

At the recess meeting of the Giles County Board of Supervisors held on Thursday, February 16, 2017, at 6:30 PM in the Giles County Administration Office located at 315 North Main Street, Pearisburg, the following members were present unless noted absent.

Gary Eaton	Chair (Western District) – ABSENT
Richard McCoy	Vice-Chair (At-Large Supervisor)
Larry Jay Williams	Eastern District
Jeff Morris	Central District
Paul “Chappy” Baker	At-Large Supervisor
Chris McKlarney	County Administrator
Rhonda Tickle	Finance Director
Richard Chidester	County Attorney
Missy Bray	Board Secretary

CALL TO ORDER/INVOCATION

Mr. McCoy called the meeting to order, and Mr. McKlarney offered the invocation and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Baker motioned to approve the February 1, 2017, minutes and Mr. Morris seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

PUBLIC COMMENTS

Tiler Smith/Ashley Allen – Mr. Smith and Ms. Allen presented information to members regarding substance abuse and mental health. Mr. Smith indicated the presentation was part of a community awareness project for the Health Occupation Students of America (HOSA). He related information regarding dual diagnosis and the need for community awareness regarding substance abuse and mental health. Mr. Smith stated there are not many resources for those in need to address the problem. Mr. McCoy informed them the county is spending time and resources on these issues and related Ms. Jenny McCoy’s involvement.

NEW BUSINESS

PSA VRA LOAN ISSUANCE

Mr. Chidester presented information to members regarding the issuance of a VRA loan of \$224,073 to the PSA for the purchase of an emergency generator. He related it is required the Board adopt a resolution. The resolution is to ensure the loan will be repaid in the event something unforeseen would happen to the PSA. Mr. McCoy related the PSA is more financially sound than it has been in years. A copy of the resolution is attached to the end of these minutes.

Mr. Baker motioned to approve the resolution for VRA loan issuance to the PSA. Mr. Morris seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

AEP AGREEMENT FOR ELECTRIC GENERAL SERVICE

Mr. McKlarney presented an agreement for electric general service between the county and Appalachian Power Company. He related rates are negotiated by both VACo and VML, however, options are limited in the area and a lesser rate could not be found. He recommended approval of the agreement.

Mr. Williams motioned to approve the agreement with Appalachian Power for electric general service. Mr. Morris seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

PERSONNEL ORDINANCE

Mr. McKlarney presented information to members regarding a need for a public hearing to pass an ordinance. The ordinance would require a background check and drug screening for employees. He related that many of the county employees already have these done due to working with youth and in the schools.

Mr. Baker motioned to set a public hearing at the recess meeting in March for the consideration of an ordinance to require background checks and drug screenings for new employees. Mr. Morris seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

JOINT MEETING WITH NR/MR CONSORTIUM

Mr. McCoy asked for the preference of the Board to call a joint meeting in March with the New River/Mount Rogers Workforce Consortium. Mr. Williams related there had been a scheduling issue, and the Consortium would not be meeting in the county until May. Members agreed to wait until a later date to look at the possibility of a joint meeting.

VDOT PERMIT – HILL CLIMB/MOUNTAINS OF MISERY

Mr. McKlarney presented information for consideration regarding approval for VDOT land use permitting for Tri-Adventure. The permits would be for the Hill Climb 10K and the Mountains of Misery races.

Mr. Baker moved to approve the request for VDOT land use permit for the hill climb 10K and mountains of misery races. Mr. Morris seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

NEW RIVER/MOUNT ROGERS WORKFORCE CONSORTIUM BY-LAWS

Mr. Ronnie Martin provided members with background on the implementation of the Workforce Investment Act and the involvement of the localities in the workforce area. He related the act had changed in 2014 including different requirements for the workforce areas. Mr. Martin stated the requirements of the localities are the same with a need for public hearing regarding the by-laws and agreement. He stated that four of the thirteen jurisdictions had completed that requirement and hoped all would be complete by the first of April.

PAYMENT OF WARRANTS

Mr. Baker motioned to approve warrants in the amount of \$656,168.84. Mr. Morris seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

SCHOOL BOARD APPROPRIATIONS

Mr. Baker motioned to approve \$2,242,036 for March 2017 School Board Appropriations and Mr. Morris seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

SOCIAL SERVICES APPROPRIATIONS

Mr. Morris motioned to approve \$300,000 for Social Services and \$250,000 for CSA for March 2017. Mr. Baker seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

ANNOUNCEMENTS

Mr. McCoy related that Mr. Eaton was not feeling well and could not participate in the meeting. He asked everyone to keep Mr. Eaton in their prayers. Mr. Williams informed members he had taken three steers from the Ag Lab program for processing. He stated that 1,500 pounds of meat were put into the school freezers.

PUBLIC COMMENT

Mike Hyatt – Mr. Hyatt asked for an update on the Penvir Bridge. Mr. McKlarney related VDOT is in the process of the environmental review, and it should be ready to go out for bids within 60 days. He also related the construction would take at least a year. Mr. Hyatt expressed concern with the lack of access if an accident occurs at the number 2 bridge. He stated there would be no way to get fire or rescue vehicles through if that was blocked. Mr. Hyatt stated the lack of the bridge was a safety issue and Chaney Bridge is structurally obsolete. Members assured him they were well aware and have been urging VDOT along continually.

PUBLIC HEARING**NEW RIVER/MOUNT ROGERS WORKFORCE CONSORTIUM BY-LAWS**

Mr. McCoy opened the public hearing and asked for any comments or questions. Hearing none, he closed the public hearing.

Mr. Williams moved to approve the by-laws as presented. Mr. Baker seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

JOINT PUBLIC HEARING

Mr. Leon Law, Chairman of the Planning Commission opened the public hearing with the Board of Supervisors and called the Planning Commission to order. The following Planning Commission members were in attendance: Mr. Baker, Mr. Berckman, Mr. B. Browning, Mr. R. Browning, Mr. Johnson, Mr. Law, Mr. Pitzer, and Mr. Taylor.

REQUEST FOR CONDITIONAL USE PERMIT-BUCKLAND

Mr. Ross stated a request was received for the issuance of a Conditional Use Permit pursuant to section 802.04 of the Giles County Zoning Ordinance to allow for a log storage yard under section 611.03-8. He stated the specific use would be to allow for the storage of logs to be sold for lumber, there will be equipment used to load and unload logs stored at the location, and also a mobile office building in the future. The property is located on Federal St. in the Midway Community just North of 955 Federal St. and is also adjacent to 979 Federal St. Tax parcels associated with this request are: 13A-4-14, 13A-4-19, 13A-4-21, 13A-4-23, 13A-4-24A, 13A-4-25, 13A-4-26, 13A-4-149, 13A-4-150, 13A-4-150A, and 13A-4-150B as shown on the site plan submitted with the application. The property is owned by J.B. and Barbara Buckland and is located within the B-3 zoning district. Mr. Ross indicated that written comments were presented by Ms. Daphne Huffman and Marilyn Hollie and each of these were given to the Board of Supervisors and the Planning Commission members.

PUBLIC COMMENTS

Ms. Daphne Huffman - Ms. Huffman stated she owns a white two story home near the West Virginia border. She indicated that she and her husband feel the home contains a lot of history, and would like to have some assurance that Mr. Buckland will be a good neighbor which meets all of the environmental and safety regulations required by law. For example, Ms. Huffman would like to know if it has been confirmed that logging trucks can properly pull in and out of the area as well as make right hand turns without disrupting current traffic patterns. She asked if the new bridge has a weight limit and if log trucks would create additional wear and tear. Ms. Huffman stated this is in a floodplain area and wonders if floating logs would be hazardous. Ms. Huffman would like to ask that Mr. Buckland respect her property and consider some of her questions.

Mr. Greg Huffman – Mr. Huffman stated he would like to reiterate what Ms. Huffman spoke of, and address a few questions. A list of questions was presented to the Board and the Commission. Mr. Huffman also would like to know what type of equipment would be stored and how the logs would be stored. Mr. Huffman left the remainder of the questions with the Board.

Ms. Marilyn Hollie – Ms. Hollie presented the Board with several pictures of the area which is in view of her front porch. Ms. Hollie explained the house has sentimental value, and she has found it disturbing this week to find out that many people were not aware the house even existed. She is also concerned that people cannot determine what has happened to the old Peterstown Bridge. She indicated her family's concern is with regards to a very small right-a-way, and her family will have to share this with logging trucks. Ms. Hollie is also concerned with the amount of litter which may be created from a new business. She voiced concern that the county is not considering the historical value of this home by allowing a business.

Mr. Huffman stated he had contacted the EPA, and thus far they have received no information regarding this project. Mr. Williams indicated that VDOT normally handles this portion. Mr. Baker asked Mr. Buckland for the specifics of the easement, and Mr. Buckland stated he has always maintained the driveway and provided easements for all individuals. Mr. Williams asked Mr. Buckland if he was willing to provide some type of barrier between the business and the house, and Mr. Buckland stated this will not be in his plans; however, the home owners are welcome to plant any trees, etc. as barriers.

Mr. Huffman explained their property was originally zoned as residential, and is now zoned as a business area. Mr. Ross indicated this property has always been zoned as B-3. Mr. Ross

CONDITIONAL USE PERMIT – Cont'd

stated there was some rezoning performed in the area; however, this property was not part of that. Mr. Ross stated he will get the answers to Mr. Huffman's questions.

With no further comments, Mr. McCoy closed the public hearing and sent it back to the Planning Commission for recommendation. Mr. Law adjourned the Planning Commission.

EXECUTIVE SESSION

Mr. Morris motioned to go into executive session as permitted by Virginia Code 2.2-3711, A (1) Personnel. Mr. Baker seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

Mr. Morris motioned 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 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

COUNTY PURCHASING AGREEMENT CHANGE

Mr. Chidester recommended adding the following statement to the county purchasing policy: "Prior to making an award of a contract to a prospective bidder, the County will use its best efforts to determine that the bidder is not a suspended or debarred Contractor or otherwise prohibited from entering into a contract with a public agency. "

Mr. Baker motioned to approve the addition to the county purchasing policy as presented. Mr. Morris seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

DISPATCHER POSITION

Mr. Morris motioned to approve hiring of one full-time dispatcher with the stipulation no other dispatcher will be replaced within the next year without request made to the Board. Mr. Baker seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

WORK SESSION

Mr. McKlarney requested a time for the work session for the regular meeting on March 1st. Members agreed to have a work session following the regular meeting on March 1, 2017.

ADJOURN

With no further business Mr. Baker motioned to adjourn and Mr. Morris seconded the motion. The motion was approved 4-0 as follows:

Voting Yes: Mr. Baker, Mr. McCoy, Mr. Morris and Mr. Williams

Absent: Mr. Eaton

The next Board of Supervisors meeting will be held on Wednesday, March 1, 2017, at 3:00 PM. The meeting will be held at the Giles County Administration Office located at 315 North Main Street, Pearisburg with a work session to follow.

APPROVED:

Vice-Chair

ATTEST:

Clerk

February 16, 2017

RESOLUTION OF THE BOARD OF SUPERVISORS OF GILES COUNTY, VIRGINIA CONSENTING TO THE ISSUANCE OF A WATER AND SOLID WASTE REVENUE BOND BY THE GILES COUNTY PUBLIC SERVICE AUTHORITY AND PROVIDING FOR GILES COUNTY'S MORAL OBLIGATION TO MAKE CERTAIN APPROPRIATIONS WITH RESPECT TO THE BOND

The Giles County Public Service Authority (the "Authority") proposes to issue its not to exceed \$224,073 Water and Solid Waste Revenue Bond, Series 2017 (the "Bond") to the Virginia Resources Authority (the "VRA"), as Administrator of the Virginia Water Supply Revolving Fund (the "Fund") to finance improvements to the Authority's water system by providing an emergency power generator for the Authority's water treatment plant (the "Project").

The Authority has requested the Board of Supervisors of Giles County, Virginia (the "County") to facilitate the issuance and sale of the Bond by consenting to the issuance of the Bond and providing for the County's moral obligation to make certain appropriations to the Authority with respect to the Bond and the system of which the Project is a part.

As part of its plan for financing the Project, the Authority proposes to execute the following documents, drafts of which have been presented to the Board of Supervisors at this meeting:

- a. Financing Agreement (the "Financing Agreement") between the Authority and the VRA, as Administrator of the Fund; and
- b. Support Agreement (the "Support Agreement"), among the Authority, the Board of Supervisors of the County, and the VRA.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF GILES COUNTY, VIRGINIA:

1. The Authority's plan of financing for the Project, substantially on the terms set forth in the Financing Agreement and which involves the issuance of the Bond, is hereby approved. The Board of Supervisors consents to the issuance of the Bond.

2. The Board of Supervisors agrees, in accordance with the Support Agreement, to pay to the Authority amounts sufficient to pay the debt service under the Bond and any other indebtedness secured by or payable from the revenues of the System, including the Existing Parity Bonds set forth on Exhibit F to the Financing Agreement, the Operation and Maintenance Expense of the System, and additional payments for costs and expenses related to any amendment, waiver, consent, or collection or enforcement proceedings under the Financing Agreement, subject to annual appropriation by the Board of Supervisors, all on the terms and conditions to be provided in the Support Agreement. The County's obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Bond, or the

Support Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.


3. The Board of Supervisors acknowledges that (i) the obligations of the Authority to determine, and of the County to pay, the charges for the use of and for services to be furnished by the System (as defined in the Financing Agreement) are crucial to the security for the Bond, (ii) VRA would not purchase the Bond without the security and credit enhancement provided by the Support Agreement, (iii) VRA will be a third party beneficiary of the Support Agreement for so long as the Bond remains outstanding, and (iv) VRA is treating the Support Agreement as a "local obligation" within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended (the "Virginia Code"), which in the event of a nonpayment thereunder authorizes VRA to file an affidavit with the Governor that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. Section 62.1-216.1 of the Virginia Code provides that if the Governor is satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as possible, such nonpayment.

4. Any one of the Chairman or Vice-Chairman of the Board of Supervisors or the County Administrator is authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in the form substantially as presented to this meeting, with such changes, insertions and omissions as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of such changes, insertions or omissions. The County Administrator is hereby authorized and directed to take such actions and give such notices as may be required of him under the Support Agreement.

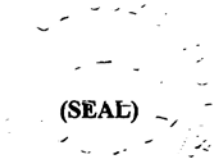
5. This resolution shall take effect immediately upon its adoption. Unless otherwise defined, each capitalized term used in this Resolution shall have the meaning given in the Financing Agreement.

The undersigned Clerk of the Board of Supervisors of Giles County, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted at a meeting of the Board of Supervisors held on February 16, 2017. I further certify that such a meeting was a regularly scheduled meeting, that, during the consideration of the foregoing resolution, a quorum was present, and that the minutes of such meeting show how each member voted on the foregoing resolution.

WITNESS my hand and the seal of the Board of Supervisors of Giles County, Virginia, this 16th day of February, 2017.



Clerk, Board of Supervisors
of Giles County, Virginia



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