

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, July 6, 2021 at 7:00 p.m. in the Alleghany County Governmental Complex, Covington, Virginia, thereof:

PRESENT: G. Matt Garten, Chairman
James M. Griffith, Vice-Chairman
Stephen A. Bennett
Gregory A. Dodd
Cletus W. Nicely
M. Joan Vannorsdall

and Jonathan A. Lanford, County Administrator
Suzanne T. Adcock, Director of Finance
Jim Guynn, County Attorney
Melissa A. Munsey, Deputy Clerk to the Board

ABSENT: Shannon P. Cox

CALL TO ORDER:

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

Mr. Garten stated that an item is being added to the Closed Meeting (discuss the acquisition of real property for a public purpose and the disposition of publicly held real property). He commented that Item 9D on the agenda (Resolution of Appreciation for Mr. Jonathan Lanford) will be moved to be Item 9E and that Item 9D will now be to discuss and consider support of financing for the ARCC pad site.

MINUTES:

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on June 1, 2021; (2) an adjourned meeting held on June 8, 2021; (3) an adjourned meeting held on June 15, 2021; and (4) an adjourned meeting held on June 23, 2021.

PUBLIC HEARING AND APPROVAL - ORDINANCE EXEMPTING THE MASONIC THEATRE PRESERVATION FOUNDATION FROM REAL ESTATE TAXATION:

Public Hearing was held to consider an ordinance, pursuant to Section 58.1-3651 of the Code of Virginia, 1950, as amended, to consider exempting the Masonic Theatre Preservation Foundation (non-profit entity) property described as parcels C0230-01-024-004A, C0230-01-024-004C, C0230-01-024-0A00, C0230-01-024-0070, and C0230-01-000-0G10 from real estate taxation, for which the assessed value of the real estate taxes assessed against all parcels for 2021 totaled \$3,870.46 (County) and \$1,378.52 (Clifton Forge).

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, June 29, 2021 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. He commented that the Masonic Theatre Preservation Foundation worked with the Commissioner of Revenue and they are eligible for the real estate tax exemption.

Ms. Gayle Hillert, President of the Board of Directors of the Masonic Theatre, read the following prepared statement which is a part of the records of this meeting:

Members of the Board of Supervisors and Mr. Lanford:

Good evening, my name is Gayle Hillert and I am the President of the Board of Directors of The Historic Masonic Theatre. I am here tonight to petition that Property ID C0230-01-024-004A be exempt from real estate tax assessment.

When the Theatre received the tax bill in February of this year, we questioned what it was since we understood that the Theatre was exempt from real estate tax. What we discovered is that the adjoining property, 508 Main Street, the building we refer to as the Annex, which was restored in 2015/16, as part of the Theatre, was not part of that exemption. (It was purchased after the original exemption for the Theatre, 510 Main Street, therefore was not included in the original exemption.)

The first floor of the Annex property is our concessions area, coat check and restrooms for our orchestra level guests, and an HVAC (heating, ventilation, air conditioning) mechanical room. The second floor contains our conference room, restrooms for our balcony guests and an additional HVAC mechanical room. The Annex is critical to our operations in addition to providing good customer service to our guests. That building is where the popcorn is made.

The Historic Masonic Theatre built in 1905, has always provided a gathering place for the community and continues to implement that mission statement today. In addition to the numerous and diverse entertainment events, the Theatre provides a beautiful and versatile venue for weddings, reunions, educational programs, political forums, and furnishes a place to make memories. Thirty percent of our programs are free to the public.

The Theatre is first and foremost an economic stimulus to the Alleghany Highlands community. The uniqueness and versatility of the structure is unlike any other and offers an attraction unusual to southwest Virginia. Contributing to the Highlands and stimulating the economy is our major goal.

Thankfully, we have weathered the devastating challenges of the past 15 months and are fully reopened and are scheduling performances and booking rentals. Our Sunday free movies in the Theatre have been well attended. We are looking forward to bringing exciting entertainment back to the Masonic. However, realistically we know it will take us months, maybe even years to recover.

Being that the Annex is critical to our operations and is an extension of the Theatre, the real estate tax exemption for 508 Main Street, Clifton Forge, Virginia would help us immensely plus the exemption aligns the tax liability with the rest of the building.

Thank you for your time and your thoughtful consideration. May I answer any questions?

Mr. Bennett asked if the Town of Clifton Forge will go along with the exemption request. Ms. Hiller replied that they will.

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

On motion of Mr. Bennett, 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:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Cletus W. Nicely	Yes
M. Joan Vannorsdall	Yes
James M. Griffith	Yes
G. Matt Garten	Yes

On motion of Ms. Vannorsdall, seconded by Mr. Dodd, that the following ordinance proposed at the Public Hearing held on Tuesday, July 6, 2021 to exempt the Masonic Theatre Preservation Foundation from real estate taxation be adopted as follows:

**AN ORDINANCE AUTHORIZING EXEMPTION OF REAL ESTATE
TAXATION FOR THE MASONIC THEATRE PRESERVATION FOUNDATION**

WHEREAS, Section 58.1-3651 of the Code of Virginia, 1950, as amended, gives local governing bodies the authorization to exempt from taxation, by classification or designation, the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, an application requesting tax exempt status was received from the Masonic Theatre Preservation Foundation which is classified as a non-profit cultural organization for property described as parcels C0230-01-024-004A, C0230-01-024-004C, C0230-01-024-0A00, C0230-01-024-0070, and C0230-01-000-0G10; and

WHEREAS, information pertaining to the assessed value of the real estate taxes assessed against such property for 2021 totaled \$3,870.46 (County) and \$1,378.52 (Clifton Forge) was given to the Board;

NOW, THEREFORE, BE IT ORDAINED that the Alleghany County Board of Supervisors approve the request from the Masonic Theatre Preservation Foundation for exemption from real estate taxation based upon information given in the application pursuant to Section 58.1-3651(B) 1 through 8 of the Code of Virginia, 1950, as amended, which the Board considered in making its decision.

BE IT FURTHER ORDAINED that continuance of the exemption is contingent on the continued use of the property

in accordance with the purpose for which the Masonic Theatre Preservation Foundation is classified or designated (non-profit cultural organization).

Adopted: July 6, 2021
Effective Date: 12:01 a.m., July 7, 2021
Adopted by the following roll call vote:

Mr. Bennett	Yes
Mrs. Cox	Absent
Mr. Dodd	Yes
Mr. Garten	Yes
Mr. Griffith	Yes
Mr. Nicely	Yes
Ms. Vannorsdall	Yes

ALLEGHANY COUNTY BOARD OF SUPERVISORS

Deputy Clerk to the Board

PUBLIC HEARING AND APPROVAL - AMENDMENTS TO VARIOUS COUNTY CODE SECTIONS TO INCREASE FEES (BUILDING PERMIT, EROSION & SEDIMENT CONTROL, OVERNIGHT TRUCK, AND WATER AND SEWER TAP FEES):

Public Hearing was held to consider the following fee amendments in "The Code of the County of Alleghany, Virginia":

1. Amendments to Chapter 18-Buildings and Building Regulations in Section 18-32 Permit Fees to increase building permit fees.
2. Amendments to Chapter 30-Erosion and Sediment Control in Section 30-40 Review and Inspection Fee to increase erosion and sediment control fees.
3. Amendments to Chapter 50-Solid Waste in Section 50-98(4) to increase the fee for the overnight truck.
4. Amendments to Chapter 62-Water, Sewer and Sewage Disposal in Sections 62-138 and 62-139 to increase water and sewer tap fees.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, June 22, 2021 and Tuesday, June 29, 2021 in accordance with the Code of Virginia. He then called the public hearing to order.

Mr. Lanford stated that the proposed fee changes were discussed during the budget process to make fees more in line with actual costs associated with each item. They include an increase to the overnight truck fee, increases to erosion and sediment control review and inspection fees, increases to the building permit fees, and increases to the water and sewer tap fees. He mentioned that there is a correction to the water and sewer tap fee at each seat. The correction is a part of the records of this meeting. He stated that many of the fees have not increased since the late 90's. He stated that the changes are recommended by staff as proposed.

Ms. Deloris Quarles, 701A Wrightstown Avenue, asked what the increase would be for the overnight truck. Mr. Lanford replied that it would increase from \$50.00 to \$100.00.

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

On motion of Mr. Griffith, 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:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Cletus W. Nicely	Yes
M. Joan Vannorsdall	Yes
James M. Griffith	Yes
G. Matt Garten	Yes

On motion of Mr. Nicely, seconded by Mr. Griffith, that the following amendments proposed at the Public Hearing held on Tuesday, July 6, 2021 to The Code of the County of Alleghany, Virginia in Chapter 18 entitled "Buildings and Building Regulations" be adopted as follows:

**CH. 18
BUILDINGS AND BUILDING REGULATIONS**

ARTICLE II. Building Code

CURRENT:

Sec. 18-32. Permit fees generally.

(b) *Building permits.* Building permit fees shall be as follows:

<i>Estimated Construction Cost</i>	<i>Permit Fee</i>
\$0.00 to \$1,000.00	\$ 15.00
\$1,001.00 to \$30,000.00	20.00
Plus, per thousand over \$1,000.00	4.00
\$30,001.00 to \$100,000.00	140.00
Plus, per thousand over \$30,000.00	3.00
\$100,001.00 to \$500,000.00	350.00
Plus, per thousand over \$100,000.00	2.00
\$500,001.00 to \$1,000,000.00	1,200.00
Plus, per thousand over \$500,000.00	1.00
\$1,000,001.00 and over	1,800.00
Plus, per thousand over \$1,000,000.00 (not to exceed \$15,000.00)	0.50

(c) *Mechanical, electrical and plumbing permit fees.* Mechanical, electrical and plumbing fees are as follows:

<i>Estimated Construction Cost</i>	<i>Permit Fee</i>
\$0.00 to \$500.00	\$20.00
\$501.00 to \$1,000.00	25.00
\$1,001.00 to \$5,000.00	25.00
Plus, per thousand over \$1,000.00*	5.00
\$5,001.00 and over	45.00
Plus, per thousand over \$5,000.00 (not to exceed \$500.00)*	2.00

*Rounded to the nearest thousand.

(d) *Miscellaneous fees.* Miscellaneous fees are as follows:

- (1) Electrical reinspection fee, if three trips or more are required, per trip.. \$25.00
- (2) Electrical reservice fee25.00

(e) *Mobile/manufactured homes.*

- (1) Mobile/manufactured home fees are as follows:
 - a. New location\$50.00
 - b. Relocation30.00

(2) An electrical permit is required for permanent electrical service in mobile/manufactured homes.

(3) Site approval must be obtained from the zoning administrator for mobile/manufactured homes being placed anywhere other than trailer courts.

(f) *Amusement devices.* Amusement device fees are as follows:

- (1) Kiddie ride\$20.00
- (2) Major ride30.00
- (3) Spectacular (over 20)50.00

(Ord. No. 62, 10-1-83)

CHANGE TO:

Sec. 18-32. Permit fees generally.

(b) *Building permits.* Building permit fees shall be as follows:

<i>Estimated Construction Cost</i>	<i>Permit Fee</i>
\$0.00 to \$1,000.00	\$ 25.00

\$1,001.00 to \$30,000.00	30.00
Plus, per thousand over \$1,000.00	4.00
\$30,001.00 to \$100,000.00	175.00
Plus, per thousand over \$30,000.00	3.00
\$100,001.00 to \$500,000.00	390.00
Plus, per thousand over \$100,000.00	2.00
\$500,001.00 to \$1,000,000.00	1,200.00
Plus, per thousand over \$500,000.00	1.00
\$1,000,001.00 and over	1,800.00
Plus, per thousand over \$1,000,000.00	
(not to exceed \$15,000.00)	0.50

(c) *Mechanical, electrical and plumbing permit fees.* Mechanical, electrical and plumbing fees are as follows:

<i>Estimated Construction Cost</i>	<i>Permit Fee</i>
\$0.00 to \$500.00	\$25.00
\$501.00 to \$1,000.00	30.00
\$1,001.00 to \$5,000.00	35.00
Plus, per thousand over \$1,000.00*	5.00
\$5,001.00 and over	45.00
Plus, per thousand over \$5,000.00	
(not to exceed \$500.00)*	2.00

*Rounded to the nearest thousand.

(d) *Miscellaneous fees.* Miscellaneous fees are as follows:

- (1) Reinspection fee, if three trips or more are required, per trip.....\$30.00
- (2) Electrical reservice fee25.00
- (3) Add the Department of Housing and Community Development levy fee of two percent (2%) of the building permit fee to the building permit cost, per Section 107.2 of the Virginia Statewide Building Code.

(e) *Mobile/manufactured homes.*

- (1) Mobile/manufactured home fees are as follows:
 - a. New location\$100.00
 - b. Relocation50.00
 - (2) An electrical permit is required for permanent electrical service in mobile/manufactured homes.
 - (3) Site approval must be obtained from the zoning administrator for mobile/manufactured homes being placed anywhere other than trailer courts.
- (f) *Amusement devices.* Amusement device fees are as follows:
- (1) Kiddie ride\$30.00
 - (2) Major ride40.00
 - (3) Spectacular (over 20)60.00

(Ord. No. 62, 10-1-83)

Adopted: July 6, 2021
Effective Date: August 1, 2021
Adopted by the following roll call vote:

Mr. Bennett	Yes
Mrs. Cox	Absent
Mr. Dodd	Yes
Mr. Garten	Yes
Mr. Griffith	Yes
Mr. Nicely	Yes
Ms. Vannorsdall	Yes

ALLEGHANY COUNTY BOARD OF SUPERVISORS

Deputy Clerk to the Board

On motion of Mr. Nicely, seconded by Mr. Griffith, that the following amendments proposed at the Public Hearing held

on Tuesday, July 6, 2021 to The Code of the County of Alleghany, Virginia in Chapter 30 entitled "Erosion and Sediment Control" be adopted as follows:

**CH. 30
EROSION AND SEDIMENT CONTROL**

ARTICLE II. Control Plan for Land Disturbing Activities

CURRENT:

Sec. 30-40. Review and inspection fee.

Under this article, fees shall be charged as follows:

- (1) Agreement in lieu of a plan, \$10.00 (required on a single-family dwelling).
- (2) Reinspection fee, \$35.00.
- (3) Bond amounts are equal to the total cost for earth-moving operations, including erosion and sediment control installation and maintenance.
- (4) Plan review fees (rounded up to the nearest whole acre):

<i>Project Costs</i>	<i>Plan Review</i>	<i>Fees</i>	<i>Per Acre</i>
		+	
Up to \$100,000.00	\$ 25.00	+	\$ 5.00
\$100,001.00 to \$200,000.00	50.00	+	7.50
\$200,001.00 to \$500,000.00	75.00	+	10.00
\$500,001.00 to \$1,000,000.00	100.00	+	15.00
\$1,000,001.00 to \$2,000,000.00	100.00	+	20.00
\$2,000,001.00 and above	150.00	+	25.00

(Ord. No. O-94-3, § 9-24, 5-17-94)

CHANGE TO:

Sec. 30-40. Review and inspection fee.

Under this article, fees shall be charged as follows:

- (1) Agreement in lieu of a plan, \$20.00 (required on a single-family dwelling).
- (2) Reinspection fee, \$35.00.
- (3) Bond amounts are equal to the total cost for earth-moving operations, including erosion and sediment control installation and maintenance.
- (4) Plan review fees (rounded up to the nearest whole acre):

<i>Project Costs</i>	<i>Plan Review</i>	<i>Fees</i>	<i>Per Acre</i>
		+	
Up to \$100,000.00	\$ 50.00	+	\$ 5.00
\$100,001.00 to \$200,000.00	100.00	+	7.50
\$200,001.00 to \$500,000.00	100.00	+	10.00
\$500,001.00 to \$1,000,000.00	150.00	+	15.00
\$1,000,001.00 to \$2,000,000.00	150.00	+	20.00
\$2,000,001.00 and above	200.00	+	25.00

(Ord. No. O-94-3, § 9-24, 5-17-94)

Adopted: July 6, 2021

Effective Date: August 1, 2021

Adopted by the following roll call vote:

Mr. Bennett	Yes
Mrs. Cox	Absent
Mr. Dodd	Yes

Mr. Garten	Yes
Mr. Griffith	Yes
Mr. Nicely	Yes
Ms. Vannorsdall	Yes

ALLEGHANY COUNTY BOARD OF SUPERVISORS

Deputy Clerk to the Board

On motion of Mr. Nicely, seconded by Mr. Griffith, that the following amendments proposed at the Public Hearing held on Tuesday, July 6, 2021 to The Code of the County of Alleghany, Virginia in Chapter 50 entitled "Solid Waste" be adopted as follows:

**CH. 50
SOLID WASTE**

ARTICLE IV. Refuse Rates

CURRENT:

Sec. 50-98. Other refuse rates established; additional pickups; etc.

The following additional refuse rates shall apply in the county:

- (3) *Extra refuse pickups for private residences by county personnel.*
 - a. The first load will be \$30.00.
 - b. The second load will be \$65.00.
 - c. The third load will be \$65.00.
 - d. No more than three loads per year, per resident, will be permitted.
- (4) *Extra refuse pickups for private residences; leaving vehicle.*
 - a. The first load will be \$15.00
 - b. The second load will be \$50.00.
 - c. Any additional loads will be \$50.00.

CHANGE TO:

Sec. 50-98. Other refuse rates established; additional pickups; etc.

The following additional refuse rates shall apply in the county:

- (3) DELETE.
- (4) *Extra refuse pickups for private residences; leaving vehicle.*
 - a. \$100.00 each trip.

Adopted: July 6, 2021
 Effective Date: August 1, 2021
 Adopted by the following roll call vote:

Mr. Bennett	Yes
Mrs. Cox	Absent
Mr. Dodd	Yes
Mr. Garten	Yes
Mr. Griffith	Yes
Mr. Nicely	Yes
Ms. Vannorsdall	Yes

ALLEGHANY COUNTY BOARD OF SUPERVISORS

Deputy Clerk to the Board

On motion of Mr. Nicely, seconded by Mr. Griffith, that the following amendments proposed at the Public Hearing held on Tuesday, July 6, 2021 to The Code of the County of Alleghany, Virginia in Chapter 62 entitled "Water, Sewer and Sewage Disposal" be adopted as follows:

**CH. 62
WATER, SEWER AND SEWAGE DISPOSAL**

ARTICLE V. Determination of Rate and Contract

CURRENT:

Sec. 62-138. Water tap fees.

- (a) Water tap fees shall be as follows:

		<i>Effective 7/1/00</i>
<i>Meter Size/ Line Size</i>	<i>Total</i>	<i>Total</i>

<i>(inches)</i>	<i>Fee</i>	<i>Fee</i>
¾	\$ 600.00	\$ 1,000.00
1	1,360.00	1,360.00
1¼	1,700.00	1,700.00
1½	2,550.00	2,550.00
2	4,250.00	4,250.00
4	8,500.00	8,500.00
6	16,500.00	16,500.00
8	22,755.00	22,755.00
10	35,555.00	35,555.00
12	51,200.00	51,200.00

Sec. 62-139. - Sewer tap fees.

(a) Sewer tap fees shall be as follows:

<i>Meter Size/ Line Size (inches)</i>	<i>Total Fee</i>	<i>Effective 7/1/00 Total Fee</i>
¾	\$ 600.00	\$ 1,000.00
1	1,360.00	1,360.00
1¼	1,700.00	1,700.00
1½	2,550.00	2,550.00
2	4,250.00	4,250.00
4	8,500.00	8,500.00
6	16,500.00	16,500.00
8	22,755.00	22,755.00

CHANGE TO:

Sec. 62-138. Water tap fees.

(a) Water tap fees shall be as follows:

<i>Meter Size/ Line Size (inches)</i>	<i>Total Fee</i>	<i>Effective 8/1/21 Total Fee</i>
¾	\$1,000.00	\$ 1,500.00
1	1,360.00	1,980.00
1¼	1,700.00	2,550.00
1½	2,550.00	3,175.00

Any sizes above 1 1/2" will be at cost when service requested.

Sec. 62-139. Sewer tap fees.

(a) Sewer tap fees shall be as follows:

<i>Meter Size/ Line Size (inches)</i>	<i>Total Fee</i>	<i>Effective 8/1/21 Total Fee</i>
4	8,500.00	1,500.00
6	16,500.00	2,000.00

(Note to Municipal Code: Other sewer tap meter sizes are being deleted from the schedule)

Adopted: July 6, 2021

Effective Date: August 1, 2021

Adopted by the following roll call vote:

Mr. Bennett	Yes
Mrs. Cox	Absent
Mr. Dodd	Yes
Mr. Garten	Yes
Mr. Griffith	Yes
Mr. Nicely	Yes
Ms. Vannorsdall	Yes

ALLEGHANY COUNTY BOARD OF SUPERVISORS

Deputy Clerk to the Board

PUBLIC COMMENT (5 MINUTE TIME LIMIT):

Ms. Teresa Hammond, Executive Director of the Alleghany Highlands Chamber of Commerce, presented Mr. Lanford with a plaque and thanked him for his hard work, dedication, and support to the Chamber of Commerce.

Ms. Deloris Quarles, 701A Wrightstown Avenue, commented regarding Mr. Lanford leaving as a bittersweet moment as he has been helpful with the Wrightsville project and will be missed. She commented regarding challenges with the Wrightsville project (problem getting easements, the loss of four individuals in the community, etc.) and mentioned that to date one house has been built, 3 demos have been completed, 4 rehabilitations are in the works, and there could possibly be 3 substantial reconstructions.

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

Mr. Lanford read a report from Ms. Susan Hammond, VDOT Resident Engineer, on the following VDOT activities as she is on vacation this week:

Maintenance

- Primary mowing is complete. Secondary mowing is approximately 70% complete.
- Completed patching in Intervale Subdivision, Valley Ridge Loop, and Rt. 220N near Bath County line..
- Responded to several heavy storms (wind and rain).
- County-wide cleanup of trees and debris is ongoing.
- Ditching underway on Valley Ridge Road.
- Prepped and inspected equipment fleet to dry runs.

Construction

- Rt. 696 bridge replacement on schedule. Anticipate opening both lanes to traffic on July 8th.

Mr. Garten commented regarding the Rt. 220 highwall near Honda Nissan. He stated that there is also a sunken spot near there at the edge of the road on Rt. 220N (in the southbound lane heading to Covington) near the 45 mph sign.

DISCUSS PROPOSED CHANGES TO THE COUNTY CODE AS RECOMMENDED BY THE PLANNING COMMISSION AND MOVING FORWARD WITH ONLY THE SOLAR FACILITY SITING ORDINANCE:

Mr. Garten stated that there is a memo from Mr. Lanford in the agenda packet. The memo is as follows:

As discussed at our May meeting, I recommend the following related to above:

ARTICLE XXVI - Site Plans:

Item 9B(1) is a much needed addition to our Code section as this is currently left to "negotiation" between staff and the developer. However, I recommend sending the current draft back to the Planning Commission as Section 66-76(b)(1) is incomplete. Suggest asking the Planning Commission to complete this section and return to Board of Supervisors for future consideration.

ALLEGHANY COUNTY SOLAR FACILITY SITING ORDINANCE:

Item 9B(2) is required by State Code and must be adopted upon completion. Recommend returning to Planning Commission at this time as ARTICLE VII - RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD) is incomplete. Suggest asking the Planning Commission to complete this section and return to Board of Supervisors for future consideration.

CHAPTER 54 SUBDIVISIONS:

Item 9B(3) contains proposed changes to the Subdivision Ordinance, which are highlighted in yellow. County Administration does not suggest adopting any of the proposed changes as the current Ordinance has served to regulate orderly development.

From staff perspective, any new development should be required to have publicly maintained roads. We advocated for this in 2005 when the ordinance was last revised. What resulted was a compromise that required publicly maintained roads for divisions with lots less than 5 acres in size and private roads within divisions containing lots greater than 5 acres in size.

Private roads are problematic long term as they deteriorate with the costs to maintain far exceeding the adjoining property owners ability to do so.

With regard to exempting proposed lots greater than 5 acres in size from the on-site sewer requirement, I offer the following: 1 - When subdivision/lots are approved by Alleghany County staff, there is an assumption made by potential buyers that those lots are suitable to build upon. Without certifying either access to public sewer or an approved location on each lot for an on-site septic system, you could be creating lots which are unbuildable; 2 - Because of the unique geology and topography of our region, you could very easily create lots in excess of five acres that are not suitable for an on-site solution without completing an assessment of each proposed lot and certifying same.

Mr. Griffith suggested just going forward with the solar siting facilities recommendation and leaving the rest as they

are. He commented that there are current ordinances in place that protects the general public regarding private roads, septic systems, etc. and he can not see changing them.

Mr. Garten stated that he agrees with the current ordinance on septic/sewer availability and that private roads in developments need to be built to VDOT standards if a certain size, but as he is in real estate he is on the fence about the roads portion (size of the lots).

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

BE IT RESOLVED that the Alleghany County Board of Supervisors accept the recommendation of the Planning Commission to proceed to public hearing on the Solar Facility Siting amendments to the Zoning Ordinance;

BE IT FURTHER RESOLVED that the Board does not wish to proceed with the other changes/additions proposed in regards to site plans or the changes to the subdivision ordinance in relation to private roads and on-site sewer requirements and agree to leave those as currently adopted in the County Code.

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Cletus W. Nicely	Yes
M. Joan Vannorsdall	Yes
James M. Griffith	Yes
G. Matt Garten	Yes

APPROVE APPOINTMENT OF MR. PETE HUBER AS INTERIM COUNTY ADMINISTRATOR:

Mr. Lanford stated that the Board has met with Mr. Pete Huber who will be coming in as Interim County Administrator. He commented that Mr. Huber will be in the office tomorrow so they can meet on various items and meetings are being set up for him for next week with other individuals.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. Peter M. Huber be appointed as the Interim County Administrator effective July 12, 2021 until the position of County Administrator is filled.

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Cletus W. Nicely	Yes
M. Joan Vannorsdall	Yes
James M. Griffith	Yes
G. Matt Garten	Yes

APPROVE CONTRACT AMENDMENT WITH HURT & PROFFITT FOR ADDITIONAL INFRASTRUCTURE PLAN REVISIONS IN RELATION TO THE WRIGHTSVILLE CDBG PROJECT:

Mr. Lanford stated that there is an amendment to the contract with Hurt & Proffitt in the agenda packet in relation to the Wrightsville CDBG project. He commented that most property owners agreed with easements and a final design was completed; however, some came back and changed their minds regarding granting the easement(s). He commented that additional engineering survey work was needed and redesigns had to be done and those were done at the County's direction. He stated that redesigns are not an eligible cost with the CDBG grant funds. He requested that the Board approve transferring the funds out of Operating Contingency for the amendment which is for \$17,500. He mentioned that no funds would be taken away from the project improvements for this amendment.

Mr. Griffith asked if this would be considered part of the approximate \$95,000 in leverage/in-kind funds that the County

is responsible for putting up for the grant. Mr. Lanford replied that it would.

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

BE IT RESOLVED that the Allegheny County Board of Supervisors approve a contract amendment in the amount of \$17,500 with Hurt & Proffitt due to additional infrastructure plan revisions needed for the Wrightsville CDBG project.

BE IT FURTHER RESOLVED that the Board authorize the County Administrator to sign the contract amendment on behalf of the County.

BE IT FINALLY RESOLVED that the Board approve a budget transfer in the amount of \$17,500 from Operating Contingency (9100-54001) to County Administrator - Professional Service (1201-53002).

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Cletus W. Nicely	Yes
M. Joan Vannorsdall	Yes
James M. Griffith	Yes
G. Matt Garten	Yes

APPROVE PROPOSED FEE AMENDMENTS IN RELATION TO PLANNING AND ZONING PERMITS/FEES:

Mr. Lanford stated that these are also fees that were discussed during the budget process, but are not part of the County Code and are adopted by resolution. He commented that this includes nominal increases to planning/zoning/subdivision fees to cover costs associated with each.

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

WHEREAS, pursuant to the Zoning Ordinance and the Subdivision Ordinance the Board of Supervisors are to establish appropriate fee schedules to cover the County's cost of processing applications or requests; and

WHEREAS, the County has reviewed the current application fees and wishes to make its application fees as reasonable in relation to actual costs incurred so that an undue burden is not placed on the General Fund;

NOW, THEREFORE, BE IT RESOLVED that the following application fee schedule be adopted to replace and amend the former fee schedule which was adopted on October 19, 1999 by R-99-134 and last amended on November 15, 2005 by R-05-126;

BE IT FURTHER RESOLVED that this application fee schedule shall be adopted with the proviso that no application prepared and submitted by or on behalf of a citizen shall be considered or be processed unless and until the application fee is paid in full to the County Treasurer's Office.

The application fee schedule, effective August 1, 2021, shall be as follows:

TYPE OF APPLICATION OR REQUEST	COST OF FILING APPLICATION OR REQUEST
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<i>SUBDIVISION REVIEW FEES:</i>	
Subdivisions, Major Division, as defined	\$200.00 per plat plus \$2.00 per lot
Subdivision Exemptions:	
Family Splits, as defined	\$50.00 per plat plus \$2.00 per lot
Large Lot Divisions, as defined	\$50.00 per plat plus \$2.00 per lot
Two Lot Divisions, as defined	\$50.00 per plat plus \$2.00 per lot
Minor Divisions, as defined	\$50.00 per plat plus \$2.00 per lot
Other	\$50.00 per plat plus \$2.00 per lot
Boundary Adjustment	\$50.00 per plat plus \$2.00 per lot
Vacation of Plats	\$100.00 per plat plus \$2.00 per lot, not to exceed \$150.00
<i>ZONING FEES:</i>	
Special Use (BOS)	\$200.00
Special Exceptions (BZA)	\$200.00
Variance (BZA)	\$200.00
Rezoning and Conditional Rezoning (PC and BOS)	\$400.00 per application plus \$15.00 per acre over 5 acres
Residential Planned Unit Development (PC and BOS)	\$400.00 per application plus \$15.00 per acre over 5 acres
Appeal (BZA)	\$200.00
Request for Use Not Provided For (PC and BOS)	\$300.00
Review of Zoning Application for Issuance of a Building Permit	\$50.00
Zoning Approval for Business License	\$20.00
Site Plan Review for Building Permits	\$20.00
Zoning Confirmation Letters and Confirm Non-Conforming Status of a Parcel	\$50.00
Non-Conforming Uses	No Fee

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Cletus W. Nicely	Yes
M. Joan Vannorsdall	Yes
James M. Griffith	Yes
G. Matt Garten	Yes

APPROVE SUPPORT OF FINANCING FOR THE ALLEGHANY REGIONAL COMMERCE CENTER PAD SITE:

Mr. Lanford stated that the Board has information at its seat in regards to approving the County's support of financing by the Industrial Development Authority (IDA) for a pad site in the Commerce Center which is part of the records of this meeting. The information includes: Board draft resolution, City Council draft resolution, IDA draft resolution, performance agreement, support agreements for the County and City, construction loan agreement, deed of trust, and deed of sale with plat. He commented that having a pad ready site is an important investment in the community and many have worked on this to make it a reality (Mr. Griffith, IDA, AHEDC, City of Covington, etc.). He stated that the project is to put in a 35 acre graded pad on a 50 acre graded site. He mentioned that the transfer of the property to the IDA has been approved. He commented that staff has worked with Highlands Community Bank to secure financing of \$2.2 million over 10 years with interest only payments. He stated that money has been appropriated in the budget to cover the first year of debt service and requires annual appropriations. The principal can be paid off at any time with no pre-payment penalties. He commented that the IDA met this afternoon and approved the financing and Covington Council will be meeting on July 13th. He recommended approval of Board

support of the financing.

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

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ALLEGHANY COUNTY, VIRGINIA IN
RELATION TO APPROVING ALLEGHANY COUNTY SUPPORT OF FINANCING BY THE INDUSTRIAL
DEVELOPMENT AUTHORITY OF COVINGTON–ALLEGHANY COUNTY, VIRGINIA**

WHEREAS, Alleghany County, Virginia (the "County"), is a member jurisdiction of the Industrial Development Authority of Covington–Alleghany County, Virginia (the "Authority"), together with the City of Covington, Virginia (the "City"; the City and County together, the "Member Localities"); and

WHEREAS, the Board of Supervisors (the "Board") has requested that the Authority pursue development of certain real property at the Alleghany County Commerce Park, County Tax Map No. 42-1A, as a Tier 4 pad-ready site for economic development purposes, as more specifically set forth in a Performance Agreement (the "Project"); and

WHEREAS, the Authority has reached agreement with the Highlands Community Bank (the "Bank") for financing assistance in connection with the Project; and

WHEREAS, the Member Localities and the Authority have entered into a Commerce Park Performance Agreement dated _____ to provide for the development of the Project; and

WHEREAS, there have been presented to this meeting drafts of the following documents (the "Documents"), which are proposed to carry out the transactions described above, copies of which shall be filed among the records of the Board of Supervisors:

- (1) Performance Agreement among the City, the County, and the Authority to provide for the terms and conditions of the acquiring, constructing, and operating of the Project.
- (2) A Deed of Sale and Plat conveying the Property from the County to the Authority.
- (3) Support Agreements among the City, the Bank, and the Authority, and among the County, the Bank, and the Authority, providing for the moral obligation of the revenues of the City and the County to the payment of debt service, as it comes due, on the Note.
- (4) A Deed of Trust on the Property given by the Authority for the benefit of the Bank to secure the Authority's payment of the Note.
- (5) A Loan Agreement providing for the terms of the Bank's loan.

WHEREAS, the Authority desires to proceed with the Project and has requested that the County provide its approval to the Authority pursuing financing for the Project through the Bank, and for the Board to authorize the County Administrator to execute a support agreement in support of the financing (collectively, the "Plan of Finance"), with a maximum aggregate principal at any given time of \$2,200,000 and an annual interest rate not to exceed 2.4%, as more specifically set forth in the loan documents.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALLEGHANY COUNTY, VIRGINIA, AS FOLLOWS:

1. County finds and declares that the primary and animating purpose of the Project is to serve the public health, safety, general welfare and prosperity of the inhabitants of the Commonwealth of Virginia by promoting industry and developing trade by inducing manufacturing, industrial, and commercial enterprises to locate in or remain in the City and the County, increase the tax base, and provide high quality jobs to citizens of the Commonwealth.
2. The Board hereby approves of the Performance Agreement and hereby authorizes the County Administrator to execute a performance agreement that would enable the Authority to obtain financing to proceed with the Project. The Board recognizes that the attached performance agreement may require some modifications prior to final execution by the County, City, and Authority, and authorizes the County Administrator to execute the support agreement in such final form, as approved to form by the County Attorney.
3. The Board hereby authorizes conveyance of the Property to the Authority, by deed of special warranty for nominal consideration, pursuant to Va. Code § 15.2-4917. The Board recognizes that the attached deed may

require some modifications prior to final execution by the County and the Authority, and authorizes the County Administrator to execute the deed in such final form, as approved to form by the County Attorney.

4. The Board hereby approves of the Plan of Finance and hereby authorizes the County Administrator to execute a support agreement that would enable the Authority to obtain financing to proceed with the Project. The Board recognizes that the attached support agreement may require some modifications prior to approval and acceptance by the Bank, and authorizes the County Administrator to execute the support agreement in such final form, as approved to form by the County Attorney.
5. This Resolution shall take effect upon adoption.

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Absent
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Cletus W. Nicely	Yes
M. Joan Vannorsdall	Yes
James M. Griffith	Yes
G. Matt Garten	Yes

APPROVE RESOLUTION OF APPRECIATION MR. JONATHAN LANFORD AND PRESENTATION OF FRAMED PICTURE:

Mr. Garten read the draft resolution of appreciation for Mr. Jonathan Lanford, County Administrator, and the Board presented Mr. Lanford with a framed picture.

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

RESOLUTION OF APPRECIATION

WHEREAS, Mr. Jonathan A. Lanford has worn many hats since he was hired by the County on December 1, 2003 as he has served as County Engineer, Acting Public Works Director, Public Works Director, Acting County Administrator, and Assistant Administrator prior to being appointed as County Administrator on May 3, 2016; and

WHEREAS, the County deeply appreciates the important contributions Mr. Lanford has made to our County government and to the progress of our community; and

WHEREAS, the County has been fortunate to have had Mr. Lanford share his capabilities and dedication;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors recognize Mr. Jonathan A. Lanford for his invaluable contribution to the citizens of Alleghany County;

BE IT FURTHER RESOLVED that the Board extends its sincere appreciation to Mr. Lanford for his service to the County and hope that all of Mr. Lanford's future interests and pursuits be filled with deserving health, happiness, and success.

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Cletus W. Nicely	Yes
M. Joan Vannorsdall	Yes
James M. Griffith	Yes
G. Matt Garten	Yes

COUNTY ADMINISTRATOR'S REPORT:

Mr. Lanford stated that he appreciates the great opportunity he was given 18 years ago when he was hired by the County and that he has enjoyed his time here. He thanked the Board for its support of him and the staff. He commented that he will miss the people here and that continuity of the Board is important as well to continue improvements of the community. He mentioned that he will still continue to volunteer in the community.

BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):

Miscellaneous

Mr. Dodd thanked everyone for coming to the meeting and Mr. Lanford for his service. He commented that Mr. Lanford has been a big help to him and he appreciates it. He thanked the Board for supporting the Theatre with the tax exemption.

Mr. Nicely stated that he appreciates all that Mr. Lanford has done and wished him the best.

Mr. Bennett commented that he understands that engineering is where Mr. Lanford's background is and he will be hard to replace.

Ms. Vannorsdall thanked the Board for its support of the Theatre on the tax exemption. She stated that she has learned a lot from Mr. Lanford as she came on the Board with no idea of what she was doing. She mentioned that one thing she learned from him is to have the ability to listen to people.

Mr. Griffith commented that we will miss Mr. Lanford and he has enjoyed working with him and their conversations. He stated that he is glad that Mr. Lanford will be able to do something he loves and get paid for it.

Mr. Garten thanked everyone for coming to the meeting. He commented that great strides were made tonight on the Commerce Center pad site with the help of Mr. Lanford and Mr. Griffith. He mentioned that there have been a lot of great strides made with Mr. Lanford at the helm and he has given us an excellent path to move forward. He thanked him for all he has done.

CLOSED MEETING:

On motion of Mr. Griffith, seconded by Ms. Vannorsdall, that the Board go into a Closed Meeting under Code of Virginia Sections 2.2-3711(A)(3) and (5) for the purpose of: (1) discuss the acquisition of real property for a public purpose and the disposition of publicly held real property; and (2) Performance Agreement with a business or industry. 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/G. Matt Garten	Yes
/s/M. Joan Vannorsdall	Yes
/s/James M. Griffith	Yes
/s/Stephen A. Bennett	Yes
/s/Cletus W. Nicely	Yes
/s/Gregory A. Dodd	Yes
Shannon P. Cox	Absent

ADJOURNMENT:

On motion of Mr. Nicely, seconded by Ms. Vannorsdall, that the meeting be adjourned at 8:15 p.m. Motion carried.

G. Matt Garten
Chairman