

**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 SEPTEMBER 13, 2010 9:00 A.M.**

**PRESENT: CHAIRMAN A.W. LEWIS, JR.**  
**MEMBERS: C.R. COMSTOCK, R.S. FORD, M.R. SMITH, R.H. RIEGEL**  
**CLERK OF BOARD: CLAIRE A. COLLINS**  
**FISCAL DIRECTOR: ROBERT E. CLAYTOR**  
**COUNTY ATTORNEY: VICKIE L. HUFFMAN**  
**STAFF: SAM CRICKENBERGER, ROBERT FORESMAN, DAN GRIM, JEREMY GARRETT, PENNI MCMICHAEL, JOE OYLER (INTERN IN EMERGENCY MANAGEMENT)**

**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**

Chairman Lewis added discussion of the following items: 1) Heatex Negotiations; 2) Natural Bridge Juvenile Correctional Center; and 3) Request from South River Volunteer Fire Department. Supervisor Riegel also added a discussion of Rockbridge Area Recreational Organization (RARO) representation.

**Citizens' Comments**

Mr. Bernard Goodbar, Farm Bureau President, distributed information to the Board on HR 5509, the Chesapeake Bay Program Reauthorization and Improvement Act. He stated letters had been solicited by the Farm Bureau. The Act would allow the Environmental Protection Agency to override state regulations. The Virginia Farm Bureau Federation and other Farm Bureaus in the Chesapeake Bay six-state watershed are asking their elected representatives to support the Holden-Goodlatte bill as a more reasonable way to work with farmers to further reduce runoff into waterways.

Mr. Jay Gilliam renewed the request for information concerning safety issues at Lake Merriweather and added to date, no response had been made to the first request. He delivered a Freedom of Information Act (FOIA) request to the County Attorney.

After closing the comment period, Chairman Lewis read the following statement:

The Rockbridge County Board of Supervisors, while fully cognizant of its designated duties to provide funds on a priority basis and to appoint members from time to time to the Rockbridge Regional Library Board of Trustees, nevertheless remains vitally invested in the welfare and management of the library, which the Board considers a valuable asset to our community.

Worrisome events have occurred over the past few years have caused concern to the public and the Board of Supervisors. Citizens are now calling on the Board of Supervisors for help with the situation. Given the unfortunate public nature of

disagreeable and confusing reports among involved parties, the Board of Supervisors wishes to convey that it is not a disinterested party. Nor does it want its appointees, whom it strongly supports, to be asked to resign. We urge all participants in the operation of the library to act in a calm, committed and careful manner to achieve their mission.

### **MSA and PSA Report on Loop Project**

Mr. Eric Sheffield, County representative on the PSA, stated the City of Lexington and the PSA had met and agreed the MSA should build the loop, and operate the Enfield Tank with a new pump station. The PSA would build a new tank on Grassy Ridge and the City would buy some capacity in this tank. The tank would be owned by the PSA. Design for the tank would take one year with construction taking a year. The tank could be used for fire flow in emergency situations for both the county and the city. The PSA will pay for the construction of the tank, and this fall the MSA will request a change in their charter to include this project. The MSA is pleased with negotiations between the county and the city on this project. Supervisor Riegel asked if there was no interest of the tank being placed on Brushy Hill and Eric Sheffield confirmed that this was in fact true. Joe Milo stated that the loop and the tank would have to come on line and in operation at the same time. This will need to be coordinated between the PSA and the MSA. Supervisor Smith asked about the cost of the project and PSA director Karen Austin stated that the cost of the loop and the tank is approximately \$7.0 million at 2.5% loan interest rate. Karen Austin stated that the PSA will have to figure for an increase to include the cost of 16" pipe. Supervisor Riegel applauded the MSA and PSA for the project, but he questioned the study that said the tank was only 55% effective and Karen Austin stated that the tank was 100% effective. Supervisor Riegel asked for a clarification of the term "unusable". Joe Milo stated that the MSA has concluded that the loop, Enfield Road tank & pump station are transmission lines and Grassy Ridge is distribution. Erich Sheffield stated that the city will contribute to the cost for the tank but that negotiations are needed to determine what the amount will be.

### **Convene Solid Waste Authority Meeting**

The Authority meeting convened at 9:45 a.m.

### **Presentation on Potential Waste to Energy Plan / Park at Landfill**

Mayor George Fitch of Warrenton presented another alternative to the county waste issues. The project is referred to as "waste to energy plant" with a \$50-75 million investment by the private sector. The county will be asked to provide: 1) County trash, 2) Parcel of land at the landfill, and 3) Portion of the tipping fee.

Mr. Patrick Jefferies, Community Energy Independence, LLC (CEI) representative, stated CEI will build, finance, and operate a plant somewhere in Virginia. He explained that the technology for plasma to gasification has improved and is more cost effective, and cleaner than other processes. Most localities tend not to want to be first with this kind of project. Both DEQ and DMME like the scope of the project and are on board with the idea. Patrick Jefferies gave an overview of the program to include:

Idea of Development- Waste to energy program, why Rockbridge County vs. other localities and why CEI. On behalf of CEI he asked for permission to send an unsolicited proposal to the County under the PPEA guidelines.

Mr. Jay Ramamurthi, President of EnerSol Technologies, explained briefly the technology involved in the process that since is not burning trash, is very compact in using plasma as “sparkplugs”. DEQ will be involved throughout establishing a plant. Patrick Jefferies explained the original use of plasma and why it has not been effective through larger corporations such as Westinghouse. Bob Claytor asked if it could deal with hazardous waste. Mr. Ramamurthi explained that the plant was tested for disposal of hazardous waste and that it was successful. What about waste already buried and Mr. Ramamurthi stated that yes they can dispose of buried waste. Patrick Jefferies stated that the project would be conducted in stages. Supervisor Comstock asked about waste product at the end of the process and Mr. Ramamurthi stated that it is molten rock. Supervisor Riegel asked about a zero waste commitment, Mr. Ramamurthi responded that what is recycled is not what makes the energy.

Solid Waste Authority was adjourned at 10:15 a.m.

### **Resolution Welcoming Home Troops from Iraq**

This item was tabled to allow staff to obtain specific information from the Lynchburg Armory.

### **Acceptance of Broadband Initiative Grant Award**

County Administrator Claire Collins briefly explained and turned the discussion over to RANA Chairman Riegel. The total project cost is \$9,990,570 with 30% being in kind match from localities. \$2.5 million is being contributed by W&L as part of the local match for construction of the data center. Locality specific in kind and/or cash math needs to be discussed and resolved. Discussion focused on the possible in kind match of localities being providing trenching services to make up the local match or an annual cash match. Rockbridge Global Village has also committed a match to the project. The funds cannot be used for operations or salaries. Solicitation of request for proposals has been issued for project management services with proposals due October 6.

Supervisor Ford asked about budgetary additions, the County Administrator explained that there may be a need for part-time staffing in six to nine months as miles of fiber are built. Supervisor Smith asked if the project could be a profit maker for the localities. Supervisor Riegel stated that it is not intended to be a money maker. Supervisor Riegel stated that the first Phase of the project is for 134 miles of fiber that will connect every fire department, rescue squad, library, and school. The County Administrator explained that at the end of the project the county will need to turn the operation over to RANA. It is the county’s responsibility to ensure that all requirements of the grant are met. If the requirements are not met then the county may have to refund the grant. Supervisor Smith stated that this is a fine line. Supervisor Ford asked about unlit fiber in the ground and was advised that there are no answers to date and further research is needed. The issue of open ditches was addressed and emphasis placed on

using the open ditches when possible. Supervisor Riegel motioned to accept the NTIA grant as presented, seconded by Supervisor Ford; and the motion carried by unanimous vote.

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

**Regional Fire and Rescue Committee Recommendations on:**

**1) Creation of Regional Fire and Rescue Commission**

Supervisor Ford presented that the fire/rescue committee met last Tuesday and approved the creation of the Fire & Rescue Commission which is much like previous Commission with Buena Vista not included at this time as there is no interest from the City of Buena Vista. If Buena Vista decides at a later time to want to join the Commission then the agreement will have to be rewritten to include them. Supervisor Riegel had a question about the wording in 2(b) "undertake", it was decided to take out the word and then Supervisor Ford made motion to accept the Concurrent Resolution with the amendment, seconded by Supervisor Smith and unanimously approved.

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

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

**2) Revenue Recovery / EMS Billing Services Vendor for Services Contract**

Supervisor Ford introduced the topic of Revenue Recovery through EMS billing and stated that the designated review and recommendation committee had reviewed the seven proposals received that were shortlisted to three for presentations to be held. After the presentations, the committee ranked the three and recommended to the Regional Fire and Rescue Committee who agreed to make a recommendation to the Board of Supervisors to negotiate a contract with EMS/MC from North Carolina. Supervisor Ford made a motion to move forward with negotiations with EMS/MC, seconded by Supervisor Smith and unanimously approved. The County Attorney advised that once negotiations are complete with EMS/MC a local ordinance will be brought to the Board for approval of billing in the county for EMS.

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

**3) Regional Emergency Operations Plan (Resolution)**

Robert Foresman presented the new EOP for discussion and approval. Mr. Foresman stated that the last update to the EOP was in 2007 and the new regional

EOP follows VDEM's outline of the state EOP. He advised that the regional EOP allows for consistency as much of the resources that are used by the localities are the same and ensures working together to support the citizens. Supervisor Riegel asked about the other localities have input on the plan. Robert Foresman explained that input on the draft was requested and received. Supervisor Ford asked to the degree the Sheriff's office was involved and Robert Foresman stated that input was sought like with other agencies. The County Administrator advised that the state is seeking regional plans as one of the basis for awarding future grant funds. Supervisor Comstock asked for notices of the regional emergency management meetings. Supervisor Ford made a motion to accept the regional EOP, seconded by Supervisor Smith and unanimously approved.

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

### **Discussion on Transfer of County Owned Properties to County IDA**

Sam Crickenberger presented the primary three properties owned by the County and commented that the parcels may have value to the private sector. The properties include the balance of bowling alley property, Greenhouse Road behind the PSA building, and Natural Bridge High School. Supervisor Comstock questioned as to Board of Supervisors giving up control by transferring to the IDA. The County Attorney stated that they do, but they can influence the IDA. Sam Crickenberger stated that the properties would be easier to market through IDA. Mr. Newcomer, Chairman of the IDA stated that this issue needs to be addressed by both boards and Supervisor Comstock made a motion to table the discussion, seconded by Supervisor Ford and unanimously approved. Supervisor Ford commented that the Greenhouse Road property should be transferred as the sole property.

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

### **Financial Report**

Mr. Claytor gave the Board an update on the reassessment process. The Board needs to make recommendations of Equalization Board members to the Court for the Judge's approval so that the training of the members can be accomplished.

Mr. Claytor described the ongoing activities for the month in the offices of the Treasurer and the Commissioner of the Revenue. He offered the following as informational items: 1) Start of FY11-12 Budget and requested the Board individually provide a list of their priorities, budget concerns and potential budget guidance to all requesters (a compiled list of the results will be brought back to the Board for further action); 2) County Financial Status as of August 31<sup>st</sup> and 3) Natural Bridge High School and Gym Accounting.

Supervisor Smith moved to approve the Schools Appropriation Resolution and Supervisor Ford provided the second. The motion carried by unanimous vote.

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

**NAYES:** None

**ABSENT:** None

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

Mr. Claytor presented the monthly bills and fielded questions from the Board. Supervisor Riegel moved to approve the County Appropriation Resolution and to authorize the payment of bills. Supervisor Ford provided the second and the motion carried by unanimous vote.

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

**NAYES:** None

**ABSENT:** None

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

Mr. Claytor completed his report by giving the Board an overview of the status and transition of County trash/recycle to RRR, LLC.

#### **Added Items of Discussion**

Chief Wilmer from South River Fire Department made a request through the SAFER grant program. The program provides staffing for firefighters for a period of two years and then the county would have to pick up the cost for at least one year. The original request from South River was for four firefighters during the daylight hours. Supervisor Ford wanted to thank Chief Wilmer for identifying the grant and Supervisor Riegel suggested that given the uncertainty of the county commitment and given the hard work of the fire/rescue committee and given that this is not the last grant that skipping one grant cycle was in order. Jim Quist Captain of the Fairfield Rescue Squad stated that with the two year progress of the committee to a commission and being encouraged by the creation of the commission that the grant request should be reviewed on a regional basis. He further stated that the goal is to benefit the entire community and is aware that impatience has been experienced by some. Captain Quist went on to say that he was disappointed of the proponent as he had no idea that the fire department was interested, and that the individual could have come and easily discussed this with him. Supervisor Riegel made a motion for county staff to respond to South River Fire Department to advise to address with the newly created Commission and submit the request to them for a grant application in a year, seconded by Supervisor Ford and unanimously approved. Supervisor Comstock stated that there needs to be some feedback to FEMA on grants for volunteer agencies.

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

**NAYES:** None

**ABSENT:** None

The Board recessed until 1:15 p.m.

### **Call to Order for Continuance of Meeting**

Chairman Lewis called the meeting to order for continuance at 1:20 p.m.

### **Added Items of Discussion (Continued)**

#### **Natural Bridge Correctional Center Future Use of Property State Study**

Ms. Collins explained Mr. Steven Pullen with the Virginia Department of Juvenile Justice had contacted her to schedule a meeting with her at 1:00 p.m. on Monday September 20<sup>th</sup> to discuss future use of the property to gain ideas from the County. She asked the Board to provide ideas for future use of this property and noted the County will recommend and stress the reopening of the facility. The Board provided feedback to Ms. Collins.

#### **Heatex Negotiations**

Ms. Huffman reported the principals want to move along with the negotiations and briefed the Board on the status of the performance agreement. By consensus the Board agreed that the companies' request for separate agreements without clawback provisions on generation of tax revenue for Natural Bridge Investment Group would be acceptable. The Heatex performance agreement is acceptable with employment commitments only, and Board members affirmed willingness to appropriate \$12,600 in development fees to the IDA as incentive. Staff was requested to work with Heatex and PSA on the water and sewer availability fees.

#### **RARO Representation**

Supervisor Riegel stated he had received feedback from the RARO Director of the inability of a RARO Board member to participate in meetings due to the member's heavy workload. Board consensus was to direct staff to examine RARO organizing documents and by-laws to check for any provisions to remove appointee for failure to attend meetings.

### **Committee / Board Reports**

#### **Regional Sustainability Center (NBHS) Management Team**

Ms. Collins reported on the Team meeting which was held Friday September 10<sup>th</sup> at Natural Bridge with representatives from the state and a tour of the high school building.

#### **Appointment of Member to Rockbridge Area Network Authority (RANA)**

Supervisor Comstock moved to reappoint Supervisor Riegel to serve another term on the RANA and Supervisor Ford provided the second. It was clarified the term of service is for four years. The motion carried by unanimous vote.

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

**NAYES:** None

**ABSENT:** None

**Appointment of Member to Building Code Board of Appeals**

Chairman Lewis publicly thanked Mr. Robert White for his many years of service on this board. Supervisor Smith moved to appoint Mr. Rick Siler to the Building Code Board of Appeals and Supervisor Riegel provided the second. The motion carried by unanimous vote.

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

**NAYES:** None

**ABSENT:** None

**Approval of Minutes (June 28 joint meeting with RERG, June 28 regular meeting, July 12 and July 26 meetings)**

The Board offered minor corrections to the July 12<sup>th</sup> draft minutes. Supervisor Riegel moved to approve the minutes as corrected and Supervisor Ford provided the second. The motion carried by unanimous vote.

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

**NAYES:** None

**ABSENT:** None

At this time the Board discussed the maintenance of the Natural Bridge Industrial Park, the status of the Personnel Policy revision project and directed staff to initiate inquiries on another County wide burn ban.

**Closed Session**

**Discussion Concerning Expansion of an Existing Business or Industry**

Supervisor Comstock 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. After relinquishing the Chairman's position, Supervisor Lewis provided the second and the motion carried by a 3-2 vote.

**AYES:** Comstock, Lewis, Ford

**NAYS:** Riegel, Smith

**ABSENT:** None

**Reconvene in Public Session**

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

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

**NAYS:** None

**ABSENT:** None

**Adjourn**

The meeting was adjourned at 3:40 p.m.