

At the regular meeting of the Giles County Board of Supervisors on Wednesday, June 3, 2009, at 10 AM 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
Barbara Hobbs	Central District
Chris McKlarney	County Administrator
Kevin Belcher	Assistant County Administrator
Bryan Reed	Subdivision Agent
Susan Kidd	Board Secretary
Richard Chidester	County Attorney

## CALL TO ORDER/INVOCATION

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

## APPROVAL OF MINUTES

*Mr. Baker moved to approve the minutes of May 7, 2009. Second by Mr. Spencer.*

**Discussion:** Mr. Gentry corrected a company name on Page 5 of the minutes to read Clark-Nexsen.

*Minutes were approved unanimously with the correction (5-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.*

## VDOT REPORT – JOHN THOMPSON

Mr. Thompson updated requests from recent meetings. He noted that VDOT has referred the safety concerns for Rt. 637, Virginia Heights Road, to Traffic Safety and they are in the process of reviewing it. He should have something at the next board meeting. There was concern about the report on the bridge failure at Patterson Ford Road, Rt. 749. The report has not been finalized, but it will be made available when it is complete. Ms. Hobbs asked why it took so long. Mr. Thompson said that is just the information he has that they were still working on a couple things the Commissioner wanted to add to the report. It is pretty well complete but not the point to release to the public yet. He said at this time there was no funding to replace that bridge. The testing is being conducted because VDOT needs to know exactly why that happened and how it may be related to other bridges.

Mr. Thompson said the Rt. 219 bridge was discussed at the last meeting. There was a meeting with VDOT, county staff, and a gentleman from West Virginia DOT. The VDOT District PE Manager was at that meeting and was made aware of recent developments he did not know about. Mr. Thompson felt it helped to have everyone in the loop now and it does look more promising than it has before. Mr. McCoy said at least the two sides are talking. Mr. Thompson said they are doing everything possible to expedite the project.

Mr. Thompson said there were some guardrail repair requests. There is no work on those being done right now. He said requests are in and when they do have funds these will be on the list. Mr. McCoy asked him to just keep pushing on something on Goodwin's Ferry Road. Mr. Thompson said they have looked at that area in detail and the roadway is just too narrow. Doing anything there would cut the existing road to only one lane.

On old Route 100 near Bill Harmon's, there was concern about a rock near the road. Mr. Thompson said that was more of a slope issue. They could not find an individual rock that would be easy to remove. The concern seems to be more of an issue with the slope. They could not do that project within the current funding, but will keep it in mind. Mr. Gentry said if VDOT closes the Rt. 61 bridge in Narrows, Route 100 will have to take all traffic.

traffic. Mr. Thompson said that was one of the things they will tell the bridge people and ask them to take a close look at Rt. 100. They would have to make it more serviceable.

Mr. Thompson said the Route 61 bridge looks like the project will move forward. A consultant is working on now to get a design/build contract out to bid by February 2010. This will be a \$20 million project. Ms. Hobbs asked why they had to put the bridge back in the exact spot. Mr. Thompson said that decision has not been 100% made on that. It may turn out that way. The consultants and VDOT people will look closely at that between now and mid-July. They will see if they can determine another way to do it and still meet things in the required timeframe. The federal regulations are very tight on the time to construct the project. Ms. Hobbs asked if there was a reason the bridge has to go over Rt. 460. Mr. Thompson said they are going to spend about a month or two months looking and determining for sure if that is the only way to do that within the timeframe. They will be looking to make sure they absolutely have to close the bridge. Mr. Spencer asked if the 2010 date was to award or to advertise the project. Mr. Thompson said it was to award. The bid will have to come out in November/December. Mr. Spencer asked if the bridge was actually a 6-9 month construction project. Mr. Thompson said they hope to complete it in the neighborhood of one construction season. They would not want to keep that bridge closed any longer than necessary. Mr. Spencer asked about the program VDOT has for local businesses impacted by this bridge closing to recover some of their loss. Mr. Thompson said they would certainly have the option to file. There is a program for that but he could not promise what would happen.

Mr. Gentry asked about Dry Branch Road – it needs to be graded and ditched. Also Doe Creek Road between Celestial Heights and Little Meadows has some big potholes. VDOT needs to check on that. Mr. Gentry also said the guardrail on Apache Road was not fixed. Mr. Thompson said they have to wait on more funding. It is on the list. Mr. Gentry said the side roads off of Kow Kamp have washed out and gravel and rocks are in the road. Mr. Thompson said they are having that problem everywhere and that is on their list to get to.

Ms. Hobbs said there is another low water bridge in the Bane area crossing to the Carr property. It is about 9 years old and was underwater for a week. She said she understood there is no money, but asked if the local department would go over there when they expect a hard rain and clean under the bridge. Mr. Thompson said they were aware of that structure and he would emphasize for them to keep an eye on it and do the same for Patterson Ford. Ms. Hobbs noted that the two-lane portion of Rt. 100 is in bad shape. The shoulders are deteriorating and the road is not in very good shape. Also, there needs to be guardrail on the north bound lane where the big drop off is. It's the old rock wall near Poplar Hill. Ms. Hobbs said a truck went over there not too long ago. She said it took 10 years to get guardrail in the south bound lane but she hoped this would not take that long. Ms. Hobbs suggested maybe they would tap into some of the federal money. Mr. Thompson said there was no federal money for routine maintenance. Ms. Hobbs said it was not very routine.

Mr. Spencer said there is a large hole on the Rt. 219 bridge and it is getting larger all the time. He also said he realized they were not doing a lot of mowing, but when the brush and weeds impair site distance and signs they need to look at that. Mr. Thompson said the priorities locally for the next few weeks were to repair storm damage and get as much mowing done as possible. Mr. Gentry said one of the local VDOT employees said they were only mowing one swipe on each side of the main roads and none on gravel roads. Mr. Thompson said they would be doing some mowing on gravel roads. Mr. Gentry asked who made the decision on that. Mr. Thompson said it was a matter of them doing what they were told. It is their intent to do some if they can. The instructions come out of Salem office. Ms. Hobbs asked if they should call if they see particularly bad spots. Mr. Thompson said if it was a safety concern, please let VDOT know and they will do what they can.

Mr. Spencer asked about Rural Addition funding. He thought there was \$100,000 in prior years funding. Mr. Thompson said there was some previous Rural Addition funding. He had been asked to get an estimate on Skyview and see what the funds were. He will get that information to the county in a few days. Mr. McCoy asked if the Road Viewers changed the order of the roads they recommended. Mr. Whittaker noted they had and it was up to the board to adopt that. Greenbrier was first, but road viewers look at that and recommend Sky View move ahead of Greenbrier.

Mr. McCoy asked how VDOT would replace the Rt. 61 bridge if they did not have Rt. 100 to travel – would they have to go Interstate 77 to Princeton or do something using the existing bridge. He said he really was not expecting an answer, but just wanted to make a point. The good news is they are getting funding for the bridge.

but the bad news is buses at the high school will have to go past Celanese to get to the grade school and people will have to travel that way. It just doesn't work well. He said it is not a 9 month project unless they design/build team somewhere away from here. Mr. Thompson said from the size of the project it will most likely go to a large contractor. There are incentives in the contract that will limit bidding even further. Mr. McKlarr asked about relocation of utilities on the bridge. Under the proposed scenario, they would have to bore under the river. He asked if that was included in the cost of the bridge. Mr. Thompson said it was and that was something VDOT would do. That is part of the contract and a fairly significant problem they have to deal with.

## STORM READY DESIGNATION

Mr. McKlarney introduced Phil Hysell with the National Weather Service in Blacksburg. He stated that Mr. Hysell and his office are extremely helpful in keeping the county informed on weather issues. Mr. Hysell, along with Brian Squibb and Gina Franklin, has worked very hard to get this designation for Giles County.

Mr. Hysell said he appreciated all the work Ms. Franklin has done on this project. Giles County is only the 6<sup>th</sup> county out of 52 communities to complete the Storm Ready Program. This is a voluntary program that allows communities to become better prepared. In order to meet the criteria for this program, the county had to have a 24-hour warning point in an emergency operations center, had to have four methods to receive and disseminate severe weather warnings from the NWS, and to create a system that monitors local weather conditions. Giles had to promote the importance of public readiness through community seminars and develop an adequate program which included training sky warn and severe weather spotters. Because the county met and exceeded all of these standards, they were awarded the designation of a Storm Ready Community on May 13, 2009. Mr. Hysell offered his congratulations to everyone involved. Mr. McKlarney noted that Brian Squibb put the applications together and really did a lot of the work on this project.

## CONSTITUTIONAL OFFICERS

**Anne Chambers, Commissioner of Revenue:** Ms. Chambers informed the board that reassessment figures have been posted to the Treasurer's side just shortly before she came to this meeting. The information should be available anytime after this meeting. With all the problems with reassessment and the extended time for hearings with the Board of Equalization, the time constraints and work load, Ms. Chambers noted this was one of the most difficult periods she has faced since she has been in office. Ms. Chambers spoke with Mr. McKlarney about having the deadline made permanently June 30<sup>th</sup> for the citizens to pay real estate taxes. She asked the board to consider that and act on it at this meeting.

Mr. Spencer said he tried to pay his tax tickets at NBB and they said they were not authorized to take it. Ms. Chambers said she did not have any knowledge of that. He needed to discuss that with Mr. Duncan.

**Sheriff Millirons:** Sheriff Millirons presented information from his department for May. Officers issued 38 tickets, 597 civil papers, 109 cats were picked up and 35 dogs. He noted that about 90 of those cats came from one location. They had 33 incident reports and 65 misdemeanor warrants. The sheriff noted there would be five extra officers on the road this summer with the use of the resource officers from the schools.

The CODE Red system was tested last week and there are still a lot of people who have not signed up. The Treasurer is going to put something on the utility billing to remind people to sign up. Sheriff Millirons reported that the task force is going strong and operating well. They are hoping to make some more progress soon.

Sheriff Millirons reported there was an incident last Saturday at McCoy Falls and all of the officers from Giles except three were on the scene - total of 17. The incident ended up being in Montgomery County, but there was response from here to it. Ms. Hobbs said there were a lot of things going on in the county at the same time and dispatch had trouble finding people to cover those. Sheriff Millirons said they were still dealing with the TSO issues, but he realized there wasn't much that could be done. He noted that the hearing on the cats that were seized (about 90) from a house in the county would be held later this week. They are purchasing 150 pounds of cat litter daily and a huge amount of food. Mr. Gentry asked if they can recoup those costs through the court case. Sheriff Millirons said he did not know but was going to try to recover some of the cost. Mr.

Chidester said he thought the judge could order that as part of the case, but it probably needs to be officially requested.

## **SCHOOL BOARD REPORT – TERRY ARBOGAST**

Dr. Arbogast reported enrollment at the end of May at 2,555 which is an increase of 45 from this time last year. Mr. Baker noted that the figures for enrollment are locked in at the end of March. Dr. Arbogast confirmed that was correct. He shared a copy of the activity calendar for June with board members. They were also invited to graduations – Narrows High on the 12<sup>th</sup> at 7 PM and Giles High on the 13<sup>th</sup> at 10 AM. The last day of school is June 11<sup>th</sup>. Dr. Arbogast reported that SOL scores coming in are looking positive. There are a few more results to obtain so these are unofficial. He shared scores with board members. Mr. Gentry asked if the lower numbers at Macy and Eastern were in the same categories last year. Dr. Arbogast said it fluctuates. Mr. Gentry said it seemed that Eastern had low writing scores last year also, but noted there were also a lot of high scores. Dr. Arbogast said they are excited about those. Ms. Hobbs noted that she saw the news story on the drunk driving prevention exercise at Giles High and that was very good. Dr. Arbogast agreed it was a great opportunity to send a message to the kids, particularly with graduation time nearly here.

## **COOPERATIVE EXTENSION – MELISSA CHASE**

Melissa Chase with the Cooperative Extension office asked to share highlights of their summer programs. Ms. Chase is the Family Consumer Science agent for Giles and Bland counties. She spoke about the FIT Extension program for teams in the community to sign up. This is for teams willing to walk a number of miles that equate to crossing the state of Virginia. There were four teams in Giles participating with a total of 28 people. Teams were from the hospital, AEP, Cooperative Extension Office and the local teacher's organization. Several companies donated funds to help with the cost. Ms. Chase said they hope to offer the program again next year.

Another program is a garden project with the Family Nutrition Agent, Sarah Burkett. They are working with about 25 families to participate in this and have received great support from the community. There are 11 families in the Woodland Manor Apartments and the Town of Pearisburg has allowed them to use land near there for a garden. She noted that some of the families can only use containers for gardening and those will be made using old coolers. Ms. Chase said they have received help from Sanders Greenhouse, the schools, Magic Mart, Marshall Concrete and the local master gardeners. The Health Department and New River Community Action are also helping with this project. Everyone feels it is very positive and they will also incorporate basic nutrition education into a portion of it. 4-H Camp is June 15-19 and there are 86 children and 5 adults signed up. Ms. Chase said they appreciate all the community support for the camp. She updated the board on other projects they are involved in.

Ms. Chase reported on the agricultural side of things, they are in the process of working with Kentland Farms Agricultural Day on August 11<sup>th</sup>. The focus will be on fencing and how to contain livestock. There will also be a GPS course on how to use it to determine acreage. She said other plans include a Family Field Day in September and trying to emphasize fall gardening programs. Ms. Chase thanked the board for their support and stated that Giles and Bland Counties are both wonderful places to work.

## **SUBDIVISION PLAT – HERSHBERGER/SWARTZ**

Mr. Gentry excused himself from discussion on this because of his association with the firm. Mr. Reed stated this was a lot line revision and a new parcel being created. This will adjust the boundary line between property owned by Owen Hershberger and Christian Swartz. The property is located in the Amish community in White Gate and owned by the Planning Commission has recommended approval of the plat and it does meet all of the requirements of the subdivision ordinance.

Ms. Hobbs noted that the angles on this plat create "legs and arms" to the property. Some time ago they talk about doing away with that. Mr. Reed said the term is "irregularly shaped lots". Of course, how irregularly shaped lots are defined is the question. He said that is certainly one of the things they could look at and there has also been some discussion on re-subdivision of subdivisions. The Planning Commission is going to take

look at some of those things and make changes where they can. He agreed that some of the shapes are odd but the irregularly shaped lots have already been approved – this is a previously approved subdivision. This is just looking at vacating one lot line and creation of a new 31 acre parcel.

***Ms. Hobbs moved to accept the Planning Commission recommendation for approval of a plat for a boundary line adjustment to create a new parcel for Hershberger and Swartz as presented. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. Baker, Mr. McCoy; Mr. Gentry-abstain.***

The board discussed issues that come up with the division of a piece of property over and over. There are a lot of things to consider in looking at this – particularly land owner rights versus what looks good on paper. Ms. Hobbs agreed they do not want to prohibit people using their land or dividing very large tracts, but the Planning Commission may want to look closer at the issue sometime.

## **PLANNING COMMISSION RECOMMENDATIONS**

### **Special Exception Request – Kennel – A. Hollopter**

Mr. Whittaker reported that the Planning Commission recommended approval for Ms. Hollopter to provide daycare, boarding and grooming for dogs with the possibility of expanding to include more dogs in the future.

***Mr. Baker moved to accept the Planning Commission's recommendation to approve the kennel request for Ms. Hollopter at Doe Creek Farms. Second by Mr. Gentry.***

**Discussion:** Ms. Hobbs asked if anyone has talked about animal waste and how that was to be handled. Ms. Hollopter said that as soon as the building is ready, the Department of Agriculture has to inspect and approve. She wanted to wait and make sure this process was approved though before contacting them to come.

***Motion was approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Gentry, Mr. Spencer, Mr. Baker, Mr. McCoy.***

### **Special Exception Request – Bed and Breakfast – J. Martin**

Mr. Whittaker reported the application for this bed and breakfast states it will serve one person at a time. The Planning Commission has recommended approval of Ms. Martin's request.

***Mr. Baker moved to accept the Planning Commission's recommendation to approve Jo Martin's request for a Bed and Breakfast in the Wolf Creek area. Second by Mr. Spencer. Motion was approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Gentry, Mr. Spencer, Mr. Baker, Mr. McCoy.***

### **Special Exception Request – Private Seasonal Camp or Retreat – Thompson**

Mr. Whittaker reported that the Planning Commission has recommended approval of this request with the condition that only one RV type camper at any given time is allowed and that RV must be connected to the existing septic system.

***Mr. Gentry moved to accept the Planning Commission's recommendation for approval of a private seasonal camp or retreat with the condition that only one RV type camper at any given time be allowed and that RV be connected to the existing septic system. Second by Mr. Baker. Motion was approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Gentry, Mr. Spencer, Mr. Baker, Mr. McCoy.***

## **PUBLIC COMMENTS**

**Fred Humphries:** Mr. Humphries spoke regarding a bridge on Bowens Road (Rt. 678). This bridge has washed out numerous times in the past and the last time was Thursday night (5/28). Once that washes out, VDOT comes out and puts ballast rock in and every time it rains it continues to wash back out. Mr. Humphries said in the summer of 2007 when PSA was putting in sewer lines, he was told this bridge would be replaced with a concrete box-type culvert. He has also been told by VDOT that this old type of culvert should not have been

put in there. Since that time, they have been waiting on the bridge. This last time it flooded part of his property and he has been with DOT trying to unstop the culverts. Mr. Humphries said he has spoke with Gary Thornhill locally and with Stacey Keith and Jeff Stanley with DOT in Christiansburg. The comment from Gary Thornhill was that he thought that this bridge with the condition it is in now needed to be torn out and replaced. In speaking to some of his supervisors at DOT, their comments were that they would come back with the same thing, which Mr. Humphries said would only wash back out again. He said he was asking for help from the board to look at this. No work has been done to the bridge. He asked the board to help in getting this bridge fixed. Mr. Gentry asked if they could get it unstopped. Mr. Humphries said he got it unstopped with his own backhoe and had done that 3 or 4 times. He did that again today. Three of the times he happened to be home and was able to get out there before it crested over the road. This time it had already flooded the whole bottom by the time he got there.

Mr. Gentry said when they put the sewer in, they had the contractor on site who was willing to put the bridge for nothing. VDOT refused to let them because they said they needed environmental review and design, etc. He said his experience was that asking anything outside the normal of VDOT – they just will not do it. Mr. Humphries said he questioned Jeff Stanley on what they would do when it washes out. He was told that at the time they would go in and fix it correctly. They are talking about tearing the bridge out now and putting the culverts in, so Mr. Humphries question was why not fix it right. He said the recommendation in 2007 was a 12' culvert. This time at first they did not want to do anything but after looking at the pictures of the culvert, they said they would have to go back with the same type culverts. If it rains next week, they will have to go back and do the same thing. Mr. Gentry said he had been out there and seen the problem. He will give Jeff Stanley a call and see what he can find out about this.

Mr. Humphries asked about stimulus money and was told they didn't have any control over where that was going. He wanted to know why some of that money couldn't be used to fix this bridge. Mr. McCoy said that something VDOT would have to answer. There are a lot of strings tied to that. Mr. Gentry said they did ask VDOT earlier about using stimulus money to replace something and they said it cannot be used for maintenance. Mr. McCoy said the county would pass this along to VDOT. Mr. Humphries said there are about 5 or 6 families in that area. When this floods, it prevents kids from going to school and people from getting to work. Every time the creek floods, it stops up the culvert. When Mr. Thornhill was there today, Mr. Humphries helped him clean it out again. Mr. Whittaker said before Mr. Humphries owned the property the county was down there often opening up that culvert a lot. Mr. McCoy said they would make a point to VDOT about this. Mr. McKlarney said VDOT has sort of set a precedent because they did replace a culvert just like that downstream from there. Mr. Humphries said when it floods, it actually floods all the manholes downstream – that could be an issue for the PSA. It creates more problems than just washing out the bridge.

Mr. Whittaker said the best example how to handle it is to go upstream and look at what they put in on Kow Kamp. They did away with culverts and put in concrete boxes. Mr. McCoy said the board would contact VDOT and see what they can find out. Mr. Humphries thanked the board for their time and concern.

## EXECUTIVE SESSION

***Mr. Gentry moved to go into Executive Session under Section 2.2–3711, for A1 Personnel and A7 Legal for Contracts. Seconded by Mr. Spencer. Approved by the following vote: Mr. Baker, Yes; Mr. Gentry, Yes; Mr. McCoy, Yes; Mr. Spencer, Yes; Ms. Hobbs, Yes.***

***Mr. Spencer moved to return to regular session and only personnel and contracts were discussed. Seconded by Mr. Gentry. Approved by the following vote: Mr. Baker, Yes; Mr. Gentry, Yes; Mr. McCoy, Yes; Mr. Spencer, Yes; Ms. Hobbs, Yes.***

## TEA21 – MOUNTAIN LAKE AVENUE

Mr. Belcher said he has been tentatively notified that the county will receive \$230,000 in additional TEA21 money for the Pearisburg, Mt. Lake Avenue project. This should put them about six weeks from bidding the project. Mr. Chidester is working on easements and advertising.

**WORKFORCE INVESTMENT ACT**

Mr. Spencer asked if the county had reviewed the information from Sands Anderson about the 13 counties involved in the WIA. Mr. McKlarney said Mr. Chidester had no comment. Mr. Spencer said they needed to schedule a public hearing.

***Mr. Spencer moved to have a public hearing on June 18<sup>th</sup> on the WIA information if they could meet the advertising deadlines. Second by Mr. Gentry. Approved by the following vote: Mr. Baker, Yes; Mr. Gentry, Yes; Mr. McCoy, Yes; Mr. Spencer, Yes; Ms. Hobbs, Yes.***

No further business was introduced. Mr. McCoy adjourned the meeting until the recess meeting scheduled to hold a hearing on the 2009-10 budget on Thursday, June 11, 2009 at 6:30 PM in the Giles County General District Courtroom.

APPROVED:

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Chairperson

ATTEST:

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Clerk