

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, February 7, 2023 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
Chad Williams, Director of Parks and Recreation
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.

MINUTES:

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on January 3, 2023; and (2) an adjourned meeting held on January 28, 2023.

PUBLIC HEARING AND APPROVAL - REZONING REQUEST FROM JOEY AND KARLIE BREWSTER:

Public Hearing was held to consider an application from Joey and Karlie Brewster to rezone Lots 102 and 103 in the Eastwood Subdivision of the Dolly Ann area from a Residential R-1 zone classification to an Agricultural-Rural AR zone classification. The property is located at the corner of Peach Drive and Dolly Ann Drive and is further identified as Tax Map 57B, Section 3, Lots 102 and 103. 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, January 23, 2023 and Monday, January 30, 2023 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-91
Name of Petitioner(s): Joey and Karlie Brewster
Date Request Filed: December 6, 2022
Public Hearing Date: (PC) January 11, 2023, (BOS) February 7, 2023
Staff Reviewer: Elizabeth Stull, Zoning Administrator

SUMMARY OF REQUEST

The applicants are requesting that Lots 102 and 103 in the Eastwood Subdivision of the Dolly Ann area be rezoned from a Residential R-1 zone classification to an AR zone classification, for the purpose of placing a mobile home on the property. The property is located at the corner of Peach Drive and Dolly Ann Drive and is currently owned by Joey and Karlie Brewster. The property is further identified on the Real Property Identification Maps as Tax Map 57B, Section 3, Lots 102 and 103.

The Brewster's purchased the property in November 2022. The property is currently zoned Residential R-1 and the lots are undeveloped. (Pictures included in agenda packet.)

The surrounding properties in the Dolly Ann community are a mix of single family and multi-family residences and commercial properties, with properties zoned R-1 Residential and AR-Agricultural-Rural Residential. The properties north of the Brewster's property located on Peach Drive are all zoned AR-Agricultural-Rural Residential. The properties to the south, the Eastwood Subdivision and the Pine Valley Subdivision, are zoned R-1 Residential. The Dolly Ann area consists of 540 acres of AR-Agricultural-Rural Residential zoned property and approximately 49 acres of R-1 Residential zoned property. 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 corner of Peach Drive and Dolly Ann Drive. Property is accessible from either Peach Drive or Dolly Ann Drive.

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 Brewster's are proposing the rezoning to place a mobile home on the property. The use of mobile/manufactured homes (individual) is not allowed in the R-1 zone classification. They are allowed in an AR zone classification by right. The applicant is requesting a rezoning from R-1 to AR.

The property is not located within a flood hazard area according to the FEMA maps (FIRM Panel 51005C0212D).

I sent an email to the Public Works department regarding tap connections for the property. As of January 5, 2023 they have not spoken to anyone regarding water/sewer connections to the property. The property has access to other utilities such as electric, telephone and cable service. Refuse collection is provided by Alleghany County.

A copy of the rezoning request was submitted to VDOT on December 13, 2022 for their review for compliance with TIA requirements. On December 14, 2022, Alvin Trout notified me that John Cameron had met Mr. Brewster on site to discuss his options. After review, Mr. Brewster was provided with two options. One option was to bring his entrance off Peach Drive. The other would be to bring the entrance off of Dolly Ann Drive. By coming off Dolly Ann he would be required to cut the bank back and remove brush in order to provide himself with a safe entrance. He has filled out a permit with their office for the entrance on Dolly Ann and it looks like everything has been addressed on their end.

Additional Notes/Comments:

Received several calls from adjoining property owners regarding the reason for the rezoning of the property.

One property owner voiced concern regarding the location of the entrance to the property. It was questioned why the entrance was off Dolly Ann Drive instead of Peach Drive. The property owner was concerned because the entrance is located in a curve with limited visibility. I explained the entrance had been permitted by VDOT and read the email from VDOT detailing the requirements to cut the bank back and remove brush to provide a safe entrance. The property owner expressed concern due to several fatal wrecks that have occurred in that curve in the road. I explained they would need to contact VDOT regarding any concerns.

Another concern was the possibility of chickens in the neighborhood if the property is rezoned to Agricultural-Rural Residential. I explained that chickens would be acceptable if the rezoning is approved.

If the rezoning request is 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 January 11, 2023 and made a recommendation at that time to the Board to approve the rezoning request.

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

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

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

Unanimously adopted by the following roll call vote:

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

WHEREAS, an application was received from Joey and Karlie Brewster to rezone Lots 102 and 103 in the Eastwood Subdivision of the Dolly Ann area from a Residential R-1 zone classification to an Agricultural-Rural AR zone classification for the purpose of placing a mobile home on the property. The property is located at the corner of Peach Drive and Dolly Ann Drive and is further identified on the Real Property Identification Maps as Map 57B, Section 3, Lots 102 and 103; 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 January 23, 2023 and January 30, 2023, and adjoining property owners were notified in writing by certified mail on January 17, 2023; and

WHEREAS, a public hearing was held by the Alleghany County Planning Commission on January 11, 2023 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 February 7, 2023; 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 rezoning request submitted by Joey and Karlie Brewster 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):

Mr. Tom Botkins, 7206 Jackson River Road, handed out a prepared statement to the Board along with pictures which are a part of the records of this meeting. He reviewed the statement which is as follows:

Jackson River Scenic Trail, Phase 5 Addition

Good evening. My name is Tom Botkins. I am a lifelong resident of Alleghany County.

For your reference, this trail project site begins approximately 0.7 of a mile upstream from Cedar Creek's confluence with the Jackson River which is approximately 0.8 of a mile downstream of the Gathright Dam. The new section of trail will run parallel to and along Cedar Creek.

These streams are important to the Alleghany Highlands. The Jackson River "fishery" is often touted as the best trout fishery east of the Mississippi River. Cedar Creek is listed as a "Wild Trout" stream.

*I am very concerned about the potential impacts of the trail project on the habitats of the Jackson River and Cedar Creek. Flood waters from Cedar Creek already discharge significant quantities of debris (rock, silt, sand, etc.) into the Jackson River where it has been deposited. This deposition of debris is ongoing and getting worse. **Picture: Debris deposited in Jackson River.***

This section of trail is so expensive because significant portions of the old railroad bed have been washed away in past flood events.

Picture: Entire RR bed Washed Away

Picture: Bank supporting RR bed sloughed off

The planned rebuilding of the railroad bed using "mechanically enhanced earthen fill" has more potential for failure when compared to using other proven technologies. Increased releases of solids from construction activities and any failures of the earthen fills will exacerbate the ongoing damage to downstream habitat.

*One construction technique proposed at several sites uses a "PyraWall" technology. **Review schematic.** I have yet to see any site specific details of site preparations, foundations, drainage, etc.*

*Also attached is **information on Pyramat** which is the geotextile material that will be used to keep the earthen material in place. Note on page 2 that the geotextile material is expected to have a "life of up to 75 years."*

*The project plans verify that the geotextile materials used to line storm water ditches will withstand a two year velocity event. However, there is no discussion about the ability of the geotextile materials used to stabilize the earthen fill on the creek banks to withstand floodwaters and the debris they carry. My conclusion based on the above information is that if all goes as planned, the earthen fill may stay in place for as much as 75 years but in all probability may not withstand the first significant flood. **Picture: Recent flood debris.***

*The sole positive environmental improvement cited for this project was the removal of and proper disposal of creosote impregnated timbers in two crib walls that were in contact with the waters of Cedar Creek. The project plans included the installation of a coffer dam in the creek for this task. **Refer to attached schematic.***

*In a letter to the Corps dated January 11, 2013, Hurt and Proffit (H&P, county consultant) states "The contractor "anticipates" timber wall removal without needing a temporary cofferdam,..." Interesting comment since the crib walls had already been removed when I visited the site on January 1, 2023. Attached is a **picture of the pile of***

recovered creosote impregnated timbers from approximately 390 lineal feet of crib walls.

Based on site conditions, it was obvious that the coffer dam procedure proposed in the permit application had not been used.

The revised installation being constructed now is not consistent with the conditions modeled in the 2020 H&P flood plain analysis and therefore project compliance with the Allegheny County Code has not been demonstrated. Also, I believe:

- (1) the present installation is more restrictive of the stream channel and
- (2) the code requirement of a rise of more than 1 foot may not be met with a new analysis of the revised installation. **See supporting attachment.**

I have old railroad plats that show the railroad ROW includes none of the creek. Near the lower end of the project, there is 60 lineal feet of permanent stream impact (site 1). This means that a coffer dam as well as a permanent footer will be put in the stream and outside of the railroad ROW. We own the property adjacent to the railroad ROW and have not given permission for any project activity on our property. We don't even know what is planned at this location. **Refer to Railroad ROW Map.**

You, the Board members are the only ones that can determine the fate of this project and if completed, its ultimate impact (good or bad) for Allegheny County. I have several comments/questions in closing.

- (1) What is the true costs of this project for Allegheny County (monetary, environmental, impacts on existing resources)? Are you aware that completion of this project mainly in Bath County requires Allegheny County to maintain the Rosedale Park in perpetuity?
- (2) What is the true benefits of this project for Allegheny County? In the Joint Permit Application when addressing transportation impacts, H&P states "There should not be a significant increase in traffic congestion however due to the small size of the parking lot and small number of anticipated daily users/visitors."

I look forward to your feedback. I also think we need to consider putting this project on hold until we evaluate and resolve these issues.

Mr. Humphrey Moynihan, 115 Lakewood Lane, commented regarding the article in the newspaper about Mr. Botkins' concerns in relation to maintenance costs and lack of parking in regards to the trail extension. He stated that the existing trail has been maintained in an excellent manner and is in great shape. He added that the parking lot at the north end would be larger than the parking lots at Natural Well and Petticoat and there has been no problem with too many cars.

Ms. Deloris Quarles, 701A Wrightstown Avenue, gave an update on the Wrightsville project. She mentioned that the project area is located above Pinehurst; a \$1.4 million grant was received from DHCD; there have been many challenges and hurdles and another extension for the grant may be needed; Hammond-Mitchell did a tremendous job on the infrastructure work, were timely and met their deadline; VDOT representatives (Susan Hammond and Alvin Trout) have been great to work with; Coleman Street is not a State maintained road and was paved through the project which she has never seen this street paved before nor have the elderly residents on the street; Allegheny Asphalt did an excellent job with the paving portion of the project; a substantial reconstruction has been completed on Coleman Street, one is in progress on Madison Street, and another is to be built; suggested that with the new financial system the County has to consider a way to change how to do finances in paying vendors to prevent theft or fraud (i.e., direct deposit, electronic payments, etc.); etc.

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 axed and hand cut brush on Rt. 311 north.
- Boom axed frontage roads at Jerry's Run.
- Opened pipes before and after heavy rains on primary routes.
- Removed brush and debris from storm damage on primary and secondary routes.
- Using cold patch to address potholes County-wide.
- Placing spot stone applications on non-hard surfaced roads.
- Removed large sycamore on Rt. 687 near Mount Pleasant.

Construction

- Rt. 688 Recreational Access Project - funding allocated. Project is in preliminary engineering phase now with hopes to advertise this spring.

Mr. Griffith commented that he would like to schedule a meeting with Ms. Hammond and will contact her by email or text.

Mr. Garten thanked Ms. Hammond for the tree removal at Mount Pleasant. He asked if more of the stump will be ground down as it is 4-5" above the ground. Ms. Hammond replied that she will check on this as they had a contractor do the

work.

Mrs. Cox stated that she noticed and appreciates the changes on Rt. 311 north. She commented that the shoulder is giving away again at Big Field Hill. She mentioned that this past week a big tree fell at Wolfe Road and a few more in that area could come down (one is at power lines). Ms. Hammond commented that she will check into it and may need to get Dominion Energy on any trees near the power lines.

MR. TONY BELL, MOSELEY ARCHITECTS, AND OTHERS - PRESENTATION ON THE ROCKBRIDGE REGIONAL JAIL COMMUNITY BASED CORRECTIONS PLAN (CBCP) STUDY:

Mr. Tony Bell, Vice-President of Moseley Architects, stated that he is present along with Colonel Derek Almarode, Superintendent of the Rockbridge Regional Jail, Chief Deputy Matt Bowser, and Chief Jailer Terry Cronk. He handed out and reviewed a PowerPoint presentation entitled "Rockbridge Area Regional Jail/Alleghany Regional Jail Engineering/Architectural Services for Site Assessment, Design, and Construction Management" which is part of the records of this meeting and included the following information:

- List of Partners
- The Virginia Jail Planning Process
- Overhead picture of Alleghany Regional Jail
- Second floor dimension plan at Alleghany Regional Jail
- Process - CBCP Facility Planning Study (review past studies, prepare a facility planning program, develop conceptual drawings)
- Overhead picture of Rockbridge Regional Jail
- Various pages of diagrams at Rockbridge Regional Jail (proposed site plan from 2010 CBCP Facility Planning Study proposed adding 106 beds with additional core 184 beds, overall first floor plan with existing building renovated and new addition, etc.)
- Process - CBCP Facility Planning Study (develop cost estimates, develop staffing needs and operating budget, develop energy analysis, develop schedule for planning and construction, prepare facility planning study draft for review, submit final study to the local decision makers and VDOC)
- Process - CBCP Needs Assessment and Facility Planning Study (keys to success, confirm scope/options with you, involve users, keep you informed, interact with VDOC throughout, be good listeners)
- Typical Schedule (CBCP Needs Assessment and Facility Planning Study each have 16-week project time with 8-week overlap)
- Rockbridge Today (rated capacity, full capacity, working max capacity, Comp Board compensation for detainees and staff funding, etc.)
- Alleghany Today (same info as above, but information incomplete)
- Options (7 options to choose from)
- Points for consideration
- City/County population projections

There was some discussion regarding the declining population numbers shown (from Weldon Cooper Center); if a design has been created (need to know which option County and City leaders decide to go with and may need to see the needs assessment before a decision can be made); how much property would be needed for a new facility (depends on the size of jail population); if the land is still available next to the Rockbridge Regional Jail (it is available and owned by the County); a kickoff meeting has been held and this presentation came out of that meeting for local government input; would like to receive minutes from the kickoff meeting; if Bath County would be involved (they are part of the Alleghany Regional Jail now); a regional approach is the way to go for funding; etc.

APPROVE RESOLUTION OF RESPECT FOR MR. RICHARD CALVIN FRIDLEY, SR.:

Mrs. Cox read the draft Resolution of Respect for Mr. Richard Calvin Fridley, Sr., member of the Board of Zoning Appeals and the Water and Sewer Commission. She commented that she thought the world of him.

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

WHEREAS, Mr. Richard Calvin Fridley, Sr., member of the Alleghany County Board of Zoning Appeals from 11/1/07 to present and the Alleghany County Water and Sewer Commission from 3/2/09 to present, passed away on January 22, 2023; and

WHEREAS, Mr. Fridley gave unselfishly of his time to the community and the Alleghany Highlands, setting an example of citizenship throughout his life; and

WHEREAS, Mr. Fridley served in numerous capacities to better the Alleghany Highlands, including as a member of

the Alleghany County Board of Zoning Appeals for over 15 years and the Alleghany County Water and Sewer Commission for over 13 years, among many other military, church and volunteer activities;

NOW, THEREFORE, BE IT RESOLVED by the Alleghany County Board of Supervisors, in honor and respect, does hereby recognize the life of Mr. Richard Calvin Fridley, Sr. for his loyalty, dedication, and service to his community, the County of Alleghany, and the Alleghany Highlands.

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

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

APPROVE BID FROM MARYLAND INDUSTRIAL TRUCKS, INC. FOR A REFUSE TRUCK:

Mr. Garten stated that there is a memo at each seat from Mr. Ricky Bourne, Public Works Director. The memo is as follows:

The Department of Public Works is requesting to utilize monies in our Refuse Collection - Purchase of Vehicles fund for the purchase of a 2022 Freightliner M2 106. Public Works respectfully requests that the Board authorize usage of \$206,532.80 for the above request.

Please do not hesitate to call with any questions or concerns you may have.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors approve the bid (VSA Contract #222-03-0721) from Maryland Industrial Trucks, Inc. for a refuse truck at a cost not to exceed \$206,532.80;

BE IT FURTHER RESOLVED that the Board authorizes Mr. Reid Walters, County Administrator, to sign the abovementioned contract on behalf of the County in form approved by the County Attorney.

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

APPROVE REQUEST FOR PROPERTY OWNER RIGHTS ALONG THE JACKSON RIVER SCENIC TRAIL FROM RODNEY L. KYLE

Mr. Williams stated that there is a summary of the request in the agenda packet along with recommendations from the Parks and Recreation Advisory Board. He reviewed the information which is as follows:

JACKSON RIVER SCENIC TRAIL PROPERTY OWNER'S RIGHTS APPLICATIONS

The following property owner submitted an application for rights in regard to the Jackson River Scenic Trail as allowed by Chapter 48, Article II, Section 48-35 of the Code of the County of Alleghany.

The Parks and Recreation Advisory Board recommend the following for the current applications received and reviewed on site visits and at their meeting held on January 19, 2023:

- 1. Rodney L. Kyle - 5200 Jackson River Road- Property Tax Map #12B-1-7A and #12B-1-6A at the approximate location of 314 N. Smith Bridge Road**

Mr. Kyle requests the right to have water and power lines run under the trail. The water line would provide water to cattle and the power line would be for an electric fence.

The Parks and Recreation Advisory Board recommend the application be granted with the following

stipulations:

Water and electric lines must be buried. Trenching may be used to within five (5) feet of the Jackson River Scenic Trail stone surface. From there it is required to be placed under the surface of the trail by boring or other methods that do not disturb the trail surface. Closing the trail is not allowed. All disturbed areas must be returned to original condition. Trees or brush cleared for the purpose of installation must be removed from County property. Discrete signs marking the underground water and electric lines must be placed by the applicant ten (10) feet from both sides of the edge of the trail surface. The Alleghany County Parks and Recreation Director must be notified two (2) days before work is to begin. Any deviation from the current proposed field located path must be discussed with the Director.

2. Rodney L. Kyle - 5200 Jackson River Road- Property Tax Map #12B-1-1A and #12B-1-3E

Mr. Kyle requests the right to have water and power lines run under the trail. The water line would provide water to cattle and the power line would be for an electric fence.

The Parks and Recreation Advisory Board recommend the application be granted with the following stipulations:

Water and electric lines must be buried. Trenching may be used to within five (5) feet of the Jackson River Scenic Trail stone surface. From there it is required to be placed under the surface of the trail by boring or other methods that do not disturb the trail surface. Closing the trail is not allowed. All disturbed areas must be returned to original condition. Trees or brush cleared for the purpose of installation must be removed from County property. Discrete signs marking the underground water and electric lines must be placed by the applicant ten (10) feet from both sides of the edge of the trail surface. The Alleghany County Parks and Recreation Director must be notified two (2) days before work is to begin. The field located path must be changed to use the historic crossing already in use between these two properties. Although the crossing is not an approved crossing and is not a part of the applicants application, it is the Parks and Recreation Advisory Board's recommendation that the crossing be approved with the following stipulations: The crossing shall be perpendicular to the trail right-of-way and utilized at a frequency so as not to materially interfere with the public's use of the trail. The crossing must follow the current crossing that was improved at the time of trail construction. At this time it is not required to secure the crossing; however, if unauthorized access becomes an issue it may become necessary for the property owner to secure the crossing. It is further their responsibility to repair any damage to the trail caused by this crossing.

During review of these applications, it was discovered that another crossing between Mr. Kyle's properties #12B-1-2E and #12B-1-2B has not been approved. This is a historic and used crossing and as such the Parks and Recreation Advisory Board recommends the crossing be approved with the following stipulations:

The crossing shall be perpendicular to the trail right-of-way and utilized at a frequency so as not to materially interfere with the public's use of the trail. The crossing must follow the historic crossing. At this time it is not required to secure the crossing; however, if unauthorized access becomes an issue it may become necessary for the property owner to secure the crossing. It is further their responsibility to repair any damage to the trail caused by this crossing.

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

WHEREAS, applications were received from Rodney L. Kyle for rights in regards to the Jackson River Scenic Trail as allowed by Chapter 48, Article II, Section 48-35 of the Code of the County of Alleghany; and

WHEREAS, the Parks and Recreation Advisory Board recommend the following to the Board regarding Mr. Kyle's applications after being reviewed on site visits and at their meeting held on January 19, 2023:

Rodney L. Kyle - 5200 Jackson River Road- Property Tax Map #12B-1-7A and #12B-1-6A at the approximate location of 314 N. Smith Bridge Road

Mr. Kyle requests the right to have water and power lines run under the trail. The water line would provide water to cattle and the power line would be for an electric fence.

The Parks and Recreation Advisory Board recommend the application be granted with the following stipulations:

Water and electric lines must be buried. Trenching may be used to within five (5) feet of the Jackson River Scenic Trail stone surface. From there it is required to be placed under the surface of the trail by boring or other methods that do not disturb the trail surface. Closing the trail is not allowed. All disturbed areas must be returned to original condition. Trees or brush cleared for the purpose of installation must be removed from County property. Discrete signs marking the underground water and electric lines must be placed by the applicant ten (10) feet from both sides of the edge of the trail surface. The Alleghany County Parks and Recreation Director must be notified two (2) days before work is to begin. Any deviation from the current proposed field located path must be discussed with the Director.

Rodney L. Kyle - 5200 Jackson River Road- Property Tax Map #12B-1-1A and #12B-1-3E

Mr. Kyle requests the right to have water and power lines run under the trail. The water line would provide water to cattle and the power line would be for an electric fence.

The Parks and Recreation Advisory Board recommend the application be granted with the following stipulations:

Water and electric lines must be buried. Trenching may be used to within five (5) feet of the Jackson River Scenic Trail

stone surface. From there it is required to be placed under the surface of the trail by boring or other methods that do not disturb the trail surface. Closing the trail is not allowed. All disturbed areas must be returned to original condition. Trees or brush cleared for the purpose of installation must be removed from County property. Discrete signs marking the underground water and electric lines must be placed by the applicant ten (10) feet from both sides of the edge of the trail surface. The Alleghany County Parks and Recreation Director must be notified two (2) days before work is to begin. The field located path must be changed to use the historic crossing already in use between these two properties. Although the crossing is not an approved crossing and is not a part of the applicants application, it is the Parks and Recreation Advisory Board's recommendation that the crossing be approved with the following stipulations: The crossing shall be perpendicular to the trail right-of-way and utilized at a frequency so as not to materially interfere with the public's use of the trail. The crossing must follow the current crossing that was improved at the time of trail construction. At this time it is not required to secure the crossing; however, if unauthorized access becomes an issue it may become necessary for the property owner to secure the crossing. It is further their responsibility to repair any damage to the trail caused by this crossing.

Rodney L. Kyle - 5200 Jackson River Road- Property Tax Map #12B-1-2E and #12B-1-2B

During review of these applications, it was discovered that another crossing between Mr. Kyle's properties #12B-1-2E and #12B-1-2B has not been approved. This is a historic and used crossing and as such the Parks and Recreation Advisory Board recommends the crossing be approved with the following stipulations:

The crossing shall be perpendicular to the trail right-of-way and utilized at a frequency so as not to materially interfere with the public's use of the trail. The crossing must follow the historic crossing. At this time it is not required to secure the crossing; however, if unauthorized access becomes an issue it may become necessary for the property owner to secure the crossing. It is further their responsibility to repair any damage to the trail caused by this crossing.

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors approve the recommendations made by the Parks and Recreation Advisory Board in relation to the applications submitted by Rodney L. Kyle.

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

REAPPOINTMENT OF MR. RODNEY TINGLER TO THE PLANNING COMMISSION:

Mr. Garten stated that the term of Mr. Rodney Tingler (Covington District) on the Planning Commission expires March 1, 2023. Terms are for four years and Mr. Tingler is eligible for reappointment.

Mr. Griffith commented that Mr. Tingler would like to be reappointed.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. Rodney Tingler (Covington District), 610 E. Dolly Ann Drive, Covington, VA 24426 be reappointed to the Planning Commission for a term of four years beginning March 2, 2023 and ending March 1, 2027.

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

REAPPOINTMENT OF MR. JACKIE SMITH TO THE WATER AND SEWER COMMISSION:

Mr. Garten stated that the term of Mr. Jackie Smith (Falling Spring District) on the Water and Sewer Commission expires March 1, 2023. Terms are for four years and Mr. Smith is eligible for reappointment. He commented that he has not spoken with Mr. Smith, but asked that he be reappointed.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. Jackie L. Smith (Falling Spring District), 6523 Ogle Creek Road, Covington, VA 24426 be reappointed to the Water and Sewer Commission for a term of four years beginning March 2, 2023 and ending March 1, 2027.

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

APPOINTMENT OF MR. RICHARD FRIDLEY, JR. TO THE WATER AND SEWER COMMISSION:

Mr. Garten stated that an appointment needs to be made to the Water and Sewer Commission to complete the term of Mr. Richard Fridley, Sr. (Boiling Springs District) beginning immediately and ending March 1, 2025.

Mrs. Cox stated that Mr. Fridley's son (Richard Fridley, Jr.) would like to serve on the Water and Sewer Commission. She commented that she knows his dad would be proud and honored for him to serve.

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. Richard C. Fridley, Jr. (Boiling Springs District), 2300 Kanawha Trail, Covington, VA 24426 be appointed to the Water and Sewer Commission to complete the term of Mr. Richard Fridley, Sr. beginning immediately and ending March 1, 2025.

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

RECOMMEND TO THE CIRCUIT COURT JUDGE THE APPOINTMENT OF MR. RICHARD FRIDLEY, JR. TO THE BOARD OF ZONING APPEALS:

Mr. Garten stated that a recommendation needs to be made to the Circuit Court Judge to complete the term of Mr. Richard Fridley, Sr. (Boiling Springs District) on the Board of Zoning Appeals beginning immediately and ending October 31, 2027.

Mrs. Cox stated that Mr. Fridley's son (Richard Fridley, Jr.) would also like to serve on the Board of Zoning Appeals.

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

BE IT RESOLVED that the Alleghany County Board of Supervisors endorses the appointment of Mr. Richard C. Fridley, Jr., 2300 Kanawha Trail, Covington, VA 24426 to the Alleghany County Board of Zoning Appeals to complete the term of Mr. Richard Fridley, Sr. beginning immediately and ending October 31, 2027.

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:

Cedar Creek: Jackson River Trail Phase 5

Alleghany County has a contracted engineering firm with over 50 years of experience working within the Commonwealth of Virginia leading the project, a licensed contractor who has built trails throughout the region, and the proper permitting from the Virginia Department of Environmental Quality and the Army Corp of Engineers for the construction of the trail. The build-out of the trail is being conducted professionally and properly.

Virginia Business Ready Sites Program

The Virginia Economic Development Partnership (VEDP) has awarded the Covington-Alleghany County Industrial Development Authority (CA-IDA) \$3,290,000 for the development of the Commerce Center Pad Site.

Virginia Telecommunication Initiative (VATI)

The Virginia Department of Housing and Community Development (DHCD) has not released funding awards for this telecommunication program. Alleghany County submitted an application last August in an effort to create the last leg of broadband in the Crows and Hematite communities of Alleghany County. Three residents have recently reached out and asked for an update.

Wrightsville

The infrastructure portion of the Wrightsville community development improvements have been completed. Currently, there is one new home under construction, one rehabilitation in progress, and one demolition/new home in progress.

Innovation Park

Hurt and Proffitt completed an initial rendering of the site for the County to review. This product was presented to the Board of Supervisors at the planning session last month. AECOM is conducting a utility assessment of the property and are working with Hurt and Proffitt on this assessment.

Board of Supervisors Planning Session

The Alleghany County Board of Supervisors and staff conducted a strategic planning session this past month facilitated by Brian Reed. Mr. Reed is compiling the information and will produce a product that will help guide the County the next five years. Much of the discussion centered around economic development and the need for new housing.

BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):

Miscellaneous

Mr. Dodd thanked everyone for coming to the meeting. He commented that he appreciates the update by Ms. Quarles and the jail presentation. He mentioned that a lot of projects came up at the planning session that are good for the County.

Mr. Bennett thanked everyone for coming to the meeting. He commented that a goal should be to prove the Weldon Cooper population numbers wrong.

Mrs. Cox thanked everyone for coming out and mentioned there were a lot of wonderful speakers tonight. She commented that she is interested in law enforcement and fire/rescue and will support what is best for the community and workers. She mentioned that they presented a lot of information and options for the jail. She thanked Mr. Richard Fridley, Jr. for offering to serve on the Water and Sewer Commission and BZA. She commented that his dad meant a lot to her personally and was a wonderful man. She stated that Mr. Botkins presentation was interesting. She thanked Ms. Quarles for the update. She commented that she made good points with the County systems and there could be some improvements to look into.

Dr. Goings stated that you know when the parking lot is full that it will be an interesting meeting. He commented that Mr. Botkins subject interested him. He mentioned that the regional jail system presentation is a big decision to make and we need to start today to do it correctly. He commented that he is wearing a mask as he will be having a 7th grandchild next week and does not want to be sick so he can hold the baby.

Mr. Griffith thanked everyone for coming to the meeting. He stated that the jail presentation had a lot to comprehend.

He mentioned that he did go out to the trail site mentioned earlier and looked at the work. He commented that they are doing an excellent job (i.e., no litter, silt fences up, sand bags, etc.). He stated that the rail ties with old creosote were already there and they are making the situation better. He commented that you can not plan for 500 year floods.

Mr. Garten thanked everyone for coming to the meeting. He stated that there are a lot of great things going on in the area and we are going to change the population demographics.

CLOSED MEETING:

On motion of Mr. Griffith, seconded by Mr. Nicely, that the Board go into a Closed Meeting under Code of Virginia Section 2.2-3711(A)(1) and (3) for the purpose of: (1) personnel matters; and (2) property acquisition. Unanimously adopted.

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

ADJOURNMENT:

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

G. Matt Garten
Chairman