

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY VIRGINIA, HELD IN THE COUNTY ADMINISTRATION BUILDING, 150 SOUTH MAIN STREET LEXINGTON, VIRGINIA ON MONDAY FEBRUARY 23, 2009 AT 6:00 P.M.

PRESENT: CHAIRMAN R.H. RIEGEL
MEMBERS: C.R. COMSTOCK, R.S. FORD, M.R. SMITH A.W. LEWIS, JR.
CLERK OF BOARD: CLAIRE A. COLLINS
FISCAL DIRECTOR: ROBERT E. CLAYTOR
COUNTY ATTORNEY: VICKIE L. HUFFMAN
STAFF: SAM CRICKENBERGER, CHRIS SLAYDON, ROBERT FORESMAN

Call to Order, Invocation, and Pledge of Allegiance

Chairman Riegel called the meeting to order. Supervisor Lewis gave the invocation and led in the Pledge of Allegiance.

Item(s) to be added to Agenda, if any

Supervisor Smith added a discussion of a cell tower problem.

Citizens' Comments

Mr. Steve McBroom, Board of Directors President of Virginia Horse Center, thanked the Board for its support and introduced the Horse Center's new Executive Director, Ms. Katherine Truitt. Ms. Truitt thanked the Board for its time and gave assurances concerning the Regional Fair. Mr. McBroom noted Mr. John Scott, also present, had been appointed Director of the Regional Fair and planning is moving forward rapidly. Monthly updates on the Regional Fair progress will be published in the News Gazette.

Mr. Bernard Goodbar, Kerrs Creek District and President of Farm Bureau, spoke on behalf on dairy and beef producers in the area. He stated this particular sector has been especially hit hard by the economic downturn; therefore cannot afford higher tax amount on real estate or personal property. Mr. Goodbar asked the Board to keep this in mind during the budgeting process.

Rockbridge Rapids Presentation

Mr. Ken Newman, Rockbridge Rapids General Manager, briefed the Board on the status of the summer league and its objective. Opening night is set for Saturday June 6, 2009 7:00 p.m. at the Washington and Lee University baseball field. All players must be enrolled in college and have played at least one year.

Art for Courthouse Presentation

Mr. Bruce Macdonald presented a conceptual plan for artwork in the new courthouse. According to the plan the goal would be to establish an art collection for the courthouse, through public means announce an art competition (will have a predetermined theme) and a jury would be selected and they would select the art from the paintings and pieces submitted. Mr. Macdonald stressed the end result would be the courthouse gets a group of special paintings, photos or graphics for its permanent collection and the artist gets a purchase prize of \$1,000. The Board took no action, but requested Mr. Macdonald come back with an estimated cost of the proposed project.

Boy Scout Update

Chairman Riegel gave an overview/history of the proposed project and explained that negotiations currently are taking place at the State level. He asked the Board members to refrain from premature speculation reminding everyone the Board has not been presented a proposal for its review. Supervisor Lewis stated that economic vitality and environmental protection do not have to be mutually exclusive concepts. It was clarified that Fort AP Hill will host the Boy Scout Jamboree one more time in 2010. Two citizens, Don Huffman and Linda Larsen, spoke in opposition of the project. Supervisor Comstock informed those present this project application originated with the Virginia Economic Development Partnership (VEDP) and was driven by The Rockbridge Partnership (TRP). The proposed project is in the due-diligence stage of negotiations which could last anywhere from 90 – 120 days.

Maury Service Authority Update on Lexington-Rockbridge Wastewater Treatment Plant Upgrade

Mr. Joe Milo, Maury Service Authority Director, gave the background and status of the nutrient reduction upgrade project at the treatment plant. He indicated the upgrade calls for a major change to the plant and the state will be paying 50% of the project costs. The Department of Environmental Quality (DEQ) is offering the MSA 0% financing and the low bidder for the project is English Construction based in Lynchburg, Virginia. Mr. Milo clarified the project is not optional but the MSA can delay it purchasing credits. Supervisor Comstock requested information on the nutrient upgrade requirement schedule and the cost of purchasing credits. The DEQ will eventually make everyone come into compliance. The Board held a lengthy discussion on the 1996 Service Agreement approved by the County and therefore, the moral obligation the County took relative to financing future debt services for the plant. Mr. Dick Trandell, MSA President, commented the upgrade was not a new project (which would have to come to the Board for approval) as defined in the 1996 agreement. He also requested the Board appoint a liaison (either Staff member or Board member) in order for the MSA to keep the Board abreast of all occurrences. The Board will take the liaison request under advisement.

Public Hearings

The Board had to defer some agenda items until later in the meeting because the time had been reached for the public hearings.

Vacation of Subdivision Plat – Coldstream Subdivision

Mr. Crickenberger explained the owners of this project located just north of Jonestown have applied to vacate the plat. He reminded the Board the project consisted of 87 clustered lots for duplexes on 189.59 total acres maintaining approximately 125 acres of open space. Any new project proposed for this property would adhere to the requirements of the A-2 zoning and associated sliding scale. When the plat is vacated, the property will revert to its original 29 acres and 160 acre parcels. Under the sliding scale, these parcels could have 14 development rights for a standard subdivision or up to 29 development rights for a clustered subdivision. Chairman Riegel called for public comment but none was offered. Ms. Huffman noted two changes to the ordinance. Supervisor Comstock motioned to approve the ordinance for vacation of a plat and Supervisor Smith provided the second. The following was recorded:

ORDINANCE FOR THE VACATION OF A PLAT

WHEREAS, by survey dated July 24, 2006, of record in the Clerk’s Office of the Circuit Court of Rockbridge County, Virginia, in Plat Cabinet 4, at Slide 38 (the “Plat”) “The Coldstream Subdivision” was created; and

WHEREAS, shortly after recordation TCG, LLC (“TCG”), the developer of the Coldstream Subdivision, provided the County with a Letter of Credit to insure the completion of the infrastructure outlined on the Plat; and

WHEREAS, to date no portion of the infrastructure has been started, nor has any portion of the subdivision been conveyed to any third party; and

WHEREAS, TCG, the developer, now desires to vacate the Plat and request the Board of Supervisors of Rockbridge County to do so in accordance with Section 911 of the Rockbridge County Land Development Regulations.

NOW THEREFORE, and in accordance with the application of TCG, BE IT ORDAINED by the Board of Supervisors for the County of Rockbridge, Virginia, that the Coldstream Subdivision, more particularly described on Schedule “A” attached hereto, is hereby vacated and is of no further force or effect and the property shall revert to that as described on Schedule “C”.

BE IT FURTHER ORDAINED THAT a certified copy of this Ordinance shall be recorded in the Clerk’s Office of the Circuit Court for the County of Rockbridge, indexed under the names listed on Schedule “A” and under the tax maps listed under Schedule “B”.

BE IT FURTHER ORDAINED THAT the Letter of Credit provided to the County by TCG is also cancelled and returned and is of no further force or effect.

THIS ORDINANCE shall become effective as of the date hereon.

Adopted this 23rd day of February, 2009.

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel
NAYES: None
ABSENT: None

ROCKBRIDGE COUNTY
BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Claire A. Collins, Clerk

Special Exception Reviews

Dinardo – Wind Turbine in A-1

Mr. Crickenberger stated Mr. Joe Dinardo applied to install a 60 foot monopole wind turbine on his property off of Irish Creek Road in the A-1 District approximately ½ mile from the Blue Ridge Parkway. The application is consistent with the recently approved wind energy ordinance. A view shed analysis from the Parkway using a 60 foot boom truck with a pink fluorescent 4x4 board on top was performed and it was determined to have minimal impact to the Parkway. Mr. Crickenberger stressed the Parkway staff is not opposing this application and the Planning Commission recommends approval. Chairman Riegel called for public comment but none was offered. Supervisor Comstock made the motion to approve the ordinance granting a special exception permit and Supervisor Lewis provided the second. The following was recorded:

ORDINANCE GRANTING A SPECIAL EXCEPTION PERMIT TO JOE AND JOAN DINARDO TO CONSTRUCT A 60' RESIDENTIAL WIND TURBINE ON A GALVANIZED MONOPOLE IN THE AGRICULTURAL LIMITED DISTRICT (A-2), LOCATED AT 6980 IRISH CREEK ROAD (TAX MAP NO. 55-A-1) IN THE SOUTH RIVER MAGISTERIAL DISTRICT

WHEREAS, Joe and Joan Dinardo are the owners of residential property located in the Agricultural Limited (A-2) zoning district at 6930 Irish Creek Road, identified upon the Rockbridge County Land Records as Tax Map No. 55-A-1, in the South River Magisterial District of Rockbridge County; and,

WHEREAS, the Dinardos have filed an application for a special exception permit to construct a 60' residential wind turbine on a galvanized monopole as part of an energy savings package for their new residence; and,

WHEREAS, the Rockbridge County Planning Commission has recommended the adoption of this Ordinance to this Board; and,

WHEREAS, after public notice pursuant to Va. Code § 15.2-2204 and §802.04 of the **County Land Development Regulations, the Rockbridge County Board of Supervisors held a public hearing on the adoption of this Ordinance on February 23, 2009; and,**

WHEREAS, the Board of Supervisors has given due consideration to the factors set forth in Section 802.03-5 of the Rockbridge County Land Regulations, for issuance of a special exception permit.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the Board finds that the granting of a special exception permit to Joe and Joan Dinardo, to construct a 60' residential wind turbine on a galvanized monopole on property in the Agricultural Limited District (A-2), and located at 6980 Irish Creek Road (Tax Map No. 55-A-1) in the South River Magisterial District, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby approved pursuant and subject to the provisions of Section 715.00 – Small Wind Energy Systems of the Rockbridge County Land Development Regulations.

2. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 23rd day of February, 2009.

Recorded Vote:

AYES: Comstock, Ford, Smith Lewis, Riegel

NAYES: None

ABSENT: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

Construction Materials Company – Rezone from A-T to I-1
Construction Materials Company – Two Year Mining Permit in I-1

Mr. Crickenberger noted Mr. Roy Simmons was present if the Board had any questions concerning the conditional rezoning request. Construction Material Company is applying to conditionally rezone 13.94 acres from A-T to I-1 in order to better utilize their adjoining I-1 property. The plan is to build an access road along the western edge of the property to reach land to the rear already zoned I-1 which is proposed to be graded for future

development. Due to the amount of rock that will be encountered during the site development, Construction Materials have also applied for a special exception permit for a two year mining operation in the existing I-1 District. The mining permit would allow them to use the rock in their current operation. Following approval of the special exception permit, they will be applying for a mining permit through the Department of Mines, Minerals and Energy (DMME). Mr. Crickenberger stated any approvals should be contingent on final approval by DMME. The Planning Commission recommends approval of the conditional rezoning with proffers and also approval of the special exception permit for the mining operation with conditions. In response from Supervisor Ford, Mr. Slaydon and Mr. Crickenberger clarified a naturalistic landscape plan will be reviewed by the Tourism Corridor Overlay (TCO) Board. Mr. Crickenberger noted Mr. Simmons volunteered the proffers for the conditional rezoning. Chairman Riegel called for public comment. Mr. Craig Penney spoke on behalf of Rader Dod (adjacent property owner) who is concerned the rezoning will adversely affect Gordon's Run water quality and feels Construction Materials can accomplish what they want to do without the rezoning. The Board spent time discussing protection of Gordon's Run with Mr. Simmons and obtaining assurances of preservation. Supervisor Smith made the motion to approve the ordinance granting a special exception permit to Construction Materials Company for mining operations with conditions. Supervisor Lewis provided the second and the following was recorded:

ORDINANCE GRANTING A SPECIAL EXCEPTION PERMIT TO CONSTRUCTION MATERIALS CO. FOR MINING OPERATIONS IN THE GENERAL INDUSTRIAL DISTRICT (I-1) TO IMPROVE AND GRADE THE EXISTING SITE TO FACILITATE FUTURE DEVELOPMENT ON THE PROPERTY AND USE THE MATERIAL RECOVERED IN THE OPERATION, ON PROPERTY CONSISTING OF 24 ACRES (TAX MAP NO. 75-1-6C) LOCATED ON THE NORTH SIDE OF EAST MIDLAND TRAIL IN THE BUFFALO MAGISTERIAL DISTRICT

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on January 14, 2009, and after further consideration on February 11, 2009, recommended to the Board of Supervisors that the special exception permit be approved; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on February 23, 2009; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest, and specifically includes but is not limited to the following findings: that the proposed use may be undertaken without a special exception permit if the materials generated by the grading operation were not put to a productive and economic use; that the existing roads are adequate to accommodate additional traffic that may be associated with the proposed use; that the proposed use promotes the future needs of Rockbridge County and its citizens for economic development, enlargement of the tax base and employment opportunities; that the subject property is located in an area that is convenient for access, and the provision of adequate law enforcement and fire protection; and that conditions of the special exception permit will serve to minimize the impact on the health, safety and property values of neighboring property owners.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the Board finds that the granting of a special exception permit to Construction Materials Co. to conduct mining operations in the General Industrial District (I-1) and grade the existing site to facilitate future development on the property and use the material recovered in the operation, on property consisting of 24.00 acres (Tax Map No. 75-1-6C), shown on a plat dated April, 1994, a copy of which is attached hereto as Exhibit 1, located on

the north side of East Midland Trail in the Buffalo Magisterial District, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended) and said special exception permit is hereby approved with and subject to the conditions set out on Exhibit 2 attached hereto and incorporated herein by reference.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 23rd day of February, 2009.

Recorded Vote:

AYES: Comstock, Ford, Smith Lewis, Riegel

NAYES: None

ABSENT: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

EXHIBIT 2

CONDITIONS FOR THE MINING OF CONSTRUCTION MATERIALS CO. INC, AS ESTABLISHED FEBRUARY 23, 2009 FOR TAX MAP 75-1-6C

1. Permit for mining to be issued for 2 years from the date of approval.

2. Maintain a 50 foot buffer along the western (Baker) property line and supplement existing natural vegetation were absent with additional landscaping as required. A 6-strand high tensile wire fence shall be constructed and maintained along this property line.
3. Maintain a 100 foot buffer along the northern (Dod) property line in its current natural condition. A 6-strand high tensile wire fence shall be constructed and maintained along this property line.
4. Final elevation of area to be mined to be no lower than elevation of current facilities which is approximately 1010' except as may be required for drainage ditches and storm water facilities.
5. Final slopes of new excavation not to exceed 2 : 1.
6. Existing slope that buffers industrial activities from East Midland Trail to remain as shown on plan with Leland Cypress or similar landscape material planted up to and along its ridge parallel to East Midland Trail to further screen the rear of the property.
7. Blasting operations will be permitted and limited to Monday through Friday from 7:00 am to 4:00 pm, except in case of emergency as determined by the County Administrator's Office and during funerals at the Rockbridge Memorial Gardens. Applicant to coordinate blasting with the funeral homes. Seismic monitoring will be required during blasting operations.
8. All required Department of Mines Minerals and Energy permits to be approved and copies provided to the County and made an integral part of this application.
9. A pre-construction foundation inventory of nearby dwellings shall be undertaken.

Supervisor Smith motioned to adopt the ordinance to change the zoning classification and Supervisor Ford provided the second. The following was recorded:

**ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF A
13.94-ACRE PARCEL OF LAND (TAX MAP NO. 76-A-45A) OWNED
BY CONSTRUCTION MATERIALS CO., AND LOCATED IN THE
BUFFALO MAGISTERIAL DISTRICT OF ROCKBRIDGE COUNTY,
FROM AGRICULTURAL TRANSITIONAL DISTRICT (A-T) TO
GENERAL INDUSTRIAL DISTRICT (I-1), WITH CONDITIONS**

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on January 14, 2009, and after further consideration on February 11, 2009, recommended to the Board of Supervisors that the proposed zoning classification amendment, with acceptance of proffered conditions, be adopted; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on February 23, 2009; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of a 13.94-acre parcel of land would generally promote the health, safety, convenience and general welfare of the public, that the rezoning is warranted as good zoning practice, that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and that it serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the purposes set forth in §15.2-2283 of the Code of Virginia, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest, and specifically includes but is not limited to the following findings: that a portion of the property proposed to be conditionally rezoned is already zoned for General Industrial, with the approximate remaining 8 acres, more or less, being currently zoning Agricultural Transitional (A-T), where rezoning to more intensive districts may be warranted as specified in Section 603B.04 of the Rockbridge County Land Development Regulations; that the subject property is bounded on the east and west by properties zoned for General Industrial (I-1); that the proposed use of the property will be consistent with the current use of the owner's adjoining properties zoned for General Industrial (I-1), subject to the proffered conditions; that the existing roads are adequate to accommodate additional traffic that may be associated with the proposed

use; that the proposed rezoning promotes the future needs of Rockbridge County and its citizens for economic development, enlargement of the tax base and employment opportunities; that the subject property is located in an area that is convenient for access, and the provision of adequate law enforcement and fire protection; and that the proffered conditions will serve to minimize the impact on the health, safety and property values of neighboring property owners.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the zoning classification of a certain tract of real estate containing 13.94 acres, and more particularly shown and described as "13.94 AC." on the 'Plat Showing A Portion of the Property of Albert J. Tinsler, et ux, Buffalo Magisterial District, County of Rockbridge, Virginia' dated July 28, 1999, a copy of which is attached hereto as Exhibit A and incorporated herein, said property being referenced upon the Rockbridge County Land Records as Tax Map No. 76-A-45A, in the Buffalo Magisterial District of Rockbridge County, Virginia, is hereby changed from the zoning classification of A-T, Agricultural Transitional District, to I-1, General Industrial District, with and subject to the conditions voluntarily proffered in writing by the property owner, as set forth on Exhibit B attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the property owner, Construction Materials Co.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 23rd day of February, 2009.

Recorded Vote:

AYES: Comstock, Ford, Lewis, Smith, Riegel
NAYES: None
ABSENT: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

EXHIBIT B

PROFFERS ASSOCIATED WITH THE REZONING OF TAX MAP 76-A-45A

1. All land disturbing activities associated with development of the new access road including any fill material or disposal of overburden from the mining activity on contiguous property shall remain outside of the 100 year floodplain of Gordon's Run as depicted on FIRM map #51163CO270 dated April 6, 2000.
2. This property shall only be used for the access road and disposal of overburden in order to create such road as shown on the plan. No other industrial activity shall occur on the property except that it may be used for the storage of materials and the parking of vehicles and equipment. No construction or storage of materials shall occur within the 100 year flood plain.
3. Efforts will be made to clean trash out of the stream and associated floodplain.

Zoning Ordinance and Map Amendments

AKB Development – Rezone from R-1 to R-2

Mr. Crickenberger explained AKB Development (Mr. Brasil Hamrick was present representing AKB) has applied to conditionally rezone 4.35 acres from R-1 to R-2 in order to begin another stage of apartments along Thoroughbred Circle on the Hunt property. This is consistent with the master plan originally submitted, but at the time, multi-family was a permitted use in R-1. In this phase, 5, 8 unit apartment buildings are proposed. The area served by public water and sewer and the project appears consistent with the Comprehensive Plan according to Mr. Crickenberger. Supervisor Lewis commented he had visited the site and the development firm has been very responsive to suggestions and requests relative to this project. The Planning Commission recommended approval of this conditional rezoning and acceptance of the proffer that it will be developed in substantial compliance with the plan presented. Chairman Riegel called for public comment and Mr. Charlie Goad commented about the increased traffic on Valley Pike Road. Mr. Crickenberger responded the concern

was legitimate but the traffic count meets VDOT's threshold. Supervisor Lewis added the Board will be very vigilant with this concern to VDOT in view of the proposed further development. Supervisor Ford questioned what measures had been take to encourage residents to walk or bike in the area and Mr. Hamrick responded by explaining the current sidewalk plan as well as the future business plan. The addition of playground equipment was also discussed. Supervisor Lewis made the motion to adopt an ordinance to change the zoning classification of a 4.35 acre parcel of land owned by AKB Development, LLC and Supervisor Smith provided the second. The following was recorded:

ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF A 4.35-ACRE PARCEL OF LAND (PORTION OF TAX MAP NO. 62-A-45) OWNED BY AKB DEVELOPMENT, LLC, LOCATED ALONG THE NORTH SIDE OF THOROUGHbred CIRCLE OFF OF VALLEY PIKE ROAD IN THE WALKERS CREEK MAGISTERIAL DISTRICT OF ROCKBRIDGE COUNTY FROM RESIDENTIAL GENERAL (R-1) TO RESIDENTIAL MIXED (R-2), WITH CONDITIONS, FOR A MULTI-FAMILY HOUSING PROJECT OF FIVE 8-UNIT BUILDINGS

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on January 14, 2009, and recommended to the Board of Supervisors that the proposed zoning classification amendment, with acceptance of proffered conditions, be adopted; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors held a public hearing on this matter on February 23, 2009; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the subject 4.35-acre parcel of land would generally promote the health, safety, convenience and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the zoning classification of a certain parcel of real estate containing 4.35 acres, identified upon the Rockbridge County Land Records as a portion of Tax Map No. 62-A-45, located

along the north side of Thoroughbred Circle off of Valley Pike Road in the Walkers Creek Magisterial District of Rockbridge County, and shown on a Concept Development Plan dated December 15, 2008, entitled 'Hunt Ridge & Associates, LLP, a copy of which is attached hereto as Exhibit A and incorporated herein, is hereby changed from the zoning classification of R-1, Residential General District, to R-2, Residential Mixed District, for a multi-family housing project of five (5) 8-unit buildings, with and subject to the conditions voluntarily proffered in writing by the property owner, as set forth on Exhibit B attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the property owner, AKB DEVELOPMENT, LLC.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 23rd day of February, 2009.

Recorded Vote

AYES: Comstock, Ford, Smith, Lewis, Riegel

NAYES: None

ABSENT: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

JBLN Investments – Rezone form R-1 to R-2

Mr. Crickenberger explained JBLN Investments has applied to conditionally rezone 9.42 acres from R-1 to R-2 to modify a previously approved town home project in order to develop more affordable units. The original plan called for a total of 69 units. The revised plan utilizes the same footprint but has downsized the units and increased the number to 80.

The submittal includes amenities discussed at a Planning Commission site visit. This area is served by public water and sewer and the project appears to be consistent with the Comprehensive Plan. The Planning Commission has recommended approval of this conditional rezoning and acceptance of the proffer that it will be developed in substantial compliance with the plan presented. Chairman Riegel called for public comment but none was offered. Supervisor Lewis motioned to approve the ordinance to change the zoning classification of 9.42 acre parcel of land owned by JBLN Investments, LLC and Supervisor Ford provided the second. The following was recorded:

ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF A 9.42-ACRE PARCEL OF LAND (PORTION OF TAX MAP NO. 62-33-22) OWNED BY JBLN INVESTMENTS, LLC, LOCATED ALONG THE EAST SIDE OF THOROUGHbred CIRCLE OFF OF VALLEY PIKE ROAD IN THE WALKERS CREEK MAGISTERIAL DISTRICT OF ROCKBRIDGE COUNTY FROM RESIDENTIAL GENERAL (R-1) TO RESIDENTIAL MIXED (R-2), WITH CONDITIONS, FOR AN 80-UNIT TOWNHOUSE PROJECT

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on January 14, 2009, and after further consideration on February 11, 2009, recommended to the Board of Supervisors that the proposed zoning classification amendment, with acceptance of proffered conditions, be adopted; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors held a public hearing on this matter on February 23, 2009; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the subject 9.42-acre parcel of land would generally promote the health, safety, convenience and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the zoning classification of a certain parcel of real estate containing 9.42 acres, identified upon the Rockbridge County Land Records as a portion of Tax Map No. 62-33-22, located along the east side of Thoroughbred Circle off of Valley Pike Road in the Walkers Creek Magisterial District of Rockbridge County, and shown on a Concept Development Plan entitled 'Saddlebrook Ridge Town Homes' dated February 15, 2008, a copy of which is attached hereto as Exhibit A and incorporated herein, is hereby changed from the zoning classification of R-1, Residential General District, to R-2, Residential Mixed District, with and subject to the conditions voluntarily proffered in writing by the property owner, as set forth on Exhibit B attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the property owner, JBLN Investments, LLC.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 23rd day of February, 2009.

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel

NAYES: None

ABSENT: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

**Rockbridge County – Family Subdivisions, Single Family in B-1, BZA
Membership**

Mr. Crickenberger stated the proposed amendments were drafted to require new single family dwellings in the B-1 District to meet the area and setback requirements applicable to residential district. Town homes and condominiums could be permitted over commercial buildings by special exception. The definition of "Family" has been broadened per State law to include stepchildren and siblings and now requires that such divisions remain in the family for a five year period. Mr. Crickenberger continued by noting the BZA membership requirement has been modified such that one of the members "may" but not "shall" be a member of the Planning Commission. The Planning Commission has recommended approval of these amendments. Chairman Riegel called for public comment but none was offered. Supervisor Smith questioned the right-of-way widths and Mr. Crickenberger responded the purpose of is to be consistent with State law. Supervisor Lewis motioned to approve the ordinance to amend miscellaneous provisions of the County Land Development Regulations and Supervisor Smith provided the second. The following was recorded:

Ordinance to Amend Miscellaneous Provisions of the Rockbridge County Land Development Regulations as Follows: Section 302.207 - Subdivision, in Article 3 – Definitions, Section 302.00 – SPECIFIC DEFINITIONS, To Add Stepchild and Sibling to the Definition of Member of Immediate Family, To Add the Maximum Width Requirement of 20 Feet for Right-of-Way to Conform with State Law, and To Provide that a Lot Created as a Family Subdivision May Not Be Voluntarily Transferred To Anyone Other than an Immediate Family Member For Five Years, Except for a Mortgage or Deed of Trust to Secure Financing; Section 605.00 – GENERAL BUSINESS DISTRICT B-1 in Article 6 – Uses In Districts, to Amend Section 605.02-4 to Specify Requirements for One or Two Family Dwellings as a Permitted Use in the General Business (B-1) District, to Delete Section 605.02-31 as a Permitted Use Pertaining to Individual Residential Uses Associated With a Permitted Use, and to Add Section 605.03-24 to Allow Upper Story Apartments/Condominiums as a Use by Special Exception; and Section 804.03 – Public Offices Held, in Section 804.00 – BOARD OF ZONING APPEALS, of ARTICLE 8 – ADMINISTRATION, to Provide That a Member of the Board of Zoning Appeals May, Rather Than Shall, be a Member of the Planning Commission

WHEREAS, the Rockbridge County Planning Commission held a public hearing on these amendments to the Land Development Regulations on January 14, 2009; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on these amendments on February 23, 2009; and,

WHEREAS, legal notice has been provided in accordance with Section 15.2-2204 of the Code of Virginia (1950, as amended) and Section 802.04 of the County of Rockbridge Land Development Regulations; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, has determined that the provisions of this ordinance generally promote the health, safety and general welfare of the public, that the amendments are required by good zoning practice and accomplish the objectives set forth in Va. Code Section 15.2-2200, and the amendments serve one or more of the purposes set forth in Va. Code Section 15.2-2283 of the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Rockbridge County Board of Supervisors that the Rockbridge County Land Development Regulations be amended and reenacted as follows:

1. That Section 302.207 - Subdivision, in Article 3 – Definitions, Section 302.00 – SPECIFIC DEFINITIONS, of the Rockbridge County Land Development Regulations be, and hereby is, amended and re-enacted as follows:

ARTICLE 3 DEFINITIONS

302.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

302.207 Subdivision. The division of a lot or parcel of land into two or more resulting lots or parcels of land. The term subdivision shall include:

- (d) Family Subdivision. A single division of a lot or parcel for the purpose of sale, gift or devise to a member of the immediate family of the owner. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing the provisions of the Subdivision Ordinance. For the purpose of this subdivision, a member of the immediate family is defined as any person who is a natural or legally defined offspring, *stepchild*, spouse, *sibling*, grandchild, grandparent, or parent of the owner. Lots so created shall have a right-of-way of not less than ten (10) feet *or more than twenty (20) feet* in width providing ingress and egress to a public street. *For a period of five years after approval of the family subdivision plat, the lot may not be voluntarily transferred to anyone*

other than an immediate family member of the property owner requesting such subdivision, except such conveyance as may be necessary for a mortgage or deed of trust to secure financing upon the property. Exceptions to this requirement may be considered per Section 913 of these regulations.

2. That Section 605.00 – GENERAL BUSINESS DISTRICT B-1 in Article 6 – Uses In Districts, of the Rockbridge County Land Development Regulations be, and hereby is, amended and re-enacted as follows:

**ARTICLE 6
USES IN DISTRICTS**

605.00 GENERAL BUSINESS DISTRICT B-1

605.02 Permitted Uses. Within the General Business District B-1, the following uses are permitted:

605.02-4 One or two family dwellings *meeting the area and setback requirements of the R-2 District if public water and sewer are available or the R-1 District if on a private drainfield and well or public water;*

~~605.02-31 Individual residential uses associated with a permitted use such as the residence of an entrepreneur, but not including subdivisions and multi-family complexes;~~

605.03 Special Exceptions. In General Business, special exceptions may be granted for one or more of the following uses:

605.03-24 Upper story apartments/condominiums;

3. That Section 804.03 – Public Offices Held, in Section 804.00 – BOARD OF ZONING APPEALS, of ARTICLE 8 – ADMINISTRATION, of the Rockbridge County Land Development Regulations be, and hereby is, amended and re-enacted as follows:

**ARTICLE 8
ADMINISTRATION**

These regulations shall be administered in accordance with the provisions below.

804.00 BOARD OF ZONING APPEALS

The Board of Zoning Appeals (BZA) shall consist of five (5) members who shall be appointed by the Circuit Court of Rockbridge County.

804.03 Public Offices Held. No member shall hold any public office except that one (1) member ~~shall~~ *may* be a member of the Commission.

4. That this ordinance shall be in full force and effect on and from the date of its adoption.

Adopted this 23rd day of February, 2009.

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel
NAYES: None
ABSENT: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

Inoperable Vehicle Ordinance Revisions

Ms. Huffman explained this agenda item is to hold a public hearing and consider adoption of a proposed ordinance revising the inoperable vehicle provisions of the County Code. The revisions add a presumption that a vehicle is not in operating condition if it cannot be started and moved, or if the owner refuses to start and move the vehicle. The period for compliance is reduced from 45 days to 14 days. Ms. Huffman further noted that one inoperable vehicle used for advertising or business-recognition purposes at a business in the Tourism Overlay District is exempt, provided the owner obtains approval from the TCO Board. A minimal review of \$30 would be imposed. At the TCO Board's request, Ms. Huffman stated additional revisions were made to provide that continuing oversight be handled by Planning and Zoning Staff. Violations would be enforceable as zoning violations and/or revocation of the TCO's certificate of appropriateness. Supervisor Lewis questioned whether the proposed revisions would affect auto & towing operations and Ms. Huffman responded the proposed revisions would only pertain strictly to inoperable vehicles. The Board spent some time defining the differences of a salvage yard, holding yard and graveyard. Chairman Riegel called for public comment. Mr. Ben Brown stated there is a conflict between those who object to junk cars and those who do not. In his opinion, a citizen ought to have the right to maintain their automobile as they desire (for example, use of an inoperable vehicle a citizen uses for salvaged parts for another vehicle. Mr. Billy Agnor sparked a discussion on the how junk vehicles being piled up can adversely affect the value of adjoining properties. Mr. Richard Weede explained to the Board his situation of living near a vehicle repair garage facility (used mostly for race cars) and the futile effort the owner does to conceal the area. Supervisor Comstock stated he has trouble supporting any ordinance that cannot be enforced or is not enforced. The Board consulted Sheriff Day on his opinion on the most effective form of enforcement when violations were reported. The Board then discussed whether farm vehicles should be exempt as proposed in the draft ordinance. Supervisor Lewis motioned to approve the ordinance to amend the County Code in Chapter 16, Inoperable Vehicle/Licensing Regulations with removal of Sec. 16-106.1 (b) and Supervisor Smith provided the second. The following was recorded:

AN ORDINANCE TO AMEND THE ROCKBRIDGE COUNTY CODE IN CHAPTER 16, ARTICLE II, DIVISION 7, SECTION 16-106 – 'INOPERABLE VEHICLE/LICENSING REGULATIONS' AND SECTION 16-107 – 'PENALTY' TO ADD PROVISION FOR A REBUTTABLE PRESUMPTION OF INOPERABILITY IF VEHICLE CAN NOT, OR IS NOT, STARTED AND MOVED, AND TO REDUCE THE PERIOD FOR COMPLIANCE FROM 45 DAYS TO 14 DAYS, AND TO ADD SECTION 16-106.1 TO SPECIFY ADDITIONAL EXEMPTIONS FOR FARM TRACTORS, FARM UTILITY VEHICLES, AND ONE INOPERABLE MOTOR VEHICLE FOR ADVERTISING OR BUSINESS-RECOGNITION PURPOSES IN THE TOURISM CORRIDOR OVERLAY DISTRICT, SUBJECT TO APPROVAL BY THE TOURISM CORRIDOR OVERLAY BOARD AND PAYMENT OF A \$30 REVIEW FEE

BE IT ENACTED by the Rockbridge County Board of Supervisors that:

1. Chapter 16, Article II, Division 7 is hereby amended and reenacted, pursuant to §15.2-904 of the Code of Virginia (1950, as amended), as follows:

Sec. 16-106. Inoperable Vehicle/Licensing Regulations.

——(a) For purposes of this ~~division~~section, “motor vehicle” means any motor vehicle, trailer or semitrailer. For purposes of this ~~division~~section, “inoperable” means the same as “inoperable” defined at Code of Virginia, §15.2-904: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal. **For any motor vehicle that cannot be started and moved by the owner or occupant upon request, or that the owner or occupant refuses to start and move upon request, by any law enforcement or special enforcement officer, there shall be a rebuttable presumption that such motor vehicle is not in operating condition.**

——(b) In accordance with Code of Virginia, §15.2-904, the owner(s) of property, or one occupying the same, located in all zoning districts shall remove therefrom all inoperable motor vehicles that are not kept within a fully enclosed building or structure, covered by a custom or commercially made car covering, specifically excluding a tarp, or otherwise screened or shielded from view from roads, rights-of-way, and adjoining properties.

——(c) In the event that an owner of property, or one occupying property, fails to remove the inoperable vehicle(s) located thereon, **or otherwise screen said vehicle from view in accordance with subparagraph (b) above,** within 14 ~~45~~-days of receipt of written notice, **in addition to the penalties set forth in Section 16-107,** the County may remove any such vehicles in accordance with Code of Virginia, §15.2-904. Any non-reimbursable costs of removal shall be chargeable to the owner of the vehicle and shall be collected as taxes and levies are collected. Such costs shall constitute a lien against the property from which the vehicle was removed.

Sec. 16-106.1. Exemptions.

——(a) The provisions of ~~§16-106~~this section shall not apply to a duly state licensed dealer or operator for an automobile graveyard, junkyard, salvage yard, holding yard or to those that are grandfathered (in existence before May 13, 1971) or that have an approved conditional use permit issued by the County. In addition, the provisions of ~~§16-106~~this section shall not apply to the operator of any holding yard, for which and to the extent that the state does not issue licenses, provided that the holding yard was in existence and operating prior to January 1, 1995, and provided that the operator has continuously operated the holding yard, has continuously held an annual business license, and has

remained current in the payment of all business license taxes in the County since prior to January 1, 1995.

~~———(e) Notwithstanding any provisions to the contrary contained in any County ordinance, any person, corporation, business, or other entity operating a junkyard, automobile graveyard, salvage yard and/or holding yard shall have and maintain any valid and required state or county license for said operations. In the event any required state or county license is not obtained, or is suspended, revoked or otherwise not renewed, the operations shall be deemed to be in violation of County law and said operator shall cease such operations immediately.~~

~~(b) The provisions of §16-106 shall not apply to the following:~~

~~———(1) “Farm tractor”, meaning every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns, as now or may be hereafter defined in Code of Virginia §46.2-100;~~

~~———(2) “Farm utility vehicle”, meaning a vehicle that is designed for off road use and is used as a farm, agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed, as now or may be hereafter defined in Code of Virginia §46.2-100.~~

~~———(3) “Farm tractor” or “Farm utility vehicle” does not include pickup or panel trucks, golf carts, low speed vehicles, riding lawn mowers or all terrain vehicles, or any other motor vehicle designed for use on a highway regardless of whether it is required to be registered by the Department of Motor Vehicles, all as now or hereafter defined in Va. Code §46.2-100.~~

~~———(e) The provisions of §16-106 shall not apply to one (1) inoperable motor vehicle used for advertising or business-recognition purposes at a business site on property in a General Business District (B-1), a Planned Business District (B-2) or General Industrial District (I-1) within the Tourism Corridor Overlay District, all as designated on the Official Rockbridge County Zoning Map and defined in Article 6 – Uses in Districts of the Rockbridge County Land Development Regulations; provided, however, that the location and appearance of such vehicle shall be subject to review and approval of the Tourism Corridor Overlay Review Board (TCO Review Board) in accordance with the provisions of Section 611.00 of the Rockbridge County Land Development Regulations, as applicable, and subject to the following additional conditions:~~

(1) The review fee for an application to the TCO Review Board under this section shall be \$30.00.

(2) An applicant may apply for review of such inoperable vehicle at an existing business or in conjunction with site plan approval for a new business development. The provisions of §16-106 shall be stayed for an existing inoperable motor vehicle while the review process is pending.

(3) Such vehicle shall not be approved with lettering, signage or a logo. Nothing in this subsection shall be construed to exempt such vehicle from the regulation of Signs, as provided in §706, et seq., of the County Land Development Regulations.

(4) In addition to consideration of the purpose and intent of the TCO District as set forth in Section 611.01 of the Land Development Regulations, the TCO Review Board will consider whether the inoperable vehicle would have an appropriate connection to the business and would represent a common business theme that would enhance the business for advertising or business-recognition purposes.

(5) In the event that an existing inoperable vehicle for advertising or business-recognition purposes is not approved under Section 611.00 by the TCO Review Board or on appeal as provided therein, the applicant shall be notified and the provisions of §16-106 shall be applicable thirty (30) days from the date of a final determination under Section 611.00 of the Land Development Regulations.

(6) If approved, the TCO Board shall issue a separate Certificate of Appropriateness for the subject inoperable vehicle, which shall remain in effect so long as the applicant continues to

operate the business for which the vehicle is approved and maintains a current valid business license in the County. The Certificate of Appropriateness shall automatically expire on the date of the earliest of any of the following circumstances: the applicant sells, ceases or abandons the business; the County business license is not current and valid, by reason of non-payment of taxes or otherwise, or is revoked or terminated, whether voluntarily or involuntarily; or the property is sold or transferred to a new owner(s).

(7) In the event of expiration of the Certificate of Appropriateness, the inoperable vehicle shall lose its exemption after a period of six (6) months and the provisions of §16-106 shall apply; subject, however, to the right of the property owner to apply to the TCO Review Board for an extension up to an additional six (6) months.

(8) Any inoperable motor vehicle, for which a Certificate of Appropriateness has been issued and continues in effect, shall be maintained in substantially the same condition, appearance, and location as approved by the TCO Review Board. Failure to maintain the inoperable vehicle to the standard initially approved by the TCO Board shall be enforceable by the Zoning Administrator as a zoning violation under the Land Development Regulations. In addition, the Zoning Administrator shall be authorized to initiate a proceeding and public hearing before the Board of Supervisors for revocation of the Certificate of Appropriateness upon failure to bring the inoperable vehicle into compliance after no less than three (3) notices to comply and no less than sixty (60) days from the date of the first notice or summons pursuant to Article 11 of the Land Development Regulations. In the event of revocation of the Certificate of Appropriateness, the inoperable motor vehicle shall lose its exemption after a period of fourteen (14) days from the date of the revocation decision and the provisions of §16-106 above shall apply.

Sec. 16-107. Penalty.

(a) Civil Penalties.

(1) For each initial violation of this Division, a written notice of violation shall be issued to the violator, who shall be allowed ~~fourteen~~ ~~forty-five~~ (1445) days for compliance.

(2) Upon failure to comply within 1445 days, the first violation shall be subject to a civil penalty in the amount of \$100.

(3) The civil penalty for subsequent violations shall be \$250.

(4) Each day during which the violation is found to have existed shall constitute a separate offense; provided, however, that specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period.

(5) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$5,000.

(b) Criminal Penalties.

In the event three (3) civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, a subsequent violation shall constitute a Class 3 misdemeanor; and civil penalties shall not thereafter apply for the same violation.

2. Any existing inoperable motor vehicle in the Tourism Corridor Overlay District shall have 60 days from the date of adoption of this Ordinance to submit application for approval from the Tourism Corridor Review Board, as provided in §16-106.1(c) above.

3. This Ordinance shall be effective on and from the date of its adoption.

Adopted this 23rd day of February, 2009.

Recorded Vote:

AYES: Ford, Smith, Lewis, Riegel

NAYES: Comstock

ABSENT: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Claire A. Collins, Clerk

Kerrs Creek License for ALS Transport and Funding Request for Service

Mr. P.J. Sibold, Assistant Chief Kerrs Creek Fire Department, described the request for a resolution to change the fire department's status from Basic to Advanced Lifesaving transport and the request for funding. Speaking in favor of the request and explaining their rationale were Sebby Volpe, Tim Goodbar and Dennis Goodbar. The Fire Department was encouraged to provide all necessary information to Mr. Claytor. After a lengthy discussion, Supervisor Lewis motioned to refer the request to the Fire and Rescue Committee and Supervisor Ford provided the second. It was noted the deadline for the EMS grant is March 14th. The following was recorded:

Recorded Vote:

AYES: Ford, Lewis
NAYES: Comstock, Smith, Riegel
ABSENT: None

The Board discussed separating the requests into two parts; request for ALS Transport Licensure and a request for funding for service. Supervisor Comstock made the motion to carry over the review until March 9th in order to consult with staff and clarify funding request with specific examination of staffing needs for this area. Supervisor Smith provided the second. It was the consensus of the Board to direct staff to prepare a resolution of support for the Kerrs Creek Fire Department to apply for Advanced Life Saving Licensure. The following vote was recorded:

Recorded Vote:

AYES: Ford, Comstock, Riegel
NAYES: Smith
ABSTAIN: Lewis
ABSENT: None

Supervisor Lewis made the motion to continue the unfinished business until March 2nd at 5:00 p.m. but the motion failed for lack of a second.

College Square Property Lease

Ms. Huffman explained the five year lease runs out at the end of June and the required four month notification of cancellation of the lease. It was noted the Zero Waste Committee recommended the lease not be renewed and would like to consider alternative sites. Supervisor Comstock motioned to direct staff to give notice of termination of lease and Supervisor Lewis provided the second. The following was recorded:

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel
NAYES: None
ABSENT: None

Adult Probation Lease / Space

Ms. Collins informed the Board that she had spoken with Judge Mike Irvine requesting the adult probation office be put in the new courthouse. The Board will review this item again at its March 9th meeting.

Since the new courthouse was being discussed Supervisor Ford made the Board aware that the entrance to the parking garage from Randolph Street is not designed for handicapped vans. The speed bump is too high to accommodate the lower set vehicles.

Report on Solid Waste Services Proposals Received

Ms. Collins stated five proposals had been received and recommended all proposals be presented to the review panel and the Board concurred. The presentations will be heard on March 3rd, allowing twenty minutes for each.

Committee Reports

Chairman Riegel asked the Board to consider holding a special meeting where predetermined issues will be discussed with the public but no action will be taken in observance of Sunshine Week March 15 through March 21. The purpose is to promote transparency in government. This will be discussed further at the next meeting.

NBHS Gym Repairs

Chairman Riegel gave the NBHS Steering Committee report. He noted four subcommittees were formed. The Committee is requesting up to \$25,000 for repairs to the gym. The Board directed staff to call for proposals for the repairs needed.

Adjourn / Continue Meeting

At 11:12 p.m. the Board continued the meeting to March 2nd at 5:00 p.m.