

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 25, 2010 AT 6:00 P.M.

PRESENT: CHAIRMAN A.W. LEWIS, JR.
MEMBERS: C.R. COMSTOCK, R.S. FORD, R.H. RIEGEL, M.R. SMITH
CLERK OF BOARD: CLAIRE A. COLLINS
FISCAL DIRECTOR: ROBERT E. CLAYTOR
COUNTY ATTORNEY: VICKIE L. HUFFMAN
STAFF: SAM CRICKENBERGER, ROBERT FORESMAN, BRANDY FLINT, PENNI MCMICHAEL

Call to Order

Chairman Lewis called the meeting to order, asked for a moment of silence for Haiti and led in the Pledge of Allegiance. Supervisor Riegel and Supervisor Smith were thanked and received applause for serving as Chair and Vice Chair last year respectively.

Item(s) To Be Added to Agenda, If Any

Chairman Lewis called for additional items but none were offered.

Citizens' Comments

Chairman Lewis called for public comment. Ms. Linda Black, Natural Bridge Magisterial District resident, voiced her concern that Mr. Weis, owner, is not in compliance with the Natural Bridge Dragstrip conditions to operate. She also noted the Dragstrip is advertising rental of the facility. The Board took Ms. Black's comments under advisement.

Ms. Catharine Gilliam, Walkers Creek District resident, on behalf of approximately sixty concerned citizens, distributed and explained a written request to the Board regarding condition of Lake Merriweather Dam – Safety Procedures and the need to keep public informed and involved. The handout asked that the Board address a number of concerns/questions. The Board took the request under advisement.

Mr. Bernard Goodbar thanked the Board for the last tire amnesty day at the landfill and asked the Board to consider providing an eight day tire amnesty period for this year at the landfill.

Mr. Lee Merrill, RACC representative and Kerrs Creek resident, stated RACC echoes the same sentiments presented by Ms. Gilliam. He informed the Board that Senator Hanger is willing to facilitate a round table discussion on the pending bill in state legislature relative to water quality, dam safety issues and hazardous dams, if so desired.

Hearing no further discussion the comment section was closed.

Resolution for Goshen Water Improvement Project

Ms. Huffman spoke to the Resolution and fielded questions from Board members. After a brief discussion and some clarifications, Supervisor Comstock moved to adopt the Resolution and Supervisor Smith provided the second. 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 ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
JANUARY 25, 2010

**RESOLUTION TO APPROPRIATE UP TO \$250,000.00 FOR PLACEMENT INTO AN
ESCROW FUND, THE INVESTMENT OF WHICH SHALL BE USED FOR DEBT
SERVICE PAYMENT ON BEHALF OF THE TOWN OF GOSHEN TO THE VIRGINIA
RESOURCES AUTHORITY, AND TO AUTHORIZE EXECUTION OF AN ESCROW
AGREEMENT AMONG THE TOWN OF GOSHEN, THE COUNTY OF ROCKBRIDGE,
THE VIRGINIA RESOURCES AUTHORITY, AND U.S. BANK, NATIONAL
ASSOCIATION**

WHEREAS, pursuant to the Goshen Town Charter (the "Charter") and the Public Finance Act, Chapter 26, Title 15.2 of the Code of Virginia, 1950, as amended (the "Public Finance Act"), the Town of Goshen, Virginia, (the "Town") is duly incorporated and empowered to finance and refinance costs in connection with capital projects for essential governmental purposes for the benefit of the Town and to issue its revenue bonds and notes to pay such costs, as described below; and

WHEREAS, the Town desires funds to pay all or any portion of the capital costs to design, acquire, construct, reconstruct, upgrade, modernize and equip the Town's water system and facilities related thereto, and to pay issuance costs in connection therewith (collectively, the "Project"); and

WHEREAS, the Town reasonably estimates that the total costs of the Project shall be approximately \$2,776,000; and

WHEREAS, the Town has determined that it is necessary and expedient for the Town to obtain a loan in the principal amount of \$250,000.00, from the Virginia Resources Authority, as Administrator of Virginia Water Supply Revolving Fund, to be used, together with other lawfully available funds, including monies to be provided under a Funding Agreement, an RUS Grant and several Additional Grants, in order to pay all or any portion of the costs of the Project; and

WHEREAS, in order further to secure the payment of the principal of the Town's Bond, Rockbridge County, Virginia (the "County") has agreed to provide financial assistance to the Town by appropriating an amount up to \$250,000.00 for placement in an Escrow Fund, the investment earnings of which are to be used for payment of the debt service on the Town's Bond to the Virginia Resources Authority, As Administrator of Virginia Water Supply Revolving Fund, as further described in that certain Escrow Agreement, dated as of January 1, 2010, and executed by and among the Town, the County, and VRA, as Administrator of the Fund, and U.S. Bank National Association, as Escrow Agent (the "Escrow Agreement").

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

1. That an amount up to \$250,000.00 is hereby appropriated for placement in an Escrow Fund, the principal and investment earnings of which are to be used for payment of the debt service on the Town's Bond to the Virginia Resources Authority, As Administrator of Virginia Water Supply Revolving Fund, as further described in that certain Escrow Agreement, dated as of January 1, 2010, and executed by and among the Town, the County, and VRA, as Administrator of the Fund, and U.S. Bank National Association, as Escrow Agent (the "Escrow Agreement").

2. That the County Administrator is hereby authorized to execute the agreement in substantial conformity with the attached Escrow Agreement, reference to which is hereby made regarding the specific terms and provisions, and to execute such other documents and take such further actions as are necessary to accomplish this transaction, all of which shall be subject to approval as to form by the County Attorney.

3. This Resolution shall be effective on and from date of its adoption.

Adopted this 25th day of January, 2010.

Recorded Vote:

Ayes: Comstock, Smith, Ford, Riegel, Lewis
Nays: None
Absent: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

Committee / Board Activity Reports

Supervisors Ford and Riegel noted they had additional reports for the Board.

Regional Tourism Board

Chairman Lewis reported on the "brainstorming session" held at the last meeting. The number one key interest for tourism is history and number two is ecotourism. This area is rich with history, so

the board is exploring ecotourism development possibilities with RACC's involvement. Chairman Lewis added the discussion is in its earliest stages and urged area residents to participate.

Rockbridge Area Network Authority

Supervisor Riegel announced RANA has been incorporated with the State as an Authority. The PPEA Guidelines have been adopted by RANA, Board of Supervisors and Lexington City Council. RANA is waiting on City of Buena Vista adoption after City Attorney has completed his review.

Supervisor Riegel announced a work session on the criteria for second round stimulus money will be held in Blacksburg on February 9th. A group from RANA will meet on February 1st to review pamphlet for distribution to the public. The next meeting of RANA will be March 1st to determine next steps and explore options of locality funding.

Mayors and Chairs Meeting

Ms. Collins stated the meeting was held January 20th with major focus of discussion on certain regulatory issues being considered and what the ramifications would be if they were enacted. Another major focus of discussion was the upcoming budget process.

E911 Management Board Meeting

Ms. Collins stated they met on January 21st and are exploring solutions to the communication problems being experienced. The PSA granted use of Buck Hill Water Tower for placement of emergency communication system. Movement from the current Sallings Mountain site to the water tower should be a vast improvement for that region. The next meeting is scheduled for February 25th.

Supervisor Ford highlighted the actions/discussions held on the proposed regional fire and rescue commission during the last Buena Vista City Council meeting in which he attended.

Supervisor Riegel called attention to the Town of Glasgow's reoccurring difficulties of water runoff management. The Town is seeking input on the most feasible/effective actions/methods that the Town can implement to progress toward a long term solution.

Public Hearings

- **Ordinance Vacating and Closing an Unimproved and Unopened Portion of 22nd Street**

Ms. Grace Crickenberger, Attorney at Law, explained Ms. Rogers' petition and fielded questions from the Board (Ms. Rogers is a client of Ms. Crickenberger). Ms. Crickenberger stressed that when the property is not under water, as it always tends to be, it is a mud pit. She also emphasized the neighboring residents have alternative access on improved roads.

The following two citizens spoke in favor of the ordinance: Mr. Timothy Steger (25 Hunt Store Lane) and Ms. Donna Roger (95 Kennel Hill). Those speaking in opposition were Mr. B.G. Locker, Jr., Mr. Freddie Plogger, Mr. James Walker, and Mr. Cecil Smith. After much Board discussion, Supervisor Riegel moved to deny the Ordinance and Supervisor Smith provided the second. The motion carried by the following unanimous roll call vote:

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

- **Regional Public Transportation Project Funding Application**
- **Resolution Authorizing the Application for State Aid to Public Transportation**

Mr. Tim Root gave the Board a thumbnail sketch of the regional transportation application. Ms. Collins next gave an overview of the project, the application process and if funding is awarded the requirement for request for proposals issuance.

Mr. David Natkin, Esquire speaking on behalf of Goff Company who runs “The Travelers Program” at Washington and Lee University urged the County to keep Goff in mind if public / private partnerships were considered.

Ms. Bea Johnson, Massie Street resident, stressed the importance of having routes in the Diamond Hill area since most residents are low income families.

Ms. Joy Harris gave several examples of how public transportation could enhance the area thus justifying submittal of application.

Washington and Lee Professor Don Dailey stated two of his students conducted the poverty study and the number one recommendation would be for the area to offer regional public transportation.

After a lengthy discussion, Supervisor Riegel moved to adopt the Resolution and Supervisor Smith provided the second. The motion carried by the following unanimous roll call vote:

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

RESOLUTION AUTHORIZING THE APPLICATION FOR STATE AID TO PUBLIC TRANSPORTATION

BE IT RESOLVED by the Board of Supervisors of the County of Rockbridge, Virginia that the County Administrator, on behalf of the Board of Supervisors, hereafter referred to as the PUBLIC BODY, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, DEPARTMENT, for a grant of financial assistance in the amount of \$369,200.00 to defray the costs borne by the PUBLIC BODY for public transportation purposes and to accept from the DEPARTMENT grants in such amounts as may be awarded, and to authorize the County Administrator to furnish to the DEPARTMENT such documents and other information as may be required for processing the grant request.

The Board of Supervisors certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the PUBLIC BODY will provide funds in the amount of \$118,114.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the PUBLIC BODY may be subject to audit by the DEPARTMENT and by the State Auditor of Public Accounts, and that funds granted to the PUBLIC BODY for defraying the expenses of the PUBLIC BODY shall be used for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting County Administrator of the PUBLIC BODY certifies that the foregoing is true and correct copy of a Resolution, adopted at a legally convened meeting of the Rockbridge County Board of Supervisors held on the 25th day of January, 2010.

(Signature of Recording Officer)

(Title of Recording Officer)

(Date)

- **Application by the Town of Goshen for a Special Exception Permit to upgrade Water Supply Tank in A-T District**

Mr. Crickenberger spoke to the application to replace a 22 foot tall tank with a 51 foot tall to improve pressure and reliability. Chairman Lewis called for public comment but none was offered. Supervisor Ford moved to adopt the Ordinance and Supervisor Riegel provided the second. The motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION OFFICES ON MONDAY, JANUARY 25, 2010

ORDINANCE GRANTING A SPECIAL EXCEPTION PERMIT TO THE TOWN OF GOSHEN, VIRGINIA, TO REPLACE AN EXISTING 22 FOOT WATER STORAGE TANK WITH A 51 FOOT WATER STORAGE TANK, IN THE AGRICULTURAL TRANSITIONAL DISTRICT (A-T), LOCATED ON PROPERTY OWNED BY JAMES AND RUTH PETERS

AT THE INTERSECTION OF VIRGINIA AVENUE AND BIG RIVER ROAD (TAX MAP #6-A-33) IN THE WALKERS CREEK MAGISTERIAL DISTRICT

WHEREAS, the Town of Goshen has filed an application for a special exception permit to replace an existing 22-foot water tank with a 51-foot water storage tank, 16 feet in diameter, to meet minimum water pressure standards of the Virginia Department of Health as part a major improvement project for the Goshen water system, in the Agricultural Transitional District (A-T), located on property of James and Ruth Peters (Tax Map #6-A-33) at the intersection of Virginia Avenue and Big River Road in the Walkers Creek Magisterial District; and,

WHEREAS, the Planning Commission, following a public hearing on January 13, 2010, reviewed this application and recommended approval to the Board, without conditions; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on January 25, 2010; 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 water in the service area to meet existing and future needs of the residents of the Town of Goshen and the County of Rockbridge and that it will encourage future growth in proximity to the Town of Goshen in accordance with the County's Land Use Plan.

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 the Town of Goshen to replace an existing 22-foot water tank with a 51-foot water storage tank, 16 feet in diameter, in the Agricultural Transitional District (A-T) on property of James and Ruth Peters (Tax Map #6-

A-33) at the intersection of Virginia Avenue and Big River Road in the Walkers Creek 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 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 25th day of January, 2010.

Recorded Vote:

Ayes: Ford, Riegel, Comstock, Smith, Lewis
Nays: None
Absent: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

- **Application by New Cingular Wireless for a Special Exception Permit to place a Telecommunications Tower in A-2 District**
Mr. Crickenberger gave the history of this application. Mr. Mike Pace explained the monopole being proposed and the stressed the need of telecommunication coverage in this area.

The Board received in its packet a petition stating “We the undersigned, being neighbors of the site for which an exception is sought under Section 603.03-10 of the Land Development Regulation for this county, are of the opinion that the proposed telecommunications tower is NOT in character with our neighborhood per Section 802.03-5c and would negatively affect the aesthetics of the neighborhood and values of our property. We urge the board to deny the request for exception:

John Hartsock, 539 Sunnybrook Road
Paul Maye, 100 Boston Run Lane
Laurel (Last Name illegible), 100 Boston Run Lane
Ruby & Ray Hotinger, 560 Sunnybrook Road
Ray Hotinger, 545 Sunnybrook Road

Lorraine Hartsock, 539 Sunnybrook Rd
Cheryl Maye, 100 Boston Run Lane
Betty Reynolds, 4 Clark Farm Lane
Janie Hotinger, 545 Sunnybrook Road
Jason Hamilton, 548 Sunnybrook Road

Josh Hamilton, 548 Sunnybrook Road
Nancy Hall, 516 Sunnybrook Road
Dominick Rosa, 334 Sunnybrook Road
Ellen Radick, 578 Sunnybrook Road
Crystal Jarvis, 671 Decatur Road
Carl Moore, 24 Cohee Lane

Julie Tanner, 623 Sunnybrook Road
Cathy Hamilton, 325 Sunnybrook Road
Shiba Rosa, 334 Sunnybrook Road
Carolyn Clark, 115 Clark Farm Lane
Heather Beach, 156 Maywood Lane
Joe M. Thorne, Cohee Lane”

The following citizens spoke to the Board: Charles Robertson (in favor); Michelle Marlowe (in favor); Lorraine Hartsock (opposed); Cathy Hamilton (opposed); Ron Telsch (in favor); Mary Totin and Al Davis (in favor). After much discussion and deliberation, Supervisor Comstock moved to approve the Ordinance granting a special exception permit with conditions and Supervisor Smith provided the second. The motion carried by unanimous vote.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON MONDAY, JANUARY 25, 2010

ORDINANCE GRANTING A SPECIAL EXCEPTION PERMIT TO AT&T/NEW CINGULAR WIRELESS TO CONSTRUCT A 125-FOOT STEALTH MONOPOLE TELECOMMUNICATIONS TOWER IN THE AGRICULTURAL AND GENERAL USES (A-2) ZONING DISTRICT ON PROPERTY OWNED BY H. ALLEN DAVIS AND MARY E. TOTIN AT 170 BOSTON RUN LANE OFF SUNNYBROOK ROAD IN FAIRFIELD (TAX MAP #51-17-C2B) IN THE SOUTH RIVER MAGISTERIAL DISTRICT

WHEREAS, AT&T/New Cingular Wireless has filed a petition for a special exception permit to construct a 120-foot stealth monopole telecommunications tower on a site measuring 60' x 100', being a portion of property owned by H. Allen Davis and Mary E. Totin located at 170 Boston Run Lane off of Sunnybrook Road (Tax Map #51-17-C2B) in the South River Magisterial District of Rockbridge County; and,

WHEREAS, the subject property is located in the Agricultural and General Uses District (A-2) of the County, and telecommunication and wireless facilities are a permitted use by special exception pursuant to Section 603.03-10 of the Rockbridge County Land Development Regulations; and,

WHEREAS, the Rockbridge County Planning Commission, following a public hearing on November 11, 2009, and further consideration at its meeting on January 13, 2010, reviewed this

application and recommended approval to the Board subject to the conditions set forth on Exhibit A;
and,

WHEREAS, after public notice pursuant to Va. Code § 15.2-2204 and § 802.04 of the Land Development Regulations, the Rockbridge County Board of Supervisors held a public hearing on the adoption of this Ordinance on January 25, 2010; and,

WHEREAS, the Board of Supervisors finds that AT&T/New Cingular has complied with the applicable regulations for wireless telecommunication facilities as provided in Section 711.00, et seq.;
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, and specifically finds that the proposed use will serve the current and future needs of the public, will address public safety concerns by providing adequate wireless telecommunication coverage in the area, will not increase traffic volume in the neighborhood, and will have minimal or no impact upon the provision of public services.

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 AT&T/New Cingular to construct a 120-foot monopole telecommunications tower on a site measuring 60' x 100' and located on property belonging to H. Allen Davis and Mary E. Totin at 170 Boston Run Lane off of Sunnybrook Road (Tax Map #51-17-C2B) in the Agricultural and General Uses District (A-2), South River 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.

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 25th day of January, 2010.

Recorded Vote:

Ayes: Comstock, Smith, Ford, Riegel, Lewis

Nays: None

Absent: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman, Board of Supervisors

Attest: _____
Claire A. Collins, Clerk

**EXHIBIT A
AT&T / NEW CINGULAR WIRELESS
SPECIAL EXCEPTION PERMIT CONDITIONS**

1. Any fence removed as a result of road or tower construction shall be replaced in a similar manner.
2. The entry gate off of Sunnybrook Road on to the Mills property (TM 51-17-C1A) shall be maintained.
3. The new access road shall be located so as to avoid damage to existing trees and shall also serve the Mills property.
4. Trees around the compound site shall be preserved to the greatest extent possible.
5. Tower shall be designed as shown on the revised plan as a micropole with internal antenna.
6. The compound area shall be located as shown on the revised plan.
7. No future external antenna or dishes shall be allowed on the tower.

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

Consent Agenda

- **Appointments to Boards and Commissions**
Robert Hickman to Central Shenandoah EMS Council
Regina Roethler to Disabilities Services Board
Carroll Comstock to Regional Jail Commission
Sam Blackburn to Regional Jail Commission
- **Approval of Minutes**
January 11th, Continued January 13th, Continued January 20th

Motion made by Supervisor Riegel, seconded by Supervisor Ford and the Board unanimously approved to adopt the consent agenda.

Closed Session

Supervisor Comstock moved that the Board of Supervisors convene in closed session to discuss the following: 1) as permitted by Virginia Code Section 2.2-3711(A)(5), discussion concerning a prospective new business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; 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 Negotiations. Supervisor Riegel provided the second and the following was recorded:

Roll Call

AYES: Comstock, Ford, Smith, Lewis
NAYS: Riegel

Reconvene in Open Session

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

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

Supervisor Smith moved that the Board certify that, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and 2) lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in the motion. Supervisor Riegel provided the second and the motion carried by unanimous roll call vote.

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

Adjourn / Continue Meeting

The meeting was adjourned at 10:30 p.m.