

At the regular meeting of the Giles County Board of Supervisors on Wednesday, August 4, 2010, at 10:00 AM in the Giles County General District Courtroom, 120 North Main Street, Pearisburg, the following were present:

Barbara Hobbs	Chairman (Central District)
Eric Gentry	Vice Chairman (Eastern District)
Howard Spencer	Western District
Richard McCoy	At-Large Supervisor
Paul "Chappy" Baker	At-Large Supervisor
Chris McKlarney	County Administrator
Richard Chidester	County Attorney
Susan Kidd	Board Secretary

CALL TO ORDER/INVOCATION

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

APPROVAL OF MINUTES

Mr. Gentry moved to approve the minutes of June 17, 2010. Second by Mr. McCoy. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.

CONSTITUTIONAL OFFICERS

Sheriff Millirons: Sheriff Millirons noted that helicopters will be flying the county today and tomorrow for the eradication program. He reported that a train derailment occurred last night. Norfolk Southern is moving rail cars now and hopes to have the road open this afternoon. They do not know the cause of that derailment yet.

Sheriff Millirons reported on July activities in his department. They issued 92 traffic summons, 561 civil papers with 21 incident reports and 55 arrests in the county. They served 15 felony and 16 misdemeanors out of county. There 3 DUIs and 51 drug indictments. These were for distribution and possession and also had one indictment for attempted capital murder. Animal Control picked up 63 cats and 23 dogs in July; this compared to 69 cats and 35 dogs in June.

The Sheriff's Department is still working with the various programs they offer. They recently did one with computers for child identification which records finger prints, pictures and voice recordings. This equipment belongs to Craig County and they hope to be able to use it at the Newport Fair next week. Sheriff Millirons said the department has made several drug arrests that have not been publicized. The School Board allowed them to borrow a vehicle for undercover work and that has been helpful. The department held a sale of seized items a few weeks ago and netted about \$20,000. That has to be divided with State Police and other agencies that participated in the arrests. There are a few more vehicles that have been seized and will be sold at a future time.

Anne Chambers, Commissioner of Revenue: Ms. Chambers remarked that a commission was appointed by the governor to study government reform and they are proposing changes that would affect primarily the commissioner's office. These include combining the commissioner and treasurers offices, reducing compensation board reimbursement for these offices, and/or allowing government to make these constitutional positions into a local financial position. Ms. Chambers said she believed in the current form of government not just because she was the commissioner, but because of the checks and balances it includes. It assures that no one person or area of government can control all aspects of the government. All Constitutional Officers provide valuable service to the citizens. The Constitutional Officers have worked hard since December, 2009 with the General Assembly to maintain a level of support. However, it is clear that this commission will make some type of specific recommendation for change to the governor. The governor will then recommend a change to the

General Assembly. Ms. Chambers asked the Board of Supervisors to support the current form of government. She also invited them to attend a meeting to be held this same evening in Roanoke with Governor McDonnell.

Mr. McCoy asked if the board has already sent a letter. Mr. McKlarney said the board received a draft of a letter from the Commissioner's group, but an actual letter has not been prepared. Mr. Spencer said it was important to outline cost saving measures already incurred. The letter should state what the Commissioner has done to this point and what the county has already absorbed.

Mr. Spencer moved to submit a letter using the guidelines outlined by the Commissioner of Revenue group. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Spencer, Mr. McCoy, Ms. Hobbs, Mr. Baker, Mr. Gentry.

VDOT REPORT – DAVID CLARKE

Mr. Clarke said VDOT has been working with the Sheriff's office on the train derailment – primarily setting up detours. They hope to have the road open very soon. Mr. Clarke reported that the Route 219 bridge has been patched. The rumble strips on Rt. 460 have been replaced. The slide area on Rt. 605 has been cleared and Lurich Road has been patched. More brush cutting will be taking place this month before school starts.

Mr. Baker said there was a lot a brush and tree limbs along the road on Route 100 and also some very large potholes. There are also a lot of potholes on Route 460 near Giles High School. There is also some work needed on the other side of the substation on Virginia Line Road.

Mr. Gentry thanked Mr. Clarke for getting the rumble strips repaired, and said the work on Stoney Creek looked very good. He and Mr. Reed had spoken with someone about some of the Castle Rock signs on state right of way. There are three or four that are in terrible shape. They just need to know the procedure on how to get new ones put up and is the county or VDOT responsible for them. Mr. Clarke said he thought the county would be. Mr. Gentry said he would appreciate Mr. Clarke asking someone to give Mr. Reed a call about that.

Mr. McCoy said Mill Lane in Newport was patched years ago after water lines were put in. That has come up and needs to be fixed. Mr. Spencer said VDOT was working on Rt. 460 several years ago and there was so much water and heavy rain causing the nursing home's drainage collection system to overflow that water was coming in sheets into and blocking Route 460. VDOT put a dirt berm there but they have cleaned that off and made it level so the water is now backing into 460; that needs to be fixed again. Also, vegetation on the cliff areas around Narrows to Rich Creek seems to grow and dislodge rocks that come into the road. Mr. Spencer asked if there was any update on the Burton Road drainage system. Mr. Clarke said they are working on a project there.

Ms. Hobbs said Mr. Clarke was asked to send Mr. McKlarney the information on Clendenin Road and how far VDOT was into negotiations so the county can try to help. Mr. Clarke said he did not get that sent and had just given that to Mr. McKlarney today. Mr. McKlarney will try to talk to the property owner. Ms. Hobbs asked if the property owner was opposed to the whole thing. Mr. Clarke said no he thought just to what is at his house. Ms. Hobbs asked if they have a reason. Mr. Clarke said it was just going to require some property. Mr. McKlarney said it was very close to the house. Mr. Clarke said VDOT would like to avoid putting guardrail on the railroad side because that would require more shoulder room. Chances are they will not get started this fall because it takes about 3 months after bids go out before a project can start.

Ms. Hobbs noted there are large potholes on Rt. 460E from Pembroke into Newport. A lot of people are asking when VDOT plans to work on the main roads around here. Secondary roads are in terrible shape as well. Mr. Gentry that on the far end on the left on Bear Springs Road in Eggleston, where everyone puts in and out of the river, there is about ¾ mile that slopes back to the bank. Recently there was about 2 feet of water in the road there. Some pipes were blocked in that area and need to be cleared.

Mr. McKlarney noted a Ride, River, Run event (triathlon) was scheduled for August 14th. He asked if the board needed to approve the route before VDOT does. Mr. Clarke said VDOT does not need permission from the county but usually asks that they approve the route. He said they only found out about the race this week, so

they are working on it. Mr. McKlarney also asked VDOT to look at a drop off on the shoulder of the road across from Dairy Queen on Route 219 in Rich Creek.

PUBLIC HEARING

CDBG FUNDING – STOCKPEN MOUNTAIN WATER

Ms. Hobbs opened the public hearing. Mr. McKlarney explained this was to solicit public input on the county's pending request for a Community Development Block Grant for the Stockpen Mountain public water line extension. This funding would be \$120,000 of 100% grant funding. There is \$103,500 from SERCAP which paid for the initial engineering. About 90% of the environmental work is complete and the pump station easement has been obtained. This public hearing is for the public to ask questions about the funding. The \$103,500 was originally to do the connections to the house but approval was given to use it for engineering. Ms. Hobbs asked if the public works crew will do this project or contractors. Mr. McKlarney said the county crew will do it after they complete Broad Hollow. Mr. Spencer said he knew people there are looking forward to getting water. While it will not provide fire protection, it will be drinkable water. Mr. Spencer said he understand with this application there is a deadline to complete the project. Mr. Belcher said it was 60 days – the project has to start in 60 days after it is approved. The application will be submitted by September 30th and PDC is currently working on that. He noted the work on Broad Hollow has to be complete by September 30th. Mr. Spencer asked what the balance was that can be applied toward this project. Mr. Belcher said it was about \$43,000. The environmental work and easement are done and they have also started to get partial payment from bills incurred on design. Mr. Spencer asked if the funds could be used to subsidize that. He said one of the things they require is LMIs to be hooked up. Mr. Belcher said CDBG requires that also. They have to survey the residents again and that is currently being done.

There were no comments from the public and Ms. Hobbs closed the public hearing.

SCHOOL BOARD REPORT – TERRY ARBOGAST

Dr. Arbogast reported that the pre-school conference will be August 26th at 9:45 AM at Narrows High School. The board members were invited to attend. New teachers start on August 19th and others return on the 23rd. He noted that preliminary information indicates all five schools will be accredited. That would be for the 6th year in a row. AYP, however, was not as positive. One school did make it, but they anticipate that four will not. Those results will be received in September.

Dr. Arbogast reported that renovations at the Tech Center are going well. Renovations at Eastern continue to have issues. The contractor is behind schedule and there have been delays in construction. Ms. Hobbs said the contractor should have to answer for that. Dr. Arbogast said he did not really know but there are penalty clauses in the contract. They will have to come up with some plan to use when school starts back. Costs incurred by the delay will be billed to the contractor. Mr. Baker said the renovation work at Giles High has caused a lot of breaks in the pavement. Dr. Arbogast said they have a lot of cleaning up to do there. Mr. Spencer asked if the school board was satisfied with the contract work at Giles High/Tech Center. Dr. Arbogast said they were. He invited board members to drop by there and take a look.

COOPERATIVE EXTENSION – JIM ATWELL

Mr. Atwell met with Farm Services Agency last week concerning drought conditions. At this point, they are required to do a storm report to document any losses attributed to the drought. Pulaski is in worse shape than Floyd, Giles or Montgomery. Last week they were only documenting about 15-20% reduction for Giles so we are still in decent shape. If things change, Mr. Atwell will notify the board on that. He said there are a few pockets in the county that are dry, but county-wide it is not too bad.

Mr. Atwell said they recently finished a three-day Agriculture Club Camp where they visited various farming operations. This exposed youth to everyday job opportunities and work in the agricultural field. He noted he will be doing the livestock judging at the Newport Fair this weekend. On August 17th, they will hold the 5th Annual NRV Agricultural Field Day at Kentland Farms. Mr. Atwell said Mr. Lytton is back part-time working on 4-H

programs. The Extension Office appreciates the board working to have him assisting. Melissa Chase is working with the Cooking with SHARE program; she partners with Amanda Sarver to offer this to people who purchase food through the SHARE program. She is also offering a clothing recycling workshop and working on a Living with Less program. These will provide nutrition and financial information for families.

PLANNING COMMISSION RECOMMENDATIONS

SUBDIVISION PLAT FOR DEBORAH WEBB

Mr. Reed presented a plat and aerial photo to explain to the board why the plat needs the board's attention. In 2000, this was a 241 acre tract. Since that time there have been six tracts cut out of it. There are now ten acres that are being proposed to be cut out. The property is accessed by a 3/4 mile private drive off Route 730. The Planning Commission does recommend approval.

Mr. Gentry moved to accept the Planning Commission's recommendation to approve the plat submitted for Deborah Webb. Second by Mr. McCoy. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.

SPECIAL EXCEPTION REQUEST – 150' TELECOMMUNICATION TOWER ON KIRK PROPERTY

Mr. Whittaker reported that the Planning Commission recommended approval of the special exception request for a 150 foot tower on the Kirk property. Since the recommendation, a balloon test has been conducted as requested by the Board. The balloon was up all day on August 2nd. It did confirm that this was a good site in terms of visibility – it was not really visible. They received one call from a resident on Wabash the day of the test who was still supporting the application. Mr. McCoy asked if the one spot on Route 100 was basically the only place it could be seen. Mr. Whittaker said it was and it is quite a distance from the end of the four-lane to that. The most visible spot is at the top of Poplar Hill and that allows you to see about the top 10-15 feet of the tower. The Planning Commission does recommend approval of this application.

Mr. McCoy moved to approve the Planning Commission recommendation for a 150 foot telecommunication tower located on the Kirk Property. Second by Mr. Spencer. Approved unanimously 4-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Baker; ABSTAIN – Mr. Gentry due to working for a company involved with this request.

AMENDMENTS TO SECTION 712 TELECOMMUNICATIONS TOWERS AND ANTENNAS

Mr. Whittaker said the Planning Commission has recommended approval of the proposed changes to Section 712 (Towers and Antennas) of the Zoning Ordinance. The main changes are in Section 712.03 which deals with height limitations, amateur radio antennas, existing towers, etc., Section 712.07 which deals with co-location compatibility, and Section 712.04 where they are removing one statement that is redundant. The Planning Commission unanimously recommends approval of these changes.

Mr. Baker moved to accept the Planning Commission recommendations for changes to Section 712. Second by Mr. Gentry. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.

HAZARD MITIGATION MEETING

Mr. Whittaker announced a tentative meeting on Wednesday, August 18th at 10 AM to meet with all towns and county and some planners from the PDC to review the Hazard Mitigation Plan. This work has been on-going for several years. The main reason for bringing the towns together is that it is important that a representative from each entity sign off on the Hazard Mitigation Plan. There has been very limited participation during the process from some of the groups. The purpose of this is to update the towns on the plan and changes to it and to explain why they need to sign off on it. He invited a representative from the board to attend also.

MASTER WATER PLAN – THOMPSON & LITTON

Rick Chitwood and Greg Hurst from Thompson and Litton have been working on updates to the county's Master Water Plan. The plan was first developed in 2002 to assess and prioritize the needs for water service in Giles County. This was done by establishing ranking criteria and identifying the project needs. There have been several successful projects since then.

Mr. Chitwood supplied board members with the updated Master Water Plan. He acknowledged and thanked county staff for their assistance with this. They worked with the IDA, Planning Commission and the Comprehensive Plan to develop this document. Mr. Chitwood asked Mr. Hurst to review this with the board and asked board members to look this over and if they approve, recommend submitting this plan to the Health Department. This is a working document; it is not just thrown on a shelf until the next review. Mr. Chitwood commended the board for using it as they have.

Mr. Hurst noted that 17 projects were identified in 2002. Projects are ranked but as funding becomes available a project can move up in rank. Four of those projects identified in 2002 have now been completed. Five others are in various stages of PER study, pursuing funding, or in design. There are a lot of things that the plan has helped guide the county through and helped them make decisions. Mr. Hurst said even though four projects have been completed, the plan has been expanded from 17 to 19 projects. Several have developed on the eastern end of the county that are related to Wheatland ECO-Park and the line replacement around Pembroke. The 20 year projections for demand are still consistent with what the county had in 2002. Some of that has to do with the work the system operators in the county are doing to reduce water leakage. The total cost of all projects in the Master Plan would be over \$59 million worth of infrastructure; costing about \$31,600 per connection. That emphasizes the importance of looking at every funding source available for these projects.

Mr. Hurst said there is information in the plan to help guide staff and the board to deal with future projects. He noted that projects are ranked using five categories:

1. Project cost
2. Health Issues
3. Construction feasibility
4. Industrial, commercial, and/or growth potential
5. Regionalized opportunities

The No. 1 priority on the list is the Eastern 460 Phase I project which includes the line replacement in Pembroke, Hoges Chapel system replacement, and the Wheatland ECO Park pump station and tank. For the second priority, about six projects fell in line to be ranked nearly the same: Eggleston, Route 100 Phase II, Rt. 635 Chemical Lime, Clendenin, Route 61 Phase I (past Marlville), and Route 42 Extension. All of these were nearly equal in ranking.

Mr. Hurst said it was interesting that the #1 project already has the design documents ready and they are pursuing funding on it. The PER is complete on Eggleston and Route 100 Phase II was addressed in the original Route 100 plan. Route 635 has been approved by VDH and they are pursuing funding sources. Mr. Hurst said about 50% of these are in process so it seems the ranking process does work.

Mr. Spencer asked how this plan correlates to the river withdrawal plan. Mr. Hurst said the numbers in this document are incorporated into the capacity numbers they are looking at for river withdrawal. The PSA produces about 1.1 million gallons per day and the county estimates for all the projects and estimates for 20 years it is about 2.17 million gallons per day. That is factored into production capacity and assumption that accountability stays where it is at.

Mr. Gentry said it would be interesting to see how things look after Pembroke is done. Mr. Hurst said he felt that project would have a lot of influence on getting water to the Eastern end and an effect on the production numbers. However, they probably won't know that for 3-5 years. Mr. Chitwood noted they do have six years of data on water plant usage that included all the towns and that was factored in.

Mr. McCoy asked what exactly was included in Phase II of the Eastern water project. Mr. Hurst said that was beyond the Route 42/460 intersection and has the potential to extend service into Montgomery County. It would also solve some of the pressure issues with some connections in the Newport area. Mr. McCoy said basically it would put the tank where it should have been put in the first place. Mr. Hurst said it does have a tank in it and a small pump station. He said he did not see any areas of growth mentioned in the Comprehensive Plan that were not included under this plan. The biggest change is where they added the Mountain Lake line and Songertown Communities. Also, they talked about the potential at the Moore Farm and now that has been included. Mr. Chitwood said this gives the board a tool but they should not let the ranking stop something if funding becomes available.

Mr. McKlarney said it would ask the board to send this to the Planning Commission for review before a final approval. The board agreed to do that.

GILES COUNTY CHAMBER OF COMMERCE REQUEST

Mr. McKlarney reported that the Chamber of Commerce has requested the remainder of their 2010-11 allocation for the year instead of getting it quarterly. That is an action that requires board approval. Barbara Stafford, Executive Director, and Frank Tanner, President, addressed the board. Ms. Stafford said they were basically requesting the remainder of their allocation because they were running out of money. Mr. Tanner said the Chamber is having cash flow issues. They do have some unpaid bills they would like to take care of and that is the reason for this request. Going forward, the Chamber has appointed a fund raising committee and will be leaning on that to get through the remainder of the year. Ms. Stafford said they had quite a few ornaments from previous years remaining. They hope to sell those this year and realize the profits from that. They will not be ordering a new ornament this year. Ms. Hobbs asked if the money was allocated now, what method would they use to be sure the Chamber is viable the remainder of the year. Ms. Stafford said the fund raisers and ornament sales and they would send membership notices out in late November instead of the spring. The Chamber has gotten a few new members, but they have lost several due to the economy. Current membership is around 118 – it was around 140. Mr. Gentry asked if losing over 20 members and not selling the ornaments last year were the main problems or was there something else going on. Mr. Tanner said the Spring Banquet was nice but they just did not make anything on it. Ms. Stafford said they have discussed doing the Spring Banquet differently next year. Mountain Lake does an excellent job but it is expensive. Mr. Tanner said they are also working on the website to increase the Chamber's visibility and being active and hope that will pay off as well. Mr. Gentry asked how much the allocation was for. Mr. McKlarney said the total allocation was \$15,000 and the first quarter has already been paid.

Mr. McCoy moved to release the remainder of the allocation for Giles County Chamber of Commerce without waiting for quarterly payments. Second by Mr. Spencer. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.

Mr. Dan Level was present with the Chamber representatives, but asked to speak on another matter. He suggested on behalf of the town and the Pearisburg High School Reunion group to plant dog wood trees on the courthouse lawn in memory of Rebecca Moses, a member of the Pearisburg Town Council who recently passed away. Board members were uncertain if this could be done because other people may want to do likewise and it would be difficult to decide who can and who cannot do that. Ms. Stafford spoke with Mr. Vittum of the town office and they are making plans for another type of memorial. The board agreed to hold off on a decision until Ms. Stafford has a chance to discuss this with the town.

NANOSONIC BOND ISSUE – RESOLUTION

Mr. McKlarney said when bond counsel was preparing the final documents they became aware that the bond issue utilized would not work for expenses incurred prior to have a Recovery Zone designated in the county. This will not impact the funding or rates but does require two separate bonds. One is a standard industrial revenue bond and the other is an ARRA bond issue. That requires the board to pass this second resolution.

Mr. McCoy moved to approve the resolution to issue industrial revenue bonds for the NanoSonic project. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.

Mr. McKlarney announced that NanoSonic will hold a grand opening on Monday September 13th at 10 AM. They will be mailing formal invitations soon.

APPOINTMENT

Mr. Spencer moved to appoint Sherry Nipper to the Community Policy and Management Team as the Social Services representative. Second by Mr. McCoy. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.

ANNOUNCEMENTS

River Fest will be held on Saturday, August 14th at Whitt-Riverbend Park.
River Clean Up is scheduled for Saturday, August 28th beginning at 8:00 AM at Whitt-Riverbend Park.

PAYMENT OF WARRANTS

Mr. McCoy moved to appropriate funds in the amount of \$912,862.02 for payment of warrants as presented. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.

EXECUTIVE SESSION

Mr. Gentry moved to go into Executive Session as permitted by Virginia Code 2.2-3711 A(30) for contract disposition concerning property with the Town of Pearisburg, A(1) personnel, A(3) acquisition of property, A(7) legal consultation on a pending legal matter on the Fuller appeal, and tax consideration for Magic Mart property. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry, Mr. McCoy.

Mr. Gentry moved to certify that in the closed session just concluded, the Board discussed nothing except the matters specifically identified in the motion to convene and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Second by Mr. Baker. Approved unanimously by roll call vote – Voting YES: Mr. Spencer, Mr. Gentry, Ms. Hobbs, Mr. Baker, Mr. McCoy.

PROPERTY CONDEMNATION

Mr. Gentry move to approve the agreement with Pearisburg regarding settlement of condemnation of property. Second by Mr. McCoy. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.

MAGIC MART TAX ISSUE

Mr. McCoy moved to authorize engaging Jim Gyunn to represent the county in the Magic Mart tax assessment case. Second by Mr. Gentry. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.

RIPPLEMEAD WATER CONNECTIONS

Mr. Belcher said the board voted to waive the deposit and connection fee for Ripplemead because these are existing customers. However, there are people with very large outstanding water balances that they would like

to send letters to. This involves less than 15 customers but some of these accounts are in excess of \$1,000. He said they would like to have payments and/or set up payment plans before making these connections.

Mr. McCoy said he was not in favor of hooking these customers up until they make payments and set up a plan. That was the consensus of other board members as well.

No further business was introduced. Ms. Hobbs adjourned the meeting until the recess meeting scheduled for Thursday, August 19, 2010 at 6:30 PM.

APPROVED:

Chairperson

ATTEST:

Clerk