

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 MONDAY, JANUARY 11, 2010 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: SAM CRICKENBERGER, ROBERT FORESMAN, JOANNE MOORE, PENNI MCMICHAEL

Call to Order

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

Election of Chairman and Vice Chairman

Supervisor Smith nominated Supervisor Lewis for Chairman and Supervisor Comstock provided the second. No other nominations were offered and the nominations were closed. Supervisor Lewis was elected as Chairman by the following unanimous vote:

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

Supervisor Comstock nominated Supervisor Ford for Vice Chairman and Supervisor Smith provided the second. No other nominations were offered and the nominations were closed. Supervisor Ford was elected as Vice Chairman by the following unanimous vote:

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

Supervisor Riegel handed over the Chairmanship of the meeting to Supervisor Lewis.

Item(s) to be Added to the Agenda

Supervisor Smith added a discussion of the County Emergency Operations Plan to the agenda. No other items were added.

Citizens' Comments

Mr. Crickenberger handed out to the Board a draft copy of the Economic Chapter of the County Comprehensive Plan which the Planning Commission will be reviewing at its next meeting.

Mr. Torben Pedersen, Natural Bridge Magisterial District resident, asked the Board to consider the feasibility of lining a portion of the existing landfill in conjunction with implementing the system required to trap the methane gas. In his opinion, using the existing landfill longer and collecting the

methane gas would be better use of funds, rather than the service contract the Board is currently negotiating with Rockbridge Resource Recovery.

Mr. Bernard Goodbar expressed his concern about the pending EPA regulations on TMDL being considered and the proposed loss of federal funds if these new standards are not met. He encouraged the Board to do what it could to protest the enactment of the proposed regulations.

Schedule 2010 Meetings

Supervisor Riegel stated several of his constituents have voiced that they find it difficult to attend the 3:00 p.m. meetings. He suggested having both monthly meetings at 6:00 p.m. Supervisor Comstock reminded the Board the reason the first meeting of the month began at 3:00 p.m. last year was to allow time for staff to address last minute issues and gather information to assist the Board in its deliberations. Board consensus was to set the first meeting of the month (2nd Monday) at 9:00 a.m. and the second meeting (4th Monday) at 6:00 p.m. Public hearings will continue to be scheduled for the second meeting of the month at 7:00 p.m.

Presentation on Rockbridge Area Sustainability Feasibility Study Project (Virginia Tech Office of Economic Development)

Ms. Collins began the presentation by introducing Dr. John Provo, Associate Director of the Office of Economic Development (OED), and Mr. Patrick O'Brien, Economic Development Associate. Dr. Provo briefed the Board on the status of the project to date. Mr. O'Brien presented a summary of OED's project work plan and supplied a time line for the submittal of the final report. In response to a request from Supervisor Lewis, Mr. O'Brien stated a subsequent report would be made to the Board.

Recognition of Volunteers and Staff in Handling Winter Storm Emergency

Ms. Collins announced that during the recent snow storm on December 18, 2009, 125 volunteer fire and rescue members turned out to assist throughout the weekend. She listed the emergency shelters that were opened throughout the area and offered a heartfelt "thank you" to the volunteers for going above and beyond the call of duty. Ms. Collins also commended the regional efforts at the emergency operations center.

Report on Recent Emergency Events (Winter Storm and Lake Merriweather Floodgate)

Mr. Robert Foresman, County Emergency Management Coordinator, reported on the events of the snowstorm by highlighting the various contributing factors which made travel so hazardous and even in some areas impossible. He also applauded the regional efforts during the winter storm emergency.

Mr. Foresman detailed the occurrence of the floodgate failure at Lake Merriweather on January 4th at 4:00 p.m. An announcement was posted by Mr. Foresman on the "Rockbridge Alert" system informing the public of the gate failure and that the river would rise as a result. Mr. Foresman stated the Department of Environmental Quality was aware of the event and would be monitoring the situation.

Annual Reports / Review of Natural Bridge Speedway and Natural Bridge Dragstrip

Mr. Crickenberger commented Mr. Larry Ramsey, Natural Bridge Speedway Managing Member, could not attend due to a scheduling conflict but that Mr. Chris Weis, Natural Bridge Dragstrip Owner, was in attendance to answer Board questions. The Board offered no concerns or questions relative to the Speedway.

In response to a question from Supervisor Riegel regarding the Dragstrip adherence to the conditions of the permit, Mr. Crickenberger responded there had been a few infractions but that all have been corrected. Supervisor Riegel expressed his concern that violations occurred and the County should not have to continuously inform the operators of the infractions and what must be done to rectify the situation. He used collection and disposal of trash along the fence line as an example of an obvious responsibility of the operator. Mr. Weis responded that permission has been granted by the adjacent property owner for Dragstrip employees to enter onto the property to retrieve trash blown over the fence. This should make trash collection more efficient according to Mr. Weis. Mr. Crickenberger reminded the Board that a few of the complaints his office received were unfounded but the operators of the Dragstrip have been very responsive and cooperative in addressing complaints. Supervisor Comstock suggested Mr. Weis submit to Mr. Crickenberger an Action Plan to proactively address the issues and complaints which have been raised by the Board and County residents. Supervisor Ford questioned whether conditions #14 and #16 had been adhered to and Mr. Crickenberger stated there had been no violations of either condition. In response to questions from Supervisor Smith and Supervisor Riegel, Mr. Weis affirmed that mufflers were used on the bikes at the Friday night events and also during "test and tune" days.

Farmers' Market Application – Holland

Mr. Crickenberger spoke to the application. It was clarified that no fees were attached to the renewal application. Supervisor Ford moved to renew the permit and Supervisor Smith provided the second. It was the consensus of the Board to place future renewal of farmers' market applications under the Consent Agenda. The motion carried by the following unanimous vote:

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

Consider Request for Vacation of an Unopened Portion of 22nd Street

Ms. Grace Crickenberger, Attorney at Law representing Donna F. Rogers, spoke to her client's submittal of a Petition to the Board for vacation of an unimproved and unopened portion of 22nd Street, from Wert Faulkner Highway to Argyle Street, which is also an unimproved, unopened street. Ms. Crickenberger stated that all other residents in the area have access off of Wert Faulkner Highway. Ms. Huffman reminded the Board vacation of a portion of a plat requires adoption of an Ordinance following a public hearing. Supervisor Comstock moved to take this matter to public hearing on January 25th and also to request the petitioner notify surrounding landowners, particularly those using proposed road, of the petition and the public hearing date. Supervisor Riegel provided the second. The Board directed the Planning and Zoning Office to post public notice on the property. The motion carried by the following unanimous vote:

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

State Task Force Report on Alternatives for Nonviolent Offenders

Ms. Collins highlighted the thirty one page report focusing on developing short and long term strategies on alternatives for nonviolent offenders submitted by the Non Violent Offenders Task Force to the Department of Corrections. It was noted that since 1998 the DOC budget has increased by seventy four percent. The report offers sixteen recommendations with a few requiring legislation. Ms. Collins stated one recommendation calls for expansion of drug courts due to the fact that 50% of all non-violent offenders are drug offenses. The Board discussed how offenders are classified and whether the classification program could be modified so more nonviolent offenders would qualify for alternative sentencing. Supervisor Comstock offered to arrange, through the Regional Jail Commission, for a speaker to come before the Board to discuss in detail the specifics of the offender classification program used by the court system. Ms. Collins will send a letter to the state in support of the report and for continuation of the Task Force for addressing local jail population and its costs.

Consider Creation of Regional Jail Authority

Ms. Huffman spoke to this agenda item. She explained the information that had been provided in the Board packet was the last set of documentation the County received prior to failure to proceed with the full jail expansion. The issue is being raised again for the smaller version expansion project. Ms. Huffman suggested staff members of the three localities meet and determine the existing concerns and issues of each governing body. Board members will provide individual lists to staff for compilation.

Update on Status of County Decals

The Board decided to postpone evaluation of the option of eliminating the decal fee for one year because concerns have been raised based on reports from the State that the Personal Property Tax Relief Act may be eliminated as a mean of addressing state budgetary shortfalls.

Financial Report

Mr. Claytor reported on the ongoing activities in the offices of the Treasurer and the Commissioner of Revenue. He then updated the Board on the financial status of the County. It was noted the County had not received a School Board Appropriation request. Mr. Claytor presented the proposed County Appropriation Resolution and fielded questions the Board had relative to the monthly bills. The Board asked Ms. Collins to write a letter to the Town of Goshen asking that the Town forgive the required County payment of \$500 per year to Goshen in connection with the initial water project since the County agreed to invest up to \$250,000 in a form required and acceptable to the lending institution to further the Goshen Water Improvement Project.

Supervisor Ford moved to adopt the County Appropriation Resolution and to authorize payment of bills. Supervisor Riegel provided the second and the motion carried by 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 MONDAY JANUARY 11, 2010 AT 3:00 P.M.

On motion by Supervisor Ford, seconded by Supervisor Riegel, 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 is, 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:

4-11-12020-5801 Dues and Subscriptions (Co. Admin.).....	\$412.00
4-11-12070-3002 Reassessment Cost.....	\$21,993.00
4-11-22010-7001 Purchase of Equipment (Grant).....	\$1,635.00
4-11-31020-3404 Criminal Investigation (Grant).....	\$958.00
4-11-31020-7005 Police Eqpt. (Grant).....	\$183.00
4-11-32080-3501 Reimburse fire & Rescue Squads.....	\$5,450.00
4-11-43045-3404 Repairs Bldg & Grounds NB.....	\$5,811.00
4-11-43045-5101 Electricity.....	\$1,981.00
4-11-53010-3901 Fees (Public Defender).....	\$360.00
4-11-92010-5803 Auto Tag Refunds	\$6.00
Total Appropriations General Fund	\$38,789.00

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, 2010**, from the UNAPPROPRIATED SURPLUS of the **SOLID WASTE FUND (Fund 19)** and expended as follows:

4-19-19040-3002 Professional Services	\$11,950.00
4-19-19040-3004 Maint-Automotive Equipment	\$9,264.00
Total Appropriations Landfill Fund	\$21,214.00

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, 2010**, from the UNAPPROPRIATED SURPLUS of the **COURTHOUSE CONSTRUCTION FUND (Fund 72)** and expended as follows:

4-72-80030-3001 Courtroom Technology Design	\$7,425.00
4-72-80030-5003 Reimbursable Expenses	\$4,423.00
4-72-80030-6001 Contingency	\$29,558.00
4-72-80030-7001 Equip. Furniture & Fixtures	\$5,546.00
Total Appropriations Courthouse Construction Fund	\$46,952.00

Total Appropriations All Funds.....\$109,995.00

Current County

General Fund.....	\$397,837.67
SWA/Landfill.....	\$27,623.55

SWA/Recycling.....	\$7,689.44
Courthouse Construction.....	\$46,951.26
Central Stores.....	\$2,368.51
Total County Bills	\$482,470.43

Current Fiscal Agent

Regional Jail.....	\$46,459.33
CSA Administration.....	\$158.51
Rockbridge Partnership.....	\$1,770.83
Total Fiscal Agent	\$48,388.67

TOTAL ALL BILLS	\$530,859.10
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RECORDED VOTE:

AYES: Ford, Riegel, Smith, Comstock, Lewis

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

A. W. Lewis, Jr.
Chairman

Attest: _____
County Administrator

Mr. Claytor explained the requests from the Recycling Department for Board consideration to 1) revise operating hours to 7:00 a.m. until 6:00 p.m. (Monday through Saturday) for Collection Centers for remainder of Eastern Standard Time; and 2) implement plan to phase out collection of plastic bags at the centers. After discussion, the Board concurred with the requests.

Staff Reports

The Chairman called for reports for which there were none.

Emergency Operations Plan Discussion

Supervisor Smith added this agenda item based on the feedback he received from Mr. Craig Campbell relative to emergency shelters and supplying planning checklists to ensure all necessities are provided. Mr. Foresman will draft a checklist for consideration. Supervisor Smith suggested researching other problems or concerns to be considered in the updating of the Emergency Operations Plan.

Committee / Board Activity Reports

Central Communications (E911) Management Board

Ms. Collins reported the Management Board is continuing to explore solutions to North Tower communications problem. The next meeting is scheduled for January 21st.

Fire and Rescue Committee

Supervisor Ford stated the Committee had not met since the last Board meeting.

Mayors and Chairs

Ms. Collins reported the major topic of discussion was regional transportation. The next meeting is scheduled for January 20th.

Natural Bridge Gym

Supervisor Riegel read a report from the Committee which included a list of upcoming events scheduled to be held in the gym. Supervisor Riegel was asked to communicate to the Committee that the Board would like drafts of the by-laws and fee schedule to be submitted for consideration.

Rockbridge Area Network Authority

Supervisor Riegel reported on the status of the grant application for stimulus funding. It is the consensus of the Authority that if the grant money is not awarded they plan to move ahead by exploring alternative funding sources.

Consent Agenda

Approval of Minutes – December 14, 2009

Supervisor Riegel moved to approve the consent agenda and Supervisor Ford provided the second. The motion carried by unanimous roll call vote.

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

Closed Session

Supervisor Smith moved that the Board convene in closed session 1) as permitted by Virginia Code Section 2.2-3711(A)(3), discussion or consideration of a matter involving disposition of public held real property where open public discussion of that matter would adversely affect the County's bargaining position or negotiating strategy and 2) as permitted by Virginia Code Section 2.2-3711(A)(6), discussion or consideration of a matter involving the investment of public funds where competition or bargaining is involved, and where if made public initially, the financial interest of the governmental unit would be adversely affected namely RRR Solid Waste Services Negotiations. Supervisor Ford provided the second and the motion carried by the following roll call vote:

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

Reconvene in Open Session

Supervisor Ford moved to reconvene in open session, Supervisor Smith provided the second, and the motion carried by the following unanimous roll call vote:

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

Supervisor Ford moved that the Board only discussed the items announced in closed meeting, Supervisor Smith provided the second and the motion carried by the following unanimous roll call vote:

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

Continuation of Meeting to Wednesday, January 13, 2010 at 7:00 p.m. for Intergovernmental Meeting at Moody Hall

The meeting was continued.