

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, September 6, 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  
Shannon P. Cox  
Gregory A. Dodd  
Ronald S. Goings  
Cletus W. Nicely

and Reid Walters, County Administrator  
Suzanne T. Adcock-Nicely, Director of Finance  
Jonathan Fitch, Director of Public Safety  
Jim Guynn, County Attorney  
Melissa A. Munsey, Deputy Clerk to the Board

CALL TO ORDER:

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

The Chairman stated that a third item is being added to the Closed Meeting to discuss consultation with legal counsel pertaining to probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

MINUTES:

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on August 2, 2022.

PUBLIC HEARING AND APPROVAL - CONDITIONAL REZONING REQUEST FROM WILLIAM TERRY DAILY:

Public Hearing was held to consider an application from William Terry Daily to conditionally rezone Lot 21 of the Dressler Estates Subdivision, also known as 140 Maple Lane, from a Residential R-1 zone classification to a Residential R-2 zone classification to operate a bed and breakfast homestay. The property is further identified as Tax Map 40A, Section 2, Block 4, Lot 21. The property is in a Residential Transition Area as contained in the Comprehensive Plan.

The Chairman announced that this public hearing was advertised in the Virginian Review on Monday, August 22, 2022 and Monday, August 29, 2022 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-89  
**Name of Petitioner(s):** William Terry Daily  
**Date Request Filed:** June 24, 2022  
**Public Hearing Date:** (PC) August 10, 2022, (BOS) September 6, 2022  
**Staff Reviewer:** Elizabeth Stull, Zoning Administrator

**SUMMARY OF REQUEST**

*The applicant is requesting that 140 Maple Lane of the Dressler Estates Subdivision of the County be conditionally rezoned from a Residential R-1 zone classification to a R-2 zone classification, for the purpose of operating a Bed and Breakfast Homestay. The property is currently owned by William Terry Daily. The property is further identified on the Real Property Identification Maps as Tax Map 40A, Section 2, Block 4, Lot 21.*

*The property is currently zoned Residential R-1, and for Mr. Daily to operate a Bed & Breakfast Homestay they need to have the property rezoned to Residential R-2 and then apply for a special exception to allow for the Homestay.*

*Bed and breakfast homestay means the use of a single-family dwelling involving the rental of up to four rooms to overnight guests and offering breakfast meals only to those guests.*

*This differs from a bed and breakfast inn in that the homestay will not be a commercial establishment involving the rental of up to 20 rooms or include a restaurant serving the general public as well as overnight guests.*

*The surrounding properties in the Dressler Estates community are primarily residential and are zoned R-1. With a mix of residential uses, both single family and multifamily in the area, the proposed use would not be detrimental to the neighborhood.*

*The property is located at the bend of the cul-de-sac on Maple Lane. There are no changes to ingress and egress being proposed. The dwelling has a current living space for the owner and a furnished basement unit with direct ingress and egress to outside.*

According to the Comprehensive Plan, the property is located in a "Residential Transition Area", which is defined as an area being primarily residential and located between a city/town and more rural areas.

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

The use of a bed and breakfast homestay is not allowed in the R-1 zone classification. They are allowed in an R-2 zone classification by a special exception permit. The applicant is requesting a conditional rezoning from R-1 to R-2 that would eliminate all uses in an R-2 zone classification except for the acceptable use of a single family dwelling and the use of a bed and breakfast homestay by special exception permit.

Compliance with Article XXIII-Off Street parking will be met by placing parking spaces in the driveway at the residence.

A copy of the rezoning request was submitted to VDOT on July 25, 2022 for their review for compliance with TIA requirements.

The property is not located within a flood hazard area according to the FEMA maps (FIRM Panel 51005C0185D).

The property has existing connections to County water and sewer that are utilized by the residence. The property has access to other utilities such as electric, telephone, and cable service. Refuse collection is provided by Alleghany County.

**Additional Notes/Comments:**

A Bed and Breakfast Homestay will bring visitors to the area for hiking, Jackson River/Jeep trails, national parks, local restaurants, festivals, etc.

If the rezoning and special exception requests are approved, future development of the property will require compliance with all applicable local, state and federal regulations.

The Alleghany County Planning Commission held a public hearing on this request on August 10, 2022 and made a recommendation at that time to the Board to approve the conditional rezoning request.

Ms. Stull stated that the applicant is present if the Board has any questions.

Mr. William Daily, applicant, stated that if the Board has any questions he will be happy to answer them. He stated that he is proposing a single unit for the homestay. He mentioned that one individual spoke at the Planning Commission public hearing regarding traffic. He commented that there is more traffic in the turnaround in front of his house with people just driving in the neighborhood than there would be at his house with the homestay in a month. He spoke regarding the development of the subdivision in the 70's and that the area brings in revenue. He mentioned that contractors working at the mill run out of places to stay and he wants to have a nice clean place for individuals to stay.

Mr. Garten stated that he was a neighbor of Mr. Daily for most of his life and his parents live next door. He commented that he is a good neighbor that maintains his property.

Mr. Griffith mentioned that he had one phone call from an individual that was opposed to the rezoning; however, they just own property and do not live there.

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

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

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Yes
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. Griffith, that the following resolution be adopted:

WHEREAS, an application was received from William Terry Daily to conditionally rezone Lot 21 of the Dressler Estates Subdivision, also known as 140 Maple Lane, from a Residential R-1 zone classification to a Residential R-2 zone classification to operate a bed and breakfast homestay. The property is further identified on the Real Property Identification Maps as Map 40A, Section 2, Block 4, Lot 21; 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 August 22, 2022 and August 29, 2022, and adjoining property owners were notified in writing by certified mail on August 12, 2022; and

WHEREAS, a public hearing was held by the Alleghany County Planning Commission on June 8, 2022 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 August 10, 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 Residential Transition 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 conditional rezoning request submitted by William Terry Daily be approved as requested.

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Yes
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):

Ms. Deloris Quarles, 701A Wrightstown Avenue, gave an update on the Wrightsville project. She mentioned beginning the project in 2017 and getting under contract with DHCD in January 2020; Hammond-Mitchell doing the infrastructure work, making good progress, and being ahead of schedule; an extension to the DHCD contract was approved until 5/31/2023; problems with the housing part of the project and concern that the deadline will not be met; potentially terminating one of the housing contractors; two houses to build and two other houses to rehabilitate; etc. She also mentioned at the end of the meeting that her sister (Ms. Delethea Quarles) will be returning to the area to become the new Director of Track & Field at James Madison University.

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

- Boom axing Cove Creek and Big Ridge.
- Daylighting signs County-wide.
- Completed plant mix on Rt. 606.
- Cleaning outlet and inlet ends of pipes County-wide on secondary routes.
- Completed construction of temporary entrance for Rt. 710 bridge replacement.
- Continuing to pickup storm debris of brush and trees.
- Patching potholes County-wide.
- Mowing around guardrail with demo machine at Exit 16 (through dead end to middle school along Rt. 696).
- Started second round of mowing on secondary routes.
- Contractor started mowing primary routes.
- Interstate mowing will start later this month.

- *Most of interstate lights have been repaired. Still have a couple to follow up on.*

Mr. Griffith thanked Ms. Hammond for taking care of the issue in Intervale.

Dr. Goings mentioned driving up Rt. 220 and that he saw the shale issue.

Mr. Bennett asked about the Rt. 710 temporary entrance. Ms. Hammond replied that the temporary entrance is by the interstate ramp and the temporary access will be utilized until the bridge is replaced. She commented that the old bridge will be demolished and then the new one will be assembled and set.

Mr. Dodd mentioned that there is a tree over the wall on the east end of Clifton Forge (Clifftondale Park) and asked if it can be removed. Ms. Hammond replied that she will check on this.

Dr. Goings also mentioned that there are some 10' trees that could come down on the upper portion of the wall near the old hospital. Ms. Hammond replied that those are in the Clifton Forge Town Limits.

Mrs. Cox commented that there are trees hanging in the Crows area (Rt. 311 to West Virginia) and some are on the utility lines (i.e. Frontier). Ms. Hammond stated that she has not had a good response back from Frontier, but will continue to pursue this issue.

Mrs. Cox stated that before you get to her house there is a culvert under the road that gets stopped up a lot. She commented that the road caved in and VDOT could not find where it was stopped up. She mentioned that they did some work and the cones that were there are now gone. She mentioned that there is also a new driveway across the road. She asked if a permanent repair will be done at this location. Ms. Hammond replied that she will check on this and email Mrs. Cox.

Mr. Garten commented regarding the Rt. 220 highwall. Ms. Hammond stated that they are pursuing a grant to fix the problem.

MS. LORRI SAVILLE - DISCUSS CONSOLIDATION:

Ms. Lorri Saville stated that she lives in Rich Patch and is a teacher at Clifton Middle School (CMS). She commented that she has been told previously that the closing of CMS was a done deal. She asked how Edgemont and Jeter Watson could be consolidated and their name changed and if the closing of CMS could change as there is a section in the agreement that states "at the discretion of the local school board". She mentioned that she has been trying to do further research.

Mr. Griffith replied that the new School Board took over beginning July 1, 2022 and that is a question to ask them.

Mr. Garten stated that the County owns the buildings, but lease the properties back to the School Board.

Ms. Saville asked if the School Board would determine what goes in the building. Mr. Garten replied that they would as of July 1, 2022.

Mr. Bennett mentioned that if the School Board has no use for property as part of the school system then it is given back to the County (i.e. Boiling Spring Elementary and Falling Spring Elementary). He commented that the County gives money to the school system, but they get to decide how it is used.

Ms. Saville stated that she appreciates all that the Board does and mentioned that she will be asking the School Board to keep CMS open.

APPROVE WAIVER OF BUILDING PERMIT FEE FOR THE TOWN OF CLIFTON FORGE (LOVE SCULPTURE):

Mr. Garten stated that the Town of Clifton Forge is requesting a waiver of the building permit fee for installation of their Love Sculpture.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve waiving the building permit fees for the Town of Clifton Forge to erect a LOVE sculpture on the grounds of the Masonic Amphitheatre.

Unanimously by the following roll call vote:

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

APPROVE SUPPLEMENTAL APPROPRIATIONS IN FY22 (REFUSE DISPOSAL LAND CSA):

Ms. Adcock-Nicely stated that in working to close out FY22 there are a couple accounts that have additional revenue (refuse collection and CSA) that needs to be appropriated to cover expenses.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors budget and approve the following supplemental appropriations in FY22 for refuse collection and CSA. The appropriations are due to the receipt of additional revenues which offset costs.

<u>Revenue Accounts</u>	
Refuse Fee (110-4120505)	\$ 26,677.00
Sanitation Charges (110-4160802)	\$ 1,800.00
Chg. for Transfer Station (110-4160803)	\$280,763.00
State CSA Program (110-4240108)	\$310,000.00
<u>Expenditure Accounts</u>	
Refuse Disposal - Professional Services (4204-53002)	\$309,240.00
CSA - Facility Mandated (5405-55762)	\$100,000.00
CSA - Non-Facility Mandated (5405-55763)	\$210,000.00

Unanimously adopted by the following roll call vote:

Stephen A. Bennett	Yes
Shannon P. Cox	Yes
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. Walters handed out and gave a report on the following items which are a part of the records of this meeting:

Redistricting Approval: Certification with No Objection

Alleghany County received notification from the Office of Civil Rights and the Virginia Attorney General's Office approving the redistricting submission which included a line change in the Clifton Forge voting districts.

Commerce Center Pad Site

Alleghany County Buildings and Inspections approved the Commerce Center Pad site plan this month. The County held a pre-bid meeting with contractors in the Board Room on August 26<sup>th</sup>. There were six contracting firms represented and two suppliers. Bids are due 3:00 p.m. on September 9<sup>th</sup>.

This month, the Covington-Alleghany Industrial Development Authority will submit an application for a Business Ready Sites Program for additional funds for the development of the site.

Jackson River Trail Memorandum of Understanding

Working with the Virginia Department of Environmental Quality (DEQ), Alleghany County established a Memorandum of Understanding (MOU) with Bath County for the stormwater and sediment control permitting needs for the fifth phase of the Jackson River Trail. It took nearly four months to get this portion of the project need complete; however, the contractor can

now resume debris removal and begin trail construction.

#### Virginia Telecommunication Initiative

With the submittal of a Virginia Telecommunication Initiative (VATI) application to the Virginia Department of Housing and Community Development (DHCD) this month, Alleghany County and Craig Botetourt Electric Cooperative (VBEC) are moving forward with the potential partnership to create the last leg needed for universal broadband coverage for Alleghany County. Currently, the County has 79% broadband coverage. The estimated total project cost for the last portion needed for full County coverage is just under \$4,000,000.

#### Alleghany County Board of Supervisors Strategic Planning Session

David Smitherman, a senior consultant at Bear Strategies and experienced local government manager, has agreed to assist the Board of Supervisors with their strategic planning needs via a planning session and the development of a 5-year strategic plan. We will establish a date that will work best for the Board for this upcoming meeting.

#### Other Items

- He noted that we are working hard to get the Wrightsville project back on track.
- Alleghany County's Bicentennial Celebration is being held on September 17<sup>th</sup> beginning at 3:00 p.m. at Mountain Gateway Community College.

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

##### Miscellaneous

Mr. Dodd thanked everyone for coming to the meeting and noted that Ms. Kim Halterman, Mr. Jonathan Arritt, Mayor Jeff Irvine and Mr. Chuck Unroe are present.

Mr. Nicely thanked Ms. Saville for her hard work in trying to maintain CMS. He commented like he feels it is playing politics and we should be trading up with schools and not down.

Mr. Bennett stated that going through the pandemic there was a boom in construction and a lot of government money. He mentioned this caused a lack of contractors and increased costs. He commented that the State should give projects more time.

Mrs. Cox thanked everyone for coming out. She commented that Mr. Dodd mentioned most in attendance and she added that there are a few individuals from Social Services that are also present. She thanked Ms. Saville for her comments and mentioned that she can see how the process is confusing. She thanked Ms. Quarles for her update. She thanked Mr. Walters, Ms. Adcock-Nicely and Mrs. Munsey for their work in putting the VATI application together. She reminded everyone that the Bicentennial Celebration is September 17<sup>th</sup> beginning at 3:00 p.m.

Dr. Goings stated that he appreciates the updates from Ms. Quarles and Ms. Saville for all she is trying to do. He thanked Mr. Unroe, Mr. Irvine, Ms. Halterman, and Mr. Arritt for being in attendance. He mentioned that he brought up putting solar panels on school buildings to Mr. Walters. He commented that the schools would not own them, but would benefit from the electricity. He asked Ms. Halterman if there are any problems here with teacher shortages. He mentioned that you hear a lot about it on the national news and he can see how teachers get fed up with a lot put on them with abysmal salaries. He commented that he would support salary increases. Ms. Halterman replied that there are issues in the community on staffing and they are utilizing existing staff efforts to cover those areas.

Mr. Griffith thanked everyone for coming out. He mentioned that he, Mr. Garten, and Mr. Walters went to a VACo meeting in Roanoke. He commented that you hear a lot regarding school system issues (i.e., lack of bus drivers, etc.). He thanked Clifton Forge representatives, school system representatives, Ms. Quarles, and Ms. Saville for being present tonight.

Mr. Garten thanked everyone for coming to the meeting. He also thanked Social Services employees and Mr. Greg Vess for being present.

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) for the purpose of: (1) personnel matter. Unanimously adopted.

On motion of Mr. Nicely, seconded by Dr. Goings, 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/Ronald S. Goings	Yes
/s/Shannon P. Cox	Yes
/s/G. Matt Garten	Yes
/s/James M. Griffith	Yes
/s/Stephen A. Bennett	Yes
/s/Cletus W. Nicely	Yes
/s/Gregory A. Dodd	Yes

ADJOURNMENT:

On motion of Mr. Nicely, seconded by Dr. Goings, that the meeting be adjourned at 8:30 p.m. Motion carried.

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G. Matt Garten  
Chairman