

At the recess meeting of the Giles County Board of Supervisors held on Thursday, January 17, 2019, at 6:30 PM, in the Giles County Administration Office, 315 North Main Street, Pearisburg, the following were present unless noted absent:

Jeff Morris	Chair (Central District)
Larry Jay Williams	Vice-Chair (Eastern District)
Paul "Chappy" Baker	At-Large Supervisor
John C. Lawson, Jr.	Western District
Richard McCoy	At-Large Supervisor
Chris McKlarney	County Administrator
Catherine Ballard	Finance Director
Richard Chidester	County Attorney
Anna Welch	Board Secretary

### **CALL TO ORDER/INVOCATION**

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

### **APPROVAL OF MINUTES**

***Mr. Williams motioned to approve the January 2, 2019, minutes as presented. Mr. McCoy seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, Mr. Morris, and Mr. Williams***

### **OLD BUSINESS**

### **AGRICULTURE COMMITTEE RECOMMENDATION – FENCE ORDINANCE**

Mr. Chidester reported the Agriculture Committee had met twice to discuss the county fencing ordinance, which was previously approved in 1977. He related there were two options either to fence in or to fence out and listed surrounding jurisdictions that had opted for fence in. Mr. Chidester related there are approximately 12,500 cows in Giles County and animal control had received more than 243 livestock calls in 2018. He related, after meeting, the Agriculture Committee indicated the livestock owners should be responsible for their livestock and any damages caused by their animals but was concerned about the strict liabilities and criminal charges that could be enacted from a fence in ordinance. Mr. Chidester related the committee recommended remaining with the fence out ordinance and also related the steps that would need to be taken in order to amend the ordinance.

Mr. Williams inquired if the county could require boundaries with fence out. Mr. Chidester indicated the state had specific language for each option and the county does not have the authority to make changes. He then went over possible resolutions for a property owner with a fence out ordinance to include civil action and the possibility of a nuisance action, which would have to be determined by the Commonwealth Attorney and a special grand jury. He stated members could also amend the ordinance to

become a fence in jurisdiction or could adopt an ordinance pertaining to livestock trespassing on a highway. Members discussed a fine imposed by Greene County.

Mr. Lawson stated the fence laws in Virginia are very counter intuitive and indicated he would like the county to try to find a way to represent both sides of the issue that would allow the county to address repeat offenders. He also indicated he would like to follow up with the Commonwealth Attorney before a decision is made. Members discussed a nuisance ordinance, neglect charges and various aspects of those considerations. Mr. McCoy indicated he was not ready to make a decision on the matter and expressed concern that someone would have to take a civil suit for property damage from livestock belonging to someone else.

**Ms. Dawn Brown** – Ms. Brown stated the horses she is having issues with are from two farms away and the nuisance action would not do her any good. She indicated the horses had been out on her land again starting on Christmas Eve and were let run until after the first of the year. Ms. Brown inquired what she should do and stated she should not have to live with the neighbors' livestock continually coming on her property. She requested the Board consider an ordinance to help keep irresponsible agriculture owners out of the mix.

## **JOINT PUBLIC HEARINGS**

Mr. Morris opened the public hearings.

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

## **PROPOSED AMENDMENT TO THE GILES COUNTY ZONING MAP TO CHANGE THE ZONING DISTRICT OF R-4 TO RRA-1**

Mr. Ross stated the purpose of this public hearing is for a proposed amendment to the Giles County Zoning Map to change the current zoning district of R-4 to RRA-1 on the following tax parcels: 41-4B1, 41-60, 41-4B2, 41-60A, 41-17A1, 41-17, 41-17A2, 41-17A, and 41-62. Mr. Ross demonstrated the area on the map. He indicated that R-4 was reviewed because several landowners had concerns regarding agriculture. He explained that the current use of R-4 does not allow for agriculture and surrounding parcels are already zoned RRA-1. He gave the Board of Supervisors and the Commission a copy of an email from Ms. Barbara Hobbs.

**Mr. Tom Miller** – Mr. Miller outlined the parcels which he owns. He explained that R-4 was in place when he purchased one of the parcels, and the other parcel was zoned RRA-1 at the time of purchase. Many years ago, Mr. Miller's property, which was zoned RRA-1, was rezoned to R-4. He stated he as well as other surrounding owners have agriculture which he feels would be grandfathered; however, he fears when the land is

given to his children, they may lose this privilege. He recapped how he formed Riverbend and had no issues at the time. He stated he has no plans of creating any mobile parks or businesses. Mr. Miller indicated he did not petition this change, but he is thankful it is being discussed.

With no further questions or comments, Mr. Morris closed the public hearing and stated this would be returned to the Planning Commission for recommendations.

### **PROPOSED AMENDMENT TO THE GILES COUNTY ZONING ORDINANCE TO ADD NEW USE**

Mr. Ross stated the purpose of this public hearing is to propose an amendment to the Giles County Zoning Ordinance to add a new use, "Electronic Data Storage or Processing Center", as a permitted use in the: B-2, B-3, M-1, and I-1 zones and a conditional use in the RRA-1 zone and renumber the applicable sections as required. With no further questions or comments, Mr. Morris closed the public hearing and stated it would be returned to the Commission for further recommendations.

### **PROPOSED TEXT AMENDMENTS TO RRA-1 ZONING DISTRICT**

Mr. Ross indicated this proposed text amendment to the RRA-1 zoning district recommends moving the following uses from permitted use to conditional use categories: 603.02-5 (Wildlife Areas, Hunting Clubs, or Game Refuges), 603.02-8 (Fish Hatcheries), 603.02-14 (Cottage Industry), 603.02-19 (Fairgrounds), and 603.02-21 (Golf Courses, Miniature Golf Courses, Driving Ranges). The section would be renumbered as required. With no further questions or comments, Mr. Morris closed the public hearing and stated it would be returned to the Commission for further recommendations.

### **PROPOSED TEXT AMENDMENTS TO ADD NEW USE "LIVESTOCK MARKET"**

Mr. Ross stated the purpose of this public hearing is to consider adding a text amendment to the Giles County Zoning Ordinance to add a new use "Livestock Market" as a conditional use in the RRA-1 Zoning Ordinance. With no further comments, Mr. Morris closed the public hearing and indicated this request would be returned to the Planning Commission for further recommendations.

### **PROPOSED AMENDMENT TO SECTION 701.01-5 OF THE GILES COUNTY ZONING ORDINANCE**

Mr. Ross proposed an amendment to the Giles County Zoning Ordinance to add a new section 701.01-5 that would allow modifications to setback requirements to accommodate proposed means of ingress/egress (ramps, lifts, etc.) in cases where there is a medical need and where the structure proposed is the minimum necessary. Mr. Ross explained that many times people need ramps for medical uses are denied

due to setbacks and are required to pay \$500.00 and apply for a conditional use permit. This amendment would allow the Zoning Administrator and the Building Official to make a decision based on the need. Mr. McCoy expressed his concern that Mr. Ross and Mr. Mills would be trying to make the decision themselves. He explained the issues could get out of hand. Mr. Morris closed the public hearing and indicated this would go back to the Commission for further recommendations.

#### **CONDITIONAL USE PERMIT – EGGLESTON SPRINGS CAMPGROUND**

Mr. Ross explained he received a request for the issuance of a Conditional Use Permit pursuant to Sections 802.04 and 603.03-3 of the Giles County Zoning Ordinance to allow for a recreational development, specifically to allow a commercial campground. The existing campground, Eggleston Springs Campground, is comprised of 66 existing sites. This request would add an additional five sites, convert an existing shed into a “camp store”, and also allow for occasional events to be held and the campground such as music, art classes, etc. The parcel of land is owned by Eggleston Springs Campground LLC, is identified specifically as tax parcel 58-132, and is located at 346 Cliffview Street near Eggleston. The property is in the RRA-1 (Rural Residential /Agriculture) Zoning District.

Mr. Baker asked Mr. David Ratcliff, agent for Eggleston Springs what the hours of operation are for the store and the music. Mr. Ratcliff stated this has not been set in concrete; however, he expects the store will be open on the weekends from 9:00 am until 9:00 pm with no ABC license. The activities will have different time settings. With no further questions or comments, Mr. Morris closed the public hearing and stated it would be returned to the Commission for further recommendations.

#### **CONDITIONAL USE PERMIT – DOE CREEK FARM, INC.**

Mr. Ross stated he received a request for the issuance of a Conditional Use Permit pursuant to Sections 802.04 and 603.03-1 of the Giles County Zoning Ordinance to allow for a Commercial or Service Establishment, specifically to allow a restaurant with ABC license. The parcels of land associated with this request are owned by Georgia Haverty and Doe Creek Farm Inc., are identified specifically as tax parcels 30-4 and 30-4A, and are located near 412 Doe Creek Farm Road near Pembroke. The property is in the RRA-1 (Rural Residential /Agriculture) Zoning District. Ms. Hollister, agent for Doe Creek Farms gave a presentation. She indicated if the ABC license is granted, they wish to renovate the barn into a restaurant referred to as “Bad Apple”. With no questions or comments, Mr. Morris closed the public hearing and stated it would be returned to the Commission for further recommendations.

Mr. Law adjourned the Commission.

## FENCE ORDINANCE (Cont'd)

***Mr. Williams made a motion to table the fence ordinance discussion. Mr. McCoy seconded the motion. The motion was approved 5-0 as follows:***

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

## NEW RIVER VALLEY COMMUNITY SERVICES

Mr. James Pritchett gave an update on New River Valley Community Services for the county and highlighted the type of clients served. He discussed the programs that have been developed and related NRVCS had served 1,212 people in Giles County. Mr. Pritchett reported a six percent increase in mental health services and an eight percent increase in substance abuse services.

Mr. Williams inquired about the total budget amount and the amount coming from Giles County. Mr. Pritchett stated NRVCS had a total budget of \$51 million with Giles county having paid \$416,000 in CSA funds, \$2.9 million from insured clients and \$84,000 from non-insured. He indicated NRVCS is required by code to ask for a ten percent match every year but has requested waivers from the state on the match for the past several years. Mr. Pritchett outlined some of the services provided and differences between them.

Mr. Williams stated there had been some issue with services in the past and inquired why it takes so long to respond. Mr. Pritchett indicated the agency has a goal of a two-hour response time and offered to send a report. He related there could be some instances where it might take a little longer depending on how many staff people are on duty. Mr. Pritchett explained they do their best in order to not tie up law enforcement, but it is a concern that is routinely discussed with law enforcement agencies as well. Mr. Williams inquired why patients are required to go to the hospital. Mr. Pritchett explained there was a rise in those sent to the hospitals due to the Rockbridge incident because of liability. Mr. Pritchett stated he has been working with the hospitals to develop programs to deter hospitalization and use the Fairlawn facility when appropriate and when space is available. He reported a new model developed for changes to be put before legislators and also the availability of two CIT centers for transports to be transferred by local law enforcement which has been a huge help. Mr. Pritchett stated they are working on making changes but there are still many struggles to address. Mr. McKlarney requested Mr. Pritchett let members know when legislators will be addressed so the Board can assist in that effort.

## PAYMENT OF WARRANTS

***Mr. McCoy motioned to approve warrants in the amount of \$1,660,940.57. Mr. Williams seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, Mr. Morris and Mr. Williams***

## SCHOOL BOARD APPROPRIATIONS

***Mr. Williams motioned to approve \$2,369,951.67 for February 2019 School Board Appropriations and Mr. McCoy seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, Mr. Morris and Mr. Williams***

## SOCIAL SERVICES APPROPRIATIONS

***Mr. Williams motioned to approve \$165,000 for Social Services for February 2019. Mr. Baker seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, Mr. Morris and Mr. Williams***

## EXECUTIVE SESSION

***Mr. McCoy motioned to go into executive session as permitted by Virginia Code 2.2-3711 A (1) Personnel, (7) Legal Counsel, and (30) Contracts. Mr. Baker seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, Mr. Morris and Mr. Williams***

***Mr. McCoy 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. Lawson, Mr. McCoy, Mr. Morris and Mr. Williams***

## SUPPLEMENTS

Ms. Catherine Ballard outlined a request fiscal year 2019 budget supplements. A copy of the supplements is attached at the end of these minutes.

***Mr. McCoy motioned to approve fiscal year 2019 budget supplements in the amount of \$492,040.02. Mr. Baker seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, Mr. Morris and Mr. Williams***

**ADJOURN**

With no further business, the meeting was adjourned. The next Board of Supervisors meeting will be held on Wednesday, February 6, 2019, at 3:00 PM. The meeting will be held at the Giles County Administration Office located at 315 North Main Street, Pearisburg.

**APPROVED:**

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**Chair****ATTEST:**

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**Clerk**

JANUARY 17, 2019 - FY19 BUDGET SUPPLEMENTS			
ACCOUNT CODE	AMOUNT	DESCRIPTION	OFF SETTING REV
100-12110-3151	\$10,000.00	Need approval to add supplement as Water Power Invoices are Paid	NO
100-12412-3163	\$70,000.00	PSA ADM FEES - has to be added to county budget	YES
100-22110-	\$2,208.80	VICTIM WITNESS GRANT	YES
100-31200-1600	\$16,746.08	BALL GAME SECURITY	YES
100-32400-5654	\$12,500.00	TWO FOR LIFE FUNDING	NO
100-33201-6000	\$373,596.96	AG LAB SUPPLIES FUNDING	YES
325-94000-8837	\$1,370.60	PENVIR BRIDGE PROJECT	NO
325-94000-8839	\$5,617.58	RT 100 PROJECT	PER MR. WIMS YES
325-94000-8841		OLD STAGE ROAD PROJECT	
<b>TOTAL SUPPLEMENTS 1-17-2019</b>	<b>\$492,040.02</b>		