

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Wednesday, November 4, 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  
James M. Griffith  
Cletus W. Nicely  
Richard Lee Shull  
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

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.

Mr. Garten stated that two items are being added to the agenda: (1) At the end of new business, to discuss and consider "Mutual Aid Agreement for Operational Support During Pandemic"; and (2) At the end of the agenda, a Closed Meeting to discuss performance of appointees to the School Board by the Board of Supervisors

MINUTES:

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on October 6, 2020.

PUBLIC COMMENT (5 MINUTE TIME LIMIT):

Ms. Mazie Green, 205 Heatherton Drive, spoke regarding comments made by Mr. Nicely and that he has not resigned or apologized, if there is an anti-discrimination policy, etc. She asked if there is a procedure to have someone removed from office if the Board can not do so.

There was some discussion (there are no provisions for the Board to remove a member from office, all have freedom of speech, there is a policy on anti-discrimination, members are subject to election every four years, there is a State Code section on procedure to follow, the State Code requires a certain amount of registered voters in the district to submit a petition and then it goes to the Court for a decision, etc.).

Ms. Deloris Quarles, 711 Wrightstown Avenue, spoke regarding the Alleghany Commission on Racial Equity (CORE) and invited community leaders to be a part of the group. She reviewed their mission (we will work collaboratively to proactively advance equity with internal and external stakeholders to ensure that racial justice and inclusion exist in local government, policing, education, services, policies, and procedures in our area); and mentioned recent initiatives of the group (Green Pastures funding, Booker T. Washington Park improvements, Wrightsville program and Ch. 10 feature, old Iron Gate school renovations, promotion of George Jefferson at the Sheriff's Office, race box dropped on Covington applications, statement put on County website, survey on needs and concerns, other work with local law enforcement, etc.). She commented that they will be going to each governing body to get their thoughts, questions, and ideas.

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 patching on Rt. 632.
- Completed boom-axe and brush cutting on Johnsons Creek and Ogles Creek (approximately 16 miles).
- Plant mix patched pipe crossings on Rt. 311.
- Plant mix patched Heatherton, Woodland, Butternut, Magnolia, Country Club Lane, and Winterberry Avenue subdivision streets.
- Plant mix patched Rt. 18.
- Repaired shoulders in Rich Patch.
- Cut brush and removed trees on Smokey Bear Lane.
- Cleaned ditches on Dressler Drive and Old Church Road.

- Reseeded slide area on White Rock Gap Road.
- Removed brush on Rt. 60 and cleaned pipe above Wrightstown.

Construction

- Completed Rural Rustic Road project on Rt. 639.
- Rt. 696 bridge replacement project is on schedule and on budget.

Mr. Griffith commented that he previously mentioned trees on Boys' Home Hill that were leaning. He stated that since then they have come down and been cut up. He mentioned that there are two dips in the road on Boys' Home Hill on the right side of the road heading west just past the last house heading down the hill. He stated that on Midland Trail on the upper end of the "S" turns the dip did not get fixed and a car hit the guardrail.

Mr. Bennett commented that on Roaring Run Road the tree that is leaning out in the road is still there. He mentioned that VDOT can just cut it down into his field if they want. Ms. Hammond stated that they are waiting on the bucket truck to be in the area.

Mr. Bennett asked about the Rt. 696 bridge. He mentioned that if there is a switch and the office location needs to be moved that the school system owns property there that could be used. She replied that the bridge is being built one at a time with lanes being switched out during construction.

Mr. Garten thanked her for the trees being cut on Smokey Bear Lane. He commented that several trees are hanging on the high wall on Rt. 220 above Honda. He mentioned that on Rt. 687 between Mount Pleasant and Indian Draft that there are a couple culverts that settled over the last couple weeks.

APPOINTMENT OF MR. RICHARD A. SHULL TO THE SCHOOL BOARD (JACKSON RIVER DISTRICT):

Mr. Garten stated that the Board needs to consider an appointment to the Alleghany County School Board from the Jackson River District to complete the term of Mr. R. Craig Lane beginning immediately and ending June 20, 2023. He stated that there are two applicants for the appointment (Mr. Robert Honts and Mr. Richard Shull). He asked Mrs. Munsey to do a roll call vote with Board members stating the name of the individual they wish to be appointed.

Mr. Richard Shull stated that he received an opinion dated October 22, 2020 from the Commonwealth's Attorney as Mr. Richard A. Shull is his son. He read the following excerpts from the opinion: "For purposes of this opinion, I am going to assume that your son, Richard Allen Shull, does not reside in your household and is not your dependent. If these facts are true, your son, Richard Allen Shull, does not qualify as "immediate family" under the Conflict of Interests Act. Therefore, it is my opinion, based on the facts you have provided, that you may legally vote for your son Richard Allen Shull's appointment to the Alleghany County School Board." The full opinion is a part of the records of this meeting.

Roll Call

Shannon P. Cox	Richard A. Shull
James M. Griffith	Richard A. Shull
Cletus W. Nicely	Richard A. Shull
Richard Lee Shull	Richard A. Shull
Joan M. Vannorsdall	Robert W. Honts, II
Stephen A. Bennett	Robert W. Honts, II
G. Matt Garten	Robert W. Honts, II

As Mr. Richard A. Shull had the most votes, he was appointed to the Alleghany County School Board as the member from the Jackson River District to complete the term of Mr. R. Craig Lane beginning immediately and ending June 30, 2023.

Mr. Bennett stated that it was a tough decision and he wishes Mr. Shull all the luck in the world. He mentioned that there is going to be a lot going on with the joint school work.

Mr. Garten thanked Mr. Honts for his desire to be on the School Board. He mentioned that both were fantastic candidates.

MR. JUSTIN REITER, EXECUTIVE DIRECTOR - HISTORIC MASONIC THEATRE UPDATE:

Mr. Justin Reiter, Executive Director, stated that he resides in Staunton and took the Executive Director job in mid-July.

He commented that there have been no shows due to COVID-19 which has put a lot of entertainment industries out of work. He mentioned that they had ten employees and now have two. He stated that they only have a capacity of 150 in the theatre with social distancing which does not pay for acts which they had to cancel. He commented that they will try to find acts that are local and not as expensive. He mentioned that they have the amphitheatre, but there are many points of entrance and hopes to utilize it more in the spring and summer. He stated that he has toured the world and the theatre is a gem, but it is a 115 year old building with maintenance issues and there have been vandalism issues at the amphitheatre. He commented that there is a brochure in the Board's agenda packet regarding the "less than the price of ticket" fundraiser. He mentioned that projections show that they will run out of money by the end of April and they are doing all fundraisers at this time. He stated that he can share financial information with the Board. He commented that he is in Clifton Forge on Tuesday's, Wednesday's, and Thursday's and asked that the Board reach out if they have any questions or ideas.

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

Mr. Muterspaugh introduced Mr. James Craft who was hired as the Radio Technician to oversee the radio system. He handed out and reviewed a PowerPoint presentation which is a part of the records of this meeting. The presentation is as follows:

**Radio Project Update**

- *All tower sites are powered up and broadcasting. Radio system is currently live for testing.*
- *NRAO has approved all radio system tower sites within the County/City.*
- *All sites have been inspected by AECOM with punch list items being remedied.*
- *All mobile radios have been installed and portable radio distribution will be complete within the next week.*
- *Radio user training has been completed by L3Harris with ongoing training occurring within the Fire/Rescue/LE agencies.*
- *E-911 Dispatcher training will occur the week of November 16, 2020.*
- *The 30-Day Burn-In Period will conclude on November 5, 2020.*
- *AECOM has completed the radio coverage testing within the County/City.*
- *Portable and/or mobile radio coverage within the County is 95%.*
- *Portable and/or mobile coverage within the City is 99%.*
- *Cutover to the new system will occur on Wednesday, November 18, 2020 beginning at 11 p.m.*
- *Final acceptance of the radio system is currently scheduled to occur in December 2020.*
- *A 90-Day User Evaluation Period will follow final acceptance. Any perceived deficiencies in the radio system will be documented and addressed.*

The presentation included a map showing the current radio system coverage, a map showing the new P25 radio system coverage, pictures of what the old tower sites look like, a picture of what the new tower sites look like, and a picture of the inside of the radio equipment building at each tower site.

There was some discussion regarding the capability to communicate with other localities (can communicate with other counties/agencies); when other companies would be able to use the towers for cell phones or other uses (they would need to go through Data Path which owns the towers); if the lease amount would decrease as more companies utilize the towers (the lease would decrease); etc.

Mrs. Cox stated that she has supported the project 100%. She commented that many times we have looked at the cost, but you can not put a price on a life. She thanked Mr. Muterspaugh and others who have worked on the project.

SHERIFF KEVIN HALL - DISCUSS AND CONSIDER RESOLUTION ENTITLED "A RESOLUTION IN OPPOSITION TO ANY LEGISLATIVE EFFORT TO REPEAL OR REVISE THE JUDICIAL DOCTRINE OF QUALIFIED IMMUNITY FOR LAW ENFORCEMENT OFFICIALS":

Mr. Garten stated that there is a draft resolution in the agenda packet.

Sheriff Kevin Hall commented that the Virginia Sheriff's Association has requested that localities adopt the draft resolution and send it to legislators. He stated that we do not want them to repeal qualified immunity to protect officers from frivolous lawsuits. He commented that it is hard enough to get officers with the risk of being sued. He mentioned that if passed it would need to be sent to the General Assembly session by January.

Mr. Garten stated that this will be an action item for consideration on the next regular meeting agenda.

COLONEL MATT BOWSER - DISCUSS AND APPROVE TRANSFER FROM OPERATING CONTINGENCY FOR ADDITIONAL BODY CAMERAS FOR THE SHERIFF'S OFFICE:

Colonel Matt Bowser reviewed an email from him which is included in the agenda packet. The email is as follows:

*We are currently in year 3 of 5 of our contract with AXON, the manufacturer of our body worn cameras. We originally were provided 22 cameras. We need an additional 7 cameras to outfit the School Resource Officers, CIT Deputies, and Auxiliary Law Enforcement who work at our agency.*

*Adding only 7 cameras, I as unable to keep the cost within our yearly budget. I was able to re-negotiate a new 5 year contract and lock the prices at the current levels as well as receiving all 29 cameras at no cost. From start to finish, by re-negotiating our contract, it will save the County over \$55,400.00.*

*The new contract would begin in November and would be billable yearly each November (this is currently paid in July). I am requesting an appropriation of \$15,001.00. This would be a one time payment as we already currently budget \$15,000.00 per year for this purpose.*

Colonel Bowser added that this is the same system that the Clifton Forge Police Department, Covington Police Department, and Commonwealth Attorney's use.

Mr. Garten asked about the license cost. Colonel Bowser stated that all of the equipment must be licensed as it is a cloud based software.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve a budget transfer or \$15,000 from Operating Contingency (9100-54001) to the following accounts for additional body cameras for the Sheriff's Office as follows:

CIT Assessment - Police Supplies (3115-55409)	\$6,428
School Officer - Police Supplies (3110-55409)	\$8,572

Unanimously adopted by the following roll call vote:

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

APPROVE SUPPLEMENTAL APPROPRIATION IN FY21 DUE TO THE RECEIPT OF A LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT:

Mr. Lanford stated that there is a memo in the agenda packet from Mr. Muterspaugh which is as follows:

*Alleghany County was awarded the 2020 Local Emergency Management Performance Grant (LEMPG) by FEMA through the Virginia Department of Emergency Management. The grant amount is for \$7,500.00 and will be utilized to purchase additional speaker (shoulder) mics for the new fire/rescue portable radios. The funding is pass-through and will be reimbursed by VDEM after the speaker mics have been procured. County staff is requesting a supplemental appropriation in the amount of \$7,500.00 to account 3204-5700891.*

*Please let me know if you have any questions. Thank you.*

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

BE IT RESOLVED that the Alleghany County Board of Supervisors budget and approve the following supplemental appropriation in FY21 due to the award of a Local Emergency Management Performance Grant by FEMA through the Virginia Department of Emergency Management:

<u>Revenue Account</u>	
FEMA Money (110-4320403)	\$7,500
<u>Expenditure Account</u>	
United Fire/Rescue Assn. - Fire/Rescue Equip. Grant (3204-5700891)	\$7,500

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes

Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
Stephen A. Bennett	Yes
G. Matt Garten	Yes

APPROVE "MUTUAL AID AGREEMENT FOR OPERATIONAL SUPPORT DURING PANDEMIC":

Mr. Lanford handed out a draft agreement entitled "Mutual Aid Agreement for Operational Support During Pandemic" which is a part of the records of this meeting. He stated that the County has worked with Covington recently on issues due to the pandemic. He commented that due to the recent spike it was agreed to put something in writing in case any of the participating governments (County, Covington, Clifton Forge, and Iron Gate) need assistance. All governments will be considering the agreement. He asked for authorization to sign the agreement on behalf of the County.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve the agreement entitled "Mutual Aid Agreement for Operational Support During Pandemic" between the County, City of Covington, Town of Clifton Forge, and Town of Iron Gate.

BE IT FURTHER RESOLVED that the Board authorize Mr. Jonathan A. Lanford, County Administrator, to sign the agreement on behalf of the County.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
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:

Employee Bonus

He stated that a public hearing will be held at the December meeting for bonuses for employees. He commented that the CARES Act money could not be utilized for this purpose although staff has worked tirelessly. He mentioned that the County has a fund balance from when we were self-insured that he recommends using for a bonus for County staff, Constitutional Offices, and Social Services staff. He stated that the bonus requires the adoption of an ordinance. He commented that it would be a one-time bonus with a set amount for full-time (\$1,000) and part-time (\$250) employees.

BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):

Miscellaneous

The Board thanked everyone for coming to the meeting.

Mr. Griffith also wished everyone a wonderful Thanksgiving.

Mr. Shull also thanked Mr. Muterspaugh for his work on the radio project and both applicants for the School Board appointment.

Ms. Vannorsdall thanked Mr. Reiter and Mrs. Hillert for coming to the meeting on the theatre, Ms. Green and Ms. Quarles for their comments, and Mr. Muterspaugh on the tower improvements.

Mrs. Cox thanked the two School Board candidates and commented that the Board could not go wrong with either one. She commented that she grew up on Potts Creek and things were said. She stated that she realized a lot of things she has said before she did not realize what they meant. She publicly apologized if she did say anything inappropriate. She mentioned

that she has very good African American friends and feels that she needs more teaching on the subject. She stated that Ms. Quarles mentioned the CORE group and asked if she and other individuals can come to the meeting and learn. Sheriff Hall replied that he feels that she can be a part of the group as it is growing.

Mr. Bennett commented that everyone needs to think and be smart with the COVID-19 pandemic by wearing a mask and using sanitizer.

Mr. Garten wished everyone a safe holiday season and commented it will be tough before it gets easier. He congratulated Mr. Shull on his School Board appointment and Mr. Honts for applying.

CLOSED MEETING:

On motion of Mr. Bennett, seconded by Mrs. Cox, that the Board go into a Closed Meeting under Code of Virginia Section 2.2-3711(A)(1) for the purpose of: (1) discussion of performance of appointees to the School Board by the Board of Supervisors. Unanimously adopted.

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

ADJOURNMENT:

On motion of Mr. Shull, seconded by Mr. Bennett, that the meeting be adjourned at 9:05 p.m. Motion carried.

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G. Matt Garten  
Chairman