

At the regular meeting of the Giles County Board of Supervisors on Wednesday, September 2, 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
Susan Kidd	Board Secretary
Richard Chidester	County Attorney

CALL TO ORDER/INVOCATION

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

APPROVAL OF MINUTES

Ms. Hobbs moved to approve the minutes of August 5, 2009. Second by Mr. Gentry. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.

RECOGNITION – DAVID RUNDGREN

Mr. McKlarney presented a resolution in recognition of Mr. David Rundgren on behalf of the Board of Supervisors, recognizing Mr. Rundgren's 25 years of service with the New River Valley Planning District Commission. Mr. Rundgren is a resident of Giles County and plans to retire on September 30th.

Ms. Hobbs moved to approve the resolution in recognition of Mr. Rundgren's 25 years of service at the NRV Planning District Commission. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.

CONSTITUTIONAL OFFICERS

Deputy Joe Shanks (for Sheriff's Department): Deputy Shanks presented the report from the Sheriff's Office for August, 2009. Animal Control picked up 185 cats and 37 dogs. The Sheriff's Department served 531 civil papers, 58 criminal warrants, 67 traffic summons, and had 4 DUI arrests. In addition, Giles County is assisting with the investigation in Montgomery County concerning the deaths of two students in the National Forest area near the county line.

The RAD training will start up again soon. Teachers at Macy McClaugherty were trained earlier this year and they hope to offer the program to all senior girls this year. The department is receiving great feedback from the program.

Mr. Spencer asked about the number of accidents on the bluffs (between Narrows and Rich Creek) in the last month. Deputy Shanks said there were two involving tractor trailers that he was aware of as well as a fatality earlier this summer involving a driver traveling the wrong way. Mr. Spencer said he would like to see the sheriff's department keep a record of accidents in that area. Maybe that would help in getting something done for safety there. Deputy Shanks said it was not only the number of accidents but the large number of calls dispatched receives about people traveling the wrong way. He said they also get calls about wrong-way drivers in the Route 100 area between Wilburn Valley and the industrial park. Mr. Baker noted someone was killed coming off the hill at Wayside also. Deputy Shanks stated that it is a very unsafe area of road through there. He will work on getting information on accidents as well as calls concerning wrong-way drivers.

Gerald Duncan, Treasurer: Mr. Duncan reported on financial activity through the end of the fiscal year (June 2009). He also noted tax collections from June through August have been about \$2.8 million. The county received PPTR reimbursement in the amount of \$61,000 on August 15th.

Mr. Duncan said there were approximately 1,600 delinquent real estate tax notices mailed in August that will have a deadline of September 23rd. Any accounts over two years old will be turned over to the attorney in October. Ms. Hobbs asked if collection seemed to be harder in this economy. Mr. Duncan said it does seem to be, but they have to consider that many of these are delinquencies on the book over a five year period. He said it does seem that the delinquent amounts remain steady -- about the same as when he became treasurer. It probably is a bit harder to collect now, but not significantly harder. He said he still gets requests for payment plans and offers them. However, Mr. Duncan's office has drawn the line and refused to offer payment plans to some people who have set them up two or three times and then failed to pay them.

Mr. Duncan said they have not closed out the 2009 fiscal year yet but are getting close to that. His office is trying to be more pro-active about collection of transient occupancy taxes since the enactment of the new ordinance. He noted they will have over 100 cases in court in the next couple months. However, about half of those usually get settled before the court date. They are also continuing to file real estate liens for PSA collection. Mr. Spencer noted that at the PSA meeting they said there was over \$900,000 in delinquent money. They are trying to locate addresses on those accounts. Once they have those, they should be able to do something about the accounts. Mr. Duncan cautioned that a lot of those are beyond the statute of limitations for collection. Mr. Chidester said he would have to check, but he thought they cannot be collected after 3 years unless a lien notice was filed. If a lien notice was filed, then they can collect 20 years from that date. Mr. Duncan said when his office took over the collection of PSA bills, there were thousands of dollars in bankruptcies that no one had ever written off. They have to be very careful and not bill someone in bankruptcy. Mr. Spencer said PSA is in the process of cleaning up that list now and getting names and contact phone numbers. Mr. Duncan said he would like to have that information made available to him. His office is also billing for tire disposal and construction debris. They also took on Glen Lyn within the last year or two for so waste. He said they would like to share that information. Mr. McCoy said he thought the main reason they were doing this was to locate rental houses that no one is paying on. Mr. Chidester said for that to be effective at they need to forget about billing the tenants and bill the property owners. The property owners can pay it and collect it back in their rent. If you bill the tenants, you will never collect it because they come and go and there is no way to know who is living there. He said he realized that is a political thing but either the owner who makes money off the property pays the bill or the rest of the citizens in the county have to make up the difference. Mr. Duncan said he would do whatever he could on this.

Mr. Gentry asked about reimbursements from the state for Social Services and Comprehensive Services. Mr. McKlarney said that Social Services provides monthly reports on the reimbursement and Ms. Kidd monitors that. It usually runs about 30 days behind in reimbursement. The state reimburses the county for 80% of the costs and the other 20% is local funding.

VDOT REPORT – DAVID CLARKE

Mr. Clarke said many of the items brought up last month are in planning, getting permits, etc. VDOT does plan to take out the tree on Turnpike Road and will have to work with the property owner on that. The brush was on Old Wolf Creek Road. Mr. Clarke said he did not have a definite date for the public hearing on the Route 6 bridge. There will be at least some portion of the design completed by then. The money has to be obligated by March, 2010 and VDOT cannot complete the design by then. They will bid a design/build project and the contractor will complete the design. It will be some time though before that bridge is actually under construction.

Ms. Hobbs asked about the status of Clendenin Road. Mr. Clarke said they are still working on right of way. It is mostly with one property owner and there does not seem to be a problem there.

Mr. Spencer asked if they could cut some brush back on East River Mountain Road. It has grown into the roadway and causes some problems for the buses. Also, on Route 1306 near Fairchild there is a deep hole that needs to be repaired.

Mr. Baker asked if there was any update on the caution lights approved for Route 460 at Rich Creek. These were approved a couple years ago. Mr. Clarke said the lights that are planned are for the intersection. The safety project was approved but not funded. These are not caution lights for wrong way on the bluffs. Mr. Spencer noted a letter had been written to Mr. Caywood about that area, but Mr. McKlarney said the county had not received a response. Mr. Clarke said he had not seen a written response, but did know that they were going to do a study on signals at Route 460 business, Route 460 by-pass and Route 219.

Mr. Gentry asked if the Watch for Children signs were up. Mr. Clarke said the one on New Zion Road should be up shortly. He said the one on Route 100 needs regional operations center approval and has been submitted for feedback. He did get a letter from Community Services to go along with that request. Mr. Gentry noted that at Zale's Mill, Rocky Sink and Clover Hollow roads all need ditch work. Mr. Clarke said they have been submitted for environmental review. Mr. Gentry also noted that Painter School Road has a bad problem with brush overhanging the road.

Mr. Clarke reported there was \$100,000 to \$200,000 in the county's Rural Addition money. He will get that information to board members this afternoon. Mr. McCoy said the road viewers have chosen to do Sky View Lane next, but the county needs an up-dated estimate on that project. Mr. Thompson with VDOT said he was working on that estimate for the county. Mr. Clarke said it would remain the board's decision whether to use money on Rural Addition or not. Mr. McCoy said he was of the opinion that the board probably needs to spend it or may be taken away.

Ms. Hobbs noted that some of the problem with people entering Route 100 the wrong way at Wilburn Valley could be because the signs are covered with brush. Mr. Clarke said he would take a look at that. Mr. Gentry also reported there were several bad pot holes at the underpass on Bear Spring Road.

PUBLIC HEARING

NEW RIVER/MOUNT ROGERS WORKFORCE INVESTMENT CONSORTIUM AGREEMENT

Mr. McCoy opened this public hearing. Mr. Chidester presented the request to approve creation of a New River/Mount Rogers Workforce Investment Consortium. This is a joint powers agreement between the counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Smyth, Washington and Wythe and the cities of Bristol, Galax, and Radford to be effective October 1, 2009. This does require approval from all member jurisdictions. The Workforce Investment Area Consortium will administer all Workforce Investment funds with one member from each jurisdiction appointed to this board. This agreement will replace the existing organization - Charter Chief Local Government Officials Agreement of February 15, 2000 and agreements of the Job Training Partnership Act and the Workforce Investment Act. These will be replaced with this new organization that will administer the program. Mr. Gentry asked if these funds were federal. Mr. Chidester said he thought they were; they may channel through the state but the funds are federal. Mr. Spencer said Pulask County will be the fiscal agent for this group.

The board voiced several questions about the agreement. How much are the funds received and how is Goodwill Industries involved in this organization? They were concerned how much of the funding is used for administration. Mr. Spencer said the projects of this consortium are to train people for work - they partner with the Giles Vo-Tech Center in this county and also with New River and Wytheville Community Colleges. There are many different programs - some for youth, some for dislocated workers, and others. Mr. Spencer's program currently has about 30 people in it. They pay these people during their training period and work toward getting them full-time employment.

Ms. Hobbs asked if this was the only way the federal funds could be disbursed now rather than just sending them to a single locality. Mr. Chidester said he did not know the answer to that. Mr. Spencer said there was a move to put this under the community college system and VEC was also an operator but they are no longer doing that. People, Inc. and Goodwill Industries are the operators now. Ms. Hobbs asked if Giles County wanted to do this on their own and apply for this money, could they get it. Mr. Spencer said it had to be a regional effort. Mr. Spencer said that is why he is now partnering with Goodwill; because Giles could not get enough to operate the program on their own. Mr. Gentry asked if this money would put full-time employees within any offices in Giles County. Mr. Spencer said it would; Michelle Johnston in Narrows is full-time and Pam Dunn gets 10 hours per

week. There are some funds coming in. The only thing they are charging Giles is administrative cost for staff to run the program. Mr. Spencer said he has also asked Goodwill to begin paying the rent on his office space; he has not had funds to do that for about 2 years. Mr. McCoy said he was concerned because Goodwill has high administrative costs on other programs; some are 17–18%. Mr. Spencer said this is Goodwill out of Roanoke who has three tasks: act as fiscal agent, train staff, and monitor the programs. The actual programs in Giles County are run out of the local office.

Mr. Spencer said recently there was an issue with a lawsuit against a director. It was found to be completely unfounded, but the legal advisors felt the agreement the group operated under needed to be tightened up. It contains additional measures to protect counties. The groups now have insurance on each group to protect them from similar charges.

There were no other questions or comments and Mr. McCoy closed the public hearing.

The board members agreed to table this until the September 17th meeting and get more information on the administrative fees.

SCHOOL BOARD REPORT – TERRY ARBOGAST

Dr. Arbogast reported that the schools have reopened with bottled water and hand sanitizer to cope with the water notice in the county. Things seem to be going well. The school board worked with the Health Department to make sure all requirements are complied with.

The first day enrollment this year was 2,530 – about 19 below the end of the year. Dr. Arbogast felt that would increase after the Labor Day weekend. He said the first football games were last Friday and both schools hosted good-size crowds. He thanked the supervisors for their efforts in getting the bleacher projects taken care of. They have heard a lot of positive comments from people coming into the county to the games. Mr. Baker asked about extending the goal posts at Giles High School. He noted there is also a problem with trash cans at the stadiums. They are at the front and people don't walk all the way to them. He asked if they could look at placing trash receptacles along the stairs. Dr. Arbogast will check on that.

Mr. Baker said there was an issue with the road on North Monroe Street. It is very narrow and buses have a hard time there. He said Ms. Betty Crigger was supposed to call the school board about it. Dr. Arbogast will have someone look into that.

Mr. Gentry asked if the modular units at Eastern were working out okay. Dr. Arbogast said he had spoken to teachers and they like the units very much. They are on board with the construction and realize they will have to deal with things like that. He said they have done an excellent job there in making the adjustments. Mr. Spencer noted that the free/reduced lunch numbers are a good indicator of economic conditions. He asked if those had increased. Dr. Arbogast said they will not have those numbers for a few weeks. At the end of school year in Narrows was over 50% but Macy fell to 35–36% and did not qualify for Title I. The cut off for eligibility is 37%. He said Macy has to consider another group of students that have to be counted but do not attend public schools.

PUBLIC COMMENTS

Judy Brown: Ms. Brown stated she wanted to discuss the lack of ambulance service in Giles County. On July 23rd at 2:37AM her husband passed away. Ms. Brown lives less than one mile from the rescue squad. She spoke with Mr. Davis in dispatch and got the following information. The first call for assistance was made at 2:41 AM; the first police officer arrived at 2:52 AM; between 2:55 and 3:06 AM members continued to arrive in their own personal vehicles. The rescue squad vehicle did not arrive until 3:06 – that is a lapse of 25 minutes. Ms. Brown said earlier response would not have saved her husband, but 25 minutes is a lifetime to wait in that situation. She found out that Carilion does not cover the county here from 11 PM until 7 AM. She was informed by 911 that the ambulance was in Narrows responding to a call and that all the personnel went there. There

two rescue squad vehicles, but if everyone goes on one call there is no one to drive the other vehicle to another call.

Ms. Brown said she would like for the supervisors to go to Carilion and ask them for coverage during those hours. She said if someone has a major emergency and another call gets in the system first, then you are just out of luck – you are dead. People cannot hang on and wait 25 minutes when they aren't breathing. Ms. Brown said she was amazed and did not think people in this county have any idea this is going on.

Ms. Brown said she also felt if the rescue squad had some type of a system where everyone never goes on the first call that comes in and they would leave someone to man the second vehicle, it would work better. The first call they all went on was actually a DOA. Ms. Brown said Carilion and the rescue squad need to do a better job. Thirty people were not needed in Narrows on a DOA. She would like to see this fixed before it happens to someone else who really needs their help.

Ms. Hobbs and other board members expressed sympathy for Ms. Brown's loss, and stated that Mr. McKlarney is checking into this matter of coverage. He will be bringing information to the board when he receives it.

RIVER CLEAN UP

Mr. Gentry expressed appreciation to Mr. McKlarney and the county staff for their work on the river clean up event. There were almost 100 boats out that day and the event was very well organized to handle about 200 people who showed up to help. He also noted that Anne Goette and the Renew the New Committee worked with the county staff to make this event happen. Mr. Gentry noted that both candidates for state delegate were there and worked together on the clean up. He heard comments from them and others that they wish their counties would work that well on things like this. Mr. Baker agreed and said he would also like to recognize the people in the county who donated to this event – NAPA, Martin Auto, the hospital and others. He said he also had people driving by who stopped and said they wish something like that would happen in Montgomery County. Mr. Gentry said the board also realized that everyone has worked long hours on this water problem and he wanted to thank everyone for keeping that going.

INDOOR PLUMBING AND REHABILITATION REQUEST

Mr. McKlarney presented a letter from the IPR board requesting \$10,000 from the board to assist in getting contractors paid in a timely manner. This was done in 2003 and was repaid. The IPR program funds just do not add up to enough to serve more than one client at a time. The group needs a cash advance to keep operating until they receive program funds for the next project. Ms. Hobbs asked how long it took to get their money back. Mr. Spencer said usually 30–45 days. Local contractors want to be able to pay their people weekly and they will not bid on these projects if they have to wait a month or more for their funds. Ms. Hobbs asked if the money was handled through Ms. Meador's group. Mr. Gentry said it was and accounted for monthly.

Mr. Gentry moved to appropriate \$10,000 as a loan to the IPR program. Second by Ms. Hobbs. Approved unanimously (5–0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.

WATER PLANT PROBLEMS

Mr. McKlarney expressed appreciation for all the work that county and PSA staff did during the equipment failure at the water treatment plant. People stayed late on Monday, after working late on Friday and all day on Saturday for river clean up. Everyone jumped in and worked to keep water flowing in the county. Mr. McKlarney said the equipment to repair the plant should be arriving today and repairs would be made shortly. This will result in about a 4 hour shutdown at the plant, but with the amount of water storage capacity available it should not be an issue. If the repair is successful, the plant should be back in operation this afternoon. However, the system will have to be drained, re-filled and receive clear tests on two consecutive days before boil water notice can be lifted. Mr. McKlarney said the offices have been getting a lot of questions and calls, people have been excellent in dealing with the problem. Mr. Gentry asked how many areas had to be tested. Mr. McKlarney said there are 11 separate PSWID numbers that the county has to test within. There are a lot of

factors involved with draining the tank and maintaining fire flow. It is a complex process, but they do not anticipate problems. However, until the repairs are made, they just don't know what to expect. Mr. McKlarney said a lot of rumors have been circulating but the problem appears to be the result of a power surge through filtration plant. The filter pump was damaged and that is not a piece of equipment that is normally stocked a extra. It has to be programmed and is a very technical piece of equipment.

Mr. Spencer said this did demonstrate an inherent weakness in the system. In the contracts with the towns, each one is supposed to maintain a secondary source. He said there is a spring in Glen Lyn but it would be expensive for PSA to use that as a secondary source. If the PSA contract had been verified, then there would have been no problem to shut the plant down and go to secondary systems. He asked if the county has a secondary plan. Mr. McKlarney said the point Mr. Spencer made is correct, but regardless it could not have been done without a boil notice. There was actually two to three days of water stored in the system, but the problem was the amount of time it was going to take to get the plant operational and the risk they would run allowing those tanks to drain to extremely low levels. If there was a fire or major leak, it could drain the tank very quickly. The PSA makes use of every source that does not require a boil notice. However, anytime untreated water is brought into the system, it immediately requires a boil notice. Even with other sources, th would have been in the same situation as now.

There are plans to make connections to other systems that would allow them to pull in water, but that would have solved this issue. Mr. McKlarney said they may have been able to isolate some areas of the county, but the confusion of not issuing the notice throughout the county would have been complicated. Ms. Hobbs said inconvenient as this was, it makes people realize not to take things for granted. Mr. McKlarney said he also wanted to note that the water is coming from exactly the same source as it was before – the PSA well. However, this water is just not running through the filtration system right now.

PAYMENT OF WARRANTS

Ms. Hobbs moved to appropriate funds in the amount of \$491,627.22 for warrants as presented for August 20, 2009. Second by Mr. Gentry. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.

Ms. Hobbs moved to appropriate funds in the amount of \$548,547.33 for warrants as presented for September 2nd. Second by Mr. Spencer. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.

SCHOOL APPROPRIATION

Ms. Hobbs moved to appropriate \$2,698,624.41 for schools for the month of September, 2009. This includes \$398,221.26 inflow through money. Second by Mr. Spencer. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.

SOCIAL SERVICES APPROPRIATIONS

Mr. Gentry moved to appropriate \$166,500 for Social Services and \$45,000 for CSA for September, 2009. Second by Ms. Hobbs. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.

APPOINTMENTS

Ms. Hobbs moved to reappoint John Peek, if he was willing to serve again, to the Agency on Aging Board. Second by Mr. Spencer. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.

REGIONAL JAIL BILL

Mr. Spencer stated that the bill for the Regional Jail for July was \$58,317.57. When you consider the \$16,000 the county is saving with the Day Report Center that bill could have been over \$74,000 for just one month. That would have been the highest bill ever for the county. He asked if the county had budgeted enough to cover that bill in 09-10. Mr. McCoy he did not believe the budgeted amount would cover it.

EXECUTIVE SESSION

Ms. Hobbs moved to go into Executive Session under Section 2.2-3711, A7 Legal for Contracts. Seconded by Mr. Gentry. 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 contracts were discussed. Seconded by Mr. Baker. Approved by the following vote: Mr. Baker, Yes; Mr. Gentry, Yes; Mr. McCoy, Yes; Mr. Spencer, Yes; Ms. Hobbs, Yes.

COUNTY LANDFILL MONITORING – DRAPER-ADEN

Mr. Mike Lawless with Draper-Aden spoke concerning monitoring issues at the old county landfill site. He said these concerns are not as a result of anything that has changed with the landfill or the groundwater quality. These are strictly changes to the DEQ enforcement program. Other municipalities are facing the same situation.

Mr. Lawless said Draper-Aden tests the groundwater for certain chemicals and the results are compared to the limits set by DEQ. In January, DEQ changed the limits for about 15 chemicals. These were substantial changes – one dropped from 327 parts per billion to 1.8 parts per billion. That is equivalent to less than two drops of water in 20 Olympic-size pools. That is a very minute amount.

The chemical they are looking at is called 1.1 DCA – this is an organic, man-made chemical that is a breakdown product of things like dry cleaning fluid or engine parts cleaner. Those products naturally breakdown and one of the things they break down into is 1.1 DCA. The fact that it is detected means things are cleaning themselves up. It is also being seen at extremely low levels – 2.8 is the concentration. It has been there at that level for years with no increase in the trend. When the limit dropped from 327 and the county's level was 2.8, it suddenly exceeded the limit – although nothing in the monitoring levels had changed. It now requires corrective action. Mr. Lawless said they estimate that if facilities throughout the state that are affected by this particular chemical and cobalt (the other chemical that the limits dropped substantially on) would have to go to corrective action, would cost tax payers between \$5 million and \$10 million.

In Giles it would be a minimum of \$30,000 for three wells and corrective action could run into the hundreds of thousands of dollars. Draper-Aden met with DEQ to discuss this issue on a state-wide basis. They made a decision that they want to deal with this on a case-by-case individual basis. Draper-Aden has prepared a letter to DEQ requesting that the limit of 1.8 be raised to 18 based on the risk assumptions that went into that calculation. This is still protective of health and the environment but will get the level up to 18 where the county's results will not exceed the limit. They have submitted a similar letter on behalf of the Town of Wytheville and have several others ready to be submitted. This is the way that DEQ has indicated they want to handle the problem. Mr. Lawless emphasized again that nothing in the groundwater quality has changed.

Ms. Hobbs moved to authorize Draper-Aden to prepare a letter to DEQ on behalf of the Board of Supervisors with the request that the upper limit for 1.1DCA is changed from 1.8 to 18. Second by Mr. Spencer.

Discussion: Mr. McCoy asked what the limit on cobalt was changed to. Mr. Lawless said it went from over 1 to less than 5. Mr. Spencer asked if these changes are nationwide or specific to Virginia. Mr. Lawless said right now they are Virginia specific but others use those EPA numbers and in theory it could become nationwide. They have talked to adjoining states (North and South Carolina, Maryland and Pennsylvania) and their levels are not this low, but those could be revised.

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

No further business was introduced. Mr. McCoy adjourned the meeting until the next recess scheduled on Thursday, September 17, 2009 at 6:30 PM.

APPROVED:

Chairperson

ATTEST:

Clerk