

**AT A REGULAR 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 TUESDAY, OCTOBER 13, 2009 AT 3:00 P.M.**

PRESENT: CHAIRMAN R.H. RIEGEL  
MEMBERS: C.R. COMSTOCK, R.S. FORD, M.R. SMITH, A.W. LEWIS, JR.  
CLERK OF BOARD: CLAIRE A. COLLINS  
FISCAL DIRECTOR: ROBERT E. CLAYTOR  
COUNTY ATTORNEY: VICKIE L. HUFFMAN  
STAFF: DAN GRIM, SAM CRICKENBERGER, CHRIS SLAYDON, JESSICA HASTINGS

**Call to Order**

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 Smith added a discussion relative to funding for coyote control and Supervisor Ford added appointment to the Regional Industrial Development Authority.

**Citizens' Comments**

Chairman Riegel called for public comment but none was offered.

**Virginia Horse Center Report**

Ms. Katherine Truitt, Virginia Horse Center Foundation Director, provided the Board with the financial statement depicting a net profit loss for the '09 Rockbridge County Fair. It was noted the public transportation vehicle would be a onetime expense. Ms. Truitt also called attention to the net loss of the 4-H portion of the fair. In the past, contributions made by the County normally would offset the costs. The County was unable to contribute financially this year due to continuing State budget cuts and revenue shortfalls. At the suggestion of Supervisor Comstock, the Board decided to place the discussion of funding the 4-H portion of the Fair on the agenda for the October 26 meeting.

**Census 2011 Presentation**

Ms. Linda Edwards-White, US Census Bureau representative, delivered the presentation. She stressed the importance of County residents to mail the completed census forms back because the numbers are used for allocation of federal funds over the next ten years. The Board directed staff to provide a Census 2010 Proclamation for which Ms. White's office will provide the template for the Board to consider in the near future. Mr. Grim encouraged use of the online GIS information to assist the census workers.

**Ordinance Granting a Special Exception Permit to the MSA to extend a water transmission line in A-2, A-T and B-1 Districts**

Supervisor Ford read a Conflict of Interest Act Disclosure Statement and chose to abstain from discussion of this agenda item. The full disclosure can be found on file in the Clerk's Office of the Board of Supervisors. Ms. Huffman explained that an alternative Exhibit A had been submitted in which the language of the conditions was more restrictive per the Board's directive. Supervisor Smith

questioned whether the two existing residences which currently use springs for water could be allowed to tap into the transmission line since the line will run through the two parcels of land. It was determined if taps were allowed it would be contrary to the intent to designate this area. It was also determined if the transmission line routing plans were altered thus affecting parcel(s) not listed in the ordinance the amendment would have to go back through the application for consideration process. Supervisor Smith moved to adopt the Ordinance with alternative Exhibit A and Supervisor Comstock provided the second. The motion carried by the following roll call vote:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION OFFICES ON MONDAY,  
OCTOBER 13, 2009

**ORDINANCE GRANTING A SPECIAL EXCEPTION PERMIT TO THE MAURY SERVICE AUTHORITY TO EXTEND A WATER TRANSMISSION LINE FROM THE WATER TREATMENT PLANT TO THE ENFIELD TANK AND FROM THE ENFIELD TANK TO A PROPOSED NEW WATER TANK ON PROPERTY OWNED BY THE CITY OF LEXINGTON (TAX MAP #74-A-1A) THROUGH PROPERTIES IN THE AGRICULTURAL AND GENERAL USES DISTRICT (A-2), AGRICULTURAL TRANSITION DISTRICT (A-T), AND GENERAL BUSINESS DISTRICT (B-1) IN THE KERRS CREEK MAGISTERIAL DISTRICT OF ROCKBRIDGE COUNTY**

WHEREAS, the Maury Service Authority has filed an application for a special exception permit to install a water transmission line, as part of a major project to improve water pressure and create redundancy in the system to ensure a reliable source of potable water for the City of Lexington and the County of Rockbridge, from the Water Treatment Plant on the Maury River off of West Midland Trail to the Enfield Water Tank, then extending along Enfield Road to a proposed new water tank on City-owned property on Brushy Hill; and,

WHEREAS, the water transmission line will run through properties in the Agricultural and General Uses District (A-2), Agricultural Transition District (A-T), and General Business District (B-1) in the Kerrs Creek Magisterial District of Rockbridge County; and,

WHEREAS, the proposed transmission line is a use by special exception in these zoning districts; and,

WHEREAS, the properties through which the water transmission line is planned are as follows: Tax Map #60-14-C and #61-A-43B owned by Edward Camden; Tax Map #60-A-103B owned by Laurie Mays; Tax Map #60-A-103 owned by K. D. Moore Trustees; Tax Map #74-A-32A owned by Clyde Keen; Tax Map #75E-1-6B and #75E-1-2B1 owned by Melody Bennington; Tax Map #75E-1-7B owned by George Craft; Tax Map

#74-3-9, #74-3-8 and #74-A-32 owned by Russell Ford; Tax Map #74-A-33 and #74-A-34 owned by R. Atthowe; Tax Map #74-A-31 owned by Jacqueline Pleasants; Tax Map #74-22-4 owned by Spencer Tucker; Tax Map #74-22-3A owned by Lawrence Martin; Tax Map #74-A-35 owned by Frederick Bartenstein; Tax Map #74-2-2 owned by James Washington; Tax Map #74-2-1 owned by William Harris; Tax Map #74-A-28 and #74-A-25 owned by Cabot Miller; and Tax Map #74-A-27 and #74-A-26 owned by Thomas Spencer; and,

WHEREAS, in addition to the underlying zoning, a significant portion of the proposed transmission line will run through properties (included above) in the Sunnyside/Enfield Agricultural and Forestal District, requiring impact review pursuant to Va. Code Section 15.2-2204; and,

WHEREAS, on September 9, 2009, the Planning Commission and the Farm and Forest Preservation Committee held a joint public hearing on the application, and upon recommendation from the Farm and Forest Preservation Committee, the Planning Commission continued the meeting to September 23, 2009, to receive further comment from affected property owners and for further deliberations; and,

WHEREAS, at its continued meeting on September 23, 2009, the Planning Commission determined that the project will have a long-term adverse effect on the agricultural and forestal resources within the Sunnyside/Enfield Agricultural and Forestal District, but recognized that the project will also provide a vital service to the public; and,

WHEREAS, the Planning Commission also recommended approval of the Special Exception Permit to the Maury Service Authority, subject to the conditions set forth on Exhibit A attached hereto, with Condition #2 modified to include any legally permissible restriction on any connections to the line from the Enfield Tank to the proposed new tank on Brushy Hill; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on September 28, 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, and specifically determines that the proposed project will ensure the provision of adequate potable water throughout the service area for the project to meet existing and future needs, that it will provide a vital service to the public, that it will encourage future growth in proximity to the City of Lexington in accordance with the County's Land Use Plan, that it will enhance fire protection throughout the service area by ensuring adequate fire flow to the existing and future hydrants, and that it will improve water pressure and create redundancy in the system to ensure a reliable source of water for the City of Lexington and the County of Rockbridge.

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

1. That, pursuant to Section 15.2-4313 of the Code of Virginia (1950, as amended), the Board of Supervisors determines that the proposed water transmission line through the Sunnyside/Enfield Agricultural and Forestal District is necessary to provide service to the public in the most economic and practical manner, will not have an unreasonably adverse effect upon the agricultural and forestal resources within the district, and that reasonable alternatives to the proposed project, that would minimize or avoid any potential adverse impact, are not available.

2. That the Board of Supervisors finds that the granting of a special exception permit to the Maury Service Authority to install a water transmission line from the Water Treatment Plant on the Maury River off of West Midland Trail to the Enfield Water Tank, then extending along Enfield Road to a proposed new water tank on City-owned property on Brushy Hill, through properties in the Agricultural and General Uses (A-2), Agricultural Transition (A-T), and General Business (B-1) zoning districts, in the Kerrs Creek Magisterial District of Rockbridge County, 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 approved with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

3. 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 13th day of October, 2009.

**ROCKBRIDGE COUNTY BOARD OF SUPERVISORS**

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

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

**Recorded Vote:**

**AYES:** Comstock, Smith, Lewis, Riegel

**NAYS:** None

**ABSTAIN:** Ford

**ABSENT:** None

## **EXHIBIT A**

### **SPECIAL EXCEPTION PERMIT CONDITIONS**

1. The minimum depth of the water transmission line crossing agriculturally zoned properties shall be four feet (4').
2. Connections onto the water transmission line shall only be made for the Rockbridge County Public Service Authority and the City of Lexington Public Works; provided, however, that nothing herein shall be deemed a designation of the Sunnyside/Enfield Agricultural and Forestal District or the surrounding area as a service area. Future connections to the water transmission line extending from the Enfield Tank to the proposed Brushy Hill Tank shall require project approval and designation of the service area for the Rockbridge County Public Service Authority by the Board of Supervisors.
3. Individual connections to any portion of the water transmission line are prohibited.

**(Alternative)  
EXHIBIT A**

**SPECIAL EXCEPTION PERMIT CONDITIONS**

1. The minimum depth of the water transmission line crossing agriculturally zoned properties shall be four feet (4’).
2. Connections onto the water transmission line shall only be made for the Rockbridge County Public Service Authority and the City of Lexington Public Works; provided, however, that connections to the portion of the transmission line extending from the Enfield Tank to the proposed Brushy Hill Tank shall be prohibited.
3. Individual connections to any portion of the water transmission line are prohibited.

**Discussion on South River Land Sale / Land Gift Request**

Mr. Slaydon spoke to the request and gave the history of ownership of this parcel. Supervisor Comstock moved to direct staff to respond that with all due respect, the County is not interested in selling or donating the land and would rather maintain as a riparian buffer, at this time. Supervisor Smith provided the second and the motion carried by the following vote:

Recorded Vote:

AYES: Comstock, Smith, Ford, Lewis, Riegel

NAYS: None

ABSENT: None

**Virginia Association of Counties (VACo) Voting Credentials for Annual Business Meeting**

Supervisor Ford moved to appoint Ms. Collins, County Administrator, as the Board’s voting delegate and Supervisor Smith provided the second. The motion carried by the following vote:

Recorded Vote:

AYES: Comstock, Smith, Ford, Lewis, Riegel

NAYS: None

ABSENT: None

Supervisor Ford will serve as an alternative by Board implication if for some reason Ms. Collins cannot attend.

**Financial Report**

Mr. Claytor started the report by discussing and fielding Board questions on the following informational items: 1) Financial Update; 2) Update of Governor Cuts Status and 3) Status of County audit. Supervisor Smith moved to authorize the County Administrator to execute contract with Blue Ridge Appraisal for general reassessment upon terms presented, including the waiver of a performance bond if legally permissible and subject to approval as to form by the County Attorney. Supervisor Ford provided the second and the motion carried by the following:

Recorded Vote:

AYES: Comstock, Smith, Ford, Lewis, Riegel

NAYS: None

ABSENT: None

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

On motion by Supervisor Smith, seconded by Supervisor Comstock, the Board, by record vote adopted the following appropriation resolutions:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations is, and the same hereby is made, for the period ending **June 30, 2010** in the **SCHOOL FUND** and expended as follows:

(These appropriations are for additional grant funding not included in the FY 2010 School Fund budget):

**Carl Perkins - 2007**

4-050-61100-1624-910-300-775	Sup. Salaries & Wages.....	\$1,520.00
4-050-61100-2100-910-300-775	FICA.....	\$116.28
4-050-61100-8210-910-300-775	Tech-Hardware Additions....	\$3,363.72

<b>Total</b>		<b>\$5,000.00</b>
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RECORDED VOTE:

AYES: Smith, Comstock, Lewis, Ford, Riegel

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

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R. Hunt Riegel  
Chairman

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

Supervisor Lewis moved to adopt the County Appropriations Resolution and to authorize payment of monthly bills. Supervisor Ford provided the second and the motion carried by a unanimous roll call vote.

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

On motion by Supervisor Lewis, seconded by Supervisor Ford, 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, 2010**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-32080-3501 Reimb.-Fire Depts. & Rescue.....	\$1,263.00
4-11-43045-3404 Repairs Bldg & Grounds NB.....	\$640.00
4-11-43045-5101 Electricity.....	\$1,786.00
4-11-53010-3901 Fees (Public Defender).....	\$240.00
<b>Total Appropriations</b>	<b>\$3,929.00</b>

**Current County**

General Fund.....	\$330,696.32
SWA/Landfill.....	\$59,321.95
SWA/Recycling.....	\$4,233.42
Central Stores.....	\$2,380.93
<b>Total County Bills</b>	<b>\$396,632.62</b>

**Current Fiscal Agent**

Regional Jail.....	\$52,004.72
Partnership.....	\$5,552.49
CSA Administration.....	\$690.16
<b>Total Fiscal Agent</b>	<b>\$58,247.37</b>

**TOTAL ALL BILLS** **\$454,879.99**

RECORDED VOTE:

AYES: Lewis, Ford, Comstock, Smith, Riegel

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

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

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

Mr. Claytor asked the Board to provide comments electronically to him concerning funding priorities for FY2010/2011. This list must be adopted by the Board by the second meeting in November. Supervisor Comstock commented that raising taxes should only be considered as a last resort.

## **Committee / Board Activity Reports**

### **Agricultural Center Committee**

Supervisor Smith distributed the minutes of the most recent Committee meeting as an update. The Committee expects to have drafted a mission statement for Board consideration in November.

### **Emergency Water Supply / Moore's Creek Committee**

Chairman Riegel reported the Committee continues to explore feasible alternatives of emergency water supply sources.

### **Inoperable Vehicle Enforcement Committee**

Chairman Riegel noted a meeting had taken place with the Sheriff's Department and questions arose relative to enforcement of the existing ordinance.

### **Regional Sustainability Center Management Team**

Ms. Collins briefed the Board on the proposals received and stated the Management Team is in the process of evaluating them.

### **Rockbridge Area Network Authority**

Chairman Riegel stated Greg Ammonette was appointed as the fifth member of the Authority. He added that he was elected Chairman of the Authority and Dan Grimm was elected as Secretary/Treasurer. Grant awards will be announced on November 7<sup>th</sup>. The next meeting is scheduled for October 21<sup>st</sup>.

### **Jail Negotiating Committee**

Supervisor Comstock briefed the Board on a recent visit to a half-way house in Harrisonburg in which those visiting sat in on a daily meeting with the residents. He continued by giving the figures for the average monthly cost per bed and the total operating cost.

## **Consent Agenda**

### **Schedule Date, Time and Location for Quarterly Retreat**

The Board scheduled its quarterly retreat for October 26<sup>th</sup> @ 3:00 P.M. in the banquet room at G. Willakers.

### **Appointment to Regional Industrial Development Authority**

Supervisor Ford moved to appoint Mr. Keith L. Swisher to fill the vacant term on the Regional IDA (term to expire 6/30/2013) and Supervisor Lewis provided the second. The motion carried by the following unanimous vote:

Recorded Vote:

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

**Coyote Damage Control**

Supervisor Smith asked the Board to consider sending a resolution of support to assist the Virginia Cooperative Coyote Damage Control Program (VCCDCP) in its effort to have federal and state funds reinstated. Staff was directed to provide a draft resolution for consideration in the near future.

**Adjourn / Continue**

The meeting was continued until October 26<sup>th</sup> @ 3:00 P.M. at G. Willakers.