

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 14, 2010 AT 9:00 A.M.

PRESENT: CHAIRMAN A.W. LEWIS, JR.
MEMBERS: C.R. COMSTOCK, R.S. FORD, M.R. SMITH, R.H. RIEGEL
CLERK OF BOARD: CLAIRE A. COLLINS
FISCAL DIRECTOR: ROBERT E. CLAYTOR
COUNTY ATTORNEY: VICKIE L. HUFFMAN
STAFF: SAM CRICKENBERGER, ERICH SCHNETZLER, VICKY AGNOR, PENNI MCMICHAEL, AND CHRIS SLAYDON

Call to Order

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

Item(s) to be Added to Agenda

There were no items added to the agenda.

Citizens' Comments

Chairman Lewis called for public comment but none was offered.

Regional Sustainability Center (NBHS) Feasibility Study Final Report

Mr. Patrick O'Brien and Mr. John Provo, Virginia Tech Office of Economic Development representatives, presented the final report of the feasibility study. The report opened with a recap of redevelopment options considered: 1) reformulated plan (primarily office rental, with space reserved for a variety of public uses); 2) rent entire building but retain ownership/control to allow detached gym to remain as a community facility and 3) target market for anchor tenant office rental are the 'professional services' and Information Technology sectors, and /or similar 'back office' operations. The next section of the report was a review of pro-forma results and implications for project phasing. Mr. O'Brien noted several key assumptions, rough estimates of annual operating revenues/costs and the implications of the scenarios. Lastly, Mr. O'Brien and Mr. Provo gave recommendations for implementation of the Sustainability Center that were broken down into three time frames: immediate, near-term and when possible. Mr. O'Brien advised that the final draft of the report is to be presented to the Board as endorsed by the Management Team and the intent for preliminary report was to secure ideas from the Board based on the information provided. At the request of Supervisor Comstock, Ms. Collins explained the phases of the funding application and clarified the study is still part of Phase One. Supervisor Ford discussed details of Phase Two of the project for preliminary engineering. Discussion also focused on the property being owned by the County and could still be considered for sale or lease. Supervisor Riegel questioned the next step with Ms. Collins responding that the Management Team would assign tasks in order to formulate a plan to be shared with the Board for consideration.

Supervisor Riegel suggested considering getting the day care program running as soon as feasibly possible.

The Board of Supervisors meeting was suspended until after adjournment of the Solid Waste Authority Meeting.

Solid Waste Authority Meeting

Chairman Lewis called the meeting of the Solid Waste Authority to order at 9:30 a.m. Ms. Huffman went over the most recent edition and noted the changes of the Hauling Services Contract by and between Rockbridge County Solid Waste Authority and Rockbridge Resource Recovery LLC. The Board discussed several aspects of the proposed contract; such as whether the potential start day was still on schedule, can ownership and replacement, the weighing facilities clause, whether the cost of can repair and snow removal were in line with what the County has experienced and length of the contract. The County is waiting for a response from RRR's legal firm to determine if the proposed contract is amenable. Supervisor Comstock suggested the County GIS department provide a map depicting the six mile radius as an addendum to contract for clarity purposes. Chairman Lewis on behalf of the Board thanked the Negotiating Team for all its time and effort. Ms. Collins provided an update on the Solid Waste request for proposals. Supervisor Riegel moved to adjourn the Authority meeting. Supervisor Comstock provided the second on the motion. The motion carried by unanimous vote.

Continuation of Board of Supervisors Meeting

Report on Deck Collapse

Erich Schnetzler, County Building Official, gave a report on the recent deck collapse at a student rental house located at 664 Greenhouse Road and explained his findings to the Board. This is the second such incident to occur in the last two to three years. Mr. Schnetzler stated he would like to see more homeowners in the County take heed and have them schedule regular inspections, especially those who rent to college students. Supervisor Smith questioned what the cost would be to have the Building Department perform periodic inspections. Supervisor Comstock suggested that staff devise a regular inspection process that would encourage participation by homeowners (for example, the incentive of waiver of inspection fees) with staff to bringing the process back to the Board for consideration. Supervisor Ford and Chairman Lewis are scheduled to meet later in the day with Mr. Ken Ruscio, Washington and Lee University President, to discuss student safety and awareness issues.

Ordinance to Establish Board Members' Annual Salary

Ms. Huffman explained that pursuant to Virginia Code the Board is to establish the annual salary of the members of the Board for the ensuing year, following notice and public hearing. Board salaries are currently set at \$5,500 per year, the maximum permissible under Code and may be increased by an inflation factor, not to exceed 5%. The Board must also establish the additional annual salary of the Chairman and the Vice-Chairman, currently set at \$1,800 and \$1,200 per year, respectively. Ms. Huffman

stated if the proposed Ordinance is acceptable, the Board will need to schedule this matter for public hearing on June 28, 2010. Supervisor Riegel moved to set the proposed Ordinance for public hearing and Supervisor Smith provided the second. Supervisor Smith sparked a discussion on the compensation for the duties of the Vice-Chairman of the Board. He added when he held this office he felt the duties he performed in this capacity did not warrant the additional \$1,200.00 the Vice-Chair receives. Supervisor Riegel withdrew the motion. Supervisor Smith moved to eliminate the salary for the Vice-Chair and Supervisor Comstock provided the second. Supervisor Ford suggested a per diem compensation for any Board meeting the Vice-Chair would have to lead. The Board discussed compensation for the Vice-Chair in the event of an extended absence of the Chair. Supervisor Smith withdrew the motion. Supervisor Riegel moved to set for public hearing an amended Ordinance stating that additional compensation to the Vice-Chairman be \$23 per week to serve as substitute for the Chairman during extended absences, up to a maximum of \$1200.00 per year. Supervisor Smith provided the second and the motion carried by a unanimous roll call vote.

Resolution for Revised Jail Expansion

Supervisor Comstock deferred rationalization of the proposed resolution to Mr. John Higgins, Rockbridge Regional Jail Superintendent. Mr. Higgins gave a brief summary/history for the revised jail expansion being proposed in the resolution which was recommended by the Jail Commission to the three localities on December 11, 2009. Supervisor Comstock stated both Cities moved on the criteria for establishing a Jail Authority. Ms. Huffman clarified the Authority provisions would not have to be discussed by the Board at this meeting. Supervisor Comstock moved to adopt the Resolution and Supervisor Smith provided the second. Supervisor Riegel took issue with approving the resolution when the Board has not approved the funds for the project and obtained clarification the Board would in no way be obligated to go forward with the expansion if the resolution is adopted. In response to a question from Supervisor Ford, Mr. Higgins approximated the cost for the revised expansion to be fifteen million dollars based on the preliminary report from Moseley Architects. Supervisor Riegel stated he had lingering concerns on the expansion because of the absence of data such as alternatives to incarceration. It was noted that the State has re-instituted the Task Force on alternative sentencing. Supervisor Comstock explained what the Commission had done to further study whether the expansion is needed. He also warned if the Board voted against the proposed resolution they would be telling the State that the County is not interested at all in a jail expansion. Ms. Collins added approval of the resolution could be viewed as a placeholder for state project funding and if the County didn't move forward with the expansion it may impact the ability to secure future state funding. She encouraged the Board to determine whether the County is interested in pursuing the expansion project and act consistently with determination. Supervisor Smith expressed his concern of the County incurring more debt without knowing the repayment specifics and also stated his opposition to adopting the resolution when the County had to deny full funding to the schools, fire departments and rescue squads. Supervisor Ford questioned the current relationship the County has with the Department of Corrections calling attention to 1) the closure of the Natural Bridge Learning Center

and 2) the County no longer receiving reimbursement for housing federal prisoners. He also questioned at what point the County should push back against the State. Ms. Collins commented the funding reality including a 50% State match would add additional County debt service not being in the best interest of the taxpayers specifically with the current instability of the bond market.

The motion to adopt the resolution was denied by the following 2-3 vote:

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

Discussion of County Code and Zoning Ordinance Amendments

Mr. Crickenberger addressed first the proposed County Code amendment which would allow propane distribution facilities using tanks that are 500 gallons or smaller as a permitted use in the B-1 District. If the Board concurred, the Planning Commission would schedule a public hearing on this amendment. Supervisor Smith moved to request the Planning Commission to proceed with a public hearing on the storage tanks code revision and Supervisor Riegel provided the second. The motion carried by a unanimous roll call vote.

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

Mr. Crickenberger then described the second proposed code amendment that would exempt private parties from the Outdoor Entertainment Ordinance. After some discussion about college student parties, Supervisor Ford moved to take the amendment to public hearing and Supervisor Smith provided the second. The motion carried by a unanimous roll call vote.

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

At 11:10 a.m. the Board took a ten minute recess

Financial Report

Reporting on behalf of Ms. Carol Hines, County Treasurer, Mr. Claytor informed the Board Ms. Hines had received a letter of resignation from one of her staff members due to obtaining employment elsewhere for a higher paying position. Mr. Claytor reported on the monthly activities in the Commissioner of Revenues' office. For informational purposes, Mr. Claytor described the information the Board had received concerning the new Virginia Retirement System Plan 2 funding option. The plan becomes effective for employees hired after July 1, 2010. A major part of Plan 2 is that employees must pay the 5% employee share unless the locality chooses to make this payment. Under Plan 1, the employers who currently pay the 5% share for their

employees cannot make a change. Mr. Claytor listed several things for the Board to consider before taking action on this matter. This item will be placed on the agenda for the June 28th meeting. Mr. Claytor reported on the County's financial status.

Supervisor Smith moved to adopt the proposed School Appropriation Resolution and Supervisor Comstock provided the second. The motion carried by a unanimous roll call vote.

(Insert SCHOOL Resolution --\$271,250.00)

(Resolution is on file in the Clerk of the Board's Office)

AYES: Smith, Riegel, Comstock, Ford, Lewis

NAYES: None

ABSENT: None

Mr. Claytor presented the proposed County Appropriation Resolution and fielded questions from the Board. In response to a question from Supervisor Smith concerning the mowing service expense for the old Natural Bridge High school property, staff was directed to contact the service provider to cease the mowing. Supervisor Ford moved to adopt the County Appropriation Resolution and to authorize payment of the bills.

Supervisor Riegel provided the second and the motion carried by a unanimous vote.

(Insert County Resolution -- \$1,080,841.45)

AYES: Smith, Riegel, Comstock, Ford, Lewis

NAYES: None

ABSENT: None

(Resolution is on file in the Clerk of the Board's Office)

Mr. Claytor described a spreadsheet which contained the tabulation of the petroleum products bids the County received for the FY2010-11 contract and highlighted staff recommendations based on the tabulations. Supervisor Smith moved to approve and accept the indicated bids for contract. Supervisor Riegel provided the second and the motion carried by a unanimous roll call vote.

AYES: Smith, Riegel, Comstock, Ford, Lewis

NAYES: None

ABSENT: None

After explanation by Mr. Claytor of the CSA Supplemental Funding Request that will be submitted to the State, Supervisor Smith moved to authorize the County Administrator to execute the allocation request document. Supervisor Riegel provided the second and the motion carried by a unanimous vote.

AYES: Smith, Riegel, Comstock, Ford, Lewis

NAYES: None

ABSENT: None

It was noted one item for the Board agenda for the June 28th meeting will be Fiscal Year Ending June 30, 2010 Financial Closeout (appropriation of Funds, approval of invoices to be paid and end of month payroll to be issued).

Committee / Board Reports

Agricultural Center Committee

Ms. Collins reported the committee met recently and most of the discussion was focused on its original charge when it was formed. Arrangements are being made for the committee members to visit and tour the Pittsylvania County agricultural center and learn about its creation and status.

RANA

Supervisor Riegel commented the Authority is still awaiting word on the grant application for the broadband project.

Regional Transportation Board

Ms. Collins announced the proposed project is receiving positive attention from various sources. Private sector partners have already committed \$20,000 and the project could possibly qualify for State funding. Ms. Collins gave preliminary cost estimates for the proposed service and described the intent of the proposed route. It was also noted at every designated stop, bus service would be provided at least every hour.

Mayors and Chairs Monthly Meeting

Chairman Lewis reported the locality representatives continue to discuss the health care and medical services being offered in this area.

Appointments to Boards and Commissions

Rockbridge Regional Library Board of Trustees

Supervisor Ford publicly thanked Mr. Scott Belliveau for his service. Hearing only one nomination, Supervisor Ford moved to appoint Mr. Joe C. Shaner, Jr. to serve a term (length of term four years beginning July 1, 2010) on the Rockbridge Regional Library Board of Trustees and Supervisor Smith provided the second. The motion carried by unanimous vote.

AYES: Ford, Smith, Comstock, Riegel, Lewis

NAYES: None

ABSENT: None

Maury Services Authority Board

Supervisor Riegel moved to reappoint Dr. Richard S. Trandel to serve another four year term on the MSA Board and Supervisor Comstock provided the second. The motion carried by a 3-2 vote.

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

Shenandoah Valley Partnership Board of Directors

Supervisor Smith moved to appoint Ms. Collins to the SVP Board of Directors and Supervisor Ford provided the second. The motion carried by a unanimous vote.

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

Approval of Minutes (April 21st, April 26th and May 12th meetings)

Board members offered minor corrections to last name spellings in the April 21st draft. There were no changes to the submitted April 26th draft. In the May 12th draft the initials of his first and middle name for Supervisor Riegel had to be reversed. Supervisor Comstock moved to approve the amended minutes and Supervisor Riegel provided the second. The motion carried by unanimous vote.

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

Adjourn

The meeting was adjourned at 12:35 p.m.