

At the recess meeting of the Giles County Board of Supervisors held on Thursday, October 22, 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
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 October 7, 2020, minutes 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

OLD BUSINESS

RICH CREEK CROSSOVER

Mr. McKlarney reported the work has started on the Rich Creek crossover on Route 460. He indicated all unsuitable material had been removed and bed grating had begun.

FLAP GRANT

Mr. McKlarney advised an application had been submitted for a FLAP grant in the amount of \$900,000. He outlined aspects of the proposed project to include trail expansion, a parking lot, and a trail center. Mr. McKlarney related he had a conversation with the Appalachian Trail Conservancy, and the agency might participate with funding on the project.

CARES ACT FUNDING

Mr. McKlarney presented a draft CARES Act funding budget and outlined specific line items and expenditures. He indicated figures for reimbursement to the county, which would leave some funding for other potential uses such as non-profit organization

grants, fire and ems grants, and a mobile library. Mr. McKlarney indicated the grants would need to be tied back into losses due to COVID, and requested any thoughts or ideas members had for the remaining funds. Mr. Martin inquired if the registrar's office was set for the election. Mr. McKlarney related he had several conversations with Ms. Altizer, and the county has been providing as much support as possible. He related as many as 17 to 18 percent of voters had voted early and advised all the expenditures for the registrar had come out of her funding. Mr. Martin inquired about the timeframe in which the losses would be considered for the non-profit grants. Mr. McKlarney stated the losses would need to be shown from March to December of 2020.

MVP WATER REQUEST

Mr. McKlarney reported he had received a formal request from Mountain Valley Pipeline for the county to consider selling the company 1.6 million gallons of water. He related staff had run a couple of tests to make sure the drawdown would not press the system, and the cost would be \$5.50 per gallon, which would be an approximate total of \$35,750. Mr. McKlarney indicated the PSA had spoken with MVP about helping with the development of a potential water source for the eastern end of the county, noting two used membrane filtration units, and related that MVP basically wants to know if the county will sell them water if they help with the system. He advised the county would only be selling metered water to MVP, and not paying for any other equipment to get the water to MVP.

Mr. Baker made a motion to approve selling water to MVP at a rate of \$5.50 per 1,000 gallons. Mr. Morris seconded the motion.

Discussion: Mr. Lawson inquired if there would be any requirement for MVP to follow through and purchase the water filtration plants contingent upon the county selling the water. Mr. McKlarney related it could be the purchase of the plants would occur prior to the county selling the water. Mr. McCoy indicated MVP considers the purchase of the plants a grant, and he feels confident about it. He stated it would look poorly on MVP for them to back out after approving the grant. Mr. McKlarney related Mr. Martin had a concern about the location. Mr. Martin inquired if the amount was a special rate. Mr. McKlarney stated it is the standard rate for anyone, and MVP would grant the funds to purchase the plants, not make the actual purchase. He advised the PSA has struggled for a number of years to develop a water source in the eastern end of the county, and this would give them the opportunity for some alternative. Mr. Martin stated he would like to see the intentions of MVP sent in writing. Mr. McKlarney reiterated the grant, if awarded, would take place long before the purchase of the water.

The motion was approved 4-1 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. McCoy and Mr. Morris; Voting No: Mr. Martin

NEW BUSINESS

VIRGINIA OUTDOORS GRANT

Mr. Martin related information regarding a grant opportunity from Virginia Outdoors for localities impacted by the pipeline. He indicated the agency is interested in possible funding for the Newport area, and he would like to submit an application for a community park, playground, walking trails and forest center building all of which would have to be designed in a forest theme. Mr. Martin requested to develop and submit two grant proposals for a cap of \$200,000. He advised there was not yet a budget, but narratives and letters of support have been done, and he stated there would be no match for the grant. Mr. McCoy inquired where the money is coming from. Mr. McKlarney advised the funds come from the Forest Core, which was set up by Mountain Valley Pipeline and from Virginia Outdoors. Mr. McCoy stated he had no problem with it, and members concurred. Mr. McKlarney stated the county would be the steward of the grants if awarded.

Mr. Baker made a motion to approve grant applications in the amount of \$200,000 for a Newport community park as well as a resolution of support. 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

PAYMENT OF WARRANTS

Mr. Baker motioned to approve a set of warrants in the amount of \$841,411.17. 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 APPROPRIATIONS

Mr. McKlarney reported he had received information from the School Board this week, and the books were closed out. He advised the School Board has requested carryover from FY 20 in the amount of \$1,041,518.41 and from FY19 in the amount of \$279,962.90. Mr. McKlarney related the School Board would start providing a monthly budget to give members a better feel for what is going on.

Mr. Morris made a motion to approve \$2,395,142 for School Board appropriations for November 2020. 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

SOCIAL SERVICES APPROPRIATIONS

Mr. Morris motioned to approve \$152,000 for Social Services for November 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

SUPPLEMENTS

Mr. Morris motioned to approve FY 2021 supplements in the amount of \$520,000. 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

Mr. Lawson thanked members for their support of the splash pad project. A copy of the supplements is attached at the end of these minutes.

APPOINTMENTS

Mr. Baker motioned to reappoint Mr. Jay Smith to the Community Policy and Management Team. 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. Martin motioned to reappoint Mr. Jim Berckman to the Planning Commission. 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

SCHOOL BOARD CARRYOVER

Mr. Morris made a motion to approve school carryover for FY 20 in the amount of \$1,041,518.41 and FY19 in the amount of \$279,962.19. 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

ANNOUNCEMENTS

Mr. McCoy announced he was not meeting with doctors about COVID, and the email sent out with his name was bogus.

PUBLIC HEARINGS

Mr. McCoy opened the public hearings, and Mr. Berckman called the Planning Commission to order. The follow Planning Commission members were present: J. Berckman, L. Law, P. Baker, R. Browning, B, Johnson, and G. Snider, who participated electronically.

CONDITIONAL USE REQUEST – REZONE PROPERTY FROM R-1 TO RRA1 (TIMOTHY AND CAROLYN BELL)

Mr. Ross indicated he received a request to rezone tax parcels 46-11A and 46-14 from the R-1 (Residential Limited) zoning district to the RRA-1 (Rural Residential and Agriculture) zoning district. These parcels are located at or near 473 Bluegrass Trail in

Newport, Virginia, and are owned by Timothy and Carolyn Bell. Mr. Ross stated these parcels are currently part of the rezoning for Newport that has been in discussion.

Mr. Ross stated he received a letter from Ms. Virginia McWhorter and discussed each item with the Board of Supervisors and the Commission. He indicated the first point of interest from Ms. McWhorter was section 604.01, "intent" of R-1 which does not include agriculture. Mr. Ross indicated this was correct. Section 603.01 the "intent" of RRA-1 states the specific purpose of facilitating existing agriculture operation and this property has had no agriculture operations for at least 40 years. She stated it has been bush-hogged each year. Mr. Ross indicated that he had no information that indicated agriculture had taken place on the property for a number of years but stated that in his opinion nothing in RRA-1's intent section would preclude a property from being rezoned to it. She asked if within the RRA-1 (603.02-12), where agriculture is permitted, does this differ from A-1. Mr. Ross stated these do not differ, and Ms. McWhorter feels that the definition of agriculture may be too broad and could have large unintended consequences. She feels the rezoning to RRA-1 is in conflict with "intent".

Ms. McWhorter provided the following questions:

1. Could Urban Agricultural R1 (Section 715) be expanded beyond bees and chickens? She indicated the intent states that animals shall be kept on a small scale and is for those people not living on farms.
Mr. Ross indicated this could be a possibility; however, this would have to set a precedence for all other areas zoned R-1, R-2, R-3, and R-4.
2. Could "Conditional Zoning (302.32) be considered? This includes "Proffered Situations".
Mr. Ross indicated that he asked Mr. Chidester, and he does not feel this is a proper tool for this situation.
3. If the new or potential uses would include "commercial" outdoor recreational facility (604.03-9), then it would fall under Conditional Uses in R1. This may be agritourism or agribusiness such as a Christmas tree farm, pumpkin farm, or vineyard. This would cause a concern of traffic, buildings, sewage, water, and noise.
Mr. Ross stated he is not exactly sure what this question means. Mr. Larry Greene indicated that Ms. McWhorter's question is if items such as riding horses and charging a fee would fall under agriculture. Mr. Ross indicated yes, if under agriculture someone wanted to have a riding facility, then they could do this and that Christmas tree farms, pumpkin patches, and vineyards would be covered under agriculture.
4. Does any rezoning fit the comprehensive plan especially for a historical district?
Mr. Ross explained with regard to the comprehensive plan, this property is shown in the residential section of the future land use map, and rural residential and agriculture residential are the primary uses in this area, the RRA-1 zoning

district and advised it would fit. Mr. Ross related with regard to historical districts in the comp plan, they are referenced but there is nothing that is regulatory.

5. Who builds the fences and maintains them?

Mr. Ross had a discussion with Ms. McWhorter regarding the county's ordinance dealing with stock running at large and also stated that Virginia is a fence out state.

6. After heavy rains, the surface water from the driveway floods across State Route 42 and drains toward their spring. Would the water be more contaminated?

Mr. Ross indicated this was a difficult question to answer, because he is unsure if the likelihood would be any greater than today. Mr. Greene asked if we are aware of how many horses will be put on the property? Mr. Ross stated we do not know this information and with agriculture, there are no limits.

Ms. McWhorter's final statement read that as a landowner, other rezoning has not been enforced and continues to be a problem, and she wants a solution to this request that is fair to her and Newport.

Mr. Ross indicated the owner's agent, Ms. Grant, was available electronically if anyone has any questions. Ms. Grant made a statement indicating that this is a large parcel of land and the buyers are interested in being able to bring three to four miniature horses. She said this does not mean this is all of the animals the potential buyers would bring, but this is what pertains to them at this point. Mr. McCoy asked what the other parcels are zoned, and Mr. Ross explained all of the adjacent owners in the area are zoned R1.

Mr. McCoy closed this portion of the public hearing and explained this matter would be discussed further during the next Planning Commission meeting to be held on Tuesday, October 27, 2020.

PROPOSED TEXT AMENDMENT TO REPEAL AND REPLACE SECTION 712

Mr. Ross stated this is a proposed text amendment to the Giles County Zoning Ordinance to repeal and replace section 712 "Standards for Telecommunication Towers and Antenna" in its entirety and renumber the ordinance as required to facilitate this change. The purpose of this amendment is to modify this section to comply with the Code of Virginia, Federal Communications Commission regulations and encourage the deployment of wireless services to all of Giles County.

Mr. Ross explained this is a fairly large shift within the ordinance. He indicated things had been very strict in regards to telecommunication towers in the past, and explained the FCC and the Code of Virginia have made changes within the last two years which has changed a lot of this. Mr. Ross advised the changes reflect the new policies, and this represents our shift. He outlined the three categories for towers as well as the new stipulations.

Mr. Morris asked if it includes both lattice towers and mono-pole towers, and Mr. Ross explained it does not matter which type. Mr. Ross summarized changes to setback requirements in the proposed new ordinance.

With no further discussion, Mr. McCoy closed the public hearing and Mr. Berckman adjourned the Planning Commission.

EXECUTIVE SESSION

Mr. Morris motioned to go into executive session as permitted by Virginia Code 2.2-3711, A (30) Contracts for potential roof replacement of the old sheriff's office building and potential VATI grant with Pemtel. 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

VATI GRANT

Mr. Baker made a motion to approve application for a DHCD VATI grant in the amount of \$30,000,000. 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

FEMA FLOOD PLAIN MAPPING

Mr. Ross reported FEMA would be conducting mapping of the flood plain, which would give a more detailed study that will hopefully be more accurate. He advised some people will be moved out of floodplain, while others will be moved into it, which could lead to some unhappy residents. Mr. Ross related the comment period would close on November 2nd.

ADJOURN

With no further business, the meeting was adjourned. The next Board of Supervisors meeting will be held on Wednesday, November 4, 2020, beginning 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

**BUDGET SUPPLEMENTS
 OCTOBER 22, 2020 BOARD MEETING
 3 of 5 CARES ACT SUPPLEMENTS**

CODE	AMOUNT	OFF SETTING REVENUE
100-72600-5650	\$22,000.00	Splash Pad Contribution
	\$1,895.00	BYRNE Grant
100-13100-6003	\$7,959.00	CENTER FOR TECH AND CIVIC LIFE GRANT - Election
100-43100-5601	\$200,000.00	YES - CARES ACT MONEY
100-43100-5602	\$10,000.00	YES - CARES ACT MONEY
100-43100-5603	\$15,000.00	YES - CARES ACT MONEY
	\$263,146.00	YES - CARES ACT MONEY
TOTAL	\$520,000.00	