

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Wednesday, November 7, 2018 at 7:00 p.m. in the Alleghany County Governmental Complex, Covington, Virginia, thereof:

PRESENT:

Stephen A. Bennett, Chairman  
G. Matt Garten, Vice-Chairman  
Shannon P. Cox  
James M. Griffith  
Cletus W. Nicely  
Richard Lee Shull  
M. Joan Vannorsdall

and

Jonathan A. Lanford, County Administrator  
Suzanne T. Adcock, Director of Finance  
Ryan D. Muterspaugh, Director of Public Safety  
Jim Guynn, County Attorney  
Melissa A. Munsey, Deputy Clerk to the Board

**CALL TO ORDER:**

The Chairman called the regular meeting to order. Mrs. Cox gave the invocation and the audience remained standing for the Pledge of Allegiance.

**MINUTES:**

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on October 2, 2018.

**PUBLIC HEARING AND APPROVAL - SALE OF PROPERTY OFF WEST COUNTRY CLUB LANE IN VALLEY RIDGE (FORMER WELL SITE):**

Public Hearing was held to consider the sale by Alleghany County of an approximate 0.24 acre parcel located off of West Country Club Lane. The property is further identified on the Real Property Identification Maps as 05900-00-000-001N.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, October 30, 2018 in accordance with the Code of Virginia. He then called the public hearing to order.

Mr. Lanford stated that there is information in the agenda packet along with an offer on the property. He commented that this is the former Valley Ridge well site that was drilled in the 80's, but had surface water influence. He mentioned that the well was decommissioned when the County took over the Valley Ridge Water Company. He stated that an adjoining property owner has made an offer to the County to acquire the property.

Mr. Bennett asked if there is any infrastructure on the property. Mr. Lanford replied that all salvageable material on the property will be removed and the purchaser would be responsible for any costs involved with the sale.

There being no one else who wished to speak, the Chairman declared the public hearing closed.

On motion of Mr. Shull, seconded by Mr. Griffith, that the Board waive its policy of not acting on a public hearing on the same night.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

On motion of Mr. Garten, seconded by Mr. Nicely, that the following resolution be adopted:

WHEREAS, the County received a request from Mr. Daniel C. Taylor asking that the County consider the sale of an approximate 0.24 acre parcel located off of West Country Club Lane which is identified on the Real Property Identification Maps of Alleghany County 05900-00-000-001N; and

WHEREAS, the Board held a public hearing to dispose of the property on November 7, 2018 in accordance with Section 15.2-1800 of the Code of Virginia, 1950, as amended;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors agrees to sell an approximate 0.24 acre parcel located off of West Country Club Lane to Mr. Daniel Taylor for \$1,000.00;

BE IT FURTHER RESOLVED that the Board authorizes Mr. Jonathan A. Lanford, County Administrator, to sign documents in relation to the sale of property to Mr. Taylor.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

**PUBLIC HEARING AND APPROVAL - ISSUANCE OF A WATER AND SEWER BOND IN THE AMOUNT OF \$547,854 (ROSEDALE SEWER PROJECT):**

Public Hearing was held to consider the proposed issuance of a bond by Alleghany County (the “County”). The estimated maximum amount of the bond is \$547,854. The only proposed use of the bond proceeds is to pay the costs of improvements to the County’s sewer system (Rosedale Sewer Improvement Project) and costs of issuing the bond.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, October 23, 2018 and Tuesday, October 30, 2018 in accordance with the Code of Virginia. He then called the public hearing to order.

Ms. Adcock stated that the Board has previously discussed the Rosedale Sewer Improvement Project. She mentioned that the County has worked with Virginia Resources Authority (VRA) on a bond. She commented that the total of the bond is \$1,092,854 with a maximum loan forgiveness of \$545,000 leaving a balance of \$547,854. She stated that the bond is for 20 years at 0% interest.

There being no one else who wished to speak, the Chairman declared the public hearing closed.

On motion of Mr. Garten, seconded by Ms. Vannorsdall, that the Board waive its policy of not acting on a public hearing on the same night.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

On motion of Mr. Garten, seconded by Mr. Nicely, that the following resolution be adopted:

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A WATER AND SEWER REVENUE BOND OF ALLEGHANY COUNTY, VIRGINIA, IN AN AMOUNT NOT TO EXCEED \$547,854, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF THE BOND AND AUTHORIZING CERTAIN RELATED ACTIONS**

Pursuant to the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the “Act”), the Board of Supervisors of Alleghany County (the “Board of Supervisors”) is authorized to issue bonds, notes or other obligations payable from a pledge of the revenues from the County’s water and sewer system.

The Board of Supervisors has determined it necessary and expedient to improvements to the County's sewer facilities serving the Rosedale area of the County and to issue a water and sewer revenue bond of the County in the maximum principal amount of \$547,854 to finance costs of the improvements.

On November 7, 2018, the Board of Supervisors held a public hearing on the proposed issuance of the bond, in accordance with Section 15.2-2606 of the Act.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALLEGHANY COUNTY, VIRGINIA:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions. Whenever used in this resolution, unless a different meaning clearly appears from the context:

“Bond” means the County’s bond as and when issued under this resolution.

“Fund” means the Virginia Water Facilities Revolving Fund, its successors and assigns.

"Project" means capital improvements to the County's sewer facilities serving the Rosedale area of the County.

“System” means all plants, systems, facilities, equipment or property owned, operated or maintained by the County and used in connection with the collection, storage, treatment or distribution of water or the collection or treatment of wastewater.

“VRA” means the Virginia Resources Authority, as Administrator of the Fund and in its own right.

ARTICLE II

AUTHORIZATION, FORM, EXECUTION, DELIVERY,  
REGISTRATION AND REDEMPTION OF BOND

Section 2.1. Authorization of the Bond. It is determined to be advisable, necessary and expedient for the County to undertake the Project. Pursuant to the Act, there is authorized to be issued and delivered to the VRA a water and sewer revenue bond of the County in an aggregate principal amount not to exceed \$547,854, the proceeds of which will be used to pay costs of the Project.

Section 2.2. Details of the Bond.

(a) The Bond shall be issued as a fully registered bond without coupons, shall be dated the date of its issuance, shall bear no interest, and shall be payable as determined in accordance with (b) below.

(b) Each of the Chairman or Vice-Chairman of the Board of Supervisors is authorized to determine and approve all of the other final details of the Bond, including, but not limited to, its designation, including a series designation, its original principal amount, the payment dates of principal, the amount of each payment of principal, and the provisions for prepayment or redemption; however, (a) the principal amount of the Bond shall not exceed \$547,854, and (b) the due date of the last installment of principal of the Bond shall not be later than 40 years after the date of the Bond. The execution and delivery of the Bond as described in Section 2.3 and Section 2.7 of this resolution shall conclusively evidence such details as having been so determined and approved as authorized by this Resolution. Principal of the Bond shall be payable in lawful money of the United States of America.

Section 2.3. Execution of Bond. The Bond shall bear the manual signature of the Chairman or Vice-Chairman of the Board of Supervisors and shall bear a manually impressed or imprinted facsimile of the seal of the County attested by the manual signature of the Clerk of the Board of Supervisors. In case any officer whose signature shall appear on the Bond shall cease to be such officer before the delivery of the Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The Bond may be signed by such persons as at the actual time of its execution shall be the proper officers to sign the Bond although at such time such persons may not have been such officers.

Section 2.4. Form of Bond. The Bond shall be in substantially the form attached as Exhibit A, with such variations, insertions and omissions as shall be consistent with this resolution, the execution and delivery of the Bond constituting conclusive evidence that any variations, insertions and omissions are consistent with this resolution. Upon request of the VRA, the County shall arrange to have prepared, executed, authenticated and delivered in exchange for the Bond as soon as practicable bonds in printed form in an aggregate principal amount equal to the unpaid principal of the Bond in typewritten form to be exchanged, in denominations of \$5,000 and multiples thereof, except for one bond which may be issued in an odd denomination of not less than \$5,000, of the same form and maturity and registered in such names as requested by the VRA or its duly authorized attorney or legal representative. The typewritten bond surrendered in any such exchange shall be canceled.

Section 2.5. Bond Registrar. The County Administrator of the County is appointed Bond Registrar for the Bond.

Section 2.6. Registration, Transfer and Exchange. The County shall cause books for the registration and transfer of the Bond (and any printed bond or bonds issued in substitution for it in accordance with Section 2.4 above) to be kept at the office of the Bond Registrar, and the County hereby instructs the Bond Registrar to keep such books and to make such registrations and transfers under such reasonable regulations as the County or the Bond Registrar may prescribe. Transfer of the Bond or any printed bond issued in substitution for it may be registered upon books maintained for that purpose at the office of the Bond Registrar. Prior to due presentment for registration of transfer, the Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and the exercise of all other rights and powers of the owner.

Section 2.7. Preparation and Award of Bond. After consideration of the methods of sale of the Bond and the current state of the municipal bond market, the Board of Supervisors determines that it will be in the best interests of the County to deliver the Bond to the VRA in accordance with the Financing Agreement described in Section 2.8 of this resolution. Each of the Chairman or Vice-Chairman of the Board of Supervisors is authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver the Bond to the VRA or its designee in accordance with the terms of the Financing Agreement.

Section 2.8. Authorization of Financing Agreement, Funding Agreement, and Other Matters. The Financing Agreement between the VRA and the County (the "Financing Agreement") and the Funding Agreement between the VRA and the County (collectively, the "Financing Documents"), the forms of which have been presented to the Board of Supervisors at this meeting and filed with the records of the Board of Supervisors, are approved. Each of the Chairman or Vice-Chairman of the Board of Supervisors and the County Administrator is authorized to execute and deliver on behalf of the County the Financing Documents in substantially the forms submitted to the Board of Supervisors, with such changes, insertions or omissions as may be approved by the Chairman, Vice-Chairman or County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Financing Documents. Nothing in this resolution, the Bond or the Financing Documents shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County. Each of the Chairman, Vice-Chairman or County Administrator and any other officer of the County is authorized to execute and deliver on behalf of the County such other instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Bond or the Financing Documents, and all of the foregoing, previously done or performed by such officers of the County, are in all respects approved, ratified and confirmed.

Section 2.9. Moral Obligation. On the terms and conditions to be provided in the Financing Agreement, the Board of Supervisors will undertake a non-binding moral obligation to pay the sums due under the Bond and the Financing Agreement, subject to annual appropriation by the Board of Supervisors. The Board of Supervisors, although recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, states its intent to make such appropriations in future fiscal years and recommends that future Boards of Supervisors do likewise.

Section 2.10 Election of Applicable Law. To the extent permitted by Section 15.2-2601 of the Act, the Board of Supervisors elects that the Bond will be issued under the provisions of the Act without regard to the requirements, restrictions or provisions contained in any charter or local or special act applicable to the County.

### ARTICLE III

#### PARTICULAR COVENANTS

Section 3.1. Payment of the Bond. The County shall pay promptly the principal of the Bond as and when due. The Bond shall be payable exclusively from the "Revenues," as defined and pledged in the Financing Agreement, and nothing in this resolution or in the Bond shall be deemed to create or constitute a general obligation of or a pledge of the faith and credit of the Commonwealth of Virginia or any county, city, town or other political subdivision of the Commonwealth, including the County.

Section 3.2. Pledge of Revenues. To the extent provided in the Financing Agreement, the "Revenues" as defined in the Financing Agreement shall be pledged to the payment of the Bond.

### ARTICLE IV

#### MISCELLANEOUS

Section 4.1. Authority of Officers and Agents. The officers and agents of the County shall do all acts and things required of them by this resolution and the Bond for the complete and punctual performance of all its terms, covenants and agreements. The appropriate officers of the County are further authorized and empowered to take such other action as they may consider necessary or desirable to carry out the intent and purpose of this resolution and the issuance of the Bond.

Section 4.2. Limitation of Liability of Officials of County. No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of an officer, employee, member of the Board of Supervisors, or agent of the County in his or her individual capacity, and no officer of the County or member of the Board of Supervisors executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance of the Bond. No officer, employee or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this resolution, provided he or she acts in good faith.

Section 4.3. Conditions Precedent. Upon the issuance of the Bond, all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia or this resolution to have happened, exist and to have been performed precedent to or in the issuance of the Bond shall have happened, exist and have been performed.

Section 4.4. Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 4.5. Severability. If any court of competent jurisdiction shall hold any provision of this resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

Section 4.6. Effective Date. This resolution shall take effect immediately.

Section 4.7. Filing of Resolution. The Clerk is hereby authorized and directed to see to the prompt filing of a certified copy of this resolution with the Circuit Court of Alleghany County, Virginia.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes	
James M. Griffith		Yes
Cletus W. Nicely	Yes	
Richard Lee Shull	Yes	
M. Joan Vannorsdall	Yes	
G. Matt Garten	Yes	
Stephen A. Bennett	Yes	

NOTE: The documents mentioned in the above resolution are a part of the records of this meeting.

**PUBLIC HEARING - AMENDMENTS TO CH. 66 “ZONING” OF THE COUNTY CODE (RECREATIONAL VEHICLES, TEMPORARY/SEASONAL STRUCTURES, ETC.):**

Public Hearing was held to consider amendments to Chapter 66-Zoning of “The Code of the County of Alleghany, Virginia” to:

- Add regulations for recreational vehicles, temporary seasonal structures, campgrounds, and short term rentals; and amend zone classifications and definitions to include the same.
- Add parks, playgrounds, outdoor commercial recreation, motor sport parks, and community centers as uses in various zone classifications; and to add/amend definitions relating to the same.
- Amend wording in Article XI-Flood District, Sec. 66-344 regarding mobile/manufactured homes to comply with current regulations.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, October 23, 2018 and Tuesday, October 30, 2018 in accordance with the Code of Virginia. He then called the public hearing to order.

Mrs. Shelly Mongold, County Planner, reviewed the staff report which is as follows:

	<b>STAFF REPORT</b>
<b>PREPARED FOR:</b>	Alleghany County Planning Commission Alleghany County Board of Supervisors
<b>PREPARED BY:</b>	Shelly Mongold, County Planner/Zoning Administrator
<b>DATE:</b>	September 7, 2018, Revised October 11, 2018
<b>SUBJECT:</b>	Proposed Amendment to Ch. 66-Zoning –Recreational Vehicles, Temporary Seasonal Structures, Campgrounds, Short Term Rentals, Parks, Playgrounds, Commercial Recreation, Motor Sports Park, Community Centers, and Flood District

*These proposed amendments are a result of most recent and past inquiries or complaints regarding camping, campgrounds, short term rental, outdoor commercial recreational activities, and other related activities. They also include some “housecleaning items” that have needed to be corrected for some time.*

*The attached draft of amendments to Chapter 66-Zoning would address these issues and will provide written regulations, definitions and guidelines for these activities and uses. These regulations would provide staff with a means to address complaints and inquiries for these types of uses that are not currently addressed or are poorly addressed in the zoning ordinance.*

*The addition of Article XXV-Temporary and Seasonal Structures, Recreational Vehicles, Campground and Short Term Rentals, would establish requirements for these uses. It would regulate an individual camping on their property in AR zones where camping is allowed, allowing them to camp but making sure there are adequate sanitary facilities provided, and limiting this temporary use to no more than 30 consecutive days. More than 30 days and it would qualify as a “seasonal dwelling.” It does prohibit the use of a “recreational vehicle” or “campsites” as a residence. Three or more campsite or recreational vehicles would be classified as a “campground.”*

*Guidelines for Campgrounds, aka Recreational Vehicle Parks, would be addressed under the proposed amendments. Currently there are no regulations for commercial campgrounds. It is proposed that camping and campgrounds (as defined) only be permitted in AR zone classifications. These guidelines would set a minimum lot size (5 acres) for a campground in an area zoned AR, require the submittal of a site plan to be approved by the zoning administrator, and make sure there are adequate services provided such as sanitary facilities. Lot size, ingress/egress, lighting, and buffering/screening are all addressed in the regulations. It also prohibits the use of a campground from becoming a permanent residence. Occupancy would be limited to 30 days. Mobile/manufactured homes would not be allowed in campgrounds.*

*This Article would also provide regulations for “Seasonal Homes/Structures” and “Short Term Rental” units. These would be units rented on a short term basis, which is defined as less than 30 days. They would be allowed by right in the AR zone, but*

require a special use in the R-2 zone. They would not be permitted at all in the R-1 zone. Current regulations address the use of properties for Bed and Breakfast Inns or Homestays. The proposed amendments would provide further guidelines for these uses.

Seasonal structures would be treated just like residential structures and would have to comply with all codes relating to the same (building permit, septic papers, etc.). Whether it is the short term rental of a single-family dwelling or an individual room, the owner would be required to complete and submit a short term rental application to the zoning office for approval. Short Term Rentals would also be required to register with the Commissioner of the Revenue. Bed and Breakfast Homestays, Bed and Breakfast Inns, Cabin Resorts, Cottages, and Retreats (as defined) will be considered a short term use.

The proposed amendment also addresses the placement of a temporary office trailer for construction purposes on properties in the County. This use would be considered temporary and would be allowed in all zone districts. However, a building permit would be required with the applicant stating the purpose and the approximate time the unit would be on site.

Other miscellaneous changes include:

- AR Zone:

Acceptable Uses:

Adding the use of “parks and playgrounds, and outdoor commercial recreation”

Adding use of “assembly and meeting halls, and community centers up to 3,000 sq. ft.”

Special Use:

Add “motor sports park”

Add “assembly, meeting halls, and community centers (over 3,000 sq. ft.)”
- R-2 Zone:

Acceptable Use:

Add “parks and playgrounds”

Special Exception:

Add “community center”
- B-2 Zone:

Special Use:

Add “outdoor commercial recreation”

Article XI - Flood District, Sec. 66-34. Remove wording regarding mobile/manufactured homes in flood ways in existing mobile home parks or subdivisions. FEMA does not allow this under the 2010 regulations.

Definitions are to be added to support these proposed changes.

The Allegheny County Planning Commission held a public hearing on October 10, 2018 on the proposed amendments. They recommended at that time for the amendments to be approved as submitted.

Mrs. Mongold added that no one from the public was present at the Planning Commission public hearing.

Mr. Nicely stated that there are a lot of amendments to absorb. He mentioned that it appears that you can do about anything in an AR zone. He suggested no campgrounds or recreational facilities in an AR zone without a Special Use Permit. Mrs. Mongold commented that most of the County is zoned AR.

Mr. Garten asked if the amendments are clean-ups to comply with the State Code. Mrs. Mongold replied that the only change to comply with the State Code involves the flood district and the rest just cover issues that have been brought to her office over the years which were not covered in the zoning regulations.

Mrs. Cox asked if a person is on their own property could there be four or five campers. Mrs. Mongold replied that there is not a stipulation on individuals, but commercial establishments.

Ms. Vannorsdall asked if short term use includes Air B&B’s. Mrs. Mongold replied that those are considered short term (under 30 consecutive days).

Mr. Griffith asked if the recreational vehicle/camping regulations are mainly for commercial establishments. Mrs. Mongold replied that is correct and does not apply to hunting camps.

Mr. Shull commented that if up to 30 consecutive days is considered short term then a person could stay 30 days, leave for two days, and then come back.

Mr. Bennett stated that no action will be taken tonight. He suggested listening to comments and sending suggestions back to the Planning Commission.

Mr. Chuck White, 709 E. Morris Hill Road, stated that it was mentioned that the amendments are for “commercial”, but the staff report states “it would regulate an individual camping on their property in AR zones where camping is allowed....” and this needs to be clarified. He commented that he has four campers on the river that are used two weeks at a time. He suggested increasing the number to five or more. He stated that he was told that his existing property would be grandfathered in, but he would like to have something in writing or verbal from the Board that he is grandfathered. He mentioned that he does see the need for some regulations for a commercial campground. He also commented regarding the definition of “motor sports park” which does not say it has to be business or commercial and this needs to be clarified as his son rides an ATV on their property. He stated that he left a message with Mr. Garten to voice his concerns and would appreciate a second public hearing once changes are made to the draft amendments.

Mr. Bennett commented that you should be able to have people on your land when no money changes hands.

Mr. Steve Caldwell, 300 Sherry May Street, stated that his family and friends do a lot of camping and he can have four or five campers on his property that are taken on trips. He commented that they are not lived in, but are parked on his property over the winter.

Ms. Angie Graham, 2405 Hot Springs Road, stated that she appreciates the Board working with us on concerns. She commented that they have three campers on their property that are parked over the winter. She mentioned that they do not charge their friends to store their campers. She stated that even though that is not the intent of the amendments, language is the most important thing. She commented that sometimes her brother comes to visit and brings his RV to park and stay in while visiting.

Mr. Lance Carson, 1202 N. Pocahontas Avenue, stated that he has a camper parked on his property and asked if he would have to move it every 30 days. Ms. Vannorsdall replied that the intent is not for those campers that are just parked, but someone residing in them. Mr. Bennett added that some individuals skirt the law by living in campers and do not have proper facilities.

Mr. Steve Weikle, 201 Weikle Road, commented that there are contractors that come in to the area and live in campers (i.e. Buckhorn) and he has two sites at his house where one lives full time. He stated that he does not agree with the 30 day stipulation.

Mr. Shawn Simmons, 214 Wade Drive, asked why recreational vehicles like ATV's, four-wheelers, golf carts, etc. would be lumped in with camping. Mrs. Mongold replied that “recreational vehicle” is the State Code definition of a camper and not the other items mentioned. She commented that it was intended for a motor sports park to be a commercial establishment.

Mr. Garten commented that adding “for-profit” or “commercial” in definitions would clear up a lot of the issues brought up tonight.

Mr. Bennett suggested sending the amendments back to the Planning Commission with comments received tonight for further review. He commented that another public hearing will be held at a later date.

There being no one else who wished to speak, the Chairman declared the public hearing closed.

On motion of Mr. Griffith, seconded by Mr. Shull, that the following resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors send the proposed amendments to Ch. 66 - Zoning of the County Code back to the Planning Commission for further review and changes due to comments received at the Board's public hearing.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

**PUBLIC COMMENT (5 MINUTE TIME LIMIT):**

Mr. Jeff Stern, 510 Main Street, gave an update on the Masonic Theatre regarding the “Heart of Community Campaign;” their mission; activities and events with number of participants (42% of events were ticketed, 23% private, and 35% community events which are mostly free); partnering with local venues; use of local businesses; and fundraising versus being for profit (keeps the theatre more community oriented).

**MS. SUSAN HAMMOND, VDOT RESIDENT ENGINEER - VIRGINIA DEPARTMENT OF TRANSPORTATION UPDATE:**

Ms. Susan Hammond, VDOT Resident Engineer, gave a report on the following VDOT activities:

Maintenance

- *Plant mixed over pipe replacements County-wide.*
- *Graded dirt roads County-wide.*
- *Slope repair on Rt. 664 completed using soil nails.*
- *Interstate brushing complete.*
- *Rt. 159 paving complete.*
- *Rt. 311 paving to start next week.*
- *Rt. 687 tree removal to be complete (along with additional trees on Rt. 311) later this week or first of next week.*
- *Starting fall brush cutting on primary and secondary routes.*
- *Approaches at Selma bridge and box culvert at Westrock entrance to be completed in the next few weeks.*

Construction

- *Rt. 638 bridge replacement expecting first deck pour between Thanksgiving and Christmas.*

Mr. Nicely stated that he knows that the Rt. 220 project is in another district, but it is moving at a snail's pace. He mentioned that dirt has been moved at the end of Iron Gate, but you never see anyone there. Ms. Hammond commented that she will try to get a schedule for the project.

Mr. Garten commented regarding rocks and trees on the Rt. 220 high wall. He mentioned that there is growth along the road at the Intervale entrance that needs to be cut. Ms. Hammond commented that the Intervale entrance is one of the next locations to be cut.

Mrs. Cox asked if the Rt. 311 paving will address the tunnel area south from West Virginia. Ms. Hammond replied that it is included and will be milled down.

Mrs. Cox commented that on Rt. 18 at the dip near the Carpenter's some pavement has been put in, but it is chunky.

Mr. Bennett asked who owns the middle section in Low Moor from Averill's to the school circle as there is a large ponding area. Ms. Hammond replied that the loop road was abandoned. She commented that she will look at it, but VDOT can only make repairs in its right-of-way.

Mr. Nicely stated that where Rt. 220 merges into Cliftondale there is a yield sign but people do not pay attention to it and someone is going to be killed. He mentioned that he gets complaints all the time. Mr. Garten asked if putting a ripple in would slow traffic down. Ms. Hammond replied that they thought about putting a ripple in as it is effective, but the negative is that they cause a lot of noise and it is near a residential neighborhood.

**RECOMMEND MR. EVERETTE “JACK” HARLOW FOR APPOINTMENT TO THE BOARD OF ZONING APPEALS BY THE CIRCUIT COURT JUDGE:**



On motion of Mr. Garten, seconded by Mr. Nicely, that the following resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors endorses the appointment of Mr. Everette J. Harlow (Jackson River District), 6107 Rich Patch Road, Covington, VA 24426 to the Alleghany County Board of Zoning Appeals for a term of five years retroactive to November 1, 2018 and ending October 31, 2023.

This resolution of endorsement is to be submitted to the Judge of the Circuit Court to make the appointment.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes	
James M. Griffith		Yes
Cletus W. Nicely	Yes	
Richard Lee Shull	Yes	
M. Joan Vannorsdall	Yes	
G. Matt Garten	Yes	
Stephen A. Bennett	Yes	

**MS. ELIZABETH MCNICHOLS, DISTRICT RANGER - FOREST SERVICE UPDATE:**

Ms. Elizabeth McNichols, District Ranger, reviewed information included in the agenda packet which includes an update on:

- Lower Cowpasture Landscape Restoration Project - Awarded \$788,810 in 2018 for work on private lands and USFS lands.
- Sustainable Recreation - Graph of visitor use (highest being hiking/walking).
- Roads rehabilitated in 2018 (Dolly Ann Road, Sweet Road, White Oak Flats Road) and roads that continue to be closed due to storm damage (FR69 Jerry's Run Rd., FR 366 So Big Rd., FR 277 Crows Run Rd., FR277A Crows Run Spur Rd., and FR 345 Rogers Rd.).
- Future Projects - Potts Mountain Restoration, Grizzled Skipper Stewardship Restoration, Bubbling Springs Decommission, JRWS Recreation Site Hazard Trees, and Evans Tract Sustainable Recreation.

Mr. Nicely asked when the gate at White Rock (Ridge Hole) would be opened. Ms. McNichols replied that it is usually open and she will check on this.

Mr. Nicely commented that the scenic byway on North Mountain is in bad shape (culvert, etc.). He mentioned that the State part is in good shape, but not the Forest Service part.

Mr. Garten asked if there has been any consideration of having an ATV trail route in the area with the amount of National Forest in the County. Ms. McNichols replied that it would require new trail construction which is expensive and then the money to maintain the trails. She mentioned that she has received no requests for an ATV trail.

Mr. Nicely commented regarding hunters being required to purchase a National Forest Stamp, but hikers and bikers are not required to have one. He mentioned that everyone should be charged if the Forest Service has no money or that there be no charge since the Forest Service does not pay taxes. Ms. McNichols stated that the stamp money is used for wildlife habitats. She mentioned that there are some day use sites, but there are not fee areas at trail heads and picnic areas.

**CRISIS INTERVENTION (CIT) ASSESSMENT SITE COMMITTEE REPRESENTATIVE - DISCUSS AND APPROVE FUNDS FOR A POLYCOM MAGISTRATE SYSTEM IN RELATION TO A CIT ASSESSMENT SITE GRANT:**

Mrs. Ingrid Barber, AHCSB Executive Director and CIT Site Committee Representative, reviewed a memo from her to Mr. Lanford which is included in the agenda packet. The memo is as follows:

*This memo is to inform you that Alleghany Highlands Community Services and the three local law enforcement agencies have worked on a grant in the amount of \$373,625 to get a Crisis Intervention Team Assessment Site in our community. We should be finding out in the next few weeks whether we have been awarded the grant. Our purpose is to request some assistance if awarded the grant from both local governments to purchase a Polycom Magistrate System in the amount of \$8,260. This system will plan to be housed in the hospital emergency department, and it would save significant time for our local law enforcement agencies in streamlining the TDO process by eliminating travel and fax time. With this system, magistrates are able to provide services on an around-the-clock basis, conducting hearings in person or through the use of videoconferencing systems. Officers will not need to run the road to get paperwork for the commitment process. They are already utilizing this in Augusta and Rockbridge counties and we would like the same system in our community. The one time cost of the system is \$8,236 and Covington's contribution would be \$2,142 and Alleghany's*

contribution would be \$6,094 using the 74%/26% split. The ongoing maintenance was written into the grant in the amount of \$1,300. It is our hope that you support us in this endeavor.

Ms. Vannorsdall asked what “TDO” stands for. Mrs. Barber replied that it stands for temporary custody order.

Mr. Nicely asked how often this is needed. Mrs. Barber replied that the pre-screen process is almost every day. She commented that there is a certain amount of time for the AHCSB to respond and do an evaluation.

On motion of Mr. Shull, seconded by Mr. Griffith, that the following resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors approve in-kind funding of \$6,094 (one-time cost) for a Polycorn Magistrate System in the emergency room in relation to a Crisis Intervention (CIT) Assessment Site Grant.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes	
James M. Griffith		Yes
Cletus W. Nicely	Yes	
Richard Lee Shull	Yes	
M. Joan Vannorsdall	Yes	
G. Matt Garten	Yes	
Stephen A. Bennett	Yes	

**APPROVE CONTRACT FOR COMPREHENSIVE HOUSING STUDY:**

Mr. Lanford reviewed a memo from him to the Board which is included in the agenda packet. The memo is as follows:

*Following proper procurement, staff recommends award of referenced contract to S. Patz and Associates in an amount of \$17,500 for purpose of completing a County-wide housing study. Two proposals were received and interviews conducted with both firms on 11 October. Selection of S. Patz and Associates was unanimous.*

*The demographic and housing analyses will be County-wide and to the extent needed will also be I-81 and I-64 corridors wide. The purpose is to document the magnitude and type of demographics and growth occurring in and near the County and then to determine the potential of that growth that can be attracted to new housing sites in the County.*  
He added that the study will include Covington and Clifton Forge.

Mr. Nicely commented that he does not understand what the County will get out of the study and mentioned that there is a lack of infrastructure in suitable areas.

Mr. Lanford stated that Botetourt County has a housing issue and this firm identified and evaluated sites to determine what would be suitable (i.e., single-family, townhouses, etc.) to spur housing growth. He commented that now they have new housing start-ups due to the potential of significant job growth in Botetourt. He mentioned that with improvements to Rt. 220 more may want to live in our area due to the high end housing prices in Botetourt. He stated that the firm will look at sites in proximity to water and sewer.

Mr. Bennett commented that one thing that came out of the meeting with counterparts in Botetourt is that it is quicker to get to the Greenfield area from our County than to commute from the other side of Roanoke.

Mr. Garten stated that if Mr. Patz finds a need that he has funding groups and builders that follow up with needed structures.

Mr. Bennett mentioned that there is also a need for Planned Unit Developments for the elderly as there are a lot of women that have lost their husband and are unable to take care of their property. Mr. Garten added that we have lost a lot of residents from the area to the Glebe and others.

On motion of Mr. Griffith, seconded by Mr. Garten, that the following resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors approve a contract with S. Patz and Associates for a County-wide Housing Study in the amount of \$17,500.

BE IT FURTHER RESOLVED that the Board authorize Mr. Jonathan A. Lanford, County Administrator, to sign the abovementioned contract, in form approved by the County Attorney, on behalf of the County.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

**APPROVE SUPPLEMENTAL APPROPRIATION FOR THE SPECIAL LAW FUND:**

Ms. Adcock stated that she has been working with Major Terry Cronk on the use of funding from the Special Law Fund to purchase an inmate work crew vehicle. She commented that the fund balance for the Special Law Fund is approximately \$250,000 and \$52,000 would need to be appropriated to make the purchase. She mentioned that these are not new funds, but monies collected in that particular fund that were not budgeted.

On motion of Mr. Garten, seconded by Mr. Shull, that the following resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors approve the following supplemental appropriation in FY19 for the Special Law Fund:

<u>Fund Balance</u>	
Fund 246 - Fund Equity (246-33001)	(\$52,000)
<u>Expenditure Account</u>	
Fund 246 - Special Law Paytel-Purchase of Vehicles (3108-57005)	\$52,000

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

**APPROVE TOWER LEASES FOR THE RADIO SYSTEM PROJECT:**

Mr. Muterspaugh stated that these are the last three leases needed for the radio system. He reviewed a memo from him to the Board which is included in the agenda packet. The memo is as follows:

*The new Emergency Radio Communications System will require additional tower sites in order to meet the coverage requirements. To fulfill the County's request for a "turn-key" solution in the RFP, Harris Corporation utilized existing cellular towers located within the County where possible. Harris also partnered with Datapath Towers, LLC to provide new (Greenfield) tower sites where no towers currently exist. In order to keep the cost down for the County (and City) to construct the radio system, Datapath will build and maintain their tower sites. The County will lease tower space from Datapath and other tower providers at the three following locations:*

- Wilcher Tower Site - This is a new site that Datapath will construct. It is located off of Longdale Station Road just outside of the Buckhorn Subdivision.*
- Peters Mountain Tower Site - This is an existing STARS tower owned by the Virginia State Police and operated by Mountain Electronics and VSP. Mountain Electronics controls the bottom 110 feet of the tower, thus, our lease agreement will be with them. The tower is located off of Jingling Rocks Road southwest of Covington.*
- North Mountain Tower Site - This is an existing STARS tower owned and operated by the Virginia State Police. It is located at the top of North Mountain off of Collierstown Road just inside Rockbridge County. This will be a no-cost lease for the County.*

*The County will own its radio equipment at each site, but will only own the equipment shelter and back-up generator at the Wilcher (Datapath) site. VSP will maintain their equipment shelter and generator and allow us to utilize both at the two STARS sites.*

*Legal counsel for the County is reviewing the lease agreements and has been an integral part of the process. County staff is requesting that the Board give authorization to the County Administrator to execute the three lease agreements*

contingent upon final legal approval from the County Attorney. Please let me know if you have any questions. Thank you.

Mr. Nicely asked why the Wilcher property tower is needed as there is already a tower at the Triangle site. Mr. Muterspaugh replied that the Triangle tower is too low for what is needed.

Mr. Nicely asked what the cost of the Wilcher tower would be. Mr. Muterspaugh replied that Datapath will be constructing the tower and the County will pay a monthly lease and maintenance of the equipment.

Mr. Nicely asked if the lease and maintenance costs are part of the overall budget for the system. Mr. Muterspaugh replied that those costs are not currently budgeted.

There was some discussion regarding the towers being needed for minimum coverage of 90% and that the number of towers is in range of the original scope.

On motion of Mrs. Cox, seconded by Ms. Vannorsdall, that the following resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors authorize Mr. Jonathan A. Lanford, County Administrator, to execute lease agreements for tower sites in relation to the new radio system, contingent upon final legal approval from the County Attorney, as follows:

- Lease agreement with Datapath at the Wilcher Tower Site; and
- Lease agreement with Mountain Electronics at the Peters Mountain Tower Site; and
- Lease agreement with Virginia State Police at the North Mountain Site.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes	
James M. Griffith		Yes
Cletus W. Nicely	Yes	
Richard Lee Shull	Yes	
M. Joan Vannorsdall	Yes	
G. Matt Garten	Yes	
Stephen A. Bennett	Yes	

**COUNTY ADMINISTRATOR’S REPORT:**

Mr. Lanford gave a report on the following:

**Clifton Forge Erosion and Sedimentation Program**

Clifton Forge has decided to abandon their Erosion and Sedimentation program effective January 1, 2019 and the County will take responsibility for those projects which would not be many. The County currently handles building inspections and stormwater management for the town.

**BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):**

**Miscellaneous**

Mr. Griffith thanked everyone for coming to the meeting. He commented that the draft zoning amendments will be back before the Board after further review by the Planning Commission. He congratulated Dr. Goings for his reelection to Town Council.

Mr. Shull agreed with comments by Mr. Griffith.

Mr. Nicely also congratulated Dr. Goings. He mentioned that the Board is stewards of the County and have to take care of funds.

Mrs. Cox thanked everyone for coming to the meeting and that she was glad there were several from her district present. She stated that Love’s Travel Center will be holding a career fair in the area next week and it looks like they are on a path to open

on December 6<sup>th</sup>. She commented that she was glad the public came to the public hearing tonight and gave their input. She mentioned that Mr. Stern’s public comment was interesting and gave a different perspective.

Ms. Vannorsdall thanked the Board for the upcoming turnout at the event Friday night at the Masonic Theatre. She commented that she is looking forward to attending the VACo Conference next week.

Mr. Garten stated that he hopes everyone has a great Thanksgiving. He told Mr. Chuck White that he is sorry he did not get his call at his home, but will give him his cell number for future use.

Mr. Bennett agreed with all comments and reminded everyone that the next meeting is the last one before Christmas.

**CLOSED MEETING:**

On motion of Ms. Vannorsdall, seconded by Mr. Shull, that the Board go into a Closed Meeting under Code of Virginia Section 2.2-3711(A)(3), (6), and (29) for the purpose of: (1) disposition of publicly held real property; and (2) potential economic development package to match VEDP COF. Unanimously adopted.

On motion of Mr. Nicely, seconded by Mr. Griffith, that the Board come out of the Closed Meeting with the following certification:

CERTIFICATION  
SECTION 2.2-3712

To the best of our knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter, and (ii) only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the session.

/s/Richard L. Shull	Yes
/s/James M. Griffith	Yes
/s/Cletus W. Nicely	Yes
/s/M. Joan Vannorsdall	Yes
/s/Stephen A. Bennett	Yes
/s/Shannon P. Cox	Yes
/s/G. Matt Garten	Yes

**ADJOURNMENT:**

On motion of Mr. Nicely, seconded by Mrs. Cox, that the meeting be adjourned at 9:20 p.m. Motion carried.

Stephen A. Bennett  
Chairman