

At the regular meeting of the Giles County Board of Supervisors held on Wednesday, May 6, 2020, at 3:00 PM in the Giles County Administration Office, located at 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
Paul "Chappy" Baker	At-Large Supervisor
Chris McKlarney	County Administrator
Catherine Ballard	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 made a motion to approve the minutes of the April 16, 2020, 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; Abstaining: Mr. Martin***

### PUBLIC COMMENTS

**Mr. Howard Nippert** – Mr. Nippert spoke to the members regarding the locked down of the state and county with Governor Northam's emergency order, noting an emergency order does not suspend the U.S. Constitution or the Constitution of the Commonwealth of Virginia. He indicated the order is being taken to the point of infringing upon constitutional rights, such as peaceful assembly, religious services, dining, shopping, and school functions. Mr. Nippert related how the room had been packed recently as the Board declared the county a Second Amendment Sanctuary. He asked members to consider declaring the county a Constitutional Sanctuary, adding this is not the last time someone will try to violate these guaranteed constitutional rights.

**Ms. Katie Wright** – Ms. Wright introduced Ms. Mandy Havens, a teacher at Macy McClaugherty Elementary/Middle School, and related Ms. Havens was the developer of a video provided to members. Ms. Wright advised the video does not scratch the surface of what is being done by the teachers. She gave an outline of different teaching tools being used to instruct the students and related how the teachers have to convert instructional materials to digital formats at times in order for the students to use them. Ms. Wright indicated teachers are giving out personal numbers and using their own

resources to get the job done, and she stressed the willingness of the teachers to work together. She asked members to consider all the information provided and join with the GEA in applauding the successes.

## **CONSTITUTIONAL OFFICERS**

Ms. Angie Higginbotham, Treasurer, expressed appreciation for the work being done by maintenance to get her office ready to reopen to the public and recapped the current options for serving customers. She indicated she would like to reopen her office when the DMV offices are slated to open and stated measures are being taken to separate the public from the staff and the public from each other while inside the office. Ms. Higginbotham reported many are in need of DMV services, but she is advising the ones needing renewals to stay home as those expirations have been extended.

Ms. Higginbotham inquired about setting the 2020 tax rates and requested members consider a resolution to allow for extensions. She advised the resolution would allow for extension, whereas fees are fixed in the ordinance, and it would revert to the ordinance after 30 days.

## **SCHOOL BOARD REPORT**

Dr. Arbogast updated members on school items and related the GEA video would be shown to School Board members at the next work session. Mr. McCoy inquired about preliminary budget numbers. Mr. McKlarney stated there will be a \$415,000 reduction from the state with additional reductions the following year, which does not include the sales tax numbers. Dr. Arbogast anticipates a 22 to 28 percent reduction this year and another 10 percent next year. He advised some allocated funding will be considered by the General Assembly once they come back in session. Mr. Martin inquired if the School Board had considered what leave would look like for staff when reopening happens. Dr. Arbogast stated staff will have FMLA through COVID-19 that allows for 14 days along with their normal leave and accumulated leave. He advised it would be difficult to determine without knowing what it is going to look like. Mr. McCoy inquired if reopening in June would give the schools enough time to get a more robust virtual learning system in place. Dr. Arbogast state there would be Chrome Books for sixth and seventh grades, and teachers have the ability to use Virtual VA, which can be used with the preloaded curriculum or the teachers can upload their own. He stated there might be some CARES Act funds that could be used to assist in virtual learning.

## **VDOT REPORT**

Mr. McKlarney related Mr. Clarke had emailed a report, which was provided to members. He asked that any questions or comments be passed on to him. Mr. Baker reported many potholes on Route 460 throughout the county in both east and west bound lanes. He also reported the lines on Stateline Road had not yet been painted, and requested something be done about the drainage issue previously reported at 125

Camp Meeting Road, which is coming from 122 Camp Meeting Road due to a blocked culvert. Mr. Lawson stated he would email his issues and requested an update on Skyview Lane. Mr. Bryan Reed advised he would reach out to see if he could get it moved up on the priority list. Mr. Martin requested Hiram Jones Road be worked, as it is not safe for two cars to pass with the large ditches. He also reported drainage issues on Cascade Drive near the Martin residence as well as drainage issues on Spring Drive in Clover Hollow. Mr. McCoy requested a drain be replaced on Albert Meredith Lane.

## **OLD BUSINESS**

### **COVID-19 UPDATE**

Mr. McKlarney reported the drive thru COVID testing held earlier in the day at Giles High School had been the largest to date for the taskforce. He advised Fralin Labs has opened testing up to the general public, and he was pleased with the leadership from the NRV Health District. Mr. McKlarney indicated PPE had been distributed to all departments in the county excluding Glen Lyn and expressed a special thanks to Celanese for providing PPE.

Mr. McKlarney related the school food program had served over 88,000 meals to date, and he is working with Registrar to get things prepared with early voting to begin next week. He estimated state school funding cuts at \$415,000, which does not include any reductions in sales tax, and he anticipates it will be September or October before the full impact is known. Mr. McKlarney related CARES Act funding for schools is proposed at \$385,000. He reported the Senior Check program had made more than 1,800 calls, which are done by county staff; and many other churches and civic organizations are also involved in the services. Mr. McKlarney announced over \$98,600 in gift cards had been purchased for the local restaurants and lodgings. He updated members on rising unemployment claims, noting the rate is currently at approximately 11 percent for the county.

Mr. McKlarney outlined items regarding a regional reopening resolution. He advised testing is in place, many hospital beds are empty, and he felt the county could not be any better prepared to reopen. Mr. McKlarney indicated he would revise the resolution as members liked, and related the Governor had stated recently he would not be looking at regional reopening. He advised COVID is going to be with us if we reopen today or two weeks from now, and we are going to have to live with it and use best practices. Mr. McKlarney asserted there is no guarantee what will happen, but he can guarantee what will happen if the economy shuts down. He advised there would be an increase in cases after reopening, and he expects there will be more from the testing done today. Mr. McKlarney assured members he did not want anyone to get sick, and the vulnerable should continue to be protected; however, we cannot leave the economy shut down. The resolution is attached at the end of these minutes.

***Mr. Baker made a motion to approve the Regional Reopening Resolution as presented and reopen the county as soon as possible. Mr. Lawson seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris***

Mr. McCoy stated he thought it would be favorable in the surrounding counties. Mr. Martin inquired what role the health department plays in an outbreak. Mr. McKlarney outlined the procedures followed by the health department with new cases to include an epidemiology contact, contact tracking, testing of those in contact with the positive case, and isolation and quarantine of those people. He advised an antibodies test is now available as well.

Mr. McKlarney stated one issue is how to get the public to have confidence to go back into businesses. He recommended putting together a reactionary team including a medical director and a certified cleaning team, and also recommended trying to get some funding for this concept. Mr. McKlarney suggested the county make application to GOVA or another funding agency to put together this team, and advised the medical director of the team would be a contact for businesses to call with questions or to request assistance from the team. He indicated the concept would help to relieve some of the liability on business owners. Mr. McKlarney stated the cost would be approximately \$250,000 to \$300,000 to operate for four months at one case per day and would spread among the other localities in the New River Valley. He related Montgomery County had took the lead on the mobile testing and was fiscal agent, and requested the Board allow for Giles to make application for funds and be the funding agent for a reactionary team.

***Mr. Baker motioned to approve making application for a reactionary team and Giles County being the fiscal agent. Mr. Morris seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris***

Mr. McKlarney suggested advertising for the tax rate public hearing at the May 21, 2020, recess meeting. He stated there are a lot of unknowns at the moment, but the tax rate needs to be set in order for the tax tickets to go out. Mr. McKlarney provided a summation of new assessments and provided details of how the assessments would affect taxes. He advised to get to a zero increase, the rate would need to be lowered by two cents, and indicated it is unknown at this time what the revenue needs are. Mr. McCoy stated he does not think he wants to have to tell people their taxes are going up and would like to decrease the rate by two cents. Members discussed options.

***Mr. Baker motioned to set the tax rate public hearing for May 21, 2020, at a two-cent decrease. Mr. Lawson seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris***

## NEW BUSINESS

### TOURISM PROCLAMATION

***Mr. Baker made a motion to proclaim May 3-9, 2020, National Travel and Tourism Week in Giles County. Mr. Lawson seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris***

### CONSTITUTIONAL SANCUTUARY

***Mr. Baker motioned to declare Giles County a constitutional sanctuary.***

**Discussion:** Mr. McCoy stated he would like to know more about it before voting. Mr. Nippert stated members could modify the one used for the Second Amendment Sanctuary declaration, and stated it seemed to him members were sworn to uphold the constitution when they came into office. He related it would send a message even if it is only ceremonial. Mr. Chidester stated it would not have a legal impact and would only be ceremonial. Mr. Lawson stated he had a hard time with voting for something without reading it, but he did not disagree with it at all. Mr. McCoy asked member if they could table the motion until Mr. Chidester could draw up a document for members to read. Members concurred.

***The motion was tabled for a later date.***

### PAYMENT OF WARRANTS

***Mr. Baker motioned to approve warrants in the amount of \$1,283,659.73, and Mr. Morris seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris***

### APPOINTMENTS

Mr. McCoy asked members to look at the appointment list and determine what appointments need to be made for their districts.

### ANNOUNCEMENTS

Mr. McKlarney announced \$40,000 had been received from SERCAP to fund the preliminary engineering report for the Clendennin water project.

## EXECUTIVE SESSION

***Mr. Morris 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 rollcall vote as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris***

***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 by rollcall vote as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris***

## PUBLIC HEARING FOR SALE OF PROPERTY

***Mr. Lawson made a motion to set a public hearing for the sale of property at the May 21, 2020 recess meeting. Mr. Morris seconded the motion. The motion was approved 5-0 by as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris***

## SUPPLEMENTS

Ms. Catherine Ballard presented FY20 budget supplements. She advised they were clean up items. A copy of the supplements is attached at the end of these minutes.

***Mr. Morris made a motion to approve FY 2020 budget supplements in the amount of \$324,512.75. Mr. Baker seconded the motion. The motion was approved 5-0 by as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris***

**ADJOURN**

With no further business, the meeting was adjourned. The next meeting will be held on Thursday, May 21, 2020, at 6:30 PM. The meeting will be held at the Giles County Administration Office located at 315 North Main Street, Pearisburg.

**APPROVED:**

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**Chair**

**ATTEST:**

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**Clerk**

At a regular meeting of the Board of Supervisors of the County of Giles, Virginia held at the Giles County Administration Building on the 6<sup>th</sup> day of May, 2020, beginning at 3:00 PM:

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<u>MEMBERS</u>	<u>VOTE:</u>
Richard K. McCoy, Chair	YES
John C. Lawson, Jr., Vice-Chair	YES
Jeffrey L. Morris	YES
Paul W. "Chappy" Baker	YES
Perry D. Martin	YES

On motion of Supervisor BAKER, which carried by a vote of 5-0, the following was adopted:

**A RESOLUTION URGING GOVERNOR NORTHAM TO REOPEN  
THE COMMONWEALTH REGIONALLY**

**WHEREAS**, on March 12, 2020, Governor 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 public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Giles County Board of Supervisors confirmed the declaration of local emergency made by the local director of emergency management on March 19, 2020, specifically finding that the COVID-19 Pandemic constitutes a "disaster" as defined in Virginia Code § 44-146.16, being a "communicable disease of public health threat"; and

**WHEREAS**, on March 23, 2020, the Governor issued Executive Order Fifty-Three (further amended on April 15th) ordered the closing of schools; limiting gatherings of 10 or more people; limited restaurants, dining establishments, and other similar food and drink establishments to close except for delivery and take-out services; closed all public access to recreational and entertainment businesses (including beauty salons, barbers, etc.); defined essential businesses; and defined non-essential businesses for closure unless for pick-up services; and

**WHEREAS**, on March 30, 2020, the Governor issued Executive Order Fifty-Five ordered all Virginians to remain in their place of residence through June 10<sup>th</sup> with few exceptions dependent upon social distancing of six feet; closed institutions of higher education; ceased overnight campgrounds of less than 14 nights, and closed public beaches; and

**WHEREAS**, on April 17, 2020, President Trump, upon the recommendations of the White House Coronavirus Task Force, unveiled the guidelines for Opening Up America Again with an encouragement for Governors to consider allowing businesses to reopen in phased stages with appropriate public health safeguards; and

**WHEREAS**, a primary reason for closing businesses and the stay at home order was to avoid a virus spike that could overwhelm the hospitals, health centers, and the public health system; however, the growth rate trajectory of the virus in terms of daily reported cases has decreased, therefore these orders have accomplished much of the original intent; and

**WHEREAS**, varying regions of the Commonwealth have been impacted by the COVID-19 virus in differing manners both from a public health and economic perspective; and

**WHEREAS**, Giles County is a member of the New River Health District (NRHD) consisting of the Counties of Giles, Montgomery, Floyd, Pulaski and the City of Radford; and

**WHEREAS**, the most recent population estimates indicate that the area comprising the New River Health District has 181,872 residents; and

**WHEREAS**, based upon data collected by the Virginia Department of Health through May 5, 2020, the New River Health District has 80 confirmed cases of Covid-19 infection, resulting in 12 hospitalizations and 1 death; and

**WHEREAS**, as of May 5, 2020 there are 458 hospital beds within the New River Health District located at Carilion Giles Community Hospital, Carilion New River Valley Medical Center, Lewis Gale Hospital Montgomery and Lewis Gale Hospital Pulaski; and

**WHEREAS**, the New River Health District has been operating a mobile drive-thru testing facility since March 31<sup>st</sup> and Fralin Biomedical Research Institute at VTC has been approved for and provides rapid testing capability for residents of the New River Health District; and

**WHEREAS**, the New River Health District has been operating a mobile drive-thru testing facility since March 31<sup>st</sup> and Fralin Biomedical Research Institute at VTC has been approved for and provides rapid testing capability for residents of the New River Health District; and

**WHEREAS**, the New River Health District is able to and has been performing contact tracing as needed; and

**WHEREAS**, localities within the NRHD are actively preparing businesses for re-opening by providing information on means by which businesses can safely open and reduce risks to customers and the public; and

**WHEREAS**, a uniform, one size fits all approach to closing “non-essential” businesses and retail should consider regional variances, especially the impact of closing businesses on rural areas who have significantly less COVID-19 cases per capita than metro areas; and

**WHEREAS**, since March 14<sup>th</sup>, localities within the New River Health District have seen 17,633 new unemployment claims, many of which are the direct result of Executive Orders that allow large retailers to remain open and profitable while small businesses who operate on minimal budgets are disproportionately forced to close and may not be able to ever reopen unless the current executive orders are modified; and

**WHEREAS**, after nearly two months of intense public education by the federal, state, and local governments as well as all media outlets; citizens and businesses alike have a much better understanding and appreciation about how best to demonstrate healthy and safe practices for conducting their business; and

**WHEREAS**, businesses should be allowed to open while being cognizant of and actively practicing public health guidelines in order to minimize the transmission of COVID-19 by using tools as social distancing, face masks, consistent sterilization of common touch points, and limiting the number of patrons per square foot; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Giles County Board of Supervisors recognizes the importance of the COVID-19 public health crisis and is concerned about not only the health of its' citizens, but also their economic well-being and their rights guaranteed under the Virginia and United States Constitution; and

**BE IT FURTHER RESOLVED**, that the Giles County Board of Supervisors urges the Governor to consider the aforementioned statistics and relevant facts in considering opening the Commonwealth regionally based on such information; and

**BE IT FURTHER RESOLVED**, that the Giles County Board of Supervisors strongly believe that allowing business owners to open under necessary health guidelines so customers can adjust accordingly is better than keeping the majority of small businesses closed altogether; and

**BE IT FURTHER RESOLVED**, that the Giles County Board of Supervisors strongly urges the Governor to rescind prohibitions immediately for Giles County, Virginia related to closing businesses cited in Executive Order #53 and #55 and allow these "non-essential" and retail businesses to open under specific COVID-19 health practices.

So, **RESOLVED**, this the 6<sup>th</sup> day of May, 2020.

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 May 6, 2020.

  
Chris McKlarney, Clerk

**BUDGET SUPPLEMENTS  
MAY 6, 2020 BOARD MEETING**

<b>CODE</b>	<b>AMOUNT</b>	<b>OFF SETTING REVENUE</b>
100-32400-5654	\$17,371.12	Revenue received last fiscal year
100-81700-5813	\$38,697.30	Yes, partial. Marketing and Leverage Grants
305-94030-0020	\$268,512.75	Loan proceeds - Deputy Cars

**TOTAL** \$324,581.17