

At the regular meeting of the Giles County Board of Supervisors on Wednesday, October 6, 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
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. Spencer moved to approve the minutes of September 1, 2010. Second by Mr. Gentry. Approved unanimously with corrections (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Gentry, Mr. Baker.***

## CONSTITUTIONAL OFFICERS

**Sheriff Millirons:** Sheriff Millirons presented a report on September department activities. Animal Control Officers picked up 60 cats and 41 dogs. He reported that Wal-Mart is no longer providing dog food and that has added additional expenses for the department. Ms. Hobbs suggested they ask Food Lion about donations. Mr. Gentry said they might also check with Farm Bureau on purchasing in bulk. Sheriff Millirons said they would check on that. He noted that a rabies vaccination clinic was held this past weekend and the animal shelter received half of the \$10 cost from that. He thought there were about 80 animals vaccinated.

The Sheriff's Department served 725 civil papers – a lot of those were jury duty papers. They served 90 misdemeanor and 9 felony warrants. They issued 35 traffic summons and had 2 major drug arrests. One of those was a meth lab in Pembroke in which two individuals were arrested. The other was an individual from Northern Virginia who was arrested for possession of a large quantity of marijuana and prescription drugs and the vehicle seized – this was during a traffic stop. Ms. Hobbs asked if the meth lab was dangerous to people living nearby. Sheriff Millirons said it could be. This was a new type of operation on a smaller scale using plastic bottles. There is the danger of explosion though because of the ingredients used. The clean up on this residence was done by the Virginia State Police. State Police, Pearisburg police, and Rich Creek police were all involved with this in addition to the Sheriff's Office personnel. Social Services was also notified because of children living in the household.

Sheriff Millirons reported that his department received a grant of over \$16,000 to use for extra enforcement and equipment. They will be targeting areas where they have had complaints of speeding. The department also continues to offer RAD training and will continue working with Neighborhood Watch programs. They continue to take old, usable cell phones to give to seniors. These do not have to be active – only able to be charged. Senior citizens can use them to call 911 at no cost. They are also working on Senior Citizen ID cards for emergency uses.

There was a discussion that Halloween fell on Sunday this year. The board noted it had never been their policy to set a date to observe Halloween; they leave that to the towns. Sheriff Millirons said several towns had already decided to use Saturday the 30<sup>th</sup>. He will go with that. Sheriff Millirons said the grand jury is meeting next week and he expects a lot of true bills out of that.

## VDOT REPORT – JOHN THOMPSON

Mr. Thompson reviewed several items from the last meeting. He said VDOT has not received the agreement back from West Virginia on the Route 219 bridge. They hope to have that soon. The route 61 bridge project is moving along; there is a kick-off meeting scheduled soon. Mr. Thompson said Darnell Mountain Road is scheduled for additional stone and machining today. VDOT is waiting on environmental clearance for drainage work on Route 622, Bear Springs. Mr. Gentry said Route 772, Sinking Creek, still needs work. Mr. Thompson said the work on Old Furnace Road has been completed. They went back and cleared debris out of the pipes and worked on the approaches.

Mr. Thompson said they had looked at the Rural Addition work for Sky View Lane and looks like there is enough funding to do about .35 of a mile if the board chooses. That would go up to where a driveway turns off to the right onto the hill. Mr. Thompson said he would be happy to discuss that further with county personnel. Ms. Hobbs asked how much was in the Rural Addition fund. Mr. Thompson said there was about \$160,000. Mr. Spencer asked if that would be done in-house. Mr. Thompson said it would be contracted. Mr. Gentry asked if it could be managed in-house. Mr. Thompson said it could be in-house management but a construction contract. Ms. Hobbs said she did not think the county had personnel able to take on anything else at this point. Mr. Spencer said the drainage ditch is the big thing on that road and even .35 of a mile would be a great help to those folks. Mr. Thompson said that would cover the section where the drainage problem is. Mr. Gentry asked how much savings would be recognized if the county managed it in-house. Mr. Thompson said he did not really know – probably a very small amount. Mr. Spencer asked if the work could be done this fall. Mr. Thompson said he doubted it. It was already too late to get it into this fall. Mr. Spencer asked if Mr. McKlarney would get with VDOT and see what the county needs to do to proceed. Mr. Thompson said they need to work with Chris Price and review this.

Mr. Baker asked what the status of Clendenin Road was. Mr. Thompson said they met on that a couple weeks ago. It is now with the District Office and they are in the process of reviewing to see if they can get by with less than standard width there. Ms. Hobbs asked why VDOT didn't work that out earlier so construction could begin in the spring. Mr. Thompson said they could not get the right of way. Ms. Hobbs said she understood that, but wondered if they were actually any further along now or were looking at modifying the plans. Mr. Thompson said all the options presented to this point to the property owner had been rejected. They are going back to try to find something else that might work. He did not know what else they could have done. Ms. Hobbs asked what they were trying to do now – modify the plans. Mr. Thompson said if they can get this deviation from the standard width approved, the contract will have to go through Salem and be signed and sealed by several different people – drainage, traffic, construction. They will then present all that back to the property owner but they have to get everyone on board and agreeing to it. He said when they went to the signing/sealing process it makes everything more complicated. Ms. Hobbs asked if the money was still there. She hears the governor talking about a surplus and hoped it didn't include the Clendenin money. Mr. Thompson said that is six-year plan money and the only way to move it is if the county agreed to move it to another project on the plan. Ms. Hobbs said she did not understand why they couldn't modify the plans for Clendenin for that section of road. Route 100 was four-laned on either end and the narrow two-lane portion was left in the middle. This road is not as busy as Route 100 so this plan should work. Mr. Thompson said he would keep an eye on what is going on with this at the district level. He will do whatever he can to keep this moving.

Mr. Gentry had Mr. Thompson look at a drawing Mr. Reed prepared on the access road at the hospital. Kinter Way intersects with Boxwood and there is no stop sign or stop bar on Kinter. There is more traffic coming down Boxwood now since the hospital opened. That is dedicated VDOT right-of-way. Mr. Baker said they had talked to Pearisburg about it six months ago. There were recycle bins there that caused some sight problems, so they have been removed. Safety was out there a couple months ago and they were going to bring recommendations back. Mr. Gentry said he did not care who was responsible, it is a dangerous intersection that needs to be marked. Saying it can't be fixed because of some rule that VDOT doesn't control Kinter is stupid. It is going to cause an accident and something should be done because it is the right thing to do. Mr. Thompson said if it was in VDOT's realm of responsibility, they will look at it. They normally do not sign roads unless they are in the maintenance system. Mr. Gentry said he thought their maintenance was in that area – they paved the area he

is talking about. Mr. Thompson said they would check on it. Mr. Baker said he had talked to the town and they said it was not their responsibility and they didn't think they needed anything.

Mr. Gentry said where VDOT did the ditching at Dusty Lane on Sinking Creek, he received a call asking about more gravel at a dip where the water is pooling. Mr. Thompson will have someone check on that. Mr. Spencer asked about the contract with West Virginia on the Route 219 bridge. Virginia is to maintain the bridge and West Virginia pay half the cost. Mr. Thompson said that was correct and they did bill West Virginia sometime back when they did a significant amount of work there. Mr. Spencer asked if that agreement would continue when they build a new bridge. Mr. Thompson said the agreement they are waiting on West Virginia to review now is different. However, he assumed the maintenance agreement would still apply. They are waiting on the construction agreement now. Mr. Spencer said someone gave him a phone number of a Ms. Bagwell at West Virginia DOT. He called there and she said they had not even assigned an engineer to this project. He would to know exactly what is going on. Mr. Gentry said West Virginia has been surveying there in the past year, so he felt like it has been assigned as a project. Mr. Spencer asked how long the agreement had been to West Virginia. Mr. Thompson said only a matter of a few weeks.

Mr. Mullins asked about moving the road on Clendenin closer to the railroad tracks to allow more room on the house side. Mr. Thompson said they have not considered relocating that – it would be a long drawn-out process. They have considered lowering the road in front of the house and maybe surface treating the driveway to get in there. Mr. Mullins said they would gain a lot of room if they moved to the railroad on the west side. Mr. Thompson said that is all railroad right of way; VDOT has an easement through there for maintenance only – just to maintain what is there. VDOT tries to keep to a minimum what they have to do on railroad right of way. Mr. McKlarney said they could push the road south until it gets to the house and that is where the problem is. Then they get a slope on the other side there that they just could not work with. Mr. Thompson said they have to widen towards the house – there is no other option. Mr. McKlarney said he discussed this with Salem and if they approve the change in pavement width, this should work. Mr. Thompson said he thought this would work but the process it has to go through takes time.

## **PUBLIC HEARING – BUDGET AMENDMENT 2010-11**

Ms. Hobbs opened the public hearing to consider an amendment to the budget for fiscal year 2010-11. Mr. McKlarney stated that the purpose of this hearing is to specifically add \$653,179 additional appropriation to Giles County Public Schools. These funds are from the Federal Job Fund program. The total is more than 1% of the total county budget, so that required the county hold a public hearing to make the allocation. Mr. McKlarney noted that Dr. Arbogast was present to discuss the intended use, but he did not think the school board had made a final decision. Mr. Spencer asked what the parameters for spending these funds were. Dr. Arbogast said primarily it is for salaries and compensation. They can use it to retain people, rehire people, support services, bonuses, health insurance, retirement, etc. Mr. Spencer asked if it could be used to recall some of those laid off. Dr. Arbogast said that is one possibility. They are waiting to receive guidelines on what is meant by performance bonuses from the DOE. Mr. Baker noted that once this money is spent, then anyone recalled would be laid off again next year. Dr. Arbogast said the money can be spent through September, 2012 – so only for two years. Ms. Hobbs asked if the school board has made a determination on how they want to spend these funds. Dr. Arbogast said they have had preliminary discussions. They are being careful about having to spend it all this year because next year the original round of stimulus funding will run out and they will have to figure out how to cover those expenses. That funding covers about 8 teacher assistants and 3 teachers. Ms. Hobbs said it makes sense to put this in the bank for next year. Mr. Gentry said he would like to hear what the school board says about it. That is a lot of teachers but it doesn't make sense to have new hires unless the positions can be maintained. He would like to hear the school board's thoughts.

There were no comments from the public. Ms. Hobbs closed the public hearing. Mr. McKlarney asked if the board could take action on the allocation. Dr. Arbogast said he thought the funds were available, but need to be appropriated. Ms. Tickle said it was done on a reimbursable basis. Mr. Gentry asked if there had been enough discussion that the school board was ready to spend this on something. Dr. Arbogast said they have not talked enough to know anything for sure, but they are not ready to spend it today or in the next week or so. They need to have more conversation on this. Those individuals hired under the original stimulus funding would require about \$275/300,000. He does not know if they are going to put that back into the operating budget. They are

not ready to rush and do anything until they see where things stand. Ms. Hobbs said even though this is out of a different pot, they still may be looking at more budget cuts from the state in December. Dr. Arbogast said that is possible. Ms. Tickle said they need to go ahead and make the appropriation or they will have to have another public hearing. However, the board does not have to determine how it will be spent.

***Mr. Baker moved to approve an additional appropriation to the school board for \$653,179. Second by Mr. Gentry. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. McCoy, Mr. Baker, Mr. Gentry.***

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

Dr. Arbogast reported that enrollment is down a bit from last year. He presented board members with a copy of the October activities calendar for the schools and noted that the first six weeks grading period ends on October 12. The school board will be holding budget meetings at the schools the week of October 18<sup>th</sup>. He also reminded board members that the Intergovernmental Meeting will be held at the Tech Center on October 18<sup>th</sup>.

Dr. Arbogast reported that renovations at the Tech Center are basically complete with only a few minor items left. The parking lot has been striped and number painted on there. They are scheduled to do a punch list at Eastern in several areas later this week. The kitchen has already been punched and the final piece of equipment arrived Monday evening. They do anticipate finishing area up on October 13<sup>th</sup>. They will do a punch list on the music area, computer labs, library and storage rooms, and front lobby bathrooms soon. The unoccupied classrooms have been punched and they are working on some painting in those areas. Work on the gym is coming along well.

Dr. Arbogast recognized Giles High School teacher, Ms. Dianne Blatton as the Region 7 Teacher of the Year. The school board will hold a reception for her tomorrow at 4 pm. She will be travelling to Richmond on October 15<sup>th</sup> for state competition. Giles County has had Regional 7 Teacher of the Year honors two years in a row; that is a great accomplishment.

Mr. Gentry asked why the gifted program at Eastern is not up and running. That is due to construction. The computer room is being used as a tool room by the contractor. Mr. Gentry said there is money in the budget for that program and they are now about 6 weeks into the school year. The program needs to get up and going. Dr. Arbogast said they hope to have it working within a few weeks. Mr. Gentry also asked about a “no entry” sign on the loop area at Eastern. Dr. Arbogast said they are looking at the types of signs they can purchase for that.

## **PLANNING COMMISSION RECOMMENDATIONS**

### **SPECIAL EXCEPTION – SMALL ENGINE REPAIR SHOP – E. BURTON**

Mr. Whittaker noted this was a request for a special exception for a small engine repair shop by Eric and Kelly Burton. The Planning Commission recommended approval with the condition that outside storage be contained within a 24 x 40 area located directly behind the existing building. With this limited area, the neighbor could not see anything from his property.

***Mr. Baker moved to accept the Planning Commission recommendation for a small engineer repair shop for Eric and Kelly Burton with the condition as noted by the Planning Commission. Second by Mr. Gentry. Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Ms. Hobbs, Mr. Spencer; Mr. McCoy-absent.***

### **SPECIAL EXCEPTION – PRIVATE SEASONAL CAMP OR RETREAT – J. TROUTMAN**

Mr. Whittaker stated that the Planning Commission has recommended approval of the special exception request for a private seasonal camp or retreat with the condition that either Virginia Department of Health regulations be met by means of a pit privy or any other method as approved by VDH or that Ms. Troutman show proof that she

has obtained a port-a-john unit by purchase/lease and has entered into a service contract on that unit. Mr. Whittaker said since the Planning Commission made that recommendation, he has been back and forth with the Health Department on the role the Health Department plays when a port-a-john is placed somewhere. It is a permitting requirement and they do have regulatory authority over placement of those. However, there is no inspection of service agreements or anything else associated with them. Most of the time when they deal with this, it is on a temporary basis for construction or something of that nature. This would be more of a permanent basis. In the last conversation Mr. Whittaker had the Health Department did not want to have to charge them \$450 permit to put a port-a-john on the site. If they have to charge a fee, they would require the construction of a pit privy. To meet Health Department requirements, they would either have to put in a conventional system or a pit privy. If they put a port-a-john on it, then it was indicated that it would not be regulated. Mr. Whittaker said the reason for bringing this up is that the Health Department does not regulate port-a-johns for long-term placement. Ms. Troutman has indicated they will do whatever necessary to comply with Health Department requirements.

Mr. Gentry said the board has approved several other port-a-johns to be used. He asked where this Health Department information came from. Mr. Whittaker said it was from Richmond. Mr. Baker said around the mountain from where this is located, there is pit privy built and approved by the Health Department on 3/4 acre – that was five years ago. Mr. Whittaker said from a zoning standpoint, if the Health Department said they did not regulate a port-a-john then the Zoning Department would make sure there was a receipt for that service. Ms. Hobbs asked where the closest house in the area was located and if it had well water. Mr. Whittaker said about 300 yards away and did have a well. He said Ms. Troutman has no desire to have running water in her cabin. Ms. Hobbs said that other people do though. Mr. Whittaker said he and the Health Department did talk about this and environmentally to have a fully contained system is better than a hole in the ground with a pit privy. However, the hole in the ground doesn't serve like a drain field because there is no discharge of water on the property. He just wanted the board to know if it came down to Ms. Troutman having a port-a-john if that is allowed... Mr. Gentry said it would depend on what the Health Department determines is required. Mr. Whittaker said the reason this did not come up with Mr. Daughtery (who recently was granted a special exception with a port-a-john) is that Zoning Department was going to take care of records for it, but now he is applying with the Health Department for a pit privy. That is fine as long as he meets the requirements of the special exception. He said in a way that is what this motion was doing but it may turn out that a port-a-john has to be Health Department regulated as well.

Ms. Hobbs expressed concern that this board is approving something right now for a cabin for temporary/occasional use. She wondered what would happen if down the road someone became a full-time resident there and was living there without water or a septic system. Mr. Whittaker said that would be a problem. He said that is part of what the Planning Commission and board need to discuss. The current definition of a "private seasonal camp or retreat" talks about a primitive structure or two camping units. If someone wants to leave a camper somewhere permanently, this is what they have to apply for. He said there is nothing there to keep them from living in it year-round unless the board puts a time stipulation on it. Then that gets into monitoring it. It is an issue and something the two groups need to discuss.

Mr. Whittaker said under the current zoning ordinance and regulations using it for a private seasonal camp or retreat, it does have to have some kind of approval with the Health Department. Mr. Baker said these places are being built and then brought back to the board later to try and get it approved. If they had gone to Mr. Whittaker when they first started building the structure, this could have been taken care of without dealing with some of these issues. Mr. Gentry said a lot of this is because people are now aware of this. Ms. Hobbs asked if they could delay the decision until the Health Department decides what they are going to regulate and how. Mr. Whittaker said they have 30 days after the Planning Commission recommendation is presented. Mr. Gentry said he did not have a problem delaying it but did not know what they would gain. Mr. Whittaker said he was not sure they would even receive any revelation from the Health Department. He brought it up because there may be a possibility that the port-a-john which was mentioned in their recommendation is part of the Health Department process anyway. It is not a bad thing but just different from what is recommended. Ms. Hobbs asked if the board should know what people are going to do before they approve it. Mr. Whittaker said it has to be Health Department approved. They have always left it up to them to regulate that

Mr. Reed said it was similar to a subdivision request. A private soil scientist evaluates it but it is still up to the Health Department to approve it. Essentially, the board approved the subdivision contingent upon the Health Department approval. Ms. Hobbs said this is different because in a subdivision they will not be having a pit privy. Mr. Reed agreed, but said it could be approved based on the Health Department being the final say on it. Mr. Whittaker said if they do not meet Health Department approval then they would not have the use. Mr. Gentry said part of the Health Department regulation is sewage disposal. Mr. Whittaker agreed and said if they applied to build a house through the regular process with power, water and a septic system they would not need a special exception. Mr. Whittaker said presently on the site there is a self-contained type of pit privy.

**Mr. Gentry moved to approve the recommendation of the Planning Commission with a change in wording that the pit privy or any other method approved by the Virginia Department of Health or the port-a-john unit contingent upon Health Department approve if it falls within their jurisdiction. Second by Mr. Spencer. Motion FAILED. Voting YES: Mr. Spencer, Mr. Gentry; Voting NO: Mr. Baker, Ms. Hobbs; Mr. McCoy-Absent.**

Mr. Chidester noted that a tie vote results in a failed motion. Mr. Gentry asked what they needed to do if they want to reconsider this at the next meeting. Ms. Hobbs said she would like to know if the Health Department is going to control these things or if staff has to. She said staff has been pushed to the limit and cannot take on much more. Mr. Gentry asked if they have to even give the option of a port-a-john or just say it has to be a pit privy approved by the Health Department. Mr. Whittaker said they can place any conditions they want on this. Mr. Gentry noted they have approved a port-a-john elsewhere. Ms. Hobbs asked if they could put a condition that it can never be used for full-time occupancy. Mr. Chidester said they have asked for a special exception for a private seasonal camp or retreat and that has its own definition. The approval would be only for that and if it was used for a permanent residence, then they would have a building code issue. Building code would require it meet requirements of a single family dwelling – water, septic, power, etc. Mr. Gentry asked how much it cost to build a pit privy. Mr. Whittaker said he did not know but the permit was \$450.

Mr. Spencer said the IPR program works with people whose homes do not have water and/or sewer. If they are not careful, some of these seasonal homes could become part of the IPR program. Mr. Gentry said he thought the use would prohibit that from happening. Mr. Spencer asked if it could happen if they came in and wanted to make it a full-time dwelling. Mr. Whittaker noted that the special exception is for seasonal, but if there is a report they are making it a permanent home, they would have to bring it up to code with water and septic.

Mr. Chidester noted that the decision on this has to be made within 30 days of the day the board receives the recommendation – which is today. He said the definition of private seasonal camp or retreat says that for permanent structures, all sewage disposal proposed by the Department of Health has to be met.... Pit privies for primitive structures or camping units will be permitted if approved by the Health Department. Everything is tied into the Health Department requirements and he did not know if the board wanted to get into that area. He recommended the board leave the sewage disposal requirements to the Health Department.

Mr. Gentry asked if he was allowed to withdraw the previous motion and make a motion to reconsider this request. Mr. Chidester said he could bring it up and ask to withdraw the motion. Then he can also make a motion to reconsider this issue.

**Mr. Gentry moved to withdraw his previous motion concerning the Troutman special exception request. Mr. Spencer withdrew his second. Approved unanimously (4-0). Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Ms. Hobbs, Mr. Spencer; Mr. McCoy-absent.**

Ms. Hobbs asked if they would consider making the condition that it is in compliance with Virginia Department of Health regulations and leave out any reference to specifics. Mr. Gentry said he felt they couldn't just say "no port-a-johns". They could say none from here on but they can't back up on the ones they already approved. Ms. Hobbs said she just thought they should say "in accordance with Health Department regulations." That would cover it. Mr. Whittaker agreed and felt that was best.

***Mr. Gentry moved to approve the Troutman request for a special exception per the Planning Commission's recommendation with the conditions that VDH regulations are met on-site for sewage disposal. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Ms. Hobbs, Mr. Spencer; Mr. McCoy-absent.***

Mr. Reed said to prevent some of the concerns of someone living in a private seasonal camp full-time, the 911 addressing might take care of that. When someone moves into a place and applies for electricity or cable, they have to call to obtain a 911 address. When they call for an address, Mr. Reed asks them about zoning and building compliance and can catch a lot of these cases that might come up. That is just another way of controlling these and finding out about some of these.

**SPECIAL EXCEPTION – PRIVATE SEASONAL CAMP OR RETREAT – M'S DIAMONDS LLC**

Mr. Whittaker said Mr. Williams is in the process of constructing this cabin on 268 acres. He will be working with the Health Department for sewage disposal with a traditional drainfield system. The Planning Commission does recommend approval of this request.

***Mr. Gentry moved to accept the Planning Commission's recommendation to approve the special exception for M's Diamonds LLC. Second by Mr. Spencer. Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Ms. Hobbs, Mr. Spencer; Mr. McCoy-absent.***

**SPECIAL EXCEPTION – PRIVATE SEASONAL CAMP OR RETREAT – R. RICE**

Mr. Whittaker said Mr. Rice had a building permit for a storage building and later decided to convert that into a cabin. He is working with the Health Department for facilities for occasional use only. The Planning Commission does recommend approval of this request.

***Mr. Spencer moved to accept the Planning Commission's recommendation to approve the special exception for Robert and Beverly Rice. Second by Mr. Gentry. Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Ms. Hobbs, Mr. Spencer; Mr. McCoy-absent.***

**AMENDMENT TO SECTION 714, ZONING ORDINANCE – SHORT-TERM RENTALS**

Mr. Whittaker said the Planning Commission did recommend approval of the amendment to the zoning ordinance as Section 714, Short-Term Rentals.

***Mr. Spencer moved to accept the Planning Commission's recommendation to amend the Zoning Ordinance with the addition of Section 714, Short-Term Rentals. Second by Mr. Baker.***

**Discussion:** Mr. Gentry the amendment mentions the rentals would have to have working fire extinguishers. He asked at what point would those be inspected. Mr. Whittaker said the amendment states the county has the right to inspect the building at any time. As far as a schedule for inspection, he did not know how that would work. He said before a Certificate of Zoning Compliance would be issued to anyone, they would go to the site and make sure they meet all the requirements. The larger issue here would be with the septic systems. If it is not connected to public sewer and have a facility that is using a port-a-john or something that was put in before the HD regulated it, he did not think there was a condition that would allow that to continue. Mr. Whittaker said they would have to get some type of permission from the Health Department in order to operate. Mr. Gentry said that is how it should be. Mr. Whittaker agreed but said they would need to see evidence of some type of paperwork with Health Department approval on that. After that initial inspection, he did not have a schedule established. It would definitely be on a complaint basis but this is not the same as a special exception that would require annual review.

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

## SET JOINT MEETING WITH BOARD OF SUPERVISORS AND PLANNING COMMISSION

Mr. Whittaker said he had spoken to the Planning Commission about a joint meeting with the Board of Supervisors. There are no public hearings scheduled for the next recess meeting. He asked if the board would like to meet on the regular Planning Commission meeting on October 26<sup>th</sup>. Staff will meet prior to this to discuss issues and bring information to this meeting.

***Mr. Gentry moved to reschedule the recess meeting for Tuesday, October 26, 2010 at 6 PM at the County Administration Building. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Ms. Hobbs, Mr. Spencer; Mr. McCoy-absent.***

Mr. Whittaker said that regarding the stop sign on the Wal-Mart property, the developer certainly had responsibility there. The other stop signs were placed by the developer. Mr. Whittaker said he would think the town would have that contact information to at least have them put up a sign there. That may be the way to get something done. Mr. Gentry asked if Mr. Whittaker would try to get that information to Mr. McKlarney.

Mr. Chidester said that Joe Shanks did the maintenance out there so they may be able to get information through him. He said that regardless of a sign, the rules of the road say if you come to an intersection you have to stop, but a sign would reinforce that.

## DEPARTMENT OF JUVENILE JUSTICE

Mr. McKlarney presented a letter from Mr. Belay and from the Department of Juvenile Justice requesting the return of \$5,185 in unused funds from last fiscal year.

***Mr. Baker moved to approve the return of \$5,185 in unused funds to the Department of Juvenile Justice. Second by Mr. Gentry. Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Ms. Hobbs, Mr. Spencer; Mr. McCoy-absent.***

## BUDGET SUPPLEMENTS AND CARRY OVERS

Ms. Tickle presented the list of supplemental funding and carry-over funds from the fiscal year ending 2010. She noted the total for the Jobs Stimulus Fund money is included in this total. That public hearing was held earlier at this meeting.

Concerning the \$38,000 for the schools as carry-over, Ms. Tickle stated that when the Treasurer's office makes the transfers from the general fund to the school fund, they only do it on an as needed basis. There was a difference between what should have been allocated and what was transferred to the school account. Ms. Tickle is concerned that several checks may not have hit and those may cause the account to go over if they hit in this fiscal year. That is the reason for the request. Ms. Hobbs said that made sense but she did not know if it was right or not. Ms. Tickle said the board actually approved \$6,400,111 and \$398,221.26 to be given to the school for FY 2010 for school use. What the Treasurer's office actually transferred was \$6,760,275.54 leaving a difference of about \$38,000. The checking account for payroll and A/P actually has a beginning and ending balance of "zero". Only the amount necessary to cover those transactions is transferred into that account. Ms. Tickle is just concerned that checks may be floating around and have not yet hit the account. Ms. Hobbs said if that is not the case, then that money will not be added to the school board's budget. Ms. Tickle said it would not be added. She just wanted to make sure the money is available in the event it is needed. Ms. Hobbs said the board said the school board could not have carry-overs and she wanted to stick to that.

***Mr. Baker moved to approve supplements and carry-overs in the amount of \$805,048.67 as presented. Second by Mr. Spencer. Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Ms. Hobbs, Mr. Spencer; Mr. McCoy-absent.***

## SOCIAL SERVICES APPROPRIATIONS

*Mr. Gentry moved to appropriate \$120,000 for Social Services and \$65,000 for CSA for November, 2010. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Gentry, Mr. Baker, Ms. Hobbs, Mr. Spencer; Mr. McCoy-absent.*

## PAYMENT OF WARRANTS

*Mr. Gentry moved to appropriate funds in the amount of \$779,369.64 for payment of warrants as presented. Second by Mr. Spencer.*

**Discussion:** Mr. Gentry asked if the payment to A. T. Bowling was a final one. Ms. Tickle said there was one more remaining. Mr. McKlarney said they have some additional work to do on the sidewalk project. Mr. Gentry said the parking lot looks great. Ms. Hobbs agreed but said she was very disappointed that they held on to so many reserved parking spaces for employees. That is wrong. She said she was totally against reserved parking for employees. It could be better served if the people who are paying the bills are able to park close to the buildings and get in and out easier and employees can walk from further away. Mr. Gentry said there is minor issue with water standing on the street. Mr. McKlarney said it had been noted and they were taking care of it.

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

## PUBLIC COMMENTS

**Mona DiGuilian:** Ms. DiGuilian stated she was with NRV Cares. She thanked the board for their past support. Even though they were not able to fund the group in 2011, she hoped they would keep them in mind for the future.

## ANNOUNCEMENTS

Congressman Boucher will be in the county at 9 AM on the 7<sup>th</sup> to discuss funding for the Pearisburg Fire Department – at the Fire Hall.

Intergovernmental Meeting at the VoTech Center on October 18<sup>th</sup>.

Mr. Spencer said he was asked if the board would support a Veterans Clinic in a portion of the old hospital. This is just in the talking stage right now. They have opened up some regional offices and hoped to speak to Congressman Boucher about that. Mr. Spencer asked if there were any plans for the old hospital. Mr. McKlarney said there is a lot of room there and that could be considered.

## EXECUTIVE SESSION

*Mr. Gentry moved to go into Executive Session as permitted by Virginia Code 2.2-3711 A(7) Personnel and A(30) contract discussion. Second by Mr. Baker. Approved unanimously 4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Spencer, Mr. Gentry. Mr. McCoy-absent.*

*Mr. Baker 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. Spencer. Approved unanimously by roll call vote – Voting YES: Mr. Spencer, Mr. Gentry, Ms. Hobbs, Mr. Baker. Mr. McCoy-absent.*

No further business was introduced. Ms. Hobbs adjourned the meeting until the recess meeting scheduled for Tuesday, October 26, 2010 at 6:00 PM in the County Administration Building.

APPROVED:

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Clerk