

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, January 4, 2022 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  
Ronald S. Goings  
Cletus W. Nicely

and Peter M. Huber, Interim County Administrator  
Jim Guynn, County Attorney  
Melissa A. Munsey, Deputy Clerk to the Board

ABSENT: Shannon P. Cox

CALL TO ORDER:

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

Mr. Garten stated that a second part to the Closed Meeting is being added to the agenda to discuss property acquisition/disposition.

ELECTION OF CHAIRMAN:

Mr. Huber, acting as Chairman *Pro Tem*, called for nominations for Chairman of the Board.

Mr. Bennett nominated Mr. G. Matt Garten for Chairman.

On motion of Mr. Bennett, seconded by Mr. Nicely, that nominations for Chairman of the Board be closed.

Unanimously adopted by the following roll call vote:

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

On motion of Mr. Bennett, seconded by Mr. Nicely, that Mr. G. Matt Garten be elected Chairman of the Board.

Unanimously adopted by the following roll call vote:

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

ELECTION OF VICE-CHAIRMAN:

Mr. Garten, the elected Chairman, took over the meeting. He asked for nominations for Vice-Chairman of the Board.

Mr. Bennett nominated Mr. James M. Griffith for Vice-Chairman.

On motion of Mr. Nicely, seconded by Mr. Bennett, that nominations for Vice-Chairman of the Board be closed.

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Ronald S. Goings	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes

G. Matt Garten            Yes

On motion of Mr. Bennett, seconded by Mr. Nicely, that Mr. James M. Griffith be elected Vice-Chairman of the Board.

Unanimously adopted by the following roll call vote:

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

ADOPTION OF CODE OF ETHICS:

Mr. Garten commented that the Board has a draft resolution of the Code of Ethics in the agenda packet which is the same as last year.

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 the Board and County officials will be guided by the following Code of Ethics:

The ethical elected and non-elected County official should:

- \* Properly administer the affairs of the County.
- \* Promote decisions which only benefit the public interest.
- \* Actively promote public confidence in County government.
- \* Keep safe all funds and other properties of the County.
- \* Conduct and perform the duties of the office diligently and promptly dispose of the business of the County.
- \* Maintain a positive image to pass constant public scrutiny.
- \* Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- \* Inject the prestige of the office into every day dealings with public employees and associates.
- \* Maintain a respectful attitude toward employees, other public officials, colleagues, and associates.
- \* Effectively and efficiently work with governmental agencies, political subdivisions, and other organizations in order to further the interest of the County.
- \* Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone.

The ethical elected and non-elected County official should not:

- \* Engage in interests that are not compatible with the impartial and objective performance of his or her duties.
- \* Improperly influence or attempt to influence other officials to act in his or her own benefit.
- \* Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical elected and non-elected County official accepts the responsibility that his or her mission is that of servant and steward to the public.

Unanimously adopted by the following roll call vote:

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

ADOPTION OF BOARD BY-LAWS:

Mr. Garten stated that the Board has a draft resolution in the agenda packet to adopt the Board's By-Laws which are the same as last year.

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

BE IT RESOLVED that the By-Laws of the Alleghany County Board of Supervisors be amended in Section (1) Regular Meetings, subsection (A)(3) to change the day the agenda is finalized to noon on the Tuesday prior to any Board meeting.

Unanimously adopted by the following roll call vote:

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

The adopted Board By-Laws and Public Comment Guidelines are as follows:

## **BY-LAWS ALLEGHANY COUNTY BOARD OF SUPERVISORS**

*These by-laws are for the purpose of promoting properly conducted meaningful and orderly meetings of the County Board of Supervisors in the transaction of County business, and to maintain decorum at all times. The by-laws are designed to allow the Board and its Chairman to conduct the meetings efficiently, allowing all necessary and appropriate opportunities for any person to address the Board on matters under consideration.*

### **SECTION (1) REGULAR MEETINGS:**

(A) *The Alleghany County Board of Supervisors shall meet in one (1) Regular Meeting a month on the first Tuesday at 7:00 P.M. in the Board Room of the County Governmental Complex for the purpose of conducting the business of Alleghany County. Any Regular Meeting that falls on Election Day in November shall be held on the following day (Wednesday).*

(1) *The Agenda for the Regular Meeting shall be prepared by noon on the Thursday prior to the first Tuesday in each month. The Agenda shall be placed on the County web site on the Friday prior to the first Tuesday of each month. The agenda shall be as follows:*

*Call to Order  
Invocation  
Pledge of Allegiance  
Minutes  
Public Hearing  
Public Comment  
Unfinished Business  
New Business  
County Administrator's Report  
Board Member Comments (Inquiries/Reports)  
Closed Meeting (as needed)  
Adjournment*

(2) *The following is an explanation of various agenda headings:*

*Public Hearings are conducted in accordance with the Code of Virginia, 1950, as amended, for the purpose of receiving public input on the topic of the public hearing. The Board has a policy to not act on a public hearing on the same night, but may waive this policy and take action with unanimous approval of members present.*

*Public Comment gives the public an opportunity to address the Board on matters appropriate to the responsibilities of the Board. There shall be a maximum time limit of five (5) minutes for comments from each speaker with a maximum time limit of 30 minutes allocated to Public Comment in any one meeting. A sign-up sheet will be provided at a table near the meeting room for Public Comment. Adopted Public Comment Guidelines for speakers will also be provided on the table. If the number of individuals on the sign-up sheet would exceed the allotted 30-minute time-frame, the Chairman has the latitude to place a shorter limit on individuals. After the Board has heard comments from those who signed up, others in the audience who have not had an opportunity to speak and desire to do so will be invited to speak, time permitting. If speakers have copies of comments available, they should be provided to the Deputy Clerk to the Board for inclusion in the minutes. If this section is amended at any time, then the adopted Public Comment Guidelines will automatically be amended.*

*Unfinished Business consists of items that have been presented and discussed at a previous meeting, but more discussion was necessary for clarification prior to a vote or the item was tabled. Items under Unfinished Business can be voted on at any time.*

*New Business consists of items that have not been presented or discussed or is something new in relation to an item that has previously been presented or discussed. Items under New Business can be voted on at any time.*

(3) *The agenda shall be finalized by noon on the Tuesday prior to any Board meeting. The agenda shall not thereafter be changed except by Board action taken at the meeting.*

*Persons wanting a topic placed on the agenda shall make the request to the County Administrator or Deputy Clerk to the Board. The County Administrator will then report to the Chairman on the request.*

(4) *Matters not on the agenda for the Regular Meeting may be considered by the Board when requested by the Administrator, or his/her representative, the County Attorney, or a member of the Board. The item will be added to the New Business or Unfinished Business section of the agenda.*

- (5) All meetings of the Board of Supervisors shall be governed by the Code of Virginia, Roberts Rules of Order, as revised, and these by-laws.
- (6) The County Attorney or his Assistant shall be the parliamentarian and the legal advisor to the Board of Supervisors at all meetings.
- (7) A roll call vote shall be held for all motions except to go into a Closed Meeting, come out of a Closed Meeting, and to adjourn.

**SECTION (2) SPECIAL MEETINGS/PUBLIC HEARINGS/WORK SESSIONS/ADJOURNED MEETINGS:**

- (A) Special meetings, public hearings, work sessions, and adjourned meetings shall be held when necessary in accordance with provisions in the Code of Virginia pertaining thereto.

**SECTION (3) ADHERENCE TO POLICY:**

- (A) Policy matters of the Board shall be followed and adhered to and no action should be taken by the Board of Supervisors if such action would actually be in conflict or at cross purposes with the intent of an established policy. The Board may, where circumstances warrant, waive a given policy for a particular situation and action as the Board deems desirable, with unanimous approval of members present.

**SECTION (4) PRECEDENCE OF LAWS:**

- (A) These by-laws shall govern in all cases to which they are applicable and in which they are not inconsistent with the federal, state, or local law.
- (B) Any provision of any part of these by-laws which are found to be in conflict with the Code of Virginia or the Constitution shall be null and void and the remaining provisions shall continue to apply.

**SECTION (5) CHANGES OR AMENDMENTS:**

- (A) These by-laws may be changed or amended by action of the Board of Supervisors at any regular meeting, provided that each Board member is given proper notice of any proposed change or amendment.

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Deputy Clerk to the Board

**PUBLIC COMMENT GUIDELINES**

- A sign-in sheet will be placed near the Board Room door for citizens who wish to speak during the Public Comment. Citizens should list their name, address, and topic to be addressed. After all speakers who signed up have spoken, anyone else interested in speaking will be given the opportunity.
- Speakers are limited to five minutes. There is a maximum time limit of 30 minutes allocated to Public Comment in any one meeting. If the number of individuals on the sign-up sheet would exceed the allotted 30-minute time-frame, the Chairman has the latitude to place a shorter limit on individuals.
- Speakers are to provide a copy of remarks to the Deputy Clerk, if in writing.
- The Board of Supervisors encourages and values citizen input on all topics or issues of relevance to the Board's responsibilities.
- Speakers shall direct all comments to the Board (not individual members or employees of the Board).
- Profane or vulgar language, partisan political statements, or comments related to the conduct or performance of Board members or staff are not appropriate in this setting.
- Board members are not expected to respond to questions or comments unless the Chairman deems such response appropriate. Board members may seek clarification or additional information from speakers through the Chair.

**MINUTES:**

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on December 3, 2021; (2) an adjourned meeting held on December 14, 2021; and (3) an adjourned meeting held on December 22, 2021.

**PUBLIC HEARING AND APPROVAL - ORDINANCE TO REAPPORTION REPRESENTATION IN THE GOVERNING BODY BY REDRAWING THE COUNTY MAGISTERIAL DISTRICTS AND PRECINCTS PURSUANT TO THE CENSUS OF 2020 (REDISTRICTING):**

Public Hearing was held to consider an ordinance to reapportion representation in the governing body by redrawing the County Magisterial Districts and Precincts pursuant to the Census of 2020.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, December 21,

2021 and Tuesday, December 28, 2021 in accordance with the Code of Virginia. He then called the public hearing to order.

Mr. Matt Miller, representative from the Roanoke Valley-Alleghany Regional Commission, gave a PowerPoint presentation on the redistricting which is a part of the records of this meeting. The PowerPoint included: criteria considered for districts (contiguity, compactness, preservation of counties and other political subdivisions, preservation of communities of interest, preservation of cores of prior districts, and protection of incumbents); one person-one vote (maximum deviations above 10 percent are impermissible); map of 2011 districts showing the deviation from current population numbers that had to be adjusted (20.9%); boundaries must follow census blocks with goals to adjust population, retain current districts and precincts, retain polling places, and consider new state/federal districts; map showing parts of Clearwater Park that was moved from the Falling Spring District to the Covington District; map showing the Clifton Forge East and West District changes; online map can be found at <https://arcg.is/1TW90y>; and map of Option 1 created by the Redistricting Committee (deviation of 5.66%) from the ideal population of 2,175 per district. He mentioned that polling places did not change, but there were some changes to outer boundaries of precinct lines.

There was some discussion regarding if any supervisors were affected (no change); lines were cleaned up and tried not to split streets when possible; if this is the only option (yes); there was growth in some districts that had to be offset to be closer to the ideal population per district; etc.

Ms. Tracey Morris, 130 Falcon Ridge Road, asked how quickly people will be notified of changes. Mrs. Munsey replied that the changes will require State approval and then the Registrar can send out new cards and/or other information to those affected.

Mr. Jeff Irvine, 1261 Commercial Avenue, stated that it looks like Verge Street was taken from Clifton Forge East District to the Clifton Forge West District and asked how many from the County were added to Clifton Forge districts. There was some discussion that the number from the County added is not available; however, there were no changes to Town boundaries in relation to their Town elections.

Dr. Goings commented that McCormick Boulevard was a dividing line and now it is Commercial Avenue.

Mr. Griffith mentioned that Census blocks have to be used to make changes.

Mr. Miller added that the goal is to make each district as equal as possible and most boundaries are roads.

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

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

Unanimously adopted by the following roll call vote:

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

On motion of Mr. Bennett, seconded by Mr. Nicely, that the following amendments proposed at the Public Hearing held on Tuesday, January 4, 2022 to The Code of the County of Alleghany, Virginia in Chapter 26 entitled "Elections" be adopted as follows:

## **CH. 26 ELECTIONS**

### **Sec. 26-3. Boundaries of election districts.**

#### ***CURRENT:***

The boundaries of the respective magisterial (election) districts are set forth as follows:

(1) *Boiling Springs Magisterial District.* Beginning at the corner of Alleghany County, Virginia and Greenbrier and Monroe Counties, West Virginia following in a southeasterly direction along the Monroe County line to the corner of Monroe County, West Virginia and Alleghany and Craig Counties, Virginia continuing in a southeasterly then northeasterly direction along the Craig County line to its intersection with State Route 617; thence in a northerly direction following the centerline of State Route 617 to a point where it intersects State Route 616; thence in a northeasterly direction following the centerline of State Route 616 to a point where it intersects State Route 619; thence in a northwesterly direction following the centerline of State Route 619 to a point where it intersects State Route 657; thence in a westerly direction along the centerline of State Route 657 to the point where it intersects State Route 18; thence in a northerly direction following the centerline of State Route 18 to the point where it intersects the Covington city limits at the bridge over Potts Creek; thence in a northwesterly direction following Covington city limits along Potts Creek and Jackson River to a point where the city limits are intersected by a tributary from the west, just southwest of Rayon Terrace; thence from the intersection of the Jackson River (City of Covington limits) and the unnamed tributary following the census block boundary between blocks 1024 and 1012 in Tract 80202 in a straight line in a southwesterly direction to a point 300 feet north of State Route 18 as it follows the sharp bend around Potts Creek; thence in a northwesterly direction following the U.S. Census block boundary between blocks 1024 and 1012 and blocks 1011 and 1009 in Tract 80202 in a straight line to a point on State Route 600, halfway between State Route 658 and U.S. Forest Service Route 440; thence in a southerly direction along State Route 600 to the point where it is intersected by a gas pipeline; thence in a northwesterly direction following the gas pipeline to the point where the pipeline intersects Dunlap Creek; thence following the centerline of Dunlap Creek in a southwesterly direction to the point where it is intersected by Jerry's Run near Hematite; thence following the centerline of Jerry's Run in a northerly direction to the point where it intersects U.S. Forest Service Route 69; thence in a northerly direction along the centerline of U.S. Forest Service Route 69 to the point where it intersects Interstate Highway 64; thence in a westerly direction along the median of Interstate 64 to the point where it crosses the border between Alleghany County and Greenbrier County, West Virginia; thence in a southerly direction along the county line to a point where the county line reaches the corner of Alleghany County, Virginia and Greenbrier and Monroe Counties, West Virginia, being the same point of beginning.

(2) *Covington Magisterial District.* Beginning at a point on the Alleghany County, Virginia and Greenbrier County, West Virginia line where Interstate 64 intersects; thence in a northerly direction along the county line to a point about 2,500 feet north of Hickory Knob; thence in a southeasterly direction in a straight line along the boundary (indicated as a utility line by the U.S. Census) between U.S. Census Blocks 1039 and 1139 in Census Tract 80301 to a point on Interstate 64 halfway between U.S. Geologic Survey Benchmarks 2229 and 2228; thence in an easterly direction along the median of Interstate 64 to the point where it is intersected by State Route 600; thence in a northerly direction along the centerline of State Route 600 to the point where it is intersected by a small trail from the east, about 300 feet north of the intersection of State Route 600 and Cove Run; thence in an easterly direction along the trail to the top of Lick Mountain; thence continuing along the trail in a northerly direction along the top of Lick Mountain then in an easterly direction off the mountain ridge to a point where the trail intersects the end of State Route 642; thence following the centerline of State Route 642 in a north, then easterly direction to the point where it intersects State Route 687; thence following the centerline of State Route 687 in a southerly direction to a point where it intersects the Jackson River; thence following the center of the Jackson River downstream to the point where it intersects Sammy's Road; thence following the centerline of Sammy's Road in a northerly direction, to the dead end of Sammy's Road; thence in a straight line, through a private yard, to the dead end of Woodbrook Drive; thence along the center of Woodbrook Drive to the point at the intersection with Gilpin Avenue; thence in an easterly direction along the centerline of Gilpin Avenue to a point at the intersection of Clearwater Drive; thence in a north-westerly direction along the centerline of Clearwater Drive to point at the intersection with Waller Avenue; thence in an easterly direction along the centerline of Waller Avenue to a point at the intersection with Jackson River Road (State Route 687); thence in a southeasterly direction along the centerline of State Route 687 to the point where it intersects U.S. Highway 220; thence in a northerly direction following the centerline of U.S. 220 to the point where it intersects Tuke Lane; thence in a easterly direction along the centerline of Tuke Lane about 260 feet to the point where it intersects an unnamed tributary of Falling Springs Creek; thence in a northerly direction up the unnamed tributary to the point where it intersects the second unnamed tributary on the right (the stream intersection being about 800 feet southeast of Sinking Spring Church); thence following the unnamed stream in an easterly direction to the point where it intersects State Route 606 about 1700 feet south of the county line; thence following the centerline of State Route 606 in a southerly direction to a point about 2,100 feet south of the intersection of State Routes 606 and 703 where Route 606 is intersected by an unnamed trail; thence following the trail in a southwesterly direction up to the top of Warm Springs Mountain to a point where four trails join in a saddle between Big Knob and Bald Knob; thence in a southwesterly direction along the U.S. Forest Service Trail 471 that skirts Bald Knob and follows Dry Run to a point approximately one and a quarter mile from where U.S. Forest Service Trail 471 meets the end of U.S. Forest Service Route 339; thence in a easterly direction in a straight line along the boundary (shown by the U.S. Census as a utility line) between Census Blocks 2005 and 2087 in Census Tract 80201 to a point on an unnamed tributary of Pounding Mill Run in Dolly Ann Hollow 3,300 feet due north of U.S. Geologic Survey Benchmark 1846; thence following the tributary downstream to the point where it intersects Pounding Mill Run; thence following Pounding Mill Run downstream to the point where it crosses Dolly Ann Road for the first time; thence following Dolly Ann Road in a southwesterly direction to the point where it intersects McAllister Drive; thence following the centerline of McAllister Drive in a southerly direction about 525 feet to a point at the intersection with a old road/private drive; thence in a westerly direction along the private road (1219 McAllister Drive) to the top of a ridge; thence in a northerly direction along a private road along the ridge about 500 feet; thence in a westerly direction to the end of Brookhaven Drive; thence along the centerline of Brookhaven Drive to a point at the intersection with Julian Drive; thence in a northerly direction along the centerline of Julian Drive to a point at the intersection with Dolly Ann Drive; thence in a westerly direction along the centerline of Dolly Ann Drive to a point at the intersection with Miller Street; thence along the centerline of Miller Street in a southwesterly direction to point at the intersection with Stratton Street; thence in a southerly direction along an old access road, through the commercial parking lot to a point at the intersection with the City of Covington municipal boundary; thence following the City of Covington municipal boundary in a northerly direction to a point on the west side of Covington where the Jackson River and Covington City line are intersected by a tributary from the west, just southwest of Rayon Terrace; thence from the intersection of the Jackson River (City of Covington limits) and the unnamed tributary following the census block boundary between blocks 1024 and 1012 in Tract 80202 in a straight line in a southwesterly direction to a point 300 feet north of State Route 18 as it follows the sharp bend around Potts Creek; thence in a northwesterly direction following the U.S. Census block boundary between blocks 1024 and 1012 and blocks 1011 and 1009 in Tract 80202 in a straight line to a point on State Route 600, halfway between State Route 658 and U.S. Forest Service Route 440; thence in a southerly direction along State Route 600 to the point where it is intersected by a gas pipeline; thence in a northwesterly direction following the gas pipeline to the point where the pipeline intersects Dunlap Creek; thence following the centerline of Dunlap Creek in a southwesterly direction to the point where it is intersected by Jerry's Run near Hematite; thence following the centerline of Jerry's Run in a northerly direction

to the point where it intersects U.S. Forest Service Route 69; thence in a northerly direction along the centerline of U.S. Forest Service Route 69 to the point where it intersects Interstate Highway 64; thence in a westerly direction along the median of Interstate 64 to the point where it crosses the border between Alleghany County and Greenbrier County, West Virginia, being the same point of beginning.

(3) *Falling Spring Magisterial District.* Beginning at a point on the Alleghany County, Virginia and Greenbrier County, West Virginia line where Interstate 64 intersects; thence in a northerly direction along the county line to a point about 2,500 feet north of Hickory Knob; thence in a southeasterly direction in a straight line along the boundary (indicated as a utility line by the U.S. Census) between U.S. Census Blocks 1039 and 1139 in Census Tract 80301 to a point on Interstate 64 halfway between U.S. Geologic Survey Benchmarks 2229 and 2228; thence in an easterly direction along the median of Interstate 64 to the point where it is intersected by State Route 600; thence in a northerly direction along the centerline of State Route 600 to the point where it is intersected by a small trail from the east, about 300 feet north of the intersection of State Route 600 and Cove Run; thence in an easterly direction along the trail to the top of Lick Mountain; thence continuing along the trail in a northerly direction along the top of Lick Mountain then in an easterly direction off the mountain ridge to a point where the trail intersects the end of State Route 642; thence following the centerline of State Route 642 in a north, then easterly direction to the point where it intersects State Route 687; thence following the centerline of State Route 687 in a southerly direction to a point where it intersects the Jackson River; thence following the center of the Jackson River downstream to the point where it intersects Sammy's Road; thence following the centerline of Sammy's Road in a northerly direction, to the dead end of Sammy's Road; thence in a straight line, through a private yard, to the dead end of Woodbrook Drive; thence along the center of Woodbrook Drive to the point at the intersection with Gilpin Avenue; thence in an easterly direction along the centerline of Gilpin Avenue to a point at the intersection of Clearwater Drive; thence in a north-westerly direction along the centerline of Clearwater Drive to point at the intersection with Waller Avenue; thence in an easterly direction along the centerline of Waller Avenue to a point at the intersection with Jackson River Road (State Route 687); thence in a southeasterly direction along the centerline of State Route 687 to the point where it intersects U.S. Highway 220; thence in a northerly direction following the centerline of U.S. 220 to the point where it intersects Tuke Lane; thence in a easterly direction along the centerline of Tuke Lane about 260 feet to the point where it intersects an unnamed tributary of Falling Springs Creek; thence in a northerly direction up the unnamed tributary to the point where it intersects the second unnamed tributary on the right (the stream intersection being about 800 feet southeast of Sinking Spring Church); thence following the unnamed stream in an easterly direction to the point where it intersects State Route 606 about 1700 feet south of the county line; thence following the centerline of State Route 606 in a northerly direction to the point where it intersects the Alleghany County and Bath County line; thence following the county boundary in a westerly direction, crossing Lake Moomaw, to the corner of Alleghany County, Bath County and Greenbrier County, West Virginia; thence in a southwesterly direction along the county line to a point about 2,500 feet north of Hickory Knob on the Alleghany County and Greenbrier County, West Virginia line, being the same point of beginning.

(4) *Jackson River Magisterial District.* Beginning at a point on the Craig County and Alleghany County line where Route 617 intersects; thence in easterly direction along the county line to point that is the corner of Botetourt County, Alleghany County and Craig County; thence in a northeasterly direction along the border between Alleghany County and Botetourt County to the point where a small trail intersects the border about 7,900 feet north of Waits Mountain; thence following the trail in a northerly direction to the point where it intersects the Clifton Forge Town limits near Frazier Hill Lane (700 Frazier Hill Lane); thence following the Clifton Forge Town limits in a westerly direction to a point on Elko Street, near the intersection of Elko Street and Frazier Hill Lane, thence in a southerly direction along the centerline of Elko Street to the dead end near the first power line, thence due south about 325 feet to a point at the intersection with the second power line, thence following the power line in a westerly direction, crossing 11<sup>th</sup> Street, to a point at the intersection with an un-named creek, approximately 3,100 feet southwest of the Selma water tank; thence following this creek downstream to a point at the intersection with the CSX railroad; thence in an easterly direction along the CSX railroad to a point at the intersection with Selma-Low Moor Road; thence in a northerly direction along the centerline of Selma-Low Moor Road to a point at the intersection with West Ridgeway Street; thence following the centerline of Ridgeway Street (U.S. Highway 60/220 Business) in a westerly direction to the point where it intersects Interstate Highway 64 at Exit 24; thence in a easterly direction following the median of Interstate 64 to the point where it intersects the corner of the Clifton Forge Town limits on the east end of the bridge over the Jackson River; thence following the Clifton Forge Town limits in a northerly direction to the point where the town limits are intersected by Smith Creek just southeast of the water filtration plant; thence following Smith Creek in a northwesterly direction to a point near the Smith Creek gage, just upstream from the Clifton Forge Reservoir; thence from the gage station in a westerly direction along the centerline of the gage station access road to the point where the access road joins State Route 606 (Sulfur Spring Road); thence following the centerline of State Route 606 in a northwesterly direction to the point where it is intersected by an unnamed trail, about 2,100 feet south of the intersection of State Routes 606 and 703 where Route 606 is intersected by an unnamed trail; thence following the trail in a southwesterly direction up to the top of Warm Springs Mountain to a point where four trails join in a saddle between Big Knob and Bald Knob; thence in a southwesterly direction along the U.S. Forest Service Trail 471 that skirts Bald Knob and follows Dry Run to a point approximately one and a quarter mile from where U.S. Forest Service Trail 471 meets the end of U.S. Forest Service Route 339; thence in a easterly direction in a straight line along the between Census Blocks 2005 and 2087 in Census Tract 80201 to a point on an unnamed tributary of Pounding Mill Run in Dolly Ann Hollow 3,300 feet due north of U.S. Geologic Survey Benchmark 1846; thence following the tributary downstream to the point where it intersects Pounding Mill Run; thence following Pounding Mill Run downstream to the point where it crosses Dolly Ann Road for the first time; thence following Dolly Ann Road in a southwesterly direction to the point where it intersects McAllister Drive; thence following the centerline of McAllister Drive in a southerly direction about 525 feet to a point at the intersection with an old road/private drive; thence in a westerly direction along the private road (1219 McAllister Drive) to the top of a ridge; thence in a northerly direction along a private road along the ridge about 500 feet; thence in a westerly direction to the end of Brookhaven Drive; thence along the centerline of Brookhaven Drive to a point at the intersection with Julian Drive; thence in a northerly direction along the centerline of Julian Drive to a point at the intersection with Dolly Ann Drive; thence in a westerly direction along the centerline of Dolly Ann Drive to a point at the intersection with Miller Street; thence along the centerline of Miller Street in a southwesterly direction to point at the intersection with Stratton Street; thence in a southerly direction along an old access road, through the commercial parking lot to a point at the intersection with the City of Covington municipal boundary; thence following the City of Covington municipal boundary in a southerly direction, then westerly direction to the point where it is intersected by State Route 18; thence following the centerline of State Route 18 in a southwesterly direction to the point where it is intersected by State Route 657; thence in a easterly direction along the centerline of State Route 657 to the point where it is intersected by State Route 619; thence in a southeasterly direction along the centerline of State Route 619 to the point where it is intersected by State Route 616; thence in a southerly direction along the centerline of State Route 616 to the point where it is intersected by State Route 617; thence following the centerline of State Route 617 to the point where it intersects the Craig County line, being the same point of beginning.

(5) *Sharon Magisterial District.* Beginning at a point on the Botetourt County and Alleghany County line where a small trail intersects the border about 7,900 feet northeast of Waits Mountain; thence following the trail in a northerly direction to the point where it intersects the Clifton Forge Town limits near Frazier Hill Lane (700 Frazier Hill Lane); thence following the Clifton Forge Town limits in an easterly direction to the eastern most corner of the Clifton Forge Town limits; thence in an easterly direction about 1000 feet to a point at the intersection of U.S. Highway 220 and the CSX railroad, being about 500 feet north of the Jackson River; thence following U.S. Highway 220 in a northerly direction to the point where it intersects U.S. Highway 60 Business; thence following U.S. Highway 60 Business in an easterly direction to a point where U.S. Highway 60 Business is intersected by Interstate Highway 64 at Exit 27; thence following the median on Interstate 64 in a westerly direction to the point where it intersects the Clifton Forge Town limits; thence in a northerly direction following the Clifton Forge Town limits to a point where the town limits are intersected by Smith Creek just southeast of the water filtration plant; thence following Smith Creek in a northwesterly direction to point near the Smith Creek gage, just upstream from the Clifton Forge Reservoir; thence from the gage station in a westerly direction along the centerline of the gage station access road to the point where the access road joins State Route 606 (Sulfur Spring Road); thence following the centerline of State Route 606 in a northwesterly direction to the point where it is intersected by the Bath County and Alleghany County line; thence in an easterly direction along the Alleghany County line to the corner of Alleghany County, Bath County and Rockbridge County; thence in an easterly then southerly direction along the Alleghany County line to the corner of Alleghany County, Rockbridge County and Botetourt County; thence in a westerly direction along the Alleghany County line to a point where a small trail intersects the county border about 7,900 feet northeast of Waits Mountain, being the same point of beginning.

(6) *Clifton Forge East Magisterial District.* Beginning at a point where the western Clifton Forge Town limits intersect State Route 606 (Sioux Avenue); thence following the centerline of Sioux Avenue and extending down an alley in a southerly direction to the point where it intersects Revere Street; thence following the centerline of Revere Street in an easterly direction to the point where it intersects an alley between McCormick Boulevard and Rose Street; thence in a southerly direction along the centerline of the alley between McCormick and Rose Street to a point at the intersection with Lafayette Street; thence in an easterly direction along the centerline of Lafayette Street to point at the intersection with Commercial Avenue; then following Commercial Avenue in a southerly direction to the point where it intersects Howard Street; thence following Howard Street in an easterly direction to the point where it intersects Smith Creek; thence following Smith Creek in a southerly direction to the point where it intersects Pine Street; thence following the centerline of Pine Street in an easterly direction to the point where it intersects Hazel Hollow; thence following Hazel Hollow in a southerly direction to the point where it intersects the Jackson River; thence following the Jackson River in an easterly direction to the point where it intersects the Clifton Forge Town limits; thence following the Clifton Forge Town limits in an easterly direction to the eastern most corner of the town limits; thence in an easterly direction about 1000 feet to a point at the intersection of U.S. Highway 220 and the CSX railroad, being about 500 feet north of the Jackson River; thence following US Highway 220 in a northerly direction to the point where it intersects U.S. Highway 60 Business; thence following U.S. Highway 60 Business in an easterly direction to a point where U.S. Highway 60 Business is intersected by Interstate Highway 64 at Exit 27; thence following the median on Interstate 64 in a westerly direction to the point where it intersects the Clifton Forge Town limits; thence in a northerly, then southerly direction following the Clifton Forge Town limits to a point where the town limits intersects State Route 606 (Sioux Avenue), being the same point of beginning.

(7) *Clifton Forge West Magisterial District.* Beginning at a point where the western Clifton Forge Town limits intersect State Route 606 (Sioux Avenue); thence following the centerline of Sioux Avenue and extending down an alley in a southerly direction to the point where it intersects Revere Street; thence following the centerline of Revere Street in an easterly direction to the point where it intersects an alley between McCormick Boulevard and Rose Street; thence in a southerly direction along the centerline of the alley between McCormick and Rose Street to a point at the intersection with Lafayette Street; thence in an easterly direction along the centerline of Lafayette Street to point at the intersection with Commercial Avenue; then following Commercial Avenue in a southerly direction to the point where it intersects Howard Street; thence following Howard Street in an easterly direction to the point where it intersects Smith Creek; thence following Smith Creek in a southerly direction to the point where it intersects Pine Street; thence following the centerline of Pine Street in an easterly direction to the point where it intersects Hazel Hollow; thence following Hazel Hollow in an southerly direction to the point where it intersects the Jackson River; thence following the Jackson River in an easterly direction to the point where it intersects the Clifton Forge Town limits; thence following the town limits in a southerly, then westerly direction to a point on Elko Street, near the intersection of Elko Street and Frazier Hill Lane, thence in a southerly direction along the centerline of Elko Street to the dead end near the first power line, thence due south about 325 feet to a point at the intersection with the second power line, thence following the power line in a westerly direction, crossing 11<sup>th</sup> Street, to a point at the intersection with an un-named creek, approximately 3,100 feet southwest of the Selma water tank; thence following this creek downstream to a point at the intersection with the CSX railroad; thence in an easterly direction along the CSX railroad to a point at the intersection with Selma-Low Moor Road; thence in a northerly direction along the centerline of Selma-Low Moor Road to a point at the intersection with West Ridgeway Street; thence following the centerline of Ridgeway Street (U.S. Highway 60/220 Business) in a westerly direction to the point where it intersects Interstate Highway 64 at Exit 24; thence in an easterly direction following the median of Interstate 64 to the point where it intersects the corner of the Clifton Forge Town limits on the east end of the bridge over the Jackson River; thence following the Clifton Forge Town limits in a northerly direction to a point where the town limits intersect State Route 606 (Sioux Avenue), being the same point of beginning.

(Ord. No. 91-3, 6-19-91; Amdmt. No. O-01-5, 5-10-01; Amdmt. No. O-11-1, 4-26-11)

**State law reference—** Authority of county to establish boundaries of magisterial districts, Code of Virginia, § 15.2-1211.

**CHANGE TO:**

The boundaries of the respective magisterial (election) districts are set forth as follows:

(1) *Boiling Springs Magisterial District.* Beginning at the corner of Alleghany County, Virginia and Greenbrier and Monroe Counties, West Virginia following in a southeasterly direction along the Monroe County line to the corner of Monroe County, West Virginia and Alleghany and Craig Counties, Virginia continuing in a southeasterly then northeasterly direction along the Craig County line to its intersection with State Route 617; thence in a northerly direction following the centerline of State Route 617 to a point where it intersects State Route 616; thence in a northeasterly direction following the centerline of State Route 616 to a point where it intersects State Route 619; thence in a northwesterly direction following the centerline of State Route 619 to a point where it intersects State Route 657; thence in a westerly direction along the centerline of State

Route 657 to the point where it intersects State Route 18; thence in a northerly direction following the centerline of State Route 18 to the point where it intersects the Covington city limits at the bridge over Potts Creek; thence in a northwesterly direction following Covington city limits along Potts Creek and Jackson River to a point where the city limits are intersected by a tributary from the west, just southwest of Rayon Terrace in a sharp bend of the Jackson River; thence from the intersection of the Jackson River (City of Covington limits) and the unnamed tributary following the census block boundary (indicated as a utility line by the U.S. Census) in a straight line in a southwesterly direction 3,350 feet to a point 300 feet north of State Route 18 as it follows the sharp bend around Potts Creek; thence in a northwesterly direction 15,500 feet following the U.S. Census block boundary (indicated as a utility line by the U.S. Census) in a straight line to a point on State Route 600, 2,200 feet south of the intersection of State Routes 658 and 600; thence in a southerly direction about 8,300 feet along State Route 600 to the point where it is intersected by a gas pipeline; thence in a westerly direction following the gas pipeline to the point where the pipeline intersects Dunlap Creek; thence following the centerline of Dunlap Creek in a southwesterly direction to the point where it is intersected by Jerry's Run near Hematite; thence following the centerline of Jerry's Run in a northerly direction to the point where it intersects Route 198 just south of Interstate 64 Exit 1; thence following the centerline of Route 198 to a point where it intersects Interstate Highway 64 at Exit 1; thence in a westerly direction along the median of Interstate 64 to the point where it crosses the border between Alleghany County and Greenbrier County, West Virginia; thence in a southerly direction along the county line to a point where the county line reaches the corner of Alleghany County, Virginia and Greenbrier and Monroe Counties, West Virginia, being the same point of beginning.

(2) *Covington Magisterial District.* Beginning at a point at the intersection of Route 198 and Interstate 64 at Exit 1; thence in an easterly direction along the median of Interstate 64 to a point where Interstate 64 crosses over State Route 600; thence in a northerly direction along the centerline of Route 600 to the intersection with an old Jeep Trail, about 100 feet beyond the intersection of Route 600 and Cove Run; thence in an easterly direction along the Jeep Trail to a point on the top of Lick Mountain; thence in a northeasterly direction along the ridgeline of Lick Mountain to point where the Jeep Trail drops down on the east side of Lick Mountain to intersect the end of State Route 642; thence in an easterly direction along the centerline of Route 642 to point where Route 642 intersects State Route 687; thence in a southerly direction along the centerline of Route 687, crossing the Jackson river, and then in a southeasterly direction along 687 to a point where it intersects US Route 220; thence in a northerly direction along the centerline of US Route 220 to the intersection of Tuke Lane, near the intersection with an unnamed tributary of Falling Springs Creek; thence in a northerly direction up the unnamed tributary to the point where it intersects the second unnamed tributary on the right (the stream intersection being about 800 feet southeast of Sinking Spring Church); thence following the unnamed stream in an easterly direction to the point where it intersects State Route 606 about 1,600 feet south of the county line; thence following the centerline of State Route 606 in a southerly direction to the intersection of Route 606 and Forest Service Route 125, Dolly Ann Drive, near USGS Benchmark 1694 just west of McGraw Gap; thence following Route 125 (Dolly Ann Drive), which becomes State Route 625, to a point where Route 625 intersects State Route 708; thence in a southerly direction along the centerline of Route 708 to a point where it intersects an old road at 1217 McAllister Drive; thence in a southerly direction along the centerline of the old road, to a point where the old road connects to the end of State Route 676 (Brookhaven Drive); thence in a southwesterly direction along the centerline of Route 676 to a point where it intersects Julian Drive; thence in a northwesterly direction along Julian Drive, still being Route 676, to a point where it intersects State Route 625; thence in a southwesterly direction along the centerline of Route 625 to a point where it intersects Route 720, Miller Street; thence in a southeasterly direction, then southwesterly direction along the centerline of Route 720 to a point where it intersects US Route 60 at the same point being the City of Covington municipal boundary; thence in a northerly direction, following the City of Covington municipal boundary, crossing US 220 at the northern City limits; thence in a southerly direction, along the Jackson River to an intersection with an unnamed tributary just south of Rayon Terrace in a sharp bend of the Jackson River; thence from the intersection of the Jackson River (City of Covington limits) and the unnamed tributary following the census block boundary (indicated as a utility line by the U.S. Census) in a straight line in a southwesterly direction 3,350 feet to a point 300 feet north of State Route 18 as it follows the sharp bend around Potts Creek; thence in a northwesterly direction 15,500 feet following the U.S. Census block boundary (indicated as a utility line by the U.S. Census) in a straight line to a point on State Route 600, 2,200 feet south of the intersection of State Routes 658 and 600; thence in a southerly direction about 8,300 feet along State Route 600 to the point where it is intersected by a gas pipeline; thence in a westerly direction following the gas pipeline to the point where the pipeline intersects Dunlap Creek; thence following the centerline of Dunlap Creek in a southwesterly direction to the point where it is intersected by Jerry's Run near Hematite; thence following the centerline of Jerry's Run in a northerly direction to the point where it intersects Route 198 just south of Interstate 64 Exit 1; thence following the centerline of Route 198 to a point where it intersects Interstate Highway 64 at Exit 1, being the same point of beginning.

(3) *Falling Spring Magisterial District.* Beginning at a point at the intersection of Interstate 64 and the Alleghany County and Greenbrier County, West Virginia line; thence in an easterly direction along the median of Interstate 64 to a point where Interstate 64 crosses over State Route 600; thence in a northerly direction along the centerline of Route 600 to the intersection with an old Jeep Trail, about 100 feet beyond the intersection of Route 600 and Cove Run; thence in an easterly direction along the Jeep Trail to a point on the top of Lick Mountain; thence in a northeasterly direction along the ridgeline of Lick Mountain to point where the Jeep Trail drops down on the east side of Lick Mountain to intersect the end of State Route 642; thence in an easterly direction along the centerline of Route 642 to point where Route 642 intersects State Route 687; thence in a southerly direction along the centerline of Route 687, crossing the Jackson river, and then in a southeasterly direction along 687 to a point where it intersects US Route 220; thence in a northerly direction along the centerline of US Route 220 to the intersection of Tuke Lane, near the intersection with an unnamed tributary of Falling Springs Creek; thence in a northerly direction up the unnamed tributary to the point where it intersects the second unnamed tributary on the right (the stream intersection being about 800 feet southeast of Sinking Spring Church); thence following the unnamed stream in an easterly direction to the point where it intersects State Route 606 about 1600 feet south of the Alleghany County line; thence in a northerly direction along the centerline of Route 606 to a point where it intersects the Alleghany County and Bath County line; thence in a westerly direction along the Alleghany County line to a point where it intersects the West Virginia state line; thence in a southerly direction along the West Virginia and Alleghany County line to the intersection of Interstate 64, being the same point as the beginning.

(4) *Jackson River Magisterial District.* Beginning at a point at the intersection of Route 606 and Forest Service Route 125, (Dolly Ann Drive), near USGS Benchmark 1694 just west of McGraw Gap; thence following Route 125 (Dolly Ann Drive), which becomes State Route 625, to a point where Route 625 intersects State Route 708; thence in a southerly direction along the centerline of Route 708 to a point where it intersects an old road at 1217 McAllister Drive; thence in a southerly direction along the centerline of the old road, to a point where the old road connects to the end of State Route 676

(Brookhaven Drive); thence in a southwesterly direction along the centerline of Route 676 to a point where it intersects Julian Drive; thence in a northwesterly direction along Julian Drive, still being Route 676, to a point where it intersects State Route 625; thence in a southwesterly direction along the centerline of Route 625 to a point where it intersects Route 720, Miller Street; thence in a southeasterly direction, then southwesterly direction along the centerline of Route 720 to a point where it intersects US Route 60 at the same point being the City of Covington municipal boundary; thence in a southerly direction along the City of Covington boundary to a point where State Route 18 intersects the City of Covington Boundary; thence in a westerly direction along the centerline of Route 18 to the point where Route 18 intersects Route 657; thence in an easterly direction along the centerline of Route 657 to a point where it intersects State Route 619; thence in a southeasterly direction along the centerline of Route 619 to a point where it intersects State Route 616; thence in a southwesterly direction along the centerline of Route 616 to a point where it intersects State Route 617; thence in a southerly direction along the centerline of Route 617 to a point where it intersects the Alleghany County line; thence in a northeasterly direction along the Alleghany County line to a point where the Alleghany County line intersects an old road/trail at the top of Patch Mountain about 8,000 feet northeast of Waits Mountain; thence in a northerly direction along the road/trail to a point where it intersects a powerline about 250 feet south of State Route 664 (Frazier Hill Lane); thence in a westerly direction along the powerline (being south of the Jackson River and south of Clifton Forge), to a point where the powerline intersects the end of State Route 1303 (Lipseley Lane) in Low Moor; thence in a northerly direction along Route 1303 to the point where Route 1303 intersects State Route 696 (Selma Low Moor Road); thence in a northeasterly direction along the centerline of Route 696 to a point 50 feet west of the intersection of Route 696 and Oakland Drive where an unnamed creek crosses Route 696; thence along the unnamed drainage along the railroad in a westerly direction, under the railroad, continuing in a northeasterly direction along the drainage between the railroad and Interstate 64 to a point where the creek crosses under Interstate 64 just south of the Community College; thence in an northeasterly direction along the median of Interstate 64 to a point where it crosses State Route 606 (Sulfur Spring Road); thence in a northwesterly direction along the centerline of Route 606 about 1400 feet to a point where it intersects the Clifton Forge Town boundary; thence in a northerly direction along the Clifton Forge Town boundary to a point where it intersects Smith Creek about 1000 feet downstream from the Clifton Forge reservoir; thence upstream following the center of Smith Creek to the point where it intersects Reservoir Trail; thence in a westerly direction along Reservoir Trail to the point where it intersects Route 606 (Sulfur Spring Road); thence in a westerly direction along the centerline of Route 606 to a pint at the intersection of intersection of Route 606 and Forest Service Route 125, (Dolly Ann Drive), near USGS Benchmark 1694 just west of McGraw Gap, being the same point as the beginning.

(5) *Sharon Magisterial District.* Beginning at a point on the Botetourt County and Alleghany County line where a small trail intersects the border about 8,500 feet north of Waits Mountain; thence in a northerly direction along the road/trail to a point where it intersects State Route 664 (Frazier Hill Lane); thence in an easterly direction along Route 664 to the point where it crosses the Town of Clifton Forge Boundary about 400 feet south of the intersection of Old Verge Street and Frazier Hill Lane; thence in a southerly direction about 500 feet, then easterly direction about 500 feet along the Town of Clifton Forge limits to a point where it intersects a powerline; thence in an easterly direction along the powerline to a point where it intersects US 220 near the intersection of Verge Street and US 220 at Rainbow Gap on the Jackson River; thence in a northerly direction along US 220 to a point where US 220 intersects US 60 just west of Cliftondale Park; thence in northeasterly direction along US 220 (Grafton Street) about 650 feet to a point at where Dry Run crosses under US 220 near the intersection with State Route 671; thence in a northerly direction along Dry Run to the point where it intersects State Route 626 (Portland Avenue) and State Route 662, Medley/Chestnut Street; thence in a northeasterly direction along the centerline of Route 662 (Medley Street) to the point where it intersects US 220 (Grafton Street); thence in a northerly direction along US 220 to a point where it intersects Interstate 64 at Exit 27; thence following the median on Interstate 64 in a westerly direction to the point where it intersects the Clifton Forge Town limits; thence in a northerly direction following the Clifton Forge Town limits to a point where the town limits are intersected by Smith Creek just southeast of the water filtration plant; thence following the Town limits along Smith Creek in a northwesterly direction a point 1000 feet downstream from the Clifton Forge reservoir; thence upstream following the center of Smith Creek to the point where it intersects Reservoir Trail; thence in a westerly direction along Reservoir Trail to the point where it intersects Route 606 (Sulfur Spring Road); thence in a westerly direction along the centerline of Route 606 past McGraw Gap; thence following the centerline of State Route 606 in a northwesterly direction to the point where it is intersected by the Bath County and Alleghany County line; thence in an easterly direction along the Alleghany County line to the corner of Alleghany County, Bath County and Rockbridge County; thence in a easterly then southerly direction along the Alleghany County line to the corner of Alleghany County, Rockbridge County and Botetourt County; thence in a westerly direction along the Alleghany County line to a point where a small trail intersects the county border about 8,000 feet north of Waits Mountain, being the same point of beginning.

(6) *Clifton Forge East Magisterial District.* Beginning at a point where Route 664 (Frazier Hill Lane) crosses the Town of Clifton Forge Boundary about 400 feet south of the intersection of Old Verge Street and Frazier Hill Lane; thence in a southerly direction about 500 feet, then easterly direction about 500 feet along the Town of Clifton Forge limits to a point where it intersects a powerline; thence in an easterly direction along the powerline to a point where it intersects US 220 near the intersection of Verge Street and US 220 at Rainbow Gap on the Jackson River; thence in a northerly direction along US 220 to a point where US 220 intersects US 60 just west of Cliftondale Park; thence in northeasterly direction along US 220 (Grafton Street) about 650 feet to a point at where Dry Run crosses under US 220 near the intersection with State Route 671; thence in a northerly direction along Dry Run to the point where it intersects State Route 626 (Portland Avenue) and State Route 662, Medley/Chestnut Street; thence in a northeasterly direction along the centerline of Route 662 (Medley Street) to the point where it intersects US 220 (Grafton Street); thence in a northerly direction along US 220 to a point where it intersects Interstate 64 at Exit 27; thence following the median on Interstate 64 in a westerly direction to the point where it intersects the Clifton Forge Town limits; thence in a northerly direction following the Clifton Forge Town limits to a point where the town limits are intersected by Smith Creek just southeast of the water filtration plant; thence following the Town limits along Smith Creek in a northwesterly direction a point 1000 feet downstream from the Clifton Forge reservoir; thence in a southerly direction along the Clifton Forge Town boundary to a point where it intersects State Route 606 (Sulfur Springs Road); thence in a southeasterly direction along the centerline of Route 606, under the interstate and continuing as Sioux Street; thence continuing on Sioux Avenue as to a point at the intersection with Revere Street; thence along the centerline of Revere Street in a northeasterly direction to a point where it intersects Commercial Avenue; thence in a southern direction along the centerline of Commercial Avenue to a point where it intersects Church Avenue; thence in a westerly direction along the centerline of Church Avenue to a point where it intersects McCormick Blvd; thence in a southerly direction along the centerline of McCormick Blvd to a point where it intersects Main Street; thence in an easterly direction along the centerline of Main Street to a point where it intersects Commercial Avenue; thence in a southerly direction along the Centerline of commercial Avenue to a point where it interests East Ridgeway Street; thence in a northeasterly direction along the centerline of East Ridgeway Street to a point where it intersects Main Street; thence in an easterly direction along

the centerline of Main Street to a point where it intersects Jefferson Avenue; thence in a northerly direction along the centerline of Jefferson Avenue to a point where it intersects Pine Street; thence in an easterly direction along the centerline of Pine Street to a point where it intersects B Street; thence in a southerly direction along the centerline of B Street to a point where it intersects Church Street; thence in an easterly direction along the centerline of Church Street to a point where it intersects A Street; thence in a southerly direction along the centerline of A Street, crossing Main Street and continuing across the Jackson River to a point where it intersects Verge Street; thence in an easterly direction along Verge Street to a point at the intersection with Old Verge Street; thence along Old Verge Street in a southerly direction about 50 feet to an intersection with Frazier Hill Lane, State Route 664; thence in a southerly direction along the centerline of Route 664 about 400 feet to a point at the intersection of the Town of Clifton Forge limits and Route 664, being the same point as the beginning.

(7) *Clifton Forge West Magisterial District.* Beginning at a point where Route 664 (Frazier Hill Lane) crosses the Town of Clifton Forge Boundary about 400 feet south of the intersection of Old Verge Street and Frazier Hill Lane; thence in a westerly direction along the centerline of Route 664 about 1800 feet to a point where an old road/trail intersects Route 664 from the south; thence in a southwesterly direction along the old/trail about 250 feet to a point at the intersection with a powerline; thence in a westerly direction along the powerline (being south of the Jackson River and south of Clifton Forge), to a point where the powerline intersects the end of State Route 1303 (Lipsey Lane) in Low Moor; thence in a northerly direction along Route 1303 to the point where Route 1303 intersects State Route 696 (Selma Low Moor Road); thence in a northeasterly direction along the centerline of Route 696 to a point 50 feet west of the intersection of Route 696 and Oakland Drive where an unnamed creek crosses Route 696; thence along the unnamed drainage along the railroad in a westerly direction, under the railroad, continuing in a northeasterly direction along the drainage between the railroad and Interstate 64 to a point where the creek crosses under Interstate 64 just south of the Community College; thence in an northeasterly direction along the median of Interstate 64 to a point where it crosses State Route 606 (Sulfur Spring Road); thence in a southeasterly direction along the centerline of Route 606 (now Sioux Street to a point at the intersection with Revere Street; thence along the centerline of Revere Street in a northeasterly direction to a point where it intersects Commercial Avenue; thence in a southern direction along the centerline of Commercial Avenue to a point where it intersects Church Avenue; thence in a westerly direction along the centerline of Church Avenue to a point where it intersects McCormick Blvd; thence in a southerly direction along the centerline of McCormick Blvd to a point where it intersects Main Street; thence in an easterly direction along the centerline of Main Street to a point where it intersects Commercial Avenue; thence in a southerly direction along the Centerline of commercial Avenue to a point where it interests East Ridgeway Street; thence in a northeasterly direction along the centerline of East Ridgeway Street to a point where it intersects Main Street; thence in an easterly direction along the centerline of Main Street to a point where it intersects Jefferson Avenue; thence in a northerly direction along the centerline of Jefferson Avenue to a point where it intersects Pine Street; thence in an easterly direction along the centerline of Pine Street to a point where it intersects B Street; thence in a southerly direction along the centerline of B Street to a point where it intersects Church Street; thence in an easterly direction along the centerline of Church Street to a point where it intersects A Street; thence in a southerly direction along the centerline of A Street, crossing Main Street and continuing across the Jackson River to a point where it intersects Verge Street; thence in an easterly direction along Verge Street to a point at the intersection with Old Verge Street; thence along Old Verge Street in a southerly direction about 50 feet to an intersection with Frazier Hill Lane, State Route 664; thence in a southerly direction along the centerline of Route 664 about 400 feet to a point at the intersection of the Town of Clifton Forge limits and Route 664, being the same point as the beginning.

(Ord. No. 91-3, 6-19-91; Amdmt. No. O-01-5, 5-10-01; Amdmt. No. O-11-1, 4-26-11)

**State law reference—** Authority of county to establish boundaries of magisterial districts, Code of Virginia, § 15.2-1211.

Adopted: January 4, 2022

Effective Date: Immediately

Adopted by the following roll call vote:

Mr. Bennett	Yes
Mrs. Cox	Absent
Mr. Dodd	Yes
Mr. Garten	Yes
Dr. Goings	Yes
Mr. Griffith	Yes
Mr. Nicely	Yes

ALLEGHANY COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Deputy Clerk to the Board

PUBLIC HEARING AND APPROVAL - REZONING REQUEST FROM DUANE BOOTHE:

Public Hearing was held to consider an application from Duane A. Boothe to rezone approximately 4.294 acres of property within the Falcon Ridge area in Clifton Forge from a Business B-1 zone classification to an Agricultural/Residential AR zone classification to combine with his existing property at 164 Falcon Ridge Road. The property is further identified as Tax Map 44, Parcel 4D. The property is in a Highlands Area as contained in the Comprehensive Plan.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, December 21, 2021 and Tuesday, December 28, 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-85

**Name of Petitioner(s):** Duane A. and Lisa L. Boothe

**Date Request Filed:** October 22, 2021  
**Public Hearing Date:** (PC) December 1, 2021, (BOS) – January 4, 2022  
**Staff Reviewer:** Elizabeth Stull, Zoning Administrator

**SUMMARY OF REQUEST**

To consider an application from Duane A. Boothe to rezone 4.294 acres of property within the Falcon Ridge area in Clifton Forge from a Business B-1 zone classification to an Agricultural/Residential AR zone classification to combine with his existing property at 164 Falcon Ridge Road. The property is further identified as Tax Map 44, Parcel 4D. The property is in a “Highlands Area” as contained in the Comprehensive Plan.

The property’s present use is undeveloped land that the Boothe’s acquired earlier this year. This property adjoins and has access to the property from 164 Falcon Ridge Road, which is owned by the Boothe’s. They want to combine the properties with an AR zone classification.

The Falcon Ridge area is a combination of Agricultural/Residential AR and R-1 Residential zone classification (as seen on the zoning map).

According to the Comprehensive Plan, the property is located in a “Highlands Area” which is defined as areas characterized by forests, mountain terrain, and open space that exemplified Allegheny County’s rural heritage. Scattered residences are located on large lots, roughly one per five acres. There are opportunities for rural business in these areas associated with farming, recreation, eco-tourism, and providing services to rural residents.

Considering the zoning and uses of the surrounding properties, the rezoning should not have any detrimental effects on the adjoining properties.

Any future development on the property will be required to comply with all setback requirements for an Agricultural/Residential AR zone district. (side: 35 feet, rear: 35 feet, front: 65 feet from center of right-of way)

Development of the property will require compliance with all applicable local, state and federal regulations including acquiring any building permits, as well as, compliance with the erosion and sedimentation regulations.

The applicant is not proposing screening and buffering and it is not required by the zoning ordinance.

The property is not located within a flood hazard area according to the FEMA maps.

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.

A copy of the rezoning request was submitted to VDOT for their review for compliance with TIA requirements.

**Additional Notes/Comments:**

The Planning Commission held their public hearing on this request December 1, 2021. With a unanimous vote, they made a motion to make a recommendation to the Board to approve the rezoning request.

Ms. Stull stated that the applicant is present.

Mr. Boothe (applicant) commented that he bought the property to keep people from building behind his home and wants to combine the property with what he has.

Mr. Garten asked if he plans to vacate the lot lines to make one parcel. Mr. Boothe replied that he plans to do this.

Mr. Bennett mentioned that if the combined property had a little more acreage then it could qualify for land use as “forestry” and they would pay less on taxes.

Mr. Nicely asked if his current property is zone AR. Mr. Boothe replied that it is zoned AR.

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

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

Unanimously adopted by the following roll call vote:

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

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

WHEREAS, an application was received from Duane A. Boothe to rezone approximately 4.294 acres of property within the Falcon Ridge area in Clifton Forge from a Business B-1 zone classification to an Agricultural/Residential AR zone classification to combine with his existing property at 164 Falcon Ridge Road. The property is further identified on the Real Property Identification Maps as Map 44, Parcel 4D; and

WHEREAS, a Notice to the Public advertising a public hearing on this rezoning application was advertised once a week for two successive weeks in the Virginian Review on December 21, 2021 and December 28, 2021, and adjoining property owners were notified in writing by certified mail on December 3, 2021; and

WHEREAS, a public hearing was held by the Alleghany County Planning Commission on December 1, 2021 and took action to recommend approval of the rezoning to the Board of Supervisors; and

WHEREAS, a public hearing was held by the Alleghany County Board of Supervisors on January 4, 2022; and

WHEREAS, the Zoning Administrator prepared a staff report that was presented to the Board of Supervisors at the public hearing. A copy of the report is part of the official minutes of that meeting; and

WHEREAS, the Board did consider the items addressed in The Code of the County of Alleghany, Virginia, Chapter 66-Zoning, Article XV-Administration and Enforcement, Section 66-481-Rezoning Procedures in reviewing this request. The items were also addressed in the staff report prepared for the Board; and

WHEREAS, the property is located in a Highlands Area as contained in the Alleghany County Comprehensive Plan; and

WHEREAS, any future development on the property will require compliance with all applicable local, state, and federal regulations;

NOW, THEREFORE, BE IT RESOLVED by the Alleghany County Board of Supervisors that the rezoning request submitted by Duane A. Boothe be approved as requested.

Unanimously adopted by the following roll call vote:

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

PUBLIC HEARING AND APPROVAL - REZONING REQUEST FROM JPB VENTURES, LLC (WESTERN SIZZLIN PROPERTY):

Public Hearing was held to consider an application from JPB Ventures, LLC to rezone the property at 912 Valley Ridge Road from a Business B-1 zone classification to a Business B-2 zone classification to allow a vehicle sales lot. The property is further identified as Tax Map 57, Parcel 70H and is currently owned by AHFL, LLC. The property is in a Highway Mixed Use Area as contained in the Comprehensive Plan.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, December 21, 2021 and Tuesday, December 28, 2021 in accordance with the Code of Virginia. He stated that he will have to abstain from voting on this request as he is an agent on the sale of the property and has a conflict of interest; therefore, he will not participate. He turned the meeting over to Mr. Griffith who called the public hearing to order.

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

**STAFF REPORT**

**Case Number:** RZ-86

**Name of Petitioner(s):** JPB Ventures, LLC - Jeff Wetherell  
**Date Request Filed:** October 26, 2021  
**Public Hearing Date:** (PC) December 1, 2021, (BOS) – January 4, 2022  
**Staff Reviewer:** Elizabeth Stull, Zoning Administrator

**SUMMARY OF REQUEST**

The applicant (JPB Ventures, LLC) is requesting to rezone the property at 912 Valley Ridge Road from a Business B-1 zone classification to a Business B-2 zone classification to allow a vehicle sales lot. The property is further identified as Tax Map 57 Parcel 70H and is currently owned by AHFL, LLC.

The property's present use is a vacant structure, but once was Western Sizzlin Restaurant. Mr. Wetherell is proposing to use this as a Vehicle Sales Lot.

The Valley Ridge area is a combination of B-1 Business and B-2 Business zone classifications (as seen on the zoning map).

The property is located on the corner of Valley Ridge Road and Smokey Bear Lane.

According to the Comprehensive Plan, the property is located in a "Highway Mixed Use" area which is similar to residential transition areas, these areas function as a transition between the highway environment and the rural areas. These areas are designated for various commercial, industrial, or civic uses that rely upon access to a major transportation route.

**Zoning Requirements:**

Any future 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 will be met by utilizing the existing parking areas.

The applicant is not proposing screening and buffering and it is not required by the zoning ordinance.

The property is located within flood zone A - 100 year flood area according to the FEMA maps. Any new structures in this flood zone would be required to be one foot above the Base Flood Elevation (BFE).

These zones are "special flood hazard areas" where FEMA has not done a detailed study of the area, but has determined that there is a 1% chance within a given year flooding can occur. However, no BFE's have been determined for these areas. This may require that the homeowner get a surveyor or someone to come out and establish that elevation. Structures in this flood zone would be required to comply with flood vent requirements under the Uniform Statewide Building Code. It should be highly encouraged that structures not have basements, and no "livable space" is allowed below the BFE.

A copy of the rezoning request was submitted to VDOT for their review for compliance with TIA requirements.

There should be no effects on adjoining properties as the property has been utilized as various types of commercial uses for many years.

The property has a connection to County water and sewer, as well as other services. Refuse collection would be provided by Alleghany County.

**Additional Notes/Comments:**

The Planning Commission held their public hearing on this request December 1, 2021. With a unanimous vote, they made a motion to make a recommendation to the Board to approve the rezoning request.

Dr. Goings asked if they have another business. Ms. Stull replied that currently their vehicle sales lot business is on Durant Road in Covington. She stated that they recently purchased the property across the road from this property and it was rezoned a couple months ago.

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

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

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Ronald S. Goings	Yes
Cletus W. Nicely	Yes
James M. Griffith	Yes
G. Matt Garten	Abstain

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

WHEREAS, an application was received from JPB Ventures, LLC to rezone the property at 912 Valley Ridge Road from a Business B-1 zone classification to a Business B-2 zone classification to allow a vehicle sales lot. The property is further identified on the Real Property Identification Maps as Map 57, Parcel 70H and is currently owned by AHFL, LLC; and

WHEREAS, a Notice to the Public advertising a public hearing on this rezoning application was advertised once a week for two successive weeks in the Virginian Review on December 21, 2021 and December 28, 2021, and adjoining property owners were notified in writing by certified mail on December 3, 2021; and

WHEREAS, a public hearing was held by the Alleghany County Planning Commission on December 1, 2021 and took action to recommend approval of the rezoning to the Board of Supervisors; and

WHEREAS, a public hearing was held by the Alleghany County Board of Supervisors on January 4, 2022; and

WHEREAS, the Zoning Administrator prepared a staff report that was presented to the Board of Supervisors at the public hearing. A copy of the report is part of the official minutes of that meeting; and

WHEREAS, the Board did consider the items addressed in The Code of the County of Alleghany, Virginia, Chapter 66-Zoning, Article XV-Administration and Enforcement, Section 66-481-Rezoning Procedures in reviewing this request. The items were also addressed in the staff report prepared for the Board; and

WHEREAS, the property is located in a Highway Mixed Use Area as contained in the Alleghany County Comprehensive Plan; and

WHEREAS, any future development on the property will require compliance with all applicable local, state, and federal regulations;

NOW, THEREFORE, BE IT RESOLVED by the Alleghany County Board of Supervisors that the rezoning request submitted by JPB Ventures, LLC be approved as requested.

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Absent
Gregory A. Dodd	Yes
Ronald S. Goings	Yes
Cletus W. Nicely	Yes
James M. Griffith	Yes
G. Matt Garten	Abstain

Mr. Griffith turned the meeting back over to Mr. Garten.

PUBLIC HEARING AND APPROVAL - LEASE OF FALLING SPRING ELEMENTARY SCHOOL TO SECURE FINANCING:

Public Hearing was held to consider the lease of property/buildings and improvements totaling approximately 4.567 acres located at 100 Falling Spring Circle (former Falling Spring Elementary School) in order to secure financing. The current use of the property will continue. The property is further identified on the Real Property Identification Maps of Alleghany County as 01200-00-000-0590.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, December 28, 2021 in accordance with the Code of Virginia. He then called the public hearing to order.

Mr. Huber stated that there is a memo from him at each Board seat. The memo is as follows and is a part of the records of this meeting along with the draft resolution, the Prime Lease, and the Local Lease Acquisition Agreement and Financing Lease:

*I would like to recommend the use of Falling Spring School as collateral in the financing of the Commerce Center grading project. In most economic development expansions or locations, the value of the land is counted as*

*a local contribution toward incentives offered by the Virginia Economic Development Partnership and the locality rarely receives any cash from the sale of the land. Instead, the locality benefits from the jobs created by the firm and the property taxes generated by the construction of a building and the company's investment in machinery and tools.*

*Thus, having to pay off a deed of trust is a significant complication to an economic development project. Use of the Falling Spring School as an alternative form of collateral is ideal in that the Commerce Center property would not be encumbered in any way and current lease of the school could provide the bank with immediate access to a revenue stream greater than the anticipated interest payments on the proposed loan.*

*Attached are documents prepared by Mike Lockaby for financing the Commerce Center grading utilizing the Falling Spring School as collateral. Because this financing involves the lease of the school, a required public hearing is being held. Adoption of the attached resolution and related documents is recommended as we move toward closing in early January.*

He added that the interest only financing would be in the amount of \$3,175,000 through Highlands Community Bank.

Mr. Nicely asked if there is a buyer for the school if it would affect the financing in any way. Mr. Guynn replied that the purchase price of the property could be used to satisfy the lien. Mr. Huber added that the County previously borrowed money to renovate the school and that amount will not be satisfied until 2026. He commented that the bank has agreed with a provision that would allow the County to replace the collateral with another property.

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

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

Unanimously adopted by the following roll call vote:

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

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

**Resolution of the Board of Supervisors of the County of  
Alleghany, Virginia, Authorizing Lease Financing with the  
Highlands Community Bank**

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

**I. That the Board of Supervisors of Alleghany County hereby authorizes lease financing with the Highlands Community Bank, as follows:**

WHEREAS, the Board of Supervisors (the "Board") of the County of Alleghany, Virginia (the "County") intends to finance the acquisition, construction, furnishing and equipping of an economic development pad site in the Alleghany Commerce Center (the "Project"), together with the City of Covington, by and through the Industrial Development Authority of Covington-Alleghany County, Virginia; and

WHEREAS, the Board has determined that it is in the best interest of the County to enter into a lease financing arrangement to finance the Project, subject to the terms and conditions herein; and

WHEREAS, the Board has the power to lease and acquire by lease essential real property and personal property consisting of the Falling Springs School and such additional collateral, if required by the Bank, that the Chairman, the Vice Chairman or the County Administrator, any one of whom may act, selects as security for the Leased Obligations (together, the "Leased Property"); and

WHEREAS, the Project and the Leased Property are essential to the governmental functions of the County and the Board reasonably expects the Project and the Leased Property to continue to be essential to the governmental functions of the County for a period not less than the terms of the Prime Lease (as defined below) and the Local Lease Acquisition Agreement and Financing Lease (as defined below); and

WHEREAS, the Board proposes to enter into (a) the Prime Lease and the Local Lease Acquisition Agreement and Financing Lease with the Highlands Community Bank (the "Bank"), as applicable, and (b) related documents in connection with financing the Project; and

WHEREAS, to assist in providing funding for the Projects, the Bank intends to (a) acquire a leasehold interest in the Leased Property pursuant to the terms of the Prime Lease; and (b) lease the Leased Property to the County pursuant to the terms of the Local Lease Acquisition Agreement and Financing Lease (collectively, the "Lease Obligations"); and

WHEREAS, the Local Lease Acquisition Agreement and Financing Lease shall indicate that \$3,175,000 is the amount of proceeds requested from the Bank to finance the Project and pay related costs of issuance (the "Proceeds Requested"); and

WHEREAS, the Local Lease Acquisition Agreement and Financing Lease shall provide that the aggregate total principal components of Lease Obligations will not exceed the parameters set forth herein; and

WHEREAS, there have been presented to this meeting drafts of the following documents (together, the "Basic Documents") in connection with the transactions described above, copies of which shall be filed with the records of the Board:

- A. Prime Lease, between the County and the Bank, proposed to be dated as of January 7, 2022 conveying certain interests in the Leased Property to VRA (the "Prime Lease");
- B. Local Lease Acquisition Agreement and Financing Lease, between the County and the Bank, proposed to be dated as of January 7, 2022, (i) providing for the Bank to make available to the County up to \$3,175,000 in proceeds from its purchase of the Financing Lease in accordance therewith, and (ii) conveying to the County a leasehold interest in the Leased Property (the "Local Lease Acquisition Agreement and Financing Lease").

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

1. It is hereby found and determined that the terms of the Basic Documents in substantially the respective forms presented to this meeting and incorporated in this Resolution are in the best interests of the County for funding the Projects.

2. The Basic Documents and related financing documents are hereby approved in substantially the respective forms presented to this meeting. The Chairman, Vice Chairman, County Administrator and any officer of the Board who shall have power generally to execute contracts on behalf of the Board are, and each of them hereby is, authorized to execute, acknowledge, consent to and deliver, as appropriate, the Basic Documents and related financing documents and to make revisions, amendments and modifications thereto. The actions of the Chairman, the Vice Chairman and the County Administrator, any of whom is authorized to act, shall be conclusive, and no further action shall be necessary on the part of the County. The Board recognizes that the attached Basic Documents may require some modifications not inconsistent with this authorization prior to final execution, and authorizes the Chairman, Vice Chairman and County Administrator to execute the same in such final form as may be approved as to form by the County Attorney.

The Lease Obligations shall be composed of principal components having a maximum aggregate principal amount not to exceed \$3,175,000 (the "Maximum Authorized Principal Amount"), a true interest cost of not more than 2.40%, and the Lease Obligations shall be payable over a term expiring not later than 10 years from closing of the Lease. Subject to the preceding terms, the Board further authorizes the Bank to determine the aggregate total of principal and interest components of the Lease Obligations, establish a schedule of Lease Obligations including the dates and amounts and the optional and extraordinary prepayment provisions, if any, of the Lease Obligations, all in accordance with the provisions hereof. The term of the Prime Lease shall not be more than five years longer than the term of the Local Lease Acquisition Agreement and Financing Lease; such term is intended to provide security to the Bank in the event of default or non-appropriation by the County, all as more fully set forth in the Local Lease Acquisition Agreement and Financing Lease (or any supplement thereto).

It is determined to be in the best interest of the County to accept the offer of the Bank to enter into the Local Lease Acquisition Agreement and Financing Lease with the County, subject to the conditions set forth in this Resolution, which Financing Lease shall be executed by the Chairman, the Vice Chairman or the County Administrator, any one of whom may act. The Chairman, Vice Chairman or County Administrator, any one of whom may act, and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into the Local Lease Acquisition Agreement and Financing Lease.

Lease payments due under the Local Lease Acquisition Agreement and Financing Lease (the "Lease Payments") shall be payable in lawful money of the United States of America and otherwise comply with the terms set forth in the Local Lease Acquisition Agreement and Financing Lease. The County may, at its option, prepay the principal components of Lease Payments upon the terms set forth in the Local Lease Acquisition Agreement and Financing Lease.

3. The same officers of the Board, and the County Administrator and the County Attorney are, and each of them hereby is, authorized and directed to take all actions and procure, execute and deliver any and all other agreements, financing statements, papers, instruments, title insurance policies, real property surveys and inspections, opinions, certificates, affidavits and other documents, and to do or cause to be done any and all other acts and things necessary or proper for carrying out the purposes and intent of this Resolution and the Basic Documents, including the redemption or prepayment of all or a portion of

the Prior Bonds and the transfer of interests in the Leased Property. The same officers are authorized and directed to work with the the County's bond counsel, Guynn, Waddell, Carroll & Lockaby, a Professional Corporation, and representatives of the Bank, including without limitation Gentry, Locke, Rakes & Moore, LLP, Counsel to the Bank, to perform all services and prepare all documentation necessary or appropriate for the execution, delivery and recording, as appropriate, of the Basic Documents.

4. The undertaking by the County under the Local Lease Acquisition Agreement and Financing Lease to make Lease Payments shall be a limited obligation of the County, payable solely from funds to be appropriated by the Board from time to time for such purpose and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit of the County beyond any fiscal year for which the Board has lawfully appropriated from time to time. Nothing herein or in the Lease Obligations shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

5. While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator or Deputy County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental Payments and any other payments required under the Financing Lease, the Board directs the County Administrator or Deputy County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

6. The recitals to this Resolution are hereby incorporated by reference and are declared to be findings of the Board in connection with its decision to fund the Project.

7. All acts of the officers, agents and representatives of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the leasing of the Leased Property by the County to finance the Project are hereby approved, ratified and confirmed.

8. The Board's approvals of the Support Agreement and Plan of Finance, as set forth in Board Resolution R-21-55 dated July 6, 2021, are hereby rescinded, void and of no force and effect. However, the Board reaffirms its commitment to the Performance Agreement and to provide support to the Industrial Development Authority of Covington-Alleghany County, Virginia, to accomplish the Project.

9. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto, to record such document where appropriate and to pay from County funds all appropriate recording fees, taxes and related charges.

**II. That this resolution shall be in force and effect upon adoption.**

Unanimously adopted by the following roll call vote:

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

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 an update on the following VDOT activities:

Maintenance

- Completed grading of secondary gravel roads.
- Cut brush on Cove Creek, Gravel Ridge, and Snake Run.
- County-wide tree and debris removal.
- Cold patched various secondary routes.
- Processing pipe inventories County-wide.
- Responded to winter weather event Monday and preparing for another event Thursday night.

Other

- Received letter of support from County for single-lane bridge consideration on Rt. 710.

Mr. Bennett mentioned lights being out at Exit 16. Ms. Hammond replied that they are in the process of having the lights replaced and are waiting for the contractor to be able to start. She mentioned that the whole lighting assemblies will be

updated.

Mr. Garten commented regarding shale and debris from the Rt. 220 highwall near Honda Nissan.

WITHDRAWAL OF REZONING REQUEST BY MS. PATRICIA NEWLUN:

Mr. Garten stated that a public hearing was held at the last meeting regarding a rezoning request from Ms. Patricia Newlun. He mentioned that there is an email with additional information at each Board member's seat from Ms. Beth Stull, Zoning Administrator, which is a part of the records of this meeting.

Ms. Stull commented that the Board has been given information on noise levels, distance from homes to the Newlun property, a more detailed site sketch, and acceptable uses in the B-2 district that Ms. Newlun would like to have excluded from the rezoning (the list takes out all items in B-2 that are not acceptable uses in the current B-1 zone). She stated that there was concern at the public hearing regarding what could happen on the property if it was rezoned to B-2 and what could happen if Ms. Newlun did not follow through. She mentioned that items being excluded are highlighted in blue. She commented that the property owner is present.

There was some discussion regarding the Boothe property that was just rezoned tonight to AR and his easement through the Newlun property; if the exclusions to the B-2 zone have been shared with the neighbors (they have not been shared); another public hearing is not needed on the rezoning as the items being excluded in the B-2 zone are more restrictive; if the go-kart race track is still included in the plans (if a problem, the go-kart track will not be included); the property being extremely steep; there was a putt-putt up the road in Douthat that had very little participation and is no longer in operation; if the property is for sale as there is a realtor sign up (Ms. Newlun bought the property 6-7 months ago and stated it is not for sale, but the realtor has not taken down the sign); the distance from the closest residence is approximately 500 ft.; if rezoned to B-2, a Special Use Permit would be required for the amusement park use which requires a separate public hearing; structures on the site would include a 2,500 ft. building and a utility shed; the lack of a business plan/concept plans; etc.

Ms. Patricia Newlun, applicant, showed the Board pictures of what she would like to do and how everything would blend with the landscaping and utilize the natural surroundings. She stated that she originally planned just having putt-putt on the site then expanded her plans to include a go-kart track (which can be removed), laser tag, and paint ball. She mentioned that noise should not be an issue. She commented that she would also like to put in a building for arcade games. She stated that she does not have an architectural layout of the plan for the site as she is waiting for the rezoning to go forward and the plan would cost \$19,000. She showed the Board preliminary concept plans.

Property owners who spoke against the rezoning were Mr. Bill Orndorf (112 Falcon Ridge Road) and Ms. Tracey Morris (130 Falcon Ridge Road). Items mentioned included: they live in a quiet neighborhood and the potential for noise; they understand there are a lot of acceptable uses in the current B-1 zone that could go in, but are concerned with acceptable items in the B-2 zone; the whole plan is disorganized and they are not sure it will get done; they have seen no information or plans; that this is not a large piece of land; etc.

The Board suggested holding another public hearing with the new exclusions being presented and additional information provided by Ms. Newlun so that the community will also have more information on the proposed plan. Mr. Guynn stated that it would be better to do a community meeting or have a public comment period as the required public hearing has already been held. He mentioned that the public hearing held was only for the rezoning from B-1 to B-2 and, if approved, the public hearing for the Special Use Permit for an amusement park is when items such as concept plans, business plans, layouts, etc. would be beneficial.

Ms. Newlun stated that she would like to withdraw her application at this time. She commented that there is no need to draw this process out.

APPROVE SUPPLEMENTAL APPROPRIATION IN FY22 (ARPA FUNDS THROUGH DHCD FOR UTILITY RELIEF):

Mr. Huber stated that Ms. Adcock-Nicely could not be present tonight. He read information from her regarding the supplemental appropriation which is as follows:

Good evening Board Members, I do apologize for my absence tonight. The item before you is to appropriate funds received last month from the Department of Housing and Community Development and utilizes ARPA dollars for Utility Relief for the County, the Town of Iron Gate, and the Town of Clifton Forge. If you recall, we ran a similar program last year that was funded with CARES dollars. The DHCD award is for \$23,861.03, which we will appropriate to revenue and expense accounts, with no new County funds being utilized.

I am available by phone this evening for any questions you might have.

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

BE IT RESOLVED that the Allegheny County Board of Supervisors budget and approve the following supplemental appropriation in FY22 due to the receipt of ARPA money through DHCD for Utility Relief:

Revenue Account  
Fund 190-DHCD Utility Relief W/S (190-4190118)                   \$23,861.03

Expenditure Account  
Fund 190-DHCD Utility Relief W/S (1915-50759) \$23,861.03

Unanimously adopted by the following roll call vote:

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

APPROVE BUDGET TRANSFER/APPROPRIATION FOR 200<sup>TH</sup> ANNIVERSARY BADGES FOR THE SHERIFF'S OFFICE:

Mr. Huber stated that there is an email in the agenda packet from Ms. Adcock-Nicely that explains that the Sheriff's Office had previously spoken with Mr. Lanford about getting the badges to tie in with the 200<sup>th</sup> Anniversary of Allegheny County and he had told them to go ahead and order the badges as it takes a while and then come to the Board for a transfer when it was time for invoicing. He commented that the amount needed to be transferred from Operating Contingency to cover the cost is \$5,625.00.

Sheriff Kevin Hall stated that the 200<sup>th</sup> Anniversary of Allegheny County is this year and they were looking for a way to celebrate and came up with the badges. He commented that they also plan to do other activities to celebrate by working with Dr. Paul Linkenhoker. He mentioned that the Historical Society will be doing open houses, there will be a booth at Street Scene, and they have a plaque naming the 40 Sheriff's the County has had over the last 200 years.

Mr. Garten stated that the County should do something too.

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

BE IT RESOLVED that the Allegheny County Board of Supervisors approve and appropriate a budget transfer from Operating Contingency (9100-54001) in FY22 to General Fund Sheriff-Law Enforcement Police Supplies (320211-55409) in the amount of \$5,625.00 for the purchase of 200<sup>th</sup> Anniversary badges for the Sheriff's Office.

Unanimously adopted by the following roll call vote:

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

APPROVE PERFORMANCE AGREEMENT WITH SCHAEFERROLLS, INC.:

Mr. Huber stated that one of the items he was asked to work on when he came on board was the Performance Agreement with SchaeferRolls which is included in the agenda packet. He commented that the Performance Agreement has been worked

out with all parties and the Virginia Economic Development Partnership (VEDP). He stated that the agreement includes the following incentives with a performance date of December 31, 2023:

Commonwealth Opportunity Fund Grant	\$55,000
Virginia Jobs Investment Program (estimated)	\$24,800
Enterprise Zone Job Creation Grant (estimated)	\$96,000
Enterprise Zone Real Property Investment Grant (estimated)	\$100,000
Local Enterprise Zone Benefits	\$57,000

Mr. Garten asked if their benchmarks have been hit yet. Mr. Huber replied that the performance date was moved out to December 31, 2023 which gives them a longer time to meet the benchmarks.

Mr. Griffith asked if VEDP is in favor of the agreement and what the cost would be to the County. Mr. Huber replied that VEDP is in favor of the agreement and the County would have Enterprise Zone incentives of \$57,000 which are based upon performance benchmarks.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve the Performance Agreement between SchaeferRolls, Inc., Alleghany County, the Covington-Alleghany Industrial Development Authority, and the Virginia Economic Development Partnership Authority.

BE IT FURTHER RESOLVED that the Board authorizes and reaffirms the Interim County Administrator signing the abovementioned agreement on behalf of the County.

Unanimously adopted by the following roll call vote:

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

APPOINTMENT OF MR. JAMES GRIFFITH TO THE ROANOKE VALLEY-ALLEGHANY REGIONAL COMMISSION:

Mr. Garten stated that a replacement needs to be made for Ms. Joan Vannorsdall on the Roanoke Valley-Alleghany Regional Commission beginning immediately and ending June 30, 2022.

Mr. Bennett suggested Mr. Griffith be appointed.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. James Griffith (Elected Representative) be appointed to the Roanoke Valley-Alleghany Regional Commission to complete the term of Ms. Joan Vannorsdall beginning immediately and ending June 30, 2022.

Unanimously adopted by the following roll call vote:

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

REAPPOINTMENT OF MR. KEVIN TERRELL TO THE BOARD OF BUILDING CODE APPEALS:

Mr. Garten stated that the term of Mr. Kevin Terrell (Jackson River District) on the Board of Building Code Appeals expires January 20, 2022. Terms are for 5 years and Mr. Terrell is eligible for reappointment.

Mr. Bennett commented that Mr. Terrell does want to be reappointed.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. Kevin Terrell (Jackson River District), 7414 Roaring Run Road, Covington, VA 24426 (P.O. Box 1, Low Moor, VA 24457) be reappointed to the Board of Building Code Appeals for a term of five years beginning January 21, 2022 and ending January 20, 2027.

Unanimously adopted by the following roll call vote:

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

COUNTY ADMINISTRATOR'S REPORT:

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

Forest Service Safe Routes to School Grant Funding Opportunity

*I received an e-mail this week from Theresa Tanner that there may be an opportunity to apply for federal funding of local efforts supporting the maintenance and improvement of Forest Service properties in Alleghany County. This would be in addition to an internal application for Lake Moomaw Improvements.*

*I would like to recommend the County submit an application to fund a local Alleghany County maintenance/repair crew to support volunteer work being done by Mike Scales with a focus on work to be done on Forest Service and County properties.*

*Other options could include planning and design for improved facilities. Authorization to submit an application is recommended in order to meet the January 10<sup>th</sup> application deadline.*

He added that it was suggested to apply for the installation of river markers on the Jackson and Cowpasture Rivers (approximately \$7,500) and trail building along Lake Moomaw. He commented that a letter of support is needed to apply.

The Board agreed by consensus to proceed with a letter of support.

Informal Budget Advisory Committee

*Traditionally, the County has used an informal budget advisory committee consisting of the Finance Director, Administrator, and two Board members who review various alternatives for consideration by the Board. We need two Board members who would volunteer to serve on this informal committee.*

Mr. Garten and Mr. Griffith volunteered to serve on the informal Budget Advisory Committee.

Approval of Remote Participation Policy

*With the expiration of the State-wide emergency declaration, localities wishing to give Board members the option of remotely participating in meetings must specifically adopt a policy doing so. Attached is a draft policy as prepared by Jim Guynn. If adopted by the Board of Supervisors, we plan to forward this policy to other County Boards and Commissions for their consideration.*

Mr. Guynn commented that medical and/or personal matters can be approved the night of the meeting; however, missing due to personal matters is limited to two meetings or 25 percent of the meetings in a calendar year, whichever is greater.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors adopt a Remote Participation Policy as follows:

**Alleghany County Board of Supervisors  
Remote Participation Policy**

1. As authorized by the Virginia Freedom of Information Act, Chapter 37 of Title 2.2 of the Code of Virginia, 1950, as amended, the Alleghany County Board of Supervisors (Board) shall allow the participation of members of the Board in a meeting through electronic communication means provided that a quorum of members is physically present at the primary or central meeting location and subject to complying with all parts of this policy.

2. On or before the day of a meeting (no less than 1 hour prior to the start of the meeting), the Board member shall notify the Chair of the Board or the County Administrator who will then notify the Chair, that:

a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or

b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

3. A majority of the Board that is present at the primary or central meeting location must approve by voice vote the absent Board member's remote participation. The Board shall record in its minutes the remote location from which the member participated; however, the location need not be open to the public. If participation is approved, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to circumstances described in subdivision 2a or 2b. If participation is approved pursuant to subdivision 2b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

4. The Board shall make arrangements for the voice of the absent Board member to be heard by all persons in attendance at the primary or central meeting location.

5. Any votes taken during such a meeting where there is a remote participant shall be by roll call vote so as to accurately record all votes taken.

Unanimously adopted by the following roll call vote:

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

BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):

Miscellaneous

Mr. Dodd thanked everyone for coming to the meeting and the Clifton Forge representatives that are present. He welcomed Dr. Goings to the Board and thanked the Sheriff's Office on ways they are celebrating the 200<sup>th</sup> Anniversary. He commented that we have a great Board to start off the year.

Mr. Nicely stated that he would like Mr. Jonathan Arritt to come to a Board meeting to give an update on the school merger. He mentioned that it seems like Covington is taking a lead in things. He welcomed Dr. Goings to the Board. He commented that it is best with the way the Newlun rezoning ended.

Dr. Goings thanked everyone for his welcome. He commented that the CEDS Committee meets every other month. He asked Mr. Griffith if he wants to continue on this committee or if he wants him to continue to go to those meetings (as he did for Clifton Forge). Mr. Griffith replied that he will continue going.

Mr. Bennett thanked everyone for coming to the meeting.

Mr. Griffith stated that he would like to see the County also become a part of the Central Shenandoah Planning District in order to have two marketing avenues (including the Roanoke Valley-Alleghany Regional Commission) regarding the pad site and other options. He commented that he does not know the cost. He asked if Mr. Huber and Mr. Guynn can explore the option and bring back information to the Board.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors ask the Interim County Administrator/County Administrator and County Attorney to explore the option of the County joining the Central Shenandoah Planning District and bring information back to the Board to make a decision.

Unanimously adopted by the following roll call vote:

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

Mr. Griffith stated that there is information that the Board needs to look at in order to expand. He commented that engineering work for the eastern end of the County is over 20 years old and we should look at the cost to expand infrastructure to the property. He mentioned that the Board should also look at utilizing the trail to have water and sewer infrastructure expanded to the Falling Spring area. He suggested having work session(s) to discuss both items and work with Public Works and Parks and Recreation on those items so that it can be included in the budget.

Mr. Garten stated that it has been a big year with a lot of changes including inflation and rising costs. He commented that he agrees with looking at the infrastructure needs. He welcomed Dr. Goings to the Board. He mentioned that there were details with the Newlun rezoning that needed to be discussed prior to making a decision. He commented that he does not like the outcome, but applaud her for her effort for investment and for the youth of the area.

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; and (2) property acquisition/disposition. Unanimously adopted.

On motion of Mr. Griffith, seconded by Mr. Bennett, 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/Stephen A. Bennett	Yes
/s/James M. Griffith	Yes
/s/G. Matt Garten	Yes
/s/Ronald S. Goings	Yes
Shannon P. Cox	Absent

UPDATES:

Following the Closed Meeting, the following updates were given at the request of the Board:

- Mr. Guynn provided an update regarding the Donnie Kern court case noting that the matter was currently in Federal court.
- Board members inquired as to the possible development of County-owned property for development purposes and were advised that the Board could accomplish this by identifying the specific parcel, transferring these parcels to the Industrial Development Authority (IDA) which could then solicit development proposals with selection of proposals based on long-term benefit to citizens (provision of housing, job opportunities, or other amenities) for subsequent transfer of the property by the IDA through a performance agreement with the developer.

ADJOURNMENT:

On motion of Mr. Nicely, seconded by Mr. Griffith, that the meeting be adjourned at 10:15 p.m. Motion carried.

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G. Matt Garten  
Chairman