

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, August 3, 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  
Shannon P. Cox  
Gregory A. Dodd  
Cletus W. Nicely  
M. Joan Vannorsdall

and Peter M. Huber, Interim County Administrator  
Suzanne T. Adcock, Director of Finance  
Ricky Bourne, Director of Public Works  
Jim Guynn, County Attorney  
Melissa A. Munsey, Deputy Clerk to the Board

ABSENT: Stephen A. Bennett

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.

Mr. Garten introduced Mr. Peter Huber, Interim County Administrator.

MINUTES:

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on July 6, 2021.

PUBLIC HEARING AND APPROVAL - SALE OF PROPERTY TO MR. RODNEY TINGLER (ALTAMONT):

Public Hearing was held to consider the sale by Alleghany County of a portion of property totaling approximately 0.1816 acres located at 708 E. Dolly Ann Drive. The property is further identified on the Real Property Identification Maps of Alleghany County as a portion of 05700-00-000-005A.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, July 27, 2021 in accordance with the Code of Virginia. He then called the public hearing to order.

Mr. Huber stated that the property to be sold is located adjacent to Altamont Park and is not used for recreation purposes. He commented that Mr. Rodney Tingle is requesting to purchase the property for \$1,600 and looked at the value of adjacent property to come up with the price. He mentioned that the portion of property is adjacent to Mr. Tingle's home and he has been taking care of that portion of property and parking cars there. He stated that, if approved, Mr. Tingle would be responsible for paying for a survey and any legal costs involved in the transfer.

Mr. Garten mentioned that Mr. Tingle has maintained this property for many years.

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

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

WHEREAS, the County received a request from Rodney Tingle asking that the County consider the sale of a portion

of property totaling approximately 0.1816 acres located at 708 E. Dolly Ann Drive which is identified on the Real Property Identification Maps of Alleghany County as a portion of 05700-00-000-005A; and

WHEREAS, the Board held a public hearing to dispose of the property on August 3, 2021 in accordance with Section 15.2-1800 of the Code of Virginia, 1950, as amended; and

WHEREAS, Mr. Tingler will be responsible for having any and all necessary legal documents and a survey prepared to allow for the transaction to occur;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors agrees to sell a portion of property totaling approximately 0.1816 acres located at 708 E. Dolly Ann Drive to Rodney Tingler for \$1,600.00;

BE IT FURTHER RESOLVED that the Board authorizes the Interim County Administrator or County Administrator to sign any pertinent documents in relation to the sale of property to Mr. Tingler.

Unanimously adopted by the following roll call vote:

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

PUBLIC HEARING AND APPROVAL - AMENDMENTS TO CH. 66 - ZONING OF THE COUNTY CODE TO ADD SOLAR ENERGY SYSTEMS:

Public Hearing was held to consider amendments to Chapter 66-Zoning of "The Code of the County of Alleghany, Virginia" to add the Article XXV-Solar Energy Systems section and associated zoning district uses for solar facilities.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, July 20, 2021 and Tuesday, July 27, 2021 in accordance with the Code of Virginia. He then called the public hearing to order.

Ms. Beth Stull read a staff report which is as follows:

**STAFF REPORT**

**PREPARED FOR:** Board of Supervisors (August 3, 2021)  
**PREPARED BY:** Elizabeth Stull, County Planner/Zoning Administrator  
**DATE:** August 3, 2021  
**SUBJECT:** Additions to Chapter 66-Zoning

*The amendments being considered are to Chapter 66-Zoning of "The Code of the County of Alleghany, Virginia."*

**Chapter 66-Zoning**

*This new section to the Chapter 66-Zoning regulations is being proposed to address properties containing solar energy facilities. I have been researching and compiling information from other neighboring localities, as well as working with Mike Lockaby since January 2021 to construct this new ordinance. We discussed and evaluated the different zone classifications for accessibility. The Planning Commission reviewed and held a public hearing on April 14, 2021.*

**ARTICLE IV. AGRICULTURAL-RURAL RESIDENTIAL AR**

Sec. 66-92. *Acceptable uses.*

(48) *Solar generation facilities, small.*

(49) *Solar generation facilities, agricultural.*

**Sec. 66-94. Uses permitted by special use permit.**

(16) *Solar generation facilities, utility-scale, subject to the provisions of Section 66-755.*

**ARTICLE V. RESIDENTIAL DISTRICT R-1**

**Sec. 66-132. Acceptable uses.**

(10) *Solar generation facilities, small.*

**Sec. 66-134. Uses permitted by special use permit.**

(3) *Solar generation facilities, agricultural.*

**ARTICLE VI. RESIDENTIAL DISTRICT R-2**

**Sec. 66-167. Acceptable uses.**

(15) *Solar generation facilities, small.*

**ARTICLE VII. RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD)**

Not allowed.

**ARTICLE VIII. BUSINESS DISTRICT B-1**

**Sec. 66-237. Acceptable uses.**

(30) Solar generation facilities, small.

**Sec. 66-2399. Uses permitted by special use permit.**

(5) Solar generation facilities, agricultural.

**ARTICLE IX. BUSINESS DISTRICT B-2**

**Sec. 66-272. Acceptable uses.**

(48) Solar generation facilities, small.

**Sec. 66-274. Uses permitted by special use permit.**

(10) Solar generation facilities, agricultural.

**ARTICLE X. INDUSTRIAL DISTRICT M-1**

**Sec. 66-307. Acceptable uses.**

(29) Solar generation facilities, small.

This includes adding and/or amending the following uses, definitions, and site plan requirements:

- Solar generation facilities definitions for: small, agricultural, and utility-scale
- Development standards for small, agricultural, and utility-scale facilities
- Community meeting prior to application for utility-scale solar generation facilities
- Application requirements for special use permit for solar generation facilities
- Considerations on issuing special use permit for solar generation facilities
- Special provisions for smaller utility-scale and agricultural solar generation facilities
- Solar facilities siting in opportunity zones
- Negotiations, powers of County, and effect of siting agreement
- Decommissioning of utility-scale generation facilities
- Site plan requirements and process for solar generation facilities

Ms. Stull then reviewed the definitions of the various types of solar generation facilities (agricultural, small, and utility-scale).

Mr. Garten asked what the description is of a small facility. Ms. Stull replied that it has a generating capacity of not more than 1.5 megawatts.

Ms. Vannorsdall asked if this parallels what other localities have in place. Ms. Stull replied that it does.

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

On motion of Mr. Griffith, seconded by Mrs. Cox, 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	Absent
Shannon P. Cox	Yes
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. Griffith, that the following amendments proposed at the Public Hearing held on Tuesday, August 3, 2021 to The Code of the County of Alleghany, Virginia in Chapter 66 entitled "Zoning" be adopted as follows:

**CH. 66  
ZONING**

**ARTICLE IV. AGRICULTURAL-RURAL RESIDENTIAL AR**

**Sec. 66-92. Acceptable uses.**

**ADD:**

(48) Solar generation facilities, small.

(49) Solar generation facilities, agricultural.

**Sec. 66-94. Uses permitted by special use permit.**

**ADD:**

- (16) Solar generation facilities, utility-scale, subject to the provisions of Section 66-755.

**ARTICLE V. RESIDENTIAL DISTRICT R-1**

**Sec. 66-132. Acceptable uses.**

**ADD:**

- (10) Solar generation facilities, small.

**Sec. 66-134. Uses permitted by special use permit.**

**ADD:**

- (3) Solar generation facilities, agricultural.

**ARTICLE VI. RESIDENTIAL DISTRICT R-2**

**Sec. 66-167. Acceptable uses.**

**ADD:**

- (15) Solar generation facilities, small.

**ARTICLE VIII. BUSINESS DISTRICT B-1**

**Sec. 66-237. Acceptable uses.**

**ADD:**

- (30) Solar generation facilities, small.

**Sec. 66-239. Uses permitted by special use permit.**

**ADD:**

- (5) Solar generation facilities, agricultural.

**ARTICLE IX. BUSINESS DISTRICT B-2**

**Sec. 66-272. Acceptable uses.**

**ADD:**

- (48) Solar generation facilities, small.

**Sec. 66-274. Uses permitted by special use permit.**

**ADD:**

- (10) Solar generation facilities, agricultural.

**ARTICLE X. INDUSTRIAL DISTRICT M-1**

**Sec. 66-307. Acceptable uses.**

**ADD:**

- (29) Solar generation facilities, small.

**ARTICLE XXI. DEFINITIONS**

**Sec. 66-678. Other definitions.**

**ADD:**

*Solar generation facility, agricultural.* A solar generating facility that:

- (1) Has a generating capacity of not more than 1.5 megawatts and does not exceed 150% of the site's expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available;
- (2) Is located on the same site that is used for the calculation under criterion (1);
- (3) Is located on the site and is interconnected with its utility through a separate meter;
- (4) Is interconnected and operated in parallel with an electric utility's distribution but not transmission facilities;

- (5) Is designed so that the electricity generated by the facility is expected to remain on the utility's distribution system; and
- (6) Is a qualifying small power production facility pursuant to the Public Utility Regulatory Policies Act of 1978.

For the purposes of this definition, the term "utility" means a supplier or distributor, as applicable, and the term "site" means one or more parcels under common use, ownership, and control.

*Solar generation facility, small.* A solar power or thermal energy generation facility that serves the electricity or thermal needs of the property upon which such facilities are located, and/or adjacent parcels under common use, ownership, and control.

*Solar generation facility, utility-scale.* A renewable energy project that generates electricity from sunlight, consisting of one or more photovoltaic systems and other appurtenant structures and facilities within the boundaries of the site, and is designed to interconnect with the electrical grid and/or to serve facilities that are not adjacent or under common use, ownership, or control.

**ADD:**

**ARTICLE XXV. SOLAR ENERGY SYSTEMS**

**Sec. 66-751. Development standards for small solar generation facilities.**

The following provisions apply to all small solar generation facilities:

- (1) Small solar generation facilities located on structures shall comply with all provisions of the Uniform Statewide Building Code.
- (2) Small solar generation facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A site development plan or building permit application shall make reference to the specific safety and environmental standards complied with.
- (3) Small solar generation facilities shall be treated with anti-reflection coating.
- (4) The provisions of this subsection may be varied or modified as part of a master plan or proffered condition.

**Sec. 66-752. Development standards for agricultural solar generation facilities.**

The following standards apply to all agricultural solar generation facilities:

- (1) Setbacks for agricultural solar generation facilities shall be 150 feet from the nearest lot line of a parcel not under common ownership, unless mounted on a structure that otherwise meets setbacks.
- (2) Agricultural solar generation facilities located on structures shall comply with all provisions of the Uniform Statewide Building Code.
- (3) Agricultural solar generation facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A site development plan or building permit application shall make reference to the specific safety and environmental standards complied with.
- (4) Agricultural solar generation facilities shall be treated with anti-reflection coating.
- (5) The provisions of this subsection may be varied or modified as part of a master plan or proffered condition.

**Sec. 66-753. Community meeting prior to application for utility-scale solar generation facility.**

A public meeting shall be held prior to the public hearing with the planning commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility. The meeting shall be held under the following guidelines:

- (1) The applicant shall inform the zoning administrator and adjacent property owners in writing of the date, time, and location of the meeting, at least seven but no more than 14 days in advance of the meeting.
- (2) The date, time, and location of the meeting shall be advertised in a newspaper of general circulation in the county by the applicant, at least seven but no more than 14 days in advance of the meeting date.
- (3) The meeting shall be held within the county, at a location open to the general public with adequate parking and seating facilities that will accommodate persons with disabilities.
- (4) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback.
- (5) The applicant shall provide to the zoning administrator a summary of any input received from members of the public at the meeting.

**Sec. 66-754. Application requirements for a special use permit for a utility-scale solar generation facility.**

In addition to the requirements set forth in Section 66-480, an application for a special use permit for a utility-scale solar generation facility shall contain:

- (1) A project narrative identifying the applicant, facility owner, site owner, and operator, if known at the time of application, and describing the proposed large scale solar energy facility, including an overview of the project and its location; the size of the site and the project area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum rated capacity of the facility; the approximate number, representative types and expected footprint of solar equipment to be constructed, including, without limitation, photovoltaic panels; ancillary facilities, if applicable; and how and where the electricity generated at the facility will be transmitted, including the location of the proposed electric grid interconnection.
- (2) A concept plan including the following information:
  - (a) Property lines, minimum required setback lines, and any proposed setback lines that exceed the minimum requirements.
  - (b) An area map showing the proposed site within a five-mile radius, together with prominent landmarks and physical features.
  - (c) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
  - (d) Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, turnout locations, and parking, including written confirmation from the Virginia Department of Transportation (VDOT) that all entrances satisfy applicable VDOT requirements; provided, however, these requirements shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
  - (e) Proposed locations and maximum heights of substations, electrical cabling from the solar systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable setbacks).
  - (f) Fencing or other methods of ensuring public safety.
  - (g) Areas where the vegetative buffering will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers will be installed and maintained.
  - (h) Existing wetlands, woodlands, and areas containing substantial woods or vegetation.
  - (i) Identification of recently cultivated lands and predominant soil types (based on publicly-available data) of those lands.
  - (j) Additional information may be required, as determined by the zoning administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, aerial image or map of the site, and additional information that may be necessary for a technical review of the proposal. The planning commission or board of supervisors may also require other relevant information deemed to be necessary to evaluate the application.
- (3) A landscaping and screening plan that addresses the vegetative buffering required, including the use of existing and newly installed vegetation to screen the facility. The plan also must address the use of pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers in the project area and in the setbacks and vegetative buffering.
- (4) The following materials relating to environmental and cultural resources shall also be submitted:
  - (a) A report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System must be submitted to identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.
  - (b) A copy of the cultural resources review conducted in conjunction with the state Department of Historic Resources for the Department of Environmental Quality permit by rule process. This report shall be in addition to the report required in subsection (a) above and shall further identify historical, architectural, archeological, or other cultural resources on or near the proposed site.
  - (c) A report on the potential impacts on wildlife and wildlife habitats at the site and within a two-mile radius of the proposed facility using information provided by the Department of Game and Inland Fisheries or a report prepared by a qualified third party.
  - (d) A report on potential impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed solar site pollinator habitat assessment form as required by the zoning administrator.
  - (e) A glint and glare study that demonstrates that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations, or that the applicant will use all reasonably available mitigation techniques to reduce glint and glare to the lowest achievable levels. The study will assess and quantify potential glint and glare effects and address the potential health, safety, and visual impacts associated with glint and glare. Any such assessment must be conducted by qualified individuals using appropriate and commonly accepted software and procedures.

- (5) The zoning administrator may accept an application for processing in situations in which some or all of the materials in subsection (4) are unavailable. For utility-scale solar generation facilities less than 15 megawatts in size, the zoning administrator may waive this requirement if it is reasonably expected to be waived in the Department of Environmental Quality permit-by-rule process. However, the final decision whether to act upon, grant, deny, or condition a special use permit notwithstanding these materials not being included in the application lies with the board of supervisors.

**Sec. 66-755. Development standards for utility-scale solar generation facilities.**

The following development standards apply to all agricultural and utility-scale solar generation facilities:

- (1) Setbacks generally must exceed 150 feet, although this limit may be varied by an approved special use permit concept plan.
- (2) The facility shall use only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare. The applicant shall provide written certification from a qualified expert acceptable to the county that the facility's panels incorporate and utilize anti-glare technology and anti-reflective coatings and reduce glint and glare to levels that meet or exceed industry standards. The board of supervisors may impose conditions requiring that through project siting and proposed mitigation the solar project minimizes impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archeological, and recreational significance.
- (3) Utility-scale solar generation facilities must comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A final site plan must reference the specific safety and environmental standards complied with.
- (4) The project area must be set back a distance of at least 75 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 25 feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that they are generally perpendicular to the property line.
- (5) The project area must be enclosed by security fencing not less than six feet in height and equipped with appropriate anticlimbing device such as strands of barbed wire on top of the fence. Fencing must be installed on the interior of the vegetative buffer required so that it is screened from the ground level view of adjacent property owners. The fencing must be maintained at all times while the facility is in operation.
- (6) A vegetative buffer sufficient to mitigate the visual impact of the facility is required. The buffer must consist of a landscaping strip at least 15 feet wide, located within the setbacks required in subsection (4) above, and must run around the entire perimeter of the project area. The buffer must consist of existing vegetation and, if deemed necessary for the issuance of a special use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight feet within three years. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer. The buffer must be maintained for the life of the facility.
- (7) The project area must be seeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers. The project area must be seeded promptly following completion of construction in such a manner as to reduce invasive weed growth and sediment in the project area. The owners and operators also are required to install pollinator-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers in the setbacks and vegetative buffering.
- (8) Ground-mounted solar energy generation facilities may not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit does not apply to utility poles and the interconnection to the overhead electric utility grid that meet State Corporation Commission requirements.
- (9) Lighting must be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall be dark sky-compliant.
- (10) Large scale solar energy facilities may not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations.
- (11) In approving conditions on a special use permit, the board of supervisors may expand, waive, or modify the requirements of this section, but it may not waive subsections (3) and (10).

**Sec. 66-756. Considerations on issuing special use permit.**

The board of supervisors may impose conditions reasonably designed to mitigate the impacts of any solar generation facility where permitted only by special use permit. Conditions on such a special use permit may include requirements for (i) dedication of real property of substantial value to the county or one of its instrumentalities or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of the special use permit, so long as such conditions are reasonably related to the project. In considering any application for a special use

permit for a utility-scale solar generation facility, the board of supervisors shall consider the following matters in addition to those otherwise provided in this Chapter:

- (1) The topography of the site and the surrounding area;
- (2) The proximity of the site to, observability from, and impact on urban and residential areas;
- (3) The proximity of the site to, observability from, and impact on areas of historical, cultural, and archaeological significance;
- (4) The proximity of the site to other large scale solar energy facilities, other energy generating facilities, and utility transmission lines;
- (5) The proximity of the site to, observability from, and impact on areas of scenic significance, such as scenic byways, vistas, and blueways;
- (6) The proximity of the site to, observability from, and impact on public rights-of-way, including, but not limited to, highways, secondary roads, streets, and scenic byways;
- (7) The proximity of the site to, observability from, and impact on recreational areas, such as parks, battlefields, trails, lakes, rivers, and creeks;
- (8) The proximity of the site to airports;
- (9) The preservation and protection of wildlife and pollinator habitats and corridors;
- (10) The proximity of the site to any urban planning area, community planning area, or environmentally or culturally sensitive area identified in the comprehensive plan;
- (11) The size of the site;
- (12) The proposed use of available technology, coatings, and other measures for mitigating adverse impacts of the facility;
- (13) The preservation and protection of prime farmland and silvicultural land in the county;
- (14) With regard to any cash payments or in-kind contributions, the impact of the project on probable future uses of the land if not developed with a solar farm, including any changes in future tax revenues; investments in infrastructure for other types of development that may have occurred in the area, and would be of lesser utility; and the provisions of a siting agreement under Sections 15.2-2316.6 et seq. of the Code of Virginia, 1950, as amended; and
- (15) Such other matters as the board of supervisors may deem reasonably related to the application or its impacts.

**Sec. 66-757. Special provisions for smaller utility-scale solar generation facilities and agricultural solar generation facilities.**

The zoning administrator may exempt applications for facilities smaller than four acres with a rated capacity equal to or less than 1.5 megawatts (MW) that are allowed by-right from some or all of the requirements of Section 66-755. For such applications that require a special use permits, the zoning administrator may exempt the application from some or all of the application requirements of Section 923.06 as well. However, the final decision on all exemptions from requirements of facilities requiring a special use permit lies with the board of supervisors, and the planning commission or board of supervisors may require the applicant to file all materials required under Section 66-755, notwithstanding the waiver issued by the zoning administrator.

**Sec. 66-758. Solar facility siting in opportunity zones.**

For the purposes of Sections 66-758 through 66-761, the following definitions apply, unless the context requires a different meaning:

*Opportunity zone* means a census tract in an area of the county that meets the eligibility requirements for designation as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

*Solar facility* means a commercial solar photovoltaic (electric energy) generation or storage facility, or any portion thereof. "Solar facility" does not include any project that is (i) described in Sections 56-594, 56-594.01, or 56-594.2 of the Code of Virginia, 1950, as amended, or Chapter 358 and 382 of the Acts of Assembly 2013, as amended, or (ii) five megawatts or less in plate energy generation.

**Sec. 66-759. Negotiations; siting agreement.**

(a) Any applicant for a solar facility shall give the county written notice to the zoning administrator of the applicant's intent to locate a solar facility in an opportunity zone in the county and request a meeting. The applicant shall meet, discuss, and negotiate a siting agreement with the county.

(b) The siting agreement may include terms and conditions, including (i) mitigation of any impacts of the solar facility; (ii) financial compensation to the county to address capital needs set out in (a) the county's capital improvement program, (b) the county's current fiscal budget, or (c) the county's fiscal fund balance policy; or (iii) assistance by the applicant in the deployment of broadband, as defined in Section 56-585.1:9 of the Code of Virginia, 1950, as amended, in the county.

**Sec. 66-760. Powers of the county relating to siting agreements.**

- (a) The county shall have the power to:
  - (1) Hire and pay consultants and other experts on behalf of the host locality in matters pertaining to the siting of a solar facility;
  - (2) Meet, discuss, and negotiate a siting agreement with an applicant; and

(3) Enter into a siting agreement with an applicant that is binding upon the county and enforceable against it in any court of competent jurisdiction. Such contract may be assignable at the parties' option.

(b) If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing as for a zoning amendment, for the purpose of consideration of such siting agreement. If a majority of a quorum of the members of the board of supervisors present at such public hearing approve of such siting agreement, the siting agreement shall be executed by the signatures of (i) the county administrator and (ii) the applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is amended, revoked, or suspended.

(c) A siting agreement may be processed, and public hearings scheduled, concurrently with a special use permit application for the same solar facility.

**Sec. 66-761. Effect of siting agreement.**

(a) Nothing in this article shall be construed to exempt an applicant from any other applicable requirements to obtain approvals and permits under federal, state, or local ordinances and regulations. An applicant may file for appropriate land use approvals for the solar facility under the regulations and ordinances of the county at or after the time the applicant submits its notice of intent to site a solar facility as set forth in subsection (a) of Section 66-759.

(b) Nothing in this article shall affect the authority of the county to enforce its ordinances and regulations to the extent that they are not inconsistent with the terms and conditions of the siting agreement.

(c) Approval of a siting agreement by the local governing body in accordance with subsection (b) of Section 66-760 shall deem the solar facility to be substantially in accord with the county's comprehensive plan.

(d) The failure of an applicant and the county to enter into a siting agreement may be a factor in the decision of the board of supervisors in the consideration of any land use approvals for a solar facility, but shall not be the sole reason for a denial of such land use approvals.

**Sec. 66-762. Surety for decommissioning of a utility-scale solar generation facility.**

(a) *Definitions.* As used in this section, unless the context requires a different meaning:

*Decommission* means the removal and proper disposal of solar energy equipment, facilities, or devices related to a utility-scale solar energy facility. The term includes the reasonable restoration of the real property, including (i) soil stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

*Solar energy equipment, facilities, or devices* means any personal property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

(b) *Decommissioning plan.* A site plan for a utility-scale solar generation facility shall include a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the solar energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned. The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the zoning administrator or as provided in the agreement provided for in subsection (c), provided that the update shall be no more frequently than once every five years and no less frequently than once every ten years.

(c) *Surety for decommissioning.* As a condition of the approval of a site plan for a utility-scale solar generation facility, the owner, lessee, or developer of the project (the "responsible party") shall enter into a written project development agreement with the county, setting forth, at a minimum, that (i) if the facility ceases generating electricity for more than 12 consecutive months, the responsible party will provide for its decommissioning; (ii) if the owner, lessee, or developer defaults in the obligation to decommission the facility, the county has the right to enter the real property without further need of consent of the owner to engage in decommissioning; and (iii) the responsible party provides financial assurance of such performance to the county in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee. The amount of the financial assurance shall be based upon an estimate by a professional engineer licensed in the Commonwealth, who is engaged by the responsible party, who has experience in preparing decommissioning estimates and is approved by the county. The estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

Adopted: August 3, 2021

Effective Date: August 4, 2021

Adopted by the following roll call vote:

Mr. Bennett	Absent
Mrs. Cox	Yes
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. Tonya Angle, 203 Woodbrook Drive, handed out and read the following prepared statement and shared pictures which are a part of the records of this meeting. The statement is as follows:

*I am here this evening to share and make all of you aware of the negligence of the Allegheny County Public Works, that caused excessive damage to our almost completed refinished basement.*

*On June 11<sup>th</sup>2021, and June 12<sup>th</sup>2021 we experienced back up in our basement, due clogged lines on the county. An incident report was completed on June 14<sup>th</sup>2021, that Monday morning to the Allegheny County Public Works. This incident report was not submitted to VACORP the insurance company for the County until June 15<sup>th</sup> a day after we submitted the complaint. It's been over a month, soon to be two months now with still no resolution, and to understand that VACORP felt that Allegheny County was not at fault. Honestly not even sure how that is even considerable, as our lines from our house are new, we maintained our lines. The damage to our basement would not be what it is today if the county had maintained their lines, arrived on site promptly when dispatched, with knowledge, a map of all the manholes in the area, with the necessary equipment, and not to leave the clog over night! We now are having to deal with the repercussion due to negligence on their part!*

*On June 11<sup>th</sup>, around 7:15pm Allen my husband noticed about 2 inches of backup coming into our basement from overflowing manhole. Allen immediately contacted the sheriff department to notify Allegheny County Public Works, about 45min passed with Allen placing another call to notify that no one from the County had arrived as the water/sewage continued to flow into our basement. Finally, around 9:30 pm-10:00 pm is when two of the crew members arrived on site, with now about 4 inches of water/sewage continuously flowing into our basement. Our contractor, friends, arrived before any of the Public Works Crew to see how they could help, unfortunately there was nothing on our part that would have resolved the negligent maintenance of the lines on the county to prevent more backup in our basement. When the crew arrived, they were down the street nowhere near the overflowing manhole. Rocky Williams had to direct the crew where the issue was. In response the crew made it known that not all manholes are on the map. Which I find that negligent also! For those that don't know Rocky Williams worked for the City of Covington for over 20 plus years dealing with water/sewage, we personally are grateful for him! Rocky had to advise the Public Works crew where the overflowing clogged manhole was. During this time one crew member was on the phone for a very lengthy time, stating to Allen my husband & Rocky that he was on the phone with his supervisor. That same gentleman stated numerous times that the County had a problem, one being that "without a doubt this is on us the county". This gentleman numerous times stated in conversation that we needed first thing Monday, file an incident report with the county. The crew members were on site till about midnight, with the backup every bit of 10-12 inches in our basement. The crew members left without unclogging the line, they didn't have the right equipment to do the job! Negligence again on behalf the county, and maybe since the damage was done the crew felt they would just come back after they get some sleep, it was daylight, refreshed to worry about it then.... however that didn't stop the continuous backup coming into our basement. My family had to sleep with windows open that night in our house, and Allen my husband had to miss the next day of work because of this!*

*June 12<sup>th</sup>, 2021 the Public Works crew didn't arrive until around 10:00am-11:00am. There was an additional crew member and other equipment. Rocky Williams was already at our house that morning in hopes the county resolved their issue, again if it wouldn't have been for Rocky that Public Works crew would have not known where the clog was or how to unstop the lines. Rocky had to advise those crew members how the sewer lines flowed from one subdivision to another (Clearwater/Clearview). It's shameful that these crew members had no clue! Once the crew members learned how the lines flowed, the county line was unclogged, and our basement was relieved of the backup caused from the county, not the damage.*

*It's the county's responsibility first and foremost to maintain their lines, as a homeowner we are responsible for our lines to the county lines. Prior to the construction of our basement In January we had all our lines replaced in our basement by Rocky Williams, and at that time of completion a camera was placed in our lines to the start of the county lines to ensure no obstructions and ensuring the quality of work Rocky completed was professional and thorough.*

*The county is responsible to maintain, maintenance their lines on their part! Most of us pay for sewer/water and our tax money should be justifiable enough to maintain/maintenance these lines! When was the last time these lines were maintained/maintenance? I can tell you it was after the fact this incident/complaint occurred, On July 8, 2021, the Allegheny County Public Works crew was in our neighborhood directly across from our house cleaning lines! This was after the FACT, that our basement was destroyed!*

*The county had a duty; that was breached. The county's breach caused us the property owner harm, therefore we incurred damages as a result. The county violated a statute for public safety, as a property owner we belong to the class of people that is enacted to protect. Therefore, we as property owners incurred damage as a result of the negligent violations on Public Works.*

*The average person just don't have \$20,000-\$30,000 to flush down the drain, we work hard for what we have, we refinanced our house with cash out to improve our home, add value and the basement was one of projects to be completed. Our basement was only lacking a few doors and vanity to being completed. This space was for another bedroom/sitting room/bathroom, our daughter was to begin moving her belongings on Sunday, June 13, 2021. This has imposed a health hazard due to black mold developing in our basement due to Allegheny County Public Works negligence, this health hazard imposes a bigger risk even more that my husband is severely asthmatic. Not to mention the mental anguish that we have endured.*

*I have been in contact with Matt Garten who represents the Falling Springs area to make him aware of the negligence prior to conversations with Pete Huber. I have had numerous of conversations with Pete Huber, he has contacted my insurance and county's insurance. Mr. Huber has stated in conversation that VACORP is declining coverage based on sovereign immunity which addresses that the situation was a mistake and county is at fault but not purposefully or with malice. In addition, VACORP stated the employees were performing a governmental function when the incident happened, and the employees are immune from liability. VACORP makes payment on claims in which their Member is legally liable. Allegheny County Public Works is liable, the crews perform the work on behalf of Public Works. The crew/county were negligent for not unclogging the line on the county side which caused the backup in our basement. How much more legally liable needs to be proven/shown?*

*I believe when you're wrong or at fault you are to take blame! The county needs to accept fault/liability/and provide a resolution to get our basement back to the way it was due to their negligence! We are hopeful by presenting the board with this matter directly this can be resolved efficiently and effectively without having to seek legal litigation. If this was your property wouldn't you be wanting what was right!*

*Thank you,  
Allen & Tonya Angle*

Mr. Rocky Williams, 225 S. Royal Avenue, spoke regarding the sewer backup at the Angle property that he tried to assist with when they called him.

Mr. Rod Winge, 216 S. River Road, spoke regarding the importance of recycling, his disappointment when Jackson River Enterprises shut down, the need for recycling in the County, and that he supports anything the County can do to work on a solution.

Sheriff Kevin Hall spoke regarding National Night Out being held tonight at the Main Street Park in Covington and at the Memorial Park in Clifton Forge and that he will be elected President of the Virginia Sheriff's Association on September 15th if anyone would like to attend.

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

- *Ditching on Valley Ridge Road.*
- *Removed brush and debris County-wide.*
- *Completed first round of mowing. Second round to start in mid-August.*
- *County-wide pothole patching continues on secondary routes.*
- *Completed bank stabilizations on White Rock Gap, two on Johnson's Creek and Bennetown Road.*
- *Repairing low shoulders County-wide.*
- *Ditching Rt. 687 from Falls Hollow to Rt. 220.*
- *Temporary wedge on I-64 westbound lane westbound approach to be installed.*

Construction

- *Paving to start on I-64 on October 4th. Rt. 220 north of Covington to begin on August 23rd.*
- *Rt. 696 bridge replacement project fourteen days ahead of substantial completion. Final paving will start August 4th followed by guardrail, line markings, and punchlist items.*

Mr. Griffith asked if the paving on Dressler Drive will be left the way it is. Ms. Hammond replied that the pavement is not aesthetic, but rides well and will have a longer lifespan as it was cracking. They used funding left at the end of the fiscal year to do the work.

Mrs. Cox stated that there is a tree coming down at Chipper Arritt's and another before Mill Ridge. She commented that there is a big patch of pavement out at Big Field Hill toward Covington that needs to be patched. She mentioned that she called VDOT to report a work order for 4910 Midland Trail to get a ditch cleaned out, but was told to go on-line to make the report. She mentioned that the lady she was assisting (Ms. Callaghan) does not have a computer.

Ms. Hammond stated that there is also a phone number (800-FOR-ROADS) that individuals can call to report items that need to be addressed. She mentioned that there has been an impact to ash trees and there was additional money last year and this year to address more trees. She commented that they have crews going out to work on them and to report any that are an immediate threat.

Mr. Garten commented regarding the Rt. 220 highwall near Honda Nissan and that trees are hanging. He stated that he had mentioned at the last meeting 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.

APPROVE AWARD OF CONTRACT FOR THE OPERATION OF THE WASTEWATER SYSTEM FOR THE LOW MOOR WASTEWATER TREATMENT PLANT:

Mr. Bourne reviewed a memo from him to the Board along with the draft contract which are included in the agenda packet. The memo is as follows:

*Environmental Systems Services, Ltd. has proposed the attached contract for the complete operation of the Low Moor Wastewater Treatment Plant. ESS has provided operational and maintenance services for the Lower Jackson Wastewater Treatment Plant since the opening of the plant. They have also provided these services at the Low Moor Plant when needed. We have an excellent relationship with this company and feel that they will provide the same professional services to the Low Moor Plant as they currently provide at the Lower Jackson Plant.*

*Public Works hereby request that the Board authorize the County Administrator to sign this contract.*

*Should you have any questions or require any additional information, please do not hesitate to call.*

Mr. Bourne added that the County previously staffed the LMWWTP, but one of the employees left in FY2019 and ESS stepped up to assist at the LMWWTP. He commented that the remaining County employee will be working for ESS. He mentioned that the cost for ESS to run the facility is \$115,869.60/annually or \$9,655.80/monthly.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve the contract from Environmental Systems Services, Ltd. for operation of the Low Moor Wastewater Treatment Plant;

BE IT FURTHER RESOLVED that the Board authorizes the Interim County Administrator/County Administrator to sign the abovementioned contract on behalf of the County in form approved by the County Attorney.

Unanimously adopted by the following roll call vote:

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

APPROVE AWARD OF CONTRACT FOR SOLID WASTE DISPOSAL SERVICES:

Mr. Bourne reviewed a memo from him to the Board along with the draft contract which are included in the agenda packet. The memo is as follows:

*The Department of Public Works has properly procured a new contract for the solid waste disposal services from the Island Ford Transfer Station. We have worked with this contractor, Waste Management, for a number of years and have received good service.*

*Public Works hereby requests that the Board authorize the County Administrator to sign this contract which is attached.*

*Should you have any questions or require any additional information, please do not hesitate to call.*

Mr. Bourne added that this would be a five year contract starting out at \$29.15 per ton with rates in years 2-5 subject to annual CPI and the fuel surcharge of 6.57% varies monthly based on CPI. He commented that the projected volume is 17,000 tons or \$529,550.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve the contract from Waste Management to provide solid waste disposal services for the County;

BE IT FURTHER RESOLVED that the Board authorizes the Interim County Administrator/County Administrator to sign the abovementioned contract on behalf of the County in form approved by the County Attorney.

Unanimously adopted by the following roll call vote:

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

APPROVE AWARD OF CONTRACT FOR REMOVAL AND PROPER DISPOSAL OF WASTE TIRES:

Mr. Bourne reviewed a memo from him to the Board along with the draft contract which are included in the agenda packet. The memo is as follows:

*The Department of Public Works has properly procured a new contract for the removal and proper disposal of waste tires from the Island Ford Transfer Station. As the lowest responsive and responsible bidder, Emanuel Tire Co. has proposed a price per ton of \$200 with a ten-ton minimum.*

*Public Works hereby requests that the Board authorize the County Administrator to sign this contract which is attached.*

*Should you have any questions or require any additional information, please do not hesitate to call.*

Mr. Garten asked how many tires there are in a ton. Mr. Bourne replied that it depends on the type of tires and he can check on this. Mr. Huber checked and stated that there are 100 tires to a ton for passenger tires and 22 tires to a ton for truck tires.

Ms. Vannorsdall asked how many times a load of tires is hauled. Mr. Bourne replied that we currently have a stockpile of tires which is enormous.

Ms. Vannorsdall asked what Emmanuel Tire does with the tires. Mr. Bourne replied that they do recycle them and he will get more information to the Board from their website.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve the contract from Emanuel Tire Co. for removal and proper disposal of waste tires from the Island Ford Transfer Station;

BE IT FURTHER RESOLVED that the Board authorizes the Interim County Administrator/County Administrator to sign the abovementioned contract on behalf of the County in form approved by the County Attorney.

Unanimously adopted by the following roll call vote:

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

APPROVE SUPPLEMENTAL APPROPRIATIONS FOR FY21 (DHCD UTILITY RELIEF PROGRAM, DSS-COVINGTON ADC FOSTER CARE, AND REGISTRAR CARES FUNDS):

Ms. Adcock stated that funds have come in that need a supplemental appropriation. She commented that a supplemental appropriation is needed for the DHCD Utility Relief Program which is run through Public Works and the Registrar's Office received their own CARES funds. She mentioned that DSS-Covington ADC Foster Care had additional expenditures and revenues, but no extra funding is needed and Covington is billed for their share.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors budget and approve the following supplemental appropriation in FY21 for additional Department of Social Services in relation to additional foster care expenses:

<u>Revenue Account</u>	
Welfare (Covington) (110-4190105)	\$157,682.41
<u>Expenditure Account</u>	
ADC Foster Care (530241-55706)	\$157,682.41

BE IT FURTHER RESOLVED that the Board budget and approve the following supplemental appropriation in FY21 for funds received from DHCD for the Utility Relief Program as part of the COVID pandemic relief efforts:

Revenue Account

Fund 190-DHCD Utility Relief W/S (190-4190118) \$154,604.24

Expenditure Account

Fund 190-DHCD Utility Relief W/S (1905-50759) \$154,604.24

BE IT FURTHER RESOLVED that the Board budget and approve the following supplemental appropriation in FY21 for funds received from DHCD for the Registrar’s Office as part of the CARES/COVID-19 funds:

Revenue Account

Fund 190-Registrar CARES/COVID19 (190-4190117) \$ 52,712.00

Expenditure Account

Fund 190-Professional Services (1904-53002) \$ 52,712.00

Unanimously adopted by the following roll call vote:

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

APPROVE CONSOLIDATED SCHOOL FUNDING AGREEMENT:

Mr. Huber stated that Mr. Jonathan Arritt, Joint Chair of the Joint School Services Committee, is present tonight to help answer any questions. He stated that the Board has a summary sheet at their seat in regards to the Consolidated Joint School Funding agreement that is included in the agenda packet. The summary is a part of the records of this meeting. He mentioned that the agreement will also need to be approved by Covington City Council. He commented that key points of the agreement include:

- Cost sharing of schools is based on the percentage of students from each jurisdiction on a three-year average with non-resident students and unidentified to be split 50/50.
- City/County agree to minimum funding of previous year amount adjusted by the urban consumer price index.
- Capital costs shall be funded based upon the percentage of students (same formula as used for operations).
- In the event of dissolution, the County/City shall recoup original ownership in existing buildings and investment in facilities built after 7/1/24.
- Term of agreement to be five years with a review and renewal every five years.

There was some discussion regarding the term of the agreement being for five years versus three years (gives continuity with time to allow for planning in regards to COL increases, capital expenses, etc.); the agreement can be renewed in five years or renegotiated; some things came out of previous mergers and the committee looked at what worked to be successful; etc.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve the “Alleghany-Covington Consolidated School Funding Agreement” as recommended for consideration by the Joint School Services Committee.

BE IT FURTHER RESOLVED that the Board authorize the County Administrator/Interim County Administrator to sign the abovementioned agreement on behalf of the County.

Adopted by the following roll call vote:

Stephen A. Bennett	Absent
Shannon P. Cox	Yes
Gregory A. Dodd	Yes
Cletus W. Nicely	No
M. Joan Vannorsdall	Yes
James M. Griffith	Yes
G. Matt Garten	Yes

APPOINT MR. PETE HUBER, INTERIM COUNTY ADMINISTRATOR, TO VARIOUS BOARDS AND COMMISSIONS TO REPLACE MR. JONATHAN LANFORD:

Mr. Garten stated that there is a listing of Boards and Commissions in the draft resolution in the agenda packet for Mr. Huber to be appointed to as Mr. Lanford's replacement.

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

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

BE IT FURTHER RESOLVED that the Board appoint Mr. Huber to the following boards/commission to replace Mr. Jonathan Lanford until the position is filled:

- Community Policy and Management Team (no set term)
- Chief Locally Elected Officials Consortium (no set term)
- Court-Community Corrections Regional Community Criminal Justice Board (beginning immediately and ending June 30, 2022)
- Emergency Services Coordinator (no set term)
- Roanoke Valley-Alleghany Regional Commission (beginning immediately and ending June 30, 2023)
- Program Administrator/Grants Compliance Officer/Section 504 Grievance Officer for the Wrightsville Community Development Block Grant and member of its Project Management Team
- Also, any other organizations that are tied to the position (i.e., AHEDC rotating Chair/Vice-Chair position, Chamber of Commerce and Tourism Board of Directors, Co-Executive Director to Covington-Alleghany Industrial Development Authority, Regional Workforce Development Board Executive Committee, Roanoke Regional Partnership Board of Directors and Executive Committee, etc.)

Unanimously adopted by the following roll call vote:

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

DISCUSS APPOINTMENT TO THE LOCAL OFFICE ON AGING (LOA) ADVISORY BOARD:

Mr. Garten stated that the term of Ms. Carolyn Barnette (Clifton Forge West District) on the Local Office on Aging (LOA) Advisory Board expires August 31, 2021. Terms are for 3 years and Ms. Barnette is eligible for reappointment.

Mr. Dodd commented that he has been unable to reach Ms. Barnette.

Mr. Garten stated that this item will be placed on the next regular meeting agenda.

COUNTY ADMINISTRATOR’S REPORT:

Mr. Huber thanked the Board for the opportunity to be of assistance and that his one goal is to set the stage for the next County Administrator. He thanked the Board, fellow elected officials, staff, and citizens for the warm welcome he has received. He offered a few positive observations:

- The community is addressing issues in economic development, jail overcrowding, school consolidation, housing issues, etc. These are faced, but not always addressed in other communities.
- The leadership in the County has been taken on by those at least one or two generations younger than he is and these are folks with families and livelihoods at stake while addressing some very difficult issues.
- There is a spirit of cooperation. Virginia sets the stage for conflict not by design, but by happenstance and those engaging in conflict often do not realize that they are just following the State script. To cooperate and make the kind of progress being made in Alleghany County clearly involves people being invested in the difficult task of bucking the status quo and swimming upstream.

He added that it is a breath of fresh air to see folks work together and indeed enjoy each others company in the process of improving the County. He stated that during his time here, which we expect to conclude with the hiring of a real Administrator, he hopes you will let him know of anything whatsoever he can do to improve things for Alleghany County and to set the stage for the success of the next Administrator. He stated that the Board has a copy of his report at their seat which is a part of the records of this meeting. He reviewed the report which is as follows:

Hiring of a County Administrator

Berkley Group has developed the job profile and distributed it through the County's website and Facebook pages, VACo, VLGMA, VML, NACA, and ICMA. As of today, four applications have been received. Berkley anticipates having an initial slate of candidates ready for discussion with the Board by September 7th and would like to meet with the Board for about

2 hours. Consideration to meeting prior to the regular Board meeting on September 7th or setting another date is recommended.

Ms. Vannorsdall asked if preliminary interviewing will be done. Mr. Huber replied that applications are due August 21st and the Berkley Group will do preliminary screenings.

The Board agreed to meet at 5:00 p.m. on September 7th.

### **Short-Term Rentals**

The Planning Commission has developed and held a public hearing on amending the County Zoning Ordinance to address short-term rentals. Thus, the proposed changes to the ordinance are ready for consideration by the Board of Supervisors and it is recommended that zoning ordinance changes regarding short-term rentals be advertised for public hearing at the September 7th meeting.

### **Wrightsville CDBG Project**

As a result of follow-up work by Mrs. Munsey, we anticipate being able to bid the stormwater improvements prior to obtaining all necessary easements allowing us to include the improvements being requested by easement holders as bid alternates. Contracts for two homes have been awarded with price reductions being negotiated for two additional homes.

### **EDA Funding Opportunities**

As part of the American Rescue Plan, the US Department of Commerce Economic Development Administration anticipates releasing \$3 billion in grants through six grant programs. I would appreciate suggestions from Board members regarding particular projects you would like to see considered as we explore funding options. (An email was attached to the report with a list of the grant programs.)

Ms. Vannorsdall asked how the \$3 billion would be allocated and if it is by population, percentage to states, etc. Mr. Huber stated that the email shows the following breakdown for each grant and he does not know how each is allocated:

- \$1 billion for the Build Back Better Regional Challenge
- \$500 million for the Good Jobs Challenge
- \$500 million for Economic Adjustment Assistance
- \$100 million for Indigenous Communities
- \$750 million for Travel, Tourism, and Outdoor Recreation
- \$90 million for Statewide Planning, Research, and Networks

Mr. Griffith commented that the EDA website has seminars that are held weekly and how funds are dispersed. He has attended three seminars to date. He mentioned that if a project is ready to go, then there is a good chance of getting funding.

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

#### **Miscellaneous**

Mr. Dodd thanked everyone for coming to the meeting and Mr. Huber for what he has done so far. He told Ms. Angle that he hopes her sewer situation can be resolved.

Mr. Nicely stated that it is good to have Mr. Huber here and wished him luck.

Mrs. Cox thanked everyone for coming to the meeting. She stated that it was good to hear the Wrightsville update. She commented regarding the statement Ms. Angle made that the County's insurance company "is declining coverage based on sovereign immunity which addresses that the situation was a mistake and County is at fault but not purposefully or with malice" and "the employees were performing a governmental function when the incident happened." She stated that she feels the insurance should pay for the damage or the County should step up. She thanked Ms. Angle for her patience and mentioned that she would be glad to come to her house and see what happened.

Ms. Vannorsdall told Ms. Angle she is sorry for their situation. She congratulated Sheriff Hall on his eminent election as President of the Virginia Sheriff's Association. She stated that as of last Thursday the agreement with the USFS and DCR was signed regarding Green Pastures and there are plans for a grand opening reception in September.

Mr. Griffith congratulated Sheriff Hall on his new position. He stated that the economic development organization restructuring has really paid off. He thanked Highlands Community Bank for supporting the community with financing of the pad site and the Industrial Development Authority. He commented that the Board will look into the Angle situation.

Mr. Garten thanked everyone for coming to the meeting and congratulated Sheriff Hall. He stated that a lot of positives were discussed in the meeting tonight.

CLOSED MEETING:

On motion of Mrs. Cox, seconded by Mr. Griffith, that the Board go into a Closed Meeting under Code of Virginia Sections 2.2-3711(A)(5) and (8) for the purpose of: (1) prospective business or industry; and (2) consultation with legal counsel. Unanimously adopted.

On motion of Mr. Griffith, seconded by Mrs. Cox, 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/Gregory A. Dodd	Yes
/s/Cletus W. Nicely	Yes
/s/James M. Griffith	Yes
/s/G. Matt Garten	Yes
/s/M. Joan Vannorsdall	Yes
/s/Shannon P. Cox	Yes
Stephen A. Bennett	Absent

After the closed meeting, the following action was taken:

APPROVE THE VIRGINIA ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING (OPIOID LITIGATION):

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

WHEREAS, the County of Alleghany, through their elected representatives and counsel and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities; and

WHEREAS, the County of Alleghany and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same; and

WHEREAS, in order to advance their common interests, the County of Alleghany and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of such litigation recoveries; and

WHEREAS, the County's outside opioid litigation counsel has recommended that the County approve the proposed memorandum of understanding; and

WHEREAS, the County Attorney has reviewed the available information about the proposed memorandum of understanding and concurs with the recommendation of outside counsel;

NOW, THEREFORE, BE IT RESOLVED by the County of Alleghany Board of Supervisors, assembled on this day at which a quorum is present, that the County of Alleghany hereby authorizes and approves the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding attached hereto and incorporated herein by reference thereto as Exhibit

"A", and directs the County Administrator/Interim County Administrator or the County Attorney to execute and enter into such Memorandum of Understanding on behalf of the County of Alleghany.

Unanimously adopted by the following roll call vote:

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

ADJOURNMENT:

On motion of Mr. Nicely, seconded by Mr. Griffith, that the meeting be adjourned at 9:35 p.m. to Tuesday, September 7, 2021 at 5:00 p.m. in the County Governmental Complex. Motion carried.

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G. Matt Garten  
Chairman