

At the recess meeting of the Giles County Board of Supervisors on Thursday, February 21, 2013, 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)
Scott Dunn	Vice Chair (Western District)
Richard McCoy	At-Large Supervisor - ABSENT
Larry Jay Williams	Eastern District
Paul "Chappy" Baker	At-Large Supervisor
Chris McKjarney	County Administrator
Richard Chidester	County Attorney
Susan Kjidd	Board Secretary

## CALL TO ORDER/INVOCATION

Ms. Hobbs called the meeting to order. Mr. McKjarney had the invocation and led the Pledge of Allegiance to the flag.

Ms. Hobbs announced that citizens may sign up with the secretary to speak during either the public comment or the public hearing section of the meeting.

## APPROVAL OF MINUTES

***Mr. Baker moved to approve the minutes of January 24, 2013. Second by Mr. Dunn. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.***

## NRV REGIONAL JAIL REPORT – TODD MARTIN

Mr. Todd Martin updated board members on recent events at the NRV Regional Jail Authority. In January there were 124 people from Giles County at the jail. Arrests in the county were 172. Mr. Martin said the inmate population continues to increase – there were 1,233 in January. Three resignations were accepted last month. There was a budget meeting scheduled for tomorrow, but it has been cancelled due to expected snow. The new state prison in Grayson is expected to open in October. Ms. Hobbs asked if there was a lot of work to do on it after it has been empty so long. Mr. Martin said the state has been spending over \$700,000 a year to keep it open. There will probably be some maintenance and things to do though.

Ms. Hobbs said if there are a lot of problems with management at the regional jail, why isn't the Authority Board making sure those get corrected. Mr. Martin said they are trying to correct those by offering more training. If that doesn't help, they will follow up but they want to work with them. Mr. Baker asked how much longer Superintendent McPeak would be there. Mr. Martin said he thought about a year and nine months until he retired. Mr. Baker said that would help the situation lot. Mr. Chidester said it might but the one before wasn't much better. Mr. Martin said the jail is supposed to be a new lieutenant colonel this year – that is just a step down from the superintendent. This has been discussed by several board members and they feel it needs to be filled from outside. The process for hiring management is that the board selects several members to do the interviewing.

Mr. Martin reported that he was told there was nothing to worry about on the budget because they are using basically the same budget as last year. He said he thought the excess was about \$11 million and they would not be raising per diem as long that that reserve existed. They have gotten most of the money they paid out from the state reimbursement and gas refund and other things. Mr. Williams said it doesn't sound like things are any better over there. Mr. Martin said it was the same old thing; it won't improve until they have new leadership. He said they were worried about the new jail opening and how many of their officers would leave to work there. He said one thing that may help retain officers is the state doesn't give them credit for the local training, so they would have to go to the state academy.

Mr. Chidester noted there is a ruckus brewing with an attorney from Christiansburg. There are a lot of problems over there and he has sent a letter to the judges in the area (a few weeks ago) and copied all the sheriffs on it. Now that the Western Regional Jail is open in Roanoke, they have something to compare NRV jail to. The judges are not happy with the problems with transports and other things, but they are not having those problems out of the jail in Roanoke. Mr. Chidester felt there may be some shake-ups when the judge gets involved.

## **SOCIAL SERVICES – REQUEST FOR ADDITIONAL FUNDS**

Ms. Hobbs stated this request is for no local funds. It is front money only. The request is for \$193,189 for additional funding for ADC-Foster Care Program – mandated program with no local match. They are also requesting \$4,660 as front money for funds already approved by the state for Special Needs Adoptions. The Department of Social Services has ten adoptions pending and has requested additional funding from the state. Once that is approved, they will again have to come to the board for additional funding until state funds are received. Mr. Williams said that is about \$17,000 per kid if this for 12 kids. Ms. Hobbs said that is just stating how many new kids came in. She was not sure of the total number.

***Mr. Baker moved to appropriate funds as a supplement to Social Services in the amount of \$193,189 for ADC-Foster Care and \$4,660 for Special Needs Adoptions. This is front money only until state funds are received; no local match required. Second by Mr. Williams. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.***

Mr. Williams said he would like to know how many kids total are up for adoption.

## **NARROWS REQUEST FOR HISTORIC DISTRICT DESIGNATION**

Mr. McKlarney stated that the Town of Narrows is requesting that most of their downtown area be considered for a National Historic District designation. The county was sent a letter asking for comments on this proposed area. This would include the incubator building which is owned by the IDA and the football field. Mr. McKlarney recommended that the board request both be left out of this designation. Ms. Hobbs asked if it would have any bearing on retail businesses in this downtown area and would they have to comply with the historic district regulations if they remodel or renovate. Mr. McKlarney said if they use state or federal funds, including Rural Development, they would have to go through a Department of Historical Resources review. He noted this proposed district did not include the school, but it did include the football field.

***Mr. Williams moved to request that the Narrows High School football field and the IDA incubator property in Narrows be excluded from their proposed request for a Historic District designation. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.***

## **BOND RESOLUTION – NEW RIVER HEALTHCARE COMPLEX, INC.**

Mr. McKlarney reported that the IDA held a public hearing on February 14<sup>th</sup> to receive comments on a proposed bond resolution for the New River Healthcare Complex, Inc. Mr. McKlarney noted that for full disclosure, he does sit on the board of this entity. This hearing was in regard to \$2.8 million in bonds for that 120 bed facility. Most of the funds will be used for renovations for the existing facility. He reported that \$150,000 of the amount will be used for the acquisition of property across the road from the facility to be utilized for storage and a shared parking area with the Town of Rich Creek. There were no public comments at the public hearing and the IDA approved moving forward. Mr. McKlarney said they are going the bond route for tax-exempt bonds for refinancing and also for capital needs that have to be addressed. The county is allowed \$10 million annually for bank qualified bonds; this does not impact the county's ability to work with industry.

**Mr. Williams moved to approve the bond resolution for New River Healthcare Complex, Inc. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.**

## **FIRE PROGRAM FUND DISTRIBUTION**

Mr. McKjarney reported that Newport Fire Department and Glen Lyn Fire Department have not provided records on expenditures under the state fire program fund money that is distributed through the county. Before the county can receive funds for this year, they have to provide receipts for how money the previous year was spent. Mr. McKjarney presented a staff recommendation that the remaining allocation (Newport and Glen Lyn) be divided between the other departments who have met reporting requirements. Mr. McKjarney said he spoke with Newport today and they are going to try to provide something tomorrow. Glen Lyn has submitted invoices but they were for maintenance and not capital equipment or training. He requested a motion to authorize staff to divide the remainder of these funds so they can proceed with the request for the current year funding.

**Mr. Williams moved to approve the administrator's recommendation that if departments cannot provide the paperwork necessary then to allow fire program funds to be divided among the other complying departments. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.**

## **PAYMENT OF WARRANTS**

**Mr. Baker moved to appropriate funds in the amount of \$468,517.68 for payment of warrants as presented. Second by Mr. Williams. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.**

## **SCHOOL BOARD APPROPRIATION**

**Mr. Baker moved to appropriate funds in the amount of \$2,106,708.92 for the school board for March, 2013. Second by Mr. Williams. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.**

## **SOCIAL SERVICES APPROPRIATION**

**Mr. Baker moved to appropriate funds in the amount of \$175,000 for Social Services and \$160,000 for CSA for March, 2013. Second by Mr. Dunn. Approved 3-1. Voting YES: Ms. Hobbs, Mr. Dunn, Mr. Baker; Voting NO: Mr. Williams; Mr. McCoy-Absent.**

## **TEEN WORK PROGRAM**

Mr. Williams proposed that the county pursue a program to subsidize teens to work with local employers. He said the money Workforce had is tied to a very low income guideline. He proposed they try to put at least 25 kids to work. He asked the board to consider that. Ms. Hobbs said she had mixed emotions on that; if you have to find work for them that is not giving them a good start. If they have to go out and find it and compete for a job, they might learn something. She said sometimes those income guidelines do not tell the whole story of a family and a lot of middle-class kids get left out. Mr. Williams said this wouldn't be tied to income guidelines because the county would sponsor it. Ms. Hobbs asked if the county was going to pay kids to work. Mr. Williams said the county would pay half and the employer would pay half. Ms. Hobbs said she would look at it but had a problem with it.

At Mr. Williams' request, Mr. McKjarney said he looked at several other programs working with youth and tried to take the best parts of all of them. He gave information to the board and asked them to take a look at it. The proposal was for 7 youth from each district. Mr. Williams said a lot of kids want to work but can't meet the guidelines. Ms. Hobbs said there is work out there to hire these kids, then why should the board get in the

middle. Mr. Williams said they tried to get Workforce money but the guidelines are so low, no one could qualify. Ms. Hobbs said if there are jobs, then why doesn't the employer pay them. Mr. Williams said they would pay half and the county half. Ms. Hobbs asked if they would not hire the kids unless they get help to pay them. Mr. Williams said some of them; some will pay it, but they just have to get started and find out. Ms. Hobbs said she agreed they need to go to work, but the county does not have the money.

Mr. Williams said money they invest in kids is the best thing they could do. The employers would match the money and they could put 25 kids to work this year and the county could pick the kids. Mr. McKJarney said the first step would be to find employers willing to hire kids and advertise it well while school is still in session. He said they do not want to compete with employers already trying to hire kids though. They would bring in some of the employers and allow them to have an interview process. The kids' first step would be class on interviewing skills and resumes. He proposed an April orientation to the program and submit a final application by May 10<sup>th</sup>. Selection would be on May 17<sup>th</sup> and employers would be lined up by June 17<sup>th</sup> with work beginning on June 24<sup>th</sup>. Ms. Hobbs said she has a month to consider this. She understood the need but sometimes she felt they try to do too much to for people. The board should govern and let people, churches and social organizations help out. Mr. Williams said that is true, but they just approved \$191,000 for social programs. Ms. Hobbs said that is for a mandated program from the State of Virginia that says the county has to do this or they will come in and do it and bill the county. It is for kids who for some reason the parents or relatives will not take care of them. Most are removed from homes for safety reasons. Mr. Williams said they need to help other kids too. Ms. Hobbs agreed, but said they can get that in the private sector.

## **PUBLIC HEARINGS – JOINT WITH PLANNING COMMISSION**

Ms. Hobbs noted that the rezoning request from RRA1 to R3 on Clifview Street in Eggleston has been withdrawn by the applicant.

### **CONVERSION OF OFFICIAL ZONING MAPS FROM PAPER TO DIGIAL FORMAT**

Ms. Hobbs opened the public hearing. Mr. Ross reported that he and Mr. Reed had been working to convert the existing paper zoning maps to digital format. They are now using those to cross-check with the official maps. This change does not affect the zoning designation of any parcel. It only deals with designating an official map. Ms. Hobbs said it often has been difficult in the past to find lines. Mr. Ross concurred and said this makes it much clearer. Mr. Berckman of the Planning Commission confirmed that the zoning maps would be available on line. There were no other comments and Ms. Hobbs closed the public hearing.

### **SPECIAL EXCEPTION FOR TWO-FAMILY DWELLING IN A1/ANGEL VIEW SUBDIVISION**

Ms. Hobbs opened the public hearing. Mr. Ross noted that this came to the attention of the Planning Commission through a complaint filed by a former tenant. The Zoning Office wrote a letter notifying the homeowner of a violation of zoning, and Ms. Grey then applied for a special exception. The area where the house is located is zoned A1. Mr. Ross has received several phone calls and a letter concerning this. He also read into the record two letters from Ms. Grey, the homeowner. (attached) Ms. Grey is requesting permission to continue renting a portion of her home. Ms. Grey felt she was led to believe (by her realtor) that there was no issue renting a portion of her home. She is currently in Florida and rents the house to assist with finances. Mr. Ross also read a letter from members of the community (attached) asking that this property not be awarded a special exception. The covenants of their subdivision do not allow multi-family dwellings.

**Anita Doffin:** Ms. Doffin stated that she lived across the street from the residence in question. There have been several renters in the Grey property in the past five years. Ms. Doffin said there is a home owner's agreement and covenant stating that this is for single family homes; that is the way people purchased their homes there. A plan of a proposed home has to be submitted and approved to build in that subdivision. She did not feel a resident should be able to apply for a special exception. Many people owning property there and in other states could say they want to rent the basement and there could be rental property throughout the subdivision. Ms. Doffin said this is not about being neighborly or causing problems. Everyone likes Ms. Grey and have just

tolerated the situation because no one really wanted to hire an attorney. They have not really allowed it to go on but have simply tolerated the situation. They are ready for it to cease.

**Joan Peek:** Ms. Peek read a statement that she and her husband felt since the complaint was sent to the county and violated the covenant, the county should stand behind the covenant of the development and not approve the special exception. If this is approved, the current owner and her heirs would be allowed to rent the rest of the property there to another family if the current owner chooses not to come to Virginia for any reason. She noted that Ms. Grey has not been at the property in Giles County in 14 months. The neighbors are the ones who help her tenant.

**Jack Foy:** Mr. Foy stated that he came here 14 years ago and built his home as a retirement house. He looked very closely at the 14 covenants and felt very strongly they would protect his investment. His son-in-law is a developer and he wanted to come here for his grandkids and daughter, but he also wanted to make sure his investment was protected. Mr. Foy said he was very concerned that it continue to be protected.

**Jodi Lambert:** Ms. Lambert stated that she and her husband own 4 of the 14 lots on Angel View Lane. If Ms. Gray's property is made a two-family dwelling even for a limited time means that Ms. Grey would be an absentee landlord, unable to properly manage her property or tenants. This would create problems as it has in the past for the people who live in the development year round and are being called upon occasionally from Florida to help. In addition, Ms. Lambert said everyone in the development signed the covenants when purchasing their property. This was intended to insure the integrity of the development overall and prevent the potential loss of property values from just such action. Ms. Lambert stated that they felt strongly that granting a special exception and continuing to rent the basement as an apartment was not in the best interest of the development.

Mr. Williams asked if it was correct that Ms. Grey had not been at the property in 14 months. Ms. Peek told him that was correct. As soon as the apartment was rented, Ms. Grey left and went back to Florida. There were no other comments from the public, Planning Commission or Board. Ms. Hobbs closed the public hearing and referred the matter back to the Planning Commission for recommendation.

#### **SPECIAL EXCEPTION FOR MINI SELF-STORAGE UNITS ON OLD STAGE ROAD**

Ms. Hobbs opened the public hearing to consider a special exception for a commercial or service establishment in a B2 zone. Mr. Ross stated that this was a request to have 8 20x60' storage units on property located on Old Stage Road. More units are planned for the future. The exact location has not been determined due to grade work. The owner seems to have worked things out with VDOT for ingress/egress. Mr. Snidow, the applicant, was present to answer any questions.

**Richard Lavinder:** Mr. Lavinder asked if they would be using Old Stage Road to get to the storage units. Mr. Snidow said they were. Mr. Lavinder said in 2003, his family purchased two acres from Mr. Snidow and put a duplex on the left on Old Stage Road. They looked at the property in question and were told by the county that no other structures would be placed on Old Stage Road unless the road was brought up to state standards and the water line increased. The cost of doing those things was prohibitive. They stopped building after one duplex. Mr. Lavinder said he did not normally believe in limiting people's property rights unless it harms someone else who is adjacent or reduces the value of their property. He felt if this special exception was allowed it would reduce his property value. He noted it was hard enough to maintain Old Stage Road and they have had no contributions from anyone else there and they do the work themselves. There will be increased traffic on the road if this is approved. Mr. Lavinder guessed they would lose 15-20% of the value of the duplex equal to \$25/30,000. Ms. Hobbs asked if that was a private road and if Mr. Lavinder maintained it. Mr. Lavinder said he had been asking for help, but did not get a lot of contributions. They have graded and put gravel on it and this past summer put asphalt in front of the duplex. There is another house across from it owned by someone else and it will be looking down on the storage units and that property value would decrease as well. Mr. Dunn asked if Mr. Lavinder has an easement to go through this property to get to his. Mr. Lavinder said they have a 50 foot right of way.

**Christopher Stevers:** Mr. Stevers said he and his wife live beside where these units would be placed. He did not like to say anything about what people do on their land but felt it would hurt his property values. He said people break into storage units. He has two small grandchildren and a 15-year old daughter. Mr. Stevers said people would be going in all hours of the day and night and bring increased traffic. He asked the board to take that into consideration when deciding on this special exception.

**Terry Horton:** Mr. Horton stated that he was a partner in this with Mr. Snidow. They have contacted VDOT and looked at the entry. There is no problem with ingress or egress. The property joins Route 460 so the entrance way has to be paved 30 feet in the front and 20 feet deep. They have to do that to meet VDOT standards. As soon as you turn off 460, they will be turning onto that. As far as tearing Old Stage Road up, it will actually improve it because it is a gravel road now. As far as traffic on Old Stage, this is straight off Route 460 and then immediately turns left. Cars would not have to leave the pavement until they get on the property for the storage units. Ms. Hobbs asked if the units would be open 24/7. Mr. Horton said he thought they would. The intent is to install security cameras and eventually fence it. They are just looking at getting this started now. Initially, they will have a couple and add to it as those fill up. Mr. Horton said he understood about property values but it is zoned as industrial property. Storage units would be better than a truck stop or gas station and those are allowed. There will be more traffic during the construction than there will be once they are built.

Mr. Horton said Mr. Stevers house is to the side and there is a row of trees that buffers it a bit. There is no buffer as far as the view from Mr. Lavinder's property. He said it was similar to anything you might find in town. Mr. Horton said it was probably the least intrusive thing you could have as far as neighbors; no one will be staying in a storage building. Mr. Williams asked how far back does the B2 zone go on Route 460. Mr. Stevers said it includes all of his property. Mr. Williams asked if it went to Mr. Lavinder's property and Mr. Horton said it did and was that way when the property was sold. Mr. Lavinder said what is good for one is good for another. If the board wants to bring the whole road up to state standards and increase the water line, then they should approve it. Mr. Horton said storage buildings do not use any water. Mr. Lavinder said what he was told in 2003 by the county was that any development on Old Stage Road would have to bring the road up to standards and increase the water supply. There were no other comments from the public, Planning Commission or board. Ms. Hobbs closed the public hearing and referred the matter back to the Planning Commission for recommendation.

#### **SPECIAL EXCEPTION FOR FIRARM REPAIR/SALES – PULASKI/GILES TURNPIKE**

Ms. Hobbs opened the public hearing. Mr. Ross presented a request for a special exception for a commercial or service establishment by Mr. Earl Sheehan, Jr. Mr. Sheehan has been operating his business under a cottage industry. The only change is he wishes to build an addition to his building and increase it to over 5,000 square feet as limited by a cottage industry. Mr. Sheehan has done a lot with the property since he had it and has done a good job. Mr. Baker said it does look nice there. Mr. Williams agreed. Mr. Sheehan said he tried to be a good part of the community. He really loved the mountains and Giles County. There were no other comments from the board, Planning Commission or public. Ms. Hobbs closed the public hearing and referred it back to the Planning Commission for recommendation.

#### **EXECUTIVE SESSION**

***Mr. Williams moved to go into Executive Session as permitted by Virginia Code 2.2-3711 A(1) Personnel, A(4) Property and A(30)Contracts. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Baker, Mr. Williams, Ms. Hobbs, Mr. Dunn; 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. Dunn. Approved unanimously by roll call vote – Voting YES: Mr. Baker, Mr. Williams, Ms. Hobbs, Mr. Dunn; Mr. McCoy-absent.***

#### **PROPOSED CHANGES TO WATER POLICY**

Mr. Chidester said he was finalizing the notice of public hearing for changes to the water policy. The hearing is coming up in March at the recess meeting. Mr. Belcher has suggested that they increase the deposit on rental property to \$200 if the tenant is paying it. When the tenant applies the landlord would have to sign off and agree that the tenant has permission to apply. Most balances owed are from tenants moving out without paying. Also, they would like to consider having the landlord sign something stating if the tenant deposit does not cover any unpaid billing, the landlord would be responsible for paying it before the water is turned back on to that property. Mr. Williams said that should cut down on a lot of unpaid balances. Mr. Chidester said if the board wanted to add that into the notice, they need to approve it.

**Mr. Baker moved to include in the proposed changes to the water policy that deposit by the tenant on a rental property will be \$200 and require a form signed by the landlord. Also, if the tenant deposit does not cover any unpaid amount by the tenant, the landlord would have to pay that account in full before water would be restored to the rental property. Second by Mr. Williams. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.**

**PENVIR BRIDGE**

**Mr. Baker moved to approve the contract of not to exceed \$28,616 on the Penvir Bridge contract for preliminary design with T&L. Second by Mr. Dunn. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.**

**ROUTE 61 BRIDGE - CONDUIT**

**Mr. Baker moved to approve placing conduit across the Route 61 bridge at a cost of \$24,000 paid to Key Construction and to ask the school board and PSA to contribute two-thirds of the cost. Second by Mr. Williams. Approved unanimously (4-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker; Mr. McCoy – Absent.**

No further business was introduced. Ms. Hobbs adjourned the meeting. The next meeting is scheduled for Wednesday, March 6, 2013, at 3 PM in the General District Courtroom, 120 North Main Street, Pearisburg, Virginia.

APPROVED:

\_\_\_\_\_

Chairperson

ATTEST:

\_\_\_\_\_ Clerk











