

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD IN THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, APRIL 27, 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

Work Session on Economic Development

Chairman Riegel announced the Board held a work session on economic development at 5:00 p.m. prior to this meeting. The following was discussed at the work session: 1) Report and Overview by Sam Crickenberger and Claire Collins; 2) Vision, Goals / Objectives and Work Plan for Future; and 3) Potential Boy Scouts request to Board for designating a working group. No formal action was taken by the Board during this work session.

Call to Order, Invocation and Pledge of Allegiance

Chairman Riegel called the regular 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 possible revenue sources. Supervisor Lewis added action on the Administrative Assistant position for the Rockbridge Partnership and the Department of Planning & Zoning.

Citizens' Comments

In response to Chairman Riegel's call for citizen comments, Patte Wood of the Walker's Creek Magisterial District requested that those entering the Board meeting be quiet while a meeting is in progress.

Sam Crickenberger, Director of Planning & Zoning, distributed a final copy of the 2009 Capital Improvements Program to Board members.

VACO Presentation by Donald Hart, President

Donald Hart, County Administrator of Accomack County and President of the Virginia Association of Counties, spoke to the Board. He stated that VACo's focus this year with the General Assembly has been to oppose any unfunded mandates and to encourage the Governor to veto any bill that includes an unfunded mandate. Mr. Hart noted that VACo is changing. In the past, control has been with the urban counties, but with the Rural Caucus and rural counties standing together, more influence for rural counties has developed. Mr. Hart invited Board members to contact him with any issues of concern.

Supervisor Comstock requested that the County Administrator provide the Board with additional information on the Rural Caucus.

Proclamation Observing May 17-23, 2009 as Ruritan Week

Supervisor Lewis made a Motion to adopt the Resolution to declare May 17-23, 2009, as Ruritan Week in Rockbridge County and Supervisor Ford seconded the Motion. The following Resolution was adopted by unanimous vote of the Board:

**RESOLUTION
PROCLAMATION
Ruritan Week, May 17-23, 2009**

WHEREAS, Ruritan National is a community service organization of nearly 32,000 members throughout the United States, with nearly 500 persons working in 15 clubs in the Natural Bridge District of Virginia; and

WHEREAS, Ruritans were founded in 1928 with the purpose of improving local communities, and consists of clubs in urban, small towns and rural communities through fellowship, goodwill and community service; and

WHEREAS, Ruritans are engaged in numerous projects each year that benefit citizens of this area and make the community a better place in which to live and work; and

WHEREAS, Natural Bridge District Ruritans, are celebrating their 70th year of service as a collective group of clubs our region.

THEREFORE, LET IT BE RESOLVED, that the Rockbridge County Board of Supervisors salute the ongoing work of Ruritan by declaring May 17-23, 2009 as Ruritan Week in Rockbridge County.

LET IT BE FURTHER RESOLVED, that the Rockbridge County Board of Supervisors expresses its appreciation of the many man-hours and dollars expended on behalf of the betterment of our community.

FINALLY, BE IT RESOLVED THAT WE, THE UNDERSIGNED, commend their work and encourage its citizens to be actively involved through membership in their local clubs, to foster growth within the organization itself and particularly in this community.

Proclaimed this 27th day of April, 2009.

Chairman, Board of Supervisors

County Administrator

Recorded Vote:

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

Declare May 3-9, 2009, as County Government Week to Promote “Greening Our Future”

The County Administrator stated that the National Association of Counties is encouraging local governments to support “Greening Our Future” during the 2009 National County Government Week. Supervisor Lewis made a Motion to declare May 3-9, 2009, as County Government Week and to promote “Greening Our Future”. The Motion was seconded by Supervisor Smith and was approved by unanimous vote of the Board.

Recorded Vote:

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

Appointment to County Industrial Development Authority

Supervisor Comstock stated that Gene Tilles, of the South River Magisterial District, is willing to serve and would be an asset to the Authority. Supervisor Comstock made a motion to appoint Gene Tilles to the Rockbridge County Industrial Development Authority and it was seconded by Supervisor Smith. The appointment of Mr. Tilles was approved by unanimous vote of the Board.

Recorded Vote:

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

Presentation on Creation of Buffalo Creek Rural Historic District by Don Hasfurther

Donald Hasfurther is a Director of the Ruth Anderson McCulloch Branch of the Association for the Preservation of Virginia Antiquities. He is also the owner of one of the qualifying structures within the proposed district. Mr. Hasfurther noted that Rockbridge County has extensive historic structures, but currently has no designated district. The purpose of his presentation was to present the Board and the public with information on the proposed district. He stated that no action is sought from the Board of Supervisors; this is not a local designation, but would allow owners of qualifying structures within the district to receive federal and state benefits, such as tax credits, for improvements or renovations of such structures.

Mr. Hasfurther introduced John Kearns, with the Virginia Department of Historic Resources. Mr. Kearns explained the process and the consequences of an historic district designation, stating that registrations are not restrictive and that there is no restraint on a property owner unless that owner wants to take advantage of federal and state tax credits. He further stated that the proposed historic district would not be created if the majority (51%) of the

property owners in the district objects to it in writing. No response from a property owner would be deemed approval.

Chairman Riegel noted that additional time was available prior to the scheduled public hearings at 7:00 p.m., and directed that the Board take up the consent agenda.

Consent Agenda

Approval of Minutes of January 26, 2009

Supervisor Ford requested correction of the spelling of Tom Pariello's name on page 75 of the Minutes.

Memorandum of Understanding between Central Shenandoah Health District and County

Agreement with Base Carrier for Distribution of Rockbridge Alert System

Resolution with Attachment, VDOT Form AM-4.3, to Accept Robinson Lane into the State Secondary Road System

Supervisor Smith made a motion to approve the Consent Agenda, with approval of the Minutes as corrected; the motion was seconded by Supervisor Ford and approved by unanimous vote of the Board.

Recorded Vote:

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

Chairman Riegel suggested that the Board move to the Committee and Board Member Activity Reports.

Committee and Board Member Activity Reports

Supervisor Smith informed the Board he was asked to speak at the most recent Effinger Ruritian Club meeting. Supervisor Ford reported on the Regional Fire and Rescue Committee meeting. The Committee is working on drafting a document to create a Fire and Rescue Commission. Supervisor Ford added he also attended a meeting on the future of the Chessie Trail and was encouraged by the assurances made that the public would retain use of this trail. Chairman Riegel informed the Board he had attended an agricultural meeting that focused on the components of the Pittsylvania County Agricultural Center and whether they would fit into the County regional agricultural center concept being examined for this area. He also met with the Boy Scouts of America constituents about the feasibility of forming a working group to assist them in conceptual planning for the National Jamboree. Chairman Riegel added he had met with Lexington City Mayor, Ms. Mimi Elrod.

Public Hearings

County Code Amendment of Chapter 4, Article V, Farmers' Market

Chairman Riegel stated that the first public hearing would be consideration of the proposed Ordinance to amend the Rockbridge County Code in Chapter 4 to add a new Article V, Farmers' Market. Sam Crickenberger explained that the proposed Ordinance is being presented for the purpose of promoting agriculture. Mr. Crickenberger noted the proposed Ordinance includes provision of temporary signage, including off-premise signage during the entire market season, which would conflict with requirements for other County businesses as set forth in the Sign regulations of the Land Development Regulations. He requested that the Board give particular consideration to this provision. Supervisor Lewis stated that he favors leeway for markets in advertising their events. Chairman Riegel opened the public hearing.

JoEllen Parent spoke in favor of the proposed Ordinance, explaining that she is working for a County-wide market to be located at the Virginia Horse Center.

Joy Evans spoke in favor of the proposed Ordinance, explaining that she is the market manager at Orchardside and that the requested off-premise seasonal signage is from April to September, noting that signs are a form of advertising and it is free.

There being no further public comment, Chairman Riegel closed the public hearing and requested comments from the Board. Supervisor Comstock expressed concern that by allowing temporary off-site signs for the whole season would open up similar requests from other businesses. Supervisor Smith stated that he does not wish to open up the subject of signs again.

Following discussion of the appropriate temporary signage regulations, Supervisor Smith made the motion to adopt the proposed Ordinance, with revision to Section 4-51(d) to specify that "temporary signage may be allowed up to 24 hours prior to, and the day of, the event" and with revision to subsection (5) to specify that "all equipment, materials and signage shall be removed from the premises at the end of each daily event." The motion was seconded by Supervisor Comstock, and the following Ordinance was adopted by unanimous recorded vote:

**AN ORDINANCE TO AMEND THE ROCKBRIDGE COUNTY CODE IN
CHAPTER 4 – AMUSEMENTS AND ENTERTAINMENT, TO ADD A NEW
ARTICLE V – FARMERS' MARKET, FOR THE PURPOSE OF PROMOTING
AND REGULATING OUTDOOR FARMERS' MARKETS**

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

1. Chapter 4, Article V is hereby added to the Rockbridge County Code for the purpose of promoting and regulating outdoor farmers' markets, pursuant to §15.2-1200 of the Code of Virginia (1950, as amended), as follows:

**ROCKBRIDGE COUNTY CODE
Chapter 4**

AMUSEMENTS AND ENTERTAINMENT

Art. I. In General, §§4-1--4-15

- Art. II. Musical or Entertainment Festivals, §§4-16--4-35**
Art. III. Bingo Games and Raffles: DELETED, §§4-36--4-38
Art. IV. Regulation of Noise, §§4-39--4-43
Art. V. Farmers' Market

ARTICLE V. FARMERS' MARKET

Sec. 4-50. Purpose of article

This article is adopted for the purpose of promoting and regulating outdoor farmers' markets. A farmers' market promotes regional agriculture and ensures a continuing supply of fresh, local produce for area residents. Such markets support farmers and preserve farmland for the future by providing regional small family farmers with alternative opportunities to sell their goods. It is the intent of this article that farmers' markets are held in existing parking areas or other such open space used periodically for the seasonal sale of regionally grown agricultural or horticultural produce or merchandise, to include handmade crafts, produced, forged or constructed on the farm.

Sec. 4-51. Permits.

(a) Required; exemptions. No person, firm, corporation or partnership shall promote or conduct an outdoor farmers' market in the unincorporated areas of Rockbridge County unless there shall have been first obtained from the Board of Supervisors a special seasonal permit for said market.

(b) Application. Application for such seasonal market permits shall be in writing on forms provided for the purpose and filed with the Clerk of the Board at least thirty (30) days before the beginning of the seasonal market and twenty-one (21) days prior to a meeting of the Board. Such applications shall have attached thereto, and made a part thereof, the plans, statements, approvals and other documents that may be required.

(c) Issuance; denial. The Board shall act on such applications within fifteen (15) days from the date on which the application is considered. If granted, the permit shall be issued in writing on a form for the purpose and mailed by the clerk to the applicant at the address indicated. If denied, the refusal shall be in writing and the reasons for such denial stated therein, and mailed by the Clerk to the applicant at the address indicated.

(d) Signage, temporary. Temporary signage may be allowed up to 24 hours prior to, and the day of, the event. Such signage may be placed off-premise and shall not exceed twelve (12) square feet in area and eight (8) feet in height for the purpose of directing participants to the event.

A permit may not be issued unless the following conditions, unless waived, are met and the following plans, statements and approvals are submitted to the Board with the application:

- (1) A statement of the name and address of the organizer of the market.
- (2) A statement of the location of the proposed market, the name and address of the owner of the property on which said market is to be held, and letter of approval from the owner.
- (3) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the market. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the County health officer.
- (4) A plan for adequate parking facilities, crowd control and traffic control in and around the market area.
- (5) All equipment, materials and signage shall be removed from the premises at the end of each daily event.

Cross reference(s)--Licenses and business regulations, Ch. 19.

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

Adopted this 27th day of April, 2009.

Chairman, Board of Supervisors

Clerk, Board of Supervisors

Recorded Vote:

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

Consideration of Farmers' Market Applications for Jo Ellen Parent at the Virginia Horse Center, Joy Evans for the Orchardside Farmers' Market on Raphine Road, and Keith Holland for a fruit and vegetable stand on Bares Wood Lane

Supervisor Smith made a motion to approve all three applications, pursuant to County Code Chapter 4, Article V adopted immediately prior as amended for temporary signage; the motion was seconded by Supervisor Ford, and was adopted by unanimous recorded vote.

Recorded Vote:

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

Zoning Ordinance Amendment – Request from Tim Donald for conditionally rezone from R-1 to I-1

Mr. Crickenberger explained that this public hearing is being held upon the application of Charlie Potter and Tim Donald to reopen Donald's Slaughterhouse on McCorkle Drive to provide a local abattoir for area farmers, requiring a rezoning of a 2.5 acre parcel of land from R-1 to I-1. Charlie Potter presented the application to the Board, stating the benefits to local agriculture and local consumers. He further explained that with USDA certification, the products can be packaged and sold on-site. The plant is to be no bigger than the existing structure, the Virginia Department of Transportation has approved the entrance, and the applicants have proffered the condition that all animals received will remain inside the holding pens at all times until slaughter.

Chairman Riegel opened the public hearing. Jon Repair, with the local extension office, spoke in favor of the proposed rezoning, noting that this is a unique project that will open up the ability to market product in packaged pieces or parts that can be sold on-site, at farmers' markets, and to restaurants. Bernard Goodbar, President of the Farm Bureau, spoke in support of the project. Richard Trandell, Chairman of the Maury Service Authority, questioned plans for disposal of the waste product. There being no further public comment, Chairman Riegel closed the public hearing and requested comments or questions from the Board.

Supervisor Ford noted that the location is close to the City of Lexington. Sam Crickenberger responded that all neighboring property owners were notified of the proposed rezoning. Supervisor Smith stated that he has heard no complaints and supports the proposal.

Supervisor Smith made a motion to adopt the proposed Ordinance to conditionally rezone the 2.5-acre parcel of land known as Donald's Slaughterhouse from R-1 to I-1; Supervisor Lewis seconded the motion. The proposed Ordinance was adopted by unanimous recorded vote as follows:

ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF A 2.5 ACRE PARCEL OF LAND (TAX MAP NO. 75-A-67A) OWNED BY BILLY M. DONALD AND WINIFRED C. DONALD, LOCATED ALONG THE EAST SIDE OF MCCORKLE DRIVE APPROXIMATELY .4 MILES NORTH OF ITS INTERSECTION WITH EAST MIDLAND TRAIL IN THE BUFFALO MAGISTERIAL DISTRICT OF ROCKBRIDGE COUNTY FROM RESIDENTIAL GENERAL (R-1) TO GENERAL INDUSTRIAL (I-1), WITH CONDITIONS, IN ORDER TO RE-OPEN AN ABATTOIR TO SUPPORT LOCAL AGRICULTURE

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on April 8, 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 April 27, 2009; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the subject 2.5-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 2.5 acres, identified upon the Rockbridge County Land Records as a portion of Tax Map No. 75-A-67A, located along the east side of McCorkle Drive approximately .4 miles south of its intersection with East Midland Trail in the Buffalo Magisterial District of Rockbridge County, being shown as “SLAUGHTER HOUSE – 2.49 ACRES – PORTION OF PARCEL 0750000A0000067A TO BE REZONED TO I-1 ZONE” on a survey entitled ‘Exhibit Showing A Portion of Property to be Rezoned Which Was Deeded to Billy M. Donald and Winifred C. Donald in Deed Books 228 Page 115 and 337 page 28,’ dated March 18, 2009, prepared by Dorsey Surveying P.L.C., a copy of which is attached hereto as Exhibit A and incorporated herein by reference, is hereby changed from the zoning classification of R-1, Residential General District, to I-1, General Industrial District, with and subject to the proffered conditions as set forth on Exhibit B attached hereto and incorporated herein, and which the Board hereby accepts.

2. That this action is taken upon the application of the property owners, Billy M. Donald and Winifred C. Donald.

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 27th day of April, 2009.

Chairman, Board of Supervisors

Clerk

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel

NAYES: None

ABSENT: None

Special Exception Application of Public Service Authority for elevated water tank in A-T

Chairman Riegel announced that the next agenda item is the public hearing on the application of the Public Service Authority for a Special Exception Permit to construct a new elevated water tank in the A-T zoning district. Karen Austin, Executive Director of the Rockbridge County Public Service Authority, gave a power point presentation of the application, stating that the problems to be solved are future capacity needs, insufficient storage, and insufficient fire flow. Ms. Austin explained the means in which the proposed tank would solve each of the existing problems, and noted that this solution is the least expensive solution.

Chairman Riegel opened the public hearing. Alec Wilder, of the Buffalo Magisterial District, spoke in opposition to the proposal and stated that alternatives, including pump stations, are available. Kurt Swenson, an adjacent landowner in the Buffalo Magisterial District, opposed the application. Dean Hall, son of Sarah Hall, owner of the property where the proposed tank would be located, spoke in opposition to the application, stating that the project will diminish all property values in the area. Steve Grist, local attorney representing Ms. Hall and her two sons, stated that the family is opposed to the tank and the condemnation proceedings instituted by the Public Service Authority for the property. Carl Newcomer, of the Buffalo Magisterial District, spoke in opposition to the proposal. Horace Douty, of the Buffalo Magisterial District, spoke in opposition, requesting that Board members give due consideration to Ms. Hall's wishes and visit the site, and further requested that the Public Service Authority examine the alternatives. Linda Swanson, of the Buffalo Magisterial District, stated that the proposal is not acceptable and asked for a look at other alternatives. Carl Newcomer spoke again, questioning whether this is part of a comprehensive solution for the County.

Torben Pedersen, Chairman of the Public Service Authority, spoke in favor of the proposal and explained the Public Service Authority's process in reaching this solution. There

being no further public comment, Chairman Riegel closed the public hearing and invited comments and questions from the Board.

In response to questions, Sam Crickenberger stated that, although the future development numbers presented and relied upon by the Public Service Authority were calculated prior to the County-wide rezoning, the numbers are still not far off the current numbers. He stated that there are 210 acres zoned R-1, with potential for 490 new dwellings in the existing R-1 district. There are 54 possible development rights in the Agricultural zone, for a total of 544 potential new development rights in existence at this time.

Supervisor Ford asked whether the design of this proposal would accommodate extension of service to Possum Hollow. Ms. Austin answered in the affirmative. Supervisor Smith stated that he would not support this proposal under any circumstances. Supervisor Riegel expressed his concerns about exploration of the alternatives and the filing of eminent domain proceedings. Supervisor Lewis asked about the time within which the Board must make a decision, and was advised that the Board has 30 days from the public hearing, unless the applicant is agreeable to further postponement. Supervisor Ford indicated that he has had many questions, many of which have been answered by Ms. Austin's presentation, but some which remain including clarification on a possible surcharge.

Following further discussion on the advisability of postponing action, Supervisor Smith made a motion to adopt the proposed Ordinance to deny the application of the Public Service Authority, and the motion was seconded by Supervisor Lewis. Chairman Riegel stated that he would like to see this matter postponed at least one meeting to allow the Public Service Authority to attempt negotiations and to explore other options. There being no further discussion, the following Ordinance was adopted by unanimous recorded vote.

ORDINANCE TO DENY THE APPLICATION OF THE ROCKBRIDGE COUNTY PUBLIC SERVICE AUTHORITY FOR A SPECIAL EXCEPTION PERMIT TO REPLACE AN EXISTING 60 FOOT WATER TANK WITH A 133 FOOT ELEVATED WATER TANK, IN THE AGRICULTURAL TRANSITIONAL DISTRICT (A-T), LOCATED ALONG THE SOUTH SIDE OF THORNHILL ROAD APPROXIMATELY .35 MILES WEST OF EDGEWOOD DRIVE IN THE BUFFALO MAGISTERIAL DISTRICT AND FURTHER IDENTIFIED AS TAX MAP 75-5-1B

WHEREAS, the Rockbridge County Public Service Authority has filed an application for a special exception permit to replace an existing 60 foot water tank with a 133-foot elevated water tank, in the Agricultural Transitional District (A-T), located along the south side of Thornhill Road approximately .35 miles west of Edgewood Drive in the Buffalo Magisterial District (Tax Map No. 75-5-1B); and,

WHEREAS, the Planning Commission, following a public hearing, reviewed this application on April 8, 2009, and recommended approval to the Board subject to the conditions set forth on Exhibit A; 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 of Rockbridge County, Virginia, held a public hearing on this matter on April 27, 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 not consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest, and specifically determines that the proposed project exceeds the County's fiscal capacity to provide public infrastructure at this time, that the project will encourage growth and future development in an area that the County does not want to encourage in accordance with the Land Use Plan, and adversely impacts the scenic viewshed and ridgeline without adequate standards for minimization.

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

1. That the application of the Rockbridge County Public Service Authority for a special exception permit to replace an existing 60 foot water tank with a 133 foot elevated water tank, in the Agricultural Transitional District (A-T), located along the south side of Thornhill Road approximately .35 miles west of Edgewood Drive in the Buffalo Magisterial District (Tax Map No. 75-5-1B), is hereby denied.

2. That this ordinance shall be effective on and from the date of its adoption.

Adopted this 27th day of April, 2009.

Chairman, Board of Supervisors

Clerk

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel

NAYES: None

ABSENT: None

Amendment Ordinance for Sale of Court House

Chairman Riegel announced that the next agenda item was the public hearing on the amendment of the Ordinance approving the Contract of Sale for the former Courthouse to Rockbridge Partners, LLC, to permit an alternative meeting room, and potential use of the former courtroom for office space. He opened the public hearing.

Frank Parsons, a City of Lexington resident, spoke in favor of the proposed amendment as a member of the committee that made recommendations to the Board for reuse of the property. Mr. Parsons noted that the proposal is worthy of consideration, as the acoustics in the old Courtroom are terrible.

There being no further public comment, Chairman Riegel closed the public hearing and requested comments and questions from the Board. Supervisor Lewis stated that, although he generally supports Rockbridge Partners in their plan for reuse, his opposition to the change of meeting room is a matter of principle in the preservation of the historical significance of the former courtroom. Supervisor Ford stated that the new Courthouse has several courtrooms of appropriate dignity for public meetings.

Supervisor Smith made a motion to adopt the proposed Ordinance to amend the Ordinance of August 25, 2008, and authorize revision of the Contract of Sale dated May 29, 2008, to permit an alternative meeting space on the first floor of the former Courthouse and allow alternative uses for the former Courtroom. Supervisor Comstock seconded the motion. The following Ordinance was adopted by majority vote.

Amendment Of Ordinance Adopted August 25, 2008, Authorizing And Approving Sale Of The Building And Parcel Of Land Located At The Intersection Of Main Street And East Washington Street, Known As The Former Rockbridge County Courthouse And Courtyard, Having A Street Address Of 2 South Main Street In The City Of Lexington, To Rockbridge Partners, LLC, Said Amendment Being To Authorize A Revision To The Covenants Contained In The Contract Of Sale Dated May 29, 2008, And The Deed To Permit Alternative Uses Of The Former Courtroom While Preserving The Open Character Thereof And Providing That An Alternate

**Location On The First Floor Be Created As A Viable Meeting Room For
The Tenant And For Governmental Or Public Use**

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, is the owner of a parcel of land located at the intersection of Main Street and East Washington Street, having a street address of 2 South Main Street, and known as the Rockbridge County Circuit Court building and courtyard; and,

WHEREAS, the County of Rockbridge and the City of Lexington have completed construction of a new consolidated Courthouse at the intersection of Randolph and Nelson Streets, and all courts and court services have been moved to the new facility, and,

WHEREAS, the Board of Supervisors has determined that the property is no longer required by the County for public purposes; and,

WHEREAS, following issuance of a Request for Proposals from potential purchasers, the County entered into negotiations with Rockbridge Partners, LLC, and by Ordinance adopted on August 25, 2008, the Board authorized and approved the sale of the property for the sum of \$225,000.00 and certain covenants to permit future public use of the courtroom/meeting room and the courtyard, in accordance with the terms of a Contract of Purchase dated May 29, 2008; and,

WHEREAS, Rockbridge Partners, LLC, and Washington & Lee University, the proposed tenant for the building, have requested an amendment to the covenants in said Contract to create an alternative viable meeting space on the first floor of the building, in the former record room and lobby, while maintaining the architecture and open quality of the former courtroom through use for office space; and,

WHEREAS, following notice and public hearing held on April 27, 2009, the Board has considered this request for amendment of its prior Ordinance and the Contract of Purchase approved therein.

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

1. That amendment of the Ordinance adopted by the Board on August 25, 2008, authorizing and approving sale of the building and parcel of land located at the intersection of Main Street and East Washington Street, known as the former Rockbridge County Courthouse and Courtyard, having a street address of 2 South Main Street in the City of Lexington, to Rockbridge Partners, LLC, said amendment being to authorize a revision to the covenants and conditions contained in the Contract of Purchase dated May 29, 2008, and the Deed, to permit alternative uses of the former Courtroom while preserving the integrity of the Courtroom architecture and open appearance, and providing that an alternate location on the first floor be created as a viable meeting room for the tenant and for governmental or public use, is hereby authorized and approved.
2. That, except as authorized in this Ordinance, the terms and conditions of the Contract of Purchase dated May 29, 2008, and the Ordinance adopted by this Board on August 25, 2008, shall remain in full force and effect.
3. That the County Administrator or the Director of Fiscal Services is hereby authorized to execute the Amendment to the Contract of Purchase, the deed, and such other documents, and to take such further actions, on behalf of the Board of Supervisors of the County of Rockbridge, as are necessary to accomplish this transaction, all of which shall be upon form and subject to the conditions approved by the County Attorney.

3. That this ordinance shall be effective on and from the date of its adoption.

Adopted this 27th day of April, 2009.

Chairman, Board of Supervisors

Clerk

Recorded Vote:

AYES: Comstock, Ford, Smith, Riegel

NAYES: Lewis

ABSENT: None

Special Exception Application of Adam's Asphalt to extend current permit for three years

Mr. Crickenberger introduced Rick James, Executive Vice-President of Adams Construction Co. Mr. James presented the request of Adams Construction to extend their permit for the asphalt plant for 3 years, as the company searches for another location within the County.

Supervisor Smith noted that he is required to abstain from discussion or voting on this matter due to a conflict of interest. His disclosure statement is on file with the Clerk to the Board of Supervisors.

Supervisor Ford asked Board members whether they were all aware of the deliberations and results of the permitting process with the State Air Control Board.

Supervisor Comstock made a motion for extend the Adam's special exception permit for another 3-year period, to expire on October 28, 2012. Supervisor Ford seconded the motion. The motion passed by the following majority vote:

Recorded Vote:

AYES: Comstock, Ford, Riegel

NAYES: Lewis

ABSENT: None

ABSTAIN: Smith

Discussion and Adoption of Budget

Mr. Claytor stated that the Board has met its obligation to balance the budget, having done so at approximately \$35 million. Supervisor Lewis requested comment from the County Administrator. Claire Collins noted that with elimination of the Landfill Manager position through attrition, the funds are available to retain the position of permit clerk. Mr. Claytor added that the funds saved from the landfill position can be applied to the salary for the County Engineer, who is assuming responsibility for operations at the landfill. The funds saved on the County Engineer position for the County can be applied to the permit clerk position.

Supervisor Lewis made a motion to adopt the proposed Resolution to adopt the Budget and set the tax rates for the fiscal year beginning July 1, 2009, and ending June 30, 2010, and the

motion was seconded by Supervisor Comstock. The Resolution was adopted by unanimous recorded vote as follows:

AT A SCHEDULED MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON THURSDAY, APRIL 27, 2008 AT 6:00 P.M.

On motion by Supervisor Lewis, seconded by Supervisor Comstock, the Board, by record vote, adopted the following resolution:

WHEREAS, the Board of Supervisors of Rockbridge County has developed an annual fiscal plan (annual budget) which is for informative and planning purposes only, and which budget is for the fiscal year beginning July 1, 2009 and ending June 30, 2010; and,

WHEREAS, a brief synopsis of the budget, proposed and current tax levies, and a notice of the public hearing were published in The News-Gazette, The Rockbridge Weekly on April 1, 2009, and April 8, 2008 and The Rockbridge Advocate April Edition. All these newspapers having general circulation in the County of Rockbridge, in accordance with the requirements of §15.2-2506; and,

WHEREAS, a public hearing was held, pursuant to Title 15.2 and Title 22.1 of the Code of Virginia, as amended, on April 15, 2009 at 7:00 P. M. to take public comments regarding said annual budget: now therefore

BE IT RESOLVED: that the annual budget in the amount of \$35,376,893, as published in the County of Rockbridge Budget 2009-10 Effective July 1, 2009, be and is hereby adopted.

BE IT FURTHER RESOLVED, that the tax rates to be levied on taxable property in Rockbridge County for 2009 shall be as follows:

Real Estate - \$0.59 per \$100 based on 100% valuation

Mobile Homes - \$0.59 per \$100 based on 100% valuation

Personal Property Other Than Mobile Homes - \$4.25 per \$100 assessed valuation

Machinery & Tools - \$2.55 per \$100 assessed valuation

The Commonwealth's reimbursement rate for the Personal Property Tax Relief will be 45%

RECORDED VOTE:

AYES: Lewis, Comstock, Ford, Smith, Riegel

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

R. Hunt Riegel
Chairman

Attest: _____
County Administrator

Position Created for Community Development – added agenda item

Supervisor Lewis made a motion to authorize creation of a support staff position for Community Development (Economic Development, Planning and Zoning) and to authorize proceeding with advertisement of the position to be funded one-half by the County and one-half by the Rockbridge Partnership. Supervisor Smith seconded the motion, which passed by unanimous vote.

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel

NAYES: None

ABSENT: None

Review of List of Solid Waste Collection Sites

Mr. Claytor stated there was no new information to add. A report should be available for the next Board meeting.

Discussion of Possible Revenue Sources – added agenda item

Supervisor Smith explained that one of the northern localities included several categories of taxation in their action to set tax rates that are not specified in Rockbridge County and asked for information on the ability to tax these categories. He noted that these included a motor carrier tax and a tax on aircraft. Ms. Huffman indicated that these are categories of personal property taxes, and that state code allows the tax rate to be set separately for at a rate less than the regular personal property tax rate. Ms. Huffman will check on this and provide the Board with additional information.

Supervisor Smith also stated that horses are pets and need to be taxed.

Ms. Collins advised the Board of the Governor's earlier announcement of a declaration of emergency due to the swine flu.

Adjournment / Continuation

The meeting was continued until April 29th 6:00 p.m. -- Intergovernmental Dinner to held at Evans Hall on the campus of Washington and Lee University