

AT A CONTINUED MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY VIRGINIA, HELD IN THE BOARD ROOM OF THE COUNTY ADMINISTRATIVE OFFICE BUILDING, 150 SOUTH MAIN STREET LEXINGTON, VIRGINIA ON MONDAY, JULY 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: ERICH SCHNETZLER, ROBERT FORESMAN, CHRIS SLAYDON

Call to Order, Invocation and Pledge of Allegiance

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

Item(s) to be Added to the Agenda

Supervisor Ford suggested a change in the order of the items on the agenda; specifically for the Board to receive the status of the Kerrs Creek Volunteer Rescue Funding before discussion on the Wilderness Resolution. The Board concurred.

Ms. Huffman added the Board consideration of a request from the County Registrar due to the time sensitive manner of the issue.

Citizens' Comments

Chairman Riegel called for public comment on items not listed on the agenda but none were offered.

Kerrs Creek Volunteer Rescue Squad Funding

Supervisor Ford called upon Mr. Tim Goodbar to inform the Board on the status of funding, certification and vehicle licensure. Mr. Goodbar stated a USDA (80/20) grant had been received and the department had purchased a rescue squad unit from Glasgow that was in full service. He noted the call volume had increased and that within approximately two weeks the department should receive its three year licensure. Mr. Claytor added the twenty percent local match is estimated to be around \$36,000. Ms. Helen Irvine, representing the "Kerrs Creek Grannies", briefly described the fundraising events this organization has held and plans to hold in the future with all proceeds made going to the Kerrs Creek Fire Department to assist in funding this endeavor. She asked the Board to consider lending a "helping hand" by assisting in funding this project.

Consideration of Wilderness Resolution

Ms. Collins noted the Board had received two resolutions in the packet. The first copy being drafted by staff after discussions held with the Forest Service and receipt of input from various other sources. The second resolution was provided by a wildness group but both were similar in nature (only difference being the second resolution references the date of the attached maps). Supervisor Lewis made the motion to adopt the resolution that referenced the map dates and Supervisor Comstock provided the second. Supervisor Ford stated that last month he had requested the Board postpone adoption for one month to allow for further research and drafting of an alternative resolution

that would focus more on conservation rather than preservation. In his opinion, the current proposed resolutions seem to focus more on preservation at the expense of conservation. Chairman Riegel questioned current uses not allowed under this wilderness designation. Ms. Annie Downing of the US Forest Service, stated forest management in these areas for the last ten years has been extremely limited. Mr. George Persinger, Kerrs Creek magisterial district resident, questioned what benefit the County gains by adopting the proposed resolution of support because he felt the County was trying to fix a problem that does not exist. Mr. Woody Mumma, Walkers Creek district resident, stated he was opposed to the wilderness resolution because of fire control restrictions imposed with the designations. Mr. Danny Ayers, residing at 35 Otter Lane, expressed his opposition based on the inability to take measures to control gypsy moth and pine beetle infestation as well as the inability to use motorized vehicles to fight fires. Mr. Charles Montgomery, Virginia Bear Hunters Association representative, noted that the forest needs clear and select cutting of timber because many forest animals feed on the cut areas. Ms. Downing responded the gain to the designations would be preservation of wilderness and wildlife for future generations. Mr. Glenn Gardinski mentioned the designations would increase the difficulty in maintenance of trails that may exist in these areas. Mr. Chris Wise, County Planning Commission member, stated the Forest Service is recommending wilderness areas and there would not be a big change from what is already occurring in these areas relative to forest management. Mr. David Lupsha, Kerrs Creek resident, expressed his opinion that it would be best for the County citizens and industries if the options for use of these areas were kept open thus promoting future use of the resources with utilization as opposed to preservation. Mr. Paul Kave mentioned he had worked for the Nature Camp at Adam's Peak for years and personally he prefers this area be designated wilderness but acknowledged that natural scenic area designations tend to attract tourists. Mr. Seth Deacon, Kerrs Creek resident, noted there are four major sawmills in the County and expressed his concern about other forest areas in the future being recommended for wilderness designations. Ms. Lynn Wells, Kerrs Creek resident, added the County schools receive a large amount of money from timber sales. Mr. Bernard Goodbar, Kerrs Creek resident, cautioned that if more areas are designated, people will not go into these areas. On behalf of RCA, Mr. Timmy Alphin, Walkers Creek resident, expressed the group's opposition to any more areas being designated as wilderness areas. He added the surrounding counties are also not in support of any more areas being designated as wilderness. Ms. Wendy Richards, Buffalo Creek District resident, spoke in support of preserving areas for wilderness designation because it would protect headwaters and natural ridges. Ms. Margaret McDonald, Walkers Creek District resident, noted there are only 67,000 acres of forest in Rockbridge County with 9,000 acres already designated as wilderness areas and if the County supported designating the 15,000 acres being proposed then one third of the forest would be restricted use. She also noted wilderness designations deny access to people with disabilities whose mobility requires motorized apparatus. Ms. McDonald also stated it would be presumptuous to try to predict what will be needed in the next 100 years. Mr. Jerry Deacon, Kerrs Creek District resident, stressed that wildlife comes into populated areas because timber is not being cut therefore they have nothing to eat. Mr. Tim Goodbar added cut trees will grow back and produce healthy timber for future generations. He asked that the Board not take action on this issue. Mr. Mark Miller, Kerrs Creek District, gave conservation and preservation as the reasons he supports the proposed resolution. Hearing no further comment from the audience, each member of the Board stated their position on the issue and explained the reasons why they supported or opposed the resolution. Chairman Riegel called for the vote. The Resolution was adopted by the following vote:

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

**RESOLUTION IN SUPPORT
OF FOREST PROTECTION IN ROCKBRIDGE COUNTY**

WHEREAS, the National Forest land in Rockbridge County is an important natural asset for the County and region;

WHEREAS, the existing congressionally designated James River Face, Thunder Ridge and Rich Hole Wilderness in Rockbridge County has been and continues to be a benefit to the County and its tourism economy; and

WHEREAS, the Board of Supervisors would like to have additional areas in the George Washington National Forest protected in their natural state for their recreation, wildlife, and scenic values; and

WHEREAS, Forest Road 76 (Jordan Turnpike) provides important access through the National Forest; and

WHEREAS, the Three Sisters and Whites Peak are excellent candidates for wilderness designation; and

WHEREAS, Adams Peak is an excellent candidate for National Scenic Area designation

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

1. The Board of Supervisors supports wilderness designation for the Three Sisters and Whites Peak as shown on the attached maps dated July 23, 2009*.
2. The Board of Supervisors requests that the U.S. Forest Service recommend the above referenced areas for Wilderness in the Revised Forest Plan for the George Washington National Forest currently being developed.
3. The Board of Supervisors stipulates that the Forest Road 76 remain outside the boundary of the Wilderness.
4. The Board of Supervisors supports National Scenic Area designation for Adams Peaks shown on the attached maps dated July 23, 2009.
5. The Board of Supervisors stipulates that FR104 remain accessible to the public and that signage be set to designate access to the NSA and Nature Camp.
6. The Board of Supervisors requests that Congress designate the above referenced National Forest areas Wilderness areas for inclusion in the National Wilderness Preservation System pursuant to the Wilderness Act of 1964 and National Scenic area based on language developed for the Mount Pleasant National Scenic Area.

*Maps are available on file at the County Administrators Office

Adopted this 27th day of July, 2009

By: _____
Chairman, Board of Supervisors

Attest: _____
County Administrator

Public Hearing

Special Exception Review

Base-X – Locate Two Office Trailers in I-1 District

Mr. Chris Slaydon, Assistant Director of Planning and Zoning, explained the Base-X application for a special exception permit to locate two manufactured office trailers in the I-1 District. Immediate office space is needed for more sales associates and the offices will be located in the lower parking area next to the Base-X building and will be for about a year while expansion requirements are being resolved. The Planning Commission recommended approval of the permit with a condition that the manufactured office trailer be removed within five years. Mr. Joe Sokolowski, Base-X Human Resource Director, fielded questions from the Board. In response to a question from Supervisor Comstock, Mr. Sokolowski verified that water and sewer hookups would be required for the office trailers. Hearing no comment from the public, Supervisor Comstock made the motion to adopt the ordinance granting a special exception permit to Base-X to temporarily install two offices trailers in the I-1 District and Supervisor Lewis provided the second. The ordinance was adopted by the following vote:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON MONDAY, JULY 27, 2009

Ordinance Granting A Special Exception Permit To Base-X Incorporated To Install Two (2) Manufactured Office Trailers In The General Industrial District (I-1), Located At Base-X Incorporated Along The West Side Of North Lee Highway Approximately .54 Miles North Of Its Intersection With Sterrett Road (Tax Map No. 39-A-23) In The South River Magisterial District

WHEREAS, Base-X Incorporated has filed an application for a special exception permit to install two (2) manufactured office trailers on its parking lot; and,

WHEREAS, the proposed installation location is in the General Industrial District (I-1), at Base-X Incorporated located along the west side of North Lee Highway approximately .54 miles north of its intersection with Sterrett Road (Tax Map No. 39-A-23) in the South River Magisterial District of Rockbridge County; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this application on July 8, 2009, and thereafter recommended approval of the special exception permit to the Board of Supervisors; and,

WHEREAS, after public notice pursuant to Va. Code § 15.2-2204 and §802.03-4 of the Rockbridge County Land Development Regulations, the Rockbridge County Board of Supervisors held a public hearing on the adoption of this Ordinance on July 27, 2009; and,

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

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

1. That the Board finds that the granting of a special exception permit to Base-X Incorporated to install two (2) manufactured office trailers on its parking lot (Tax Map No. 39-A-23) for temporary expansion of their office space, located along the west side of North Lee Highway approximately .54 miles north of its intersection with Sterrett Road in the South River Magisterial District, located in the General Industrial District (I-1), 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 with the conditions herein provided.

2. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this 27th day of July, 2009.

Recorded Vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel

NAYES: None

ABSENT: Smith

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

Appointment of Member to Regional Industrial Development Authority

Supervisor Smith made the motion to reappoint Mr. Duaine Fitzgerald for another four year term and Supervisor Ford provided the second. The motion carried by the following vote:

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

Public Service Authority / Maury Service Authority Route 251 Pressure and Flow Report and Recommendation

Mr. Torben Pedersen, PSA Chairman, started the discussion by stating the MSA has the support of the PSA to install a tank with bottom elevation of 1400' on Brushy Hill because this would be an opportunity for the two entities to combine services and the tie-into the loop will solve problems(interim) in the Route 251 area. It will also allow, if needed, the PSA to extend water on Route 60 East or West. Mr. Pedersen also noted pump stations would be a waste of money. Supervisor Comstock questioned if the Health Department is working with the PSA for a permanent solution to the Route 251 situation. Mr. Pedersen responded affirmatively and offered his opinion that the Health Department will continue to do so as long as the PSA is trying to find a solution. It was clarified that the Board of Supervisors had not requested the PSA conduct further studies on the old tank sites and hydro pneumatic pumps stations.

Dr. Dick Trandell, MSA Chairman, spoke to the proposal to install a mother tank on Brushy Hill (the only site with 1,400' elevation in the vicinity of Lexington). The mother tank would hold two million gallons of water and would be set in a location to feed all the tanks and the loop. Dr. Trandell noted the tank site is closer to the water plant than any parcel (thus keeping costs down) with sufficient elevation. He then listed the benefits of proposed tank installation and gave an estimated time line of the project. Dr. Trandell asked the Board to give conceptual approval so the application for stimulus funding can be started. After much deliberation, the Board chose to carry this agenda item over to the next scheduled meeting at which time action will be taken. If the Board members have questions, in the meantime, they were directed to contact MSA. Supervisor Ford suggested the Board consider applying for a master planning grant and see how this plan would fit with a regional (including City of Buena Vista) overall plan. Two residents of the Cedar Pointe subdivision spoke in favor of the MSA proposal.

City of Lexington Request for Easements

Mr. Bill Blatter, Lexington Planning and Zoning Administrator, provided supplemental information to the Board. After Board examination of the specifics of the City's request, Supervisor Ford made the motion to schedule a public hearing on this request to be held at the Board's second meeting in August and Supervisor Comstock provided the second. The motion carried by the following vote:

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

Consider Support for Creation of Regional Poverty Commission

Ms. Collins explained the need for such a commission arose from the discussions held at a community forum on regional poverty and the need has also been discussed at recent Mayors / Chairs Meetings. In response to a question from Supervisor Smith, Ms. Collins stated the goal of the commission would be to coordinate the best way to provide services thus avoiding duplication of services. The commission would also be charged with educating the citizens on where to go for specific needs. Supervisor Comstock made the motion to approve creation of a Regional Poverty Commission and Supervisor Smith provided the second. The motion carried by the following vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel

NAYES: None

ABSENT: None

End of Fiscal Year 2008-2009 Financial Report

Mr. Claytor delivered the report and fielded questions from the Board. No action was required.

Informational Items:

Building Officials Mutual Assistance Agreement

Mr. Schnetzler, County Building Official, explained the purpose of having a Mutual Aid Agreement. Having a Mutual Aid Agreement with other localities in case of an emergency or disaster is one of the requirements of the Insurance Service Organization (ISO) rating criteria. The agreement will allow building departments to assist one another with inspecting buildings for safety, sending personnel to aid in the determination of structure status, providing temporary staffing or office space as needed to handle the volume of permits or any other issues that may arise during an emergency or disaster in any of the localities participating in the agreement. The proposed agreement is not specifically limited to aid during a disaster but also includes an emergency as deemed by the local building official. Supervisor Comstock made the motion to authorize the Building Official and the County Administrator to execute the agreement and Supervisor Ford provided the second. The motion carried by the following vote:

AYES: Comstock, Ford, Smith, Lewis, Riegel

NAYES: None

ABSENT: None

Economic Development Status Report

Ms. Collins updated the Board on recent events/efforts relative to economic development in the County. She also gave the status of the feasibility study of creating a business incubator to be located at the old Natural Bridge High School Building. Ms. Collins also added that economic development for the County currently lies in encouraging business retention and expansion of existing businesses in the County.

Committee / Board Activity Reports

Supervisor Lewis reported on the most recent Tourism Board meeting. The tourism numbers for 2009 are up in comparison to this time last year. Supervisor Lewis also stated the East Nelson Street Bridge project is estimated to be a two-year project to be completed in 2011.

Supervisor Ford gave the Fire and Rescue Committee report. The next meeting is scheduled for August 12th with the committee looking at additional items for the creation of Commission as well as continuing to work on a uniform standard fee for service.

Supervisor Comstock reported efforts are still being made to explore alternatives relative to the expansion of the Regional Jail. He stated there are a lot of alternatives to sentencing and gave an example of a halfway house as one such possibility. This exploration remains a work in progress. Also it was noted local representatives plan to meet with the judges and Commonwealth's Attorney to discuss alternative sentencing options.

Request from County Registrar to consider changes in two polling locations

Ms. Huffman explained the request she received from the Registrar for the Board to consider changing the location of two polling places. The Board scheduled a public hearing on this request for August 10th at 3:00 p.m.

Consent Agenda

Approval of Minutes

Minor edits were provided for the June 22nd and July 13th draft minutes.

Schedule Joint Meeting with School Board

The Board scheduled a meeting with the School Board for Tuesday August 11th at 6:00 p.m. to be held at the School Board Office Building.

Supervisor Lewis made the motion to approve the consent agenda as amended and Supervisor Ford provided the second. The motion carried by the following vote:

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

Adjourn / Continue

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