

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, December 7, 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 Peter M. Huber, Interim County Administrator
Suzanne T. Adcock-Nicely, Director of Finance
Jim Guynn, County Attorney
Donna R. Kimberlin, Accountant

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.

MINUTES:

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on November 3, 2021.

RECOGNITION OF RETIREES FOR 2021 AND APPROVE RESOLUTIONS OF APPRECIATION:

Mr. Garten stated that the following individuals retired from the County in 2021:

- Ralph Jackson, Commonwealth Attorney - 13 years, 4 months
- Laura McLain, Sheriff's Office - 19 years, 10 months
- Richard Bates, Sheriff's Office - 22 years (present)
- Mary Kay Selman, Social Services - 24 years (present)
- Richard Walton, Jr., Sheriff's Office - 25 years
- Evelyn Cooper, Social Services - 32 years, 11 months

Mr. Garten thanked the retirees for their service and mentioned that there are draft resolutions of appreciation in the agenda packet which he asked the Board to approve.

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

WHEREAS, Mr. Ralph Jackson retired from the Commonwealth Attorney Office on July 1, 2021 after providing 13 years, 4 months of service to the citizens of Alleghany County; and

WHEREAS, Mr. Jackson has faithfully served the County in the capacity of Assistant Commonwealth Attorney;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors recognizes Mr. Ralph Jackson for his invaluable contribution to the citizens of Alleghany County.

BE IT FURTHER RESOLVED that the Board extends its appreciation to Mr. Jackson for his service to the County, congratulations upon his retirement, and best wishes for a long and happy retirement.

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 resolution be adopted:

WHEREAS, Ms. Laura McLain retired from the Sheriff's Office on May 1, 2021 after providing 19 years, 10 months

of service to the citizens of Alleghany County; and

WHEREAS, Ms. McLain has faithfully served the County in the capacity of Correctional Officer;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors recognizes Ms. Laura McLain for her invaluable contribution to the citizens of Alleghany County.

BE IT FURTHER RESOLVED that the Board extends its appreciation to Ms. McLain for her service to the County, congratulations upon her retirement, and best wishes for a long and happy retirement.

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 resolution be adopted:

WHEREAS, Mr. Richard Bates retired from the Sheriff's Office on March 1, 2021 after providing 22 years of service to the citizens of Alleghany County; and

WHEREAS, Mr. Bates has faithfully served the County in the capacity of Correctional Officer;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors recognizes Mr. Richard Bates for his invaluable contribution to the citizens of Alleghany County.

BE IT FURTHER RESOLVED that the Board extends its appreciation to Mr. Bates for his service to the County, congratulations upon his retirement, and best wishes for a long and happy retirement.

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 resolution be adopted:

WHEREAS, Ms. Mary Kay Selman retired from the Social Services Department on October 1, 2021 after providing 24 years of service to the citizens of Alleghany County; and

WHEREAS, Ms. Selman has faithfully served the County in the capacity of Eligibility Supervisor;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors recognizes Ms. Mary Kay Selman for her invaluable contribution to the citizens of Alleghany County.

BE IT FURTHER RESOLVED that the Board extends its appreciation to Ms. Selman for her service to the County, congratulations upon her retirement, and best wishes for a long and happy retirement.

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 resolution be adopted:

WHEREAS, Mr. Richard Walton, Jr. retired from the Sheriff's Office on November 1, 2021 after providing 25 years of service to the citizens of Alleghany County; and

WHEREAS, Mr. Walton has faithfully served the County in the capacity of Deputy;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors recognizes Mr. Richard Walton, Jr. for his invaluable contribution to the citizens of Alleghany County.

BE IT FURTHER RESOLVED that the Board extends its appreciation to Mr. Walton for his service to the County, congratulations upon his retirement, and best wishes for a long and happy retirement.

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 resolution be adopted:

WHEREAS, Ms. Evelyn Cooper retired from the Social Services Department on August 1, 2021 after providing 32 years, 11 months of service to the citizens of Alleghany County; and

WHEREAS, Ms. Cooper has faithfully served the County in the capacity of Self Sufficient Specialist;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors recognizes Ms. Evelyn Cooper for her invaluable contribution to the citizens of Alleghany County.

BE IT FURTHER RESOLVED that the Board extends its appreciation to Ms. Cooper for her service to the County, congratulations upon her retirement, and best wishes for a long and happy retirement.

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

PRESENTATION OF PLAQUE TO MS. M. JOAN VANNORSDALL:

Mr. Garten presented a plaque to Ms. Vannorsdall, Clifton Forge East District Supervisor. The plaque states: "M. Joan Vannorsdall, Supervisor, Clifton Forge East District. In recognition and appreciation for outstanding, loyal, and dedicated service to Alleghany County, Virginia. January 1, 2018-December 31, 2021. Presented by Alleghany County Board of Supervisors."

PUBLIC HEARING - REZONING REQUEST FROM PATRICIA NEWLUN:

Public Hearing was held to consider an application from Patricia Newlun to rezone approximately 4.163 acres of

property located on Douthat Road from a Business B-1 zone classification to a Business B-2 zone classification in order to proceed to apply for a Special Use Permit to allow for an Amusement Park. The property is further identified as Tax Map 44, Parcel 4C. The property is in the Highlands Area as contained in the Comprehensive Plan.

The Chairman announced that this public hearing was advertised in the *Virginian Review* on Tuesday, November 23, 2021 and Tuesday, November 30, 2021 in accordance with the Code of Virginia. He then called the public hearing to order.

Ms. Beth Stull, Zoning Administrator, reviewed the staff report which is as follows:

STAFF REPORT

Case Number: RZ-83
Name of Petitioner(s): Patricia Newlun - Highlands Family Entertainment Center
Date Request Filed: August 16, 2021
Public Hearing Date: (PC) October 13, 2021 (BOS) – December 7, 2021
Staff Reviewer: Elizabeth Stull, Zoning Administrator

SUMMARY OF REQUEST

The applicant is requesting to rezone the 4.163 acres of property on Douthat Road which she purchased several months ago from a Business B-1 zone classification to a Business B-2 zone classification to proceed to apply for a Special Use Permit to allow for an Amusement Park. The property is further identified as Tax Map 44 Parcel 4C and is currently owned by Patricia Newlun.

Mrs. Newlun contacted the Zoning Office on July 9, 2021 regarding zoning approval for a business license to operate a family entertainment center. This would include putt-putt courses, laser tag courses, outdoor skating rink, and arcade.

I explained to Mrs. Newlun the property is zoned B-1 Business, which does not allow for these uses. We discussed the possibility of filing for a 'Use Not Provided For', but Mrs. Newlun later contacted me with information classifying her business as an amusement park. I researched the County Ordinance pertaining to Amusement Parks.

County Code states:

Sec. 66-678. Other definitions. *Amusement park means a commercial-recreational establishment where permanent buildings or structures have been erected for the purpose of a circus or carnival or similar exhibition, or midway show or sideshow and where classes of amusement and recreation are provided such as mechanically or electronically operated rides and food vendors. (Ord. No. 00-3, 8-1-00)*

The Latest Illustrated Book of Development Definitions (2015 Edition) states:

Amusement parks, better known as theme parks and family entertainment centers, are multiuse facilities, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games, as well as building for shows, entertainment, etc.

Smaller ones, include a variety of indoor and outdoor activities such as traditional rides, shooting galleries, and games of skill and chance. Newer parks include music and craft shops, recreation, entertainment events, movie theaters, bumper boats, go-karts and roller rinks, arcades, and simulation and video games.

LAND USE COMPATIBILITY (Sec. 66-481(f))

Present Use: *Undeveloped property.*

Proposed Use: *Natural landscape amusement park.*

Current Zoning: *Business B-1*

Proposed Zoning: *Business B-2, with Amusement Park use after SUP.*

Surrounding Land Use and Zoning: *The property is joined by residential property to the north that is zoned AR. That 14 acre parcel was rezoned by the BOS in 2008 from B-1 to AR. Douthat Road adjoins the property to the south. There are residential properties to the east that are zoned Residential R-1. The properties located to the west are zoned AR. Properties across Douthat Road are zoned B-2, M-1 and AR, and have mixed uses of residential and commercial.*

Ingress and Egress: *Current access to the property is from Douthat Road.*

Comprehensive Plan: *According to the Comprehensive Plan, the property is located in a "Highland Area" which is defined as areas characterized by forests, mountain terrain, and open space that exemplifies Alleghany County's heritage. Scattered residences are located on large lots, roughly one per five acres. There are opportunities for rural business in these areas.*

Screening and Buffering: *All subsequent rezoning to a Business District B-2 adjacent to a residential district require a minimum of ten feet of buffering and screening for side yards.*

Zoning Requirements:

Development on the property will be required to comply with all setback requirements for a Business B-2 zone district. (Side: none, rear: 10 feet, front: 50 feet from center of right-of-way).

Compliance with Article XXIII-Off Street parking is required. The applicant will need to work with the zoning office to assure compliance with the parking requirements.

Floodplain: *The property is not located within a flood hazard area according to the FEMA maps on FIRM Panel 51005C0233D.*

Utilities/Refuse Collection: *The property has access to public water and sewer. There is also access to other utilities such as electric, telephone, and cable service. Refuse collection would be provided by Allegheny County.*

Traffic Impact Analysis (TIA) Compliance: *A copy of the rezoning request was submitted to VDOT for their review for compliance with TIA requirements. Received response from Alvin Trout with VDOT on September 17, 2021 and forwarded information to Ms. Newlun.*

Effects on Adjoining Properties: *Considering the zoning and uses of the surrounding properties, the uses in the proposed zone designation should not have any detrimental effects on the adjoining properties.*

Additional Notes/Comments:

The proposed amusement park plans to begin with the installation of a 3 course laser tag course using the natural landscape and a 50 ft. x 50 ft. outdoor skating rink. A proposed 12 ft. x 28 ft. building will be needed on site to house equipment and supplies, as well as a 20 ft. x 100 ft. building for bathrooms and possible arcade games. In the next 5 years, a plan to expand with an 18 hole putt-putt course and a possible go-kart track. Hours of operation will be 12 p.m. to 9 p.m. daily

The Planning Commission held their public hearing on this request October 13, 2021, but after opposition from residents within the Falcon Ridge area, they decided to table their decision until the next meeting on November 10, 2021. During their November meeting, they discussed the opposition from the neighbors regarding the noise the park would create. The Noise Pollution Clearinghouse, said a go-kart produces sound anywhere between 70 to 78 decibels, and at about 100 feet away the noise drops down to just below 40 decibels. With a vote of 5 'for' - 2 'against' they made a motion to make a recommendation to the Board to approve the rezoning request.

Further research regarding the distance to the property owners within the Falcon Ridge Subdivision is indicated on the map with an average distance of 1093 feet.

If the rezoning request is approved, the applicant will need to apply for a Special Use Permit to allow for the use of an amusement park classification. Upon approval, the property will require compliance with all applicable local, state, and federal regulations.

Ms. Stull stated that the applicant is not present.

Mr. Nicely mentioned that he has been to the property several times and is trying to figure out where she is going to put everything. He asked if there will be a lot of grading done on the property. Ms. Stull replied that there is no grading planned unless she needs to for one of the buildings. She mentioned that she plans to leave the land natural so it can be used for laser tag, etc.

Mr. Griffith asked if she has an entrance permit from VDOT. Ms. Stull replied that she has been in contact with Mr. Trout at VDOT, but we do not have anything.

Mr. Garten asked what type of structures will be put up. Ms. Stull replied that the 50' x 50' skating rink is portable and interlocks (floor) and the others would be metal storage buildings.

Ms. Vannorsdall asked about the arcade. Ms. Stull replied that the arcade would be part of future plans and not done at the beginning.

Ms. Vannorsdall asked what the correlation between noise and distance would be. Ms. Stull replied that the noise would come mostly from the go-karts; however, she has indicated that if the go-karts are a deal breaker, then she will not have those. She stated that go-karts are 70-78 decibels and for every 100 ft. the level goes down 40 decibels.

Ms. Tracey Morris, 130 Falcon Ridge Road, presented the Board with a petition with 35 signatures from residents of Falcon Ridge who are in opposition to the rezoning. The petition is a part of the records of this meeting. She stated that they also wondered where everything would be put on the property. She commented that if an amusement park is put in that it would be a noise issue for the neighborhood and they want to keep their neighborhood quiet. She stated that they also wondered how it would affect property values. She mentioned that there are also concerns that if the property is rezoned to B-2 and Ms. Newlun does not build, but sells the property then something worse could be put in there.

Ms. Karyn Warren, 129 Falcon Ridge Road, stated that there is a long list of uses in the B-2 zone that could go on the property that could be worse. She asked how kids would get there and who is going to monitor the kids as parents probably will just drop them off. She mentioned that there would be a noise level with kids too. She commented that she would hate to see this turn into an industrial exit with piece-meal zoning.

Ms. Jean Kenny, 128 Falcon Ridge Road, stated that she has lived on Falcon Ridge Road for 39 years. She commented that it is a quiet and safe neighborhood and she wants it to stay that way.

Mr. Nicely stated that he wishes Ms. Newlun was present at the meeting. He mentioned that the previous property owner did all they could to promote that property and it has been on the market for years. He commented that he is not sure this is the venue kids are looking for and he can not vote to approve the request. He mentioned that everything is outdoors and what are people going to do in the winter time or in bad weather.

Ms. Vannorsdall stated that she agrees and once it is rezoned there is a long list of what could go there and we need to protect the area. She commented that it may be a great business, but she would vote no to rezone the property.

Mr. Bennett stated that if the Board did vote this rezoning down, then it will still be zoned B-1 and any of those uses could be put there without coming before the Board.

Mr. Garten commented that Ms. Newlun has purchased the property. He stated that he would have liked to have seen a complete business plan and financials as this type of use would be better suited in a vacant building in town. He mentioned that he does not see it being successful in this location.

Mr. Bennett suggested waiting to take action at the next meeting to give Ms. Newlun the opportunity to speak.

There being no one else who wished to speak, the Chairman declared the public hearing closed. Action will be taken at the next regular meeting.

PUBLIC COMMENT (5 MINUTE TIME LIMIT):

No one spoke at this time.

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

- Patched pipe crossings on Ogle Creek and Rt. 18.
- Started grading gravel roads. Will continue when there is precipitation.
- Cutting brush around signs on primary and high volume secondary routes.
- Repaired shoulders on Rts. 18 and 42.
- County-wide debris and tree removal from high wind and storms.
- Cutting brush on Cove Creek.
- Stream bank repairs complete on Blue Spring Run. Roadway surface will be repaired this week.
- Brush cutting nearly complete on I-64.

Other

- Board support is requested for consideration of a one lane bridge replacement on Rt. 710. We are considering two different options - bridge replacement or entrance relocation to Rt. 159. Will work with Mr. Huber on a letter of support.

The Board agreed by consensus for Mr. Huber to work with Ms. Hammond on a letter of support for the Rt. 710 bridge replacement with a single-lane bridge as an option.

Mr. Garten commented regarding repairs needed to the Rt. 220 highwall.

Mr. Bennett mentioned getting calls from WestRock regarding the bridge restrictions on Rt. 159 (bridge before Hematite).

Mr. Griffith stated that he is getting calls from residents in that area regarding the truck traffic and speeding.

APPROVE FINANCING OF ALLEGHANY REGIONAL COMMERCE CENTER GRADING PROJECT:

Mr. Huber stated that there is a memo in the agenda packet from him to the Board regarding financing for the Alleghany Regional Commerce Center (ARCC) grading project. The memo is as follows:

At the July 6, 2021 meeting, the Board of Supervisors adopted the attached resolution approving the financing of the Commerce Center grading project. Since then events have taken place: First, it was determined that it would be better for the County and City of Covington to independently procure our own financing for this project. This allows each to individually obtain the best rate possible (the City can pledge tax collections through general obligation bond whereas the County cannot) while providing a broader variety of collateral option. In addition, each entity would be individually responsible for debt service payments.

In addition to change in the financing structure, we expect grading costs to be higher than previously anticipated due to the amount of rock encountered in test borings. Rock was found approximately 6 feet below the surface and previous cost estimates provided by Timmons were based on worst case scenario. Further analysis which we hope to have prior to the Board meeting, should indicate what type of rock was encountered and whether removal of the rock could be done with bulldozers or if extensive blasting would be required. We anticipate receiving a complete engineering cost estimate prior to the Board meeting with plans to include it in the weekly update on December 5th.

Depending on the results of the estimate, I plan to recommend confirmation of the Board's previous approval finalizing the financing with HCB for between \$1.5 million and \$3 million with a specific financing number to be included in the weekly update based on the engineering cost estimate. It is recommended that Falling Springs Elementary School be pledged as collateral with the ability to substitute another County owned asset as collateral in 2026 when the financing of the school is paid off.

HCB has confirmed the original 10-year, interest only financing as well as their willingness to substitute collateral as may be needed in the future. In addition, the County has the ability to repay all or part of the loan at any time.

The financing needs to be put in place at this time in order to proceed with bidding. The project is being bid during an uncertain environment. In addition, grading projects can, by nature, involve change orders. As a result I plan to include a significant contingency in the recommendation to be included in the weekly update. This contingency could be used to partially repay a portion of the loan and/or reserved for additional improvements to the property such as signage or gravel paths for easier viewing of the property.

Following approval by the Board, Mike Lockaby (bond attorney and partner with Jim Guynn) would need to revise the performance agreement, support agreement, and loan agreements for approval by the Board at the January meeting.

Please let me know if you have any questions, concerns, or suggestions regarding these recommendations. I can be reached at (540) 440-0308.

Mr. Huber added that some of the rock found could possibly be dug out and the rest require blasting and the cost estimate for the work is a worst case scenario for blasting it all, but could end up being less. He suggested doing some exploratory digs using a trackhoe/backhoe. He commented that the financing through Highlands Community Bank for the pad-ready grading project would be for \$3,176,550 with a matching amount from Covington who has approved their share of the funding of the project. . He recommended having Mr. Griffith involved in the project based upon his professional expertise in the construction industry and with the changeover when a new County Administrator is brought on board.

There was some discussion regarding exploratory digging being done; the only collateral the bank is utilizing is the school and land it is sitting on; the total project cost is \$6.3 million to make it a pad-ready site and includes engineering; would be unearthing over 100 acres; could be able to get a grant from the State and VEDP next year for half of the funds to complete the project; there is a State shortage of large pad sites; there is a 10% contingency built in to the project cost; the project will be done in phases; money for the project will be drawn down as needed; there is debt service coming off in the next 10 years that could be utilized if needed to pay off the financing utilized; potential types of businesses/industries that could come in; advertising and marketing could start now for the site; 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 obtaining \$3,176,550 in 10-year, interest only financing from Highlands Community Bank for the Alleghany Regional Commerce Center grading project with a County-owned asset to be used as collateral.

BE IT FURTHER RESOLVED that the Interim County Administrator/County Administrator be authorized to execute necessary paperwork in relation to this financing.

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 resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors confirms approval of the Alleghany Regional Commerce Center pad ready grading project; and

BE IT FURTHER RESOLVED that the Board request that test digs be performed to determine the specific nature of material encountered by previous test borings; and

BE IT FINALLY RESOLVED that Mr. James Griffith and Mr. Pete Huber work directly with the Covington-Alleghany Industrial Development Authority on the details (bidding, financing, etc.) of the ARCC pad ready grading project to ensure continuity of communications relative to actions.

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

REAPPOINTMENT OF MRS. BRENDA WOODIE AND APPOINTMENT OF MRS. TERESA JOHNSON TO THE ALLEGHANY HIGHLANDS COMMUNITY SERVICES BOARD:

Mr. Garten stated that the terms of Mrs. Brenda Woodie and Mrs. Terri Wright on the Alleghany Highlands Community Services Board expire December 31, 2021. Terms are for three years and both are eligible for reappointment. Mrs. Wright does not wish to be reappointed; however, per the memo in the agenda packet Mrs. Teresa Johnson is interested.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mrs. Brenda Woodie (Clifton Forge East District), 1511 Linden Avenue, Clifton Forge, VA 24422 be reappointed to the Alleghany Highlands Community Services Board (AHCSB) for a term of three years beginning January 1, 2022 and ending December 31, 2024.

BE IT RESOLVED by the Board that Mrs. Teresa Johnson (Clifton Forge West District), 502 Rose Avenue, Clifton Forge, VA 24422 be appointed to the AHCSB for a term of three years beginning January 1, 2022 and ending December 31, 2024.

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

REAPPOINTMENT OF MR. RYAN MUTERSPAUGH TO THE WESTERN VIRGINIA EMERGENCY MEDICAL SERVICES COUNCIL:

Mr. Garten stated that the term of Mr. Ryan Muterspaugh (Director of Public Safety) on the Western Virginia Emergency Medical Services Council expires December 31, 2021. Terms are for three year and Mr. Muterspaugh is eligible for reappointment.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. Ryan Muterspaugh, Director of Public Safety, 9212 Winterberry Avenue, Covington, VA 24422 be reappointed to the Western Virginia Emergency Medical Services Council for a term of three years beginning January 1, 2022 and ending December 31, 2024.

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. Huber handed out a memo which is a part of the records of this meeting and gave a report on the following items:

County Administrator Hiring Status

The Berkley Group has received nine applications at this time and would be ready to meet with the Board any afternoon or evening next week (December 13 through 17). The Board Room is booked on Monday evening and Tuesday from 2 p.m. to 3 p.m., but is available all other times. In addition, the Board could readily use the conference room to meet with Mr. Payne if needed. In addition to setting a time to discuss the applications received, it is recommended that the Board adjourn to the date and time selected.

The Board agreed to adjourn to Tuesday, December 14, 2021 at 6:00 p.m.

Approve Resolution Urging State Funding of State-Responsible Inmates

The Code of Virginia Section 53.1-20B states "Persons convicted of felonies committed on or after January 1, 1995, and sentenced to the Department or sentenced to confinement in jail for a year or more shall be placed in the custody of the Department and received by the Director into the state corrections system within sixty days of the date on which the final sentencing order is mailed by certified letter or sent by electronic transmission to the Director by the clerk." The State has routinely bypassed this section of the Code for several years electing instead to pay localities \$12 per day as compared with our daily cost of \$97 per inmate as documented by the State Compensation Board.

Attached is an article describing efforts by Clarke County to address this issue. Through the efforts of James Griffith, the Virginia Association of Counties has made full reimbursement of local costs legislative priority for the 2022 legislative session. In addition, local administrators in Alleghany and Rockbridge have met and propose passage of the attached joint resolution proposed for consideration by each respective Board.

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

**RESOLUTION URGING THAT THE GENERAL ASSEMBLY REQUIRE AND
FUND TIMELY TRANSFERS OF INMATES AND FULLY REIMBURSE
LOCAL HOUSING COSTS**

WHEREAS, Section 53.1-20 of the Code of Virginia requires the Director of the Virginia Department of Corrections to receive eligible State-responsible inmates¹ within sixty days of the date on which the inmate's final sentencing order is transmitted to the Director; and

WHEREAS, a significant number of State-responsible inmates remain in local and regional jails well after this sixty-day period; and

WHEREAS, the funding provided by the State to house State-responsible inmates is routinely less than twenty-five percent of the actual cost for the localities to house such inmates; and

WHEREAS, localities are subsequently and unduly burdened by costs to house State-responsible inmates, resulting in the redirecting of local funding critical to such core services as education, other public safety activities, public works, human services, and economic development to absorb unfunded State corrections costs; and

WHEREAS, the General Assembly has by law directed the Virginia Department of Corrections to house State-responsible inmates and is responsible for funding such costs; and

WHEREAS, though the Virginia Department of Corrections has made and continues to make efforts to accept State-responsible inmates into State operated facilities, local and regional jails remain overcrowded;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors, along with other localities, request that the Virginia General Assembly fund the actual cost of housing State-responsible inmates as described in the Virginia Compensation Board report to the General Assembly entitled Annual Jail Revenues and Expenditures Report;

BE IT FURTHER RESOLVED that the General Assembly develop additional inmate capacity in the State-supported penal system in order to reduce the strain on local and regional jails.

¹Defined in §53.1-20 as any inmate convicted of a felony before January 1, 1995 having a sentence of more than two years or any inmate convicted of a felony on or after January 1, 1995 having a sentence of more than one year.

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

Wrightsville Project Update - Approval of Contractor for Infrastructure Work

The County received one bid for community-wide drainage and roadway work in Wrightsville. The bid is \$138,225 over budget and the County has requested additional funding from the Virginia Department of Housing and Community Development, but are not likely to receive a response in a timely manner and are negotiating with the contractor to negotiate a lower price. Approval to move forward on the basis of a negotiated bid and/or additional funding is recommended. Regardless of the financial situation, we still need easements from two key property owners and will continue to keep the Board informed via the Weekly Update.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve the bid with Hammond-Mitchell, Inc. in an amount not to exceed \$641,237 (\$624,329 base bid and \$16,908 bid alternate) for the Wrightsville Community Infrastructure Improvements Project. The approval is contingent upon continued negotiations with the contractor to reduce costs, receipt of additional funding to cover any costs over the \$503,012 awarded by DHCD, and obtaining remaining necessary easements for the project.

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	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

BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):

Miscellaneous

The Board thanked everyone for coming to the meeting, wished everyone a Merry Christmas, and welcomed Dr. Goings.

Ms. Vannorsdall stated that she has learned a lot being on the Board and everyone is wonderful to work with.

CLOSED MEETING:

On motion of Mr. Nicely, seconded by Mr. Griffith, that the Board go into a Closed Meeting under Code of Virginia Sections 2.2-3711(A)(1) and (3) for the purpose of: (1) personnel matters in relation to the County Administrator position; (2) other personnel matters; and (3) property acquisition/disposition. Unanimously adopted.

On motion of Mr. Nicely, seconded by Ms. Vannorsdall, 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

After the Closed Meeting, the following action was taken:

APPROVE SALARY SUPPLEMENT FOR THE SHERIFF (ANIMAL CONTROL AND LITTER CONTROL):

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 an annual supplement of \$12,000 for Sheriff Kevin Hall effective January 1, 2022 for continued management of animal control and for the initiation of litter control investigation and enforcement to be reviewed in six months.

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

ADJOURNMENT:

On motion of Ms. Vannorsdall, seconded by Mr. Bennett, that the meeting be adjourned at 9:45 p.m. to Tuesday, December 14, 2021 at 6:00 p.m. in the County Governmental Complex. Motion carried.

G. Matt Garten
Chairman