

At the recess meeting of the Giles County Board of Supervisors on Thursday, September 17, 2009, at 6:30 pm at the Giles County General District Courtroom, 120 North Main Street, Pearisburg, the following were present:

Richard McCoy	Chairman (At-Large Member)
Paul Baker	Vice Chair (At-Large Member)
Howard Spencer	Western District
Eric Gentry	Eastern District
Barbara Hobbs	Central District
Chris McKlarney	County Administrator
Kevin Belcher	Assistant County Administrator
Craig Whittaker	Planning/Zoning
Susan Kidd	Board Secretary

CALL TO ORDER/INVOCATION

Mr. McCoy called the meeting to order. Mr. Whittaker offered the invocation and led the Pledge of Allegiance.

PUBLIC COMMENTS

Vernon Kelley: Mr. Kelley said he hoped the flood ordinance passed so they would not have to deal with what they have dealt with in the past years. On another subject, he asked Mr. Gentry about the board agreeing to loan \$10,000 to the Indoor Plumbing and Rehabilitation Board. Mr. Gentry said that was correct; it was for operating expenses so the group can do more than one project at a time. Mr. Kelley said he would like to know exactly what the IPR is; he cannot figure out how it operates. Mr. Gentry said he could provide general information but did not know the exact federal or state agency the money flows through. It is a program designed to assist individual citizens who are low-income qualified and lack proper water and/or sewer in their homes. This could be anything from a bad pump to complete lack of septic system. The money is used to make improvements for these people. It is a program that operates pretty bare bones. Local contractors do most of the work - R. L. Lucas has been doing quite a bit of it recently. It is difficult for small contractors to get held back payment for 2 or 3 months. This loan allows the IPR to go ahead and pay the contractor and then reimburse the county funds when they receive reimbursement from the state/federal funds. Mr. McKlarney said the group that oversees IPR projects is appointed by the Board of Supervisors. The agency appointed as agent to oversee the program is Giles County Housing and Development Corporation. He noted that the FOIA request Mr. Kelley submitted to the county earlier today would have to go to that group. They maintain all of the IPR records. They are a county agency so the records for that IPR program are open for review; however, Mr. Kelley will need to arrange a time with GCHDC to review them. The county will inform them that he has permission.

Mr. Kelley said he contacted Giles County Housing and was informed they were glad to answer questions but under 501(c)3 they did not have to open their records. Mr. Chidester said they ordinarily do not, but they need to make available records they are maintaining for the county - IPR in this case. As a group, Mr. McKlarney said the Giles County Housing board has been in existence for many years. The funding for IPR comes and goes and that is only one of the projects they manage. Access to their records would depend on what Mr. Kelley asked to see. Anything related to the IPR program that they manage for the county should be available. Mr. Gentry said that the IPR is a good program and he went on that board because the program had slowed down. They had no applicants because people did not know of its existence, but it was started back in earnest and for the past year and a half has been very transparent in their operation. They have helped people who were in need. Mr. Gentry said the money is out there and Ms. Meador goes after it for use in the county. He did not have all the details of how it flows through, but it does go to help citizens in Giles County. Mr. McKlarney thought the money flows through Department of Housing and Community Development. Mr. Kelley agreed it was a wonderful program and he was not questioning the honesty of it. He was just interested in the loan to the group, but it seems that it is in place to pay the construction guys before the reimbursement is received. He said if the county gives loans, tax breaks or anything to an organization, the records should be open to the

public. They are not interested in personal or personnel stuff, but whether there are grants and how the money was spent. There should be transparency and the public should have access to something like that. Mr. Gentry said Mr. McKlarney had indicated that would happen. Mr. McKlarney said GCHDC would open only those records related to the county and IPR program. Whether their other records are open to Mr. Kelley would be up to that organization to decide. Mr. Kelley noted that his only interest was in the IPR program.

WORKFORCE INVESTMENT ACT AGREEMENT

Mr. McKlarney asked the board for their decision on the Workforce Investment Agreement that was discussed the last meeting. Mr. Gentry said he understood administration costs were 10% and had seen some other information. Mr. McCoy said it seemed to be okay but the board just wanted some time to review the other information.

Ms. Hobbs moved to approve the Workforce Investment Consortium Agreement as presented at the September 2nd meeting. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Gentry, Mr. McCoy. Mr. Spencer-absent.

WESTERN VIRGINIA EMS COUNCIL

Mr. McKlarney presented a request from the Western Virginia EMS Council for a letter from the Board endorsing them as the regional EMS council serving this area. They have done so for many years and this would be a continuation of that agreement. He stated that Mr. Morris Reece, former administrator at Carilion Giles Memorial was associated with this organization and Mr. Steve Davis was also very complimentary of their work.

Mr. Gentry moved to authorize a letter of support to the Virginia Department of Health to endorse the Western Virginia EMS Council as the regional EMS council serving Giles County. Second by Mr. Hobbs.

Discussion: Ms. Hobbs asked if this group still provided training. Mr. McKlarney said training is now primarily through Virginia Department of Emergency Management. This group still provides some of it though. Ms. Hobbs asked how many people were employed in Roanoke for the Western Virginia EMS. Mr. McKlarney said he was not sure of that number. The only person he has dealt with was Mr. Reece. They do still get the federal and state grants through that office that are distributed to localities.

The motion was approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Baker, Mr. Gentry, Mr. McCoy. Mr. Spencer-absent.

SOCIAL SERVICES APPROPRIATIONS

Ms. Hobbs moved to appropriate \$170,000 for Social Services for October, 2009 and \$65,000 for CSA for October, 2009. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. Baker, Mr. Gentry, Mr. McCoy.

SCHOOL BOARD APPROPRIATION

Ms. Hobbs moved to appropriate \$3,796,009.43 for the School Board for October, 2009. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. Baker, Mr. Gentry, Mr. McCoy.

PAYMENT OF WARRANTS

Ms. Hobbs moved to appropriate \$632,190.18 for payment of warrants as presented. Second by Mr. Baker.

Discussion: Ms. Hobbs asked about fuel pump repairs for Giles County School Board. Mr. Houck explained this invoice was for work on the shared fuel pump at the garage after it was hit by lightning. This pump is

shared by PSA, Giles County and the school board; they each paid a share of the invoice. Mr. Gentry noted that there was payment for work at the Clerk's office in here. This was for the improvement of the plat storage at the courthouse. He encouraged board members to stop by and take a look at those – it is greatly improved. Fraley is implementing a lot of good technology changes to the office.

The motion was approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. Baker, Mr. Gentry, Mr. McCoy.

APPOINTMENTS

Mr. Baker moved to reappoint Mr. Gary Tickle to a four-year term on the Giles County IDB. Second by Mr. Gentry. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. Baker, Mr. Gentry, Mr. McCoy.

Ms. Hobbs moved to appoint Mr. Howard Kanter to fill an unexpired term (formerly filled by Mr. Price) on the Giles County PSA. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. Baker, Mr. Gentry, Mr. McCoy.

Ms. Hobbs moved to appoint Mr. Robert Allen Givens as a representative to the NRV Airport Commission contingent upon his willingness to serve. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. Baker, Mr. Gentry, Mr. McCoy.

Mr. Spencer expressed appreciation to Mr. Harold Falls' family for Mr. Falls long service to the Planning Commission. Mr. Falls recently passed away and his commitment to his community will be missed.

DAY REPORT CENTER UPDATE

Mr. Belcher stated that the Day Report program is going well. They have signed an agreement with Grayson County and renegotiated the contract with Mercer. They are having conversations with Wythe County and Radford City who have expressed interest in this.

Recess; reconvene.

PUBLIC HEARINGS

FLOOD PLAIN ORDINANCE AMENDMENTS

Mr. McCoy opened the joint public hearing to consider amendments to the Giles County Floodplain Ordinance. Mr. Whittaker indicated there was a mistake in the former ordinance presented at public hearing and approved by the board. This was not an error on the part of the county, but rather something that the reviewers at the state level failed to include in the original ordinance submitted to them. They did not discover the problem until after they received the final adopted ordinance. There is a September 25th deadline set by FEMA for the ordinance to be adopted.

Mr. Whittaker reviewed the changes. Section 3.1, paragraph A, "as amended" was added. Section 2A the reference to flood fringe district has been removed. That is no longer a term they use. It is now called special floodplain district. Section 3.5 was added and references submitting technical data. Mr. Gentry asked about language referring to losing or gaining soils. He asked if the county would have to notify them every time the county goes through and evaluates the changes that are submitted. Mr. Whittaker said it refers to changes ***affecting*** flooding conditions not to the construction. Mr. Whittaker noted that on page 9 the Item C was added entitled "Alteration or Relocation of a Watercourse." This concerns changes to any watercourse and the permitting required. Under Section 4.4 the reference to "flood fringe ordinance" was changed. Section 4.6 discusses Standards for the Special Floodplain District. These changes deal with the new terminology; the regulations are currently in place.

Vernon Kelley: Mr. Kelley said he was concerned with changes in this document because it was recently approved. It seems that most of the changes are in required language, so it seems to be okay.

Ms. Hobbs asked if this had to be adopted by September 25th. Mr. Whittaker said this was in accordance with flood maps that were redone nationwide. September 25th is the date that localities have to be up-to-date their ordinances and adopt the new flood plain maps. This has to be done in order to remain in compliance with the National Flood Insurance Program. The county was well ahead of that deadline until we were notified of additional changes that had to be adopted. Mr. Whittaker said the Planning Commission would like to meet after this hearing and bring a recommendation back to the board at this meeting.

Bill Harman: Mr. Harman expressed concern that the 100 year floodplain term is misleading. It has been about 80 years since the last "100 year" flood. Mr. Whittaker said that term did not necessarily mean it would flood in any given year. It is an average indicating the chance of flooding. In any given year there is a 1% chance it might flood. Mr. Chidester also noted that flood plain levels are not determined based on when the last flooding occurred. Mr. Harman said the last flood was caused by problems at Claytor Lake. Mr. Whittaker said this ordinance just regulates development within the flood plain. Without adoption of this ordinance, people in the county could not purchase flood insurance.

There were no other comments and Mr. McCoy closed the public hearing. The matter was referred to the Planning Commission for recommendation.

FREESTANDING SIGN REQUIREMENTS

Mr. McCoy opened the joint public hearing with the Planning Commission. Mr. Whittaker said they reviewed the ordinance and it appears that this was something that needs to be addressed but was an oversight when the ordinance was done. This section talked about sign height limitation but there was nothing related to it in the table that was referenced. Mr. Whittaker spoke to neighboring jurisdictions and the Planning Commission came up with this recommendation. The modification to Table 2 is to add a reference to freestanding signs. The proposed amendment would require freestanding signs to be limited to a 25 foot maximum height, sign setback would be a minimum of 5 feet or 110% of the structure height, whichever is greater. Mr. Whittaker said he had not received any calls or comments concerning this change. Mr. Spencer asked if a 5 foot minimum or 110% sufficient. The setbacks for property are 10 feet. Mr. Gentry said this is only for zones that allow freestanding signs. Mr. Whittaker said this was worded so that as the sign height increases it would have to be further back. This is from the edge of right of way, not from the edge of the road. Mr. Whittaker used the example of the FBI Bureau sign in the Cascade Industrial Park. They put a freestanding sign up and it was just fortunate they did not want a 50 or 100 foot sign since the current ordinance may have allowed that. That sign is only about 14 feet tall, but it is an example of the type of sign this ordinance references. This refers to the total sign height that cannot be greater than 25 feet maximum. This does not limit an attached sign; that is a different category. This deals only with freestanding signs.

There were no further comments from the board, public or Planning Commission. Mr. McCoy closed the public hearing and referred this to the Planning Commission for recommendation.

PROPOSED ENTERPRISE ZONE APPLICATION

Mr. McCoy opened the public hearing to discuss a proposed application for an Enterprise Zone in Giles County. This hearing is to inform the public of the county's intent to apply for an Enterprise Zone designation for Cascade and Wheatland parks. This would be a total of 320 acres. Mr. McKlarney reported that the Enterprise Zone Act was enacted in 1982 by the legislature of Virginia. It set aside state funds to provide incentives for businesses to located in distressed areas; Giles is considered one of those areas. There are only thirty zone designations allowed at any one time throughout the state and we have been informed that there are five openings for the coming year. The designation, if awarded, would be valid for 10 years with options for two year extensions. State grants involved with the designation allow a \$500 grant per new job created for each year of a five-year period. There is also a facilities improvement or new construction grant that would refund 20% of the amount the company invested, up to \$100,000. This designation would require the locality to provide incentives as well. Much of the evaluation and determination of whether someone is awarded a designation would be based on the incentives offered locally. The IDA has proposed a grant to offer a redempt

of 30% machinery/tools tax in the first year, 25% in year two, and 20% in year three and continue until they reach 5% in year five.

Mr. McKlarney said they had debated on whether or not to make this application. It is highly competitive and involves a lot of time to complete and, if awarded, to manage. They are also concerned because this is what IDA bases their incentives on to attract industry to this area. However, after their discussion they felt the application would have some benefits that would outweigh any negatives associated with it.

Mr. Spencer asked if there were other Enterprise Zones within the county other than the Town of Narrows. Mr. McKlarney said Narrows is the only one currently and the rules for application have changed and towns are no longer eligible to apply on their own; only counties or cities can make application. He noted that some businesses in Narrows have taken advantage of the 20% grant for improvements.

There were no other comments and Mr. McCoy closed the public hearing.

Ms. Hobbs moved to accept the IDA recommendation to make application for Cascade and Wheatland parks to be considered for Enterprise Zone status. Second by Mr. Baker. Approved unanimously (4-0). Voting YES: Mr. Spencer, Mr. McCoy, Mr. Baker, Ms. Hobbs. Mr. Gentry-absent.

APPLICATION FOR FUNDING – LAW ENFORCEMENT/EMERGENCY SERVICES VEHICLES

Mr. McCoy opened the public hearing to take public input on an application for funding that was filed with US Rural Development for funding of new law enforcement and emergency services vehicles. Mr. McKlarney noted that the county currently tries to replace three of the Sheriff Department's vehicles annually. Rural Development has a program this year to provide up to \$50,000 for this purpose. Application for that has been made and a local match is required. This is 100% grant funding. This hearing is to take public input on the application. Hobbs asked if there is money in the budget for replacement vehicles. Mr. McKlarney said there was. There were no further questions or comments, and Mr. McCoy closed the public hearing.

Mr. Baker moved to approve application to Rural Development for \$50,000 in grant funds for law enforcement and emergency services vehicles. Second by Mr. Spencer. Approved unanimously (4-0). Voting YES: Mr. Spencer, Mr. McCoy, Mr. Baker, Ms. Hobbs. Mr. Gentry-absent.

PLANNING COMMISSION RECOMMENDATIONS

Flood Plain Ordinance: Mr. Whittaker reported that the Planning Commission recommended approval of the amendments to the floodplain ordinance as presented.

Ms. Hobbs moved to accept the Planning Commission recommendation to approve the amendments to the Floodplain Ordinance as presented at the public hearing. Second by Mr. Baker. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. Baker, Mr. Gentry, Mr. McCoy.

Freestanding Sign Ordinance: Mr. Whittaker reported that the Planning Commission has recommended of the amendment to the ordinance as presented with freestanding signs having 25 feet as maximum height and the setbacks as discussed, clarifying that those setbacks are from any property line.

Mr. Spencer moved to accept the Planning Commission recommendation for the freestanding signs as presented with the addition that the setbacks will be required from any property line. Second by Mr. Gentry. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Spencer, Mr. Baker, Mr. Gentry, Mr. McCoy.

EXECUTIVE SESSION

Mr. Gentry moved to go into Executive Session under Section 2.2-3711, for A5 Disposition of Property. Seconded by Mr. Baker. Approved by the following vote: Mr. Baker, Yes; Mr. Gentry, Yes; Mr. McCoy, Yes; Mr. Spencer, Yes; Ms. Hobbs, Yes.

Mr. Spencer moved to return to regular session and only disposition of property was discussed. Seconded by Mr. Gentry. Approved by the following vote: Mr. Baker, Yes; Mr. Gentry, Yes; Mr. McCoy, Yes; Mr. Spencer, Absent; Ms. Hobbs, Yes.

No further business was introduced. Mr. McCoy adjourned the meeting until the regular meeting to be held on Wednesday, October 7, 2009 in the Giles County General District Courtroom.

APPROVED:

Chairperson

ATTEST:

Clerk