

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, March 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. Rev. Andy Belanger gave the invocation and the audience remained standing for the Pledge of Allegiance. Mr. Garten mentioned that Mr. Walters will not be present tonight as his father passed away today.

MINUTES:

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on February 7, 2023.

PUBLIC HEARING AND APPROVAL - AMENDMENT TO CH. 48-RECREATION OF THE COUNTY CODE (ALLOW ELECTRONIC POWER ASSISTED VEHICLES ON THE TRAIL):

Public Hearing was held to amend Chapter 48-Recreation of "The Code of the County of Alleghany, Virginia" in Article II - Jackson River Scenic Trail Use to include electronic power assisted bicycles due to changes in the Code of Virginia.

The Chairman announced that this public hearing was advertised in the Virginian Review on Monday, February 20, 2023 and Monday, February 27, 2023 in accordance with the Code of Virginia. He then called the public hearing to order.

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

Due to changes in the Code of Virginia in relation to electronic power assisted bicycles (e-bikes) it is necessary to update the Alleghany County Code to be in compliance. The Code of Virginia essentially views class 1 and class 2 e-bikes as no different than traditional bikes. Currently, Alleghany County Code bans all motor vehicles with limited exceptions. Class 1 and 2 e-bikes need to be added to those exceptions to match the Code of Virginia. The draft ordinance to change the code is attached.

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

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

Unanimously adopted by the following roll call vote:

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

On motion of Mr. Bennett, seconded by Mrs. Cox, that the following amendments proposed at the Public Hearing held on Tuesday, March 7, 2023 to The Code of the County of Alleghany, Virginia in Chapter 48 entitled "Recreation" be adopted as follows:

**AMENDMENT TO CHAPTER 48 ENTITLED "RECREATION" OF
THE CODE OF THE COUNTY OF ALLEGHANY, VIRGINIA**

WHEREAS, the Alleghany County Parks & Recreation Department has identified that Section 48-37(1) of the Code of the County of Alleghany is inconsistent with Code of Virginia Section 46.2-904.1; and

WHEREAS, the following amendments will serve the public necessity, convenience, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors that the following amendments be adopted as follows:

**CH. 48
RECREATION**

ARTICLE II. JACKSON RIVER SCENIC TRAIL USE

Sec. 48-27. Regulations.

CURRENT:

In order to secure and promote the health, safety, and general welfare of the county and subject to rights established by section 48-36 above, inhabitants along the trail and individuals or groups utilizing the trail, the following regulations shall apply to the trail as set forth in subsection 48-21(a):

- (1) There shall be no motorized vehicles allowed upon the trail with the exception of: vehicles belonging to the county, its successors and assigns as may be necessary for law enforcement, maintenance, or other official or authorized use; granted rights-of-way to adjoining property owners; and access by physically challenged individuals who may use electronically operated vehicles, excluding golf carts.

CHANGE TO:

In order to secure and promote the health, safety, and general welfare of the county and subject to rights established by section 48-36 above, inhabitants along the trail and individuals or groups utilizing the trail, the following regulations shall apply to the trail as set forth in subsection 48-21(a):

- (1) Only the following motorized vehicles are allowed on the trail: (a) class one and class two electric power assisted bicycles as defined under Code of Virginia § 46.2-100; (b) vehicles belonging to the county, its successors and assigns as may be necessary for law enforcement, maintenance, or other official or authorized use; (c) adjoining property owners' vehicles used on granted rights-of-way; and (d) access by individuals with disabilities that are using electric mobility devices as allowed under the Americans with Disabilities Act.

Adopted: March 7, 2023
Effective Date: 12:01 a.m., March 8, 2023
Adopted by the following roll call vote:

Mr. Bennett	Yes
Mrs. Cox	Yes
Mr. Dodd	Yes
Mr. Garten	Yes
Dr. Goings	Yes
Mr. Griffith	Yes
Mr. Nicely	Yes

ALLEGHANY COUNTY BOARD OF SUPERVISORS
Deputy Clerk to the Board

PUBLIC HEARING AND APPROVAL - RESCIND AND REENACT CH. 58-TAXATION (TRANSIENT OCCUPANCY TAX):

Public Hearing was held to rescind and reenact Article IX - Transient Occupancy Tax in Chapter 58-Taxation of "The Code of the County of Alleghany, Virginia" due to changes in the Code of Virginia.

The Chairman announced that this public hearing was advertised in the Virginian Review on Monday, February 20, 2023 and Monday, February 27, 2023 in accordance with the Code of Virginia. He then called the public hearing to order.

Ms. Adcock-Nicely reviewed a memo from Ms. Valerie Bruffey, Commissioner of the Revenue, which is included in the agenda packet. The memo is as follows:

Due to recent changes in the State code regarding the transient occupancy tax, it is necessary that we update our local ordinance to reflect those changes.

Melissa has prepared the new ordinance to repeal and replace the current one for you to consider at the March board meeting. I will be unable to attend the meeting, so please call or e-mail me at vbruffey@co.alleghany.va.us if you have any questions.

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

On motion of Mr. Dodd, seconded by Mr. Griffith, 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 Dr. Goings, that Article IX-Transient Occupancy Tax in Chapter 58 entitled "Taxation" in The Code of the County of Alleghany, Virginia be rescinded and reenacted as proposed at the Public Hearing held on Tuesday, March 7, 2023 as follows:

**RESCIND AND REENACT ARTICLE IX-TRANSIENT OCCUPANCY TAX
IN CHAPTER 58 ENTITLED "TAXATION" OF
THE CODE OF THE COUNTY OF ALLEGHANY, VIRGINIA**

WHEREAS, the Alleghany County Board of Supervisors deem it necessary and appropriate to rescind and reenact the transient occupancy tax ordinance for Alleghany County in order to more specifically comply with revisions adopted by the Virginia General Assembly to the enabling legislation thereof.

NOW, THEREFORE BE IT ORDAINED by the Alleghany County Board of Supervisors that Ch. 58, Taxation, Article IX, Transient Occupancy Tax, is hereby rescinded and reenacted as follows:

**CH. 58
TAXATION**

ARTICLE IX. TRANSIENT OCCUPANCY TAX

Sec. 58-261. Definitions.

The following words, terms and phrases when used in this article, for the purposes of this article, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

Accommodations means any room or rooms, lodgings, accommodations, or space at a lodging facility for which tax is imposed on the retail sale of the same pursuant to this Article.

Accommodations fee means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than \$0.

Accommodations intermediary means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

Accommodations intermediary does not include a person:

- (1) If the accommodations are provided by an accommodation provider operating under a trademark, trade name, or service mark belonging to that person;
- (2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation provider to such person; or
- (3) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 *et seq.*) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such license.

Accommodations provider means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

County means the County of Alleghany, Virginia.

Commissioner of the revenue means the commissioner of the revenue of the County of Alleghany, Virginia, or any duly authorized deputies or agents.

Discount room charge means the full amount charged by the accommodation provider to the accommodation intermediary, or an affiliate thereof, for furnishing the accommodations.

Lodging facility means any public or private hotel, inn, apartment hotel, hostelry, tourist camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any place that offers short-term lodging, or other place within the county offering accommodations for one or more persons at any one time, and the owner and operator thereof, who, for compensation, furnishes accommodations to any transients as hereinafter defined.

Person means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.

Room charge means the total charge made to, or total price paid by or for, a transient in a retail sale for the use or possession of accommodations at any such lodging facility before taxes. Room charge includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.

Retail sale means a sale to any person for any purpose other than for resale.

Transient means any person who, for any period of less than thirty consecutive days either at his own expense or at the expense of another, obtains accommodations in any lodging facility as hereinabove defined, for which a charge is made.

Treasurer means the treasurer of the county and any of his duly authorized deputies and agents.

Cross reference—Definitions generally, § 1-2.

Sec. 58-262. Levy; amount of tax.

Pursuant to Virginia Code § 58.1-3819, in addition to all other taxes, there is hereby imposed and levied a tax equivalent to five percent of the total room charge paid by or for any such transient for the use or possession of accommodations; provided however, that the tax imposed by this subsection will not be imposed on any transient occupancy in any lodging facility that is located within any town that has imposed a tax on transient occupancy. Two percent will be deposited in the general fund and the remaining three percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues to the locality.

(Ord No. 8, 10-16-85; Amdmt. No. o-10-3, 8-17-10, eff. 10-1-10)

State law reference—Authority for above section, Code of Virginia, § 58.1-3819.

Sec. 58-263. Exemptions.

No tax is payable hereunder on the total room charge paid for accommodations to any hospital, medical clinic, convalescent home, or home for the aged.

Sec. 58-264. Collection of tax.

(a) For any retail sale of accommodations facilitated by an accommodation intermediary, the accommodations intermediary will be deemed a facility making a retail sale of an accommodation. The accommodations intermediary must collect the tax imposed pursuant to this article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

(b) For any retail sale of accommodations not facilitated by an accommodation intermediary, the accommodations provider must collect the tax imposed pursuant to this article, computed on the total room charge; from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

Sec. 58-265. Report and remittance of tax.

(a) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary must remit the tax imposed pursuant to this article to the commissioner.

(b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must remit the tax imposed pursuant to this article to the commissioner.

(c) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this article prohibits such parties from making an agreement regarding which party

will be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the Commissioner for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax will be the sole party liable for the tax, and the other parties to such agreement will not be liable for such tax.

(d) The person collecting any such tax required pursuant to this article must make out a report on such forms and setting forth such information as the commissioner may prescribe and require, showing the amount of total room charges collected, and the tax required to be collected, and must sign and deliver the same to the commissioner with a remittance of such tax.

(e) Such reports and remittances must be made monthly on or before the 20th day of the month and covering the amount of tax collected during the preceding month. If the remittance is by check or money order, it must be payable to the county and all remittances received hereunder by the commissioner must be promptly delivered to the treasurer.

(f) Each accommodations intermediary must submit to the commissioner the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in the county on a monthly basis.

Sec. 58-266. Interest and penalties upon failure or refusal to remit tax.

If any accommodations provider or accommodations intermediary fails or refuses to remit to the commissioner the tax required to be collected and paid under this article within the time and in the amount specified in this article, the commissioner will add a penalty of five percent, and if the tax remains delinquent and unpaid for a period of one month from the date the same is due and payable, interest will be charged on the unpaid balance at the rate of six percent per annum. Such interest will accrue from the date on which the tax was due and payable.

Sec. 58-267. When the commissioner to determine the amount of tax due.

If any person required to collect and remit the tax imposed by this article fails to file a statement and a remittance, or if the commissioner has reasonable cause to believe that an erroneous statement has been filed, the commissioner may proceed to determine the amount due to the county pursuant to Va. Code § 58.1-3903.

Sec. 58-268. Tax immediately due and payable upon cessation of business.

Whenever any person required to collect and pay to the county a tax under section 58-262 quits or otherwise disposes of the business, any tax payable under the provisions of this article to the county becomes immediately due and payable, and such person must immediately make a report and pay the tax due.

Sec. 58-269. Powers and duties of commissioner generally; rules and regulations.

The commissioner will ascertain the name of every person operating a lodging facility in the county liable for the collection of the tax levied by this article. The commissioner or treasurer has the power to adopt rules and regulations not inconsistent with the provisions of this article and the Code of Virginia for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations will be on file and available for public examination in the commissioner's office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this section is a violation of this article.

Sec. 58-270. Penalty for violation of article.

Any person convicted of willful failure or refusal to file a tax return at the times required by this article will be subject to criminal penalties. If the tax lawfully assessed in connection with the return that was not filed is \$1,000 or less, then such failure or refusal to file will be punishable as a class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is more than \$1,000, then such failure or refusal to file will be punishable as a class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this article, the penalty will be based on the amount due to the county as determined by the commissioner. Each such failure or refusal will constitute a separate offense. Such conviction will not relieve any such person from the payment, collection, or remittance of such tax, plus penalties and interests, as provided in this article.

Secs. 58-271–58-295. Reserved.

Adopted: March 7, 2023

Effective Date: 12:01 a.m., March 8, 2023

Adopted by the following roll call vote:

Mr. Bennett	Yes
Mrs. Cox	Yes
Mr. Dodd	Yes
Mr. Garten	Yes
Dr. Goings	Yes

Mr. Griffith Yes
Mr. Nicely Yes

ALLEGHANY COUNTY BOARD OF SUPERVISORS

Deputy Clerk to the Board

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

- 1) *General comments.*
 - a) *During my 42+ year professional career, I have always worked to improve our environment. I was involved with regulatory development activities as well as new regulation implementation and compliance. I was also involved in design, construction and operation of wastewater, solid waste and air pollution control equipment.*
 - b) *I can truthfully say I am not a NIMBY.*
 - i) *Natural Well trailhead adjacent to my yard*
 - ii) *Existing trail runs along our properties at Natural Well and in northern Allegheny County. This was not my preference but I did not come to you complaining about construction of these sections of the trail. Any concerns I had were resolved with County administration.*
 - iii) *The present phase of the trail is different story. It is located in a sensitive area and in my opinion has significant design and implementation issues.*
 - c) *Per the MOA with DEQ, "Allegheny County will perform compliance and activities in accordance with its obligations as a VSMP authority¹ and the Allegheny County SWM ordinance."*
 - i) *Both Virginia and Allegheny County regulations require the installation of silt fences prior to earth disturbing activities.*
 - ii) *There are far more serious concerns with this project than basic VSMP requirements to install silt fences prior to any land disturbance activities. However, your packet contains pictures showing trail grading activities discharging materials onto the creek banks with no silt fences in place as late as the last week of January of 2023. Some of this activity was at least 2 weeks after DEQ was notified that actions had been completed to correct deficiencies regarding the installation of silt fences sited in DEQ's Jan. 4, 2023 inspection report.*
 - iii) *If Allegheny County cannot monitor and enforce very basic requirements like installing silt fences by their own contractor, how can we feel comfortable with the County managing the more complex portions of this project?*
- 2) *Based on some responses at the end or after the last board meeting to my earlier presentation and my comments reported in the Virginian Review the prior week, I felt that my integrity was being challenged.*
 - a) *I had reported I had found the site conditions appalling during my site visits in January 2023. **Pictures of site conditions included in your packet.***
 - b) *All parties (Allegheny County, Summit Contracting, DEQ, H&P) knew DEQ would be conducting a site inspection on Feb. 7.*
 - c) *As far as site conditions seen during the Feb. 6 organized trail walk, significant site clean-up had occurred prior and in preparation for the DEQ inspection.*
 - d) *Several corrective actions from the prior DEQ inspection had also been completed.*
 - e) *Despite all the clean-up efforts, DEQ still cited several deficiencies with the site on Feb. 7.*
- 3) *Regarding my letter banning me from accessing the Phase 5 section of the trail (copy attached)*
 - a) *Issuing this letter was childish and unprofessional and is another example on my communications with the county administration. The statement in the letter that I had been "warned on numerous occasions" was a lie. I have tried to communicate concerns regarding the project but get no response other than "we are building the trail".*
 - b) *I noted in my response letter that I am willing to meet any site safety requirements, limit site access to non-work hours if possible, etc. as long as I can access the site. The only reason that I have accessed the site during work hours is because you started restricting my access during non-work hours.*
 - c) *What is wrong with pictures of the site? What are we trying to hide?*
 - d) *I need a response to my 3/3/23 letter ASAP. Crossing and using the trail is the only access to the eastern 20 acres of our property.*
- 4) *A serious issue noted at the last meeting was the ability of the fill areas along the creek to withstanding flood events.*
 - a) *Included is a **picture of a site location where a retaining wall is to be installed.** It shows sandbags with boulders on the creek side of the bags and fill between the trail and the bags. The*

bags and boulders have been put in the creek. This site has been an issue with DEQ on both their site inspections.

- b) According to the consultant's notification letter to the Corps dated January 11, 2023, this activity constitutes a "30 lineal feet disturbance".*
 - c) High water inundated the site on the weekend of Feb. 17-19 during a 2 inch, 24 hour rainfall event. Some of the bags were ripped open or washed away along with a significant amount of the earthen fill. **(Pictures of earthen fill washed away, sand bag 2 miles downstream on the bank of the Jackson River.)***
- 5) Repair work on the two major flood damaged areas will be challenging. Are we up to the task? I don't know. I have expressed concerns with the mechanically enhanced earthen fill procedures and encourage the review of alternatives. We would like to know what the game plan is.*

¹ Alleghany County adopted a DEQ approved Virginia Stormwater Management Plan (VSMP) consistent with the Stormwater Management Act such that Alleghany County is the VSMP authority for land-disturbing activities in Alleghany County. DEQ, Alleghany County and Bath County agreed to have Alleghany County administer the VSMP for the Jackson River Scenic Trail.

Mr. Gregg Brelsford, 217 Sherry May Street, spoke regarding seeing the trail plans shown by Mr. Williams at a Rotary meeting last June, but when Mr. Botkins spoke at a Jackson River Preservation Association (JRPA) meeting they looked far different. He commented that the improvements need to be done right the first time so the County does not bear the expense of having the project redone.

Mr. Bill Wilson, P.O. Box 590, commented that he is president of the JRPA and other members are present tonight. He spoke regarding supporting the trail project, but expressed concern about the lack of quality construction methods being implemented and that he wants it done environmentally properly without sandbags, silt, etc. going down to the Jackson River. He mentioned that he has not been to the construction site and suggested a site visit be arranged.

Mr. Ben Leatherland, Senior Environmental Specialist with Hurt & Proffitt, spoke regarding everything that could be done to protect Cedar Creek and the Jackson River with the trail project is being done. He mentioned that this is a difficult site to build (i.e., creek, bluffs, etc.) and dealing with E&S measures as the water level was four feet higher a couple weeks ago. He stated that the large silt bags mentioned by Mr. Botkins are not filled with silt, but with gravel. He mentioned steps that have been taken due to the terrain (i.e. location of silt fence, removal of old creosote crossies, form coffer dam at bottom slope, pulling out timbers, resloping the bank, etc.). He commented that the coffer bags will be in place next week as from March 15th to May 15th the contractor can not be in the water. He stated that Summit Contracting is one of the top 20% of the companies his firm works with.

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

Ms. Suzanne Adcock-Nicely read an email report submitted by Ms. Susan Hammond, VDOT Resident Engineer, of VDOT activities as she could not be present tonight:

Maintenance

- *Boom axed various secondary routes County-wide.*
- *Hand brush-cutting on subdivision roads off of Valley Ridge Road.*
- *Cold mix patched various primary and secondary routes County-wide.*
- *Spot grading on gravel roads.*
- *Tree debris pickup on various primary and secondary routes.*
- *Pipe cleaning County-wide on primary and secondary routes.*
- *Shoulder grading and shoulder repair on Rt. 220N.*
- *Ditching on Rt. 629 Douthat Rd.*
- *Responded to minor winter weather event.*

Construction

- *Pipe replacements and ditching on Rt. 637 Sycamore Bend for the Rural Rustic Road project.*

Ms. Adcock-Nicely added that if the Board has anything to submit to Ms. Hammond to let her know or send her an

email.

Mr. Bennett stated that there is a new three-way stop at the Rich Patch Union Church intersection and asked if there was a specific reason for this as he is getting questions from the community.

Mrs. Cox stated that at Chipper Arritt's, between his property and Armentrout Road, there are trees on the bluff coming down. She commented that one is hanging at the edge of the road with a big rock holding it up. She mentioned that at Big Field Hill there was a slide with a couple trees down and more ready to come down with another slide.

APPROVE RESOLUTION OF RESPECT FOR MR. JAMIE R. MCDAVID:

Mr. Garten read the draft Resolution of Respect for Mr. Jamie McDavid.

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

WHEREAS, Mr. Jamie R. McDavid, Sanitation Worker I, passed away on February 10, 2023; and

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

WHEREAS, Mr. McDavid has worked in the Public Works Department since July 7, 2010 with over 12 years of service; and

NOW, THEREFORE, BE IT RESOLVED that the Allegheny County Board of Supervisors, in honor and respect, does hereby recognize the life of Mr. Jamie R. McDavid for his loyalty, dedication, and service to Allegheny County;

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

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

MR. CORBIN STONE, ROBINSON FARMER COX ASSOCIATES - PRESENTATION OF THE COUNTY AUDIT FOR THE YEAR ENDING JUNE 30, 2022:

Mr. Corbin Stone, Robinson Farmer Cox Associates, stated that the Board has a copy of the audit for year ending June 30, 2022, as well as a presentation at each seat. The presentation is a part of the records of this meeting. He mentioned that the audit went well with all departments and they did not have a problem getting information needed. He commented that there were two findings regarding adjusting entries and reconciling the Special Welfare fund and a jail account. He reviewed the presentation which included: (1) a chart showing a comparison of the General Fund from 6/30/13 to 6/30/22 (shows annualized growth rates with total revenues having a 3.06% growth and expenditures a 2.66% growth) and a fund balance of \$21,312,842 which includes unspent bond proceeds of \$7,414,390, \$3,007,999, \$1,974,276, and \$382,083

at the end of 2018, 2019, 2020, and 2021 respectively, ARPA funds, and school funds returned; (2) a graph showing general fund revenues by fiscal year; (3) a graph showing general fund expenditures by fiscal year; (4) a chart showing a summary of original tax assessments (total annualized growth rate of 0.85%); (5) a chart showing select financial data (general fund balance of \$21,312,842 and a debt per capita of \$2,492.30 with the State's debt per capita \$6,545.00); (6) letter on governance with adjusting entries; and (7) audit recommendations memo. He commented that he is impressed with the County having an adequate fund balance (recommend at least 10%) and low debt, as well as holding the line tight on expenditures.

There was some discussion regarding the effect COVID has had on throwing everything off kilter (i.e., influxes of money, increased wages, etc.) and hitting peak interest rates to do longer term investments (i.e., VIP).

Mr. Garten asked the Board to contact Mr. Stone if they have any questions after reviewing the full audit report.

APPROVE RESOLUTION APPROVING OPIOID SETTLEMENTS WITH CVS, WALMART AND OTHERS:

Ms. Adcock-Nicely stated that there is a draft resolution in the agenda packet to approve other opioid settlements.

Dr. Goings asked if this is a part of national settlements where you get a portion of the money, but if you do not pass the resolution you do not get it. Ms. Adcock-Nicely replied that is correct.

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

A RESOLUTION OF THE ALLEGHANY BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Alleghany County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Alleghany County's various departments and agencies; and

WHEREAS, Alleghany County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Alleghany County; and

WHEREAS, Alleghany County has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Alleghany County; and

WHEREAS, the County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

WHEREAS, the County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW THEREFORE BE IT RESOLVED that the Allegheny County Board of Supervisors, this 7th day of March, 2023, approves of the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

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 MS. SUZIE BROUGHFMAN TO THE TAP BOARD OF DIRECTORS:

Mr. Garten stated that the Board has been requested to appoint Ms. Suzie Broughfman (Jackson River District) to the TAP Board of Directors to replace Ms. Angie Campbell beginning immediately and ending December 31, 2025.

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

BE IT RESOLVED by the Allegheny County Board of Supervisors that Ms. Suzie Broughfman (Jackson River District), 208 Crossing Lane, P.O. Box 343, Low Moor, VA 24457 be appointed to the TAP Board of Directors to replace Ms. Angie Campbell beginning immediately and ending December 31, 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

REAPPOINTMENT OF MR. ROBERT MCDOWELL TO THE INDUSTRIAL DEVELOPMENT AUTHORITY:

Mr. Garten stated that the term of Mr. Robert McDowell (Jackson River District) on the Industrial Development Authority expires March 25, 2023. Terms are for four years and Mr. McDowell is eligible for reappointment.

Mr. Bennett commented that Mr. McDowell would like to be reappointed.

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

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. Robert L. McDowell (Jackson River District), 7510 Roaring Run Road, Covington, VA 24426 be reappointed to the Covington-Alleghany County Industrial Development Authority for a term of four years beginning March 26, 2023 and ending March 25, 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:

Ms. Adcock-Nicely stated that the only item she has to report on is as follows:

Informal Budget Advisory Committee

Every year during the budget process, the County has used an informal budget advisory committee consisting of the Finance Director, County Administrator, and two Board members to review various alternatives for consideration by the Board. Historically, the Chairman and Vice-Chairman have served on this informal committee.

Mr. Garten and Mr. Griffith volunteered to serve on the informal budget committee.

BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):

Miscellaneous

Mr. Dodd thanked everyone for coming to the meeting. He mentioned that Mayor Jeff Irvine and Council Member Ben Nicely are present along with Ms. Kim Halterman, Superintendent. He expressed condolences and prayers to Mr. Walters and his family.

Mr. Nicely expressed condolences to Mr. Walters and his family.

Mr. Bennett stated that the County wants to do the trail right. He commented that section of the trail has natural moss which is rare.

Mrs. Cox thanked everyone for coming to the meeting. She mentioned that the Chamber of Commerce dinner was wonderful. She commented that it is rare that her district has something new, but Beaver Dam Falls won the website award and suggested everyone check out their site.

Dr. Goings stated that he likes the idea of the Board visiting Phase 5 of the trail. He mentioned that the Maple Festival starts this weekend in Highland County.

Mr. Griffith thanked everyone for coming to the meeting. He suggested Board members go up and look at this section of the trail either together or individually. He commented that the County and the contractor will continue to do the best we can with what we have to work with. He expressed condolences to Mr. Walters and his family.

Mr. Garten recognized the ladies from Social Services that are present. He stated that the trail is in his district and he has not seen the work that has been done for Phase 5. He gave a shout out to Mr. Williams and his staff for maintenance of the trail and mentioned that this is a regional partnership in tourism with Bath County.

CLOSED MEETING:

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

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

ADJOURNMENT:

On motion of Mr. Griffith, seconded by Dr. Goings, that the meeting be adjourned at 8:20 p.m. to Tuesday, March 14, 2023 at 6:30 p.m. at Covington City Hall. Motion carried.

G. Matt Garten
Chairman