

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 28, 2010 AT 6:00 P.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, PENNI MCMICHAEL

Call to Order

Chairman Lewis called the meeting to order at approximately 6:14 p.m.

Item(s) to be Added to Agenda

Supervisor Smith added 1) Discussion on the Natural Bridge Industrial Park, 2) Raphine Industrial Park, and 3) Water at the County Club. Supervisor Lewis added a discussion on the elimination of County decals.

Citizens' Comments

Chairman Lewis called for public input but none was offered.

Call to Order Solid Waste Authority Meeting at 6:30 p.m. (if needed)

Ms. Huffman gave the Board a brief report on the status of the Hauling Services Contract. In response to a question from Supervisor Riegel, Ms. Huffman clarified the delay in the contract negotiations would cause the start date to be pushed forward to August.

Resolution to Rescind Resolution Adopted by Board of Supervisors on September 10, 2007, in Connection with Regional Jail Expansion

Ms. Huffman gave a brief overview of this agenda item. Supervisor Riegel moved to adopt the proposed Resolution and Supervisor Ford provided the second. The motion carried by a unanimous roll call vote.
(Resolution is on file in the Clerk of the Board's Office)

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

Authorization to Proceed with Sands Anderson PC to Represent County's Interest in the Verizon and Verizon South Application to the SCC for Reduction of Property Assessment

Ms. Huffman explained the rationale of authorizing Sands Anderson PC to represent the County's interest in this matter. She added the County may end the

representation if costs appear to be exceeding the potential benefit. Supervisor Smith moved to authorize the County Attorney to execute the engagement letter with Sands Anderson to provide representation to Rockbridge County in SCC proceedings for reassessment of property by Verizon and Verizon South. Supervisor Comstock provided the second. In response to a question from Supervisor Ford, Ms. Huffman stated she will evaluate the schedule consistently to see if this would become no longer cost effective. The motion carried by a unanimous roll call vote.

AYES: Smith, Comstock, Ford, Riegel, Lewis

NAYES: None

ABSENT: None

Virginia Retirement Resolution

Ms. Collins briefly explained the VRS Plan 2 handouts the Board members had received in their packets. Mr. Claytor stressed that a major part of Plan 2 is that employees hired on or after July 1, 2010 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 further explained to the Board that the selection for the program is revocable; meaning the Board or any future Board may make a change in the selection. He added VRS is putting in procedures to limit the selection to once per year. Once the Board makes a selection a resolution will be prepared to send to the State. Supervisor Comstock moved that the County pay the full 5% and Supervisor Riegel provided the second. Supervisor Smith and Chairman Lewis stated they would favor paying none of the employees' share. The motion was defeated by 1-4 vote.

AYES: Comstock

NAYES: Smith, Riegel, Ford, Lewis

ABSENT: None

Supervisor Smith moved the County pay none of the employee's share and Supervisor Ford provided the second. The motion carried by a 4-1 vote.

AYES: Smith, Ford, Riegel, Lewis

NAYES: Comstock

ABSENT: None

Fiscal Year Ending June 30, 2010 Financial Closeout (Appropriation of Funds and Approval of Invoices to be Paid and End of Month Payroll to be issued)

Supervisor Riegel moved adoption of the County Appropriations Resolution and approval of payment of bills to close out FY 09-10. Supervisor Ford provided the second and the motion carried by a unanimous roll call vote.

AYES: Riegel, Ford, Smith, Comstock, Lewis

NAYES: None

ABSENT: None

(INSERT APPROPRIATION CLOSEOUT \$210,016.01)
(Resolution is on file in the Clerk of the Board's Office)

Public Hearings

- **Special Exception Permit for Z & T Sales (light manufacturing in B-1**

Mr. Crickenberger stated Z&T Sales has applied for a special exception permit to utilize the former bowling alley for whole sale, processing and light manufacturing in the B-1 District. They will be leasing from the County and will be laminating materials to be used in the footwear, automotive, luggage and saddle industries. The Planning Commission has recommended approval as consistent with the comprehensive plan with no conditions. Mr. Crickenberger noted Tony Fox and Sharon Fox were present to answer any questions the Board may have. There were no comments from the public or from the Board. Supervisor Smith moved adoption of the proposed Ordinance granting a special exception permit to Z&T Sales and Supervisor Ford provided the second. The motion carried by unanimous roll call vote.

AYES: Smith, Ford, Riegel, Comstock, Lewis

NAYES: None

ABSENT: None

(INSERT ORDINANCE Z & T SALES SEP)

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

- **Special Exception Permit for Eugenia Camden (commercial dog kennel in A-2**

Mr. Crickenberger explained Ms. Camden has applied for a special exception permit for a commercial dog kennel in the A-2 District. The kennels will be located behind her home. The Planning Commission has recommended approval with the condition not to exceed twelve dogs. In response to a question from Supervisor Riegel, Ms. Camden confirmed the dogs would be kept in an enclosure at night to muffle barking. The Chairman called for public comment but none was offered. After some Board discussion, Supervisor Riegel moved adoption of proposed Ordinance with the added condition that some type of visual screening be used between the kennel and Route 11. The motion carried by unanimous roll call vote.

AYES: Smith, Ford, Riegel, Comstock, Lewis

NAYES: None

ABSENT: None

(INSERT ORDINANCE CAMDEN KENNEL SEP)

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

- **Ordinance to Establish Board Members' Annual Salary**

Ms. Huffman explained she had provided the Board with two alternative proposed ordinances. The Chairman called for public comment but none was offered. After a brief discussion, Supervisor Smith moved adoption of the proposed Ordinance (Alternative #2) setting the additional annual salary of the Vice Chairman for \$1200.00

per year effective until December 31, 2010, then starting January 1, 2011 the salary would be set in the amount of \$23.00 per week, up to a maximum of \$1,200.00 per year, to serve in the place and stead of the Chairman during any extended absence. Supervisor Riegel provided the second. The motion carried by a 3-2 vote.

AYES: Smith, Riegel, Comstock

NAYES: Ford, Lewis

ABSENT: None

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

Supervisor Riegel moved to reconsider and Supervisor Ford provided the second. Supervisor Riegel delivered his rationale of the validity of the Vice Chairman compensation being \$1200.00 per year. The motion carried by unanimous roll call vote.

AYES: Riegel, Ford, Smith, Comstock, Lewis

NAYES: None

ABSENT: None

Supervisor Riegel moved to continue compensation for the Chair and Vice Chair as it is currently set (additional \$1,800.00 – Chairman and \$1,200.00 for Vice Chairman) and Supervisor Ford provided the second. The motion was denied by a 2-3 vote.

AYES: Riegel, Ford

NAYES: Smith, Comstock, Lewis

ABSENT: None

Supervisor Smith moved adoption of the proposed Ordinance (Alternative #2) as presented by Ms. Huffman and Supervisor Comstock provided the second. Supervisor Comstock clarified the Ordinance shall be effective on and from July 1, 2010. The motion carried by a 3-2 vote.

AYES: Smith, Comstock, Lewis

NAYES: Ford, Riegel

ABSENT: None

(INSERT ORDINANCE – ALTERNATIVE #2 – ESTABLISHING SALARY OF BOS)

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

Z & T Sales Performance Agreement

Ms. Collins presented the proposed Z&T Sales, LLC Performance Agreement and noted Mr. and Ms. Fox were present to answer any questions the Board might have relative to the agreement. Mr. Fox expressed his appreciation for the County's assistance in the project. After some discussion of the role of the County Industrial Development Authority (IDA) in the proposed project, staff was directed to bring the proposed agreement back to the Board at its next meeting.

Fiscal Year Ending June 30, 2010 Financial Closeout (End of Month Payroll to be issued)

Mr. Claytor informed the Board that to comply with an audit requirement, Board approval was required to make the last payroll payment for FY 09-10. He noted the last payroll payment will be June 30, 2010 which is after the last Board meeting for the year. Supervisor Smith moved to authorize the end of the month payroll issuance and Supervisor Riegel provided the second. The motion carried by unanimous roll call vote.

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

Appropriation of Funds Approved in Budget Adopted for Fiscal Year Beginning July 1, 2010

Mr. Claytor presented two proposed appropriation resolutions (one for the County and the other for the Schools) in order to reflect funds approved in the FY10-11 Adopted Budget. Supervisor Riegel moved to adopt the County Appropriation Resolution and Supervisor Ford provided the second. The motion carried by unanimous roll call vote.

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

(INSERT APPROPRIATION OF FUNDS FOR FY10/11)
(Resolution is on file in the Clerk of the Board's Office)

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

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

(INSERT SCHOOL APPROPRIATION OF FUNDS FOR FY 10/11)
(Resolution is on file in the Clerk of the Board's Office)

Mr. Claytor reported the preliminary audit team was present last week and he will request a presentation to the Board on the findings.

Committee Reports

Natural Bridge Gym Steering Committee

Supervisor Riegel reported he had met with the Steering Committee recently. The Committee was granted two years to make the gym sustainable. Since the first year centered on making repairs to the facility and installation of separate utility meters, the Committee requested the two year period begin June 1, 2010. It was noted there is still no air conditioning in the gym thus rendering it unusable in the summer months. The Committee also stated it is ready to start reimbursing the County for the utilities but

they were not sure if they will be able to cover the total cost for utilities. The majority of the Committee revenues have come from holding tournaments but they still need to develop a fund raising plan. To date the Committee does not have a fee schedule (still in the establishment phase). Supervisor Comstock opined the County should give the Committee the opportunity to succeed and suggested granting the Committee's request to have the two year period begin June 1, 2010. The Board talked about the feasibility of using RARO to assist the Committee in establishing the fee / cleanup schedule. The Board directed staff to check on prior action of the Board regarding the beginning of the two year period.

Supervisor Ford reported on the meeting he and Chairman Lewis had with Mr. Ken Ruscio, Washington and Lee University President concerning the County and the University working in conjunction with regard to off campus student housing and safety.

Consent Agenda

Events Application for Henriette McCaughrin for Farmers' Market in B-1

Mr. Crickenberger highlighted the details of the application. Supervisor Smith moved to approve the consent agenda and Supervisor Ford provided the second. The motion carried by unanimous vote.

AYES: Smith, Ford, Riegel, Comstock, Lewis

NAYES: None

ABSENT: None

Approval of Minutes 4/28 and 5/10/2010

Supervisor Riegel moved to approve the minutes with minor corrections and Supervisor Smith provided the second. The motion carried by unanimous vote.

AYES: Riegel, Smith, Ford, Comstock, Lewis

NAYES: None

ABSENT: None

Agenda Items Added

Natural Bridge Industrial Park

Supervisor Smith questioned whose responsibility is to maintain the front parcels. He opined the property does not give the appearance of an Industrial Park. Staff was directed to research the covenants and restrictions and report back to the Board the findings.

Raphine Industrial Park

Supervisor Smith expressed his concern of the property only being half mowed and stressed maintenance of the site should be upheld since the County is marketing the park for sale.

Water and Sewer Situation at the Country Club

Supervisor Smith relayed a complaint he received from a landowner about the lack of communication with the Public Service Authority concerning water for gardening. Ms. Huffman responded the PSA had adopted an amendment which should quell the concern.

Elimination of County Decals

Staff was asked by the Board to resurrect the issue and in working with Glasgow and Goshen, research the localities that have eliminated and then reinstated permanent decals to ascertain the pros and cons.

Closed Session

Personnel Matters

Expansion of an Existing Business or Industry

Supervisor Smith moved that the Board of Supervisors convene in closed session, as permitted by Virginia Code § 2.2-3711(A)(5), discussion concerning expansion of an existing 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 as permitted by Virginia Code § 2.2-3711 (A)(1) a personnel matter involving appointment or promotion of particular officers, appointees or employees. Supervisor Comstock provided the second and the motion carried by a 4-1 vote.

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

Reconvene in Public Session

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

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

Supervisor Ford 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 that motion. Supervisor Smith provided the second and the motion carried by a unanimous roll call vote.

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

ABSENT: None

Adjourn

Hearing no further discussion the meeting was adjourned.