

At the recess meeting of the Giles County Board of Supervisors on Thursday, December 15, 2011, at 6:30 PM in the Giles County General District Courtroom, 120 North Main Street, Pearisburg, the following were present:

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

CALL TO ORDER/INVOCATION

Mr. Gentry called the meeting to order. Mr. Spencer had the invocation and led the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES

Mr. McCoy moved to approve the minutes of November 17, 2011. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

REGIONAL JAIL REPORT

Mr. Todd Martin reported on the October and November meetings of the Regional Jail Board. They are working on reimbursements to the counties for the overpayment on state responsible prisoners. Mr. McKlarney said the county received a credit but was not sure if it was for four or five months – they are still working with the jail on this. Mr. Martin said the board is trying to build up morale for employees. They approved a \$500 Christmas bonus, but Superintendent McPeak told his internal board that they would not receive it because localities had taken their money back (referring to the reimbursement for overpayment). He said it was because they had to return over \$2 million back to the counties. Ms. Hobbs said someone needed to remind him that it was the localities money to begin with. Mr. Martin said he was pretty sure Mr. McPeak knew that. Mr. Martin said there is also discuss that the jail will be short financially next year. He asked if the board would like for him to set in on the budget meetings at the jail. Mr. Gentry said he felt that would be a good idea. Other board members agreed.

Mr. Martin said the population is normally down in the fall, but that is not the case this year. There are 750 inmates there in October and only one resignation last month – a nurse. In November, there were 738 inmates and 2 officers resigned. One of those went to Floyd County and another to Carroll County. There have been a total of 50 resignations this year, but it does seem to be slowing down.

Mr. Martin said they did meet with the jail administration about a problem with overtime. Officers felt they were being shorted on their overtime pay. There are 160 hours that officers are supposed to work each month. They also get 12 hours holiday time. The administration was not counting their holiday time into the total hours worked. Then, if someone was called in they did not get credit for those hours. That problem has been resolved.

The solar system is designed to heat 3 million gallons of water and is completed to the building. It is supposed to be on-line by January 22nd. However, the jail is not sure if the state will pay for it or not. All the proper forms were submitted to the state and approval was given, but now they are saying it should be on the roof – not on the ground. Ms. Hobbs asked if they built it before the state approved it. Mr. Martin said the state approved it and then came back and said it should not have been approved. Board members said they hoped the jail will fight against that.

There was some discussion on per diem at the November meeting. Mr. Martin said the amount of \$71 per diem was mentioned for two years down the road. Other jails in the state are up to \$130 per diem in the metropolitan areas. He felt the local regional jail was just getting things ready to ask for an increase. Mr. Gentry said he did not like to see per diem numbers thrown out without some back up figures. The board would like to see some prove of the need for the increases but the jail has never followed that request. There is no way to proof it wrong either because the books are almost closed. Mr. McCoy asked if the board could request a copy of the line item budget. It is a public record. Mr. McKlarney said Mr. Martin brought him a copy of the audit showing account balances, etc.

Mr. McCoy asked if there was any mention of the number of years it would take to pay back that solar system. Mr. Martin said all he knew was they were using 6 million gallons of hot water and it will heat half. Mr. McKlarney said he thought the number they used was 6 years for return on investment.

The capacity of the jail is 1,200 and they topped out at 750. Mr. Martin said the operation capacity is 859 but can go to 1,200 by double-bunking. Ms. Hobbs asked if they are staffed for 750 or for 1,200. Mr. Martin said they are fully staffed for 1,200. Ms. Hobbs said before per diems are raised, they should look at cutting costs.

Mr. Baker asked if there were any other numbers available on the garden and the use of the tractor. Mr. Gentry said there were some figures but they were nothing compared to the cost of that tractor. Mr. Martin said they did get the garden in late this year. Mr. Gentry said there is nothing wrong with a garden, but there was already a tractor available just down the road.

Mr. Martin said in October there were 393 state-responsible inmates. There were about 400 in November. He said he asked finance to separate out the number of state-responsible inmates and the county responsible ones on the billing.

4-H EXTENSION – CORA GNEGY

Ms. Cora Gnegy with 4-H handed out copies of a report on programs the local office is currently working on for 4-H. She also updated the board on Mr. Lytton's Agricultural programs and Ms. Burchett on Family, Consumer, Science programs. Ms. Gnegy said she had been in the county about a month now and was enjoying it. She encouraged members to give her any suggestions they may have for 4-H or other Extension programs.

RECOGNITION

Mr. McKlarney presented gifts to Mr. Gentry and Mr. Spencer on behalf of the county staff in recognition of their service on the Board of Supervisors. He stated that both gentlemen had been wonderful public servants and will be missed. Mr. Gentry said he appreciated it. He loved Giles County and appreciated the opportunity to be involved. He also recognized his wife, Jeanine, and daughter, Sharrod, who have been supportive and involved for his two terms also. Mr. Spencer said he had enjoyed most of his time with this board – some times were more enjoyable than others! He felt there would be long-term benefits from some of the things this board has done. Mr. Spencer said he was willing to take risks and the consequences. He felt he had made a contribution. Mr. Spencer said the county is lucky to have every one of the staff members they have, and it has been a pleasure to work with them.

HAZARD MITIGATION PLAN RESOLUTION

Mr. Whittaker presented a summary of the proposed Hazard Mitigation Plan Resolution. This plan is about mitigating the impact of hazards and natural disasters. This is a revision to the NRV Hazard Mitigation Plan which was originally adopted by FEMA in May, 2005. New data and analysis has improved hazard identification. All sections of the plan have been updated to include this new data. Several of the original proposed projects have been completed in the past 5 years. One is the organization of the NRV Swift Water Rescue group and mitigation of the Lafon property (which suffered from repeated flooding) in Giles County. FEMA and VDEM have reviewed and approved this updated plan. The last step in the process is to have the

localities adopt the updated plan. Ms. Hobbs stated that the PDC had a good presentation on this the last Intergovernmental meeting. Mr. Whittaker said this is necessary in order for Giles to be eligible for any future FEMA money.

Mr. McCoy moved to approve the resolution adopting the New River Valley Hazard Mitigation Plan, 2011 Update. Second by Mr. Baker.

Discussion: Mr. Spencer asked if a private enterprise had a mitigation request, how that would be handled. Mr. Whittaker stated it would have to meet certain criteria that FEMA has listed – one being a repetitive loss of property. A representative from VDEM and/or FEMA would come in and see the likelihood of including it in a future plan. Right now, trying to eliminate known hazards is the biggest objective of the program. Mr. Spencer asked if the county is more apt to get funding from FEMA by being part of this plan. Mr. Whittaker said if there was another property such as the Lafon home in Pembroke whereby the county could eliminate a hazard, then the county would be eligible for funds. Mr. Gentry said if the county was not part of it, then they could not even apply for assistance.

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

PUBLIC HEARING

NEW OUTLOOK, LLC – REZONE FROM RRA1 TO B2

Mr. Gentry opened the public hearing. Mr. Whittaker stated that Mr. Mike Williams of New Outlook LLC has applied for rezoning on three parcels of property owned by him on Route 460 directly across from Eastern Elementary. The request is to rezone the property from RRA1 to B2 (General Business). The total area of the three combined parcels is 2.3 acres. There is an existing garage across from the school that was used for various purposes – a garage, a home, and then a garage again. After that a special exception was granted, allowing a model home on the property. The model home was removed and then another person came in and used it as a model home location again. During that period there was also a special exception request for a sign on the property. Mr. Williams has asked for a rezoning to commercial use because every time someone wants to use the property as a business, they have to apply for a special exception. Mr. Williams also owns 9 acres behind this but it is not included in the request. The property is served by public sewer. Mr. Williams said he does have a commercial operation interested in relocating from Blacksburg to this location. He would also like to build on the foundation of the model home and have that as a retail space or office space. There is nothing definite on that but he would like to have the option of doing it. This is identified in the Comprehensive Plan as a growth area. Mr. Whittaker received one call from the adjacent property owners asking about the use and he explained the application to the caller. Basically, Mr. Williams is looking to use this as it has been used in the past. That seemed to answer their questions. There have been no other questions or calls about this. There were no further questions or comments from the public, Planning Commission or Board of Supervisors. Mr. Gentry closed the public hearing and referred it back to the Planning Commission for a recommendation.

BLUFF CITY COMMUNITY AREA (NARROWS RD AND CROSS AVE.) – REZONE FROM B2 TO RRA1

Mr. Gentry opened the public hearing. Mr. Whittaker noted this was an application to rezone a portion of the property location along Narrows Road and Cross Avenue near the Bluff City Community areas from B2 to RRA1. Ms. Hobbs asked if this was the same property where someone wanted to replace an existing mobile home and was not allowed to. Mr. Whittaker said it was and that was when this error was discovered. About 6-9 months ago, Mr. Whittaker received a call from an individual who asked about replacing a mobile home on Cross Avenue. When the zoning was checked, it was found to be B2 which is a commercial zoning. This property is physically connected to the PSA property on Route 100 and he felt it was zoned due to that and being near Newberry Ford which is B2. The Planning Commission in essence viewed this as a zoning error.

Mr. Whittaker said as you leave Pearisburg and start out Cross Avenue, the zoning is RRA1. Then, the section zoned B2 is in there for a small area (6-8 parcels) and then it goes back into RRA1. The proposal would leave the bottom parcels along Route 100 as B2 (the PSA and US Government property-Appalachian Trail). The remaining property would be zoned RRA1, the same as the property that borders it on all sides. Mr. Whittaker

received one visit from an adjacent property who lives within the Town of Pearisburg. She had hoped this would assist with a situation with her property, but that is a separate issue. There were no other calls or letters.

Mark Anderson: Mr. Anderson asked about this property and the Appalachian Trail owning part of it. He said he thought about 8.94 acres of this was his property. Mr. Whittaker said Mr. Anderson received a letter about this hearing because his property does adjoin it. Mr. Anderson said he thought he also had property within the boundary. This was all one lot and was purchased by the Appalachian Trail except 8.94 acres. Mr. Whittaker said there are 5 or 6 separate lots shown as being owned by the U.S. Government. Mr. Gentry asked if Mr. Anderson was against the rezoning. Mr. Anderson said he was just trying to clarify the property involved. Mr. Whittaker said if Mr. Anderson's tax ticket is not showing up on the map, then they need to take a look at that. Mr. Gentry said they did need to look at it, but it really would not affect what this hearing was about. It is a mapping error and those sometimes happen because the remainders of parcels do not get surveyed. If Mr. Anderson wants to establish the boundaries, he would need to get a survey. On zoning, they have to go with the current map.

Mr. Whittaker said the area along Route 100 will be zoned Business and where the houses are they want to zone back to allow houses and mobile homes. Mr. Anderson asked if that is just a change to the residential area. Mr. Whittaker said that is the intent. This is really a hearing to try to correct an error. Mr. Anderson asked if they were trying to change the Appalachian Trail property. Mr. Whittaker said they were not. That is federal land and does not have to conform to the local zoning anyway. This should not affect Mr. Anderson. He said he would be happy to meet with him in his office sometime and see if they could work on the map issue.

There were no other comments from the public, the Planning Commission or the Board of Supervisors. Mr. Gentry closed the public hearing and referred this back to the Planning Commission for recommendation.

**Recess for Planning Commission to meet.
Reconvene.**

PLANNING COMMISSION RECOMMENDATIONS

Mr. Whittaker reported that the Planning Commission recommended approval of both rezoning requests: New Outlook, LLC and the Bluff City Community area.

Ms. Hobbs asked how the parcels around New Outlook, LLC are zoned. Mr. Whittaker said they are zoned RRA1 on either side. Ms. Hobbs asked if they should rezone to B2 in the middle of that. Mr. McCoy said the Comprehensive Plan identifies anywhere along Route 460 as a potential growth area. Ms. Hobbs asked if they plan just to look at this as requests come in rather than looking at rezoning a whole area. Mr. Gentry said this particular parcel has had several special exception requests because of what the property is used for. He agreed there are some special exceptions for B2 that could be granted across from the school that he is not comfortable with. However, they are special exceptions and would have to be approved through a public hearing process.

Mr. McCoy moved to approve the rezoning request by New Outlook, LLC from RRA1 to B2 as recommended by the Planning Commission. Second by Mr. Baker. The motion was approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

Ms. Hobbs moved to approve the rezoning request for the property in the Bluff City community from B2 to RRA1 as presented and as recommended by the Planning Commission. This rezoning is to correct a mapping error. Second by Mr. Baker. The motion was approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

CELL TOWER UPDATE

Mr. Whittaker noted that board members had previously requested an update on information on cell towers. He reported that the tower at Poplar Hill was completed. The entrance has been permanently repaired. This site

was closed out and should be receiving a Certificate of Occupancy shortly. Concerning the other three approved tower sites, Mr. Whittaker has had no further communication from anyone about pursuing them. Mr. Pace requested they be given one year to start the work instead of the typical six months. They are still within that time period. There have been E&S Plans approved for the road construction to get to the tower sites. They do not have any other permits yet. They could come in, apply and get the permits and proceed quickly. Mr. Gentry said they are doing the same thing in other counties. Mr. McCoy asked if this was a different tower company now. Mr. Whittaker said it was. American Tower Company is who owns the site. However, he has no information that a lease agreement has been transferred to their use – it is still Cellulaire/Central States Towers-White Pine Land Company. That does not affect anything the county has to do. The landowner is who the special exception is granted to so as long as the lease agreement with the land owner is good, there is no issue.

Mr. Whittaker noted that it has been good working with Mr. Spencer and Mr. Gentry. He considered both to be men of integrity. They were never afraid or ashamed to mention Jesus. He appreciated their support of staff and for calling to check on things first hand when they heard rumors in the community.

Mr. Spencer asked Mr. Whittaker not to forget the Midway community requests. Mr. Whittaker said the Planning Commission had that on a list of things they would like to bring to the board after the first of the year. Some of these are major undertakings and they want to be sure of the direction the board wants before investing time in them.

PAYMENT OF WARRANTS

Mr. McCoy moved to appropriate funds in the amount of \$446,080.34 for payment of warrants as presented. Second by Mr. Baker.

Discussion: Ms. Hobbs asked about loan payments on the Route 460 sewer. There are several payments that say 460 sewer and Route 100. Mr. McKlarney said he thought those really represent separate Rural Development loans. He will check and get an explanation on those.

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

SCHOOL BOARD APPROPRIATION

Mr. McCoy moved to appropriate \$2,239,017.00 for the School Board for January, 2012. This includes \$63,000 in JOBS funds. Second by Mr. Spencer. The motion was approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

SOCIAL SERVICES APPROPRIATION

Mr. Spencer moved to appropriate funds in the amount of \$195,000 for Social Services and \$125,000 for CSA for the month of January, 2012. Second by Mr. McCoy. The motion was approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

APPOINTMENTS

Mr. Baker moved to appoint Mr. Lester Tickle to the Social Services Board for a four-year term. Second by Ms. Hobbs. The motion was approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

Mr. McCoy moved to recommend Mr. James Stafford for the at-large representative for the Board of Zoning Appeals. Second by Mr. Baker. The motion was approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

Mr. Gentry moved to appoint Ms. Jill Williams to the New River Community Action Local Board. Second by Mr. McCoy. The motion was approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

VRS RETIRMENT DISCUSSION

Ms. Hobbs asked what the governor was trying to do to localities with all the VRS changes. She asked if there was any way the county could get the figures from VRS to see if all the retirement contributions that were sent in were actually credited. Mr. McCoy said the answer to that is they have not been. The state went 8 years without contributing to it. They have not made a deposit since 2004. So now they are trying to raise the employer's portion to make up the difference. Mr. McKlarney said the county's portion has already increased to 14.7%. The governor is proposing to raise the rate for teachers from 6.3% to 11.66%. Ms. Hobbs said the board needs to talk to the legislators and see why the localities are paying a much higher rate than the state for the same benefits. Mr. McKlarney said it was likely the state would just pass those costs on. Ms. Hobbs said she was tired of hearing the legislators and the governor stand up and talk about a surplus and then hit the localities with more and more costs. Mr. McKlarney said there was recently a good article by Jim Campbell with VACO about how the state has passed on to localities the costs of their shortfalls and are still shouting no new taxes. It will just continue because there is \$2.2 billion shortfall. The headlines made it sound good, but if you read the article it just means the localities are being asked to make up the difference.

EXECUTIVE SESSION

Mr. McCoy moved to go into Executive Session as permitted by Virginia Code 2.2-3711 A(30)contract discussion. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Baker, Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

Ms. Hobbs 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. Baker, Mr. McCoy, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

CASTLE ROCK GOLF CART CONTRACT

Ms. Hobbs moved to approve an agreement with Yamaha Golf Cars for a four-year term with service as necessary at a cost of \$1,662.60 monthly. Second by Mr. Baker. The motion was approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

SILVER SNEAKERS PROGRAM

Mr. McCoy moved to approve the agreement with Healthways for the Silver Sneakers Program at the Wellness Center. Second by Mr. Baker. The motion was approved unanimously (5-0). Voting YES: Mr. McCoy, Mr. Baker, Mr. Gentry, Ms. Hobbs, Mr. Spencer.

No further business was introduced. Mr. Gentry adjourned the meeting. The next meeting is scheduled for Wednesday, January 4, 2012, at 10 AM in the General District Courtroom, 120 North Main Street, Pearisburg, Virginia.

APPROVED:

Chairperson

ATTEST:

Clerk