

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, March 3, 2020 at 7:00 p.m. in the Alleghany County Governmental Complex, Covington, Virginia, thereof:

PRESENT: G. Matt Garten, Chairman
Stephen A. Bennett, Vice-Chairman
Shannon P. Cox (arrived at 7:15 p.m.)
James M. Griffith
Cletus W. Nicely
M. Joan Vannorsdall

and Jonathan A. Lanford, County Administrator
Suzanne T. Adcock, Director of Finance
Ryan D. Muterspaugh, Director of Public Safety
Jim Guynn, County Attorney
Melissa A. Munsey, Deputy Clerk to the Board

ABSENT: Richard Lee Shull

CALL TO ORDER:

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

MINUTES:

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on February 4, 2020.

Mr. Garten stated that an additional Closed Meeting on a personnel matter is being added to the agenda.

PUBLIC HEARING AND APPROVAL - AMENDMENTS TO CH. 10-ANIMALS AND FOWL OF THE COUNTY CODE (NUISANCE COMPANION ANIMALS):

Public Hearing to consider amendments to Chapter 10-Animals and Fowl of "the Code of the County of Alleghany, Virginia" in Section 10-9 in relation to nuisance companion animals straying or trespassing.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, February 18, 2020 and Tuesday, February 25, 2020 in accordance with the Code of Virginia. He then called the public hearing to order.

Mr. Lanford stated that several complaints have been received by some Board members and our office regarding nuisance companion cats (not feral) damaging neighboring property. He commented that the Animal Control Officer has no flexibility with the current County Code on addressing this issue. The County Attorney Office drafted the proposed changes to the County's ordinance which is mirrored to Bath County's ordinance.

Mr. Nicely stated that no one will claim a cat and cats are not licensed. He is not sure what will help, but feels there is no point in creating another ordinance.

There was some discussion regarding the owner of the cat being fined; there being accountability for damage done to property; there are a number of incidents the Animal Control Officer has investigated where people admitted ownership of companion animals, but it could not be enforced; if Clifton Forge would be covered under this ordinance (not applicable to Clifton Forge as they have their own regulations); may not fix every problem everywhere; does not apply to feral cats; etc.

Ms. Lisa Worley, 545 Brentwood Drive, stated that cats come into her yard and use the bathroom in her flower bed and yard, get in the engine and on top of her new vehicle, go into the dog pen, etc. She mentioned that the neighbors also have problems with the cats ruining their garden and urinating on packages on their porch. She asked the Board to consider passing the ordinance.

Ms. Janice Bethel, 1119 Concord Street, mentioned speaking with the Animal Control Officer regarding problems with her neighbor's cat (getting on vehicles, destroying screens, being a tripping hazard, etc.) and that he could not do anything to help with the situation, but suggested she speak with her Supervisor.

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

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

Unanimously adopted by the following roll call vote:

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

On motion of Mr. Bennett, seconded by Ms. Vannorsdall, that the following amendments proposed at the Public Hearing held on Tuesday, March 3, 2020 to The Code of the County of Alleghany, Virginia in Chapter 10 entitled "Animals and Fowl" be adopted as follows:

CH. 19 ANIMALS AND FOWL

ARTICLE I. In General

CURRENT:

Sec. 10-9. Livestock or fowl straying or trespassing.

(a) It shall be unlawful for any person to allow or permit any fowl or livestock of any description owned or kept by him to stray to any highway or public property or private premises of another, and all fowl and livestock shall be sufficiently confined or fenced by the owner or keeper, so as to prevent such fowl or livestock from trespassing or straying.

(b) The owner of any exotic or poisonous animal found funning at large will be required to pay a fee that will cover the actual cost of locating, capturing or otherwise disposing of the animal.

(c) A violation of this section shall constitute a class 4 misdemeanor.

(d) The animal control officer may, upon receiving a complaint or at his own discretion, declare an animal to be a public nuisance as a result of violation(s) of this section. It shall be the duty of the animal control officer to issue the owner or custodian of such public nuisance animal a notice of violation. The owner or custodian of an animal in violation of this section, shall, after a nuisance determination hearing before the general district court, be liable to a fine of \$30.00 for the first violation and \$50.00 for each additional violation.

(Ord. No. O-09-1, 1-21-09)

Cross reference—Penalty for class 4 misdemeanor, § 1-13.

State law reference—Code of Virginia, § 3.2-6544.

CHANGE TO:

Sec. 10-9. Animals straying or trespassing.

(a) It shall be unlawful for any person to allow or permit any fowl or livestock of any description owned or kept by him to stray to any highway or public property or private premises of another, and all fowl and livestock shall be sufficiently confined or fenced by the owner or keeper, so as to prevent such fowl or livestock from trespassing or straying.

(b) The owner of any exotic or poisonous animal found funning at large will be required to pay a fee that will cover the actual cost of locating, capturing or otherwise disposing of the animal.

(c) A violation of this section shall constitute a class 4 misdemeanor.

(d) The animal control officer shall, upon receiving a complaint or at his own discretion, carry out an investigation of violations of this section or of a companion animal that is running at large off of the property of its owner. If he or she observes damage to the property of another than the owner of the animal, that he or she has reason to believe was caused by an animal trespassing in violation of this section or roaming or running at large off the property of its owner, he or she may declare an animal to be a public nuisance as a result of violation(s) of this section. The provision shall not apply to the lawful use of hunting dogs. The animal control officer shall issue the owner or custodian of such public nuisance animal a notice of violation. The owner or custodian of an animal in violation of this section, shall, after a nuisance determination hearing before the general district court, be liable to a fine of \$30.00 for the first violation and \$50.00 for each additional violation.

(Ord. No. O-09-1, 1-21-09)

Cross reference—Penalty for class 4 misdemeanor, § 1-13.

State law reference—Code of Virginia, §§ 3.2-6544, 15.2-900, 15.2-122, 15.2-1218.

Adopted: March 3, 2020

Effective Date: 12:01 a.m., March 4, 2020

Adopted by the following roll call vote:

Mr. Bennett	Yes
Mrs. Cox	Yes
Mr. Garten	Yes
Mr. Griffith	Yes
Mr. Nicely	Yes
Mr. Shull	Absent
Ms. Vannorsdall	Yes

ALLEGHANY COUNTY BOARD OF SUPERVISORS

Deputy Clerk to the Board

PUBLIC COMMENT (5 MINUTE TIME LIMIT):

Ms. Pamela Marshall, 1332 Madison Avenue, thanked the Board (especially Ms. Vannorsdall and Mr. Nicely) and Mr. Lanford for their awareness and assistance on Green Pastures. She mentioned the grand opening may be Labor Day weekend.

Mr. Jeff Irvine, 1261 Commercial Avenue, spoke as the President of the Clifton Forge Armory and thanked the County for its support. He commented that it was a great year working with the Parks and Recreation Department.

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

- *Cut brush on Rt. 629 Douthat Road and Morris Hollow Road.*
- *Cleaned pipes County-wide on secondary routes.*
- *Patched potholes County-wide.*
- *Repaired shoulders on Rt. 616 in Rich Patch.*
- *Cleared debris and downed trees from heavy rains.*
- *Repaired shoulders on Rt. 220.*
- *Removed trees in Beantown, Castile, and Rt. 311.*
- *Responded to localized winter weather event Friday/Saturday.*

Construction

- *Rt. 696 bridge replacement project - waterline installation on Rt. 1308 beginning at the top of the hill. Then contractor will begin cutting slope to grade down to Rt. 696.*

Mr. Garten commented regarding rocks and hanging trees on Rt. 220 near Honda Nissan potentially falling especially with the recent wind/rain.

Mrs. Cox stated that a couple trees have fallen in the road and one is hanging and looks like it will fall south on Rt. 18 just past Cherokee Forest. She mentioned that there is a crack in the old pavement south of the new paving at Chipper Arritt's.

APPOINT MR. ESTON BURGE TO THE BOARD OF BUILDING CODE APPEALS:

Mr. Garten stated that an appointment needs to be made to the Board of Building Code Appeals for a term to begin immediately and end January 20, 2025. This appointment can be from any district.

The Board did not have a suggestion, but Mr. Eston Burge, whom was in the audience, volunteered.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. Eston E. Burge (Falling Spring District), P.O. Box 1061, Covington, VA 24426 be appointed to the Board of Building Code Appeals beginning immediately and ending January 20, 2025.

Unanimously adopted by the following roll call vote:

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

MR. RYAN MUTERSPAUGH, DIRECTOR OF PUBLIC SAFETY - UPDATE ON RADIO SYSTEM PROJECT:

Mr. Ryan Muterspaugh, Director of Public Safety, handed out to the Board a document entitled "Alleghany Program Public Safety Communication System - Weekly Meeting February 26, 2020" which he reviewed and is a part of the records of this meeting. His update is as follows:

Radio System Update

- Overall, the project is going well. Very complex and challenging project with a lot of moving parts and some hurdles to overcome, as is typical with this type of project. At the conclusion, we will have between 800 to 900 radios and pagers on the system with the potential for more.
- Page 9 - tower layout (nine sites - 4 new, 3 existing cellular, 2 STARS). Page 17 - block diagram of the system design. Page 23 - projected coverage.
- County and City tower sites have been constructed with the civil inspections complete (pictures page 15). The first round of punch list items have been completed with the exception of the Wilcher Site. This site just received primary power and now most of the equipment has been installed with completion within a couple weeks.
- The City is continuing to work with the appropriate parties to complete the electrical easement for the Smith-Dew site. Once finalized and the site has primary power, the equipment installation can be completed. Currently scheduled for power install by April.
- Antenna and line installations have been completed on the towers with exception of Peters Mountain site. Scheduling with Virginia State Police (VSP). Completing ice shield installs for the microwave dishes.
- The next round of site inspections with AECOM and Harris are currently scheduled for this month.
- Dispatch equipment has been installed in the three Dispatch Centers. UPS systems have been installed at the three dispatches and tower sites.
- The County and City are finalizing the radio personality development and programming. Installation of the mobile radios began last week.
- Condensed schedule on page 14 that lays out the remainder of the project. Between now and July radio installations will be complete, all tower sites will be finalized, new radio system will be turned up, fully inspected, and optimized. System coverage and acceptance testing will begin in July. Training will occur in conjunction with and after the testing.
- We are currently on track for full implementation by October.
- Let me know if you have any questions after you have an opportunity to review this further.

Mr. Garten asked if any cell phone providers have requested to co-locate on the towers. Mr. Muterspaugh replied that it would increase cell coverage, but no one has contacted to co-locate yet but possibly in the future. He mentioned that the County has priority with the towers.

Mr. Garten asked what the red tower is on page 23. Mr. Muterspaugh replied that it is the North Mountain tower site that is the link with Rockbridge County.

Mr. Nicely asked if the North Mountain tower is in use now as there is no cell service in that area. Mr. Muterspaugh replied that it is used for State Police and Rockbridge County and not as a cell tower site. He mentioned that the State does not allow co-location of cell service vendors on their towers.

APPROVE SUPPLEMENTAL APPROPRIATIONS IN FY 20 FOR THE SHERIFF'S OFFICE (INSURANCE PROCEEDS), ECONOMIC DEVELOPMENT (OPPORTUNITY ZONE GRANT AWARD), AND ASSET FORFEITURE (FUND BALANCE):

Ms. Adcock stated that there are three different supplemental appropriations. One is for the Sheriff's Office in the amount of \$35,751.56 for insurance proceeds received, the second is due to the award of \$15,000 in funding for an Opportunity Zone Prospectus Development Grant from DHCD, and the third is \$5,350 in fund equity accumulated in the Asset Forfeiture fund to cover costs.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors budget and approve the following supplementals appropriations in FY20 for the:

1. Sheriff's Office due to the receipt of insurance proceeds:

<u>Revenue Account</u>	
Insurance Recoveries (1100-4150212)	\$35,751.56
<u>Expenditure Account</u>	
Purchase of Vehicles (310211-57005)	\$35,751.56

2. Economic Development account due to the award of an Opportunity Zone Prospectus Development Grant from DHCD:

Revenue Account
DHCD State Grant (110-4240484) \$15,000.00

Expenditure Account
Opportunity Zone (8113-55603) \$15,000.00

3. Asset Forfeiture fund to cover overages:

Fund Balance
Fund 249 - Fund Equity (249-33301) \$5,350.00

Expenditure Account
Mileage/Subst./Lodging (3119-55510) \$5,350.00

Unanimously adopted by the following roll call vote:

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

REAPPOINTMENT OF MR. BERNARD "MAC" CAMPBELL TO THE INDUSTRIAL DEVELOPMENT AUTHORITY:

Mr. Garten stated that the term of Mr. Bernard "Mac" Campbell (Clifton Forge East District) on the Industrial Development Authority expires March 25, 2020. Terms are for four years and Mr. Campbell is eligible for reappointment. He mentioned that Mr. Campbell does wish to be reappointed.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. Bernard "Mac" Campbell, Jr. (Clifton Forge East District), 1310 Forester Road, Clifton Forge, VA 24422 be reappointed to the Covington-Alleghany County Industrial Development Authority for a term of four years beginning March 26, 2020 and ending March 25, 2024.

Unanimously adopted by the following roll call vote:

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

COUNTY ADMINISTRATOR'S REPORT:

Mr. Lanford gave a report on the following items:

Housing Summit

Bath County has completed a similar housing study and the County, Clifton Forge, Covington, and Bath County are working with VHDA and DHCD to host a housing summit to include builders, developers, investors, etc. some time before Labor Day.

Public Works Director

Mr. Ricky Bourne, has been hired as the Public Works Director to serve the County and Clifton Forge with time split equally between both. He has 20 years in Public Works experience in Christiansburg and a community in North Carolina, as well as in private business. He will start work on March 23rd.

Opportunity Zone Grant Award

An RFP is out for the Opportunity Zone Prospectus Development and is due this Friday. Property owners in the zone

will assist in reviewing the proposals.

Budget Update

Budget packets have been sent out to Department Heads and agencies and are due back March 11th. Mr. Garten and Ms. Vannorsdall will assist with work on the budget.

BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):

Miscellaneous

The Board thanked everyone for coming to the meeting including representatives from Clifton Forge, Iron Gate, and the School Board.

Mrs. Cox also thanked Mr. Burge for volunteering to serve on recent boards.

Ms. Vannorsdall stated that she read an article on a program in Danville regarding work release for non-violent individuals (i.e., maintenance, mowing, etc.) and that they saved approximately \$2.4 million. She asked Sheriff Hall how discussions on a program here is going. Sheriff Hall replied that Mr. Lanford had shared an article from Carroll County with him and he spoke with the Commonwealth Attorney. He mentioned that there are things being worked on whether to implement a program here and if there would be a savings as they had to create extra positions to monitor the inmates. He commented that the Commonwealth Attorney and Judge would have to agree with the program and the Sheriff's Office would just monitor them.

Mr. Bennett commented that a lot has been accomplished in regards to Green Pastures in a short period of time. He mentioned that Mr. Steve Nicely also deserves a lot of credit.

CLOSED MEETING:

On motion of Mr. Nicely, seconded by Ms. Vannorsdall, that the Board go into a Closed Meeting under Code of Virginia Sections 2.2-3711(A)(1) and (7) for the purpose of: (1) discussing a personnel matter; and (2) consultation with legal counsel pertaining to actual or probable litigation. Unanimously adopted.

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

APPOINT MRS. BETH STULL AS ZONING ADMINISTRATOR AND SUBDIVISION AGENT:

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

BE IT RESOLVED that the Alleghany County Board of Supervisors appoint Mrs. Beth Stull to serve as Zoning Administrator and Subdivision Agent for the County on an interim basis.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Absent
M. Joan Vannorsdall	Yes

Stephen A. Bennett Yes
G. Matt Garten Yes

ADJOURNMENT:

On motion of Mr. Nicely, seconded by Mr. Bennett, that the meeting be adjourned at 8:10 p.m. to Tuesday, March 24, 2020 at 6:00 p.m. in the Board Room of the Governmental Complex. Motion carried.

G. Matt Garten
Chairman