

**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, AUGUST 9, 2010, AT 9:00 A.M.**

**PRESENT: CHAIRMAN A.W. LEWIS, JR.**  
**MEMBERS: R.S. FORD, M.R. SMITH, R.H. RIEGEL**  
**ABSENT: C.R. COMSTOCK**  
**CLERK OF BOARD: CLAIRE A. COLLINS**  
**COUNTY ATTORNEY: VICKIE L. HUFFMAN**  
**FISCAL DIRECTOR: ROBERT E. CLAYTOR (ABSENT)**  
**STAFF: SAM CRICKENBERGER, JEREMY GARRETT, KENTON HIGGINS, PENNI MCMICHAEL, JULIE WHITESELL, BARBARA LONDON**

**CALL TO ORDER:**

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

**ITEM(s) To Be Added The Agenda, If Any**

There were no items added to the Agenda

**CITIZENS' COMMENTS**

None

**PUBLIC HEARING:**

**Ordinance to Approve a Performance Agreement Between the County, the Industrial Development Authority of Rockbridge County, and Z & T Sales, LLC, and to Authorize a Lease and Option to Purchase with the Industrial Development Authority, for a 3.08-acre Parcel of Land with a 23,000 Square Foot Building, Zoned for General Business Use, at 98 Northwind Lane, Lexington, Virginia, and Identified on the Rockbridge County Land Records as Tax Map No. 62-14-AI, to be Leased with an Option to Purchase to Z & T Sales for Economic Development Purposes.**

Chairman Lewis opened the Public Hearing.

County Attorney, Vickie L. Huffman, introduced the above ordinance, advising the Board that the Lease is to run for five years, and that Z & T Sales, LLC proposes to expand and locate its lamination assembly business at 98 Northwind Lane, Lexington, Virginia, on a parcel of land consisting of 3.08 acres, more or less, and designated as "Tract B" on a plat recorded in the Clerk's Office in the Circuit Court of Rockbridge County in Plat Cabinet 1, Slide 228, said parcel being shown for business use with 23,000 square foot structure, identified on the Rockbridge County Land Records as Tax Map No. 62-14-AI. The Board was referred to the Lease and Option to Purchase Agreement.

The County Attorney advised the Board that, in the event there is an area used for another business, such as commercial or retail business, the rental payment of \$.04

per/square foot is a correct figure based on either \$800, or \$1,000 per month rent. She offered to answer any questions the Board may have.

Supervisor Riegel asked for a correction to strike the extra zero at the end of "\$11,600.00 found on Page 2 of the Performance Agreement, where the amount could be misconstrued.

Supervisor Smith asked for clarification on a question from the Chairman of the Industrial Development Authority as to whether this lease covers the entire building as it is believed the building consists of more than 23,000 square feet. The County Attorney offered a statement to include the entire property. Chairman Lewis asked for that clarification to be added to the Lease Purchase Agreement. Mr. Jones, Attorney for Z & T Sales has no problem with this addition and further suggests the addition to read, "includes all improvements thereon."

The Public Hearing was opened by Chairman Lewis.

Christopher Carpenter, Old Buena Vista Road, South River District, asked about the rent payments on the property. The County Attorney advised that rent on the property is waived for the first three years. The next two years is \$800.00 per month. If any portion of the property is used for any purpose other than Z & T Sales Lamination and Processing Business, then it is agreed for them to pay \$.04 per square foot above and beyond the rent agreed upon.

Chairman Lewis closed the Public Hearing and asked for comments from Mr. Jones, who responded that he had met with the County Attorney and was satisfied with the proceedings. They are anxious to get this property in use and feel it is best for Rockbridge County.

A motion was made by Supervisor Smith, seconded by Supervisor Riegel to adopt the Ordinance to approve the Performance Agreement and Lease and Option to Purchase Agreement between the County of Rockbridge and Z & T Sales by roll call vote.

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

[INSERT ORDINANCE]

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

## **ROCKBRIDGE AREA COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT AND ACTIVITY UPDATE**

Dennis A. Cropper, Ph.D., Executive Director, Rockbridge Area Community Services Board, gave a detailed report on the activities of RACSB, and requested approval of the Fiscal Year 2011 Performance Contract, as required by the Code of Virginia by a formal vote by September 30, 2010.

Dr. Cropper noted a number of services, number of days, and number of hours providing services July 1, 2010 through June 30, 2011. He further noted that one of the

biggest issues is with federal funding. Medicaid is the largest source of funding, including Medicare, and has the largest impact on the federal medical assistance programs. Extra regulations have been added to the services. They are doing a better job of collection for services, and have a number of grants for different programs. They have made application for a grant from the State Government for jobs in the re-opened Rest Areas, working with those with disabilities for maintenance of the facilities. It would be a nice match for programming while meeting some of the needs of the state.

Another example of programming in the state is working with the Free Clinic in conjunction with Alleghany Highland's CSB, providing free counseling services. They also have a C.T. working with law enforcement in the County teaching them how to effectively deal with those with mental disabilities. Many have substance abuse issues and other problems. The C.T. is also working with the schools in the area. With funding restraints on the budget, RACSB still meets the needs in the County.

Supervisor Riegel asked to see the actual Performance Contract, if possible. Dr. Cropper will provide a copy.

Dr. Cropper advised that surveys have been sent out from the state and when the results are returned to the County Mental Retardation Services Board, they will be made available for local review. Another area of evaluation is quality improvement.

Supervisor Ford asked about the line "Individual Supported Employment", to which Dr. Cropper responded:

- 1) It refers to where they work with individual employees such as Wal-Mart.
- 2) Group Supported Employment is a group of five individuals who are actually hired to clean some buildings, working as a group, learning how to perform certain tasks, then able to move up to individual.
- 3) Highly Intensive Residential vs. Supportive Residential means their needs are intense and must be provided total care. The difference depends on the need of the individual.

Supervisor Smith asked about an opening on the Board to which Dr. Cropper responded that one opening exists with an employee wishing to apply, to which Supervisor Smith advised that he also has someone who is interested.

Supervisor Riegel stated that the Board of Supervisors had indicated they were not interested in a jail expansion at this time; however, they realize a response is needed, and asked to what degree the CSB might involve itself. Dr. Cropper responded that they are very interested in being actively involved. They currently provide mental health services to jail inmates, dependent on what the Court System is willing to allow to take place without incarceration.

Supervisor Riegel asked whether there are limitations on CSB and their ability to deal with the issues to which Dr. Cropper noted that as long as an individual has some type of mental health issue, as opposed to behavioral, CSB can provide service. This service may or may not affect the State Contract. They only pay for what they have mandated. RACSB has started billing Medicaid. At this time he does not know how many services there will be and what the cost will be.

Supervisor Smith asked if there were any contracts between community service boards. Dr. Cropper responded positively regarding the services they are providing in the jail. Supervisor Riegel asked what percentage is local payment to which Dr. Cropper responded that the local percentage is two percent to five percent.

Chairman Lewis thanked Dr. Cropper for his reports and asked him to be present at the August 23rd meeting for consideration of the Performance Contract.

## **SOLID WASTE AUTHORITY**

Chairman Lewis called to order the Solid Waste Authority meeting.

The County Attorney, Ms. Vickie Huffman advised the Board that to date the County has not received a signed contract from RRR. In conversations with Mr. Dibling he has requested nonsubstantive revisions be made to the contract, which have been made, thus causing a delay in notification to our employees. In order to give the employees adequate notice that their positions are being terminated, she suggests moving the start date, and asked the Board to do so. County Administrator, Claire Collins, suggested that the Board may want to make the start date 21 days past the date of contract signing for the staff to be immediately notified. That would give two to three weeks if the Board approves.

Supervisor Smith questioned the County's position if an employee should quit before the new date, as to whether C&S would step in, to which the County Attorney responded that she believes C&S is anxious to start.

Supervisor Riegel questioned if the contract would be workable if the County used Augusta County to which the County Attorney responded affirmatively.

Supervisor Smith remarked that he would like to see the process quickly moved forward as it is a great opportunity to save taxpayers money, and questioned if a contract has been made with Augusta County.

Chairman Lewis asked for a motion to advise Mr. Dibling that the start date will be 21 days from the acceptance of the contract. Moved by Supervisor Riegel, seconded by Supervisor Smith, the motion was unanimously approved.

## **REGULAR MEETING RESUMED**

### **TREASURER'S REPORT**

Treasurer, Ms. Carol Hines, presented the Code of Virginia Delinquent Tax Book. She gave an overview of the monthly activities for the Treasurer's Office. She reported that since June they have been working collecting Personal Property Taxes. She is working with some taxpayers to make monthly payments. Many taxpayers are unemployed. Regarding decals, Ms. Hines reported that most localities have not continued with decals, with some reporting their revenue to be down. Botetourt County reports dropped revenue, and have added \$25 per vehicle to the tax in place of the decal. Chairman Lewis asked Ms. Hines to check on that as a possibility. The County Attorney noted that some localities have eliminated the decals but have maintained the decal fee. Our discussion has been that the County add the tax and eliminate the decal and fee. She noted that the Treasurer has more ability to collect the \$25.00 in delinquent taxes than the decal fees. Supervisor Ford questioned the ability to identify where vehicles are housed, to which Supervisor Riegel clarified that permanent decals are still being considered. Ms. Hines reported that collection of lodging taxes are doing well; however, the meals tax collection for one business is two months delinquent.

Chairman Lewis referred to the memo on from the Director of Fiscal Services

regarding the Request to Participate in Interest Payment Program. Staff Member, Julie Whitesell, spoke to the issue wherein Natural Bridge Fire Department has applied to participate in the program. The Department borrowed \$435,000 to pay for a new fire truck, with an interest payment of \$19,401 due May 26, 2011. Glasgow would like to participate in the program to refinance a couple of loans for equipment, as would Goshen, who plans to construct a new building. Natural Bridge's request exceeds available funds in the budget. Supervisor Smith expressed concern that a department comes to the Board for funds after making the purchase. Question for Mr. Claytor is whether there is a written policy regarding interest payments. It was explained that the new truck was purchased after the old truck broke down. It was noted that emergency situations need to be addressed. Supervisor Smith noted that \$50,000 has been budgeted for this and the County should not exceed that amount. Chairman Lewis asked for a motion to table the issue until further notice. Supervisor Ford moved and Chairman Lewis seconded the motion. Supervisor Riegel expressed confusion regarding resolution of the issue if Natural Bridge did in fact make the loan on the assumption they did qualify. He compared it to the former position with the Rescue Squads. Supervisor Smith recommended approaching Natural Bridge to determine their exact need and if their need is such, to give them the remainder of the \$15,000 and there will be no further funding this fiscal year. Supervisor Riegel suggested taking \$50,000 and dividing it according to those in the program now as well as anyone added to allow the money to be used for the expected needs. Supervisor Smith further recommended giving the \$15,000 to Natural Bridge and all other departments be notified there is no other money for this fiscal year, with no one expecting more subsidies. Chairman Lewis reminded the Board there was a motion on the floor to table the Interest Payment Program. Supervisor Riegel asked for a specific date. Supervisor Ford amended his motion to postpone action for two weeks, to which Chairman Lewis seconded. The motion was unanimously approved. Supervisor Smith directed the Staff to ask Natural Bridge Fire Department if interest was used as a known variable when financing was secured.

## **SCHOOL APPROPRIATIONS RESOLUTION**

County Administrator, Ms. Claire Collins, spoke to the Appropriations Resolution, which is the actual Resolution for School Funds ending June 30, 2011. It has the new grants for Titles I and II Part A and Title II Part D, the ARAR 2009, ABE C&I 2009, and Carryover Grants. The New Grants are \$818,031.47. Carryover Grants Title I, Title II, Title VI, Title N, the American Recovery Grants that were received on all those Titles. Those Carryover Grants total \$643,119.47. There are Title VT Part B Sections bringing your total Appropriations to \$2,141,844.50. There being no discussion, Chairman Lewis called for a motion to adopt the Appropriations Resolution. Supervisor Smith made the motion, seconded by Supervisor Ford. The motion carried by a unanimous roll call vote.

**AYES:** Smith, Ford, Riegel, Lewis  
**NAYES:** None  
**ABSENT:** Comstock  
(Resolution is on file in the Clerk's Office)

## **COUNTY APPROPRIATIONS RESOLUTION**

Ms. Collins presented the Appropriations Resolution and Accounts Payable for the month of July which includes all accounts payable. She offered to respond to any questions. After discussion regarding the Natural Bridge Property, Supervisor Riegel asked Administration to take the meter readings and determine what percentage of the \$1196 is attributable to the gym. Information was also requested regarding the mowing to which Ms. Collins replied that the additional billing for July was for two weeks prior. Ms. Collins will get the breakdown of the Gym utilities and will furnish same to the Board.

Jeremy Garrett introduced Kenton Higgins, who has been with the Landfill since 2004 and will take over routine maintenance of equipment. The equipment is old so maintenance will be more of an issue. All repairs are now being logged. The 973 loader is currently out of commission, probably due in part to lack of maintenance. Each individual operator is responsible for start-up and shut down of equipment on a daily basis. Mr. Garrett elaborated on the condition of the equipment and scheduling of repairs and authorization chain of command for expenditures. Supervisor Ford asked Mr. Garrett if he was aware of any more landfills due to close before ours. Mr. Garrett responded that he has not looked beyond our County. He said he is aggressively trying to learn from past closure and preparing for future closure. He will be sending the County Administrator a proposal for aerial survey of the existing landfill and will set benchmarks and grant issues to make closure easier. Grading is being done in stages to prevent erosion. Supervisor Ford asked if the grading equipment is adequate to which Mr. Garrett responded that the track hoe is only pointing 180 degrees. It is missing a tooth, but, hopefully, will last until 2012. Repairs will continue as needed. Mr. Garrett and Mr. Higgins were thanked for their presentation.

Supervisor Riegel made the motion, seconded by Supervisor Smith to adopt the Appropriations Resolution and to authorize payment of the bills. The motion carried by unanimous roll call vote.

AYES: Riegel, Smith, Ford, Lewis  
NAVES: None  
ABSENT: Comstock  
(Resolution is on file in the Clerk's Office)

Sam Crickenberger advised the Board that the thermostat for the air conditioning at Natural Bridge School has been turned up except while cleaning is in progress.

## **COMMITTEE REPORTS**

Supervisor Smith reported on the recent field trip of the Ag Center Committee to the Ag Center in Pittsylvania County and a subsequent meeting with the Agricultural Development Director of the County. The categories at this time are: Farmer, Forestry, Virginia Horse Center, Rockbridge Grown, Lexington-Rockbridge Grown, Farm Bureau, and Chamber of Commerce. Executive Director of the Chamber of Commerce, Sammy Moore, recommends that if the Board agrees to create this Board, that sub-committees be formed for smaller working groups. Chairman Lewis clarified that the group desires to form an Agriculture Economic Development Board to search and identify data and

statistics on agriculture, to study, and make recommendations on how to support present day agriculture. The Board would be a 501(c)3 and would have bylaws and officers. Supervisor Smith said a Mission Statement would be forthcoming. Supervisor Riegel asked how this differs from the original committee. Chairman Lewis reported that he had also attended the meeting in Pittsylvania and had been very enlightened to see what can happen when the key players in agricultural production come together. As a result of the field trip, the existing committee recommends creation of an Agricultural Economic Development Board. However, Rockbridge's model will have to be very different from Pittsylvania's because we have institutional supporters ongoing whereas they had to begin anew. Although the concept may not actually happen for awhile, this would put Rockbridge in an agriculture leadership position. It will require a lot of wisdom with food production in this country and in this county. A consensus of the Board is needed. Christopher Carpenter, South River District, stated he has worked across the state dealing with agriculture and primarily with food purchasing for W & L. There are consortiums of schools and colleges who are looking for homegrown products, making this a great opportunity for farmers in this area. He encouraged the Board to continue pursuing this venture. Supervisor Ford noted that there are issues between traditional and local agriculture, and asked whether they can be addressed in this Committee. Chairman Lewis advised that the committee can be assured that the Board is interested in working with these issues and recommendations.

### **EMS REVENUE RECOVERY**

County Administrator, Ms. Claire Collins, reported that the County received seven proposals in response to the Requests for Proposals. The Committee the Board designated for communication met last week to narrow the proposals down to three proposers for which interviews are scheduled the afternoon of August 23 from 2 until 5 p.m. It is hoped that a recommendation will be presented to the Fire and Rescue Committee at their meeting the evening of August 31. At that meeting, in addition to that recommendation, the Committee will also discuss the Regional Fire and Rescue Commission Proposal to be brought to the Board of Supervisors the first meeting in September. Mr. Foresman briefed the Board on his tracking for all Fire and Emergency Service agency responses. The graphs (in packets) give an overall view of data for 2010, which is being used to allow him to break different types of reports to compare types of calls, number of calls, order of response by agency, etc. He is working with Steve Reese of Central Dispatch on the project. These graphs give a better picture of emergency response needs, the efficiency in emergency response to calls, and putting resources needed in the proper place. Mr. Foresman reported that the County is rapidly approaching 20,000 calls a year with an 11,000 dispatch response rate. This past year a total of 19,507 dispatches were made with a total of 10,550 calls answered and 9,057 calls not answered for various reasons. He will be giving the Board of Supervisors a monthly report tailored to their questions. Mr. Jim Quist further discussed the daily and hourly situations when calls are dropped, etc. Mr. Quist reported that Fairfield EMS responds to calls from Augusta County, resulting in an additional 200 miles. Supervisor Ford asked that the situation be reviewed. Mr. Quist asked permission to start charging Augusta County for services provided. Chairman Lewis noted that the request would be placed on the August 31' Regional Fire and Rescue Agenda. Also on the agenda at that

meeting will be the discussion of the Mutual Aid Agreement. Mr. Quist indicated that they are compelled to take care of the community and that community does not have boundaries.

## **CONSENT AGENDA**

### **Commemorative Proclamation for 75th Anniversary of Blue Ridge Parkway**

**WHEREAS**, The Blue Ridge Parkway's 75<sup>th</sup> Anniversary Festival will be held September 10-12, 2010 on the North Carolina / Virginia state line;

**WHEREAS**, The Blue Ridge Parkway is an important unspoiled and bucolic asset to the preservation of natural resources and promotion of outdoor recreation in the County of Rockbridge; and

**WHEREAS**, The Community appreciates the significance of the Blue Ridge Parkway to the County and to the partnership in preserving the natural beauty of the Parkway and County.

**NOW, THEREFORE BE IT PROCLAIMED**, that the Board of Supervisors of the County of Rockbridge, Virginia commemorates the 75<sup>th</sup> Anniversary of the Blue Ridge Parkway and congratulates the founders and preservers of the Parkway in maintaining natural vistas and heritage in the past 75 years and continuing the stewardship for future generations to visit and appreciate the importance of the Parkway.

Proclaimed this 9<sup>th</sup> day of August 2010.

A motion to approve the Consent Agenda was made by Supervisor Riegel, seconded by Supervisor Ford. The Consent Agenda was unanimously approved.

The meeting was adjourned at 11:30 a.m.