

At the recess meeting of the Giles County Board of Supervisors held on Thursday, April 16, 2020, at 6:30 PM, in the Giles County Administration Office, 315 North Main Street, Pearisburg, the following were present unless noted absent:

Richard McCoy	Chair (At-Large Supervisor)
John C. Lawson, Jr.	Vice-Chair (Western District)
Jeff Morris	Central District
Perry Martin	Eastern District – Absent
Paul “Chappy” Baker	At-Large Supervisor
Chris McKlarney	County Administrator
Catherine Ballard	Finance Director - Absent
Richard Chidester	County Attorney
Missy Bray	Board Secretary

A quorum of the Board of Supervisors was physically assembled in the Board Room. Mr. Baker participated in the meeting electronically at his request, as approved, due to a pandemic self-quarantine. 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. Morris motioned to approve the April 1, 2020, minutes as presented. Mr. Lawson seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

CONSTITUTIONAL OFFICERS

Ms. Angie Higginbotham, Treasurer, expressed thanks for the help and reported the office is still working with the public through taking things at the door, mail or at the drop box. She advised the DMV was supposed to open on April 23rd, but she is waiting on the state commissioner for direction. Mr. McCoy thanked Ms. Higginbotham for continuing to work with the public. Mr. McKlarney stated every county office is open and serving the public as best they can.

OLD BUSINESS

COVID PROGRAMS UPDATE

Mr. McKlarney reported there had been over 13,000 senior check calls made to date with some heartwarming as well as heart wrenching stories. He advised \$64,170 in gift card purchases to local restaurants and lodging facilities, adding the Town of

Pearisburg had dedicated \$5,000 to the program and the Town of Rich Creek is planning to participate. Mr. Lawson inquired if the amount shown in the report was county match. Mr. McKlarney stated that amount is county match at this time. Ms. Higginbotham reported the Town of Narrows had sent in \$2,000 for the program.

REVENUE PROJECTIONS

Mr. McKlarney indicated sales tax reports from 2016 to current had been provided, and he anticipates the new numbers will be received in May. He advised he does not anticipate revenues will be down much in the county due to increased spending locally. Mr. McKlarney related VML forecasted a state cut of six to eight percent, and inquired about options for the budget public hearing. He indicated he would like to see it held outdoors and would not like to broadcast it live over Facebook as it would exclude many that do not have access. Mr. McKlarney stated the tax rate would need to be set in May in order for the tax tickets to be sent out. Mr. McKlarney suggested using the courthouse parking lot. Members discussed options and concurred with the suggestion.

VDOT FUND APPLICATIONS

Mr. McKlarney reported applications had been submitted for VDOT funds in relation to the Route 460 Intersection as well as the two-lane section on Route 100.

EGGLESTON BOAT LANDING

Mr. McKlarney stated staff would be starting on the Eggleston boat landing next week. He indicated the permits were expected to be received next week as well prior to the work starting.

PIPELINE

Mr. Baker inquired about the status of the pipeline. Mr. McKlarney indicated the pipeline is not doing anything at the moment. Mr. Chidester advised they are waiting on a Supreme Court ruling on the Atlantic Pipeline case and an opinion is expected by June.

REVENUE ANTICIPATION BOND RESOLUTION

Mr. Chidester stated members had approved staff to look at a revenue anticipation line of credit previously due to the uncertainty of upcoming revenues. He requested member approve a resolution authorizing the bond to be used as a line of credit up to \$5,000,000. Mr. Chidester reported he had looked at a tax-exempt bond at a rate of 3.96% and taxable bond at a rate of 4.62%. Due to the requirement of the tax-exempt bond to be drawn on in a specified timeframe, he recommended using the taxable bond. Mr. Chidester anticipates the closing to be held on May 1st with the funds to be available through April 30, 2021. Mr. McCoy stated the funds were to be used as a safety net in case it is needed. Mr. McKlarney stated it was a good idea to get the bond secured

before other localities, and the county might not need it but it will be in place as an insurance policy.

Mr. Baker motioned to approve the revenue anticipation bond resolution as presented. Mr. Morris seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

PAYMENT OF WARRANTS

Mr. Morris motioned to approve warrants in the amount of \$935,462.81. Mr. Lawson seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

SCHOOL BOARD APPROPRIATIONS

Mr. Lawson motioned to approve \$2,388,792.67 for May 2020 School Board Appropriations, and Mr. Morris seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

SOCIAL SERVICES APPROPRIATIONS

Mr. Morris motioned to approve \$155,000 for Social Services for May 2020. Mr. Lawson seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

APPOINTMENTS

Mr. Morris made a motion to reappoint Dr. Lee Wheeler to the Onward NRV Alliance as the IDA representative. Mr. Lawson seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

Mr. Morris made a motion to reappoint Mr. Chris McKlarney to the Onward NRV Alliance as the county representative. Mr. Lawson seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

Mr. Morris made a motion to reappoint Ms. Cora Gnegy to the Onward NRV Alliance as the county alternate. Mr. Lawson seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

COVID FUNDING

Mr. McKlarney reported staff is compiling information on COVID expenditures that are due to be sent to FEMA by Friday. He stated the amount is at approximately \$31,000 to date.

REHAB HOUSING

Mr. McCoy presented information on Oxford House, a drug rehab housing agency, which has approximately 2,000 houses throughout the United States. He advised there is some housing available in Radford, and the community service groups have access to some funding for drug court participants. Mr. McCoy stated he had tried to get this for some of the Giles participants; however, he had gotten a negative response from New River Valley Community Services. He requested staff remind NRVCS that they work for all the counties in this area, and stated housing can almost not be found for that group of people. Mr. McCoy asked to see what could be done and advised it seems like it would be a good partner.

Mr. Chidester stated the opioid litigation is still in negotiation, but reminded members part of the funds received has to be used for rehabilitation of those effected.

PUBLIC HEARING

EMERGENCY RESOLUTION/ELECTRONIC MEETING ORDINANCE

Mr. McCoy opened the public hearing. Mr. Chidester informed members the presented ordinance is essentially the same as the one adopted at the March 19th meeting, with the new one allowing for a fully electronic meeting. He advised the ordinance would cover any committee to which the county appoints members and would expire when the state of emergency is over. Mr. McCoy asked for any questions or comments. Hearing none, he closed the public hearing. A copy of the ordinance is attached at the end of these minutes.

Mr. Morris made a motion to approve the emergency resolution as presented. Mr. Baker seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

EXECUTIVE SESSION

Mr. Morris motioned to go into executive session as permitted by Virginia Code 2.2-3711 A (1) Personnel and (30) Contracts. Mr. Lawson seconded the motion. The motion was approved by rollcall vote 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

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. Lawson seconded the motion. The motion was approved by rollcall vote 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy, and Mr. Morris; Absent: Mr. Martin

ADJOURN

With no further business, the meeting was adjourned. The next Board of Supervisors meeting will be held on Wednesday, May 6, 2020, 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

AN ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a disaster as defined by Virginia Code Section 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive any state requirement or regulation as appropriate; and

WHEREAS, on March 19, 2020, the County's Director of Emergency Management issued a Declaration of Emergency, as amended, applicable throughout the entire County of Giles, Virginia, pursuant to Virginia Code Sections 44-146.21 and 15.2-1413; and

WHEREAS, the Giles County Board of Supervisors affirmed the existence of a disaster and declared a state of emergency throughout the entire County that remains active;

WHEREAS, Virginia Code Section 15.2-1413 provides that a locality may, by ordinance, provide a method at variance with general or special laws to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code Section 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency "proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work"; and

WHEREAS, Virginia Code Section 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of the Board of Supervisors may convene solely by electronic means "to address the emergency;" and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act are limited only by a properly claimed exemption provided under that Act or "any other statute;" and

WHEREAS, federal and state guidance from the executive branch has recommended suspension of public gatherings of more than ten attendees;

WHEREAS, the Giles County Board of Supervisors adopted an emergency ordinance on March 20, 2020 with the terms contained herein which have now been amended and expanded and a public hearing has this day been held after notice published in the Virginian Leader once a week for two successive weeks on April 8 and April 15, 2020,

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Giles County, Virginia, that agenda items scheduled or proposed to be considered for the duration of the local emergency declaration not to exceed six (6) months by the Board of Supervisors, Planning Commission or any other County board or commission shall be deemed continued for the duration of the local emergency declaration not to exceed six (6) months, if the Board of Supervisors, Planning Commission or other County board or commission does not take action on the agenda item during the referenced timeframe, including those agenda items for which state or local law requires an affirmative action to be taken within a statutorily-mandated time frame and the failure to act can be deemed an approval; and

IT IS FURTHER ORDAINED that notwithstanding the foregoing, the Board of Supervisors, Planning Commission: and any other County board or commission, including the Giles County School Board, Giles County Industrial Development Authority and Giles County Public Service Authority, Giles County Social Services Board and any other Board or Commission for which the County of Giles appoints members, may, at their election, conduct previously scheduled meetings or special meetings and act upon scheduled or purposed agenda items before them for the duration of the emergency declaration thereafter, under normal procedures or by solely electronic means in compliance with public notice, access, and other requirements of Virginia Code Section 2.2-3708.2(A)(3) to the extent practicable; and

IT IS FURTHER ORDAINED that in the event that a public hearing matter is deemed by the applicable governing body to present a critical government function essential to continuity of government for the duration of the emergency declaration, the public hearing may be conducted by an open public comment period called for during an electronic meeting, in which case, action by the governing body shall be continued to a subsequent meeting pending receipt of such comments. Public comments shall be received by written submittal (including but not limited to email and facsimile transmission) delivered to the

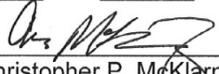
County Administrator or his designee during the period stated in the call for public comments which comment period shall be a minimum of six (6) calendar days.

IT IS FURTHER ORDAINED that Board of Supervisors reserves the right by subsequently enacted ordinance to rescind or amend this ordinance. This ordinance shall not amend the Giles County Electronic Meeting Policy previously adopted by resolution, but shall be deemed to be in addition and supplemental to such policy during the period of declared emergency.

This ordinance is supplemental to and amends the ordinance adopted on March 20, 2020.

ADOPTED by the Board of Supervisors of the County of Giles, Virginia, on this 16th day of April, 2020.

voting	voting for	against	abstain	absent
McCoy	<u>X</u>	_____	_____	_____
Morris	<u>X</u>	_____	_____	_____
Baker	<u>X</u>	_____	_____	_____
Lawson	<u>X</u>	_____	_____	_____
Martin	_____	_____	_____	<u>X</u>

Attest: 
 Christopher P. McKlarny, Clerk

Approved as to form: 
 County Attorney