

**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, JUNE 8, 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.  
FISCAL DIRECTOR: ROBERT E. CLAYTOR  
COUNTY ATTORNEY: VICKIE L. HUFFMAN  
STAFF: PENNI F. MCMICHAEL, JON REPAIR  
ABSENT: CLAIRE A. COLLINS, COUNTY ADMINISTRATOR

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

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

**Item(s) to be Added to the Agenda**

No items were added to the agenda.

**Citizens' Comments**

Mr. Bernard Goodbar, Kerrs Creek District resident, objected to the 3:00 p.m. meeting time because, in his opinion, it did not allow the daylight working citizens an opportunity to attend. The Board thanked Mr. Goodbar for his input and decided to defer discussion of its meeting times until later in the meeting.

Mr. Jon Repair, County Extension Office Director, introduced Ms. Jessica Hastings, recently hired part time 4-H agent, to the Board.

Ms. Anne Herring, United States Department of Agriculture (USDA) Rural Development Area Director, briefly highlighted the programs offered through the Rural Development segment of the USDA and stated her job is to assist localities in obtaining available funding for their region. She distributed informational portfolios to the Board and introduced Mr. Arthur Powers, USDA Rural Development Area Specialist. Ms. Herring emphasized the distribution of the funding is based on a "first come first served" criteria. Supervisor Lewis added that, at the most recent Shenandoah Valley Partnership meeting, a detailed presentation was heard on the funding opportunities available and suggested the Board invite the representatives to attend the next regularly scheduled meeting in order for them to have time to elaborate further on these possible funding opportunities for the County and also to answer any questions the Board had on the distributed material.

**Resolution of Appreciation**

Supervisor Comstock made the motion to adopt a resolution honoring the recently deceased Mr. James Robert Tichenor III for his work and dedication to the County. Supervisor Ford provided the second and the following resolution was adopted upon recorded vote:

**RESOLUTION REQUESTING THAT JAMES ROBERT TICHENOR III BE HONORED FOR HIS HARD WORK AND DEDICATION TO THE COUNTY OF ROCKBRIDGE**

**WHEREAS**, James Robert Tichenor III was an active member of the Rockbridge community; and

**WHEREAS**, James Robert Tichenor III served as Chairman of the Rockbridge County Electoral Board, had served eight years on the Rockbridge County Planning Commission, was the founder of the Rockbridge Area Information Line, and was a driving force of Imagine Rockbridge; and

**WHEREAS**, James Robert Tichenor III volunteered numerous hours and exhibited exceptional community spirit, and contributed to the betterment of the County of Rockbridge; and

**WHEREAS**, James Robert Tichenor III mentored many with his knowledge, wisdom, and leadership skills and brought respect, integrity, and diligence to the County of Rockbridge.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Rockbridge does hereby express its sincere gratitude and deepest appreciation to the late James Robert Tichenor III for his many years of commendable service, devotion and commitment to the County of Rockbridge.

Adopted this 8<sup>th</sup> day of June 2009

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By:

\_\_\_\_\_  
R. Hunt Riegel, Chairman, Board of Supervisors

Attest:

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

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis Riegel

NAYES: None

ABSENT: None

#### **Appointment of Member to Public Service Authority**

Supervisor Comstock stated that board members for the PSA have been traditionally appointed by magisterial district and offered the motion to nominate Mr. Eric Scheffield. Supervisor Ford provided the second and the motion passed upon the following recorded vote:

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis Riegel

NAYES: None

ABSENT: None

#### **Appointment of Member to Building Code of Appeals Board**

Mr. Claytor noted Mr. Grigg Mullen's term expired in 2008 and he has expressed an interest to continue serving if the Board so desired. Supervisor Ford motioned to reappoint Mr. Mullen and Supervisor Lewis provided the second. The motion passed upon the following vote:

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis Riegel

NAYES: None

ABSENT: None

### **Appointment of Member to Regional Jail Commission**

Mr. Claytor stated the terms of Supervisor Comstock and Mr. Sam Blackburn on the Regional Jail Commission expired in January 2009. Supervisor Lewis motioned to reappoint Supervisor Comstock and Mr. Blackburn,, and Supervisor Ford provided the second. The motion passed upon the following vote:

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis Riegel

NAYES: None

ABSENT: None

### **Agricultural Center Committee Report Presentation**

Relative to the report provided by the Agricultural Center Committee members that was included in the Board packet, Supervisor Smith noted the final paragraph expresses what he personally feels the County has needed for some time. For informational purposes, the final paragraph reads: "The overall goal and objective of economic development sustainability would be to focus on growing our own and from within as well as embracing businesses desiring to locate in the region that coincides with our established business targets along with our history, heritage and marketplace". Mr. Goodbar clarified the report reflects conceptually what the Committee has discussed and added the Committee still has a lot of work to do before it can offer any recommendations to the Board for consideration. A lengthy discussion ensued on the specific charge of the Agricultural Center Committee and the County's future plans for economic development and viability. There was also discussion about whether the County should consider entering into existing regional efforts focusing on economic and agricultural development. The Board will discuss further once the future of The Rockbridge Partnership is determined.

### **Resolution to Accept Robinson Lane Right-of-Way**

Ms. Huffman stated the Board, on April 27, 2009, adopted a Resolution requesting that the Virginia Department of Transportation improve Robinson Lane to the state secondary road standards as a rural addition and to accept Robinson Lane into the state system. She noted another step in this process is for the County to acquire ownership of the road and the property owners on Robinson Lane have executed a deed of dedication to the County for the road right-of-way. The proposed resolution would authorize acceptance of the dedication of the road. Supervisor Ford motioned to adopt the resolution and Supervisor Smith provided the second. In response to questions from Supervisor Lewis and Chairman Riegel, Ms. Huffman stated the deed of dedication is the last requirement in order for VDOT to accept Robinson Lane into the state system and if the request is denied the right-of-way will revert back to the property owners and not the County. The proposed Resolution was adopted upon the following recorded vote :

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER, MONDAY, JUNE 8, 2009

**RESOLUTION AUTHORIZING ACQUISITION AND ACCEPTANCE OF THE DONATION OF RIGHT-OF-WAY FOR ROBINSON LANE AS SHOWN ON THE PLAT OF MCCLUNG ACRES (PLAT BOOK 6, PAGE 131) IN THE KERRS CREEK MAGISTERIAL DISTRICT**

WHEREAS, the subdivision plat for a subdivision, sometimes known as McClung Acres, recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, in Plat Book 6, Page 131, created Robinson Lane as a private road; and,

WHEREAS, the property owners along this road have requested that Robinson Lane be accepted into the state secondary road system; and,

WHEREAS, all of said owners have executed a Deed of Dedication, dated April 27, 2009, to dedicate all of their right, title and interest in said road to the Board of Supervisors of Rockbridge County, Virginia; and,

WHEREAS, the acceptance of said road requires approval of the Board of Supervisors.

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

1. That the acquisition and acceptance of the dedicated right-of-way for the road known as Robinson Lane, being of variable width at a minimum of fifty feet (50'), and extending southwesterly from State Secondary Route #640, thence in a northerly direction to the cul-de-sac, as shown on the 'Plat Showing Division of Land Owned by William B. & Anne D. McClung' dated February 26, 1979, and recorded in the aforesaid Clerk's Office in Plat Book 6, Page 131, Cabinet 2, Slide 663, be and hereby is authorized and approved.

2. That the County Administrator is authorized to execute the Deed of Dedication to accept the dedication of Robinson Lane, and to execute such other documents and take such other actions as may be necessary, on behalf of the Board of Supervisors of Rockbridge County, to accomplish the acquisition and acceptance of this road right-of-way and acceptance of said road into the state secondary road system, all of which shall be approved as to form by the County Attorney.

3. That this ordinance shall be effective on and from the date of its adoption.  
Adopted this 8<sup>th</sup> day of June, 2009.

Recorded Vote:

AYES: Ford, Smith, Lewis, Comstock, Riegel

NAYES: None

ABSENT: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman

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

**County Code Revision to Establish Reassessment Schedule**

Mr. Claytor noted the County has been on a five year reassessment schedule since the early eighties but staff, in its research, had been unable to locate action from prior Boards setting the interval schedule. Ms. Huffman added the State code provides that a general reassessment of real estate is to be conducted every four years, but any county with a total population of 50,000 or less may elect to conduct its general reassessments at five or six year intervals upon a majority vote of its board of supervisors. The next County general reassessment will need to be conducted during 2010, with an effective date of January 1, 2011, if the five year schedule is to be followed. Supervisor Ford and Supervisor Lewis stressed the need for public education on general reassessment requirements to avoid any citizen misconceptions and enhance citizen awareness. The Board compared the advantages and disadvantages of five versus six year reassessment interval schedules. Mr. Claytor discussed with the Board how the County would fund the upcoming reassessment if the five year schedule was followed. Supervisor Lewis made the motion to schedule for public hearing on June 22, 2009 an ordinance to establish a five year general reassessment schedule for real estate. Supervisor Smith provided the second and the motion passed with the following recorded vote:

**Recorded Vote:**

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

**Discussion Item(s)**

**Landfill Active Gas Extraction System**

Draper Aden Associates (DAA) representatives Ms. Lynn Klappich and Mr. Jeffrey Crate were in attendance. Mr. Crate gave a report in response to previous questions from the Board relative to the Energy Efficiency and Conservation Block Grant Program and how it may affect Rockbridge County. Grants are offered in three different ways: 1) Formula Grants; 2) Competitive Grants through the Department of Energy (DOE); and 3) State subgrants. Mr. Crate summarized the county should be eligible for both the DOE and Virginia subgrant competitive grants but indicated there will be significant competition for both. As previously requested by the Board, Ms. Klappich gave the engineering costs associated with the design and installation of the Phase I active gas extraction system at the County landfill. DAA recommends the County 1) hold off on any action until the deadline (June 25<sup>th</sup>) for the formula grant applications passes 2) wait for more information to be announced on the competitive grant process and 3) keep a close watch on the carbon credit market. Supervisor Ford questioned at what point the County enters into the carbon credit market to address the methane escape. He also expressed his concern that landfill emissions reporting will soon become a mandate and the County will have no carbon

credits for this project. Supervisor Smith sparked a discussion on possibly using a private developer to address the gas extraction thus eliminating County involvement. Chairman Riegel asked for and obtained clarification that a blower flare station needs to be in place from the beginning to the end of the project. The Board will continue its discussion in July.

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

After some discussion, Chairman Riegel reminded Board members to email to Ms. Collins their list of prioritized issues so they can be compiled and given back to the Board for consideration. Once the prioritized issues are decided upon, the list will be submitted to VACo.

### **Moore's Creek**

Chairman Riegel reported on the recent meeting held with City of Lexington representatives concerning the obligation the City has to maintain the Moore's Creek reservoir as an emergency water supply. It was determined by court ruling that this obligation did not expire with the two localities' previous Joint Services Agreement. The City questions whether an emergency water supply is the main issue or specifically maintenance of the Moore's Creek reservoir. Board members indicated that maintaining an emergency water supply is of major importance, but Board members will relate individual ideas about alternatives to staff. Further discussion will be held on this matter at a future meeting.

### **Elimination of, or Conversion to, Permanent Decals**

Mr. Claytor explained the Board is being asked to consider elimination of the decal fee altogether and making up the lost revenue through an increase in the personal property rate during next year's budget process. The Board is also being asked to consider changing from an annual County decal to a permanent decal to be issued by the Treasurer to the taxpayer upon payment of personal property taxes for a motor vehicle to ensure availability of other county services (such as solid waste or recycling collection sites). Supervisor Comstock questioned whether a permanent sticker system was satisfactory for both constitutional officers and Mr. Claytor affirmatively responded. Based on the discussion heard, Ms. Huffman stated another ordinance will be drafted to reflect the desire of the Board.

### **Financial Report**

Mr. Claytor presented the financial report and fielded Board questions concerning the County's June bills. Since distribution of the Board packet, the appropriation resolution was amended to include an expenditure of \$115,000.00 from the General Fund to to CSA, bringing the total for General Fund expenditures to \$170,005.00. Mr. Claytor requested and obtained authorization to convert one of the surplus County preschool buses for use as an additional recycling bus. It was clarified the conversion cost would only be the repainting of the bus and staff would provide the labor.

On motion by Supervisor Smith, seconded by Supervisor Lewis, 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:

4-11-11010-3007	Advertising.....	\$950.00
4-11-12020-5504	Travel County Administrator.....	\$546.00
4-11-12025-3001	Professional Services.....	\$910.00
4-11-12190-3003	Other Professional Fees.....	\$2,000.00
4-11-22010-5101	Utilities (CA Office).....	\$507.00
4-11-22010-5401	Office Supplies (Grant).....	\$497.00
4-11-22010-5505	Continuing Education.....	\$1,199.00
4-11-32040-5601	Cont. Fire Department.....	\$7,627.00
4-11-32050-5601	Cont. Rescue Squads.....	\$31,492.00
4-11-43030-5104	Fuel.....	\$828.00
4-11-43045-3404	Repair Build. & Grounds.....	\$522.00
4-11-43045-5101	Electricity.....	\$5,254.00
4-11-53010-5604	Cont. - RASS CSA.....	\$115,000.00
4-11-53010-3901	Fees (Public Defender).....	\$240.00
4-11-71015-5404	PreSchool Matl. & Supp (Grant).....	\$2,376.00
4-11-92010-5803	Refunds.....	\$57.00

**Total General Fund** **\$170,005.00**

**APPROPRIATION RESOLUTION**

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

4-19-19050-3004	Maint. Automotive Eqpt.....	\$21,731.00
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**Total Solid Waste/Landfill** **\$21,731.00**

**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:

4-72-80030-6001	Contingency.....	\$850.00
4-72-80030-7001	Equipment, Furniture & Fixtures.....	\$6,836.00

**Total Construction Courthouse** **\$7,686.00**

**TOTAL APPROPRIATIONS ALL FUNDS** **\$199,482.00**

**Current County**

General Fund.....	\$641,980.16
SWA/Landfill.....	\$48,340.86
SWA/Recycling.....	\$7,593.73
Construction (Courthouse).....	\$7,685.03
Employee Benefit.....	\$0.00
Central Stores.....	\$2,479.90
<b>Total County Bills</b>	<b>\$708,079.68</b>

**Current Fiscal Agent**

Regional Jail.....	\$79,441.08
Partnership.....	\$1,876.47
<b>Total Fiscal Agent</b>	<b>\$81,317.55</b>

**TOTAL ALL BILLS** **\$789,397.23**

RECORDED VOTE:

AYES: Smith, Lewis, Comstock, Ford, Riegel

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

\_\_\_\_\_  
R. Hunt Riegel  
Chairman

Attest: \_\_\_\_\_  
County Administrator

**Committee and Board Member Activity Reports**

Supervisor Ford announced the RERG voted unanimously to approve the Fire and Rescue Commission proposed recommendations. Ms. Huffman will provide a draft agreement for Board consideration. Supervisor Comstock reported on the recent meeting of the Regional Jail Negotiating Committee charged with exploring alternative options other than the proposed full expansion of the existing facility. Chairman Riegel reported on several items discussed at the Natural Bridge Steering Committee meeting. One item was a request for authorization to rename the gym. The consensus of the Board was to authorize the renaming once a call is made to Mr. Maynard Reynolds whom the gym is currently named after to determine if he concurs. The Steering Committee also asked the Board to consider committing use of the football field for a season. This request raised some concern among the Board members relative to County liability and asked the Committee to contact the Rockbridge Area Recreation Organization to determine whether collaboration efforts could be made with RARO sponsoring the events. Chairman Riegel will relay back to the Steering Committee the Board discussions and suggestions.

**Staff Reports**

The Board had no questions relative to the staff reports received in the packet.

**Consent Agenda****Approval of Minutes 4/15, 4/27, 4/29 and 5/11/09**

Supervisor Lewis noted Ms. Patte Wood resides in the Walkers Creek District and Mr. Frank Parsons resides in the City of Lexington. Hearing no other corrections, Supervisor Lewis motioned to approve the consent agenda as amended and Supervisor Comstock provided the second. The motion passed upon the following vote:

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis Riegel

NAYES: None

ABSENT: None

**Board of Supervisor Scheduled Meeting Times**

There was much discussion about altering the time of the Board's first meeting of the month. It was noted public attendance and participation appear to be issue driven as opposed to what time the meetings are held. The Board asked staff to provide a recommendation on this issue for the next meeting for the Board to consider.

**Adjourn / Continue**

Hearing no further discussion the meeting was adjourned at 6:45 p.m.