

At the recess meeting of the Giles County Board of Supervisors on Thursday, March 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
Larry Jay Williams	Eastern District
Paul "Chappy" Baker	At-Large Supervisor
Chris McKlarney	County Administrator
Richard Chidester	County Attorney - ABSENT
Susan Kidd	Board Secretary

CALL TO ORDER/INVOCATION

Ms. Hobbs called the meeting to order. Mr. McKlarney 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. McCoy moved to approve the minutes of February 21, 2013. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

NRV REGIONAL JAIL REPORT – TODD MARTIN

Mr. Todd Martin updated board members on recent meetings at the New River Valley Regional Jail. For the month of February, Giles County had 123 inmates. Arrests totaled 180 in Giles with a total jail population of 1255. The average daily population was 900. The additional numbers are people on home monitoring and other programs. Ms. Hobbs asked if the county paid a per diem on home monitored inmates. Mr. Martin said he did not think so but would check on that. He reported that budget work is on schedule. The next meeting has been scheduled for April 5th.

Mr. Martin said Dennis Negel is an attorney raising issues at the jail about not getting the inmates up on time and about his client being brought over with his enemies. Some of those accusations were found to be untrue. Ms. Hobbs asked if certain inmates were transported separately. Mr. Martin said if inmates were known to be 'enemies' they were not transported together.

Mr. Martin said on the list of names the county gave the jail to review, they are still checking. They said most of them had Giles County charges on them. Ms. Hobbs asked what that meant. Mr. Martin said they were waiting to be sentenced.

YOUTH WORK PROGRAM

Mr. McKlarney said the potential of having a Youth Work Program was discussed at the last meeting. Mr. Williams has been working on this for several weeks. WIA will now manage the program. The school system will screen the applicants and try to establish a work pool. Business people and farmers will use the applicants. They will be given some safety training as well. Ms. Hobbs asked if they were going to ask for money outside of the budget. Mr. Williams said it looks like they are about to get it together and hope to have 25-30 youth

working. Ms. Hobbs said it would be on their own initiative and that is what she liked; the county doesn't have to find them an employer. Mr. Williams said this was not all finalized but things seem to be coming together.

SOCIAL SERVICES – REQUEST SUPPLEMENTAL FUNDS SPECIAL NEEDS ADOPTION

Ms. Hobbs said this was a state mandated program for special needs adoption. It is also state funded, but they are asking for up front funding to get them through the remainder of the year. The request is for \$36,107 with no local match.

Mr. McCoy moved to appropriate funds in the amount of \$36,107 for the special needs adoption program for Social Services. This is to front state funds that will be reimbursed, with no local match. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

FREE CLINIC

Mr. McKjarney reported that the Free Clinic has requested a letter of support as they move forward to establish a community health center.

Mr. Williams moved to direct the county administrator to provide a letter outlining the board's support for the Free Clinic move to establish a federally qualified health center. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

Mr. Williams asked how many people were served by the Free Clinic last year. Ms. Tickle had that information and said she would send it to the board members.

HAZARD MITIGATION GRANT APPLICATION

Mr. McKjarney requested authorization by the board to apply for a hazard mitigation grant for 2604 Lurich Road. This mobile home park has flooded and been evacuated on a regular basis for many years. The owner is interested in selling the property. This is the same grant process that was used to acquire the property in Pembroke. Ms. Hobbs said that means nothing else can ever be constructed on that property. Mr. McKjarney said that is correct – there cannot be anything constructed on it. In this case, if the grant is approved, the mobile homes there would also be re-located. There is a 25% match required but most of that is met by the state. They really won't know until they get further into the process. Mr. Dunn asked if the property could be sold. Mr. McKjarney said it could not – it could be leased to another government entity but still no construction on it. Ms. Hobbs asked if the owners live there as well. Mr. McKjarney said they have a house on it but they want to move as well. The owners are Gary and Juanita Shrader. Mr. McKjarney said the ten trailers there had to be evacuated during the recent flooding. All of the homes are on close to the same level – about 12 feet lower than the 100 year flood plain.

Mr. McCoy moved to authorize staff to apply for a hazard mitigation grant for 2604 Lurich Road property. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

PAYMENT OF WARRANTS

Mr. McCoy moved to appropriate funds in the amount of \$1,005,102.30 for payment of warrants as presented. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

Ms. Tickle noted that there were several debt service payments in this set of warrants which caused the larger than normal total.

SCHOOL BOARD APPROPRIATION

Mr. McCoy moved to appropriate \$2,106,708.92 for the school board for April, 2013. Second by Mr. Dunn. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

SOCIAL SERVICES APPROPRIATION

Mr. McCoy moved to appropriate \$212,000 for Social Services and \$100,000 for CSA for the month of April, 2013. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

Mr. Williams commented that the increases are pretty steady. Mr. Williams asked how the work program with Social Services was going. Ms. Hobbs said she was not sure but would get an answer on that.

“RAMPS AND ROADS” CLEAN UP

Mr. McKjarney announced that the annual “Ramps and Roads” clean up was this coming Saturday. They will be doing more along the river than in the past due to debris from the flooding. He anticipated about 200 volunteers with most coming from Virginia Tech, with local high school students involved also.

EXECUTIVE SESSION

Mr. McCoy moved to go into Executive Session as permitted by Virginia Code 2.2-3711A(30)Contracts. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Baker, Mr. Williams, Ms. Hobbs, Mr. Dunn, Mr. McCoy.

Mr. McCoy 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. Williams, Ms. Hobbs, Mr. Dunn, Mr. McCoy.

PUBLIC HEARINGS

VDOT – SIX-YEAR PLAN

Ms. Hobbs opened the public hearing on the VDOT six-year plan for secondary roads in Giles County. Mr. David Clarke, VDOT, said the plan is the same as the previous year. This is an annual hearing though to receive comments on the six-year plan. There are separate hearings later in the spring for primary road projects. This hearing is for secondary roads in Giles County only.

Mr. Clarke remarked that 8-10 years ago, Giles County received over \$1 million for secondary roads. That has decreased and now – for the past 3-4 years – it has been around \$40,000. This reflects the telecommunication fee that is collected from utilities and distributed based on population and that is by statute. The other money that used to come through was by ‘formula’. The money has not even gotten into the formula for the last several years. It has been taken to fund primary projects, match federal money, and work on interstate projects. The counties and towns have received none of that for several years.

Mr. Clarke said the amount allocated to secondary roads obviously cuts what can be done as far as improvements. The only things in this plan are: money for guardrails, signs, etc.; Hill Top Road project to pave an unpaved road; and Penvir Bridge. Ms. Hobbs asked how much was in the Hill Top Road project now. Mr. Clarke said it was around \$700,000 and should be enough to complete it. Ms. Hobbs asked if they would be advertising this fall. Mr. Clarke said they hope to if they get the preliminary engineering done. They will be meeting with road viewers or the county staff to determine some of the issues on that project. Ms. Hobbs suggested VDOT meet with some of the residents there also. Mr. Clarke said the Penvir Bridge project is also in that plan even though it is a locally administered project.

Mr. Clarke said there is a new transportation bill in the General Assembly that may change how the funding allocations are done. Ms. Hobbs said the county might get less. Mr. Clarke said he did not think it could be any less.

James Gillespie: Mr. Gillespie commented on Route 622, River Road in Eggleston. They had a flood and the only repairs have been using the re-ground pavement to secure the bedding. There have been no gravel or anything put on it. Mr. Gillespie asked if they could look at moving the elevation on the road to prevent future flooding. He said if the only places getting VDOT money are larger municipalities, then that increases their size and their ratio of the amount until eventually we get nothing. He said he didn't know if the county or state worked on that road. Ms. Hobbs said the state does that work. Mr. Gillespie said \$40,000 isn't going to do much of anything. Ms. Hobbs said VDOT is just working the unpaved roads once a year. Mr. Clarke said they do it in the spring and try to work them a couple times a year. She asked him to take a look at River Road.

Mr. Williams asked if the \$700,000 in the six-year plan now included funds for the Penvir bridge too. Mr. Clarke said that was only for Hill Top. He was not sure how much was in there for Penvir. Mr. Dunn said it was around \$313,000. Mr. McCoy noted that a portion of that is federal money.

Mr. Williams had requests from five individuals for their roads to be added to the six-year plan. Goodwin's Ferry Road (rr track to Montgomery County line) has 250 vehicles daily (this is according to the latest VDOT traffic information). Cave Hill Road in Newport has 90 vehicles daily. Kow Kamp Road shows 50 per day. Hiram Jones Lane in Eggleston is showing 100 daily but Mr. Williams thought there were more than that. Many people use that road for a short cut. He talked to individuals along that road and they would donate the right of way. Kerr Lane also asked to be considered.

Ms. Hobbs said with \$40,000 a year, they won't live long enough to see those roads on there. Mr. McCoy said they tried to get the Goodwin's Ferry portion of road on the Rural Rustic program but it would not qualify because it is too narrow in places. Mr. Williams said he was asked to bring it up and try to get these added to the list.

Mr. Baker reported that Eaton's Chapel Road also needed worked with the grader. Mr. McCoy asked if VDOT had done any of the spring work with gravel yet. Mr. Clarke said they had not – they are still pushing snow.

Mr. Gillespie said on Route 622, they also had Niblet Springs considered for a boat ramp and he wondered if that was state funding. Mr. Williams said that was the Department of Game and Inland Fisheries trying to put it in and improve that section. He said that would work well and if they moved the road up a few feet that would help prevent flooding. Mr. Williams said he had looked at that and they are trying to do something there. They are working with the railroad on right of way. Mr. McKlarney said it has been going back and forth between the Attorney General's office and the railroad. Mr. Williams agreed if they raised the road about 3 feet, most of the flooding would not bother it. Mr. Gillespie said he was just asking for any support on the road he could get.

There were no other questions or comments, and Ms. Hobbs closed the public hearing.

Mr. Williams said he had agreed to put his Rural Addition money to spend in the districts. He asked if the others had decided what they wanted to do. Mr. Dunn said he wanted to meet with VDOT and look at Spring Street. Ms.

Hobbs put hers in the Hill Top project. If any is left after that, she will look at it. Mr. Williams said he would just like to put the rest of his on stone for secondary roads – especially River Road that needs at least 25 loads on it right now. Hiram Jones and Brickyard are others.

CHANGES TO GILES COUNTY WATER POLICY

Ms. Hobbs opened the public hearing to consider changes to the Giles County Water Policy. Mr. McKJarney listed the proposed changes as advertised.

- 1) Increase the connection fee for new connections to County water from \$750 to \$1500. This is the first change in 20 years. Materials for meters are now in the \$1,200 range.
- 2) Increase the required deposit for service to a residential rental property to \$200 when service is requested by the tenant and tenant will be primary person responsible for payment of charges. Most issues with non-payment do come from rental properties.
- 3) Require applications for service to properties not owned by applicant to be endorsed by the property owner and to require payment of any delinquent charges at service address for rental property prior to reconnection, regardless of whether reconnection is for delinquent customer or new customer at that service address. Basically, this makes the landlord responsible if a renter leaves without paying. Mr. McKJarney suggested that the landlord be notified in writing of the non-payment.
- 4) Impose a penalty of \$500 for any person tampering with a meter or entering into a meter box for any purpose without written consent of County Administrator or Public Works Superintendent or their designee.
- 5) Increase reconnection fee for service reconnection after disconnection for non-payment from \$25 to \$50 for the first reconnection increasing to \$100 for any second or subsequent reconnection. Any outstanding balance for services or fees must be paid in full before reconnection. Mr. McKJarney said this seems harsh, but the county gets a lot of those.
- 6) Water bills are due with rendered and eliminate the five day disconnect notice requirement for water bills remaining unpaid 45 days after the billing date. Right now, after 45 days the county has to contact them and give five day notices of cut offs. That is about 120 notices every time and they would like to eliminate that.
- 7) Increase inspection fee for customer installed lines from \$25 to \$50 with requirement all materials have to be purchased from the County.

There was no one from the public signed up to speak on this subject. Mr. Williams said \$1,500 connection is steep – maybe \$1200. Mr. McKJarney said with the new requirements, the materials are pushing \$1200 now. The connections fees have not increased in almost 20 years. Mr. Williams said it was hard for young people to come up with that. He asked about the \$200 deposit on rentals. He asked if there was a situation of someone being a former customer and paying their bill on time, they go out of town and then when they come back, they have to pay the deposit again. Mr. McKJarney said if they turn their water off, they are required to pay a new deposit. Mr. Williams said if someone pays their bill on time and just wanted to turn it off for a while, they shouldn't have to pay that deposit again. Mr. McCoy asked if they pulled the meters when they turn the water off. Mr. McKJarney said not always. Mr. McCoy said they could just drain their lines and keep the water on. Mr. Williams said they would have to pay a bill and would not be using it. He said he could see charging to turn it back on – pay that fee – but not a deposit. Ms. Hobbs asked if the person was paying the non-user fee while it was off. Mr. Williams was not sure. Mr. McKJarney said if the property owner moved from one residence to another on the system, then they do not have to pay a new deposit. If there is a break in service and the deposit is returned, then another deposit is required. Ms. Hobbs said this did not have to be approved tonight; it was something to think about.

There were no other comments. Ms. Hobbs closed the public hearing.

VDOT – CATTLE GUARDS

Mr. Trump with VDOT wants to take out about 35-40 cattle guards throughout the county. They are difficult for maintenance and pushing snow – tear up the equipment. Someone told him they would have to hold a public

hearing. Ms. Hobbs said in addition to advertising a public hearing she would suggest they notify the owners of the property where these are located. Mr. McCoy said if they do a public hearing, it would give people an opportunity to come and comment on it.

PUBLIC HEARINGS

SPECIAL EXCEPTION REQUEST – NUMBER OF ANTIQUE VEHICLES DISPLAYED – D. MARTIN

Mr. Ross stated this request was to modify an existing special exception for Donald and Debbie Martin on property on Bluegrass Trail in Newport. Currently, Mr. Martin's special exception limits him to 3 antique vehicles on display for sale and he wishes to increase that number. Mr. Martin was present and had materials to present to the board. Ms. Hobbs asked how many he was requesting to display. Mr. Ross said Mr. Martin had not specified a number.

Donnie Martin: Mr. Martin said he was asking the board to get a decision to get him some slack/elbow room on the property in Newport. Mr. Martin presented each board member with a packet of information that he went through and discussed. In about 2003, Mr. Martin asked for and received a special exception to display three cars out front of his property. At this time he has valid tags and insurance on 17 antique vehicles. He reiterated that he purchases insurance, parts, fuel, DMV tags, and other things in the county to support county merchants. In discussing this with Mr. Ross, Mr. Martin pointed out that law requires a 10'x20' spot to park each vehicle. He estimated with the 11,256 square foot space he has, he could have room to display 56 cars. He only has permission to show three. The packet of information included a plat drawing and a copy of the deed to the property. Mr. Martin was not asking for 56 cars, but he said he was asking for more than 3. He owns 17 cars and would like to be able to display 17 cars at one time if he chooses to do so. Mr. Martin described his conversation with other car enthusiasts in the county who have expressed interest in having a car show at Mr. Martin's property. He also had a letter of support from Dr. McCracken endorsing this request. He included a copy of legislation that was passed on March 20th allowing parts cars on property without paying taxes on them. Mr. Martin said he would probably display a moderate number of cars – probably 12 – displayed at any given time, but probably a lot less.

William McWhorter: Mr. McWhorter lives at 497 Bluegrass Trail, directly across the street from Mr. Martin's operation. In March, 2004, after a number of public hearings regarding this property, Mr. Martin was granted a rezoning and a special exception with 10 conditions. This represented a compromise; the Martin's did not get everything they wanted and the McWhorter's did not get all they wanted. Mr. McWhorter said he only asked one thing at that meeting; that Mr. Martin comply with the conditions of the special exception. Since then, Mr. McWhorter said there has not been one day when Mr. Martin was in complete compliance with the special exception. Mr. McWhorter explained how compliance was not met and enforcement of the special exception was uneven.

In 2007, Mr. McWhorter said Mr. Martin's operation began to spill over into the neighbor's yard. Mr. Mills checked on the situation and reported that Mr. Martin had permission from the owner to park vehicles, trailers, etc. on her property. Mr. Martin subsequently purchased that property and continues to store automobiles on it today. He has a legal right to store autos on that lot within certain limitations. Mr. McWhorter maintained that just because someone had a legal right does not mean they have the right to exercise that. Mr. Martin's behavior violates the spirit in which the special exception was given and defeats the whole purpose of the special exception which was to try to keep the property from becoming a junk yard.

Mr. McWhorter said he called the zoning office (Craig Whittaker) in 2009. Mr. McWhorter told Mr. Whittaker if the county was satisfied with Mr. Martin's level of compliance, then he was too. He asked for the same consideration that was given to Mr. Martin. Mr. McWhorter said Mr. Martin operated without any interference in 2010, 2011 and the first half of 2012. In August, 2012, Mr. McWhorter noticed a flurry of activity on Mr. Martin's property. Cars were moved and the lot started to be cleared off. The county had sent him a letter asking him to get in compliance. Later that day, the television news truck was there and Mr. McWhorter later heard they did a broadcast from there about antique cars. Several weeks later, Mr. McWhorter received a copy of the transcript of

that broadcast. He shared part of that with the board: “Newport Man Told to Downsize Antique Cars. In Giles County, in the town of Newport, there is one man who collects antique cars – maybe too many. This reporter counted at least 14 antique and old cars all parked on one lot in Newport.owned by Donnie Martin whom we met on a different story a few days ago. Mr. Martin told this reporter about his on-going battle with Giles County. Since 2004 the county has been asking Martin to comply with the rules of special exceptions made years earlier to the property. Land which sits right on Newport’s main road which means folks, including county officials, see this lot nearly every day. This exemption means he cannot have more than 3 antique cars for sale on this lot at any one time, which also doubles as Martin’s plumbing business.this reporter counted more than 3 cars. One neighbor... said it was no big deal, they are nice cars..... Nice or not, the county says that Martin has to move all but 3 cars to comply with the rules. Giles County – they’ve got a lot more things to do...these are nice cars.” Mr. McWhorter said despite this letter, Mr. Martin is still not in compliance.

On March 5, 2013, Mr. McWhorter received a registered letter announcing Mr. Martin’s request for a change in the special exception – he thought it was a cruel joke. He said Mr. Ross has been very accommodating and very professional. They reviewed this entire history. Mr. McWhorter was told to send a letter explaining the problems to Mr. Ross and he would take care of them. He did that and Mr. Ross visited the property on March 11th and on March 13th at 2:30 PM, Mr. Martin was in 100% compliance. It only took 3,294 days and 3 zoning administrators to achieve that result. Mr. McWhorter said he hoped his comments would assist the board in making an informed decision. Given the long history of non-compliance, Mr. McWhorter could not support any modifications to the special exception which would allow than more than 3 antique vehicles on this lot.

Virginia McWhorter: Ms. McWhorter addressed the request for a special exception by the Martins. When it comes to keeping Newport as a beautiful, historical district and maintaining their property values, the codes of the county are continually violated by Mr. Martin. She reminded everyone that the car operation was originally stated as a hobby in the minutes of March, 2004 – that cannot be over emphasized. Since the 10 special exceptions were agreed to by all parties in March, 2004, there have been very few days, if any, until last week in which total compliance was given in 9 years. Ms. McWhorter said they would call, the zoning administrator would visit, a little improvement toward compliance would happen on a very temporary basis. This was repeated over and over. Ms. McWhorter said they became the police in the neighborhood and that is not what they agreed to with those 10 items. This wore them down and after 2009 they did not call the zoning office again. Every day the property was in non-compliance. That is history.

Ms. McWhorter said as their letter of March 13th stated, “even as this current request is being submitted, the property is in non-compliance.” They wrote a letter to Mr. Ross detailing the items in non-compliance. It was in compliance a few days later but it took another visit from the zoning administrator to make that happen. Ms. McWhorter asked if this new request would replace all of Item #1 in the original special exception. If so, that is even more unacceptable to her. She asked the board to review Item #1 in the special exception that was granted in 2004. Ms. McWhorter said their major problem is in the details stated in any special exception – this one or any others – the details are very hard to prove and even harder to enforce. She asked why they would go there again when Mr. Martin has shown that he cannot comply on the details in the big picture of the existing conditions. She asked that the board please not approve this request.

Ms. McWhorter said having heard Mr. Martin speak earlier in this meeting, she could add a few comments. As an example – and she could give more if necessary – Mr. Martin gave the square footage of the property stating that a 10’x’20’ foot spot for a vehicle as stated in the code would give him space for 56 cars on his lot. In the minutes of 2004, someone either on the Board of Supervisors or Planning Commission came over and ‘chained’ the lot. They said the lot was acceptable for 10 automobiles – 3 as antique, classic vehicles as defined in Item #1 and 7 commercial, working, delivery, customer vehicles. There is a very large contradiction in how the lot was chained by someone in this authority versus the measurements that were stated at this meeting. That is one example, and Ms. McWhorter said she was prepared to give others if necessary.

Misty ‘Brown’ McIntyre: Ms. McIntyre said she owned property – 15 acres – across the road from Mr. Martin’s property. She does not currently live there, but does intend to in the future. The view from where her house

spot will be directly across from Mr. Martin's business. Ms. McIntyre said the road was a Scenic By-Way and three cars would not take away from that. Fourteen or 20 or 56 cars – that is no longer a scenic by-way – that is a car lot. Ms. McIntyre said that was not in keeping with her property being valued at what it is currently. She would be living across from that every day – not just on the weekends or driving by. Mr. Martin is not there every day – he doesn't live there. Ms. McIntyre said Mr. Martin did not understand how this affects other people too. This is an area where there has not been a new house built in 35 years except on top of the mountain above the school. Things do not change there and that is appreciated. It is nice that way and was turned into a scenic by-way and she proposed they keep it that way.

Ms. McIntyre said she hated the struggles the McWhorter's have been through but she was not a part of that. She does realize what is going on, but intends to live across from there every day. This affects her too.

Roger Sadler: Mr. Sadler stated that he did not see anything wrong with a few cars on Mr. Martin's property. His (Mr. Sadler's) grandchildren come from Roanoke and like to go over and look at the cars and sit in them. It seems that too many people are worried about what everybody else is doing and want to run everybody's life. If Mr. Martin wants to have a few more cars, Mr. Sadler said he did not see why anyone would complain. It is Mr. Martin's property and Mr. Sadler said he should be able to do what he wants with it.

Larry Galliher: Mr. Galliher said he "didn't have a dog in this fight." Mr. Martin has been very generous to his family by allowing one of his vehicles to be used for his daughter's graduation pictures. All of his family was in to celebrate this and his uncle shared a story about traveling up from through Newcastle from Salem. They had traveled on Route 42 and his uncle, who is 88 years old, shared about seeing Mr. Martin's cars in Newport. He particularly mentioned the Nash and planned to stop on the way back to look at it more closely. Older people enjoy seeing these cars that were cars from their youth. Mr. Galliher said these cars do attract attention. He passes those cars at least three times a day, six days a week, and many times he has witnessed people stopping by to look at the cars. Even on the Giles County website there is a photograph of antique cars lining Main Street. He did not think that was meant to be prohibitive of travelers visiting Giles County and he did not think a few more antique cars in Newport would be either. Other places he has visited have vehicles such as this secured and locked up out of sight or out of reach. Hopefully, travelers will share what they found when passing through Newport and ask them to come see it for themselves.

James Thompson: Mr. Thompson said he was a car enthusiast and loved them. He did not see a problem adding vehicles to that lot. People have an attachment to cars with older places and older times. There is a link to that. He loves to be around old cars and was all for adding more vehicles to this lot.

Gary Stebar: Mr. Stebar said he had known Mr. Martin for about 40 years. He has a 1959 BelAir, 2-door sedan that was originally his mother's. He is restoring that and was hoping to be able to display it on that lot sometimes. He has lived in this area since 1974 and is a car enthusiast. Mr. Stebar did not see a problem with having more than 3 cars there. People pull in and look at the cars – saw one from Maine who was driving through and stopped just because he saw the cars out there. He did not see why Mr. Martin could not have more cars than that.

Donnie Martin: Mr. Martin said he had heard a lot of comments both pro and con about this. He extended an invitation to anyone to call him and come over and he would be more than happy to show them the cars and value of them. When Dirty Dancing was back in Giles County, Mr. Martin got the contract to provide them with old cars to haul the dancers. Because those cars were on the lot, people from England saw those and stopped to ask. He has had people from all over looking at them.

Mr. Martin said he hoped each of the board members would take time to come over and he would be happy to show them the cars. Mrs. McWhorter was talking about changing the parking lot. He has parking spaces for his plumbing trucks and his employees' cars when they are out working, but there is room for more than 10 spots. Fifty-six would cover the lot and he did not want that. Mr. Martin said he was asking for more than 3 – but not 56.

Ms. Hobbs asked if the Planning Commission members had any comments; they did not.

Mr. Dunn asked when Mr. Martin first obtained this property. Mr. Martin said he leased it from Mr. Dave Hunt in 2003 and purchased it in 2009. They have owned it completely since October, 2009. Mr. Dunn asked when the McWhorter's moved onto their property. Mr. McWhorter said they moved there in June, 1975 – 37 years.

Mr. Williams referred to Mr. Martin's comment that he wished to have a car show on that property. He asked if he was allowed to do that under the current special exception. Mr. Ross said the only time that was allowed under the special exception was during the Newport Fair -- 3 days before and after it – with approval of the fair committee. Mr. Dunn asked if all the surrounding property is zoned the same. Mr. Ross said it was not. The majority is R1 and Mr. Martin's lot is R3 – just that 14.5 acre parcel.

Mr. Williams said there was no doubt that Mr. Martin had been out of compliance and he understood that – sometimes Mr. Williams said he might be guilty of that too. He asked if there was any way to keep the business stuff separate from that if he was allowed to have a few more antique cars. Mr. Martin said he could; two of his employees drive the work trucks home with them now. Mr. Williams asked about the vehicles on the adjoining property. Mr. Martin said one car and one truck there do not belong to him; he is letting someone put them there. Mr. Williams said what he was trying to get at was by going next door and putting more vehicles on that property, he was adding 'fuel to the fire.' He was legally allowed to do that but ... Mr. Martin said he understood where Mr. Williams was coming from. He did not want a mess or let it look bad. He ran his plumbing business there and wanted it to look good. Mr. Martin said he did not want to point fingers but if they drive around Giles County they can see some places that do not look as attractive as his. It is easy to get out of compliance when you get busy and drop a piece of pipe or a trailer is parked there. Mr. Martin said he did not know how much out of compliance he had been but he really tried to be in compliance. He loved those cars and would not want to sell them. He uses them in parades in Pearisburg and Newport and allows the school to use them for the Homecoming Court and other things. Mr. Martin said he was a good guy and tried to stay a good guy in the community; he did a lot of things. Mr. Williams asked if they would allow him to have more official antique cars parked there, would he try to get some of the other stuff out of there. Sometimes there is a lot of stuff there. Mr. Martin said he had tags and insurance on all the stuff there.

Mrs. McWhorter said she and her husband are also car enthusiasts. People stop by and look at their cars and they do some of the same good services that Mr. Martin does – she appreciates that. Mr. Martin just stated he had five cars on the adjoining property and two of those belong to someone else. Ms. McWhorter said according to the code, he is allowed to only have his own personal cars up to five on his property. If that is the case, he is not in compliance on his other lot. She noted that Mr. Stebar has nice cars and she admired him as a friend. He said he would like to display his car on Mr. Martin's lot. The first item in the special exception for that lot states that the cars on display must be owned by Mr. Martin or his immediate family. She said Item #1 is very important in the details of that special exception. They cannot just extract from 3 cars to 5 to 7. They need to go back and say what about Item #1 in its entirety. Ms. McWhorter said in regards to car shows – which they also might like to participate in if invited – Newport has a beautiful recreation center and a park. These present better alternatives to showing even more antique vehicles than just having a commercial lot on Route 42.

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

SPECIAL EXCEPTION REQUEST FOR EXCAVATION OR FILL IN FLOOD PLAIN – APPALACHIAN POWER

Ms. Hobbs opened the public hearing. Mr. Ross stated that this public hearing is for a special exception under the Giles County Floodplain Ordinance. It is required because they are filling more than 5,000 cubic yards of material in a floodplain. They plan to use about 46,000 cubic yards of fill. Appalachian Power has completed all appropriate studies to show that the 100 year flood level will not be increased by this action. Mr. Ross introduced Mr. James Douthat with Woods, Rogers to supply more detail about the project.

Mr. Douthat presented a handout to board members. He said he was speaking on behalf of Appalachian Power concerning the auxiliary pond which is across Route 460 from the Glen Lyn plant. Generally speaking, they plan to close that pond. It is on a 14 acre tract and adjacent to a 45 acre tract that at one time was a landfill and has since been closed. They now want to close the auxiliary pond which was built in 1956. This pond was in service from 1958 until 2008. Since 2008, the pond has not been used and they do not plan on using it again. In the process of closing this, Appalachian Power will comply with all environmental regulations of the federal government. They have submitted their plan to the Army Corp of Engineers (Corp), who have control over what is done on that property. The Corp actually owns that property. They are making comments on that right now. Appalachian has also submitted plans to the Virginia Department of Environment Quality (DEQ). They have reviewed and approved it. Appalachian also has submitted this plan to the Department of Conservation and Recreation (DCR) in Virginia. They are considering the plan at this time.

Mr. Douthat said currently the area is a bowl-like shape with dry fly ash in the middle. They want to close this safely like they did on the adjacent property. The first step is grade the fly ash that is in the bowl so it has a slight tilt – graded slightly (1% grade). Rain water would flow down that 1% grade. Once that is graded and packed -- the fly ash is dry now – they will install a 30 mm PVC liner. On top of that, Mr. Douthat said they would put in a grating with a wool-like substance around it (he showed the board examples of these materials). Ms. Hobbs asked what that did. Mr. Douthat said the rubber would stop the flow of water down and the grating allows water to flow through it, over top and down the 1% grade. On top of that they will have a minimum of 2 feet of fresh dirt. The middle of the swell will have a 6” pipe with holes in it to take any water that gets through the dirt down to an outflow with riprap rock down at the creek. This is down at approximately the 100 year floodplain. The dirt will be graded in the same way. It will be 46,000 cubic yards of dirt brought in from property they own in West Virginia – clean, fresh dirt. After the dirt is added, they will plant green vegetation (grass) and it will be maintained and mowed like a pasture or hay field. Mr. Douthat said the idea is that all rain water will either run off down the 1% slope to the outfall of Adair Creek or on the New River side it will go into the river. On the other side, it will go into a ditch that is adjacent to ditches along the road and go to the outfall of Adair Creek. There is a second ditch there (VDOT ditch) that is not part of their property, but they plan to rework that ditch and crown the road so no water will be coming off the mountain, across the road and hitting the first ditch. Mr. Douthat said what they have done is essentially isolated their property.

At this time, there are 7 monitoring wells on the property. When grading is started, those will be removed. There will be 6 new wells put back on there – several will be all the way into the bedrock. Those will be incorporated into the entire number of wells around the existing landfill. The only traffic will be on the adjacent road – they will not block the road and probably only have a flagger out there. When they are finished, there will be a grass dome, a 1% grade of elevation from 1,540 to 1,525 at the outfall of Adair Creek. This is above the 100 year floodplain. One of the things they are required to do is guarantee a ‘no rise’ certificate. Nothing they are doing will cause the 100 year floodplain to increase. They also, in the documentation and plan, have leased this property from the Corp of Engineers. The Corp has absolute authority over what they do to that land. If they do not like something, they will tell AEP. Mr. Douthat said AEP has submitted this plan to the Corp and will comply with whatever they say. He restated that DEQ has approved it and they will comply with what both they and DCR say.

Mr. Douthat said the bottom line is they are closing down this facility and this plant. The good thing is no more ash will be deposited here although there is ample capacity. In the future when they run that plant, the ash will be trucked to another site. He said there is a question about whether they actually have 5,000 cubic yards of ash in the flood plain. However, it was much easier to come and hold the hearing and answer any questions. Mr. Douthat said there were environmental and civil engineers from AEP present to help answer questions also.

Mr. Douthat noted that people are concerned about the monitoring wells. AEP contracted outside third parties to monitor the wells and then they come in and test for things that are found in everyday dirt and rock in this part of the world. Every report on that is sent to DEQ. The wells will be monitored at least every six months – even more at the beginning. They will monitor and inspect that the cap is in place, the grass is in place, and no erosion is occurring. That will be done every three months. This will continue for 10 years on this schedule per

DEQ. Depending on what DEQ and the Corp say about the reports submitted, they will see what is done going forward.

In closing, Mr. Douthat said they respectfully request a special exception permit in order to close the fly ash facility at the Glen Lyn Plant.

Darlene Cunningham: Ms. Cunningham stated that in the 57 years the landfill was there, she assumed there was never any liner place in it. Mr. **Steve Orenchuk** with AEP said there was a pond there originally and it was not lined. In the 1970s, they built the landfill over a portion of that pond and it still has a 30 mil PVC liner there. Ms. Cunningham asked if the re-contouring of the site would increase the flow of water on the side next to the river in any way. Mr. Douthat said they did not believe it would. He directed her to view the photo and note they are just 'folding' it in so water will flow in both directions. Ms. Cunningham noted that a lot of it will flow down the trough. Mr. Douthat said the only water on that would be rain that falls on the property. Mr. Orenchuk said that on top of the ash they plan to install a 30 mil geo(?) which means that no rain water or new surface water will be able to get into the pond. Then they will install GEN which is like a drainage layer that will go on top of that liner and then 2 feet of earth on top of that. The drainage layer will collect any rain water that comes into the soil so the ash is not saturated. Ms. Cunningham said so the ash would not further be saturated. She said her question was that at this point, no more water will be going through the site and she understood that was the case. Mr. Orenchuk said the new wells will be monitored semi-annually while they are running the landfill. After the initial installation, they will probably be monitored quarterly until they have 8 samples. Ms. Cunningham asked if they were still using 't clip' testing. Mr. Orenchuk said they did use that. Ms. Cunningham noted there is a more advanced and thorough test that is more expensive. She said it picked up different contaminants. Mr. Orenchuk said that was a different type of test.

Judy Brown: Ms. Brown asked if AEP has a list of the metals they test for. Mr. Orenchuk said he did and he could share those with her. The things they sample for are in the Virginia Solid Waste Management regulations. DEQ requires they test for arsenic, barium, beryllium, cadmium, cyanide, cobalt, chromium, copper, mercury, nickel, lead, etc. Ms. Brown asked if the test results sent to DEQ were available to the public. Mr. Orenchuk said they were.

Mr. Williams asked if they would be using county roads for the hauling. Mr. Douthat said there is a road leading from the site up to property they have in West Virginia. They have already talked to VDOT about it and may put a flagger on there, but they will not stop traffic on the road. If they harm the road in any way, they will repair it. Mr. McKjarney said they just have a road crossing there to a haul road that leads to their property.

Ms. Brown said she hoped a decision would not be made until the April 18th or the next meeting so everyone will have time to review the information. Ms. Hobbs said a decision will probably be made at the first meeting in April – the 3rd. Ms. Hobbs closed the public hearing and referred the matter back to the Planning Commission for recommendation.

WORKFORCE DEVELOPMENT

Mr. Williams reported that since the last meeting, Workforce reported they have served 360 dislocated workers, 259 adults, and 263 youth in the New River Valley. They have placed 89% of the dislocated workers in another job with average wage of \$11.91. There was discussion that Pulaski County has a lot of job openings they are trying to fill with the new agricultural plant opening. They also felt that the regional jail may have a lot of positions open with people leaving to work at the new jail in Grayson.

Mr. Williams said that last year \$58,000 was left for programs. New River Community College applied for that and they will be having two 21-week training sessions for people 18 years and older for heating, air conditioning, and welding training.

Ms. Hobbs asked if they would find out what type of skilled labor is needed at the new facility in Pulaski, and ask the local VoTech Center to work to meet those needs. Mr. Williams said that is already underway. There was also discussion that training in the New River Valley is failing to meet employer's needs. They are working with the colleges to remedy that. Ms. Hobbs asked if he remembered meeting with the school board and telling them they need to expand what they are offering instead of continuing what they already have because it was not meeting employer's needs. Mr. Williams said he did recall that and agreed with it. Workforce is working with colleges and businesses to see what they need.

Mr. Williams noted that he saw an ad in the Virginian Leader for foster care parents in Giles County. He complimented them for doing that. Ms. Hobbs said they are working on that and have been working through churches on it. The bottom line is, the county needs foster parents here.

FOREST SERVICE ROADS

Mr. Williams said after the meeting with the Forest Service about the roads, the board needs to take some action. He said if public works employees have time, they need to work on the road to Butt Mountain. Ms. Hobbs asked if the county was still using the tower there. If so, then maybe some of the fire and rescue and sheriff's department people could do that work. Mr. Baker said there were some volunteers. Mr. Williams said they really need to cut some brush and clean out the drains. Ms. Hobbs said she thought they were going to ask the people who use the roads to help maintain them. Mr. Baker said about 35 people signed up to help. Mr. McKJarney agreed – there were about 150 at the meeting and approximately 40 signed up.

Mr. Williams said he was asking if county administration do it. Ms. Hobbs said if Mr. McKJarney felt the county had the personnel to do that, it was okay; otherwise, it is up to the volunteers. Mr. McCoy said the county could put some labor into it, but the volunteers have to show up and help too. Mr. Williams said the road has to have stone on it.

Mr. Dunn asked what the Forest Service said about the county going in there. Mr. Williams said it is county right of way on Butt Mountain. There is one individual who owns some on Little Meadows and he gave permission for it. Mr. Williams said he hoped they could get more stone from the lime plant, but they may have to buy it. The Forest Service may buy some of it.

Mr. Williams asked if the board would contribute \$5,000 to work on that road. Ms. Hobbs said not unless they could find it somewhere else in the budget. Mr. Williams said \$5,000 would do labor and stone on the tower road. Mr. McCoy asked if anyone else is located on that tower. Mr. McKJarney said the State Police, Two-Way Radio and maybe one or two others. They can ask if they will contribute. Mr. McKJarney said there is 15 miles of road there. The only way it will stay open is for the county to organize the volunteers and use county equipment. It is a big effort, but that is the only way. The Sheriff said they could utilize inmate labor to clear the brush. About 150-200 people showed up at the meeting and if it had been structured differently, more of them may have volunteered. He suggested they look at working on the road in early spring or late fall. Ms. Hobbs said they need to go through the budget and find somewhere to take that money from. Mr. McKJarney said it was going to take some time and resources if they plan to do it. He estimated at least two weeks a year using public works crew and county equipment. Mr. Williams said he was primarily talking about the tower road. He felt the volunteers could take care of the others.

Mr. Dunn asked if this meant there were no road closures at all. Mr. Williams said if the volunteers could keep them passable. Ms. Hobbs said it was almost sinful that the county gets very little tax money out of all the land in National Forest and now they want someone else to keep them up. Mr. Williams said a lot of people use that land and those roads. The county pours more money into Castle Rock and there are a lot less people who use that. Ms. Hobbs said she recalled who was involved in Castle Rock for many years. Mr. Williams said he was and it made money for some years. He loved Castle Rock but he was just saying he felt they can do something here.

Ms. Hobbs said they agreed at the last meeting to not spend any money outside of the budget unless we can find another place in the budget to pull it from. Mr. Williams asked if the 911 was over budget. Ms. Tickle said they were over budget on about everything.

SUPPLEMENT

Ms. Tickle presented a budget supplement for \$450,000 from the Governor's Opportunity Fund. The check on this has been received and the funds will be given to Celanese.

Mr. McCoy moved to approve a budget supplement in the amount of \$450,000 for revenue received from the Governor's Opportunity Fund. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

Mr. McCoy moved to approve a handwritten check to Celanese for this supplement just approved. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

BUDGET FY2013-14

Mr. McKjarney distributed copies of the proposed budget. This was a preliminary draft #1. Mr. McKjarney reminded board members that the auditors would be present on April 3rd to go over the format and outline of the audit. He would also like to hold a first budget session that day.

Mr. Baker moved to meet on April 3rd at 1 PM with auditors to review the audit format. Second by Mr. Williams. Approved unanimously (5-0). Voting YES: Mr. Dunn, Mr. Williams, Ms. Hobbs, Mr. Baker, Mr. McCoy.

RECREATION FUNDS

Mr. Williams asked if the board would put \$1,000 of recreation funding on the national forest roads. Ms. Hobbs said she did not want to use recreation funds on that. Most of that recreation money has already been appropriated.

Ms. Tickle said the Town of Pembroke requested the remainder of their park money and \$3,000 of the Eastern District recreation funds also went to them. The leaves \$3,000 in the Eastern District funds. She noted that Mr. Dunn still had the \$8,000 allocated to the Western District. He just needed to let her know how he would like that to be disbursed.

Mr. McKjarney issued an invitation from Ms. Muldoon at The Palisades Restaurant to attend the Celebrity Chef Tour as her guests on March 29th at 6 PM.

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

APPROVED:

Chairperson

ATTEST:

March 21, 2013

_____ Clerk