

At the recess meeting of the Giles County Board of Supervisors held on Thursday, April 20, 2017, at 6:30 PM in the Giles County Circuit Courtroom located at 501 Wenonah Avenue, Pearisburg, the following members were present unless noted absent.

Gary Eaton	Chair (Western District) – Electronic Attendance
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

A quorum of the Board of Supervisors was physically assembled in the Circuit Courtroom. Mr. Eaton participated in the meeting electronically at his request due to a medical condition. His voice was able to be heard by all persons in attendance at the location of the meeting.

#### **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 April 5, 2017, minutes with a correction to the time of the April 20, 2017 meeting scheduled for 6:30 PM. Mr. Morris seconded the motion.***

***The motion was approved 5-0 as follows:***

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

#### **NEW BUSINESS**

##### **RICH CREEK BOUNDARY ADJUSTMENT REQUEST**

Mr. Richard Flora made a presentation to members regarding the request from Rich Creek for a boundary adjustment to include the area of Midway in town limits. He related copies of reports had been provided to members previously. Mr. Flora gave background of the request. He related the town had a study done in 2007 and started looking at options; in 2013, the town decided to move forward with the process. Mr. Flora informed members two public hearings were held in November and December of 2016, which resulted in many questions. He related the town had responded to the questions in writing and looked at the impact the adjustment would have on individuals. Mr. Flora stated there are pros and cons to the adjustment and related the advantages to individuals would include services such as lowered water and sewer rates, increased police patrols, added street lights, and access to the town’s facilities and programs. He stated the adjustment was needed for opportunity of future development and would allow for the town to focus on the development instead of the county. He discussed concerns expressed by the businesses in that area and related the town was willing to assist the businesses with programs such as matching incentive grants to help offset the increase in taxes to improve the property of the business. Mr. Flora related future sewer installations will be considered as any other area of the town if they are economically feasible and would make it possible for future expansion. He related he did

not expect to see any significant changes to the zoning in that area. He stated the Council would look at current zoning and conduct a study with the assistance of the New River Valley Regional Commission as well as meet the public hearing requirement. Mr. Flora discussed the difference between a boundary adjustment and an annexation and stated many items in relation to the adjustment are negotiable. He related the Town Council had adopted a resolution to request the Board form a committee to meet with the Town to discuss the adjustment in hopes of coming to an agreement.

Mr. Baker stated he had spoken with many people and had not heard from anyone that is in agreement with the boundary adjustment. He stated the following names against the adjustment for the record: Mr. Emory Meredith, Ms. Helen Cocus, Ms. Fleeman, Mr. Stan and Ms. Debbie Lucas, Mr. Jeff Scott, and Mr. James Robertson.

Mr. Eaton stated he did not feel like all the options had been explored. He related he had requested a firmer product to offer businesses but has seen nothing to offer in compensation. Mr. Eaton related the offers for businesses need to be in writing and the town needs to look at more alternatives and options.

Mr. Williams stated the town needs to look at other options and related no one he has talked to is in favor of the adjustment. Mr. McCoy related members would discuss the matter further in future meetings and let the town know their decision.

#### **PAYMENT OF WARRANTS**

***Mr. Baker motioned to approve warrants in the amount of \$883,989.08. Mr. Morris seconded the motion. The motion was approved 5-0 as follows:***

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

#### **SCHOOL BOARD APPROPRIATIONS**

***Mr. Baker motioned to approve \$2,242,036 for May 2017 School Board Appropriations and Mr. Morris seconded the motion. The motion was approved 5-0 as follows:***

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

#### **SOCIAL SERVICES APPROPRIATIONS**

***Mr. Morris motioned to approve \$375,000 for Social Services for May 2017. Mr. Baker seconded the motion. The motion was approved 5-0 as follows:***

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

#### **NEW BUSINESS**

##### **WEEK OF THE YOUNG CHILD**

Mr. McKlarney presented and read the proclamation for the Week of the Young Child, April 24-28, 2017 and recommended approval.

***Mr. Baker made a motion to approve the proclamation for the Week of the Young Child. Mr. Morris seconded the motion. The motion was approved 5-0 as follows:***

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

A copy of the proclamation is attached at the end of these minutes.

## **MENTAL HEALTH AWARENESS MONTH**

Mr. McKlarney related he had received a request from New River Valley Community Services for the Board to recognize the month of May as Mental Health Awareness Month.

***Mr. Baker made a motion to proclaim May as Mental Health Awareness Month. Mr. Morris seconded the motion. The motion was approved 5-0 as follows:  
Voting Yes: Mr. Baker, Mr. Eaton, Mr. McCoy, Mr. Morris and Mr. Williams***

A copy of the proclamation is attached at the end of these minutes.

## **ANNOUNCEMENTS**

Mr. McCoy announced there would be an Intergovernmental Meeting on April 24, 2017. He also announced a ribbon cutting and 20-year celebration of the New River Resource Authority on May 18, 2017.

## **JOINT PUBLIC HEARINGS**

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

## **REQUEST FOR CONDITIONAL USE PERMIT- SUPER-VALU GROCERY**

Mr. Law opened the public hearing. Mr. Ross stated he had received a request for the issuance of a Conditional Use Permit pursuant to sections 802.04 and 706.07(C) of the Giles County Zoning Ordinance to allow for the installation of signage in excess of that permitted by Table 2. The total current square footage of signage on the parcel is 419ft<sup>2</sup> and the total proposed after modification is 561ft<sup>2</sup> including a 105ft<sup>2</sup> freestanding sign that is proposed to be 27' tall, 39 ft<sup>2</sup> of canopy signage, and 36ft<sup>2</sup> of signage on fuel pumps. The property is identified as 109 Bluegrass Trail (Super-Valu Grocery), is located on tax parcel 61-1-B, and is located in the B-2 Zoning District. The property is owned by Jennifer Williams, Adrian Williams is acting as agent for Mazi LLC who is the tenant of the property. Mr. Ross indicated that Mr. Adrian Williams was available to answer any questions.

With no further comments, Mr. McCoy closed this portion of the public hearing.

## **REQUEST FOR MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT**

Mr. Ross stated a request was received for modification of an existing Conditional Use Permit pursuant to section 802.04 of the Giles County Zoning Ordinance to apply the existing "Commercial or Service Establishment" (Walker Valley Market, formerly Nature Way Country Store) use for to the entire 9.040 AC lot to allow for future expansion, the current planned expansion is a 4800ft<sup>2</sup> warehouse. The request is for property identified as tax parcel 74-18A, is addressed as 106 Nature Lane, Pearisburg, VA 24134, and is located in the A-1 Zoning District. The property is owned by Daniel and Katura Chupp LLC.

Mr. Ross indicated that Mr. Chupp would still continue to follow all other requirements with the exception of filing for the Conditional Use Permit. Mr. McCoy expressed concerns by indicating this could potentially allow all additional nine acres to be placed under roof if the current Conditional Use Permit is modified. Mr. Williams asked if this would increase traffic,

and Mr. Ross stated this is for a warehouse only at this time and he does not expect an increase of traffic.

With no further questions or comments, Mr. McCoy closed this portion of the public hearing.

### **PROPOSED TEXT AMENDMENT, GILES COUNTY ZONING ORDINANCE SECTION 706 SIGNS**

Mr. Ross explained the proposed text amendment to the Giles County Zoning Ordinance would be to repeal and replace section 706 “Signs” in its entirety and renumber the ordinance as required to facilitate this change. The purpose of this proposed amendment is to ensure that signage is not regulated based upon content. Mr. Ross explained there was a Supreme Court case which deemed signage could not be based on content, and indicated our current definition exempt political signage and broke down certain areas of signage which was based on content.

With no further comments, Mr. McCoy closed this portion of the public hearing.

### **PROPOSED TEXT AMENDMENT, GILES COUNTY ZONING ORDINANCE-SHOOTING RANGES**

Mr. Ross stated the proposed text amendment would be to the Giles County Zoning Ordinance and would replace two uses dealing with shooting ranges: 610.03-9 “Shooting Range or Gallery” and 611.03-10 “Commercial Target Shooting Range”, and would add the new use “Shooting Range” as a conditional use in the following zones: C-1, A-1, RRA-1, B-2, B-3, M-1, and I-1. The Zoning Ordinance will be renumbered as required to facilitate this change.

Mr. Ross indicated he received a request from someone wishing to build a structure on a piece of property to be used in part as a shooting range. He explained the property is located in an A1 zone which is private and not commercial. Mr. Ross stated he had reviewed this with Mr. Chidester, and he agrees this is a self-defining term that would give us flexibility to evaluate each request on a case by case basis by means of applying for a Conditional Use Permit.

With no further comments, Mr. McCoy closed this portion of the public hearing, and indicated all four subjects would be returned to the Planning Commission for further review and recommendations. Mr. Law adjourned the Planning Commission.

### **PUBLIC COMMENTS**

Mr. Aaron Perdue – Mr. Perdue expressed he is against the boundary extension at Rich Creek. He stated his taxes will go up and expressed concern on possible zoning changes relating to timbering, shooting, and livestock. He stated he had bought land out of town for those purposes.

Mr. James Meadows – Mr. Meadows stated he had lived in the Midway area for 52 years and saw no reason for it to change. He indicated the town would not be able to manage Midway. He requested the members consider not letting the town take Midway over. Mr. Meadows related the town can put things on paper and make it look good, but the Midway area wants to be left alone.

Ms. Debbie Morrison – Ms. Morrison presented a petition with 172 signatures against the boundary adjustment. She stated she had not met with one person that is for the adjustment. Ms. Morrison related more would be at the meeting but many have disabilities and had asked her to speak for them. She related many in the Midway area are at or below the poverty level and do not want the boundary adjustment. Ms. Morrison stated the town does not need to take Midway and dig a bigger hole. She related the adjustment would cause more hardships on the people when most already have a hard time paying their bills. Ms. Morrison requested the Board tell the town the people of Midway want no part of the boundary adjustment.

Mr. Lester Sears – Mr. Sears related there were many residents in attendance at the public hearing on December 6, 2017, and he can identify with his neighbors. He stated 35-40 percent of the residents are widows, widowers or disabled, which are on fixed incomes. Mr. Sears questioned why the Midway area would need the town now, when that area had a business such as McKenzie Lumber that started in 1939. He referenced the petition presented to the Board and the Midway residents in attendance, which he stated are all opposed to the boundary adjustment. Mr. Sears related the residents would fight tooth and nail and will continue to fight to the end. He advised members the residents do not want the adjustment now, in the past or in the future.

#### **EXECUTIVE SESSION**

***Mr. Morris motioned to go into executive session as permitted by Virginia Code 2.2-3711 A (7) Legal Counsel, (1) Personnel, and (7) Contracts. Mr. Baker seconded the motion. The motion was approved 5-0 as follows:***

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

***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 5-0 as follows:***

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

#### **SET PUBLIC HEARING**

***Mr. Morris motioned to set a public hearing during the recess meeting on May 18, 2017, for the consideration the adoption of an ordinance to refund excess funds from a delinquent tax sale for property owned by Mr. Monty Ritter. Mr. Baker seconded the motion. The motion was approved 5-0 as follows:***

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

**OLD STAGE SEWER EXTENSION PROJECT**

*Mr. Williams made a motion to approve the extension of sewer lines with the individuals to pay \$21,100 on Old Stage Road with the portion through the Hopper property to pay the standard fee for all future connections. Mr. Morris seconded the motion. The motion was approved 5-0 as follows:*

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

**CALLED MEETING**

*Mr. Baker made a motion to call a meeting to be held at the County Administration Offices on April 26, 2017 to begin at 3:30 PM. Mr. Morris seconded the motion. The motion was approved 5-0 as follows:*

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

**SUMMIT PLACE**

Mr. McKlarney presented information to members regarding Summit Place relating a company is interested in taking over operations of the assisted living facility. He stated the company expects the cost to run the facility for the first year would be \$250,000 above revenues and is willing to absorb half the cost. The company is requesting assistance with the other half of the cost. Mr. McKlarney conveyed information regarding the facility and the risks to operate the facility with the governmental restrictions, and related the company has several other facilities that would offset some of those risks. He related the company would own the facility after 20 years. Members discussed various options and agreed to move forward with negotiations with the Town of Rich Creek.

**ADJOURN**

With no further business, the meeting was adjourned. The next Board of Supervisors meeting will be held on Wednesday, April 26, 2017, at 3:30 PM. The meeting will be held at the Giles County Administration Office located at 315 North Main Street, Pearisburg.

**APPROVED:**

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**Vice-Chair**

**ATTEST:**

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**Clerk**

April 20, 2017

Jeffrey Morris  
Central District Supervisor

Larry "Jay" Williams  
Eastern District Supervisor

Gary Eaton  
Western District Supervisor

## County of Giles



Paul "Chappy" Baker  
At-Large Supervisor

Richard McCoy  
At-Large Supervisor

### Board of Supervisors

315 NORTH MAIN STREET  
PEARISBURG, VIRGINIA 24134

#### PROCLAMATION WEEK OF THE YOUNG CHILD™

**WHEREAS**, the Giles Early Education Project and local preschool classes and schools, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child™, April 24-28, 2017; and

**WHEREAS**, these organizations are working to improve early learning opportunities, which are crucial to the growth and development of young children and to build futures for everyone in Giles County; and

**WHEREAS**, all young children and their families across the country and in Virginia deserve access to high-quality early education and care; and

**WHEREAS**, in recognizing and supporting the people, programs, and policies that are committed to high-quality early childhood education as the right choice for kids;

**NOW THEREFORE**, the Giles County Board of Supervisors does hereby proclaim April 24-28, 2017, as the Week of the Young Child™ in Giles County, Virginia and encourages all citizens to work to make a good investment in early childhood in Giles County, Virginia.

#### Report of Vote:

	YEA	NAY	ABSTAIN	ABSENT
Paul W. Baker	<u>  X  </u>	_____	_____	_____
Gary Eaton	<u>  X  </u>	_____	_____	_____
Richard McCoy	<u>  X  </u>	_____	_____	_____
Jeffrey Morris	<u>  X  </u>	_____	_____	_____
Jay Williams	<u>  X  </u>	_____	_____	_____

  
ATTEST: Clerk of the Board

Telephone: (540) 921- 2525

Fax: (540) 921-1329

County of Giles

Jeffery Morris  
Central District Supervisor

Larry "Log" Williams  
Eastern District Supervisor

Gary Eaton  
Western District Supervisor

Paul "Chappy" Baker  
At-Large Supervisor

Richard McCoy  
At-Large Supervisor



Board of Supervisors

315 NORTH MAIN STREET  
PEARISBURG, VIRGINIA 24134

PROCLAMATION DECLARING MAY 2017 AS  
MENTAL HEALTH AWARENESS MONTH

**WHEREAS**, mental health is essential to everyone's overall health and well-being; and

**WHEREAS**, mental illnesses are real and prevalent in our nation and in our local communities; and

**WHEREAS**, half of us will have a mental health diagnosis at some point in our lives; and

**WHEREAS**, all Americans experience times of difficulty and stress in their lives and should feel comfortable in seeking help and support to manage these times; and

**WHEREAS**, engaging in prevention, early identification and early intervention are as important to our mental health as to other chronic conditions; and

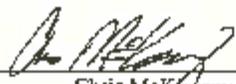
**WHEREAS**, there is a strong body of research that shows individuals with mental health issues, even those with serious mental illness, can make progress toward recovery and lead full, productive lives if they have access to effective treatment; and

**WHEREAS**, each business, school, government agency, healthcare provider, organization and citizen has a responsibility to promote mental health and well-being for all.

**NOW, THEREFORE**, the Giles County Board of Supervisors does hereby proclaim the month of May 2017, as Mental Health Awareness Month, and calls upon the citizens, government agencies, public and private institutions, businesses and schools of Giles County to recommit our community to increasing awareness and understanding of mental health, the steps we can all take to protect our own mental health, and the need for appropriate and accessible services for all people with mental illness.

Vote Reporting:

	For	Against	Abstain	Absent
Baker	X	_____	_____	_____
Eaton	X	_____	_____	_____
McCoy	X	_____	_____	_____
Morris	X	_____	_____	_____
Williams	X	_____	_____	_____

Attest:   
Chris McKernan, Clerk

Telephone: (540) 921-2525 Fax: (540) 921-1329