

**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 OCTOBER 25, 2010 AT 6:00 P.M.**

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

**Call to Order**

Chairman Lewis called the meeting to order, delivered the Invocation, and led in the Pledge of Allegiance. The Chairman recognized Boy Scout Troop #29 who was in attendance.

**Item(s) to be Added to Agenda**

Supervisor Smith added discussion of cardboard disposal and Supervisor Ford added matters for the upcoming joint localities' meeting with area legislators.

**Citizens' Comments**

The Chairman called for public comment but none was offered.

**Discuss County Code Amendments on Solid Waste**

Chairman Lewis stated a number of citizens have pointed out an inconsistency in the collection of business items at the convenience centers; thus he requested staff examine this section of the County Code and offer feedback. Supervisor Smith noted the reason he added the discussion of cardboard disposal was because a small business owner came to him complaining the collection centers would not accept cardboard. Supervisor Comstock opined that a significant code revision may not be the solution and would prefer to look at the whole collection plan by suggesting the County encourage that additional "yellow cans" be placed at the collection centers. Supervisor Smith stated the Board should look more to the operational side; to which Mr. Claytor responded that defining small business is problematic. It was concluded that the County would look to its collection partner for resolution of this issue.

**Contract for Emergency Services**

Ms. Huffman stated the County was still awaiting approval from the contracting firm. The award of contract with EMS MC will also require approval from the Board.

**Solid Waste Authority Meeting**

The meeting was called to order at 6:15 p.m.

**Approval of Minutes of the October 4, 2010 Continued Meeting**

A typographical error was noted by Supervisor Riegel in the acronym MRF. Supervisor Smith moved to approve the minutes as amended and Supervisor Ford provided the second. The motion carried by unanimous vote.

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

Supervisor Ford briefed the Authority on the organizational meeting of the Solid Waste Authority Proposal Review Committee. In response to a question from Supervisor Ford relative to the letter from Augusta County, Ms. Collins suggested a meeting be scheduled for open discussion amongst the Solid Waste review committee and the partners in the Augusta County landfill. The Authority concurred and asked staff to coordinate the meeting.

### **Reconvene**

The Board meeting reconvened at 6:20 p.m.

### **Recommendation for Appointment of Member to Board of Equalization for the South River Magisterial District**

Supervisor Comstock moved to recommend that the 25<sup>th</sup> Judicial Circuit Court consider appointing Mr. Doug Woundy to the Board of Equalization and Supervisor Ford provided the second. The motion carried by unanimous vote.

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

**NAYES:** None

**ABSENT:** None

### **Discussion of Appointments to Rockbridge Public Service Authority Board**

Referencing the white paper on consolidation of services, Supervisor Smith opined the PSA was one area he felt the County would benefit if services were consolidated. He added staff could be crossed trained if the PSA was a County department. Supervisor Comstock opined the goals of the County Comprehensive Plan (specifically, economic development) don't coincide with the PSA business plan and stressed the components need to be on the "same page". Supervisor Smith stated that last year during the budget process, he met with the PSA and was told no staff reductions were being considered. Supervisor Ford cautioned discounting the PSA because of the water loop project and the PSA declaring to the Supervisors it would not be able to afford. He stressed that the Board keep "the big picture" in mind. Ms. Huffman clarified the Board cannot change the entity and could only change project approval but it would have to be a mutual decision. She stated the Board could appoint its members to the PSA, to which Supervisor Comstock responded that if this was the desire of the Board, it must be cautious of Board members taking up individual issues rather than serving the citizens needs. Supervisor Riegel stated that personally he has been impressed with the PSA's work on its guidelines and principles and he would be against appointment of Supervisors to the PSA Board.

Supervisor Riegel asked the Board to defer an appointment to the PSA Board until the next meeting in order to allow him more time to seek nominations since the appointment would come from the Natural Bridge Magisterial District. Supervisor Smith asked if a detailed directional plan from the Board is needed. Supervisor Comstock responded he would rather work towards resolution of the issues (the PSA policies versus the goals of the Comprehensive Plan).

### **Committee Reports**

#### **Agricultural Development Board**

Supervisor Smith reported the committee is still struggling over its purpose and what power it has. He expressed his personal frustration over this issue and called attention to the information from the committee which contained two mission statements reflecting the understanding of the role of the Agriculture Committee. The committee seeks clarification, from the Supervisors, of its role so that they may be directed toward future work. Supervisor Riegel read from the March 23, 2009 Board minutes that the charge of the committee at that time was to offer recommendations concerning establishing an Agricultural Center in Rockbridge County. Chairman Lewis noted establishment of a center is off the table at this time. After much deliberation, the Board consensus was to direct Ms.

Collins to communicate to the committee that the Board acknowledges the belief that now is the time to elevate the County's agricultural heritage and focus on the importance of agriculture for the well being of the community. The Board further calls upon the committee to serve in an advisory capacity and to narrow its focus and make recommendations in considering the following objectives: 1) The proposed restructuring of Virginia Cooperative Extension and its impact on agriculture in the County; 2) Retaining and growing the heritage of farming in Rockbridge County; 3) Agriculture as it impacts solid waste and particularly disposal of large animal carcasses; and 4) The local food movement based on creating and retaining jobs in agri-tourism and agri-business.

### **Central Shenandoah Planning District Commission**

Chairman Lewis stressed the Commission offers invaluable services. He also noted the County has applied for three of its buildings to be considered for the \$400,000 energy grant received. He commented that hazards and flood mitigation plans are necessary to qualify for federal relief.

### **Regional Tourism Board**

Chairman Lewis reported the total cost of the Wayfinding Signage program is one million dollars regionally. He stated there are ten partners in this process. Chairman Lewis also reported on the status of the Wilderness Road issue being at the state level with the potential for the project to cause VDOT to change some of its restrictions that causes localities concern.

### **RANA**

Supervisor Riegel noted the Authority had met earlier in the day and voted to recommend awarding the contract to Design Nine to serve as project management.

### **Rockbridge Area Community Services Board**

Supervisor Comstock commented on the success of the services being offered to citizens. He also reported the board does not support Lexington City's suggestion of what to do with the surplus money.

## **Public Hearing (s)**

### **Special Exception Permit for Camper Youth Softball Complex – Outdoor Recreation Area and Camping in A-2 District**

Mr. Crickenberger informed the Board the Planning Commission has held three meetings on this issue and recommends approval of the special exception permit with an extensive list of conditions. Mr. Crickenberger turned the discussion of the proposed plans over to Mr. Rick Mast, applicant. Mr. Mast described how the proposed youth softball complex development with an associated campground project came about. Mr. Bill Kramer, Rockbridge Area Recreational Organization (RARO) Director, commended the project and noted that this is an opportunity to fill a void that currently exists in this area; foresees it being a much used facility. Mr. Brian Brown, Buena Vista Economic Development Director, gave an estimated economic benefit analysis based on a twenty five team tournament. Mr. Mast and Mr. Mark Fontenot uncovered a model of the complex and fielded questions from the Board. Mr. Mast reiterated that the complex is for youth organizations only. Mr. Crickenberger noted Ms. Birch, adjacent property owner, asked for Leyland Cypress to be interspersed with the white pines along the northern property line which will be updated in the conditions (Exhibit A). Supervisor Smith commended the Planning Commission efforts on this proposed project. Chairman Lewis called for public comment.

Mr. David Hinty, Natural Bridge Magisterial District, stated Rockbridge County does not have a similar facility and views the project as a good (win-win) opportunity. Mr. Torben Pedersen, Natural Bridge Magisterial District, echoed Supervisor Smith's commendation to the Planning Commission on this issue, feels the proposed complex is well done and requested the Board offer its support. Mr. Ken Coleman, Kerrs Creek District, emphasized the fact the land is being donated which offers a

wonderful opportunity to provide a facility for the youth. He relayed his experience of assisted coaching of a travel team that played all over the State and never once were able to play in Rockbridge County. Mr. Coleman opined the citizens owe youth the opportunity to gain knowledge of the game and could lead to college scholarships in the future. Mr. Kenny Sandridge, Walkers Creek District, offered his support for the project and offered his daughters' experience in the program in 1995. Mr. Dewitt Fix, South River District, stated he lives approximately  $\frac{3}{4}$  miles from site; 1) feels the concept is fantastic, 2) thanked the volunteers and Mr. Mast, 3) thanked Ms. Camper for the donation of the property, and 4) suggested that the developers should put a permanent sign relative to the increased traffic rather than a temporary one. Ms. Megan Smith, Lexington youth, reiterated the need for the softball fields which in turn keeps kids out of trouble and added it was no fun being last in the tournament. Ms. Brooke Kiely, Buena Vista youth and plays for Rockbridge Crush, declared the project would be a great opportunity, she loves softball and it gets kids off the couch. Ms. Kayleigh Addington, Kerrs Creek youth, stated it would mean a lot to have a place to practice and play and the complex would help to generate interest. Ms. Sherry Higgins, Lexington resident and longtime educator, stressed that sports brings kids together and it was important to give positive outlets for the youth. Ms. Adele Addington, Kerrs Creek resident, stated relative to economic development this complex would also generate more money when visitors come back to the area. She added having a complex will keep parents and kids together as well as retain and recruit professionals to the area.

Mr. Douglas Burch, South River Magisterial District, noted the speakers supporting the project do not live next door to the proposed complex, with the exception of Mr. Fix, as he does. He listed his objections as; 1) possibility of games going all day, every day, 2) will have this in his front yard and questioned whether those who had offered supports would want it in their yard, 3) the lady who donated the land doesn't live there; and 4) the people who live there don't want this complex and that some are not here tonight because they believe their concerns don't matter. Mr. Burch accused the audience of "using children to get what you want". Supervisor Comstock reminded Mr. Burch this is a civil proceeding and he should address only the Board. Mr. Al (Last name illegible), neighbor to the Burchs moved here because of the views along Mountain View Road and listed his objections as; 1) the other tournament sites don't have campgrounds; 2) noise from thirty campers with air conditioners running all night; and 3) Mountain View Road is a residential street, thus not a good location for the complex. Ms. Beverly Burch, South River District resident and next door neighbor to proposed complex, added the plans being presented tonight are totally different than what was told to her in May. She expressed her opinion that those who were not in favor of the project have been "demonized".

Mr. Ricky Goodbar, South River District, noted he lives in close proximity to the proposed complex and offered his support. Mr. Eric Sheffield, South River District, stated he could attest to the economic benefits aspect of the project and it is a great facility that the County has not been to provide for its youth. He added the concerns raised are not unfounded and that most people aren't aware of what zoning means. Mr. Sheffield stated the only way to protect land is for property owners to get together for conservation easements. He also asked the Board to do what they could to give concerned neighbors assurances for example hold them to minimal light use and loud speaker use. Ms. Donna Vanness, Kerrs Creek District, opined the County should something for its children, adding that there is money to be made in concession sales, gas purchases, etc. Mr. Don Dudley stated the public expects the Board of Supervisors to make decisions for positive changes for the County and urged the approval of this application. Hearing no further public comment, the public hearing was closed at 8:15 p.m.

Mr. Crickenberger described the Planning Commission efforts to offset the impact on the neighborhood by addressing the concerns raised with an extensive list of conditions. After a very detailed question and answer session amongst the Board, Mr. Mast, Mr. Fontenot and Mr. Crickenberger, Supervisor Comstock moved to adopt the Ordinance granting a special exception permit to Camper Youth Sports Complex / Richard K. Mast to develop youth softball fields with an

associated campground and to adopt the conditions as amended. Supervisor Smith provided the second and the motion carried by a unanimous roll call vote.

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

(Copy of Ordinance can be found in the office of the Clerk to the Board)

**Special Exception Permit for Higgins Kennel – Dog Kennel in A-2 District**

Mr. Crickenberger explained the right-of-way to the proposed project runs through someone else's property and that property owner does not support the application. The Planning Commission recommends denial of the application. The public hearing was opened and Chairman Lewis called for public input but none was offered; the public hearing was closed. Supervisor Ford stated after visiting the property, he shares the same concerns mentioned by Mr. Crickenberger. Supervisor Ford moved to adopt the Ordinance to deny the application granting a special exception permit to Granville G. Higgins and Marianna M. Higgins for a commercial dog kennel. Supervisor Riegel provided the second and the motion carried by a unanimous roll call vote.

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

(Copy of Ordinance can be found in the office of the Clerk to the Board)

**Rockbridge County Code Amendment for Unsafe Structure Complaints**

Chairman Lewis called for public input. Mr. Boyd Walker, Natural Bridge Magisterial District, explained why he has been so diligent in asking for the code revision. He opined the revised language will permit the Code Officials to perform their jobs more efficiently. Mr. Walker reiterated his support for the amendment. Chairman Lewis thanked Mr. Walker for all his hard work on this issue. Hearing no other public comment the public hearing was closed. Supervisor Smith moved to adopt the Ordinance to amend Section 7-5 – Unsafe Structures in Chapter 7 – Building Safety Regulations of the Rockbridge County Code to revise Section 7-5(C)(1) to authorize inspection and report by the Building Official upon observation, rather than pursuant to written complaint only. Supervisor Ford provided the second and the motion carried by a unanimous roll call vote.

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

(Copy of Ordinance can be found in the office of the Clerk to the Board)

**Ntelos Easement Request for Fiber Optic Cable to Serve the Verizon Tower off Greenhouse Road**

Ms. Huffman gave a brief background and summary of information relative to this agenda item. She clarified that the concerns expressed previously by the Board had been addressed in the draft ordinance being presented. Chairman Lewis opened the public hearing but hearing no public comment immediately closed the hearing. Supervisor Ford moved to adopt the Ordinance to authorize conveyance of easements to Ntelos Network, Inc. for installment of fiber optic cable to serve the Verizon Tower on County Property off Greenhouse Road. Supervisor Smith provided the second and the motion carried by a unanimous roll call vote.

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

(Copy of Ordinance can be found in the office of the Clerk to the Board)

**Ntelos Easement Request for Fiber Optic Cable to Serve the Rockbridge Area  
Community Services Board Building on Greenhouse Road**

Public comment was called for but none was offered. Supervisor Ford moved to adopt an Ordinance to authorize an underground fiber optic cable easement to Ntelos Network, Inc. to serve the Rockbridge Area Community Services Board Building on County property along Greenhouse Road. Supervisor Riegel provided the second and the motion carried by a unanimous roll call vote.

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

(Copy of Ordinance can be found in the office of the Clerk to the Board)

**Committee Reports (continued from earlier in meeting)**

**Highlights of Governor's Conference on Economic Development and Shenandoah  
Valley Partnership Board of Directors**

Ms. Collins gave a brief overview of the conference she attended and the information she collected. She stated there appears to be many private sector funding opportunities available. Ms. Collins reported renewable energy was a major focal theme at the conference.

**Discussion of Topics for November 3<sup>rd</sup> Legislative Meeting**

Supervisor Ford added this item asking that the Board consider short listing the topics that the localities seemed to agree upon during the Intergovernmental Meeting. The Board decided to 1) appeal to keep local hospital at full service level (have infrastructure and market to support) and 2) control of expenses for CSA mental health care.

**Closed Session**

Supervisor Comstock moved that the Board of Supervisors convene in closed session, as permitted by Virginia Code § 2.2-3711(A)(3), discussion or consideration of a matter involving disposition of publicly held real property, where open public discussion of that matter would adversely affect the County's bargaining position or negotiating strategy. Supervisor Ford provided the second and the motion carried by a 4-1 vote.

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

**Reconvene in Public Session**

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

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

**Certification**

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

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

**NAYS:** None

**ABSENT:** None

**Other Discussion**

Ms. Collins briefed the Board on upcoming potential economic development projects. Some may be looking for substantial contributions from the County as incentives.

**Continuation of Meeting**

The meeting was continued to November 3<sup>rd</sup> @ 7:30 p.m. VMI Moody Hall Library for the Regional Meeting with State Legislative Delegation.