jail board know how they feel.

Mr. Belcher referenced an email from Mr. McPeak at the Regional Jail to Peggy Cooper with Community Corrections in which his comment to her was that his business was to keep the jail full; not to divert people from the jail. In that light, the board's business on behalf of the citizens of the county is to give the jail as little business as possible. Mr. McCoy thought the county budgeted about \$600,000 for the regional jail in 2009-10. Mr. Spencer commented that this money actually leaves the county and goes to the regional jail and most of that will likely be spent in places other than Giles County. He said if the county is able to save costs with other programs, that effort should be applauded. Mr. McCoy said if the board agreed he would make sure Mr. Givens (the county's representative to the regional jail) knows the board is not interested in fixed cost billing. Ms. Hobbs said they should also note that it is not within the boundaries of the agreement. Other board members agreed. Mr. McCoy asked if the per diem could be raised as much and as often as the jail chooses. Mr. Chidester said he thought the agreement caused that to have to be related to costs and budget figures. Mr. McCoy said if counties continue to look at alternatives to the jail, then the jail may need to look at downsizing at some point. Ms. Hobbs and Mr. Baker noted that one of the biggest issues is the state leaving their prisoners at the regional locations and not paying the full per diem. The board said about all they can do about that issue is making the legislators aware of what is going on with state prisoners. Board members also agreed to move forward with the Grayson County agreement.

## **FUNDING – SCHOOL PROJECTS**

Mr. Chidester referred to an earlier discussion on the possibility of receiving stimulus money for qualified school construction bonds. The Department of Education has determined the county would not be able to use this for projects – one issue being timing. The money will not be available until October and it would be difficult to operate without it until then. Also, the money cannot be used to refinance existing debt. Mr. Chidester said another problem is that contractors would have to comply with the Davis-Bacon Act and that was not in the bid originally since there was no federal money involved at that time. They could rebid the projects but it would add considerable costs to the labor and probably offset any savings. Ms. Hobbs asked what the money could be used for then. Mr. Chidester said the county will not be getting any of it. There is a pot of money set aside for qualified school construction bonds. In order to use it, localities have to comply with David-Bacon Act and cannot use it to refinance existing debts. The projects would have to be ready to go. These projects are underway and really cannot use the stimulus money. He said even if it made sense financially, they just cannot issue a change order for this because it was not in the original bid. The projects would have to be re-bid and the contractor has already started construction.

No further business was introduced. Mr. McCoy adjourned the meeting until the recess meeting scheduled on Thursday, July 16, 2009 at 6:30 PM in the Giles County General District Courtroom.

APPROVED:

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Chairperson

ATTEST:

\_\_\_\_\_  
Clerk

June 30, 2009

*Resolution*

*By*

**Giles County Board of Supervisors**  
*of*  
*Giles County, Virginia*

WHEREAS, American Electric Power Company, celebrates 90 years of service to the Giles County area in 2009

WHEREAS, American Electric Power has provided essential electric service to individuals and industries located in Giles County

WHEREAS, American Electric Power has also provided outstanding support to both community and social endeavors of county residents

WHEREAS, American Electric Power continues to be a vital part of the lives of Giles County citizens

NOW, THEREFORE, the Giles County Board of Supervisors, does hereby recognize and acknowledge the great value of American Electric Power and its commitment to elevating the quality of life for all citizens through their continued operations.

Approved by the Giles County  
Board of Supervisors on this  
The 30<sup>th</sup> Day of June, 2009

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Richard K. McCoy, Chairman

Official Seal of the County