

At the recess meeting of the Giles County Board of Supervisors on Thursday, February 18, 2010, at 6:30 PM 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 - ABSENT
Richard McCoy	At-Large Supervisor
Paul "Chappy" Baker	At-Large Supervisor
Chris McKlarney	County Administrator
Susan Kidd	Board Secretary

CALL TO ORDER/INVOCATION

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

APPROVAL OF MINUTES

Mr. McCoy moved to approve the minutes of January 6 and February 3, 2010. Seconded by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Mr. McCoy, Ms. Hobbs, Mr. Spencer-Absent.

VIRGINIA SCENIC RIVER – LYNN CRUMP, DCR

Ms. Crump with the Virginia Department of Conservation and Recreation spoke to the board on the Virginia Scenic Rivers Program. Several creeks and portions of the New River inside Giles County have been identified as being suitable for the Virginia Scenic River designation. She shared a PowerPoint presentation with information on the purpose and criteria for the designation and the process for making application. Ms. Crump felt the first step would be having the local government make a request to have a section of the river evaluated. She emphasized that the purpose of the designation is not for the state to tell localities how to use the land. This is a voluntary request for designation. Ms. Crump also noted that 2010 is the 40th anniversary of the Scenic River Program.

Ms. Crump said once an area is designated, management and protection are done by the locality and property owners. By code, DCR would do a periodic survey of the river corridor to make sure the items that allowed it to be designated still remain. The Virginia Scenic River Board is composed of 15 members appointed by the governor. She said if there is a project that is presented to the county and they want someone to review it because of concern about the quality of the river, the Scenic River Board would be happy to do that.

Britt Stoudenmire asked if the county could only request the section of the river inside county boundaries. Ms. Crump said other jurisdictions would have to request adjoining sections. Giles could ask other jurisdictions to do that though. Mr. Stoudenmire asked if the governor would appoint to fill several positions on that board that are open. Ms. Crump said there is an application process on the governor's website.

Mr. Gentry asked if there was any money outlay required from localities for this designation. Ms. Crump said there was not. She also answered a question about the scenic river board. There is a representative from Grayson County and one from St. Paul. Those are the closest to this area. Mr. Gentry asked about restrictions this designation placed on zoning, subdivisions, ridge top development, view sheds, etc. Ms. Crump said that is not governed by the scenic designation. If there was an issue that the community was upset about, they could bring it to the DCR board. The board could then make recommendations but there is nothing that requires the county to abide by those. Mr. Gentry referred to the post-management and protection aspect that Ms. Crump mentioned in the presentation. Ms. Crump said in the final report it would say that the community or county recognizes and is in support of this and is doing everything in their power to support it through their actions. There is no impact from the state on how that is done. She said when the program first came about, it had local committees for each section. That committee worked with the locality to make sure the quality of the river was protected. There are still two of those committees in place. The county could do that if they wanted, but it is not required. Mr. Gentry asked about the funding that might be available through having this designation. He asked

if a walking trail along the river would qualify for something like that. Ms. Crump said there is not special money for designated areas, but they may score higher on some applications by having it. They would still have to compete for the grants though; there is not a separate pot of money for scenic designated waterways.

Britt Stoudenmire: Mr. Stoudenmire said there are a lot people talking about the river and that is a good thing. He thanked the board for supporting the National Scenic River Designation. A lot of local officials were looking to see what direction the county would take on that. He said he was very excited about receiving an email from Congressman Boucher's office today. He plans to introduce legislation to add the Virginia portion of the New River to the National Wild and Scenic River System. He said since the county chose to support the scenic river, he felt the board and public should know that a request was made by Supervisor Spencer to add attractions to the park at Glen Lyn. The request was made to the Army Corps of Engineers (ACE) to add canoeing, tubing, and an ATV trail. Mr. Stoudenmire learned this information at a Renew the New meeting yesterday. He spoke to the ACE today. He said he was concerned because this was in direct conflict to what the board voted to support. You cannot have an ATV trail running down the river on a Wild and Scenic designated section. Mr. Spencer requested to develop an ATV trail adjacent to the New River for as long as possible starting at Glen Lyn Park. He said it would not be a great expense and would add to the park. The ACE responded by saying that canoeing and kayaking kept with the fundamentals of the park, but the trail did not. They said they would not be able to enforce the trail and had no resources to do so and neither did the game department officials who Mr. Stoudenmire spoke to. The Corps stated that development and use of the trail as an ATV trail would have a negative impact on the New River and the wildlife in and around Blue Stone Lake. Mr. Stoudenmire said he just wanted the board and people of Giles County to know that this was proposed and was in direct contradiction to what the county supported.

Mr. Gentry asked if this was something the board could control as far as what Mr. Spencer does with the Glen Lyn Park. Mr. Stoudenmire said it was not but the board should know of an immediate threat to that part of the river. However, the county would not have any jurisdiction there. The state agencies would but not the county.

PUBLIC COMMENTS

Ellen Woodyard: Ms. Woodyard thanked the board for allowing her to speak. When she became aware of the unlined fly ash site on the banks of the New River on property owned by the 501(c)3 corporation known as the Giles County Partnership for Excellence (GCPE), she began to ask questions. She and affected land owners met and wanted to know how this could happen without the general public being made aware through a public hearing. Ms. Woodyard personally met with Mr. Spencer in August, 2007, and asked for a public hearing. That request was denied. This was the beginning of the Concerned Citizens of Giles County. In response to their inquires, they were told by this administration that there was nothing that could be done and that the supervisors were unaware of this project until it was too late to do anything to stop it. They were told public hearings were not necessary based on the Giles County Zoning laws at this time. Two of the supervisors (Ms. Hobbs and Mr. Baker) have publicly stated that Mr. Spencer brought up the subject of the unlined fly ash site and they told Mr. Spencer it was not a good idea for Giles County. They have both stated that they were under the impression the matter was closed. Ms. Hobbs recently told two members of the Concerned Citizens of Giles County that she did not know that this project had moved forward until she was contacted by an adjacent land owner in January, 2007. Ms. Woodyard said there was something seriously wrong with this timeframe the administration has given the public. They are here today to have some facts placed into the public record. Over the past few months, the Concerned Citizens of Giles County have used the FOIA to obtain numerous emails that cast doubt on both the timeline and the version of events publicly represented by certain members of the county administration. The emails she referred to were sent by Mr. Joe Ryder, an employee of AEP and a board member of the GCPE, which employees Mr. Spencer (a member of the Board of Supervisors) as its director. Two of the recipients of these emails were Mr. Howard Spencer and County Administrator, Chris McKlarney. The first email is dated January 5, 2006 – a year prior to the supervisors claim that they were unaware of the project. More importantly, this email was sent five and one-half months prior to the GCPE purchase of the property. Mr. Ryder's email notes "...at any rate if the local government and plan approving authorities could really get behind a project like this, it would be so beneficial to the development of the area..." In the same email, Ms. Woodyard stated that Mr. Ryder also states how this is going to be shaped up, the initial yardage involved, concrete and other notations. He proceeded to list the involved parties, which included the GCPE and listed the contact as Mr. Spencer and Chris McKlarney, county administrator. The next email by Mr. Ryder,

received by Mr. Spencer and Mr. McKlarney is dated January 30, 2006, and refers to the due diligence phase. A third email dated April 3, 2006 is a reference to a March 31, 2006 phone conference. The email opens with the quote "...discussions opened with concerns expressed about the timeline and the Partnership's needing assurance it's approved prior to exercising their option to purchase on the May 31 deadline. Mr. Ryder also lists DEQ criteria for project approval. That includes "local authority's letter of endorsement..." In parentheses, Mr. Ryder added "work needed here brought before the county board of supervisors?" At this point, Ms. Hobbs informed Ms. Woodyard that her time was up and there was public hearing that needed to begin. Ms. Woodyard said Ms. Cunningham would complete her statement later.

PUBLIC HEARINGS

RELOCATION OF GENERAL REGISTRAR AND COUNTY ABSENTEE PRECINCT

Ms. Hobbs opened the public hearing to consider relocation of the General Registrar's office and the Central Absentee Precinct. Mr. McKlarney said this was a proposed relocation from the current premise at 120 N. Main and 130 N. Main and to house both at 201 N. Main Street in Pearisburg. This hearing is also to change the use of the Central Absentee Precinct from November General Elections, Federal Primaries and Federal Special Elections to use in all County elections. This hearing is in accordance with VA Code 24.2-306, 24.2-411, 24.2-712 and Public Law 107-252 USC.

There were no questions from the board members or the public. Ms. Hobbs closed the public hearing.

SPECIAL EXCEPTION REQUEST – D. DIRICO – COMMERCIAL OPERATION

Ms. Hobbs opened the public hearing. Mr. Whittaker stated that this public hearing was to consider Mr. Donald Dirico's request for a special exception for a commercial operation. Mr. Dirico is requesting approval for a home office as a wholesale car dealer with display of not more than ten (10) cars. Previously, Mr. Dirico had applied for a rezoning and a special exception and a public hearing was held. After that hearing, Mr. Dirico withdrew the special exception application as a technical problem was discovered. That request stated that it would be limited to 7 vehicles. After checking with the DMV, he realized there has to be display for 10 vehicles. Mr. Whittaker said this hearing is for a new application for a special exception – basically the same as the previous one – but to allow 10 cars. The rezoning application was tabled until the special exception hearing was held and both will be considered Tuesday night at the Planning Commission's regular meeting.

Mr. Whittaker said he had received two calls from people who were not in attendance and wanted to comment. James Lafon (140 Croft Road) and Mr. and Mrs. J. Raney (966 Sinking Creek Road) both called in opposition to the request for a special exception. Mr. Whittaker also noted a petition was submitted at a previous hearing concerning both applications. After consulting with the county attorney, Mr. Whittaker said the previous petition will apply for this special exception also.

Phyllis Horn: Ms. Horn spoke in opposition to the special exception request. She stated that Mr. Dirico said his utilities would be less if he moved his business down there. His garage there is larger than what he has now so she did not see how it would save money. Ms. Horn said she also understood that Mr. Dirico will have to put up a sign and have 10 cars at all times. That opens up for a car lot where anyone can go on it 24 hours a day. It is open to the public. She is worried about privacy and safety. Ms. Horn said she did not know where his cars would come from – he may have to service them. She wondered what he would do with the oil and parts. This is supposed to be for a wholesale lot, but Mr. Dirico said if someone came up to buy a car he would sell it on the spot.

Ms. Horn said a gentleman at 166 Sinking Creek Road wanted a permit to open a garage a couple years ago and was turned down. She understood if Mr. Dirico gets this, then that gentleman will come back and apply again. Then there would be two commercial garages on that road. When Mr. Lang sells his property, that is rezoning through there too. It is a concern what could be placed on that land. That ruins the whole thing down through there and she did not think anyone on the board would want that in their back yard. She said Mr. Dirico's wife now has a beauty shop over Subway. If this passes then she could move her shop down there too and also has a tanning salon open until 9 PM in the summer. That would mean increased traffic until 9 PM.

Patrick Muldoon: Mr. Muldoon spoke in opposition to the proposed rezoning from R1 to R3 for Mr. Dirico. He said zoning came out of planned community ideas to keep rural areas rural with single family dwellings. It is a community thing and this is a community zoned R1 that wishes to keep it that way. There are no businesses in that area. He said they are not opposed to businesses, but there are lots of areas zoned to do that. Mr. Muldoon read comments from his wife, Patricia Muldoon, who was unable to attend. Ms. Muldoon's commented that it was difficult to demonstrate the passion they have on this subject after pouring out their hearts to the board several weeks ago. The residents oppose this rezoning and now that the number of cars has been increased, oppose 10 as they did 7 cars. She stated that residents who choose country living should expect zoning regulations to follow except for extreme circumstances. They should not have to fight used car lots, car repair shops or other commercial endeavors that would forever harm their neighborhood. Ms. Muldoon asked that the board please vote no to opening up a residential neighborhood to a commercial endeavor. Mr. Muldoon said he agreed because if this goes through, there are at least 2 more properties going to request something similar.

Oma Vance: Ms. Vance said she came again to ask the board not to rezone Mr. Dirico's property. His house is right next door to her home and she was against a used car lot there. She said she would not state all the reasons again. When this started though, Mr. Dirico asked for 5 cars, then 7 and now 10. They live in a quiet residential area and she does not want a business next door where she would have to see and hear the commotion that going on in a parking area for those cars. It would be in plain view from her back yard and would hurt her property values. A lot of people in the neighborhood are against this. Ms. Vance said the supervisors were voted in by all the people and need to look after the needs of all the people. If the board does approve this business, the people will remember when it comes time to vote.

Barbara Dunbar: Ms. Dunbar introduced herself as Ms. Vance's daughter. They have spoken before and are totally against any business being there. It is a quiet residential area and this will hurt home values. When this started it was for 5 cars, then 7, and now 10. Also, Mr. Dirico said he would not do any selling business from that location and it would be done off-site. Ms. Dunbar called DMV and they said a wholesale car dealer had to meet the same guidelines as any independent dealer. The Code says that dealers are required to have an established place of business do a substantial portion of the sales activity of the business routinely conducted. It was also noted a small sign would be there; the Code said each sign has to be permanent and visible from the front of the business so the public can quickly and clearly identify the dealership. The letters on the sign have to be no less than 6" in height. He has to be open for business a minimum of 20 hours per week and would have to have those hours posted and maintained at the main entrance of the place of business. He would have to have a permanent enclosed building of at least 250 square feet that is not used as a residence. Ms. Dunbar thanked the board for listening and hoped they would consider all the needs of all the people.

Kathy Williams: Ms. Williams lives across the road from Mr. Dirico and has lived there for 15 or more years. She bought this property to be in a residential neighborhood for families. It was quiet and they liked it. If Mr. Dirico gets this special exception, that will open the door for a lot of things. If one is allowed, then how could they turn down someone else. Ms. Williams said she opposed this in December and opposes it now. She did not think anyone of the board members would like to get up in the morning and walk out their door and see a used car lot. She has grandchildren and the traffic would increase. It is bad enough now. The value of property would go down. All the neighbors are against it and she hoped the board would consider that.

Gail Williams: Ms. Williams stated she had lived at 171 Sinking Creek Road for 34 years. She has spoken with residents who owned property on Sinking Creek and they have a genuine interest in the good of the community. She has also spoken to residents in the surrounding communities. She submitted that it was the desire of the majority in the community to deny this request for rezoning of Mr. Dirico's property from R1 to R3 and for a special exception for a commercial operation to conduct business from his home as a used car dealer and sales lot. Ms. Williams said she did not speak with any person who was in favor of rezoning and this special exception. She said these statements were validated by a petition and is a matter of record. Ms. Williams also felt this would be in conflict with Section 606.01 because it will create noise from car repair and other work on the vehicles to be sold. This noise would adversely affect a quiet neighborhood. There would also be increased traffic with hauling or towing vehicles in and moving them in and out, and it could become a safety issue. Ms. Williams said the property does not meet Section 606.03 in being compatible with surrounding

uses as this neighborhood is residential. It is not in the public interest. She also felt it did not meet Section 606.03-5 due to increased traffic and safety issues. The driveway must meet commercial standards for exit and entrance. The driveway is 30 feet wide and near the entrance is 48 feet. It will also affect neighboring property values adversely. This has been discussed with several realtors. A Virginia DMV license allows the holder to retail as well as wholesale vehicles. This could bring an unlimited number of potential buyers into the neighborhood. They would like to keep the neighborhood safe and conserve the character of the neighborhood. Ms. Williams said she did not feel the potential to spot rezone in this neighborhood is in the best interest of the community.

There were no further comments or questions. Ms. Hobbs closed the public hearing and referred this matter back to the Planning Commission for recommendation.

PUBLIC COMMENTS

John McMann: Mr. McMann asked to speak on the Dirico matter. He failed to sign up under the public hearing section. Mr. McMann said that Mr. Dirico is his father-in-law. Mr. Dirico has been in the car business for over 35 years. He would challenge anyone to drive through Pembroke now and see how many cars are on that lot. A lot of people are losing sight of the fact that Mr. Dirico is ready to retire from the car business but still wants to maintain a dealer's license. He is not moving the car lot to Sinking Creek to increase sales. If he wanted to do that, then Route 460 is where he should stay. Mr. McMann said he keeps hearing this referred to like Shelor's. He asked if anyone can honestly compare this to Shelor's. This is a rural area that is a mix of everything – farm equipment, trailer courts, etc. He said Mr. Dirico wants to retain his business license and he wants to retire. He does not want to open "Shelor Motor Mile" there. People have been talking about oil changes, grease jobs, etc. When you are selling a used car, you don't necessarily open a mechanics shop. In talking about noise levels, there are tractors and farm equipment there now. They are not talking about Horse Shoe Bend Subdivision – they are talking about a mixture of everything imaginable down Sinking Creek Road – trailer courts, nice homes, farms, etc. He asked people to drive through Pembroke and see how many cars are on Mr. Dirico's lot – there are five and it has been like that for a year. Mr. Dirico just wants to retain his dealer's license because he is ready to retire. He is not doing 30 cars a month. Mr. McMann said he thought people had lost sight of what he really wants to do.

Donald Dirico: Mr. Dirico said he only sold 11 cars all of last year. He said if someone else changes oil out in the open they are allowed; he wants to do that inside a garage. He said everyone is down on him for doing this but they are not looking at their own stuff. If you come down Sinking Creek it is a mess of cinder blocks, barbed wire, cattle chutes, etc. That is not nice and needs to be straightened out. He said everyone wants to paint him as the bad guy. All he is asking is just to have a license to have a few cars down there. The DMV says the lot has to be large enough for 10 cars; it does not say he has to keep 10. If he doesn't have 10 in Pembroke, he sure wouldn't have that many on Sinking Creek.

Darlene Cunningham: Ms. Cunningham's comments referred to the Cumberland Park project and are a continuation of those of Ms. Woodyard. Ms. Cunningham asked if they were expected to believe that the supervisors had no inkling of what was going on when the county administrator who works directly for them was well aware of the project's plan and process. At least two supervisors were adamantly opposed to the project, including Mr. Baker who was the Chairman at the time. Why would not the county administrator at least inform the chairman about this supposedly multi-million dollar project being developed in Giles County. However, if Mr. McKlarney and Mr. Spencer did intentionally keep this from the other supervisors, then there are serious concerns that should be raised regarding the Partnership's relationship with the county. When the public was told there was nothing that could be done, that was not entirely true. The more than five and one-half months prior to the Partnership purchasing the property was plenty of time to alert and inform the constituents, to educate yourselves on the potential problems of an unlined fly ash site in the flood plain of the New River, and to establish an ordinance to allow for public participation. Ms. Cunningham stated that they will probably never know the truth but felt the public should know what passes for democracy under this administration. She expressed appreciation for the board listening to the folks and allowing them a say in their zoning.

Mr. Gentry asked Ms. Cunningham if she was accusing the board of hiding facts from the public. Ms. Cunningham said if Mr. McKlarney and Mr. Spencer did intentionally keep this from other supervisors... Mr.

Gentry said the other part, right before she finished. Ms. Cunningham said there was reference to five and one-half months before the purchase. Mr. Gentry said she mentioned something about “establish a public hearing.” He said they asked legal counsel about that and it was outside of the board’s jurisdiction. Ms. Cunningham asked if it was even in 2006. Mr. Gentry said it was. Mr. Baker stated that the board has told the Concerned Citizens group that several times. Mr. Gentry said he took exception to her trying to put this back on the board and saying they hid things from the public. Ms. Cunningham asked if he took exception to the dates she mentioned. Mr. Gentry said he did not have the dates, which obviously Ms. Cunningham had in front of her. However, he did take exception to her saying they hid things – the board, Mr. McKlarney and others.

Vernon Kelley: Mr. Kelley spoke on behalf of the Concerned Citizens of Giles County. He asked them to keep in mind the concerns raised by Ms. Woodyard and Ms. Cunningham. Specifically that two of the supervisors are on record as saying they told Mr. Spencer that they were opposed to the project and were under the impression the project was closed. On October 18, 2007, Mr. Baker said the supervisors were not kept informed about the project details until about July 2007. Using these facts as a reference point, Mr. Kelley wanted to introduce a letter dated over 7 months before Mr. Baker claims the board was aware of what was going on. It is dated November 21, 2006 and signed by Chris McKlarney on behalf of the Board. This is a letter of support for the Cumberland Park project and ends with “we believe this project represents a win/win for everyone involved.” Mr. Kelley said it probably was a win/win situation for those involved, but for the board and citizens of Giles County who were not informed and not allowed to participate, it was a lose/lose. He felt it was a “lose” for the democratic process and a real potential loss for the environment. Mr. Kelley states there were a couple of interesting things about the letter that citizens should know. First, this letter of support to VDOT – the board did not even know about it. Mr. Kelley said the only way Mr. Gentry found out about it was that one of the members of Concern Citizens handed Mr. Gentry a copy of the letter and he followed up on it. Secondly, and Mr. Kelley said this was his favorite part, the letter Mr. McKlarney sent on behalf of the board (the elected representatives) was not even written by Mr. McKlarney. It was written by Howard Spencer, a Board of Supervisor’s member and a paid employee of the GCPE which owned the property. Mr. McKlarney made a few changes and sent it on to VDOT. The questions would be: why would Mr. Spencer, a paid employee of the Partnership, as a supervisor write such a letter if he knew that not all, if any, of you were in support of the project. Why would Mr. McKlarney send such a letter without informing the Board of Supervisors; at least Mr. Baker who had been opposed to it and he was chair at the time. If this project was such a win/win, why weren’t Mr. McKlarney and Mr. Spencer crowing about it all over town. Why not brag about it so everyone would know about it. With all the potential for millions of dollars it surely didn’t skip their minds. Mr. Kelley said he would like to introduce an email written by an AEP employee and board member of the Partnership, Joe Ryder. This email was sent on November 17th and is entitled Revised Letters of Endorsement. The email was sent to a number of players in the Cumberland Park Project, including Carolyn Howard and David Huff of Draper Aden, Mr. Spencer who forwarded it to Mr. McKlarney. Based on the recipient list it seems like everybody knew about the project except the board and the public. Mr. Kelley stated that in reading the email it seems there was an internal discussion among the players of some concerns about VDOT maybe nixing or impeding the project. Mr. Ryder, in the email, says Draper Aden thought they should approach VDOT direct. Mr. Ryder says Mr. Spencer disagreed with that and had a different plan. His plan was not to give VDOT the opportunity to interfere with the project. Instead he would use his “in” with Congressman Boucher to get a letter of endorsement and that would put “VDOT in an awkward, face-saving position” so they basically had to give agreement to the project. Mr. Kelley said that in the end Mr. Spencer instead used his “in” with Mr. McKlarney to get a letter of county endorsement written by Howard Spencer himself without the board’s knowledge.

James McGrath: Mr. McGrath said the board had an overview of the situation and he would finish up where Mr. Kelley was going. The letter was sent by Mr. McKlarney and written by Mr. Spencer to VDOT as opposed to going to Mr. Boucher. Mr. McGrath asked shouldn’t ethics, democracy and environment be top priorities for elected/appointed officials here in Giles County? Shouldn’t our government protect us through open communications? In process, Mr. McGrath said he could assure the board ethics, democracy and the environment are top priorities for the Concerned Citizens of Giles County and he wanted them to know they will be right here until it is all cleaned up. He also assured the board that there were folks in the room other than the Concerned Citizens of Giles County who believe in ethics, democracy and protecting their private environment should know that they are forwarding all this information to Congressman Boucher, VDOT and all those news outlets throughout that continue to be interested in what goes on in Giles County. Mr. McGrath said they were in a continuing process to pursue the public participation issue in this county. FEMA is deeply involved with this

through a congressional FOIA. Mr. McGrath will also be interviewed shortly by state agencies. What they have is 16 months before the cut off for public participation, Joe Ryder of AEP and a member of the GCPE wanted assurances that this project would pass before they bought land approximately a month and one-half later. This question needs to be answered. Mr. McGrath said they have the county attorney giving assurances that there were meetings concerning these issues. When they ask for the minutes, they were told none exist. Mr. McGrath said these questions will be answered and they will continue to pursue this aggressively. He said he knew this was becoming somewhat burdensome, but as a veteran, Mr. McGrath did not feel democracy was a burden to him. His nephew is now in Afghanistan. If young men from this county and the Commonwealth can go into western Asia to get democracy, then here in southwest Virginia they are going to continue pursuing this question until there are some answers. There are people on the state level and the federal level who are very curious about what the CCGC has unearthed here. Mr. McGrath said he was going to continue digging and when he gets answers to these questions from these people, he will bring them to the board.

Carleena Blankenship: Ms. Blankenship said that Ms. Woodyard introduced documents that clearly show that the County Administrator was fully aware of the Cumberland Park Project at least six months prior to the GCPE purchase of the real estate adjacent to Route 460 just outside the Narrows town limits. That leaves her to share her feelings as a former member of the Giles County Industrial Development Authority (IDA). Ms. Blankenship stated that she had questioned herself as to why the Director, Chris McKlarney, did not share information with the IDA about this million dollar project, which he was aware of in the planning and development stages. Ms. Blankenship said she had researched minutes, personal notes and public record to find that this project was not shared with the vitally economic development board of this county until the public was made aware of its existence in the *Virginian Leader* on August 1, 2007. On May 30, 2007, three months to the public announcement, Mr. Spencer addressed the IDA asking that they consider waiving the Partnership's rent at the Hubert Brown Center in Narrows. She said all Mr. Spencer alluded to was that he did not have any more money because the grant money had dried up and his finances were depleted. He said he had cut his employees hours and laid off workers. Neither Mr. Spencer, Mr. McKlarney nor any other IDA board member who may have had knowledge of the Cumberland Park Project shared that the project was even in the making even though they had purchased the property on Route 460 in the amount of \$100,000 eleven months earlier. Ms. Blankenship made a motion to waive the rent for the GCPE, totally blindsided to the fact that the GCPE had joined forces with AEP and Headwaters Resources to make hundreds of thousands of dollars on this project. Ms. Blankenship said she would never have made such a motion nor voted to give a private entity free rent if she had known that the Partnership had that kind of cash flow. Ms. Blankenship said she would like to apologize to the people of Giles County for the decision on her part because she was not aware of the whole story. Ms. Blankenship said here was something even worse. What else hasn't the taxpayers been made aware of and what other ways have they been misled.

Leigh Stoudenmire: Ms. Stoudenmire is an owner of New River Outdoor Company in Pembroke. They recently completed a new building, but now have more to do after a semi slid off Route 460 into their brand new sign. This brought up an issue about safety about patrons who are there in the summer. No one was there when it happened except Ms. Stoudenmire. Thankfully it did not come into her building or the one next door. She asked what VDOT could do to make that turn safer for patrons and drivers. The speed limit drops at the bottom of the hill. This seems to be a problem for the semi-trucks who come down with brakes rattling all day long. Maybe the sign needs to be moved further back up Route 460 or a guardrail put up. Mr. Gentry said he was going to contact Mr. Clarke with VDOT tomorrow and ask them to do a review there and see what can be done. Since it is a safety issue, and there is no money anywhere else, there may be funds in safety to do something.

Ms. Stoudenmire said another issue was someone from Lowes recently came to their cabin using Broad Hollow Road and Route 100. This was the second person she knew of who actually came out Broad Hollow to Route 100 and turned the wrong way on Route 100. There is no sign there indicating it is one-way or wrong way. She said a lot of people from out of town stay there in the summer. They were fortunate no one has been injured. Mr. Gentry said he would mention that at the same discussion.

GILES COUNTY FIREMAN'S ASSOCIATION INSURANCE REQUEST – D. FAREWELL

Mr. Farewell spoke as President of the Giles County Fireman's Association. Representatives of the county's fire departments were also present. Mr. Farewell said there were 272 volunteer firefighters in the county. They spend a lot of time in training and classes in addition to responding to emergencies, and they really need insurance. What most of the departments have currently is not much. Mr. Farewell said they were here to see if the county could help the fire departments incur some of the insurance costs. He introduced a representative, Mr. Ben Reedy, from Slemp Brant Saunders and Associates, Inc. to discuss a proposed policy. Ms. Hobbs asked if they only went out with a single source on this. Mr. Farewell said they consulted several different groups for quotes. Mr. Gentry asked if all the fire departments in the county were 100% behind doing this. Mr. Farewell said they were.

Mr. Reedy said he had worked with all the EMS and Fire Departments in the county. Ms. Hobbs asked what capacity he had worked with them in. Mr. Reedy said he had policies with 6 or 8 of the fire department, both rescue squads and Haz Mat. The coverage now varies by department – some have accident/sickness, workers compensation but others do not, or some departments have a much smaller payout on it than others. This proposed policy would offer coverage for accidental death in the amount of \$100,000 for all departments. It also would have Workers Compensation and medical coverage. Ms. Hobbs asked what the departments currently pay. Mr. Farewell said it varies according to what they have coverage on. Mr. Reedy said the policies currently offered are on an individual department basis. There are different limits within the policies.

Ms. Hobbs asked what the rate per person per year would be for the policy Mr. Reedy proposed. Mr. Reedy did not have that figure available, but estimated about \$400 per person. Ms. Hobbs asked what the average was per person on the current coverage. Mr. Farewell said the average per department is about \$8,000. The Narrows Fire Department said they recently paid \$1,350 for 37 members; that is for \$100,000 coverage but is without Workers Compensation. Mr. Reedy re-calculated the cost per person on the proposed policy and said it was actually about \$113. Mr. Gentry asked what the departments currently pay. Mr. Reedy said it varies according to coverage. Eggleston currently has only \$20,000 for accidental death; the new policy would cover at \$100,000. Mr. Gentry said if they take the package deal and the amounts that all eight departments are paying separately, does that make up the amount of the package cost. Mr. Reedy said there is a quote the board has for a 3-year policy with a cost of \$25,077 annually. Someone also mentioned that this includes more than the eight fire departments; the rescue squads and Haz Mat are also included. Ms. Hobbs asked if they take the amount everyone is paying for insurance and add it all up, will it cover the cost of this proposed policy.

Mr. Reedy said comparing the individual policies to the group policy is really not comparing apples to apples. Those individual policies have various limits ranging from \$2,000 and on up. Everyone carries different amount of coverage depending on what they can afford. This group policy would put everyone under the same umbrella. Mr. Farewell said the county has an all volunteer force and this is a bargain for the county on this policy. Mr. McCoy said if they were looking for the county to pick up the difference and try to find funding to do that or to fund the whole package. Mr. Farewell said they would like for the county to fund the whole package - \$25,077 per year. Mr. McCoy said this is not a good year to ask for that. Mr. Reedy said he realized the budget is not good. Ms. Hobbs said that here are so many things connected with emergency services that cost money. Right now the board is looking at communications and that is something that needs to be done and has a significant cost. Mr. Donald Wimmer said that a good thing about the Slemp Brant policy is it covers firefighters from the time the tones go off until they return home. It also covers fund raising events or any business they are doing for the fire department. It doesn't have to be just when they are on a fire call. Mr. Reedy said he would just like to ask the board to consider this information. Mr. Gentry asked if they could get information on all the individual department's premiums during the past year. That would help the board understand what the departments are paying now. Mr. McCoy said they also need to know what their current insurance limits are so they can see what the departments are getting for that amount. Ms. Hobbs asked if they had approached any of the towns and asked for assistance. Mr. Farewell said they had not.

Mr. Jack Kellison of Pearisburg's department said they had a policy now. They had an accident and one firefighter was flown to Roanoke; the cost was \$14,000 and the policy paid \$10,000. That was all they paid and there was no other compensation for anything. This guy was off work and the department had to raise money to help him out. Mr. Kellison said he also knew of four people in their department now that do not have their own

health insurance. There are probably others that he is not aware of. Ms. Hobbs asked if the towns that have not contributed so far would partially fund this. Mr. Kellison said they knew Mr. Vittum as well as he did.

Mr. Kellison said he thought they were trying to say that the compensation, medical and health insurance was around \$75,000 for all 11-12 organizations. Narrows Department said they received about \$5,000 from the town but seldom got anything else. Mr. Gentry noted there are three departments not connected with any town. Poplar Hill department said the money they get from the county pays their truck and building payments and insurance. They have to raise everything else on their own. Mr. Kellison said he did not think it was fair departments have to raise money for this kind of stuff, especially considering the many hours they do for the county. If the county paid firemen, it would be more than an insurance policy. Ms. Hobbs said she agreed on principle, but the county simply does not have the money. She asked the group to give the board time to look over this information. Mr. Gentry asked if they could get the other information back to Mr. McKlarney pertaining to each department's insurance costs. Mr. McKlarney noted that the Fireman's Association gets money each year from the county too. He asked if those funds could be utilized to help with this. Mr. Farewell said right now they are going to buy a new compressor that they will need soon. They also pay for the fire classes. Mr. Farewell and Mr. Reedy thanked the board for their attention and said they would get the information to the board and come back later for a decision.

INSURANCE BILLING BY VOLUNTEER FIRE DEPARTMENTS

Mr. McKlarney said the Town of Narrows' attorney brought this to the county's attention. Some fire departments bill homeowner's insurance for fire fighting. There is a set amount in most homeowner's policies for that. There were initially plans to hold a public hearing tonight, but after discussion with the county attorney there were several other issues. The county attorney does not feel that the county has the statutory authority to do this. He felt if this matter went to court, a local ordinance could be overturned. There are some questions that need to be answered before the ordinance is proposed – for instance, if two departments respond to the fire, who gets the billing for it. How the money would be tracked. A lot of decisions need to be made before an ordinance could be drafted. Ms. Hobbs said an ordinance would allow this billing but would not compel a department to do that. Mr. McKlarney said it was his understanding that not all departments would agree to invoice residents. Mr. Davis of Narrows Fire Department would not contest the ordinance. Just because it came from the Narrows attorney does not mean it is the feeling of the Narrows Fire Department.

Mr. Gentry asked what the concern was if they could bill for it. Mr. McKlarney said they just did not feel they have the statutory authority to do that now. If it was overturned, the funds would have to be paid back. Some communities have already passed it and started doing it though so that could be a precedent. Ms. Hobbs asked how it would affect the towns; would they have to pass the ordinance also. Mr. McKlarney said that was his understanding. The billing would depend on where the fire takes place – in town or county. There is no code section currently to use as a guide on this.

Ms. Hobbs suggested they have a public hearing to get some answers. Mr. McCoy asked if any other departments were interested in pursuing the billing. Mr. Wimmer with Eggleston said he did not think they were interested and felt it would create ill will with the community. Narrows also felt it would be detrimental to their contributions. Also, each organization would have to have a person to do the billing or use a third-party to do the billing. Mr. McCoy said he had no issue with it but felt a lot of things needed to be ironed out before moving on with it. Mr. Davis with Narrows said there was a benefit to it, but they felt it would hurt donations. He said they were afraid just advertising that the fire departments were considering charging for calls would automatically cause the public to assume all the departments are going to be charging. There was further discussion on whether all the departments would participate or not. Ms. Hobbs said she would like to see a model ordinance and discuss it at the regular meeting in March. Mr. McKlarney asked the Association if they could have some type of consensus on whether they want this to move forward or not. Mr. Davis noted again that Narrows was not opposed to it, but they would not want to use it.

ORDINANCE TO MOVED GENERAL REGISTRAR AND ABSENTEE PRECINCT

Mr. Gentry moved to approve an ordinance to relocate the General Registrar's Office to 201 N. Main Street, relocate the Central Absentee Precinct to 201 N. Main Street, and change the use of the Central Absentee Precinct to use in all county elections. Second by Mr. McCoy. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

RESOLUTION – REVENUE BOND FINANCING – NANOSONIC

Mr. McKlarney reported that the IDA had unanimously voted to request the Board of Supervisors approval on a resolution for the issuance of revenue bonds for the refinancing of the NanoSonic project. This would be part of the stimulus package from the federal government whereby they would pay 45% of the interest on the IDA loan for the term of the loan. All of the issues have not been resolved with the state on this, but if it is received the money has to be spent by the end of March. The IDA is in the position to do that, so they would like to have this resolution in place.

Mr. McCoy moved to approve the resolution for issuance of revenue bonds in conjunction with the financing for the NanoSonic project as presented. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

COMMERCE PARK – AMENDMENT #2

Mr. McKlarney said this is the second amendment to the Commerce Park Participation Agreement. This amendment would expand the scope of the project to include all acquisitions to date, require voting majority for acquisition or disposition of real or personal property, and amend the financing and revenue sharing portions of the agreement. With this, all counties would share in the machinery/tools taxes and personal and real property taxes. Pulaski County has agreed to all of this and it is a huge benefit to counties over the original agreement. The old agreement also required a unanimous vote to sell property, so this changes that to a majority vote – 7 of the 11 members. Mr. McKlarney said the group has also applied for funding to extend the 24" gravity sewer to the property. Thirty-six acres of surplus property will be sold and the proceeds will go to pay some of the debt on the water/sewer work. Pulaski County PSA has agreed to 1,000,000 gallons in reserve capacity. This also allows the group to sell smaller lots. Mr. Gentry asked about the majority vote requirement. Mr. McKlarney said anytime the group leases or sells property or provides incentives then it has to have 7 of the 11 members approving it.

Mr. Baker moved to approve Amendment #2 to the Commerce Park Agreement as presented. Second by Mr. McCoy. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

PAYMENT OF WARRANTS

Mr. McCoy moved to appropriate funds in the amount of \$606,392.80 for payment of warrants as presented. Second by Mr. Baker.

Discussion: Ms. Hobbs asked what the amount of rent was on the Fleeman Building. Mr. McKlarney said the cost was \$1,400 monthly less the renovation costs amortized over the life of the lease. That brings the cost to less than \$1,000 per month. They also intend to lease the other side for commercial use to offset some of the rent. Ms. Hobbs asked about a water/sewer bill to the Town of Pembroke for Castle Rock in the amount of \$739. She asked what they could be watering with all the snow on the ground. Mr. McKlarney said he would check on that – could be a leak in the water system.

The motion was approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

SCHOOL BOARD APPROPRIATION

Mr. Gentry moved to appropriate \$2,256,428.34 for the school board as presented for March, 2010. This includes \$706,025.17 in construction funding and a decrease in funding of \$750,000. Second by Mr. Baker.

Discussion: Mr. McKlarney said the \$750,000 was the reduction in this year's state funding.

The motion was approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

SOCIAL SERVICES APPROPRIATIONS

Mr. McCoy moved to appropriate \$158,000 for Social Services and \$90,000 for CSA for March, 2010. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

APPOINTMENTS

Mr. Gentry reported that Mr. Skeens has been a member of the IPR board for some time but is unable to continue for health reasons. They would like to appoint a replacement.

Mr. Gentry moved to appoint Frank Calhoun to replace A. W. Skeens on the Indoor Plumbing and Rehabilitation Board. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

Mr. McCoy moved to appoint Don Clark to the New River Community Action Board of Directors. Second by Mr. Gentry. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

Mr. Gentry moved to reappoint Mr. Sonny Jeffers to the Board of Road Viewers. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

Mr. Baker moved to appoint Ernie Miller to the Agricultural Advisory Committee. Second by Mr. Gentry, Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

Mr. Baker moved to appoint Billy Henderson to the Agricultural Advisory Committee. Second by Mr. McCoy. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Baker; Mr. Spencer-absent.

No further business was introduced. Ms. Hobbs recessed the meeting the regularly scheduled meeting on Wednesday, March 3, 2010 at 10 AM in the General District Courtroom, 120 North Main Street, Pearisburg, Virginia.

APPROVED:

Chairperson

ATTEST:

Clerk