At the regular meeting of the Giles County Board of Supervisors held on Wednesday, October 7, 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 motioned to approve the September 17, 2020, min utes as presented. 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

VDOT REPORT

Mr. David Clarke reported maintenance performed by VDOT staff. He related brush cutting on Bear Springs, Arch Eaton and Brickyard Road, as well as pipes and/or drainage work on Camp Meeting, Gravely Hill and Piney Mountain Road. He also related work done on a sink hole along Wolf Creek Road and provided information on the tanker fire on Route 460.

Mr. Baker reported water running down onto the Perkins property at Mutter Lane, and the water issue at the Albert property on Penvir Road still needs to be addressed. He requested that VDOT look at extending state maintenance on Avery Road and laying some type of surface treatment. Mr. Morris advised there are a lot of brush problems everywhere in the county and stated VDOT did a good job on the back roads. Mr. Lawson expressed thanks for the trees being cut on Route 460 at the future crossover. Mr. Martin stated the mowing on the back roads is very good and reported a damaged foot bridge with the sidewalk collapsed in Newport. He advised the route has a number of walkers and requested repair. Mr. Clarke related the bridge had been reported to the bridge office, but it is not in their inventory. However, the bridge is on a VDOT right of way; and he is looking for a way to rebuild it. Mr. Clarke advised there would need to be engineering approved and indicated it would be a lengthy process. He could not provide an estimated timeline. Mr. Martin inquired about a reopening date for Winding

Way Drive. Mr. Clarke reported the slope has stabilized, and it is easier to keep the road closed to all traffic than trying to keep trucks off of it. He advised he has a weekly call on the issue, and a Geotech firm came in to do an extensive study, adding the timeframe is uncertain. Mr. Martin requested dust control on Orchard Hill Drive and reiterated his request for safety funds to do some work on Hiram Jones Road. Mr. McKlarney expressed thanks to VDOT for cutting the trees for the future crossover and their help with the tanker fire on Route 460.

Mr. Bryan Reed reported the VDOT office is getting push from the Central Office for abandonment versus discontinuance. He requested to draft a letter for the Board's support of discontinuance as opposed to abandonment. Members concurred.

Mr. Reed presented a resolution in support of submitting smart scale applications for use on the two-lane section of Route 100 for $460,000 and the intersection of Route 460 and Cascade Drive for $4.8 million. He advised the applications are being reviewed currently by the Central Office. A copy of the resolution is attached at the end of these minutes.

Mr. Baker made a motion to approve the resolution as presented. 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

SCHOOL BOARD REPORT

Dr. Arbogast updated the board on current enrollments. He stated there are currently 2,241 students, which is a decrease of 3 from last month and a decrease of 72 from the same time last year. He reported there are 672 attending school as full-time virtual students. Dr. Arbogast advised there would be a School Board work session the following day, and they would be working on getting information on increasing numbers of students in attendance. He indicated the Board would be discussing grade levels and increasing the days of in school attendance.

Mr. Martin related he had heard concerns from teachers, who stated they would consider leaving if students were brought back into the schools four days per week. Dr. Arbogast related the School Board had conducted a survey of the teachers, staff and parents. Mr. McCoy indicated there are a number of schools in the surrounding areas that have reentered the schools, and he hopes the need of the students will weigh into the decision.

Mr. Lawson inquired about the status of the hotspots. Dr. Arbogast advised staff continues to work on getting them out to students and is also working on Verizon alternatives for those not able to connect with T-Mobile.

PUBLIC COMMENTS

Mr. Robert Mullins - Mr. Mullins spoke of the change in zoning in the Midway area for Mr. Smith; adding that except for a few spots right on Route 219, the subdivision is zoned as RRA-1. He indicated Mr. Smith had purchased a partial lot and started using it to put miscellaneous materials on and since had to clean it up and requested a conditional use permit. Mr. Mullins stated the approval of the permit would set a precedent and urged members to vote against the change.

Ms. Connie Turner – Ms. Turner read a letter from Mr. John Stafford, which was also sent to Mr. Lawson stating his opposition to the conditional use permit. Mr. Stafford related in his letter how hard the community had worked for residential zoning status, and he wondered why zoning is bothered with if it can just be disregarded.

Mr. Randy Morrison - Mr. Morrison disputed Ms. Smith's comment from the public hearing that they had purchased the land from Mr. Larry Mitchell, and felt that Mr. Ronnie Mitchell had been taken advantage of. Mr. Morrison indicated the lot would be 10 feet from Mr. Stafford's house, and is not going to get better. He related Mr. Stafford's property assessment value had been dropped due to the lot, and it has gotten way out of hand. Mr. Morrison stated the people there do not want the lot used for storage, and only want residential.

OLD BUSINESS

PLANNING COMMISSION RECOMMENDATION

Mr. John Ross presented a recommendation from the Planning Commission, after consideration of Section 802.04-5, for the approval of the issuance of a Conditional Use Permit pursuant to Sections 802.04 and 603.03-18 of the Giles County Zoning Ordinance to allow for a "Contractor Storage Yard" for a contracting business. The parcel of land associated with this request is owned by Kenneth or Natasha Smith, is identified specifically as tax parcel 13A-2-43, and is located between 130 and 140 Pinehurst Avenue, Narrows, Virginia in the Midway Community. The property is in the RRA-1 (Rural Residential and Agriculture) Zoning District. Conditions placed upon this recommendation are as follows:

1) Only one completely enclosed structure is permitted. This structure must meet all applicable setbacks for a principle/main structure (35' front, 15' side, 25' rear, 35' maximum height).
2) A fenced storage area, not to exceed 30' by 40', is permitted. The fence shall be a minimum of 6' in height and shall provide adequate screening to obstruct public view of equipment and materials stored inside this area.
3) Storage of equipment and materials is only permitted inside the fenced area or the enclosed structure. No equipment or materials may be stored in public view.

Mr. Ross provided a copy of an email from Mr. Pennington and noted comments made therein. Mr. Ross and members reviewed the evaluation criteria for conditional uses in Section 802.04-5, A through E. Regarding 802.04-5 (E), he noted Policy 1.8 of the Giles County Comprehensive Plan, which protects established residential neighborhoods from intrusion of incompatible uses. Mr. Ross also reviewed Strategy 1.8.1, which establishes requirements for buffers and/or screening to provide for the separation of uses and minimize adverse impacts as a means of achieving the goal stated in Policy 1.8.

Mr. Baker made a motion to approve the conditional use permit with conditions set forth as recommended by the Planning Commission. Mr. Morris seconded the motion.

Discussion: Mr. McCoy inquired if members would be willing to set a one-year review period for the property to ensure guidance is being followed. Mr. Baker inquired if a condition could be set to in order to make sure the backhoe bucket cannot be seen. A member of the audience stated the backhoe would be over six feet in height if it is loaded on a trailer. Mr. Baker expressed he would like to stay with the Planning Commission's recommendation with a review period added.

Mr. Baker made a motion to revise his prior motion to approve the conditional use permit with conditions set forth as recommended by the Planning Commission with an addition of a one-year review period to ensure guidelines are being followed. Mr. Morris seconded the motion. The motion was approved 3-2 as follows: Voting Yes: Mr. Baker, Mr. McCoy and Mr. Morris; Voting No: Mr. Lawson and Mr. Martin

NEW BUSINESS

TRANSIENT OCCUPANCY TAX

Mr. Chidester related issues with short-term rentals within the county, noting there are some that are not paying the required transient occupancy tax. He named various online sites where people can rent such as Airbnb and VRBO and advised there is not a good way to track rentals. Mr. Chidester stated the county is losing money on the rentals and provided information on two options of tracking the rentals, with one being Host Compliance and the other being Airbnb. He recommended a letter be sent to the state legislature to recommend such online rental sites be required to collect and submit local transient occupancy tax as well. Mr. Chidester related Host Compliance would do a free evaluation, which might give the county an idea of the number of short-term rentals, but there was still a question of cost effectiveness. Members discussed the current ordinance as well as options and issues. Members tabled the discussion and requested additional information on the matter.

BUSINESS RESILIENCY GRANT POLICIES

Mr. McKlarney advised there are two policies required for the business resiliency grant through DHCD. The first policy was for a business and employment plan and the second was for non-discrimination. He outlined both policies and recommended approval. A copy of the policies are attached at the end of these minutes.

Mr. Lawson made a motion to approve business and employment plan policy for the business resiliency grant as presented. Mr. Martin 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. Martin made a motion to approve non-discrimination policy for the business resiliency grant as presented. 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

FLAP GRANT

Mr. McKlarney provided information regarding a Federal Lands Access Program grant (FLAP) to be utilized for potential hiking trail expansion. He outlined the proposed budget and emphasized the project would take a significant amount of time if approved. Mr. McKlarney related information on planning, design and environmental requirements and requested authorization to apply for $1,515,000 in grant funding. He indicated the application would be due by October 15, 2020, and there should be enough funding from other funding sources to use for match. He expects a February 2021 review date.

Mr. Baker made a motion to approve application for Federal Lands Access Program funds in the amount of $1,515,000. 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

VJCCCA FUNDS

Mr. McKlarney presented a request from the Virginia Department of Juvenile Justice to allow for the return of unspent Fiscal Year 2020 VJCCCA funds in the amount of $8,908.00.

Mr. Baker made a motion to approve the return of $8,908.00 to VJCCCA as requested. Mr. Morris seconded the motion.

Discussion: Mr. McCoy related he could not believe there was not a need for this funding in the county. Mr. Chidester advised many of the state agencies have not been doing much due to COVID office closures.

The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris

PEMBROKE CHRISTMAS PARADE STREET CLOSURE

Mr. McKlarney presented a request from the Town of Pembroke for street closures during the annual Christmas Parade.

Mr. Baker motioned to approve street closures in Pembroke on December 5, 2020, in order to hold the annual Christmas Parade. Mr. Martin seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris

OCTOBER RECESS MEETING

Mr. Morris made a motion to move the October recess meeting to October 22, 2020. Mr. Baker seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris

ANNOUNCEMENTS

Mr. McKlarney announced VDOT staff has cut the tress for the Route 460 crossover and a preconstruction meeting will be held soon in order to start the process. He also announced the Public Works employees are working on pouring concrete for the foundation of the tower in the White Gate area.

PAYMENT OF WARRANTS

Mr. Baker motioned to approve warrants in the amount of $1,064,525.72, 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. Morris made a motion to reappoint Dr. Lee Wheeler and Mr. Bob Shelor to the Giles County Industrial Development Authority. Mr. Baker seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris

BROADBAND EXPANSION

Mr. John Ross reported an extension had been received from DHCD on the broadband expansion grant through June 30, 2021. He advised there had been progress made along the Route 100 corridor, and issues going out of Pearisburg are currently being worked on. Mr. Ross indicated an agreement is in the process for the site on Wolf Creek. Members discussed the cost of labor and supplies for the work being done by

the county. Mr. McCoy advised the county needs to make sure it is compensated from the grant for the cost of materials and labor on that project.

ADJOURN

With no further business, the meeting was adjourned. The next meeting will be held on Thursday, October 22, 2020, at 6:30 PM. The meeting will be held at the Giles County Administration Office located at 315 North Main Street, Pearisburg.

APPROVED:

_____
Chair

ATTEST:

_____
Clerk

Jeffrey Morris
Central District Supervisor

Perry Martin
Eastern District Supervisor

John Lawson
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

RESOLUTION

OF THE BOARD OF SUPERVISORS OF GILES COUNTY, VIRGINIA AUTHORIZING THE SUBMITTAL OF CERTAIN TRANSPORTATION PROJECTS FOR VIRGINIA SMART SCALE FUNDING PROCESS

WHEREAS, Pursuant to the Smart Scale Funding Process, the Virginia General Assembly has created a means of funding proposed transportation projects across the Commonwealth that is based on scoring criteria that emphasizes safety, accessibility, environmental quality, and economic development (hereinafter referred to as "Smart Scale Process"); and

WHEREAS, Giles County desires to submit local transportation projects for potential funding under the Smart Scale Process; and

WHEREAS, the Giles County Board of Supervisors supports the submittal of the following transportation projects for potential funding under the Smart Scale Process:

1. Safety Improvements to Route 100 Pulaski Giles Turnpike
2. Intersection improvements to U.S. Route 460 and Route 623 Cascade Drive

NOW, THEREFORE, BE IT RESOLVED by the Giles County Board of Supervisors hereby approves the submittal of the above mentioned transportation projects for funding under the Smart Scale Process;

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Giles County, Virginia hereby authorizes the Giles County VDOT Project Administrator to file the above applications through the Smart Scale Process online portal on or before the application deadline.

Richard McCoy, Chairman

10-7-20
Date

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

Non-Discrimination Policy
New River Valley Small Business Resiliency Project
Community Development Block Grant 2020

The Giles County Board of Supervisors or any employee thereof will not discriminate in employment, housing or accommodations because of race, color, religion, national origin, sex or gender, age, familial status, source of income, veteran status, disability, sexual orientation or gender identity. Administrative and personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

Duly adopted at the regular meeting of the Giles County Board of Supervisors on 10/7, 20 20.

Signature of Authorized Official

Section 3 Business and Employment Plan
New River Valley Small Business Resiliency Project
Community Development Block Grant 2020

1. The Giles County Board of Supervisors designates as its Section 3 Business and Employment Project Area, the County of Giles.

2. The Giles County Board of Supervisors its contractors and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds, utilize businesses and lower income residents of the County in carrying out all activities, to the greatest extent feasible.

3. In awarding contracts for construction, non-construction, materials, and supplies the Giles County Board of Supervisors, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the County:

   (a) The Giles County Board of Supervisors identify the contracts required to conduct the CDBG activities.

   (b) The Giles County Board of Supervisors shall identify through various and appropriate sources including:
   Virginian Leader newspaper with 4,800 subscribers
   the business concerns within the County which are likely to provide, materials, and services which will be utilized in the activities funded through the CDBG.

4. In order to document compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1974, as amended, Giles County Board of Supervisors shall keep, and obtain from its contractors and subcontractors, Registers of Contractors, Subcontractors and Suppliers and Registers of Assigned Employees for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

Duly adopted at the regular meeting of the Giles County Board of Supervisors 10/7/20 on , 20 20 .

Signature of Authorized Official