

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY VIRGINIA, HELD IN THE COUNTY ADMINISTRATIVE OFFICE BUILDING, 150 SOUTH MAIN STREET LEXINGTON, VIRGINIA ON TUESDAY MAY 26, 2009 AT 6:00 P.M.

PRESENT: CHAIRMAN R.H. RIEGEL  
MEMBERS: C.R. COMSTOCK, R.S. FORD, A.W. LEWIS, JR.  
ABSENT: M.R. SMITH  
CLERK OF BOARD: CLAIRE A. COLLINS  
COUNTY ATTORNEY: VICKIE L. HUFFMAN  
STAFF: SAM CRICKENBERGER, CRIS SLAYDON, KIM THOMPSON, STEPHEN LUCAS

### **Call to Order, Invocation and Pledge of Allegiance**

Chairman Riegel called the meeting to order at 6:00 p.m. Supervisor Lewis gave the invocation and led in the first verse of 'My Country Tis of Thee'.

### **Item(s) to be added to the Agenda**

Chairman Riegel called for items to be added to the agenda but none were offered by the Board.

### **Citizens' Comments**

Chairman Riegel called for public comment but none was offered.

### **Announcement of Recycling Contest Winners**

Ms. Kim Thompson, County Recycling Coordinator, informed the Board the County currently has a 39% recycling rate and in the near future will be expanding its recycling program to include soft plastic collection. Mr. Stephen Lucas, with the assistance of Chairman Riegel, presented each contest winner with a certificate. The recycling contest was open to all County schools K-5<sup>th</sup> grade children.

### **Rockbridge Disability Services Board Request for Continuation**

Ms. Terri Bsullak, presenting the Rockbridge Disability Services Board (RDSB), explained that the Virginia General Assembly voted to amend the State Code to read that all local governments "may" instead of "shall" have a Disability Services Board thereby eliminating all State funding for the DSB effective July 1, 2009. The RDSB voted to request that the County continue to appoint representatives to their Board and continue to act as the fiscal agent until the RDSB uses up their current funds plus whatever potential funding obtained through grant awards. Ms. Bsullak emphasized funding is not being requested from the service area localities at this time; rather the RDSB is only asking the participating localities to continue to appoint members to their Board so services could continue on a voluntary basis. Supervisor Comstock motioned the County support the request from RDSB to continue on a voluntary unfunded basis and Supervisor Lewis provided the second. The following vote was recorded:

AYES: Comstock, Ford, Lewis, Riegel

NAYES: None  
ABSENT: Smith

### **Appointment to Dabney S. Lancaster Community College Board of Directors**

The Board received correspondence from Dr. Richard Teaff, President of DSLCC, advising that a term on the Board of Directors would expire June 30, 2009 thus necessitating an appointment. Supervisor Comstock motioned to appoint Bob Claytor, County Fiscal Director, to the DSLCC Board of Directors and Supervisor Lewis provided the second. The following vote was recorded:

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

### **Application by Perry Frazier for Outdoor Event**

Mr. Crickenberger clarified that all facilities are currently in place at the go-cart track and the music event would be seasonal taking place on Friday nights from 7:00 p.m. until 10:00 p.m. May through November. Ms. Patte Wood, Hull's Drive-In Board Member, questioned the effect the music event would have on the movie sound amplification at the drive-in. Mr. Frazier noted that the go-cart operation noise and existing music being provided does not carry and to date the establishment has not received a complaint. Supervisor Comstock, in reference to increased traffic potential, asked that an announcement be made to patrons regarding exit and safety onto U.S. Route 11. Hearing no further discussion Supervisor Comstock motioned to approve the application and Supervisor Ford provided the second. The following vote was recorded:

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

### **Forest Protection Information / Discussion**

Ms. Collins started the discussion by giving an overview of the research staff had gathered from neighboring localities indicating what action had been taken to address forest management. Supervisor Ford sparked a discussion centering on the potential designation of areas in the County as wilderness by the United States Forest Service and the most effective way to ensure the County continue to receive federal payment in lieu of taxes (which has been used for public education) if such designations are made. At the request of Supervisor Comstock, Mr. Ken Landgraff and Ms. Annie Downing, United States Forest representatives, spoke specifically on the three areas in the County under consideration; 1) Adams Peak, 2) Three Sisters, and 3) White's Peak. Mr. Landgraff and Ms. Downing fielded numerous questions from the Board. After a lengthy discussion the Board directed staff to gather more information on this matter, requested the representatives attend the Board's next scheduled evening meeting and postponed this discussion until that time.

### **Public Hearings**

### **Draft Six-Year Transportation Plan**

Ms. Susan Hammond, Virginia Department of Transportation Regional Representative, was in attendance to answer questions about VDOT's proposed transportation plan. She noted VDOT will be cutting back on its mowing services due to reduced funding. After the call for public comment, Ms. Patte Wood, Walkers Creek District resident, thanked VDOT for inclusion of Poor House Road in the transportation plan in efforts to improve the sight distance. In response to a question from Ms. Wood, Ms. Hammond stated less frequent mowing in some area could possibly create a fire hazard but nevertheless VDOT will need to cut back on this service. Mr. Bernard Goodbar, Kerrs Creek resident expressed his concern that decreased mowing also gives deer and other wildlife additional coverage thus increasing the risk of vehicle collisions with animals. Mr. Lee Merrill, Kerrs Creek resident, requested that VDOT use the E-911 names of roads when presenting information. Hearing no further discussion, Supervisor Comstock made the motion for the County to approve the VDOT Six-Year Transportation Plan and Construction Budget for FY 2010-2015 and Supervisor Ford provided the second. The following vote was recorded:

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

### **Zoning Ordinance and Map Amendments**

#### **E.M. Carr Properties – Conditionally Rezone from A-2 to A-T**

The application requests to conditionally rezone the balance of the Carr property from A-2 to A-T for a cluster development voluntarily proffered: 1) the development of the property shall not to exceed 47 residential units; 2) the development will be in general accord of the plan submitted; and 3) that all developed lots will utilize public water and sewer. The property totals 145 acres with 51 acres currently zoned A-T along Steeles Fort Road and 94 acres currently zoned A-2. VDOT did not require a traffic study with this number of units. Mr. Slaydon stated the Planning Commission recommended denial of the rezoning feeling it was premature to rezone property in this area just recently established an A-T district and was concerned about the impact to McCormick Farm. Staff had recommended approval due to its location to the Interstate, the adjoining A-T district and the availability of public water and sewer. Staff also felt that if the project is consistent with the comprehensive plan, it may be considered. Mr. Chris Schooley, Nowak/Schooley Design, commented the development plan prepared and submitted by Nowak/Schooley on behalf of the property owners would preserve the rural area, protect 51 acres of farmland in perpetuity and develop an area where infrastructure is already available. Mr. Howard Carr added this property has been in the Carr family for over 65 years and during the last thirty years been leased to Virginia Tech which they will continue to work closely with if the development is approved. He added water and sewer is available thus resulting in additional hook-ups and fees for the County. After the call for public comment, Mr. Torben Pedersen, Natural Bridge District and Mr. William Koogler, Walkers Creek District, both spoke in favor of the

rezoning request. Mr. Lee Merrill spoke against the application. After a brief discussion, Supervisor Comstock motioned to approve the conditional rezoning with substitution proffers as submitted and Supervisor Ford provided the second. The vote and ordinance were recorded as follows:

**Ordinance To Change the Zoning Classification of a 94-Acre Tract of Land (Portion of Tax Map No. 28-A-26) Located in the South River Magisterial District of Rockbridge County From Agricultural And General Uses District (A-2) To Agricultural Transitional District (A-T), With Conditions, For A Cluster Residential Development Project Along The East Side Of Steele's Fort Road Near The Intersection Of Raphine, Upon The Application Of E. M. Carr Properties, L.L.C.**

WHEREAS, the Planning Commission has held a public hearing on this matter on April 8, 2009, and recommended denial of the application to the Board; 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 May 26, 2009; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the property would generally promote the health, safety 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 tract of real estate containing 94 acres, located on the east side of Steele's Fort Road near the intersection of Raphine Road in the South River Magisterial District of Rockbridge County, more particularly shown on the 'Proposed

Development Plan for the Carr Property’, prepared by Nowak/Schooley Design, dated March 13, 2009, a copy of which is attached hereto as Exhibit A and incorporated herein, said property being referenced upon the Rockbridge County Land Records as a portion of Tax Map No. 28-A-26, is hereby changed from Agricultural and General Uses District (A-2) to Agricultural Transitional District (A-T), with and subject to the conditions voluntarily proffered in writing by the property owner on Exhibit B attached hereto and incorporated herein, which the Board of Supervisors hereby accepts.

2. That this action is taken upon the application of the property owner, E. M. Carr Properties, L.L.C.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinance 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 26<sup>th</sup> day of May, 2009.

Recorded Vote:

AYES: Comstock, Ford, Lewis, Riegel

NAYES: None

ABSENT: Smith

Exhibit A and B available on file in Clerk’s Office

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Attest: \_\_\_\_\_  
Claire A. Collins, Clerk

**Child Care Centers in A-2 – Text Amendment**

Mr. Crickenberger explained the proposed zoning ordinance amendment to allow child care centers in the A-2 district by Special Exception had been

recommended for approval by the Planning Commission. The purpose of the amendment is to allow for child care in area convenient to the surrounding population. There was a call for public comment on this matter but none was offered. Supervisor Lewis made the motion to approve the text amendment and Supervisor Ford provided the second. The following was recorded:

**Ordinance to Amend the Rockbridge County Land Development Regulations, in Section 603.00 – AGRICULTURAL AND GENERAL USES DISTRICT - A-2 Of Article 6 - USES IN DISTRICTS, to Add Section 603.03-23 – Licensed Preschool/Child Care Centers, to Allow Such Use By Special Exception in the Agricultural and General Uses District**

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this amendment to the Land Development Regulations on May 13, 2009, and recommended approval to the Board; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on this amendment on May 26, 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 amendment is required by good zoning practice and accomplishes the objectives set forth in Va. Code Section 15.2-2200, and the amendment serves 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 603.00 – AGRICULTURAL AND GENERAL USES DISTRICT - A-2 of Article 6 - USES IN DISTRICTS, be amended and enacted as follows:

**ARTICLE 6  
USES IN DISTRICTS**

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**603.00        AGRICULTURAL AND GENERAL USES DISTRICT - A-2**

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603.03        Special Exceptions. In the A-2 District, Special Exceptions may be issued for one or more of the following uses:

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603.03-23    Licensed preschool/child care centers.

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

Adopted this 26<sup>th</sup> day of May, 2009.

Recorded Vote:

AYES:        Lewis, Ford, Comstock, Riegel

NAYES:       None

ABSENT:     Smith

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Attest: \_\_\_\_\_  
Claire A. Collins, Clerk

**Special Exception Review**

**Ed Showalter – Veterinarian Clinic in A-T**

Dr. Showalter gave the Board specific details on his application to allow placement of a mobile veterinary unit on his property off of Lincoln Road. He clarified the towable unit would be 32 feet long servicing exclusively dogs and cats for diagnostics, treatments and surgery. Hospitalization of the animals would be minimal and no grooming or boarding services would be associated with this facility. Dr. Showalter further noted the proposed unit would be placed on an isolated site abutting an I-81 right-of-way (existing brush would shield visibility of the unit from the Interstate). Also there is no need for a well or septic system at this time. In response to a question from Mr. Merrill concerning wastewater management, Mr. Crickenberger stated the Health Department would regulate. Supervisor Comstock questioned whether a site plan was required and Mr. Crickenberger responded it was not a requirement. It was noted that the Planning Commission has recommended approval of this application. Supervisor Comstock made the motion to adopt an ordinance granting the special exception permit and Supervisor Ford provided the second. The following was recorded:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION OFFICES ON TUESDAY, MAY 26, 2009

Ordinance Granting A Special Exception Permit To Edward G. Showalter To Allow Placement And Use Of A Mobile Veterinary Clinic And Adjunctive Building In The Agricultural Transitional District (A-T), Located At 309 Warm Run Road In The South River Magisterial District And Further Identified As Tax Map #62-A-59

WHEREAS, Edward G. Showalter has filed an application for a special exception permit to allow placement and use of a mobile veterinary clinic and a permanent adjunctive building, in the Agricultural Transitional District (A-T), on his property at 309 Warm Run Road, identified as Tax Map #62-A-59 and located in the South River Magisterial District; and,

WHEREAS, the Planning Commission, following a public hearing, reviewed this application on May 13, 2009, and recommended approval without conditions to the Board; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on May 26, 2009; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

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

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

1. That the Board of Supervisors finds that the granting of a special exception permit to Edward G. Showalter to allow placement and use of a mobile veterinary clinic and a permanent adjunctive building, in the Agricultural Transitional District (A-T), on his property at 309 Warm Run Road, identified as Tax Map #62-A-59 and located 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 granted and approved without conditions.

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 shall be, and the same hereby are, repealed.

Adopted this 26<sup>th</sup> day of May, 2009.

Recorded Vote:

AYES: Comstock, Ford, Lewis, Riegel

NAYES: None

ABSENT: Smith

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Attest: \_\_\_\_\_  
Claire A. Collins, Clerk

**Edna Lane – Manufactured Home in B-1**

Mr. Crickenberger stated the special exception permit application to place a double-wide manufactured home for residential purposes on the property owned by William and Edna Lane, 184 Lloyd Tolley Road, meets all area and set-back requirements. The Planning Commission recommended approval of this application. Hearing no public comment, Supervisor Ford motioned to adopt the ordinance granting the requested special exception permit and Supervisor Comstock provided the second. The following was recorded:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION OFFICES ON TUESDAY, MAY 26, 2009

Ordinance Granting A Special Exception Permit To William And Edna Lane For Placement Of A Double-Wide Manufactured Home On A 1.4-Acre Parcel Of Land In The General Business District (B-1), Located At 184 Lloyd Tolley Road In The Natural Bridge Magisterial District And Further Identified As Tax Map #113E1-1-B2A

WHEREAS, William and Edna Lane have filed an application for a special exception permit to allow placement of a double-wide manufactured home on a 1.4-acre parcel of land in the General Business District (B-1), located at 184 Lloyd Tolley Road in the Natural Bridge Magisterial District, and identified as Tax Map #113E1-1-B2A; and,

WHEREAS, the Planning Commission, following a public hearing, reviewed this application on May 13, 2009, and recommended approval without conditions to the Board; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on May 26, 2009; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

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

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

1. That the Board of Supervisors finds that the granting of a special exception permit to William and Edna Lane to allow placement of a double-wide manufactured home on a 1.4-acre parcel of land in the General Business District (B-1), located at 184 Lloyd Tolley Road in the Natural Bridge Magisterial District, and identified as Tax Map #113E1-1-B2A, 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 granted and approved without conditions.

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 shall be, and the same hereby are, repealed.

Adopted this 26th day of May, 2009.

Recorded Vote:

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

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Attest: \_\_\_\_\_  
Claire A. Collins, Clerk

**Gary and Leslie Casteel – Child Care Center in A-2**

The Casteels applied for a special exception permit to open a licensed child care center at 325 Union Run (former Inn at Union Run Bed and Breakfast). Public comment on this application was called for but none was offered. After a brief discussion on the area need for infant care, Supervisor Ford motioned to approve the ordinance granting a special exception permit and Supervisor Lewis provided the second. The following was recorded:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION OFFICES ON TUESDAY, MAY 26, 2009

**Ordinance Granting A Special Exception Permit To Gary And Leslie Casteel To Operate A Licensed Child Care Facility On A 10-Acre Parcel Of Land In The Agricultural And General Uses District (A-2), Located At 325 Union Run Road In The Kerrs Creek Magisterial District And Further Identified As Tax Map #74-A-103A**

WHEREAS, Gary and Leslie Casteel have filed an application for a special exception permit to allow operation of a licensed child care facility on a 10-acre parcel of land in the Agricultural and General Uses District (A-2), located at 325 Union Run Road in the Kerrs Creek Magisterial District, and further identified as Tax Map #74-A-103A; and,

WHEREAS, the Planning Commission, following a public hearing, reviewed this application on May 13, 2009, and recommended approval without conditions to the Board, but subject to a report from the Virginia Department of Transportation; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on May 26, 2009; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

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

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

1. That the Board of Supervisors finds that the granting of a special exception permit to Gary and Leslie Casteel to allow operation of a licensed child care facility on a 10-acre parcel of land in the Agricultural and General Uses District (A-2), located at 325 Union Run Road in

the Kerrs Creek Magisterial District, and further identified as Tax Map #74-A-103A, 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 granted and approved without conditions.

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 shall be, and the same hereby are, repealed.

Adopted this 26<sup>th</sup> day of May, 2009.

Recorded Vote:

AYES: Ford, Lewis, Comstock, Riegel

NAYES: None

ABSENT: Smith

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Attest: \_\_\_\_\_  
Claire A. Collins, Clerk

**Ordinance to Establish and Authorize the Annual Salary of the Board of Supervisors**

Hearing no public comment, Supervisor Comstock motioned to approve the ordinance and Supervisor Ford provided the second. The following was recorded:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, MAY 26, 2009

**ORDINANCE TO ESTABLISH AND AUTHORIZE THE ANNUAL SALARY OF THE MEMBERS OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY AT \$5,500 PER YEAR, AND TO ESTABLISH THE ADDITIONAL ANNUAL SALARY OF THE CHAIRMAN AND VICE-CHAIRMAN OF THE BOARD AT \$1800 AND \$1200, RESPECTIVELY**

WHEREAS, Virginia Code §15.2-1414.3 establishes the maximum annual salaries of members of boards of supervisors within certain population brackets, and allows for an annual adjustment by an inflation factor not to exceed 5%; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, has heretofore established the annual salaries of Board members at the maximum of \$5,500.00, with the additional annual salaries of \$1,800.00 for the Chairman and \$1,200.00 for the Vice-Chairman; and,

WHEREAS, the Board has determined not to adjust the annual salary by an inflation factor; and,

WHEREAS, the establishment of Board member salaries requires the adoption of an ordinance, following notice and a public hearing, which was held on May 26, 2009.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, as follows:

1. The annual Board member salary of \$5,500.00 is hereby established and authorized pursuant to Virginia Code §15.2-1414.3.
2. An additional annual salary of \$1,800.00 shall be paid to the Chairman of the Board, and an additional annual salary of \$1,200.00 shall be paid to the Vice-Chairman of the Board.
3. That this ordinance shall be effective on and from July 1, 2009.

Adopted this 26<sup>th</sup> day of May, 2009.

Recorded Vote:

AYES: Comstock, Ford, Lewis, Riegel

NAYES: None

ABSENT: Smith

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Attest: \_\_\_\_\_  
Claire A. Collins, Clerk

**Resolution for Emergency Medical Services Grant to Increase Use of Pre-Hospital Electronic Patient Care Reporting**

Ms. Collins explained this grant opportunity is funded 100% from the Virginia Office of Emergency Medical Services, provided by the U.S. Department of Homeland Security and if awarded must be used to purchase Toughbook Computers for use in completing Pre-Hospital Patient Care Reporting (a statewide, Web-based data collection and reporting tool). She asked for the Board's authorization to apply for the grant. Supervisor Comstock motioned to approve the request for grant application and Supervisor Lewis provided the second. The following vote was recorded:

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

**Amendment of County Lease for Recycling Center at College Square Shopping Center**

Ms. Huffman noted that in view of the current County evaluations of potential trash and recycling sites, termination of the lease agreement was warranted to avoid another five year commitment. The lease was terminated by Notice of February 26, 2009. Since the Board on May 11<sup>th</sup> approved developing the site near the Jail for relocation of this center, the site improvements and physical move are not likely to be completed by June 30<sup>th</sup>. Mr. Joseph Harding, Property Owner Manager, has agreed to permit the County to continue to lease the site on a month-to-month basis. The monthly rental will be \$289.82. Supervisor Lewis made the motion to adopt a Resolution to authorize execution of the Amendment to Lease Agreement and Supervisor Ford provided the second. The following was recorded:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, MAY 26, 2009

**RESOLUTION AUTHORIZING EXECUTION OF A LEASE AMENDMENT TO EXTEND THE LEASE WITH RIVER RIDGE-COLLEGE SQUARE, LC, FOR A RECYCLING CENTER ON A 16,381 SQUARE-FOOT PARCEL AT COLLEGE SQUARE SHOPPING CENTER**

WHEREAS, River Ridge-College Square, LC, Lessor, and the County of Rockbridge, Virginia, Lessee, entered into a Lease Agreement executed on February 16, 2004, and made effective as of July 1, 2004, for the lease of a parcel of property to be utilized as a recycling center located at the rear of the College Square Shopping Center adjacent to Route 11, approximately one mile north of Lexington, Virginia, being approximately 16,381 square feet of area, as set forth further on the sketch attached thereto as Exhibit "A"; and,

WHEREAS, said Lease Agreement ends on the last day of June 2009, subject to automatic renewal for an additional term of five years; and,

WHEREAS, the County has declined to renew said Lease Agreement for an additional five-year term, and has provided Notice to the Lessor of termination of said Lease; and,

WHEREAS, the Lessor has agreed to an extension of the current Lease Agreement on a month-to-month basis.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, as follows:

1. That amendment to the Lease Agreement executed on February 16, 2004, and made effective as of July 1, 2004, for the lease of a parcel of property to be utilized as a recycling center located at the rear of the College Square Shopping Center adjacent to Route 11, approximately one mile north of Lexington, Virginia, being approximately 16,381 square feet of area, as set forth further on the sketch attached thereto as Exhibit "A", on a month-to-month basis for a monthly rental of \$289.82 beginning on July 1, 2009, and with a three percent (3%) increase per year, until either may terminates said lease upon providing 30 days' notice to the other party, is hereby authorized and approved.

2. That the rent payment shall be paid from Account Number 4-20-42070-8002 for site rental.

3. That the County Administrator or Director of Fiscal Services is authorized to execute the lease amendment on behalf of the Board of Supervisors of Rockbridge County and to execute such other documents and take such further actions as are necessary to accomplish this transaction, all of which shall be upon form approved by the County Attorney.

4. That this resolution shall be effective upon the date of its adoption.

Adopted this 26<sup>th</sup> day of May, 2009.

Vote:

AYES: Lewis, Ford, Comstock, Riegel

NAYES: None

ABSENT: Smith

#### ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Attest: \_\_\_\_\_  
Claire A. Collins, Clerk

#### **Economic Development – Continued Discussion**

Chairman Riegel started the discussion by giving an overview of the discussion which was held concerning The Rockbridge Partnership (TRP) at the most recent Mayors and Chairs meeting. There was further Board discussion and some speculation on whether the City of Lexington plans to withdraw from the Partnership. Supervisor Lewis noted that he favors regional cooperation and would prefer The Rockbridge Partnership remain intact. Supervisor Comstock stated he supported Supervisor Lewis' position, but anticipating the direction from the City of Lexington, the County may need to move forward without TRP. Supervisor Ford suggested this discussion be postponed until after the Intergovernmental Dinner scheduled for June 24<sup>th</sup>. Mr. Bernard Goodbar, Agricultural Center Committee Member, commented on the Committee's progress for a proposed agricultural center in relation to economic development. Mr. Sam Crickenberger, County Planning and Zoning Director, provided an update to the Board on the completion of the move of TRP office to the County Administration building. He stated twenty five applications for the Administrative Assistant position had been received thus far. It was the consensus of the Board that a summit meeting on

economic development be scheduled for June 16<sup>th</sup> at 5:45 p.m. and to request the City of Lexington and Buena Vista as well as TRP Board of Directors attend.

### **Designation of Boy Scouts Working Group**

Chairman Riegel requested input on the Board designating a working group to report back to the Board. After much consideration of the advantages and disadvantages of designating a working group, the Board decided not to move forward on this request from the Boy Scouts.

### **Establishment of Regional Poverty Committee**

Ms. Collins explained the purpose of this proposed committee would be to ensure coordinated efforts among the supporting agencies. Supervisor Lewis responded Total Action Against Poverty volunteered to perform such a role for the community thereby eliminating the need for establishment of such a committee.

### **Identification of Key Legislative Issues for 2010**

Ms. Collins informed the Board the Virginia Association of Counties (VACo) requested the County submit its' key legislative issues for 2010 so these priorities could be directed to the appropriate steering committees for review and consideration in VACo's development of its' 2010 legislative program. Supervisor Comstock suggested the Board members individually submit to Ms. Collins a list of five issues they felt were crucial for VACo to address. A list will be compiled and given to the Board for consideration.

### **Committee and Board Member Activity Reports**

Supervisor Ford reported the Fire Fighters Association approved the mission statement recommended by the Fire and Rescue Committee. Supervisor Comstock informed the Board that at the most recent Regional Jail Commission meeting the inmate count was into the nineties. He also stated he accompanied a group of County representatives and one representative from the City of Lexington to Winchester to accept a Virginia Conservation Council (VCC) award for the new courthouse. Supervisor Lewis stated the PDC announced Goshen water system was short listed for one million dollars in stimulus money and the rest of the project cost will be covered through grant funding. Chairman Riegel reported on the most recent Natural Bridge Gym Steering Committee. Supervisor Lewis requested the Board appropriate two thousand dollars to assist in balancing the budget for the Goshen Picnic Shelter project. Supervisor Lewis made the motion for staff to come back with an appropriation of \$2,000 for completion of the Goshen Shelter roof and Supervisor Comstock provided the second. The following vote was recorded:

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

Ms. Collins informed the Board she received a letter from Ms. Lynn Klappich of Draper, Aden and Associates relative to an estimate of marketing carbon credits. The

Board directed more detailed information be quickly obtained from DAA. This issue will be discussed further once staff receives the information.

## **Consent Agenda**

### **Approval of Minutes 3/9, 3/16, 3/18, 3/23 and 4/13/09**

Chairman Riegel noted minor edits and will provide staff with the corrections. Supervisor Lewis motioned to approve the consent agenda as amended and Supervisor Ford provided the second. The following vote was recorded:

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

### **Appointment to Zoning Board of Appeals**

Supervisor Comstock made the motion to recommend reappointment of Mr. Jeff Pufahl and Supervisor Ford provided the second. Mr. Pufahl's term will run until May 24, 2014. The following vote was recorded:

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

### **Adjourn**

Hearing no further discussion, the meeting was adjourned at 10:00 p.m.