

At the recess meeting of the Giles County Board of Supervisors held on Thursday, November 21, 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
Missy Bray	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. McCoy motioned to approve the November 6, 2019, minutes as presented. 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

RESOLUTION DECLARING GILES COUNTY A 2ND AMENDMENT SANCTUARY

Mr. Chidester read a Resolution Declaring Giles County, Virginia a Second Amendment Sanctuary for Board consideration. A copy of the Resolution is attached at the end of these minutes.

Mr. Baker motioned to approve the Resolution Declaring Giles County, Virginia a Second Amendment Sanctuary County as presented. Mr. Lawson seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, Mr. Morris, and Mr. Williams

A question was posed from the audience in regard to the resolution being largely symbolic due to the Dillon Rule. Mr. Chidester advised there is a code section which provides that localities cannot adopt ordinances that restricts rights of firearms owners, and the county in essence is making a political statement. He stated there is no law enforcement agency that works for the county, and the Sheriff is an independent Constitutional Officer as well as the Commonwealth's Attorney. Mr. Chidester indicated if these officers choose to enforce a law that is passed by the general assembly, it would be within their discretion. The county has no authority to tell them what to enforce, as they do not work for the county. Mr. Chidester advised the resolution would

have no effect if the Federal Government passes a law and sends out Federal Marshals to enforce it.

A citizen inquired if it would be more effective to declare all citizens of Giles County from the ages of 18 and 80 members of a county militia, superseding the state legislature and evoke the power of a Federal jurisdiction. Mr. Chidester stated the county does not have the authority to do that, and the citizen stated a Federal Judge could give the county real power instead of a symbolic one. Mr. McCoy related Richmond will know what it means if a lot of jurisdictions pass such a resolution, adding they have to be reelected too. He stated the resolution is symbolic now but later on it might really mean something. Mr. Baker indicated it was the best the county could do at the present time, but it is a move forward to protecting second amendment rights.

Mr. Chidester related no one should enforce an unconstitutional law, but the county does not get to say if it is unconstitutional, that is left up to the court. He advised that the Sheriff and Commonwealth's Attorney could decide not to enforce or prosecute on a law they deem unconstitutional, but if the state police are sent out to enforce a law, the county cannot regulate it. He stated he did not want people to get impression the county could keep the Federal or State Police out, but the passing of the resolution was a clear message that the county supports Second Amendment rights. Mr. Chidester related the hope is the resolution is a message that it is the will of the people, adding he had conversations with the Sheriff and does not think he would enforce an unconstitutional law. A citizen from the audience expressed appreciation for the Board's adoption of the resolution. Mr. Morris indicated Giles County is on the leading edge of the Second Amendment resolution movement in Virginia, and five to six counties a day are passing it. Mr. Morris and Mr. Lawson advised people to contact state representatives.

PUBLIC COMMENTS

Mr. Eric Gentry – Mr. Gentry expressed concerns regarding the PSA and the possibility of tire processing at the new lot. He related he lives in the area where it would be and the location is near businesses, houses and right off of Route 460. Mr. Gentry stated he understood the grinder at the Resource Authority is down and is not planning on buying a new one, and asked members to look back at the history of tire issues in the county. He asked that those past issues be taken into account as well as numbers in and out to ensure the county does not end up with tire yards. Mr. Gentry also asked that the people be bonded and and make sure they do not leave a mess. He advised the new processing should be eased into and stated the building would make a great animal shelter with a location that would provide great programs for the students in the county as well.

Mr. McCoy indicated the animal shelter was being looked at but it is a funding issue. He related the county would continue to look at it for accessibility purposes as well as the opportunity for the Vocational and schools to participate.

OLD BUSINESS

TERM SERVICES ENGINEERING RETAINER

Mr. McKlarney reported bids had been received for term engineering services, interviews conducted, and bids ranked. He indicated the bids ranked as follows:

1. Thompson & Litton
2. Hurt and Proffitt
3. Engineering Concepts

Mr. McKlarney requested authorization to proceed with negotiations with Thompson & Litton.

Mr. Williams made a motion to proceed with negotiation with Thompson & Litton for term engineering services. 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 BUSINESS

PEARISBURG CHRISTMAS PARADE

Mr. McKlarney presented a request for street closures during the Pearisburg Christmas Parade.

Mr. Baker made a motion to approve street closures as requested. 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

ANIMAL FRIENDLY FUNDS

Mr. McKlarney related notification regarding animal friendly funds had been received from the DMV for Fiscal Year 2019 in the amount of \$135.00 for a local spay/neuter program. He indicated the funds had been awarded to Giles Animal Rescue in the past.

Mr. McCoy made a motion to distribute the animal friendly funds in the amount of \$135.00 to Giles Animal Rescue. 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

PAYMENT OF WARRANTS

Mr. McCoy motioned to approve warrants in the amount of \$822,138.46. 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

SCHOOL BOARD APPROPRIATIONS

Mr. Baker motioned to approve \$2,892,172.67 for December 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 \$160,000.00 for December 2019 Social Services 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

APPOINTMENTS

Mr. Lawson made a motion to reappoint Mr. Lee Blaker to the Industrial Development Authority. 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

ANNOUNCEMENTS

Mr. Morris announced the reassessment notices should be going out in the mail the following day, and Mr. Williams announced Mr. Perry Martin, the newly elected Eastern District Supervisor, was in attendance. Mr. Williams related information from the VACo conference he recently attended. He indicated initiative awards were presented to Louisa County, Roanoke County and Culpepper County, and changes were coming to the Children's Services Act program. Mr. Williams stated the local CSA programs would no longer have to keep up with a local vendor list as it would be maintained at the state level. Mr. Baker related changes coming to the broadband initiative including service through the electrical lines. He also related the state budget is looking good. Mr. Williams stated a company was getting ready to build four plants in Tennessee to take used tires to turn them into fuel. Mr. Baker advised he would talk to the resource authority regarding the broken tire chipper and stated tipping fees would increase if a new one was purchased. Mr. Williams indicated there was only room to store 200 tires at the PSA but additional tires will be loaded into trailers to be hauled off. He related he is hopeful the new processing plant in Bristol will up and running within the next year.

PUBLIC HEARINGS

Mr. Morris opened the public hearings and Mr. Leon Law called the Planning Commission to order. The following members were in attendance: L. Law, C. Baker, G. Snider, S. Taylor, R. Browning, B. Johnson, T. Pitzer, and J. Berkman.

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE SECTION 607.02-2

Mr. John Ross presented a proposed text amendment to Section 607.02-2 of the Giles County Zoning Ordinance "Common Open Space in Planned Unit Developments", to change the minimum open space requirement from 50 percent of total area to 40 percent of total area, to amend the language to allow stormwater management facilities, underground utilities, and similar uses to be located in the minimum open space and to add language to mandate that 20 percent of the total area of land associated with the development be reserved as usable open space.

Mr. Morris asked for questions or comments. Hearing none he closed that portion of the public hearings and sent it back to the Planning Commission for recommendation.

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE TABLE 1

Mr. Ross presented a proposed text amendment to Table 1 of the Giles County Zoning Ordinance to: a) lessen the minimum lot size in R-1 and R-2 zones from .25 AC to .2 AC where both public water and sewer are provided, b) change the minimum lot size in R-3 zones from 5,000 square feet to .115 AC where both public water and sewer are provided, c) increase minimum lot size to 1 acre in R-1, R-2, and R-3 zones where public water and sewer are not provided, d) reduce the minimum side setbacks in the R-1, R-2, and R-3 zones from 15' to 10', and e) reduce the minimum frontage at setback in the R-1 and R-2 zones from 100' to 75'.

Mr. Morris asked for questions or comments. Hearing none he closed that portion of the public hearings and sent it back to the Planning Commission for recommendation.

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE ADD SECTION 613.04-5

Mr. Ross presented a proposed text amendment to add a new section, 613.04-5 - No more than one residential building which is occupied by the owners or employees of the industry to which it is accessory. Both buildings must be located on the same parcel to be considered accessory. Mr. Ross indicated he had received a phone call with questions but no objections.

Mr. Morris asked for questions or comments. Hearing none he closed the public hearings and sent it back to the Planning Commission for recommendation. Mr. Law adjourned the Planning Commission.

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 by roll call vote 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 by roll call vote as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, Mr. Morris and Mr. Williams

PLANNING COMMISSION RECOMMENDATIONS

TEXT AMENDMENT TO ZONING ORDINANCE SECTION 607.02-2

Mr. John Ross presented a recommendation from the Planning Commission to approve a text amendment to Section 607.02-2 of the Giles County Zoning Ordinance “Common Open Space in Planned Unit Developments”, to change the minimum open space requirement from 50 percent of total area to 40 percent of total area, to amend the language to allow stormwater management facilities, underground utilities, and similar uses to be located in the minimum open space and to add language to mandate that 20 percent of the total area of land associated with the development be reserved as usable open space.

Mr. McCoy made a motion to approve the amendment to Section 607-02-2 as recommended. 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

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE TABLE 1

Mr. Ross presented a recommendation from the Planning Commission to approve an amendment to Table 1 of the Giles County Zoning Ordinance to: a) lessen the minimum lot size in R-1 and R-2 zones from .25 AC to .2 AC where both public water and sewer are provided, b) change the minimum lot size in R-3 zones from 5,000 square feet to .115 AC where both public water and sewer are provided, c) increase minimum lot size to 1 acre in R-1, R-2, and R-3 zones where public water and sewer are not provided, d) reduce the minimum side setbacks in the R-1, R-2, and R-3 zones from 15’ to 10’, and e) reduce the minimum frontage at setback in the R-1 and R-2 zones from 100’ to 75’.

Mr. McCoy made a motion to approve the amendment to Table 1 as recommended. 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

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE ADD SECTION 613.04-5

Mr. Ross presented a recommendation from the Planning Commission to approve the addition to the Giles County Zoning Ordinance of Section, 613.04-5 - No more than one residential building which is occupied by the owners or employees of the industry to which it is accessory. Both buildings must be located on the same parcel to be considered accessory.

Mr. Lawson made a motion to approve the addition of Section 613.04-5 as recommended. 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

Mr. Ross indicated letters would be sent out in January regarding the issues in Newport.

ADJOURN

With no further business, the meeting was adjourned. The next Board of Supervisors meeting will be held on Wednesday, December 4, 2019, at 3:00 PM. The meeting will be held at the Giles County Administration Office located at 315 North Main Street, Pearisburg.

APPROVED:

Chair

ATTEST:

Clerk

County of Giles

Jeffrey Morris
Central District Supervisor

Larry "Jay" Williams
Eastern District Supervisor

John Lawson
Western District Supervisor



Paul "Chappy" Baker
At-Large Supervisor

Richard McCoy
At-Large Supervisor

Board of Supervisors

315 NORTH MAIN STREET
PEARISBURG, VIRGINIA 24134

RESOLUTION DECLARING GILES COUNTY, VIRGINIA A SECOND AMENDMENT SANCTUARY

WHEREAS, the Second Amendment of the United States Constitution reads "A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed."; and

WHEREAS, the United States Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008), affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and

WHEREAS, Article I, Section 13, of the Constitution of Virginia provides "that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed."; and

WHEREAS, Article I, section 1, of the Constitution of Virginia reads "That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into the state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety; and

WHEREAS, Article I, section 2 of the Constitution of Virginia reads "that all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them."; and

WHEREAS, certain legislation that has or may be introduced in the Virginia General Assembly, and certain legislation which has or may be introduced in the United States Congress could have the effect of infringing on the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia; and

Telephone: (540) 921-2525

Fax: (540) 921-1329

WHEREAS, the Giles County Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Giles County to keep and bear arms; and

WHEREAS, the Giles County Board of Supervisors wishes to express its deep commitment to the rights of all citizens of Giles County to keep and bear arms; and

WHEREAS, the Giles County Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of Giles County to keep and bear arms; and

WHEREAS, the Giles County Board of Supervisors wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Giles County to keep and bear arms, including through legal action, the power to appropriate public funds, the right to petition for redress of grievances, and the power to direct the law enforcement and employees of Giles County to not enforce any unconstitutional law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Giles County, Virginia:

That the Board of Supervisors hereby declares Giles County, Virginia, a "Second Amendment Sanctuary", and

That the Board of Supervisors hereby expresses its intent to uphold the Second Amendment rights of the citizens of Giles County, Virginia, and

That the Board of Supervisors hereby expresses its intent that public funds of the county not be used to restrict the Second Amendment rights of the citizens of Giles County, or to aid federal or state agencies in the restriction of said rights, and

That the Board of Supervisors hereby declares its intent to oppose any infringement on the right of law-abiding citizens to keep and bear arms using such legal means as may be expedient, including, without limitation, court action.

The undersigned clerk of the Board of Supervisors of the County of Giles, hereby certifies that the resolution set forth above was adopted during an open meeting on November 21, 2019, by the Board of Supervisors with the following votes:

	YES	NO	ABSTAIN	ABSENT
P. Baker	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
J. Lawson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
R. McCoy	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
J. Morris	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
J. Williams	<u> X </u>	<u> </u>	<u> </u>	<u> </u>



 Chris McKlarney, Clerk