

At the regular meeting of the Giles County Board of Supervisors held on Wednesday, October 7, 2015, at 3:00 PM, in the Giles County Administration Office, 315 North Main Street, Pearisburg, the following were present.

Barbara Hobbs	Chair (Central District)
Larry Jay Williams	Vice-Chair (Eastern District)
Scott Dunn	Western District
Richard McCoy	At-Large Supervisor
Paul "Chappy" Baker	At-Large Supervisor
Chris McKlarney	County Administrator
Richard Chidester	County Attorney
Rhonda Tickle	Finance Department
Missy Bray	Finance Department
Anna Welch	Board Secretary

CALL TO ORDER AND INVOCATION

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

APPROVAL OF MINUTES

Mr. Baker motioned to approve the September 2, 2015 minutes and Mr. McCoy seconded. The motion was approved 5-0 as follows:

Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, Mr. Baker, and Mr. Dunn

Mr. Baker motioned to approve the September 17, 2015 minutes and Mr. McCoy seconded. The motion was approved 5-0 as follows:

Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, Mr. Baker, and Mr. Dunn

CONSTITUTIONAL OFFICERS

Mr. Charles "Bubby" Fraley, Clerk of Circuit Court – Mr. Fraley thanked the Board for their continued support. He explained the Secure Remote Access Computer System ILS which they have currently been using is no longer providing services. Mr. Fraley gave the details of the Logan System, the Cox System, and the Supreme Court System. He explained the Supreme Court System came in with the lowest bid and would cost \$14,500.00 for the first year and \$8,000.00 for every year after.

Mr. Fraley stated they can apply for the funding; however, this will take some time to get. He is requesting the \$14,500.00 from the Board and plans to give the money back. He stated they will now be tied into the General Court server and the County will be able to have their server back. Mr. Chidester is working on getting bills paid with ILS. Mr. McCoy asked if Mr. Snider is aware of the program and Mr. Fraley stated he is aware that a new system is required.

Mr. Williams motioned to approve the request to loan \$14,500.00 to the Circuit Court and Mr. Dunn seconded the motion. The motion was approved 5-0 as follows:

Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, Mr. Baker, and Mr. Dunn

VDOT REPORT

Mr. Clarke was unable to attend the meeting.

WATCH FOR CHILDREN SIGN REQUEST/SCHOOL BUST STOP AHEAD

Mr. Reed stated he received a request from Ms. Michelle Moore on Interior Lane for a Watch for Children sign. He stated he will get with Mr. Clarke regarding the school bus sign.

Mr. Baker motioned to approve the request and Mr. Dunn seconded the motion. The motion was approved 5-0 as follows:

Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, Mr. Baker, and Mr. Dunn

SCHOOL BOARD REPORT

Dr. Arbogast passed out a calendar of events for October. Enrollment as of September 30, 2015 is 2,417 which is a decrease of 2 since August and a decrease of 11 since this time last year. He explained the first 6 weeks were completed on October 5 and report cards would be released on October 13th.

Dr. Arbogast presented the Board with a copy of the Giles Technology Center Review which contains pictures as well as upcoming events. He recognized both Narrows and Giles High School teachers which received the Blue Star School Recognition Awards. He reminded the Board of the GEA Rally which will be held on October 10th at 11:00 am and announced that Giles County had received one of the School Security Grants from the state in the amount of \$80,360.

NEW BUSINESS

VACO ACHIEVEMENT AWARD PRESENTATION – BEAU BLEVINS

Mr. Blevins gave a review of the achievement award program as well as the qualifications which are required. He stated this is a competitive program which contained 94 applicants with only 20 winners. Giles County was given this award for their Innovative County Program. He stated the judges truly recognized the overall health of the County. He congratulated Giles County for their performance and presented the Board with a plaque.

PROPOSED RESOLUTION OF SUPPORT – DEQ STORMWATER “OPT OUT”

Mr. McKlarney explained several additional counties have already submitted resolutions regarding this issue and he feels the Board may need to submit a resolution as well. Mr. McKlarney stated there is now a proposed legislature clause stating a county can no longer opt out of DEQ's expanded Stormwater Management Program.

Mr. Baker motioned to endorse the resolution and Mr. McCoy seconded. The motion was approved 5-0 as follows:

Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, Mr. Baker, and Mr. Dunn

[A copy of this resolution is at the end of these minutes.]

PUBLIC HEARING

ORDINANCE TO EXEMPT PROPERTY TAXES – RIVER VIEW COMMONS, INC.

Ms. Hobbs opened the public hearing and Mr. Chidester explained where River View Commons, Inc., d/b/a Summit Place is located. He stated they are a non-profit organization and have asked to be exempt from taxation. Mr. McKlarney stated the assessed value of the property is \$1,409,200 and the tax assesses against such property for 2015 is \$8,596.12. If exempted the revenue impact to the County would be \$8,596.12 for 2015. Mr. McCoy asked if this was for one year only and Mr. Chidester recommended it to be done for a complete tax year at a time. With no further questions, Ms. Hobbs closed the public hearing.

Mr. McCoy motioned to exempt the property taxes for one tax year for River View Commons, Inc., d/b/a Summit Place and Mr. Baker seconded the motion. The motion was approved 4-1 as follows:

Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, and Mr. Baker

Voting No: Mr. Dunn

NEW BUSINESS

PLANNING COMMISSION RECOMMENDATIONS

WALKER CREEK PROPERTIES, LLC PLAT – BRYAN REED

Mr. Reed gave the Board a copy of a plat for Walker Creek Properties and explained this is 90 acres split into 8 lots. He explained the Planning Commission recommends the Board of Supervisors approve the submitted plat with the condition of Health Department Approval for the septic drain fields.

Mr. Dunn motioned to approve the Planning Commission's recommendation with the condition of Health Department Approval and Mr. Williams seconded the motion. The motion was approved 5-0 as follows:

Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, Mr. Baker, and Mr. Dunn

REQUEST FOR CONDITIONAL USE PERMIT – SECTION 610.03-22

Mr. Ross explained the Planning Commission voted to recommend approval of a requested Conditional Use Permit pursuant to section 802.04 of the Giles County Zoning Ordinance to allow for a Commercial or Service Establishment (section 610.03-22). This request is specifically to allow for an auction venue. The property is identified as tax parcel 43A-128 and is addressed as 6325 Virginia Avenue, Pembroke. The property owner is Jay Williams with Timothy Dalton acting as agent. No conditions were specified.

***Mr. Baker motioned to approve the Planning Commission's recommendations and Mr. Dunn seconded the motion. The motion was approved 4-0 as follows:
Voting Yes: Mr. Dunn, Ms. Hobbs, Mr. McCoy, and Mr. Baker
Abstain: Mr. Williams***

PERSONNEL POLICY: RETIREE'S INSURANCE

Mr. McKlarney explained a discussion was held several months ago to allow retiree's whom have tenure to remain on the County's health insurance. The insurance shall be paid by the retiree until the age of 65 or until they are Medicare eligible. Mr. McKlarney stated a formal motion regarding this subject is required.

***Mr. Baker motioned to approve that all retiree's with tenure can pay for and remain on the County's health insurance and Mr. Williams seconded the motion. The motion was approved 5-0 as follows:
Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, Mr. Baker, and Mr. Dunn***

FISCAL YEAR 2015-16 FIRE PROGRAM FUND DISBURSEMENT

Mr. McKlarney explained Giles County has received \$29,819 (90%) in Fire Program Funds to be disbursed to local fire departments for training and equipment costs in the 2015-16 fiscal year. The final 10% will be received June 30, 2016. The breakdown per department would be \$2,266.63 per In-Town departments with \$7,266.63 per In-County departments which follows the same format as last year.

***Mr. Baker motioned to approve the disbursement as outlined above and Mr. McCoy seconded the motion. The motion was approved 5-0 as follows:
Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, Mr. Baker, and Mr. Dunn***

REQUEST FOR STREET CLOSURE: TOWN OF PEARISBURG SCARECROW FESTIVAL – OCTOBER 17TH

Mr. McKlarney explained the Town of Pearisburg is seeking street closure for October 17th for the Scarecrow Festival.

***Mr. Baker motioned to approve the request by the Town of Pearisburg and Mr. McCoy seconded the motion. The motion was approved 5-0 as follows:
Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, Mr. Baker, and Mr. Dunn***
INTERGOVERNMENTAL MEETING AGENDA ITEMS

Mr. McKlarney explained in October the Board of Supervisors and the School Board will host the Intergovernmental Meeting and he is seeking agenda items. Mr. Belcher feels it would be a good time to discuss water operations. Mr. Williams would like to discuss the issues with 911 addressing.

ANNOUNCEMENTS

Mr. McKlarney asked the Board to be in consideration of at least one citizen from each district to be on an EMS committee. He also announced there will be a stakeholders meeting on October 13, 2015, at the Giles Rescue Squad for the mapping project.

Mr. McKlarney stated the local Transportation Board Meeting will be held on October 22, 2015, in Radford at 1:30. He asked that any Board members who wishes to attend to be at the Administration Office by 12:00.

October 14, 2015 at 11:00 am there will be a scholarship brunch for the ACCE Program.

PUBLIC COMMENTS

Mr. Rick Ellis – Mr. Ellis lives at 1169 White Pine Road and has been a resident there for 7 years. He would like the Board to have a speed study performed beginning at 977 White Pine Road. He feels this road is becoming even more hazardous than he had mentioned several years ago.

***Mr. McCoy motioned to forward a request to VDOT for a speed study on White Pine Road near house number 977. Mr. Baker seconded the motion. The motion was approved 5-0 as follows:
Voting Yes: Ms. Hobbs, Mr. Williams, Mr. McCoy, Mr. Baker, and Mr. Dunn***

QUARTERLY DEPARTMENT REPORTS

PUBLIC WORKS – KEVIN BELCHER

Mr. Belcher thanked the Board for their continued support. He gave an update and review on a number of projects such as Glen Lyn sewer and water, spraying around tanks and pump stations, Whitt Riverbend and Bluff City boat ramps, tank site maintenance, Bostic Site and Piney Mountain Tank Road, Well 4, Narrows ballpark, water loss, Eggleston water system application, Chemical Lime Plant, leak detection, asset funding, water rates, personnel, Route 460 corridor completion, and Alpine Village water project.

Mr. Belcher discussed the Eggleston water system application and stated he had received a score sheet from the Virginia Department of Housing and Community Development. He feels if we make some small changes to the application and re-submit, the score could increase, and requested the Board's permission to re-submit.

Mr. Williams motioned to proceed with making changes and resubmitting an application to DHCD and Mr. Baker seconded the motion. The motion was approved 5-0 as follows:

Voting Yes: Ms. Hobbs, Mr. Williams, Mr. McCoy, Mr. Baker, and Mr. Dunn

A discussion was held regarding water rate increases and Mr. McCoy feels we may need to take a look at increasing County water rates He explained the last several increases have been absorbed and we may need to review this.

CASTLE ROCK AND WELLNESS CENTER – ADAM HARMAN

Mr. McKlarney explained Mr. Harman is out of town but did provide a written report.

FY 2015 CARRY OVERS TO FY 2016 AND SUPPLEMENTS REQUEST FY2016

Ms. Tickle explained the carry overs and supplements for FY 2016.

Mr. McCoy motioned to approve supplements in the amount of \$31,930.54 and Mr. Baker seconded the motion. The motion was approved 5-0 as follows:

Voting Yes: Ms. Hobbs, Mr. Williams, Mr. McCoy, Mr. Baker, and Mr. Dunn

Mr. McCoy motioned to approve carry overs in the amount of \$178,763.64 and Mr. Baker seconded the motion. The motion was approved 5-0 as follows:

Voting Yes: Ms. Hobbs, Mr. Williams, Mr. McCoy, Mr. Baker, and Mr. Dunn

EXECUTIVE SESSION

Mr. McCoy moved to go into executive session as permitted by Virginia Code 2.2-3711, A (1) Personnel and Code 2.2-3711 (A) (3) disposition of public property. Mr. Baker seconded the motion. The motion was approved 5-0 as follows:

Voting Yes: Ms. Hobbs, Mr. Williams, Mr. McCoy, Mr. Baker, and Mr. Dunn

Mr. McCoy moved to return to open session and he certified that in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. Mr. Baker seconded the motion. The motion was approved 5-0 as follows:

Voting Yes: Ms. Hobbs, Mr. Williams, Mr. McCoy, Mr. Baker, and Mr. Dunn

APPOINTMENTS

***Mr. Dunn motioned to reappoint Mr. Lee Blaker to the Industrial Develop and Mr. Baker seconded the motion. The motion was approved 4-0 as follows:
Voting Yes: Mr. Williams, Ms. Hobbs, Mr. McCoy, and Mr. Baker***

ADJOURN

Ms. Hobbs stated there was no further business and adjourned the meeting. The next meeting is scheduled for Thursday, October 22, 2015 at 6:30 PM, in the General District Courtroom, 120 North Main Street, Pearisburg, Virginia.

APPROVED:

Chair**ATTEST:**

Clerk

Larry "Jay" Williams
Eastern District Supervisor

Barbara Hobbs
Central District Supervisor

Scott Dunn
Western District Supervisor

County of Giles



Board of Supervisors

315 North Main Street
Pearisburg, Virginia 24134

Paul "Chappy" Baker
At-Large Supervisor

Richard McCoy
At-Large Supervisor

RESOLUTION

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia's expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth's expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to "Opt Out", leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia's lead environmental regulatory agency, the DEQ was established as the Commonwealth's VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth's environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Giles County Board of Supervisors, along with 54 other localities in Virginia, voted in 2014 to "Opt Out" of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia's "Opt Out" localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to "Opt Out" provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory "Opt Out" constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to "Opt Out" receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Giles County Board of Supervisors **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia's counties and cities the statutory right to "Opt Out" of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Giles County Board of Supervisors respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to "Opt Out" be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT:

The Giles County Board of Supervisors **strongly recommends** that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant "Opt Out" alternatives to all localities equally.

Adopted this 7th day of **October, 2015** by the Giles County Board of Supervisors.

	Attendance	Vote
Barbara Hobbs	<u>Present</u>	<u>Yes</u>
Larry Jay Williams	<u>Present</u>	<u>Yes</u>
B. Scott Dunn	<u>Present</u>	<u>Yes</u>
Paul Baker	<u>Present</u>	<u>Yes</u>
Richard McCoy	<u>Present</u>	<u>Yes</u>

Attest:


Chris McKlamey, Clerk