

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 23, 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
COUNTY ATTORNEY: VICKIE L. HUFFMAN
ABSENT: ROBERT E. CLAYTOR, FISCAL DIRECTOR
STAFF: PENNI MCMICHAEL, SAM CRICKENBERGER, CHRIS SLAYDON, ERICH SCHNETZLER

Call to Order

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

Items to be Added to the Agenda

There were no items added to the Agenda.

Citizens' Comments

The Chairman called for public comment but none was offered.

Rockbridge Area Community Services Board Performance Contract

Supervisor Riegel expressed appreciation for the information sent after the last meeting. He cited confusion with what the Performance Contract document represents. He saw it as a budget breakdown listing participating agencies, but without specific performances to be accomplished. He wants to see practices that are evidence-based incorporated into the Performance Contract. While he acknowledged that it is difficult to do a qualitative analysis, he is most interested in the evaluation of programs in terms of their effectiveness, rather than the number using the program, as was discussed at the last meeting. Ms. Mary DeCoursey, RACSB, spoke to the issue in that one of the ways they obtain effectiveness of the programs are the surveys, some of which are provided by Richmond and others locally. Supervisor Riegel noted that he is not particularly enamored by satisfaction surveys, but rather looking at the purpose and intent of a particular program or service and finding good objective measures as to whether that has been addressed in the evaluation process. Although hard to do, it is invaluable in beginning to develop evidence based practices. Supervisor Ford referred to local evidence relative to other RACSB's reporting shorter average hospital stays statewide, to which Supervisor Riegel commented that is precisely the type of data that is needed. Supervisor Ford suggested that perhaps this information can tie into the evaluation process. The County Attorney advised that a motion to authorize the County Administrator to execute the RACSB 2011 Performance Agreement on behalf of the Board would be in order. Supervisor Riegel asked to reiterate that the Performance Contract in its present form is essentially a list of the areas where the money is going to be spent without any particular discretion as to what that area is or what it is intended to do. He expressed difficulty in supporting this contract; however noted that he would support it this year, with the understanding that henceforth more data and additional information be provided. On motion of C. Comstock, seconded by R. Ford, the motion to approve the RACSB 2011 Performance Agreement was unanimously approved.

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

NAYES: None

ABSENT: None

Interim Project Agreement for Use of Commonwealth Transportation Funds Fiscal Year 2011

Chairman Lewis introduced the Interim Project Agreement and commended the County

Administrator for her negotiations with the Commonwealth Rail and Public Transportation Department. County Administrator, Ms. Claire Coffins, explained the letter from the Department of Rail and Public Transportation, setting out the interim arrangement for a regional transportation project, which is for the deviated, fixed route through October 1, when, at that time it should be issuing to the County, as the grant recipient, on behalf of the region, the Master Agreement as part of the Governor's Government Reform Initiative. Grant Funding awarded from the State is \$108,300. Proposal requests have been prepared and advertised by the Regional Committee for the operating service for deviated fixed route, due September 15th. The committee will be meeting between September 15th and October 1st to review the proposals as received. Ms. Collins advised that if the proposal selected is made by a firm that already has buses available, the timetable could be accelerated. The actual master agreement will have to be brought back to the Board for approval, but is not expected to change the amount of funding awarded for the local transit project. Supervisor Riegel asked for clarification on the term, "deviated fixed route," to which Ms. Collins explained that this is for the regional public transportation to go from the City of Buena Vista to the City of Lexington, making different stops along the way, as well as to Route 11 north area to the Free Clinic and Wal-Mart, and back. The term "deviated" is terminology used by the Department of Rail and Public Transportation, meaning there are stops along the way. Supervisor Riegel asked whether funds were required to be spent during this fiscal year, to which Ms. Collins replied that the funds must be spent this year. Supervisor Smith asked whether the local share of \$5700 is budgeted. Ms. Collins responded that the local share is actually between the Private Partners, V.M.I. and Washington and Lee. They provided \$10,000 each for the project, so each locality's share for the project is \$18,000. The \$5700 is a portion of the total project, which is matched by the state. Supervisor Ford asked for verification that this is a one year pilot program, to which Ms. Collins responded affirmatively, noting that the projected start date is February 1's. She further noted that if the project is to continue beyond this current fiscal year, to obtain matching funds from the federal and state levels, we would have to apply for funding beyond the February time period. Supervisor Smith asked if the appropriation ends this coming February. Ms. Collins advised that the grant actually started July 1, however, the County can't be up and running until February 1st. He further asked about the duration of the current monies, to which Ms. Collins advised they would expire. He asked how long the buses would run, to which Ms. Collins responded they would run from February 1st until June 30th unless there are funds appropriated at the state, federal and local levels. Any funds not utilized for public transportation will go back to the localities. Supervisor Smith asked about a charge for riders, to which Ms. Collins advised there will be a charge of \$0.50 per ride. Supervisor Riegel would have liked a longer trial period to determine whether it would work, and suggested immediately trying to get additional funding to allow a longer trial period. Ms. Collins noted that during the first year the County will not be using the full \$18,000 per jurisdiction. The federal monies do not expire June 30. Supervisor Ford asked about other federal money that may be available from the state, to which Ms. Collins responded the County does not have that information. Supervisor Smith noted interest in starting the project before Christmas to allow shoppers easier access for shopping, etc. Following discussion regarding the proposed routes, the Board requested to have input regarding the proposed routes. On motion of Supervisor Riegel, seconded by Supervisor Smith, the Interim Project Agreement for Use of Commonwealth Transportation Funds for Fiscal Year 2011 was adopted by roll call vote.

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

Call to Order Solid Waste Authority Meeting

There being no discussion, Chairman Lewis announced the Board would not convene the Authority Meeting.

Fire and Rescue Interest Payment Program

Chairman Lewis introduced the Fire and Rescue Interest Payment Program. He noted that a request had recently been made for interest payment which the Board could not grant because funds were not available, and had asked for more research and discussion at this time. County Administrator, Ms. Claire Collins, advised that in conferring with the Director of Fiscal Services, who is unable to be at this meeting, the intent of the Interest Payment Program for Fire and Rescue was to fund equipment. As was shared with the Board at the last meeting, all approved funding to date has been for equipment purchases. The Fire Association approved on July 12, 2010, payment for interest on the loan for the rest of the pumper purchase by the Natural Bridge Fire Company that had already been purchased with the request presented to the Board on August 9th. Funds budgeted and appropriated for the interest program were \$50,000 for the fiscal year, with \$35,304.06 approved for payment. There may be additional requests during the fiscal year. The remainder of \$14,695.04 is available for the remainder of the year. The Board, at the last meeting, asked staff to look into what the intent was, and, if there were any policies for consideration, that they be recommended to the Board. Since all funds are for equipment to be purchased, for future requests, the staff recommends the Board consider a policy for interest payment requests on equipment to be purchased in coordination with application of financing, rather than a request following already purchased equipment. Natural Bridge Fire Department did anticipate this interest payment, for which they may have had a preliminary discussion months ago prior to purchase, according to the Fire Association Report. She advised the Board that \$19,401 is not available to consider any interest payment for this program for the Natural Bridge Fire Department, unless the Board wishes to consider a supplemental appropriation. Supervisor Smith asked whether the Natural Bridge Fire Department did indeed come in and talk with the Director of Fiscal Services before they bought the truck. Mr. Robert Foresman responded that the Fire Department, in "good faith", followed the policy, which has been in place that they, as an agency, discussed the need for a vehicle, they designed and purchased it, they came to the Board with a "good faith" request under the current policy of saying, "We would like this interest paid." Mr. Foresman stated that he did not have any knowledge they met with Mr. Claytor prior to the purchase of the vehicle. Supervisor Riegel questioned whether this is a policy or a practice to which Ms. Collins clarified that it is a practice, not a policy. She further emphasized that if the Board wanted to consider a policy it would be fitting that it be a policy for the future to be communicated, placed in writing, and all fire departments and staff be made aware of it. Supervisor Smith approves giving them \$15,000, but is concerned about another department repeating the process with there being no more money. Supervisor Riegel suggests the Board fix the problem by developing a policy in concert with the Fire and Rescue Commission. He believes it is appropriate that a budget be prepared, with outer parameters being established, and decisions being made as to what will be spent in those areas. He supports Natural Bridge Fire Department's request, but would immediately declare a moratorium for the remainder of this fiscal year, through June 30th, during which time, as the Board develops the budget, this particular part of the budget would be developed in concert with the Commission, to determine how this can be handled in the future. Supervisor Smith asked about the charts showing how much is outstanding. He questioned whether the moratorium would extend into next year, depending on how much is being paid. Loans must be paid before more money will be available. Ms. Collins advised that the interest for year one is \$19,408, year two \$17,892, year three \$16,166, basically decreasing \$2,000 each year. Ms. Collins will provide information from the schedule showing the rate of payments and interest amounts outstanding. Supervisor Comstock stated that he accepted Mr. Foresman's statement that Natural Bridge acted in "good faith" by providing the department the \$19,401, the difference being appropriate, and then enacting the moratorium. This is an error and Natural Bridge is deserving of the funds so he supports the full amount. To Supervisor Comstock's question whether Fire and Rescue's budget will remain the same, Supervisor Ford responded that it would. Following further discussion, Supervisor Riegel made a motion to provide \$14,695.04 to the Natural Bridge Fire Department for their participation in the Interest Payment Program in this fiscal year, and to issue a moratorium to all fire departments that no funds will be available for the remainder of this fiscal year, and during the budget process for next

fiscal year, a policy will be developed in concert with the Fire and Rescue Commission regarding their participation in this program. Supervisor Smith seconded the motion. Supervisor Comstock asked for clarification that they were voting to spend \$14,695 immediately, putting in place an evaluation process through a moratorium on further requests through the end of this fiscal year, and putting Natural Bridge Fire Department first in line next year for that particular truck. Supervisor Riegel added the following verbiage, "items in this program effective in this vote will be the items having full funding next year." The motion carried by unanimous roll call vote.

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

NAYES: None

ABSENT: None

Resolution of Support for Verizon Telecommunications Tower at Rockbridge/Alleghany County Line

The Director of Community Development, Mr. Sam Crickenberger introduced Mr. Pedini of Verizon Wireless, who has been working on this project since 2002, now seeking support of erecting a 178-foot-tall monopole on what is known as the Brushy Mountain site adjacent to the Dominion Virginia Power transmission line and lattice tower, which traverses the George Washington National Forest (managed by the U.S. Forestry Service) at the Rockbridge/Alleghany County line. Mr. Pedini presented a resolution supporting the "Brushy Hill" site as a Verizon Tower site to provide State of the Art coverage where no coverage currently exists along west Midland Trail and the Alleghany County line. The proposed site is designed to link the Verizon tower on the Knob outside of Goshen with another tower in Alleghany County and fill in a three-mile coverage gap along 1-64, which currently is not served. Mr. Frank Mayer, Radio Frequency Engineer, was also present to answer questions. Their slides showed existing coverage without the proposed "Brushy Hill" site. Mr. Pedini described the tower and maintenance structure, equipment compound, which would not only house Verizon, but also Ntelos and AT&T, who wish to co-locate with Verizon on this project. The elevation diagram shows Verizon at 169 feet high, AT&T, 159 feet, and Ntelos, at 149 feet high. Verizon proposes to own the structure and they are open to specific requirements regarding antennas, height of the tower, etc. Mr. Mayer stated that since it is on National Forest land, their requirements are not yet fully determined, but it is not subject to local zoning regulations. Mr. Foresman advised that he had spoken with Brian Muterspaugh of Alleghany County. They have approved a resolution in support of the Verizon Tower. This will benefit both Alleghany and Rockbridge Counties, not only with phone services, but also from emergency services standpoint. Supervisor Riegel asked whether there would be further capabilities for co-location emergency services within the County, to which Mr. Pedini responded that was certainly possible. Supervisor Ford asked that the resolution be amended to include meeting FCC requirements January 2013. Supervisor Comstock asked if a strobe light is needed. Mr. Pedini replied that it is the same height as the existing transmission tower. It is not in the proposal. Supervisor Smith asked if we had verification regarding Mr. Riegel's question about 911, and how will it be resolved. Ms. Collins responded that to address the narrow banding requirements by January, 2013, there will need to be an additional location of repeaters for the Emergency Services. Chairman Lewis asked Mr. Crickenberger if he saw any problems meeting this requirement, who responded that he saw no problems in that this is a unique situation with National Forest land, whereas, all others have been on private property. He stated he saw no problems working with Alleghany and Verizon. The project is actually located in Alleghany County, so we would have to see how our services match with Alleghany County's. Supervisor Ford asked that an addition be made to the resolution, incorporating the County's anticipation that this tower is an important part of meeting FCC requirements pending January, 2013, when the County is required to go to the narrow band. Ms. Collins interjected, "WHEREAS, further, Rockbridge County is interested in the location of the facility as part of meeting the January 1, 2013 Federal Communications Corporation (FCC) requirements for the enhancement of public safety." There being no further discussion, Supervisor Ford moved to

adopt the Resolution of Support for Verizon Telecommunications Tower at Rockbridge/Alleghany County Line with stated amendments, seconded by Supervisor Smith, the Resolution was unanimously approved.

Public Hearings - 7p.m.

Zoning Amendment for Electronic Message Centers in Raphine Interstate Signage District
Chairman Lewis invited members of the public, who wished to speak, to sign a sheet provided by Mrs. McMichael at the lectern. He opened the Public Hearing to discuss the Zoning Amendment for Electronic Message Centers in Raphine Interstate Signage District, and asked Mr. Crickenberger to present the proposed amendment. Mr. Crickenberger directed the Board to the proposed amendment for the Raphine Interchange. He reminded the Board that the purpose of the amendment is to allow electronic message centers at the Raphine interchange, which is unique in terms of the businesses, particularly in catering to the trucking industry. In addition, Mr. Crickenberger explained this item and public hearing includes consideration of an increase in the penalties for zoning violations to the maximum permissible under state law. He explained the work of the Planning Commission on this project since May. Supervisor Ford asked about the visibility of the Message Center from the on and off ramps of the interstate. They were not designed to be used on the on and off ramps. Supervisor Smith asked about the four - eight seconds for display of messages. The Planning Commission recommended five seconds. With regard to the background landscaping, Mr. Berkstresser expressed concern about not being allowed to light the background for the logo - the cost of the sign is \$25,000. Mr. William Koogler noted the businesses on the other side of the road are higher than the road, and their lights are blinding. Wilco changed its lighting and the situation there is better. He suggests the state change the elevation or use similar lighting used at Fairfield VDOT. He supports Mr. Berkstresser's request. Mr. Crickenberger advised the Board that the area on the message center not associated with the product logo shall remain unlit. Background for text is dark, for logo it is lit except for the border, which remains dark. The Board concurred. When asked why he preferred the four second interval, Mr. Berkstresser stated that the four second interval is the state standard. Discussion continued

regarding the unlit portion of the sign. Mr. William Koogler noted the businesses on the other side of the road are higher than the road, and their lights are blinding. Wilco changed its lighting and the situation there is better. He suggests the Board get the state to change the elevation, or use similar lighting used at Fairfield. He approves of Mr. Berkstresser's request. Chairman Lewis asked whether the blinding lights Mr. Koogler refers to are grandfathered lights on their portico area, to which Mr. Crickenberger explained that they are on their canopies, parking lot lights that are 100 feet tall, free standing lighted signs, etc. Supervisor Comstock, expressed full confidence in the Planning Commission. He was accepting of the four second interval, and moved to approve the amend the Zoning Amendment for Electronic Message Centers in Raphine Interstate Signage District, with the clarification of Section 706.06-4, Item 3, to be revised to read, "each message on the sign shall be displayed for four seconds." Supervisor Smith seconded the motion. Supervisor Riegel noted his vote is directed to this interchange only. The motion carried by a unanimous roll call vote.

(Insert Ordinance)

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

NAYES: None ABSENT: None

ORDINANCE TO AMEND ARTICLE 11 - VIOLATION AND PENALTY OF THE COUNTY OF ROCKBRIDGE LANJ) DEVELOPMENT REGULATIONS IN SECTION 1103.00 - PENALTIES, TO AUTHORIZE THE MAXIMUM PENALTIES PERMISSIBLE UNDER STATE LAW FOR VIOLATIONS OF THE COUNTY LAND DEVELOPMENT REGULATIONS, NAMELY \$200 FOR AN INITIAL VIOLATION AND NOT MORE THAN \$500 FOR EACH ADDITIONAL SUMMONS, AND AUTHORIZATION TO PROSECUTE THE VIOLATION AS A CRIMINAL MISDEMEANOR WHEN CIVIL PENALTIES TOTAL \$5,000 OR MORE

There being no discussion, Supervisor Smith moved to adopt the Ordinance to Amend Article 11 - Violation and Penalty of the County of Rockbridge Land Development Regulations in Section 1103.00. Supervisor Riegel provided the second. The motion carried by a unanimous roll call vote.

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

NAYES: None ABSENT: None

Zoning Amendment for Slaughter House and Animal Product Processing in I-i

Mr. Sam Crickenberger, Director of Planning clarified that slaughter houses and animal product processing are permitted uses in the I-i Zone, which is why he put in the language in 607.02-5. This is a catch-all area of permitted uses in the industrial zone. It includes food processing in terms of compounding processing and manufacture. That is what was used when Donald's reopened because it had been in an industrial zone prior to closing down. This could be subject to interpretation, and needed to be clarified, especially with another possible project in the Raphine area. The Planning Commission has recommended approval of it with the slaughter house and product processing plant meeting the current USDA Requirements with accessory retail would be a permitted use in the Industrial Zone. To Supervisor Riegel's question regarding wording if USDA changes in the future, Mr. Crickenberger stated that the wording would follow. To Supervisor Ford's inquiry about discussions regarding adding an access road here and whether funding would be funding for industrial access roads specific to this use, Mr. Crickenberger stated that it was his understanding that it is zoned for industrial activities, for which this use qualifies.

Public Comments

Torben Pedersen, Natural Bridge District, stated that it is a positive move on the part of the Board of Supervisors to amend the zoning to allow this use in the industrial zoning, and should something materialize in the northern end of the County, shows that Rockbridge County has its priorities in the right direction in attracting new business. William Koogler agrees the County needs to do a good job in creating new business in the Industrial Park, and feels that whatever goes in first will greatly impact what follows. He referred to Augusta County's Industrial Park which has nice roads, a nice layout, office buildings, and looks nice. To develop a good park, he feels the County will need to do that here. He feels we do not need more low paying jobs, which slaughter houses bring in, but suggests that the slaughter house operation be placed as far in the back of the park as possible. The entrance should be training centers, high-tech office buildings, etc. Kenneth Mohler, Walkers Creek District, representing Rockbridge County Awareness, supports the venture at the Industrial Park, and recommends adoption of the ordinance. The Public Hearing was closed at 7:50 p.m. Mr. Crickenberger spoke to Mr. Koogler's comments to advise they are in the process of developing a Master Plan for the Industrial Park. In terms of this particular operation, they are being shown property at the far end of the Park. Buffers are planned for the businesses at the front of the property. Supervisor Smith expressed disappointment in the use of the word slaughter house, and feels the description should be more detailed, and maybe there should be a limitation on the number of head the County may not want a mega slaughter house. He feels there can be a place for it in an Industrial Park, but is also concerned about the look of the park and would like for the location to be more narrowly defined. He pointed to other industrial parks as possible models. Chairman Lewis asked why the wording is as simple as it is rather than getting into some of the details in the description. Mr. Crickenberger noted that this particular language has been in the ordinance for many years, as a permitted use. The intent of the current amendment is to better define what we are talking about. County Attorney, Vickie Huffman, advised the Board that, with readvertising, they could specify certain types of slaughter houses to be permitted in the I-1 District, with other types of greater volume being permitted with special exception. These are new questions, and were not considered by the Planning Commission. Supervisor Comstock asked whether slaughter houses included feed lots, and expressed disdain for a large number of cows being held in a holding lot anywhere in Rockbridge County, to which Supervisor Smith stated he believed that USDA does not allow holding pens at the slaughter houses, but they can be located in close proximity. Supervisor Riegel asked how much authority does the Board of Supervisors or the Planning Commission have to approve or disapprove a proposed business coming if a slaughter house is a permitted use if it doesn't put its holding pens under roof. If someone chose not to hold their animals overnight but to bring them in during the day and their holding pen is outside, does anyone have the authority for having them change it to meet the County's wishes. Mr. Crickenberger will examine USDA regulations for holding of animals in

preparation for slaughter. Site plan approval would fall under the Planning Commission's purview. Concerns about the numbers of animals, types of animals, etc., these are questions that can be addressed in that you can have certain uses permitted at a scale, and that are permitted by special exception at a higher scale. Supervisor Riegel noted that in the past a business could be welcomed to the County, then the message changes for some reason with more and more specifics, and they cannot actually come because of all the restrictions to their business. He asked if anyone could reduce the likelihood of that happening. Supervisor Comstock stated that he felt the County Attorney and the Director of Planning have helped develop a process for moving forward, and he offered a motion to adopt the ordinance to amend Article 6 Uses in Districts General Industrial District I-i. Supervisor Ford seconded the motion, which was unanimously approved by roll call vote.

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

NAYES: None ABSENT: None

Chairman Lewis announced that Company B, 1 Battalion of the 1 16th Infantry Regiment of the local Virginia National Guard, 109 soldiers, will be returning from Iraq to the National Guard Armory Wednesday afternoon, August 25th, and asked that citizens be there to give them a warm welcome back home.

Capital Improvement Plan

Chris Slaydon presented the Capital Improvement Plan which showed removal of RADAC and the addition of Shenandoah Valley Partnership and includes total debt service which includes principal and interest as Appendix D. The only hard numbers changed were for the radio replacement system. Director of Finance made some financial assumptions and added \$235,000, starting fiscal year 2011-2012. All other numbers remain the same. Supervisor Smith asked if that number is the estimated debt service figure. Chris stated that figure assumes loan payments starting July 1, 2011, with 20-year financing at 4.5 percent, and no funds from additional sources. Assuming the \$3 million is a good estimate there will be no contributions from others. Supervisor Ford noted that there may be grant opportunities. Chris stated that in 2003 the Land Use Plan had been rewritten, which is part of the Comprehensive Plan, and in 2008 the Zoning Ordinance had been rewritten. The Land Use Plan is still in effect since 2003 as part of the Comprehensive Plan, with the Zoning being aligned in 2008. Chairman Lewis expressed appreciation for the dialogue and patience, believes it is a good document, and asked for a motion to adopt. Supervisor Riegel moved to approve and adopt the Rockbridge County Virginia, Capital Improvements Program, 2009-2014, seconded by Supervisor Smith. The Plan was unanimously approved by roll call vote.

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

NAYES: None ABSENT: None

Discussion on Abandoned Properties Requirements for Enforcement

County Administrator, Ms. Claire Collins, gave the background for the Agenda Item to be discussed in that the County receives verbal complaints which are reported to the Board as to abandoned structures in the County. To date, complaints are received in writing with the complainant information being treated as confidential. The complaint goes to the Building Official or designee, who goes to the site and follows all procedures outlined. If a verbal complaint is received, the official is not able to go out and address the complaint. This item is on the agenda for Board discussion, and also the County Attorney to report on her research, and Erich Schnetzler, Building Code Official, is here to discuss the initial intent as to whether there needs to be an amendment to the County Code regarding requirements for enforcement. Mr. Schnetzler stated he is comfortable with either approach. Mr. Boyd Walker, citizen from Glasgow, noted several unsafe structures not just in Glasgow, but throughout the County. Ms. Collins shared an experience when she registered a complaint verbally to the Code Official, who could not address it

because of the Code, and that was something she saw as a ride-by in the County. The procedure in place is being followed with a complaint form, the information is kept confidential, the complainants name or address is not released because the Freedom of Information Act protects those who make complaints in writing, according to the Code. The County Attorney, in following up on Ms. Collins'

remarks, stated that being able to withhold the complainant's name and address is a recently granted exemption under State Code. Chairman Lewis noted that citizens object to having their names on the line - the Code does require that, but it is very defective, both by terms of confidentiality in the office and in the public. The question is whether the Board leaves it as it is or whether it should be changed. The Building Official expressed that he is comfortable with either one. Supervisor Riegel asked if the written form would prevent spurious complaints, to which the Building Official explained the nature of complaints received in his office. Mr. Walker, speaking as a citizen, talked about various conditions he has been aware of for years that the Building Inspector needs to look at and should have the authority to clean them up. There should be a method whereby confidentiality can be handled. Supervisor Riegel asked the Building Official for a copy of the form, to which Mr. Schnetzler stated he has a form on the computer, but was not sure that a form was required. It says, "in writing," but does not indicate the use of a form. The County Attorney stated that the name and address of the complainant is required, but that a particular form is not required. It just has to identify who it is. Supervisor Smith asked about the possibility of Eric riding down the road and he observes a dangerous situation and he cannot do anything about it, to which the County Attorney stated that is the way the Code is currently drafted, which may have been drafted that way intentionally. However, the Code Official cannot demolish a building because it looks ugly. He cannot even start the process unless he finds a public health and safety problem with that structure. You find these problems more in the cities than in the counties because the old, dilapidated buildings in the city are right on the public streets. If they are in danger of collapsing, they are in danger of collapsing on the public walking or working along that street, but usually in a county where it is more rural, you have to first get to that dilapidated building, which may constitute a trespass on private property. Supervisor Smith stated he is supportive of the County rewriting the Code. Supervisor Ford asked about public safety in towns and whether they have the opportunity to enact their own ordinances that would protect the public, to which the County Attorney responded that she believed they do. There is a separate authorization under State Code to address unsafe structures. The Code Official should be the Enforcement Official under the Unsafe Structures Code; however, the Code does not dictate who shall be the enforcer. Supervisor Riegel asked about the Code Official being in a position of having to enforce his own complaint, which could possibly be deemed a conflict of interest. Supervisor Ford asked how it might be made easier in terms of enforcing. Ms. Huffman stated that she had just learned of any potential problem, but it seemed there should be a mechanism in place to allow the enforcement. Following discussion, it was agreed that Erich will work with the towns regarding vacant and unsafe structures. By consensus, the Board authorized revising the language in Section 7.5 of the Code, giving the Code Official powers of Enforcement Official, and bringing same to public hearing at a future meeting.

Discussion on Future of County Owned Small Acreage Industrial Zoned Property

County Administrator, Ms. Claire Collins, gave the Board an update on the small parcels of property owned by the County, some of which are zoned industrial and may be of interest to the business and industry sectors for development. There are three acres located behind the Service Authority Building for which have been business and industry owners have shown preliminary interest. Discussion was pursued by the Board to determine the future of these parcels, as to whether the Board wished to continue ownership under the County Board or whether they wished staff to identify those parcels zoned industrial that could be considered for transfer of ownership to the I.D.A. for finding businesses and industry that could own those parcels and put them back on the tax record. Supervisor Smith explained his involvement in the purchase of the three acres located behind the Service Authority Building, and the plans for a Government Center being developed there. On recommendation of Supervisor Comstock, it was the consensus of the Board that staff develop a parcels listing, along with a map, and bring it back to the Board.

Committee Reports

Agriculture Economic Development Board

Supervisor Smith reported on the last meeting of the Agriculture Economic Development Board, which met August 16th at which time it was determined that an Advisory Board should be founded to

make recommendations to the AED Board. He advised the Board of a possibility for the Board of Supervisors, which was just learned this week, that if the AED Board became a 501C, it could apply for grant money to aid the farmers, such as those who have lost livestock to coyote. The Board members were receptive, however, they expressed preference that the AED remain an independent entity.

Central Shenandoah Planning District Commission

Chairman Lewis attended a meeting with the Planning Commission at the Highland Center in Monterey. They are bringing a slaughter house to that area that will be an incubator engine. The Commission was unable to tour the wind towers for security reasons. The PDC is participating in sponsoring the Buena Vista Invitation of a meeting on rural development to be presented by Mr. Sink on September 28th• HUD, the Department of Transportation, and EPA have announced a \$100 million federal grant program to support sustainable communities, with the deadline of two weeks, with the PDC working with Virginia Tech to do the grant writing to apply for \$330,000 to provide for multi-jurisdictional planning to integrate affordable housing, economic development and transportation.

Regional Central Communications

County Administrator, Ms. Claire Collins reported on a meeting held on August 17th. The primary purpose of the meeting was to look at the South Tower issues for coverage to Glasgow. As of last Thursday afternoon, the State, through its Department of Emergency and Management, placed a temporary Repeater on the site in the Glasgow area for coverage, and are working to secure service with Verizon to address the tower issue. This also will lead to agreements that will meet the narrow banding for the South Tower. With the Repeater moved to Buck Hill, this also addresses narrow banding. Robert Foresman reported that the Repeater from the State could only be kept for three days, so Steve Reese of Central Dispatch has a Repeater put in Glasgow, which has been tested and is working. Also, in speaking to Verizon, they already have the application in hand from the 911 Center for location of the tower, so, hopefully, FCC approval will be received in a matter of weeks instead of months. Ms. Collins further reported that at its next meeting on September 16th the Board will be discussing the first step in what needs to happen in regard to addressing the narrow band funding to authorize the Needs Assessment, which is necessary for the grant application. Supervisor Smith asked whether service to Glasgow and the south end of the County would be enhanced by placing the Repeater on the cell tower in Glasgow, to which Mr. Foresman stated for Glasgow, not for places close to the interstate. He explained that the one at Buck Hill helps the interstate and the one on the Glasgow tower only helps Glasgow. If the Verizon tower site is acquired, South 1 may be put on that one, South 2 may be put on the Buck Hill site. South 1 cannot be on Buck Hill and Verizon tower because they interfere with each other.

Regional Tourism Board

Chairman Lewis reported on the Tourism Board meeting. Geo-caching has had 812 logged visits in the last month or so. There was a full page article on a German fellow in the Staunton paper today on Geo-caching and how this fellow came from Germany to where the Gourd Lourdes led him. As far as the Way Finding Signage, a consultant has been selected. They are meeting to set a time line for proceeding in planning for that.

Additions to Agenda

Rockbridge Area Network Authority

Supervisor Riegel asked to add one more item to the agenda, for which he reported that the County has, on behalf of RANA received a \$7 million grant from stimulus funding to proceed with broadband telecommunications project to install 134 miles of optic fiber cable to constitute the first of two phases that will be installed, bringing Rockbridge County into the 21 century. This is seen as a game changer for economic development to keep small, green businesses, to encourage telecommuting in Rockbridge County with minimal impact on the environment and historic entities. Rockbridge Area Network Authority will be meeting on September 7th to explore what we need to do at this point, but right now we are gathering information to be able to formally accept the grant which has to be done before we can do anything with it. The Board was invited to submit any questions, and he will send the information, as they are just beginning to get organized with compiling data to meet the time line.

Supervisor Ford expressed thanks to Supervisor Riegel, Ms. Collins, and Dan Grim for their hard work in preparing the applications, submitting the necessary data, etc.

Revenue Recovery

Supervisor Ford reported the Committee on Revenue Recovery had met this afternoon and heard the three best proposers and the amounts of revenue they expect to be able to collect on our behalf is quite impressive. The committee will be meeting next Tuesday on the final recommendation to this Board.

Appointment to Rockbridge Area Community Services Board

Chairman Lewis entertained the nomination of Chris Blalock on the Rockbridge Area Community Services Board to complete Ms. Sullenberger's term. Supervisor Smith made the motion, seconded by Supervisor Comstock. The motion was unanimously approved.

Approval of Minutes (June 14th and August 9th Meetings)

For the August 9th Minutes, Board members offered minor corrections to last name spelling of Supervisor Riegel on page 36, add for one company on page 37, and on page 39 change Fire to Forestry. There being no corrections to the June 1401 Minutes, Supervisor Riegel moved to approve the Minutes with corrections, to which Supervisor Smith offered the second. The Minutes were approved by unanimous vote.

Adjourn

On motion of Supervisor Smith, seconded by Supervisor Ford, the meeting was adjourned at 9:00 p.m.