

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 APRIL 13, 2009 AT 3:00 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, TOM HIGGINS, DAN GRIM, SHERIFF DAY AND DAVID WHITESELL

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

No items were added to the agenda.

Citizens' Comments

Chairman Riegel called for public comment but none was offered.

Presentation by Draper Aden on Landfill Gas Evaluation

Ms. Lynn Klappich and Mr. Don Marickovich, Draper Aden representatives, presented the landfill gas evaluation update. According to Draper Aden, the price of carbon credits have steadily increased since their last study conducted in November 2008. Information that Draper Aden has received from entities that purchase carbon credits directly have also indicated that the prices have been rising. The November study did not include any potential revenue from the production and sale of electricity that could be generated from the landfill gas once the active system is in place. Since December, Draper Aden Associates has been in discussions with GreenKW, Inc., a new company in Blacksburg that plans to install and operate electrical generating systems on the sites of relatively small landfills. The Rockbridge County Landfill is a small landfill from the standpoint of electricity generation (therefore, not necessarily attractive to larger landfill gas developers) however, its size is well within the range of GreenKW's desired projects. GreenKW is not interested in installing or operating the gas systems at the landfills. Their plan is to install, operate and maintain all the electrical generation and grid connection equipment. They have talked to BARC Electric Cooperative about the carrying capacity of the current electrical power lines that run onto the site, and have estimated that an 800KW generator set, requiring about 300 cubic feet per minute (cfm) of landfill gas, could be installed and run at the site for a number of years. Ms. Klappich and Mr. Marickovich explained various scenarios and phases of development the County could consider. After much discussion, the Board directed Draper Aden Associates to monitor the carbon credit market to determine when the County should "jump in" and provide additional informational concerning the steps involved in getting

this project “shovel ready” in case the Board decided to pursue stimulus funding through the Energy Efficiency and Conservation Block Grant Program.

George Washington National Forest Presentation on Forest Plan Revision by Ken Landgraf

Mr. Landgraf and Ms. Annie Downing were in attendance to make the presentation and field questions. The forest plan was last revised in 1993 and the latest proposed revision planning has been in collaboration with public input/involvement. Three key issues identified: 1) road and trail access; 2) vegetation management (timer and prescribed fire) and 3) wilderness and remote areas. Mr. Landgraf explained the current recommendations for the revised plan: 1) expand some special biological areas for rare species; 2) identify areas not suitable for wind energy development; 3) adopt the streamside management guidelines from the Jefferson National Forest; 4) most of the current roadless areas would be managed as remote areas without road construction or timber harvest; 5) four areas most like to be identified for Wilderness recommendation (Little River, Ramseys Draft Addition, Rich Hole Addition, St. Marys Addition –West in Augusta County); 6) timber harvest for early successional wildlife habitat and wood production near level for past 15 years and 7) roads and trails remain at approximately current levels. Mr. Landgraf noted the timeline for the plan revision and that additional information could be found at www.fs.fed.us/r8/gwj . Supervisor Smith relayed that citizens would like to see more horse trails and Mr. Landgraf indicated this could be considered.

Appointments to County Industrial Development Authority

Ms. Collins explained there are two vacancies on this Authority. Supervisor Lewis stated Mr. Earl D. Cash had expressed his willingness to continue serving if the Board so desired. Supervisor Comstock motioned to nominate Mr. Cash for another four year term and Supervisor Smith provided the second. The following was recorded:

Recorded Vote

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

Review of Bids Received for NBHS Gym HVAC Repairs

Mr. Tom Higgins, County Engineer, described the three bids the County received for this project (Johnson Controls, Donald’s Electric and B&B Building Services). After examining each bid, Supervisor Smith motioned to approve the Johnson Controls’ base bid of \$7,728.00 with the understanding any work not included in base must be approved by the Board. Supervisor Comstock provided the second and the following was recorded:

Recorded Vote:

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

ABSENT: None

Discussion of Request for Modifications of Courtroom and Meeting Space at Historic Courthouse

Mr. Michael Carmagnola and Mr. Tom Contos, both representing Washington and Lee University, led the Board in the discussion of the request for modifications. Mr. Contos explained the rationale of requesting the public meeting room be changed to the first floor. Both representatives clarified W&L has no intention of changing the current agreement between the County and Rockbridge Partners; LLC. Mr. Contos stated his opinion that the first floor records room was more suitable both acoustically and shape-wise for a community room. In response to a question from Supervisor Comstock, Mr. Contos explained the old Court room will be kept as intact as possible and W&L would be working with all available historic preservation resources. Supervisor Lewis read into the record a statement (which can be found filed in the Board of Supervisors Clerk's office) in favor of maintaining the Courtroom as the public meeting space. A brief discussion ensued. Supervisor Comstock made the motion to direct the County Attorney to modify Section 17 (b) of the contract covenants and advertise amendment for a public hearing on April 27th. Supervisor Smith provided the second and the following was recorded:

Recorded Vote:

AYES: Comstock, Ford, Smith, Riegel

NAYES: Lewis

ABSENT: None

Report by Congressman Bob Goodlatte

Congressman Goodlatte touched on the following topics: 1) Federal Economic Stimulus, 2) George Washington National Forest Plan and Payment in Lieu of Taxes Program (PILT), 3) BSA and use of Goshen area for National Jamboree, 4) flooding in Rockbridge and Augusta County, 5) Buena Vista flood reduction efforts, 6) South River flooding, 7) I-81 future changes, 8) Department of Defense, and 9) digital versus analog transmission. Congressman Goodlatte asked to hear any concerns the Board had to offer. Supervisor Ford questioned the accuracy of the FEMA maps and stated individuals must show, at their own cost, they are not in the floodplain which can cause problems when they want to make home improvements. Supervisor Smith called to Congressman Goodlatte's attention the possible agricultural center being considered for this area. The Board thanked the Congressman for his time and attention.

Discussion of Revenue Loss from Game Commission Purchase of Private Property

Ms. Collins described the parcels of property known as "Short Hills" that the state will be purchasing within the next eight weeks. The County assessed property values of the tracts of land being purchased totals \$4,423,300.00. At the current real property tax rate, the loss of revenue is projected to be \$26,097.47. Ms. Collins recommended the Board consider a letter be sent to the state explaining the loss of revenue and

requesting efforts be made to work with the County to consider recouping this loss of revenue that the County can document has funded public education. The Board concurred.

Public Hearing

Overview of the Proposed Regional Sustainability Center Project

County Administrator Claire Collins provided an overview of the proposed Regional Sustainability Center Project (potential future use of the Natural Bridge High School building as business/industry incubator) with the scheduled public hearing to satisfy the initial public meeting required as an activity to complete as part of the initial Phase One planning grant received from the Virginia Department of Housing and Community Development.

Chairman Riegel opened the public hearing to receive public input on the project and to identify interested community members to be included as additional members of the management team. The Board of Supervisors noted that Robbie Faulkner and David Dax, members of the management team were present at the meeting in enthusiastic support of the project. The Board also discussed the need for higher education partners, to address use of the facility for child care and recreation, and how this project would provide opportunity for economic growth to coincide with agri-business and how the marketplace is transitioning to green jobs, renewable energy and bio-technology. With no public comment offered, the public hearing was closed with the Board expressing their support of this project for the county and region.

Ms. Huffman gave the Board a brief overview of the deed research on the old courthouse. Supervisor Comstock motioned to authorize the County Attorney to file suit to establish title of Courthouse and Supervisor Ford provided the second. The following was recorded:

Recorded Vote:

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

Financial Report

Mr. Claytor gave the Board an overview of the financial report for the month and fielded questions. The following was recorded:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, APRIL 13, 2009, AT 3:00 P.M.

On motion by Supervisor Ford, seconded by Supervisor Smith, the Board, by record vote adopted the following appropriation resolutions and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation/s be, and the same hereby is made, for the period ending **June 30, 2009**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-11010-5504	Travel Board of Supervisors.....	\$167.00
4-11-12020-5504	Travel County Administrator.....	\$656.00
4-11-22010-7001	Equipment (CA Grant).....	\$1,437.00
4-11-32040-5604	Cont. Fire Program Fund.....	\$9,675.00
4-11-32080-3501	Reim. Fire and Rescue (HazMat).....	\$1,820.00
4-11-32080-5404	Haz-Mat Material & Supplies.....	\$81.00
4-11-53010-3901	Fees (Court Appt. Legal).....	\$240.00
4-11-71015-5404	PreSchool Matl. & Supp (Grant).....	\$1,653.00
Total General Fund		\$15,729.00

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation/s be, and the same hereby is made, for the period ending **June 30, 2009**, from the UNAPPROPRIATED SURPLUS of the **CONSTRUCTION FUND (COURTHOUSE)** and expended as follows:

4-72-80030-5004	Spec. Insp. and Test.....	\$348.00
4-72-80030-6001	Contingency.....	\$784.00
4-72-80030-7001	Equipment, Furniture & Fixtures.....	\$23,629.00
4-72-80040-5004	Spec. Insp. and Test.....	\$116.00
Total Construction Courthouse		\$24,877.00

TOTAL APPROPRIATIONS ALL FUNDS **\$40,606.00**

Current County

General Fund.....	\$521,612.47
SWA/Landfill.....	\$43,339.58
SWA/Recycling.....	\$3,802.39
Construction (Courthouse).....	\$24,877.45
Employee Benefit.....	\$0.00
Central Stores.....	\$277.31
Total County Bills	\$593,909.20

Current Fiscal Agent

Regional Jail.....	\$45,975.93
Partnership.....	\$2,351.18

Total Fiscal Agent

\$48,327.11

TOTAL ALL BILLS

\$642,236.31

RECORDED VOTE:

AYES: Ford, Smith, Comstock, Lewis, Riegel

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

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Chairman

Attest: _____
County Administrator

Committee and Board Member Activity Reports

Supervisor Ford noted there was hope to receive formal acknowledgement from VMI concerning maintenance of a public access to the Chessie Trail. Supervisor Smith reported the Agricultural Center Committee had met twice since the last Board meeting and that the Horse Center has shown significant interest in this possible project. Supervisor Lewis updated the Board on the status of the Goshen Pass Picnic Shelter and also noted the Goshen Town Council had adopted a resolution of support for the proposed BSA project. Council also requested a public forum be held in Goshen in the near future. Supervisor Comstock informed the Board a regional transportation plan should be forthcoming from RATS. He also noted the County held a successful cleanup event and Habitat recently opened a store in Buena Vista. Supervisor Ford added the MSA had applied for funding for two “shovel ready” projects.

Staff Reports

Update on Broadband Project by Dan Grim

Mr. Dan Grim, GIS Manager, announced stimulus funding for this project had been applied for and Design Nine is working on Phase II. He noted the next Broadband meeting is scheduled for April 15th at 3:00 P.M.

List of Potential Solid Waste Collection Sites

Mr. Claytor reported the committee had met twice since the last Board meeting and gave the Board a run down on the sites that had been explored. Work will continue in committee on selecting some sites for the Board’s consideration.

Consent Agenda

Schedule Work Session on April 27th @ 5:00 P.M. to discuss Economic Development

Intergovernmental Dinner Meeting April 29th @ 6:00 P.M. W&L Evans Dining Hall

Supervisor Smith motioned to adopt the consent agenda and Supervisor Comstock provided the second. The following was recorded:
Recorded Vote:

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

Continue Meeting to Accommodate Meeting of Solid Waste Authority

Supervisor Ford motioned to continue the meeting and Supervisor Smith provided the second. The following was recorded:

Recorded Vote:

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

Solid Waste Authority Meeting

Discussion and Consideration of Solid Waste Subcommittee Recommendations regarding Proposers of Solid Waste Services and Next Steps

The Solid Waste Authority convened the meeting to discuss the subcommittee recommendations regarding proposers of solid waste services. On a motion of Mr. Comstock, seconded by Mr. Lewis, the Authority voted to contact RRR to invite them as the number one proposer to enter into negotiations of contract based on the proposal and input from the subcommittee and to advise Sils that their proposals will be placed on hold while negotiating with RRR. Also, on a motion of Mr. Comstock, seconded by Mr. Ford, the Authority appointed County Administrator Claire Collins, the County Attorney Vickie Huffman and Mr. Bob Brickner of Gershman, Brickner & Bratton, Inc. as the negotiating team.

A request was made by Mr. Lee Merrill for Kitty Sachs to be added to the solid waste panel review committee. No action was taken by the Board.

The Authority continued the meeting to resume at 10:00 a.m. on Tuesday, April 14, 2009 for the panel review committee to provide input to the negotiating team.

Adjourn

The Board of Supervisors reconvened the regular meeting and adjourned at 8:15 P.M.