

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, January 3, 2017 at 7:00 p.m. in the Alleghany County Governmental Complex, Covington, Virginia, thereof:

PRESENT: Stephen A. Bennett, Chairman
G. Matt Garten, Vice-Chairman
Suzanne T. Adcock
Shannon P. Cox
James M. Griffith
Cletus W. Nicely
Richard Lee Shull

and Jonathan A. Lanford, County Administrator
Michael Lockaby, Assistant County Attorney
Melissa A. Munsey, Deputy Clerk to the Board

CALL TO ORDER:

The Chairman called the regular meeting to order. Rev. Bill Hartsfield gave the invocation and the audience remained standing for the Pledge of Allegiance.

The Chairman then turned the meeting over to Mr. Lanford for election of Chairman.

ELECTION OF CHAIRMAN:

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

Mr. Nicely nominated Mr. Stephen A. Bennett for Chairman.

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

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Stephen A. Bennett	Yes
Shannon P. Cox	Yes
G. Matt Garten	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes

On motion of Mr. Nicely, seconded by Ms. Adcock, that Mr. Stephen A. Bennett be elected Chairman of the Board.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Stephen A. Bennett	Yes
Shannon P. Cox	Yes
G. Matt Garten	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes

ELECTION OF VICE-CHAIRMAN:

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

Mr. Nicely nominated Mr. G. Matt Garten for Vice-Chairman.

On motion of Mr. Shull, seconded by Ms. Adcock, that nominations for Vice-Chairman of the Board be closed.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
G. Matt Garten	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
Stephen A. Bennett	Yes

On motion of Mr. Nicely, seconded by Ms. Adcock, that Mr. G. Matt Garten be elected Vice-Chairman of the Board.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
G. Matt Garten	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
Stephen A. Bennett	Yes

ADOPTION OF CODE OF ETHICS:

Mr. Bennett 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. Garten, seconded by Mr. Nicely, 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:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

ADOPTION OF BOARD BY-LAWS:

Mr. Bennett 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. Garten, that the following resolution be adopted:

BE IT RESOLVED that the By-Laws of the Alleghany County Board of Supervisors be adopted as submitted.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	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 Wednesday 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.

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) an adjourned meeting held on December 1, 2016; and (2) a regular meeting held on December 6, 2016.

Mr. Bennett stated that there are two additions being made to the agenda as follows:

- Add as Item 10G under New Business to discuss and consider endorsing a resolution adopted by the School Board regarding the Coalfields Equity initiative; and
- Closed Meeting to discuss disposition of publicly held real property.

PUBLIC COMMENT (5 MINUTE TIME LIMIT):

No one spoke at this time.

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

Ms. Susan Hammond, VDOT Resident Engineer, gave a report on the following VDOT activities:

Maintenance

- Responded to two small snow events and one major icing event.
- Made drainage and shoulder repairs and patched potholes County-wide.
- Cutting brush with inmate and VDOT crews.
- Responded to customer complaints.

Construction

- Bids for Route 696/Exit 21 project came in approximately 30% higher than the construction estimate. We plan to re-advertise later this month with bid opening on February 22nd. This delays the project approximately two months and will likely require winterizing the project.

Mr. Garten commented regarding rocks and hanging trees on Rt. 220 near Honda Nissan potentially falling due to the weather.

APPROVE RESOLUTION TO DISSOLVE THE ALLEGHANY HIGHLANDS ECONOMIC DEVELOPMENT AUTHORITY:

Mr. Bennett stated that the dissolution resolution is in regards to the Alleghany Highlands Economic Development Authority (AHEDA) and not the Alleghany Highlands Economic Development Corporation (AHEDC). He commented that the AHEDA shut down approximately ten to twelve years ago and this is a housecleaning item needed to dissolve them.

Mr. Lanford stated that in the agenda packet is information from the AHEDA from 2013 agreeing to transfer property to the County and requesting legislation to dissolve. He commented that it took some time to complete the real estate deed and title work for the remaining parcels to be transferred to the County and this has been done. He mentioned that the resolution accepts the dissolution of the AHEDA and authorizes him and the County Attorney to take any other actions necessary to complete the dissolution.

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

WHEREAS, all real and personal property owned by the Alleghany Highlands Economic Development Authority (AHEDA) has been conveyed to Alleghany County, no assets remain, and all obligations have been paid;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors accept the dissolution of the AHEDA pursuant to Section 15.2-6212 of the Code of Virginia, 1950, as amended;

BE IT FURTHER RESOLVED that the County Administrator and County Attorney be authorized to take such other and further ministerial acts as may be necessary to complete the transition.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

APPROVE REQUESTING LEGISLATION TO ALLOW COUNTIES TO HAVE A CIGARETTE TAX:

Mr. Lanford stated that there is a letter with a resolution from Wythe County in the agenda packet requesting support of an amendment to the State Code to allow all counties to have a cigarette tax. He commented that this is similar to the York County initiative the Board recently supported regarding the meals tax. He mentioned that the premise is to have the same equal taxing authority as cities and towns. He stated that there is a listing of VACo 2017 Legislative Priorities at each Board seat in which they are also supporting meals and cigarette taxes for counties. This information is a part of the records of this meeting. He commented that even if the taxes are allowed it does not mean it has to be implemented, but gives localities the authority if they so desire.

There was some discussion regarding Fairfax and Arlington currently being the only counties that have a cigarette tax; the maximum tax is \$0.05 per pack; if it is known how much revenue a cigarette tax could bring in (this is unknown); the resolution just lends support to Wythe's initiative; etc.

Mr. Nicely commented that he is not in favor of the tax as it singles out certain groups.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors support the Wythe County Board of Supervisors in their initiative to request an amendment to Code of Virginia Section 58.1-3831 to allow all counties the power to levy tax upon the sale or use of cigarettes.

Adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	No
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

DISCUSS AND APPROVE ALLEGHANY FOUNDATION APPLICATION FOR NATURAL GAS OPTIONS FOR THE LOW MOOR AREA:

Mr. Lanford reviewed a memo from him to the Board which is included in the agenda packet. The memo is as follows:

As you are well aware, we have struggled for a decade plus trying to resolve the lack of Natural Gas service in Low Moor. The most recent (2014) estimate to construct a pipeline from a new Point-of-Delivery location in the Indian Valley neighborhood of South Covington to Low Moor was \$26,000,000. This cost does not include the distribution network, simply the cost of extending service to the Low Moor area.

Emerging and successfully implemented technology primarily in the New England States has presented an alternative to piped natural gas. Compressed Natural Gas (CNG) can now be transported in an economical manner by tanker, dropped on-site, and distributed to one user or many through a distribution network.

I would like the Board's direction as to whether or not you are interested in spending \$15,000 to \$20,000 to engage a Consulting Engineer for the purpose of completing Phase I (Feasibility Analysis) of a potential Two-Phase Feasibility Study/Preliminary Engineering Report to evaluate the creation of a Local Natural Gas Authority. Pursuit of Phase II would only occur should Phase I indicate a positive feasibility. Scope of work would include the necessary engineering and consulting services required to conduct a feasibility analysis for the establishment of a natural gas distribution system, to include essential factors such as cost and availability of natural gas and the overall feasibility.

Why an Authority? We have spent approximately one-year talking with a potential CNG provider and Columbia Gas to see if they would be interested in working together, where the CNG provider would haul to Low Moor and Columbia would act as the distributor through a piped distribution network. Columbia Gas was not interested in this model, leading to the Authority concept. Our area is "certificated" to Columbia Gas through the State Corporation Commission leaving an Authority as the only alternative to Columbia for the distribution of natural gas through a piped distribution network to multiple customers.

Mr. Lanford added that if the Board would like to pursue Phase I, he would like to apply to the Alleghany Foundation for this funding.

There was some discussion regarding if the gas distribution would be for the industrial park or further out (would be for the entire Low Moor community and possibly Valley Ridge) and who would own the lines (the Authority).

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

BE IT RESOLVED that the Alleghany County Board of Supervisors authorize Mr. Jonathan A. Lanford, County Administrator, to apply for a grant through the Alleghany Foundation for the purpose of completing Phase I - Feasibility Analysis to evaluate the creation of a Local Natural Gas Authority. The scope of work would include necessary engineering and consulting services required to conduct a feasibility analysis for the establishment of a natural gas distribution system, to include essential factors such as cost and availability of natural gas and the overall feasibility.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

APPROVE RESOLUTION OF RESPECT FOR MR. HERBERT L. SIMMONS, JR.:

Ms. Adcock read the draft Resolution of Respect for Mr. Herbert L. Simmons, Jr. which is included in the agenda packet.

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

WHEREAS, Mr. Herbert L. Simmons, Jr., retired Deputy Sheriff and part-time Control Room Operator, passed away on December 15, 2016; and

WHEREAS, Mr. Simmons gave unselfishly of his time to the County, setting an example of citizenship throughout his life; and

WHEREAS, Mr. Simmons had worked for Alleghany County since September 16, 1996;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors, in honor and respect, does hereby recognize the life of Mr. Herbert L. Simmons, Jr. for his loyalty, dedication, and service to Alleghany County;

BE IT FURTHER RESOLVED that the Board extend its sincere condolences and sympathy to the family of Mr. Simmons.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

APPROVE REQUEST TO SUPPORT LEGISLATION CHANGE TO ABC CODE:

Mr. Joshua Rucker, Glen Haven Farm representative, read the following prepared statement which is a part of the records of this meeting:

OBJECTIVE:

On behalf of the music and art minded entrepreneurs here in Alleghany County, and those interested in investing in the expansion of performing arts, we are here this evening to advocate for an addendum to the Virginia Alcoholic Beverage Control Act, that would include Alleghany County, thus allowing applicable business owners the opportunity to apply to the ABC Board for a retail license, AND- if approved, would then grant them permission to sell beer and wine at concerts, and music festival events.

Because this addition needs to happen on a state level, we are here to urge the Board to submit an official request to Creigh Deeds so that this may be addressed at the General Assembly.

The Code is 4.1-209 Wine and beer licenses and reads:

- A. *The Board may grant the following licenses relating to wine and beer:*
 - 1. *Retail on-premises wine and beer licenses to:*
 - "G". *Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County, or the City of Virginia Beach (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Augusta, Nelson, Pittsylvania or Rockingham, or the Cities of Charlottesville, Danville or Roanoke*

Under the advisement of Adam (Baker) Goodman, the ABC agent and representative for Alleghany County, it has been

suggested that Alleghany be added to section "G", article (ii) and would read: has capacity for more than 3,500 persons and is located in the County of Alleghany.

WHY DO WE NEED THIS TO HAPPEN?

The music industry, is just that.... it is big business, and the record labels own the majority of it. Nowadays, it is a challenge for venue owners to even break even off of ticket sales, much less to make money off of them. Due to copyright infringements, etc. you can't even create and sell your own t-shirts anymore if a band or musician is associated. The only way that venue owners make a profit these days is off of their concession sales.

Let's face it, even with a big name like Willie Nelson, the crowd turn out could be nominal if folks attending the show couldn't kick back, eat a hot dog, and drink a beer while they listened to one of his classics.

As it currently stands, any person hosting a public event in our county that wishes to serve beer or wine at their event may only obtain a license to do so only if the event is being ran by and for a non-profit entity.

Having Alleghany added to this code would allow businesses hosting a "for-profit event," with the sale of beer and wine at the event, the opportunity to do so responsibly and with transparency, thus building a business that is clean, legitimate, and renders a better chance for success. Without that transparency and the ability to do business legitimately, bringing in those big names like Willie Nelson, won't be possible. No-one wants to bankrupt themselves.

OUR PLAN & CONCLUSION

I cannot speak to any other persons in the County that may wish to pursue a similar venture as ours, but at Glen Haven, we intend on doing business with transparency and "by the books." We hope that you have already seen this demonstrated by our permit process inquiry with the County a few months back, and again with our request this evening.

Should this code be amended to include our County, we intend on training our staff and security to identify patrons that are inebriated, in addition to the skills to gracefully refuse service if necessary. We intend on working closely with the Sheriff's Dept., keeping them abreast of all upcoming events, and to retain trained personnel for help with security and traffic. We intend on taking steps to partner with local businesses that may be interested in forming a "safe ride home initiative," and we will also be offering discounted tickets for designated drivers at some of our events.

Obviously none of these things are criteria by the state to issue a retail license to our venue, but we care about our community, the folks that live here, and we care about the expansion of arts in our community.

If we can work together to get this code amended, it is our intention to build a respectable business and provide a lasting platform for live music here in Alleghany. It may take a few years, but if he is still playing, we are going to work on getting names like, Willie.

Our venue is located in a very ideal location off of I-64, with easy access for folks from Charleston, Beckley, Lewisburg, Lexington, Roanoke, Staunton, and Waynesboro. Bringing in patrons and tax dollars from outside our area is our main objective, second to providing quality, family-friendly entertainment to our folks right here at home. We see this not only as a personal win, but a win for Alleghany, as well.

There was then some discussion that even if the County is added to the list that licenses would still be regulated by the ABC Board; was suggested by Delegate Terry Austin to request the change; the Code section contains capacity thresholds; etc.

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

BE IT RESOLVED, at the request of a local business, that the Alleghany County Board of Supervisors respectively requests that Section 4.1-209(A)(1)(G) of the Code of Virginia regarding the Alcoholic Beverage Control Act be amended as follows to add Alleghany County:

Section 4.1-209. Wine and Beer licenses; advertising.

A. *The Board may grant the following licenses relating to wine and beer:*

1. *Retail on-premises wine and beer licenses to:*

- g. *Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, **Alleghany**, Augusta, Nelson, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;*

Adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	No
James M. Griffith	No
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

APPROVE SUPPLEMENTAL APPROPRIATION FOR VACAP GRANT:

Mr. Lanford stated that a supplemental appropriation is needed due to the mid-year receipt of a VACAP grant for the Commissioner of Revenue Office to assist with tax preparation services.

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

BE IT RESOLVED that the Allegheny County Board of Supervisors budget and approve the following supplemental appropriation in FY17 for the Commissioner of the Revenue Office due to the receipt of a Virginia Community Action Partnership (VCAP) grant:

<u>Revenue Account</u>	
VITA Grant (110-4240466)	\$200.00
(Revenue of \$8,800 was already budgeted)	
<u>Expenditure Accounts</u>	
Part-Time Salaries (1209-51003)	\$4,000.00
Salary Bonus (1209-510014)	\$2,500.00
Mileage/Subsistence/Lodging (1209-55510)	\$2,500.00

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

APPROVE SUPPLEMENTAL APPROPRIATION FOR THE ASSET FORFEITURE - COMMONWEALTH ATTORNEY FUND:

Mr. Lanford stated that a supplemental appropriation is needed for the Asset Forfeiture - Commonwealth Attorney Fund. He mentioned that the funds have been collected and need to be appropriated in order to be expended.

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

BE IT RESOLVED that the Allegheny County Board of Supervisors budget and approve the following supplemental appropriation in FY17 for the Asset Seizure - Commonwealth Attorney fund (Fund 249) as follows:

<u>Fund Balance</u>	
Fund 249 - Fund Equity (249-33001)	(\$5,000.00)
<u>Expenditure Account</u>	
Fund 249 - Machinery & Equipment (3119-57001)	\$5,000.00

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

APPROVE RESOLUTION REGARDING CLIFTON FORGE'S USE OF FUNDS FROM THE CLIFTON FORGE-

ALLEGHANY JOINT VENTURE FUND:

Mr. Lanford reviewed the memo from him to the Board which is included in the agenda packet and mentioned that there is a draft resolution at each seat. The draft resolution is a part of the records of this meeting. The memo is as follows:

The Town of Clifton Forge and Alleghany County staff have been working together to identify funding options for the abatement of asbestos from the old Clifton Forge Railroad shops. The Town has successfully identified a firm that will remove the structures from the site for the scrap value, as recommended by the Town's structural engineer. Prior to the demo, all asbestos from the site must be removed. Estimated cost for asbestos removal is \$70,000.

Clifton Forge submitted a grant application to the Alleghany Foundation requesting funding for the total cost of asbestos removal. On December 5th staff from the Town, County, and Alleghany Highlands Economic Development Corporation met with representatives of the Alleghany Foundation on-site to review the grant application request for asbestos removal. Recently, the Town was advised that the Alleghany Foundation would fund \$40,000 of the estimated \$70,000 for asbestos removal.

Staff from the Town and County recommend funding the difference with money available in a joint investment account created in 1984 with proceeds from the transfer of City owned "airport property" in Low Moor to Alleghany County then subsequent sale of same to Westvaco Corporation (formerly; now "WestRock") for the purpose of expanding its operations (construction of the Extrusion Facility in Low Moor). The current balance of the joint investment account is \$32,115.27. We recommend utilizing these dollars to fund the remainder of asbestos abatement above the \$40,000 granted by the Alleghany Foundation.

Enclosed please find a copy of the Agreement from 1984 creating the joint investment account, a note from the Town's audit describing account (top of page) and a copy of the current account statement from SonaBank (bottom 2/3rds of page). Section 2.b of the agreement notes use of funds requires approval by both governing bodies.

Mr. Garten asked if using these funds would tie the County into any liability. Mr. Lanford replied that it would not tie in the County as the Town is managing the project.

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

**JOINT RESOLUTION APPROVING THE
RELEASE OF FUNDS FOR
JOINT ECONOMIC DEVELOPMENT PROJECT**

WHEREAS, in 1984 the City of Clifton Forge deeded property referred to as the 'airport property' to Alleghany County to enable an expansion of the Westvaco Corporation; and

WHEREAS, the proceeds from said conveyance have been held in a fund to be used for future joint endeavors by the Town of Clifton Forge and Alleghany County; and

WHEREAS, the parties have determined that available funds should now be utilized for a joint economic development project that will benefit both the Town and County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for Alleghany County and the Town Council for Clifton Forge, by concurrent resolutions, hereby approve the release of \$30,000 from the aforesaid fund to be used for a joint economic development project.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

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

Mr. Bennett stated the term of Mr. Kevin Terrell (Jackson River District) on the Board of Building Code Appeals expires January 20, 2017. Terms are for five years and Mr. Terrell is eligible for reappointment. He commented that Mr. Terrell does want to be reappointed.

On motion of Ms. Adcock, seconded by Mr. Garten, 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, 2017 and ending January 20, 2022.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

APPROVE ENDORSING A RESOLUTION ADOPTED BY THE SCHOOL BOARD REGARDING THE COALFIELDS EQUITY INITIATIVE:

Mr. Eugene Kotulka, Superintendent of Schools, stated that the Board has at its seat a copy of a resolution adopted by the Alleghany County School Board at its December 19, 2016 meeting in support of the recommendations introduced at the Coalfields Equity Summit. The resolution is a part of the records of this meeting. He commented that the resolution asks the General Assembly for fair/equal funding for Coalfields Localities, Southside Virginia, and other Rural School Divisions such as Alleghany County at the same level as affluent localities. He mentioned that the resolution began in the Coalfields region and has spread. He asked the Board to support the resolution.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors endorse the recommendations included in the attached resolution adopted by the Alleghany County School Board on December 19, 2016 with regard to the Coalfields Equity initiative.

Unanimously adopted by the following roll call vote:

Suzanne T. Adcock	Yes
Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
G. Matt Garten	Yes
Stephen A. Bennett	Yes

COUNTY ADMINISTRATOR'S REPORT:

Mr. Lanford gave a report on the following items:

Consent Order - Cherokee/Indian Valley Sewer Pump Station

Mr. Lanford stated that the requirements of the Order have been satisfied. Therefore, effective December 30, 2016 the Order has been terminated.

Radio Communications Project

Mr. Lanford commented that Request for Proposals have been issued and there is a mandatory pre-proposal meeting scheduled for January 11, 2017 beginning at 9:00 a.m. with proposals due by Friday, February 17, 2017 at 1:00 p.m. He mentioned that staff is currently working on an RFP for Financial Advisor services to assist with financing options.

Joint Budget Meeting with Covington

Mr. Lanford stated that he and Mr. Richard Douglas, Covington City Manager, have been discussing hosting a joint budget work session for the purpose of simplifying the conversation and budget request/appropriation process for those

agencies and outside organizations we jointly fund. He commented that the joint work session is tentatively scheduled for the evening of Thursday, March 2, 2017 at the Alleghany Highlands Regional Library.

Rosedale Subdivision and Dunlap Creek Sanitary Sewer

Mr. Lanford stated that staff will present at the February meeting a proposed change order to the existing Design contract for the Rosedale/Dunlap Creek gravity sewer replacement project. He commented that the change order incorporates funding requirements of the Clean Water Revolving Loan Fund, our primary funding source for wastewater improvement projects. He mentioned that the change order amount is \$31,825.00 and funding is available in the General Engineering budget to cover costs.

BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):

Miscellaneous

The Board thanked everyone for coming to the meeting.

Mr. Shull stated that he hopes Clifton Forge Council will pursue a use for the old CSX shop property with something that will produce revenue as this will help Clifton Forge and the County. He commented that he did not have a good Christmas due to health problems, but now he is fine and hopes that all will stay fine. He mentioned that he thanks the Lord as he does answer prayers.

Mrs. Cox stated that a new year has begun. She commented that you can not change the past, but can see what the future holds.

Ms. Adcock stated that the termination of the Consent Order is good news.

Mr. Garten commented that he learned a lot at the meeting tonight and thanked the Board for another year as Vice-Chairman.

Mr. Bennett thanked the Board for allowing him to continue as Chairman.

CLOSED MEETING:

On motion of Mr. Nicely, seconded by Mr. Garten, that the Board go into a Closed Meeting under Code of Virginia Section 2.2-3711(A)(3) for the purpose of: (1) disposition of publicly held real property. Unanimously adopted.

On motion of Mr. Nicely, seconded by Ms. Adcock, 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/Cletus W. Nicely	Yes
/s/Suzanne T. Adcock	Yes
/s/Stephen A. Bennett	Yes
/s/Shannon P. Cox	Yes
/s/James M. Griffith	Yes
/s/Richard L. Shull	Yes
/s/G. Matt Garten	Yes

ADJOURNMENT:

On motion of Mr. Shull, seconded by Mr. Garten, that the meeting be adjourned at 8:20 p.m. to Tuesday, January 17, 2017 at 5:30 p.m. at the Masonic Theatre Underground. Motion carried.

Stephen A. Bennett
Chairman