

At the recess meeting of the Giles County Board of Supervisors held on Thursday, October 17, 2024, at 6:30 PM in the Giles County Administration Building located at 315 N. Main Street, Pearisburg, the following members were present unless noted absent.

Richard McCoy	Chair (At-Large Supervisor)
John C. Lawson, Jr.	Vice-Chair (Western District)
Perry Martin	Eastern District
Jeff Morris	Central District
Paul "Chappy" Baker	At-Large Supervisor
Chris McKlarney	County Administrator
John Ross	Building Official
Catherine Ballard	Finance Director – Absent
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 2, 2024, 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

CONSTITUTIONAL OFFICERS

Ms. Angie Higginbotham, Treasurer, reported the tax tickets are at the printer now, and there are some concerns about personal property due to the recent flooding. She indicated people are being referred to the Commissioner's office with any questions or concerns. Ms. Higginbotham stated the utility bills will be a little later than usual due to getting out the tax tickets.

OLD BUSINESS

STORM AND FLOODING DAMAGE UPDATE

Mr. McKlarney related there are 159 people in the county signed up through FEMA and 38 families placed in available rentals, with others being temporarily placed. He reported the Pembroke Ruritan had offered up its facility for a FEMA Disaster Recovery Center and encouraged people to sign up for services. Mr. McKlarney expressed thanks to Mr. Jon Butler and all first responders as well as Mr. Ross for working late evenings and trying to get things turned around as quickly as possible in order to get people's power turned back on. Mr. Baker thanked Mr. McKlarney for all he had done to help the people affected by the storm. Mr. Lawson stated he is very proud of the county and how much effort has been made.

PAYMENT OF WARRANTS

Mr. Baker motioned to approve FY 2025 warrants in the amount of \$1,089,67591. 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. Lawson made a motion to approve \$3,395,000.00 for the November 2024 School Board appropriations. 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

SOCIAL SERVICES APPROPRIATIONS

Mr. Martin motioned to approve \$400,000.00 for the November 2024 Social Services appropriations. 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

APPOINTMENTS

Mr. Morris made a motion to reappoint Dr. Lee Wheeler and Mr. Bob Shelor to the 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

EXECUTIVE SESSION

Mr. Morris motioned to go into executive session as permitted by Virginia Code 2.2-3711 (29) 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

RECESS

Mr. McCoy called for a five minute recess.

Mr. McCoy reconvened the meeting.

NEW BUSINESS

COURTROOM SECURITY

Mr. McKlarney presented a competitive bid with VSC Fire & Security in the amount of \$93,790 for security items to be installed with the courtroom renovations at the Timberlake Building.

Mr. Baker made a motion to approve the bid from VSC Fire & Security 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

SURPLUS VEHICLES

Mr. McKlarney presented a request for surplus of seven county vehicles, noting the specific vehicles. A copy is attached at the end of these minutes.

Mr. Morris made a motion to approve the request to surplus vehicles as outlined. 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

PUBLIC HEARING

PROPOSED ABANDONMENT OF "SCHOOL HOUSE LANE"

Mr. McCoy opened the public hearing. Mr. Chidester related the county had received a request on behalf of several people to abandon "School House Lane", noting the different parcels surrounding the road site. He indicated the first request stated to abandon 30 feet in length, and the road was referenced in a court order in 1980. Mr. Chidester stated the corrected copy was provided, and the road is a county road and has never been in the state highway system. He provided various parts of the statute the county could use to go about the abandonment and outlined the area of the road on a map, while also naming the adjoining property owners. He indicated one such option is to determine if the road serves any public purpose and if anyone would be irreparably harmed by the abandonment, and stated the request submitted intended to abandon the entire road up to the property of Mr. Edward Sarver. Mr. Chidester read the advertisement published (copy attached) in the Virginian Leader and stated Mr. Brian Scheid is representing Mr. Sarver. Mr. Chidester indicated Mr. Sarver and Mr. Scheid maintain that the original request stated 30 feet in length, and the advertisement makes reference to the request, with the corrected request being received two days prior to the hearing. He related they might be requesting that the public hearing be postponed and

readvertised, but the only difference in the ad would be the date of the hearing. Mr. Chidester stated he believes the county has followed proper procedure, and the ad talks about the road, various tax parcels and where it terminates.

Mr. Brian Scheid – Mr. Scheid stated he was there on behalf of Mr. Edward Sarver, and his first issue with the hearing is procedural. He related the notice is vital, which is notice to the public for them to have an opportunity for input into decisions being made in the county. He indicated the statute talks about the ad not having to be spelled out and the referenced material has to be in a public place so it can be reviewed. He argued the first request dated September 16th requested 30 feet, causing Mr. Chidester to call for clarification from the requesting party. He related the request was incorrect and did not provide proper notice to the public. He indicated the corrected request was received on October 15th, which adequately describes the request and should have been dated October 15th instead of September 16th. He argued when clarification was needed, the request should have been changed to be correct, but that was not done until October 15th. He advised the Board could only act today on the request of a length of 30 feet, and the procedure needs to be corrected and the process started over. Mr. Scheid spoke one side of the scale being the cost of another advertisement and the other what is in the public's best interest. He related the predecessors in that area fought hard in 1980 to keep the road public, and the county had spent \$835 to maintain the road. He indicated it is in the best interest of the public to keep the road public as there is no other road to the top of the mountain. He related the road had been reestablished in the 1980 law suit, and citizens have an interest in accessing that road. He spoke of the county not incurring cost on the road and should not give up something that is an asset to the community. He advised the Board err on the side of preserving assets of the community, and the road could be made passable easily and cheaply. He related information about a lease agreement with the Spruce Run Hunt Club, which is a perpetual lease and references access to the hunt club and a public road and would change if the road is no longer public. He stated obtaining access through Mr. Sarver would be a burden and expense to him and related the definition of irreparable damage as well as who would pay those if awarded. Mr. Scheid stated they could live with whatever decision was made if done right, and asked that the process be corrected. He advised members to err on the side of proper notice when looking at a scale, as the request on file was inaccurate.

Mr. Bobby Farmer – Mr. Farmer stated he had built a home 29 years ago and the road ends at his house, with the remainder being an old wagon path impression. He indicated the road has not been used in 29 years, and the old path is about 50 feet from his house. Mr. Farmer stated the issues reestablishing the road would cause to him and his property, including lower property values, dust, headlights, and washing out his driveway during heavy rain. He requested the road be removed from county inventory.

Mr. Bradley Kessinger – Mr. Kessinger related he has property toward the top, and he was born and raised on Spruce Run. He stated his family has worked very hard to obtain their land, and he was raised on God, family and faith. He had purchased his parcel several years ago and requested abandonment.

Ms. Jean Sarver – Ms. Sarver reported she had moved to the property in 1961 with her parents, adding the road has not been used during that time. She requested the road be abandoned.

Mr. Michael Nelson – Mr. Nelson indicated the road comes by the back corner of his property, which he purchased in 1996. He related he had come to look at the property before he bought it and saw no evidence of a road. He related hardships reopening the road would cause to him and his property, including increase traffic, headlights, and the possibility of theft. He stated he had walked the roadbed, and it would take way more than cutting a couple of trees to reopen it. He provided information about an old culvert, which the water bypassed and began a new course, adding it would be a significant cost to the county. Mr. Nelson stated he had studied some old GIS maps, and the road is shown on a 1951 map but not on a 1964 map.

Mr. Timmy Kessinger – Mr. Kessinger provided pictures of the road and stated reopening the road would cause a burden on him by going through the middle of his farm, which would cause major issues with his livestock. He requested abandonment.

Mr. Chidester stated he had looked up the lease referenced by Mr. Scheid, and the lease stated three different easements of ingress and egress. He stated he had searched GIS and did not find anything that adjoins Mr. Sarver's property that is publicly owned. Mr. Baker inquired about the statement from Mr. Scheid that the ad was wrong. Mr. Chidester advised the ad references the request, but it can be examined upon request. He indicated the ad is clear that the property to be abandoned is the entire road, and he would agree if the ad had tracked the language of the request. He related the best description he had was used and he does not have a problem with it procedurally, adding members can readvertise if they choose to do so. Mr. Chidester stated he had made it clear the corrected copy was received two days prior, and no one is trying to say the corrected copy was sent on September 16th. Mr. Morris inquired what it will do to adjoining property owners' easements to their properties. Mr. Chidester stated they will have to work that out for themselves. Mr. Martin inquired if the 30 feet was on the letter or in the paper. Mr. Chidester advised it was stated on the request letter, and the ad was listed as the entire road as best as could be described, with the best reference being the court order from 1980. He related if the advertisement had stated the 30 feet, Mr. Scheid would be correct, and he understands his point but disagrees with it.

Mr. Scheid argued that the ad did reference 30 feet because it referenced the first request, which was wrong. Mr. Lawson inquired if anyone came to look at the request. Mr. Chidester indicated Mr. Sarver was the only one who was provided a copy. Ms. Bray stated she had received no other requests. Mr. Chidester advised the ad contains the best description of the road that was available, and his issue with readvertising is it will read the same besides the date. Mr. Scheid stated the reference would be to the new request. Mr. Bradley Kessinger stated the only public that will be affected are the ones who are in attendance, and it would be a public road going to no public land. Mr. McCoy closed the public hearing.

Mr. Martin made a motion to abandon "School House Lane" in its entirety as requested. Mr. Baker seconded the motion. The motion was approved 4-0 as follows: Voting Yes: Mr. Baker, Mr. Lawson, Mr. Martin and Mr. Morris; Abstaining: Mr. McCoy

ADJOURN

With no further business, the meeting was adjourned. The next Board of Supervisors meeting will be held on Wednesday, November 6, 2024, 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

Proposed Surplus Vehicle List

Year	Make/Model	Last 4 of VIN	Vehicle #
2007	Ford Crown Vic	6340	20071
2008	Ford Explorer	9185	20084
2007	Ford Crown Vic	6342	20073
2012	Dodge Charger	9358	21203
2008	Ford F350	4505	41908
2006	Ford Ranger	2658	41020
2006	Ford Collins/E350 Bus	1508	41021

ORDINANCE TO ABANDON AN OLD COUNTY ROAD.

After a public hearing held on October 17, 2024, duly advertised on October 2nd and 9th, 2024, in the Virginian Leader, a newspaper of general circulation in Giles County, Virginia,

BE IT ORDAINED by the Board of Supervisors of Giles County, Virginia, pursuant to Virginia Code Sections 33.2-925 and 15.2-2272 that the following County road shall be abandoned:

unnamed County road, a portion of which is known as School House Lane, located on the north side of Virginia State Secondary Route 605 (Spruce Run Road) approximately 3 miles west of the intersection of Rt. 605 and U. S. Route 460. The road to be abandoned crosses the properties designated as Tax Parcels 59-47A, 59-47D, 59-47F, 59-9A and 59-8 and is referenced in an order of the Giles County Circuit Court entered on April 16, 1980, recorded in the Office of the Clerk of the Circuit Court for Giles County in Deed Book 165 at pages 169 to 171 in the case of Edward E. Sarver et als v. Oliver M. Link, et als

Pursuant to Virginia Code Section 15.2-2274 the recording of this ordinance shall vest fee simple title to the centerline of the abandoned road in the owners of abutting lots free and clear of any rights of the public, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

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

Attest: 
Christopher P. McKlarney, Clerk

Approved as to form: 
Richard L. Chidester, County Attorney