

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 JULY 26, 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 (ABSENT)
STAFF: CHRIS SLAYDON, ROBERT FORESMAN, PENNI MCMICHAEL

Call to Order

Chairman Lewis called the meeting to order, gave the invocation and led in the Pledge of Allegiance.

Item(s) to be Added to Agenda

Supervisor Smith added a discussion on consolidation of County entities.

Citizens' Comments

Mr. Boyd Walker, Glasgow resident, called attention to County Code Section 7-5(c) 1 **Unsafe Structures** and the requirement that all complaints of violation need to be made in writing. He opined that the Building Official should be able to deem structures unsafe without having received a complaint. Mr. Walker used the old "Tea Room" as an example of a structure in dire need of repair.

Call to Order Solid Waste Authority Meeting

Ms. Collins announced there was no need for an Authority meeting but noted the contract for short haul has been accepted and the County is just awaiting signatures.

Resolution Seeking Action of General Assembly and Governor to Prohibit all Predatory, Usurious Lending Practices in Virginia

In response to a question from Supervisor Comstock, Chairman Lewis stated no feedback had been received from the Chamber of Commerce relative to this resolution. Supervisor Ford moved to adopt the Resolution and Supervisor Riegel provided the second. The motion carried by unanimous vote.

AYES: Ford, Riegel, Comstock, Smith, Lewis

NAYES: None

ABSENT: None

(INSERT RESOLUTION PREDATORY LENDING)

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

School Board Request for Appropriation for Feasibility/Program/Facilities Study for Middle School Students

Chairman Lewis asked for and obtained clarification that the material the Board had received was for informational purposes only. Mr. Claytor added the Board's financial package for the August 9th meeting will contain the School Appropriation Resolution for this transaction.

Overview of the Capital Improvements Plan

Mr. Chris Slaydon, Assistant Planning Director, pointed out the changes that had been made since the draft was last presented to the Board. Supervisor Riegel questioned whether it was helpful having last year's numbers. He also commented that in order to get a full picture of the County debt obligations, figures with interest should be assigned. Mr. Claytor responded numbers are assigned where the project can be quantified. Staff was asked to include tables and line graphs in an appendix for clarification purposes.

Z&T Sales Performance Agreement and Lease with Option to Purchase

Ms. Collins spoke to the agenda item and informed the Board that Mr. and Ms. Fox were present to field any questions the Board may have. It was noted a public hearing would have to be held on the Lease with Option to Purchase. Ms. Collins informed the board the County IDA moved to proceed with the Performance Agreement. Chairman Lewis stated he felt this was a good project and hoped it would proceed. He inquired why, when the purchase agreement was first presented, the investment amount was greater. It became apparent during the Board discussion that a number of clarifications would be required. Four such items needing clarification were: 1) generate New Tax Revenues for the County of not less than a total of \$7,070.00 during the five year time period as opposed to each year; 2) whether the \$211,600 investment includes the \$200,000 renovation maintenance cost; 3) details of the incentive sum of \$3,600.00; and 4) under the rent terms Section 3.1 Rent, ensure the \$.04 per square foot of space is correct. Supervisor Riegel directed staff to obtain clarification on the items and moved to take the matter to public hearing. Supervisor Smith provided the second and the motion carried by unanimous vote.

AYES: Riegel, Smith, Comstock, Ford, Lewis

NAYES: None

ABSENT: None

Public Hearings

Special Exception Permit for Central Dispatch (Radio Tower in A-T)

Central Dispatch has applied for a special exception permit to re-locate their tower on Sallings Mountain to the PSA property on Buck Hill. The current location is problematic due to access and lack of reliable power. The antenna will be affixed to a sixty foot wooden pole next to the water tank. The Planning Commission has recommended approval as consistent with the Comprehensive Plan. Mr. Slaydon, using a PowerPoint presentation, identified the location of the proposed tower. Mr. Kim Arbaugh, applicant, gave the rationale behind the relocation. Supervisor Riegel questioned whether the relocation of the tower would resolve the communication

problems and Mr. Arbaugh responded the relocation is not intended to improve the coverage area communications. Supervisor Comstock asked if a higher tower would provide better coverage in Glasgow. Mr. Slaydon stated if the height of the tower was changed it would require a new application and the approval process would have to start over. Supervisor Smith inquired if authorization had been granted to use the cell tower in Glasgow. The Board held a brief discussion on other possible options to improve communications in the Glasgow area. Chairman Lewis voiced his concern why the Board would approve the application when other options could be available. The Chairman called for public comment but none was offered.

Supervisor Riegel moved to adopt the proposed Ordinance and Supervisor Smith provided the second. The motion carried by 4 to 1 vote.

(INSERT ORDINANCE RELOCATION RADIO TOWER)

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

AYES: Riegel, Smith, Comstock, Ford

NAYES: Lewis

ABSENT: None

Special Exception Permit for Jeffer Landing Strip (Grass Landing Strip in A-2)

Mr. Slaydon presented the application by explaining the need for the permit although the landing strip is already in place. He added the Planning Commission felt the landing strip was an appropriate use of the property and recommended approval under the following conditions: 1) No more than four planes to be on the ground at any given time and 2) Users of the landing strip are required to access it along Black Bridge Lane. Mr. Don Jeffer, applicant, answered a few questions from the Board. The Chairman called for public comment but none was offered.

Supervisor Smith read the following: "I abstain from all matters, discussions, or voting related to the application of Donald P. Jeffer to a Special Exception Permit for a grass landing strip, in the A-2 District on property owned by Donald P. Jeffer, Sr., and Jeanette R. Jeffer, Trustees, located along the west side of Arnolds Valley Road, identified as Tax Map #113-7-1 in the Natural Bridge Magisterial District, and my disclosure statement required under Virginia Code Section 2.2-3115(E) is on file with the Clerk to the Board of Supervisors."

Supervisor Riegel moved to adopt the proposed Ordinance and Supervisor Ford provided the second. The motion carried.

(INSERT ORDINANCE SEP TO JEFFER LANDING STRIP)

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

AYES: Riegel, Ford, Comstock, Lewis

NAYES: None

ABSENT: None

ABSTAIN: Smith

Zoning Ordinance Amendment for Propane Storage Facilities in B-1)

Mr. Slaydon noted the Planning Commission has recommended approval of the amendment which will permit propane storage facilities, 500 gallons or less, as a permitted use in the B-1 District. Larger facilities will still be a use by special exception. Mr. Slaydon added his office has received no objections concerning this proposed amendment. The Chairman called for public comment but none was offered. Supervisor Smith moved to adopt the proposed Ordinance and Supervisor Riegel provided the second. The motion carried by unanimous roll call vote.
(INSERT ORDINANCE TO AMEND – PROPANE STORAGE IN B-1)
(Ordinance is on file in the Clerk of the Board's Office)

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

County Code Amendment – Chapter 4, Article II, Amusement and Entertainment

Mr. Slaydon stated the proposed amendment to the County Code will exempt private parties from the Outdoor Entertainment Ordinance. Supervisor Riegel stated his concern that there is no clear definition of private parties. Ms. Patte Wood, Walkers Creek District resident, noted the Farmers' Markets are having bands and she wanted the Board to be aware of these occurrences. Supervisor Comstock moved to adopt the proposed ordinance and Supervisor Ford provided the second. The motion carried by unanimous roll call vote.
(INSERT ORDINANCE TO AMEND CHAPTER 4 AMUSEMENT)
(Ordinance is on file in the Clerk of the Board's Office)

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

Revised Organization Chart for Rockbridge County Personnel Policy

Ms. Collins presented the revised organizational chart. She asked for and obtained feedback from the Board.

Committee Reports

Public Transportation

Ms. Collins reported on the grant award requirements and what the regional group must do to have a functioning project by February 1, 2011.

E-911 / Central Communication

Ms. Collins reported on the most recent meeting. The meeting discussion focused on 1) South tower move, 2) need to address coverage in Glasgow area, 3) communication data gathering and now having the capability to generate reports, and 4) the north tower parameters.

Agricultural Center

Chairman Lewis reported on the recent visit to the Pittsylvania County Agricultural Center taken by representatives from the Committee. The Agricultural Center Committee will review the information obtained from the visit and offer a recommendation for the Board's consideration.

Economic Development Update

Ms. Collins gave the economic development update of the work of the management team on focusing on target marketing Natural Bridge High School and the Industrial Development Authority on seeking services to master plan the Raphine Industrial Park property.

Solid Waste

Ms. Collins stated the County received two proposals from the recent solicitation. Based on feedback received Ms. Collins stated use of the bailer building is a viable option. Staff will conduct a due diligence fact finding process and work with the Chairman.

Appointment of Member to Regional Jail Commission

Supervisor Comstock moved to appoint Supervisor Ford to fill the unexpired term on the Regional Jail Commission and Supervisor Riegel provided the second. The motion carried by unanimous vote.

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

Discussion of Consolidation of County Government Entities

Supervisor Smith stated that in order to explore more money saving options, he suggested that staff be asked to write a white paper on the consolidation of County Government Entities. Supervisor Ford responded that a much larger savings could be realized if the consolidation study was done at a regional level having a plan for streamlining County services. Supervisor Riegel noted that some employees are already over extended and it would be vital to look at overall workload. Supervisor Comstock added the culmination should be a budget component process and suggested staff come back with ideas.

Discussion to Invite Service Provider Partners to have their designated representatives to make Quarterly Presentations to the Board

At first the Board discussed sending invitations to the partners asking if someone would come to the Board meeting and give an oral report or provide one in writing. After consideration, Board consensus was to ask staff to obtain minutes from the agencies so the Board can stay abreast of ongoing events. Ms. Collins stated the purpose is to enhance relationships with the entities.

Closed Session

1) Expansion of an Existing Business or Industry

2) Personnel Performance Evaluations

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 performance evaluation . Supervisor Comstock provided the second and the motion carried by a 4 to 1 roll call vote.

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

Reconvene in Public Session

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

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

Supervisor Riegel 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 Ford provided the second and the motion carried by unanimous roll call vote.

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

Adjourn

The meeting was adjourned at 11:05 p.m.