

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 27, 2010 AT 6:00 P.M.

**PRESENT: VICE CHAIRMAN R.S. FORD
MEMBERS: M.R. SMITH, R.H. RIEGEL
ABSENT: CHAIRMAN A.W. LEWIS, JR., C.R. COMSTOCK
CLERK OF BOARD: CLAIRE A. COLLINS
FISCAL DIRECTOR: ROBERT E. CLAYTOR
COUNTY ATTORNEY: VICKIE L. HUFFMAN
STAFF: SAM CRICKENBERGER, CHRIS SLAYDON, PENNI MCMICHAEL
CONSTITUTIONAL OFFICER: DAVID WHITESELL, COMMISSIONER OF REVENUE**

Call to Order

The Vice Chairman called the meeting to order and led in the Pledge of Allegiance.

Item(s) to be Added to Agenda

Supervisor Smith added a discussion the timeliness of the County mailing tax tickets.

Citizens' Comments

The Vice Chairman called for public input but none was offered.

Performance Agreement between Board of Supervisors, County Industrial Development Authority and Heatex, Inc.

Ms. Huffman reviewed the proposed performance agreement with the Board and noted the agreement, which received approval from the County Industrial Development Authority, stipulates that the Incentive Funds in the amount of \$12,600 be appropriated by the County to the IDA for project-related development costs and fees. To obtain the Incentive Funds, Heatex shall submit to the County IDA all requests for payment or reimbursement for Project Development Costs with proper documentation of such bills or expenses. Ms. Huffman highlighted the Heatex commitment portion of the performance agreement. The Board with the guidance of Ms. Huffman briefly discussed the pros and cons of the proposed Heatex performance agreement. Supervisor Riegel moved to adopt the Resolution to Approve a Performance Agreement between the Board of Supervisors, the County IDA and Heatex, Inc., and to appropriate Incentive Funds of \$12,600 to the IDA as an Incentive Package to Heatex for Economic Development purposes. Supervisor Smith provided the second. In response to a question from Mr. Claytor, Ms. Huffman clarified if default should occur the County would be named first on the tax lien. The motion carried by unanimous (3-0) roll call vote.

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

AYES: Riegel, Smith, Ford

NAYES: None
ABSENT: Comstock, Lewis

Resolution Supporting Designation of Wilderness Road

Ms. Jean Clark, Regional Tourism Director, gave a brief presentation on Wilderness Road Designation and stated she understood why this proposed designation could be viewed as worrisome with regard to Virginia Byways and National Byways signage restrictions since the County has identified the Route 11 North corridor as an area suitable for future development. Supervisor Riegel asked for and obtained verification that if this portion of Route 11 North was designated as a Virginia Byway, it would not prohibit the digging of trenches in order to install fiber optic cable for the broadband project. Mr. Slaydon explained the impact of the designation on off premise signage. It was noted the proposed resolution requires approval by all localities along "The Wilderness Road: Virginia's Heritage Migration Route"; therefore, no piecemeal designations. Supervisor Riegel commented that he liked the idea but would like clarification of how much the designation would "tie the County's hands" relative to future development. The Vice Chairman stated he would also like to have information on whether the other localities involved have passed this proposed designation. This item was deferred until the next regularly scheduled meeting to allow staff to gather more information.

Call to Order Solid Waste Authority Meeting

The Vice Chairman called the Authority meeting to order at 6:40 p.m. and explained the purpose of this meeting was to discuss the unsolicited proposal submitted by CEI in accordance with the PPEA guidelines. Ms. Collins stated the proposal had been received just recently but staff has not had time to begin the due diligence process. She stressed the submittal was conceptually written and there are numerous unanswered questions that will need to be addressed. In response to a question from Supervisor Smith, Ms. Collins replied the next step would be to open the bid process in accordance with the Solid Waste Authority adopted PPEA guidelines. She added the Authority could also form a committee for evaluation of the unsolicited proposal while complying with publication requirements for competing proposals. The Authority must have a plan for the landfill closure by the end of December 2010. The Vice Chairman announced that a letter of interest had been sent on the Authority's behalf to the Augusta County landfill. After some discussion, Supervisor Smith moved to accept the unsolicited bid for consideration as the proposed project serves the purpose of the PPEA and that:

- (1) There is a public need for or benefit derived from the qualifying project of the type proposed as a qualifying project;
- (2) The estimated cost of the qualifying project is reasonable in relation to similar facilities; and
- (3) The proposer's plans will result in the timely development or operation of the qualifying project, and to post notice requesting competing proposals in accordance with the PPEA guidelines.

Supervisor Riegel provided the second and the motion unanimously carried.

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

Supervisor Smith moved to continue the Authority meeting until Monday October 4th at 6:00 p.m. in order to discuss the appointment of a review committee and to also prioritize future solid waste disposal options. Supervisor Riegel provided the second and the motion unanimously carried.

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

The Authority meeting was adjourned at 6:58 p.m.

Natural Bridge Gym Steering Committee Report and Request for Continued Use of Field

Natural Bridge Gym Steering Committee members present to give the report and explain the request for continued use of the football field for 2011 were Mr. Rick Siler, Mr. Greg McDaniel and Ms. Sally Esolen. Mr. Siler gave the Gym Steering Committee report and reiterated why the committee requests continued use of the football field. Supervisor Riegel noted the reason why the Board grants use of the field one year at a time is because the property is zoned Industrial and has potential for future economic development. The County has received private interest in development of the property; therefore, the County cannot commit to long term use of the field. Supervisor Riegel sparked a discussion on what length of time would be feasible to grant the Committee use of the field and gave for example a four month moving target. As an alternative, Mr. Siler asked the Board to assist the Committee in constructing a permanent football field at the Natural Bridge Elementary School. Should there be negotiations with the County School Board on such a project, Mr. Claytor reminded the Board the County paid for the existing track and restroom facilities. Supervisor Smith stated he would support a four month running commitment for use of the high school football field. The matter was deferred until all Board members are present to discuss.

Public Hearings

- **Special Exception Permit for House Mountain Inn Expansion of Lodge/Resort in A-1 District**

Mr. Crickenberger briefed the Board on the application by Mr. and Ms. Charles Irvine to construct another outdoor events pavilion on the House Mountain Inn property. Mr. Irvine described the existing business and why another pavilion is needed to accommodate one day events. In response to a question from the Vice Chairman, Mr. Crickenberger clarified the proposed septic system will be separate from the existing drain field system. The Vice Chairman opened the public hearing. No public comment was offered. The public hearing was closed. Supervisor Smith moved to adopt an

ordinance granting a special exception permit to Charles and Colleen Irvine to add another outdoor events pavilion to their lodge/resort. Supervisor Riegel provided the second and the motion carried by unanimous roll call vote.

AYES: Smith, Riegel, Ford

NAYES: None

ABSENT: Comstock, Lewis

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

Resolution Approving the Financing by Goshen Volunteer Fire Department

Mr. Claytor presented the GVFD request and fielded questions from the Board. Supervisor Smith noted the public concern raised during the public hearing, held by GVFD, that rescue and fire be located in one building. Mr. Claytor also noted the existing building is in the flood zone (building has flooded twice) and the fire department wants to move from that location. When asked by the Vice Chairman, Ms. Collins opined the proposed site could accommodate both fire and rescue departments. Supervisor Smith stated he would prefer the Fire and Rescue Commission examine this request and provide a recommendation to the Board. Ms. Huffman added if the Board doesn't approve the resolution the fire department could still obtain financing. Without tax exempt status the GVFD would have to pay more. Supervisor Riegel moved to adopt the resolution approving the financing by Goshen VFD of up to \$295,000 for the construction of a new fire house. After relinquishing the Vice Chairman duties to Supervisor Smith, Supervisor Ford provided the second. Supervisor Ford stressed that the Board made clear that consolidation of services is preferable. Supervisor Smith stated he would only support the resolution if confirmation was obtained that the GVFD seriously examined operating a joint facility with the rescue squad. The motion was denied by a 1-2 roll call vote.

AYES: Riegel

NAYES: Ford, Smith

ABSENT: Comstock, Lewis

Blue Ridge Lumber Tax Refund

After explanations by both Ms. Huffman and Mr. Whitesell on what occurred to necessitate a tax refund, Supervisor Riegel moved to approve, appropriate and direct the Treasurer to issue the refund to Blue Ridge Lumber Company, LLC in the amount of up to \$41,740.64, plus interest at the rate of 10% per annum. Supervisor Smith provided the second and the motion unanimously carried by a roll call vote.

AYES: Riegel, Smith, Ford

NAYES: None

ABSENT: Comstock, Lewis

Supervisor Riegel moved to authorize the County Attorney to provide legal representation to the Commissioner of the Revenue on any petition to the Circuit Court of Rockbridge County for approval of correction of the erroneous assessment and

refund of the excess tax of \$7,683.53 paid thereon for tax year 2006. Supervisor Smith provided the second and the motion unanimously carried by a roll call vote.

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

Key Legislative Priorities

Ms. Collins reported the Virginia Association of Counties has urged counties to send them their legislative priorities. The Vice Chairman suggested the Board submit a short list of priorities that would broach other jurisdiction needs so VACo would adopt. The Board offered as key legislative priorities the following: 1) Comprehensive Services Act; Establish performance measure tracking for funding of comprehensive services for at-risk families and youth and streamline reimbursement process; 2) Joint Projects/Services; Establish incentives for localities agreeing to combine and share new/existing joint projects and/or services; and 3) Retain existing Compensation Board funding and positions.

Recommend Nominees for Appointment to Board of Equalization

This item was postponed and will be placed on the October 12th Board of Supervisors meeting agenda.

Additional Items Added for Discussion

Timeliness of tax tickets mailings

Supervisor Smith reported he had received complaints from some constituents about inadequate time between when the tax tickets are received through the mail and the date the taxes are due. The requirement is for bills to go out at least fourteen days before the due date, but the County tries to mail them at least thirty days before they are due.

Committee Reports

Agricultural Economic Development Board

Supervisor Smith reported on the discussions held at the September 20th meeting. He stated that one member is adamant that the board was set up as an independent body that would take action and have its own authority. Supervisor Riegel responded the board was set up with qualified members to act as an advisory board to the Board of Supervisors. Staff will provide the original charge of the Agricultural Center Committee in order to clarify.

Regional Central Communications

Ms. Collins reported on the meeting which was held September 16th. She gave the following summaries of the topic discussed: 1) the need to make sure the monthly data provided by the Center coincides with individual department data with staff to coordinate with RCFA and RERG to make sure the data correlates; 2) the Management

Board took official action that the due will be the agency of shortest distance with the maps to be revised to reflect the action of the Board; 3) South Tower discussions; 4) approved Glasgow repeater for paging; 5) OMD Contract was given to the Board for review and comment for next meeting; 6) radio needs assessment will be discussed at the next meeting; 7) request by Glasgow Town Sergeant that Glasgow have representation on the Management Board and was advised what would be necessary because this would require an amendment to the original agreement. The next meeting will be held on Thursday, October, 21, 2010 at 10:30 a.m.

Regional Jail Commission

The Vice Chairman reported he attended his first Commission meeting as a member. Buena Vista Sheriff, Randy Hamilton was elected Chairman. The Commission discussed physical and capital needs for the jail. Vice Chairman announced the 50% state match is still in place and may be available for capital improvements. Lee Taylor is the new attorney for the Jail Commission and Mr. Taylor opined that the County is under-represented by two members. The opinion of the Attorney General is being sought on this issue.

Regional Tourism Board

A written report had been provided to the Board in the meeting packet.

Approval of Minutes (August 23, 2010 and September 13, 2010)

Amendments were offered for the August 23rd draft and no changes were made to the September 13th draft minutes. Supervisor Smith moved to approve the minutes as amended and Supervisor Riegel provided the second. The motion carried by unanimous vote.

AYES: Smith, Riegel, Ford

NAYES: None

ABSENT: Comstock, Lewis

Continue Meeting until September 28th @ 7:30 p.m. Intergovernmental Meeting

Being that only two members of the Board of Supervisors, the Vice Chairman and Supervisor Riegel planned to attend the Intergovernmental Meeting to be held at the Buena Vista Fire Station for a presentation by Glen Sink, Executive Director of the Virginia Center for Rural Development, there was no continued meeting.