At the regular meeting of the Giles County Board of Supervisors held on Wednesday, August 3, 2022, at 3:00 PM in the Giles County Administration Building located at 315 N. Main Street, Pearisburg, the following members were present unless noted absent.

Jeff Morris	Chair (Central District)
Richard McCoy	Vice-Chair (At-Large Supervisor)
Perry Martin	Eastern District
John C. Lawson, Jr.	Western District
Paul “Chappy” Baker	At-Large Supervisor
Chris McKlarney	County Administrator
Catherine Ballard	Finance Director
John Ross	Building Official
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 July 21, 2022, minutes as presented. 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

VDOT REPORT

Mr. David Clarke updated members on road maintenance in the county. He noted patching done in front of paving on roads such as Route 100 and Eggleston Road as well as patching on Clendennin, Woodland, Goodwin’s Ferry and Powell’s Mountain. Mr. Clarke stated staff had cleaned up debris from recent storms, and summer grading and stone work is being done. He stated mowing still needs done on Clover Hollow, and many ash trees have been cut, adding members should let him know of any still standing. Mr. Clarke indicated Penvir Road is nearing the end of the project with paving and pipe still needed. He related there has been some lines repainted and some traffic engineering signs replaced.

Mr. Baker reported continued pot holes on Route 635 up to the West Virginia line as well as pavement being washed out near the lime plant and trees laying all along the route and hanging into the road. He asked Mr. Clarke to check on the pipe issue at the Albert’s on Old Wolf Creek Road and reported potholes up Route 61. Mr. Lawson expressed appreciation for the work done on Shute Hollow and inquired if it could be added to the paving list. He also expressed appreciation for the gravel put on the shoulders of Lurich Road.

Mr. Martin reported continued issues with drainage on Orchard Hill and requested a larger pipe. He also reported water backing up across Big Stoney prior to Sportsman

Circle and asked for an update on the bridge closure in Pembroke. He also requested that Mr. Clarke talk to the town about a traffic detour plan. Mr. Clarke advised he would have to look at the schedule. Mr. Martin inquired about an update on Winding Way. Mr. Clarke indicated it would not be open before school starts back and reported the house would have to be demolished, which would be contracted out. He expects the road will possibly be reopened by mid-September. Mr. Martin requested a bike sign on Clover Hollow Road, and related he had received a call about refreshing the lines on Eggleston Road. He requested a deer sign on Mountain Lake Road and reported a large tree is getting ready to fall on New Zion Road. Mr. Morris reported a ditch washing out above the church on Wilburn Valley. Mr. McKlarney requested additional markings on Route 460 where the two lanes go down to one lane.

PUBLIC COMMENTS

Ms. Gail Vaught – Ms. Vaught expressed concerns with the road conditions in the Eggleston area. She related issues with tress, brush and trees growing into and over the roadways as well as erosion issues along the roads making it difficult to pass oncoming traffic. Ms. Vaught reported picking up limbs out of the roads and cleaning out drain pipes with a stick. She stated she understands it is a small area with few VDOT employees to do the work, but people on the road would like to feel and be safe.

NEW BUSINESS

NEW RIVER RESOURCE AUTHORITY

Mr. Joe Levine presented recent activity with the New River Resource Authority. He reported 227,000 tons of waste last year, and the hope is they will have a strong current year. Mr. Levine stated Area D was now finished, which opened 16 acres and closed 5.5 acres of the site. He related the recycling rate is at 38 percent, and there would be a HHW event coming up, adding people need to call in to get a slot. Mr. Levine reported the NRRA approved a litter grant where members could get up to $5,000 with application. He related there are many tours being given and invited members to stop by to see the facility.

Mr. Martin inquired about satellite sites for the HHW event. Mr. Levine advised the participation had been minimal at satellite sites previously, so the HHW will only be done at the main facility. Mr. McKlarney expressed appreciation for the help in Giles throughout the community by the NRRA.

SEPTIC PUMP HAUL RESOLUTION

Mr. Chidester presented a proposed septic pump haul resolution. He advised he had obtained the document from Mr. Stinnet with the Health Department, which had been used by another jurisdiction. Mr. Chidester outlined state regulations and requirements for the agreement and stated the number of facilities can be limited by the Board. He indicated the agreement cannot be used for new structures; and Mr. Stinnet had advised the agreement is not needed for a septic failure, which has an emergency provision by the Health Department. Mr. Chidester related the next step, if approved,

would be to submit an application to the Virginia Department of Health, and the Health Department would have to approve the structure site as well. A copy of the resolution is attached at the end of these minutes.

Mr. Baker made a motion to approve the septic pump haul resolution as presented. Mr. McCoy seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris

SET PUBLIC HEARING – NARROWS VOTER POLLING LOCATION

Mr. Chidester requested members to schedule a public hearing for the August recess meeting regarding the change of the Narrows voter polling location. He related the VFW building was being sold, and Narrows High School is the proposed new location. Mr. Chidester outlined the requirements of changing a polling location and noted a tight timeframe.

Mr. Baker made a motion to hold a public hearing at the August recess meeting for a change to the Narrows voter polling location. 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

OLD BUSINESS

VIRGINIA OUTDOOR FOUNDATION

Mr. McKlarney reported a potential Virginia Outdoor Foundation grant for construction of parking and improvements at the Link Covered Bridge. Mr. Martin inquired if improvements would have to wait on the grant to come through. Mr. McKlarney indicated some repairs needed would be made prior to the grant, and the grant would be for parking and more extensive improvements. Mr. McCoy inquired if the agreement was signed. Mr. Chidester advised the agreement had been emailed twice, but he had not received a response or a signed agreement. Mr. Martin related he would follow up with the Link family. Members discussed the possible interest of the VOF for a conservation easement. Mr. McKlarney stated he has a very short window of time to request the grant funds. Members concurred to move forward with the grant.

CASTLE ROCK

Mr. McKlarney reported the pool at Castle Rock had suffered a structural failure last month, and annual passes for the pool had been prorated for a total of $2,030 in refunds. He requested members allow the refunds of annual pool passes.

Mr. McCoy made a motion to refund the prorated cost of annual pool passes due to structural failure of the pool. 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

UPCOMING ROAD WORK

Mr. McKlarney reported grading work would be starting on Butt Mountain up to the tower site and on the road through from Clendennin to Stoney Creek after a bulldozer has been rented.

PAYMENT OF WARRANTS

Mr. Baker motioned to approve warrants in the amount of $720,449.79, and Mr. McCoy seconded the motion. The motion was approved 5-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin, Mr. McCoy and Mr. Morris

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

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 rollcall vote 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 Board of Supervisors meeting will be held on Thursday, August 18, 2022, 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

RESOLUTION REGARDING PERMANENT PUMP & HAUL FACILITIES PERMITTED UNDER GENERAL PERMIT IN ACCORDANCE WITH SEWAGE HANDLING AND DISPOSAL REGULATIONS

WHEREAS, the Board of Supervisors of the County of Giles, Virginia (Board of Supervisors) will apply to the State Health Commissioner (Commissioner) for entry into a Permanent Pump and Haul Agreement and General Permit pursuant to § 12 VAC 5-610-599.3 of the State Board of Health Sewage Handling and Disposal Regulations (Regulations);

WHEREAS, the Regulations state that *"Permanent pumping and hauling of sewage may be permitted under the following conditions:*

1. *That the government entity enter into a contract with the [Virginia Department of Health] setting forth that the government entity will provide pump and haul services, either directly or through a private contractor holding a sewage handling permit, to the home(s), commercial establishment(s) or occupied structure(s) for the period the occupied structure is utilized or until connection can be made to an approved sewerage facility;*
2. *Upon completion of the contract between the [Virginia Department of Health] and the government entity, the commissioner shall issue a single pump and haul permit to the government entity. A separate construction permit shall be issued to the government entity for each sewage storage facility. The sewage storage facility(s) shall be designed and constructed in accordance with Article 7 (12 VAC 5-610 et seq.) of Part V of this chapter; and*

3. *When the government entity provides the sewage pump and haul services it shall conform to the conditions contained in 12 VAC 5-610-380 and Article 8 (12 VAC 5-610-1020, et seq.) of Part V of this chapter."*

WHEREAS, the Board of Supervisors wants to establish a program for permanent pump and haul facilities (Facility(ies)) in accordance with the requirements of state law, state regulations, and local ordinance, and that, for such Facilities that are privately owned, protects public welfare by obligating private owners of such Facilities (Owner(s)) to operate and maintain such Facilities;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors upon consideration of the best interests of the public health, safety, and welfare, as follows:

1. The Board hereby authorizes the Chairman of the Board to sign, on behalf of the County, the Virginia Department of Health Permanent Pump and Haul Agreement and General Permit (General Permit). The Board directs the County Administrator to submit the General Permit, signed by the Chairman, to the Giles County Health Department, which will forward it to the Office of Environmental Health Services for review and approval by the State Health Commissioner.
2. Upon approval of the General Permit by the State Health Commissioner, the County Administrator is hereby authorized to negotiate an agreement between the County and the Applicants to allow operation of a Facility on the Property.
3. Upon approval of the General Permit by the State Health Commissioner, the County Administrator is further authorized to negotiate agreements with other private property owners to allow operation of Facilities on other property that are not owned by the County or other political subdivision.

4. Prior to commencement of negotiations, the party interested in operation of a Facility shall provide the following to the County Administrator:
    a. Evidence of inability to connect to a publicly owned and operated sewage disposal system;
    b. Evidence of inability to install an approved on-site sewage disposal system other than permanent pump and haul; and
    c. Evidence of a contract with a private contractor holding a sewage-handling permit to provide permanent pump and haul services to the Facility upon its installation. The contract shall include the contractor's estimate of the expected frequency of pumping and the cost for each pump and haul.
5. Agreements for operation of a Facility shall include the following:
    a. The owner of the Facility (Owner) shall provide to the County financial assurances in the form of a letter of credit or permanent surety bond for the purpose of insuring continuation of the pump and haul operation for a six month period and to secure the Owner's obligation for proper closure of the Facility upon termination of its operation and maintenance. The bond amount shall be determined by the expected frequency of pumping and cost per pump-haul as established in the contract referenced in Section 4 c.
    b. The Owner shall forfeit the financial assurance if the Owner ceases to operate and maintain the Facility in accordance with applicable law, regulation, and ordinance;
    c. The County Administrator may waive the bond requirement with another government entity if the government entity provides written documentation

that the Facility will be constructed, operated, and maintained in accordance with applicable law, regulations, and ordinance and further holds the County harmless for any and all actions thereby;

d. The Owner shall pay all fees necessary to obtain the permits needed from the state and other permitting authorities;

e. The Owner shall not commence operation of such permanent pump and haul facility until the local health department has inspected and approved the system;

f. If the Owner desires to cease operation and maintenance of such system, the Owner shall provide written notice to the County and to the Department of Health prior to such cessation and shall provide written proof of proper closure of such facility within 60 days of cessation of operation;

g. The Owner shall provide to the County monthly, written proof from a private contractor holding a sewage handling permit that the sewage effluent was pumped to assure compliance with applicable law, regulation, and ordinance, and failure to provide such proof within any consecutive two-month period shall constitute evidence that the owner has ceased operation of the Facility, shall result in revocation of the permit for its operation, and shall commence the 60-day period within which the Owner shall provide proof of closure of the Facility in accordance with applicable law, regulation, and ordinance. In the event that the contractor estimates that monthly pumping will not be required, then reports shall be submitted on the

frequency set forth in the permit based upon the contractor's estimated pumping schedule.

h. If the Department of Health revokes the County's General Permit for operation of Facilities, the County shall provide written notice of such revocation to the Owner, and the Owner shall cease pump and haul operations immediately and shall provide to the County written proof of proper closure of such facility within 60 days of the date of the County notice of revocation; and

i. The Owner shall indemnify and hold harmless the County against and from all liability, claims, damages and costs, including attorney's fees of every kind and nature and attributable to bodily injury, sickness, disease or death or to damage or destruction of property resulting from or in any manner arising out of or in connection with operation of the Facility, including without limitation the storage, pumping, hauling, and treatment of effluent from the Facility.

6. The County shall require a separate agreement and a separate application to the local health department for each Facility for which a permit is requested pursuant to this resolution.
7. The County shall not permit permanent pump and haul of sewage as defined by 12 VAC 5-610-598 in the County except in accordance with the terms of this resolution.
8. The County shall not permit pump and haul of sewage for new structures erected after the adoption of this resolution.

Adopted at a meeting of the Board of Supervisors of Giles County, Virginia, held on August 3, 2022.

	Voting for	Voting against	Abstain	Absent
Baker	X			
Lawson	X			
Martin	X			
McCoy	X			
Morris	X			

Attest: _____
Christopher P. McKlarney, Clerk