

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING AT
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON TUESDAY, OCTOBER 10, 2017 AT 5:30 P.M.

PRESENT: CHAIRMAN D.W.HINTY, JR
VICE CHAIRMAN J.M. HIGGINS
R.S. FORD, A.W. LEWIS, JR., R.R CAMPBELL

CLERK TO THE BOARD: S.H. SUTER
COUNTY ATTORNEY: V.L. HUFFMAN

Call to Order

Chairman Hinty called the meeting to order at 5:32 p.m. He stated that Supervisor Campbell would lead the Board in the invocation and invited anyone in the audience to join if they choose to do so.

Supervisor Campbell asked for a moment of silence in remembrance of the victims from the recent shootings in Las Vegas. He then delivered the invocation and led in the Pledge of Allegiance.

Recognitions and Presentations

County Administrator Spencer Suter advised that the Board had received around 10 thank you cards from Dabney Promise Scholarship recipients. He read one aloud and thanked the Board for its commitment to the Dabney Promise program, noting that nearly all recipients are able to attend college due to the Board's contribution.

National Fire Prevention Week

Supervisor Lewis read aloud the following proclamation:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, OCTOBER 10, 2017

**Proclamation Expressing the Importance of
Fire Safety Week October 8-14, 2017**

WHEREAS, uncontrolled fires are a serious public safety concern both locally and nationally, especially within homes where people are at greatest risk; and,

WHEREAS, Virginia fire departments responded to more than 28,000 home fires in 2016, with 364 of those fires resulting in reported injuries, and 80 resulting in deaths, according to the Virginia Fire Incident Reporting System (VFIRS); and,

WHEREAS, in reported home fires, working smoke alarms cut the risk of death in reported home fires in half; and,

WHEREAS, Virginia residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and,

WHEREAS, Virginia residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and,

WHEREAS, the 2017 Fire Prevention Week theme, "Every Second Counts; Plan 2 Ways Out" reminds us that we need working smoke alarms to give us the time to escape safely, and that we need to review and expand our fire escape plans; and,

WHEREAS, Fire Prevention Week is an opportunity for Virginians to educate themselves on the best practices necessary to prevent fires from spreading and to actively plan for escape routes if emergency strikes.

NOW, THEREFORE, we, the Rockbridge County Board of Supervisors, do hereby recognize October 8-14, 2017, as FIRE PREVENTION WEEK in our County of Rockbridge, and we call this observance to the attention of all our citizens.

Adopted this 10th day of October, 2017

Supervisor Lewis moved adoption of the proclamation. Supervisor Higgins provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Lewis, Higgins, Ford, Campbell, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None

Resolution for Manufacturing Month

Supervisor Ford read aloud the following resolution:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, OCTOBER 10, 2017

RESOLUTION SUPPORTING MANUFACTURING AWARENESS AND APPRECIATION MONTH, OCTOBER 2017

WHEREAS, Rockbridge County wishes to dedicate October as Manufacturing Awareness and Appreciation Month; and,

WHEREAS, manufacturing is a term used to include establishments that are engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new projects, and,

WHEREAS, Rockbridge County manufacturers generate exceptional annual earnings and act as a driver of regional economic development per year; and,

WHEREAS, the manufacturing industry currently employs more than 1,014 individuals (VEC, 2017), or 15.65% of the total employment in Rockbridge County. In 2015 approximately \$41.282 million (Census Bureau, 2015) in annual payroll was attributed to manufacturing, and manufacturing contributes to broad-based prosperity in and around Rockbridge County; and,

WHEREAS, Rockbridge County appreciates all manufacturers and thanks them for their continued commitment to the communities, the county, and the local and regional economy.

NOW, THEREFORE, BE IT RESOLVED, that the Rockbridge County Board of Supervisors does hereby proclaim October 2017 as Manufacturing Awareness and Appreciation Month in Rockbridge County, Virginia and urge all residents to join in recognizing the important role of manufacturing.

Adopted this 10th day of October, 2017

Supervisor Ford moved adoption of the resolution. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Ford, Lewis, Campbell, Higgins, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None

Citizens' Comments

Scott Hanson of the South River Magisterial District provided the Board with a handout that included a history of the Chessie Trail. He advised that the trail has been openly and publicly used for 40 years, but that now a portion of it has been blocked off by property owner Robert Clark. Mr. Hanson asked the Board to intercede on behalf of the public, to use whatever means necessary to ensure that the public can use the trail. He asked that the Board petition the courts to intercede and demand the trail be unblocked until the matter is further resolved.

Items to be added to the Agenda

Supervisor Ford added a discussion on drought.

Approval of the 9-22-17 and 9-25-17 Minutes

Supervisor Ford moved to approve the Minutes. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Ford, Campbell, Lewis, Higgins, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None

County Financial Package and Approval of County Appropriation Resolution

County Finance Director Steven Bolster reviewed his monthly memorandum:

Section I - Commissioner of the Revenue

Activities for Month:

1. Working on adjustments to personal property (PP) accounts for 2017 PP tax.
2. Preparing the second 2017 supplemental book for personal property.
3. Working on land-use revalidations for 2018.
4. Starting to prepare 2018 tax forms.

Section II - Treasurer

Activities for Month:

1. Collections of the Personal Property tax, due October 5, 2017, continue.
2. Beginning work at month-end on delinquent notices for Personal Property tax.
3. Preparing list of outstanding Delinquent Real Estate (2014 and earlier) files advancing to Taxing Authority Consulting Services attorney for collection.
4. External auditors on site to complete final fieldwork FYE 2017 during October.
5. End-of-month preparation of Real Estate billings due December 5, 2017.
6. Book received from Commissioner of the Revenue for Public Service Corporations; bills to print before month-end for a due date of December 5, 2017.

Mr. Bolster then provided the following informational items:

1. External auditors will be on site for final fieldwork October 16-18.
2. The School Division has closed on an equipment lease-purchase financing with US Bank. Final numbers are: \$5,236,000 in proceeds; tax-exempt rate of 2.366%; 15 year term with an annual payment of \$426,006

Mr. Bolster then presented the draft FYE 2019 Budget Schedule and Funding Priorities, followed by the Revenues versus Expenditures Chart. While reviewing the County's Appropriation Resolution, Mr. Bolster advised that two items would need to be added. They were: South River Fire Department reimbursement for efforts during a Hazmat incident in the amount of \$670.60; and a water and sewer bill for the County Administration Building in the amount of \$1,959.83.

Supervisor Campbell moved to approve the amended Appropriation Resolution shown below. Supervisor Higgins provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Campbell, Higgins, Ford, Lewis, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON TUESDAY, OCTOBER 10, 2017 AT 5:30 P.M.

On motion by Supervisor Campbell, seconded by Supervisor Higgins, the Board, by record vote, adopted the following appropriation resolution and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

GENERAL FUND:

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby is made, for the period ending **June 30, 2018**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-43080-5101 Electricity.....	\$5,000.00
4-11-99010-6501 Transfer to School Fund (Ops).....	<u>\$306,909.00</u>
Total General Fund Appropriations	\$311,909.00

Current County

11 - General Fund	\$402,815.97
94 - Central Stores	\$9,434.40
372 - Construction Project Fund	\$16,752.53
376 - Capital Purchases Fund	<u>\$9,203.30</u>
Total County Bills	\$438,206.20

Current Fiscal Agent

80 - Regional Jail	\$65,930.09
241 - E-Summons Fees	\$1,771.28
790 - Spring Ridge Rd Project	<u>\$772.00</u>
Total Fiscal Agent	\$68,473.37

TOTAL ALL BILLS **\$506,679.57**

Convene Solid Waste Authority (SWA)

Chairman Hinty convened the SWA at 5:50 p.m.

Solid Waste Authority Financial Package and Approval of Appropriation Resolution

Mr. Bolster presented the Appropriation Resolution.

Supervisor Ford moved to approve the Solid Waste Authority's Appropriation Resolution shown below. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Ford, Campbell, Lewis, Higgins, Hinty
 NAYES: None
 ABSTAIN: None
 ABSENT: None

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY SOLID WASTE AUTHORITY, HELD AT THE
COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON TUESDAY, OCTOBER 10, 2017 AT 5:30 P. M.

On motion of Supervisor Ford, with second by Supervisor Campbell, the Authority, by record vote, adopted the following appropriation resolution and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Rockbridge County Solid Waste Authority, that the following appropriations are, and the same hereby is made, for the period ending **June 30, 2018**, from the UNAPPROPRIATED SURPLUS of the **SWA-LANDFILL FUND** and expended as follows:

4-19-19040-9902 Revenue Bond Payment.....	\$620,619.00
4-19-19070-3001 Engineering Services.....	\$10,663.00
4-19-19070-7009 Construction-Scales-S.House-Road.....	<u>\$9,167.00</u>
Total SWA-Landfill Fund Appropriations	\$640,449.00

Current SWA

19 - SWA-Landfill	\$104,015.02
-------------------	--------------

TOTAL SWA BILLS

\$104,015.02

Chairman Hinty closed the SWA and reconvened the Board of Supervisors meeting at 5:51 p.m.

Consideration of Virginia Horse Center Request for Financing

Mr. Suter provided the following report:

"The VHC, in cooperation with the County and City of Lexington, has been working with the USDA for well over a year in an effort to refinance a portion of its debt and obtain additional funding to complete necessary capital maintenance projects. We thought we had gained traction about this time last year when we travelled to DC to meet with high-level officials

in the USDA, who actually gave us the idea for refinancing. There was some concern at the state level, however, and though we seemed to be making progress, the pool of available funds ultimately ran dry in the tail end of the federal fiscal year. The next opportunity the VHC will have for USDA refinancing will not be until Congress passes a budget, which could be as late as June of 2018. In the meantime, the VHC has to deal with one of its loans which matures in January. To recap and to give you the big picture, there are three outstanding bank loans:

1) USDA* - \$10,307,061 remaining. Interest Rate: 4.125%; Maturity date: 2/15/47.

* (actually two loans which are generally combined for discussion purposes)

2) New River Bank - \$741,900 principal remaining, plus interest from July through payoff date. Interest Rate: 5.5%; Maturity date: January 15, 2018

3) Cornerstone Bank - \$250,000 remaining. Interest Rate: 6%. Maturity Date 7/15/19. (Fund Source - Extra 1% lodging tax from localities)

"Refocusing now on the most pressing matter, the VHC Board has considered multiple options and is recommending refinancing the \$742,000 New River Bank loan through Cornerstone Bank at a rate lower than they are currently paying through NRB. Their goal is to provide a short term bridge until one of two things can happen next summer:

1) Finally achieving a USDA refinancing for \$742,000 plus about the same amount for capital upgrades.

2) Finding another long term solution with another lender.

You'll also recall longstanding discussions about development of athletic fields off Alphin Lane. You'll note in your agenda package a site map which shows the potential site. Currently, that portion of land is pledged as collateral for the NRB loan. Cornerstone has agreed that, should the refinancing occur, they could release the land from collateral. In that case, they might ask the County to open an escrow account to serve as collateral.

"Also shown on the map are two smaller parcels owned by the VHC. On this property sits the Pultz house, which is over 100 years old and requires extensive maintenance. The VHC would like to liquidate the property. The interested buyer is the current tenant, and the sales price of \$137,600 is based upon an independent residential appraisal that the Virginia Horse Center received in late September. Proceeds from the proposed sale would be held in escrow as part of the collateral to secure the proposed Cornerstone Bank loan. As per the original 2014 agreement with the VHC, any refinancing or sale of property must be approved by the Board, the EDA, the City IDA, and City Council. The Board is the first to hear this request. Should it move forward, the VHC would move ahead with the same request to the other three groups.

"Finally, please also bear in mind that there is an outstanding life insurance policy in the amount of \$500,000 which the VHC plans to use to settle some accounts that have been owed to various vendors for quite some time. CEO John Nicholson and CFO Sandra Thomas are here this evening to discuss this and answer any questions the Board may have."

Mr. Nicholson then advised that when he arrived as part of the new management, they have had to work on restoring relationships, dealing with deferred maintenance, and addressing the debt situation. He added that the two biggest challenges faced were a serious accounts payable issue and the New River Bank loan due January 2018. He thanked the Board for their continuing support.

Supervisor Campbell asked the Board to recall 5 or 6 years ago when the Board asked the VHC to provide them with a current budget and there wasn't one. He shared his appreciation to new management for now having all finance materials available for review.

Chairman Hinty asked how much land is being looked at for the proposed soccer fields.

Mr. Suter replied that, although he had originally thought 6 acres, it is actually around 10 acres.

Chairman Hinty asked how much money the VHC is requesting for the loan.

Ms. Thomas replied that the VHC is requesting a loan for \$750,000. She explained that the payoff of the New River Bank loan is \$741,000, but that there would be interest added.

Supervisor Higgins asked what the terms will be for the new loan.

Ms. Thomas replied that the terms are for a one (1) year loan at 5%, with the ability to extend it for another year.

Chairman Hinty asked how much the County would need to place into escrow to enable development of the proposed athletic fields.

Mr. Suter replied that the last estimate he had from the VHC was approximately \$75,000, but that the number could change based on land appraisal. He noted that it had been proffered that the funds would go into an escrow account and be returned to the County upon satisfaction of the loan. He explained that the soccer fields could not be built if the land is still being used as collateral.

Ms. Thomas further explained that the proposal would help get vendor accounts paid up to date, as the VHC is still paying past due accounts with current revenues.

Supervisor Higgins suggested that the Pultz house go on the market to see if it would sell for closer to its assessed value.

Ms. Thomas explained that the appraisal was lower than the assessed value because the structure is in bad shape. She noted that it does not have a working furnace, needs a new roof, and has mold and peeling paint.

Supervisor Ford asked what the next steps would be as far as who needs to approve the new loan - other than the County, EDA, and City of Lexington and City IDA.

Ms. Thomas replied that the USDA has already approved as has the VHC Board.

Mr. Suter read aloud the options the Board could choose:

- 1) Support both the refinancing and property sale requests as presented
- 2) Support one request but not the other
- 3) Support one or both of the requests with conditions
- 4) Support neither request and/or request additional information

Supervisor Lewis asked if there was an obligation for the Farm Bureau Tractor Pull at the VHC.

Mr. Suter replied that the Farm Bureau had used the pull site for some years, but had determined not to use the site anymore. He noted that the South River Volunteer Fire Department had used the site for a tractor pull in July and that unfortunately, the previous design of the two fields would take that location. He noted that the current design left room for potential future development of a pull site.

Chairman Hinty asked for a lease to be drafted for the County to utilize the land for the proposed fields. He also noted that the Board should consider simply purchasing the land rather than leasing it. Mr. Suter noted that the lease option would be at no cost to the County. He then advised that a draft lease had already been produced and would need to be reviewed and approved by the Board at a future meeting.

Youth sports parent Connie Loughhead then asked to speak and was recognized by the Chair. She indicated that, one way or another, the refinancing would happen. She asked that the Board issue a go-ahead for her to be proactive and begin the next phases of the athletic field development - to include applying for permits.

Supervisor Campbell moved to support both the refinancing and property sale requests as presented. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Campbell, Ford, Lewis, Higgins, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None

Supervisor Campbell then advised that the Virginia Horse Center is interested in checking with other banks to see if they could refinance their \$10M loan now held by the USDA. He shared that the refinancing would be for 30 years, which is what is currently left on the loan, but at a lower interest rate. He added that, should the VHC find a fruitful alternate loan source, they will come back to the Board of Supervisors with a request.

Public Hearings at 6:00 p.m.

Public Hearing on former Rockbridge Middle School- BARC easement request for fiber project

Community Development Director Sam Crickenberger briefly reviewed the Agenda Item:

Per last meeting's discussion, BARC is requesting an easement from the County to run an underground fiber line from the RANA cabinet at the corner of the Rivermont property to the above-ground lines on a pole on our property as referenced on the map in the agenda package. Concurrently, they are getting an easement from Centra Health to run this line underground along the front of their property near the r.o.w. of Sterrett Road. The location of this easement will not impact the future use of the County's property.

Mr. Crickenberger then introduced Rick Armstrong, BARC's Field Engineer and Construction Supervisor.

Chairman Hinty opened the public hearing at 6:42 p.m. There were no comments. He then closed the public hearing.

Mr. Armstrong briefly reviewed his letter submitted to Mr. Crickenberger which included the following information:

"As you know, BARC Electric Cooperative is ready to begin the installation of our initial fiber loop in Rockbridge County. This fiber loop will give us the ability to tie our Rockbridge substations together with a dependable SCADA telemetry network, but perhaps most importantly, give us the ability to begin offering high speed internet as well as phone and video services to residential customers in Rockbridge County. BARC will be utilizing a portion of the existing RANA system already in place. One of the locations we will be doing this is along Sterrett Road near the old Rockbridge Middle School. There is an existing RANA cabinet at the southwest corner of the property that Centra Health Inc. has obtained. We are planning to tie into RANA there and extend a fiber line across Centra and tie back into our overhead line on the pole second from the road on the north side of the school. There is an area there between Centra and that pole that still belongs to the County of Rockbridge."

Mr. Suter asked Mr. Armstrong if this will have a positive impact on being able to see how many circuits are out during weather-related emergencies, and their locations.

Mr. Armstrong replied, "Absolutely, it will tell at any substation what circuits are out."

Responding to a question from Supervisor Ford, Mr. Armstrong described the path of the fiber loop through the county. He stated that if all goes well, establishment of the loop should be complete before the end of the year. Initially, customers will be hooked up along the loop; and

eventually, BARC will fill in its service area with laterals branching off from the loop.

Supervisor Lewis moved to adopt the ordinance shown below. Supervisor Higgins provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Lewis, Higgins, Ford, Campbell, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, OCTOBER 10, 2017

ORDINANCE AUTHORIZING AND APPROVING DONATION OF AN EASEMENT TO BARC ELECTRIC COOPERATIVE FOR INSTALLATION OF A NEW UNDERGROUND SERVICE LINE TO PROVIDE A TIE-IN BETWEEN THE ROCKBRIDGE AREA NETWORK AUTHORITY CABINET AT THE SOUTHWEST CORNER OF THE ADJOINING CENTRA HEALTH PROPERTY AND AN EXISTING BARC POLE ON COUNTY PROPERTY (TAX MAP #38-A-70A) IN THE WALKERS CREEK MAGISTERIAL DISTRICT

WHEREAS, Rockbridge County is the owner of the remaining 17.839 acres of land on Sterrett Road, surrounding the Rivermont School property owned by Centra Health, Inc., designated on the Rockbridge County Land Records as Tax Map #38-A-70A; and,

WHEREAS, BARC Electric Cooperative has requested a 15' underground easement along Sterrett Road, then extending east through the County property on the north side of Rivermont School, to install an underground fiber service line from the RANA cabinet to the existing BARC pole; and,

WHEREAS, the proposed easement will serve the interests of public health and safety, and will not negatively impact the County property; and,

WHEREAS, the conveyance of an interest in real estate requires the adoption of an Ordinance, following notice and public hearing, which has been held on October 10, 2017.

THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That donation of an underground easement, fifteen feet (15') in width, to BARC Electric Cooperative for underground electric power service, and for telephone, television, and other communication purposes, and for wires, conduits, cables, transformers, concrete pads, enclosures, handholes, ground connections, meters, attachments, equipment, accessories and appurtenances in connection with providing said services, the centerline of which extends through the County property generally parallel with Sterrett Road, then turns in an easterly direction to an existing pole for an

overhead line, as shown on the sketch attached hereto as Exhibit A and incorporated herein by reference, together with the right of ingress and egress for purposes of construction, inspection, operation, maintenance, and clearance, is hereby authorized and approved.

2. That the County Administrator is hereby authorized to execute the Underground Easement Agreement with BARC Electric Cooperative, and to execute such other documents and take such further actions, on behalf of the Board of Supervisors of Rockbridge County, as are necessary to accomplish this easement grant, all of which shall be approved as to form by the County Attorney.

3. That this ordinance shall be effective on and from the date of its adoption.

Adopted this 10th day of October, 2017.

Adoption of Greenhouse Village Phase II Policies

Mr. Crickenberger briefly reviewed the Agenda Item:

"The attached policies are required to be re-adopted by the Board as we move forward with the grant for Phase II of Greenhouse Village. They are consistent with County policy and include a Non-Discrimination Policy, Section 504 Grievance Procedure, Section 504 Narrative, a Residential Anti-Displacement and Relocation Assistance Plan Certification, a Fair Housing Certification, and a Resolution for designating the Section 504 Coordinator, Section 504 Handicapped Accessibility and Non-Discrimination Plan and Policy and Section 504 Grievance Procedure."

"In addition, Lynn Leech has updated the Habitat Housing Production and Marketing Plan which DHCD would also like you to adopt."

Supervisor Campbell shared that there was a concern about it being a conflict of interest for him to vote on this matter, as his daughter helped prepare the grant; however, he noted that there is no conflict and advised that he would be voting.

Supervisor Higgins moved to adopt the policies and procedures and the Housing Production and Marketing Plan. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Higgins, Ford, Campbell, Lewis, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, OCTOBER 10, 2017

RESOLUTION TO DESIGNATE THE 504 COORDINATOR FOR THE COUNTY OF ROCKBRIDGE, ADOPT THE 504 HANDICAP ACCESSIBILITY AND NONDISCRIMINATION PLAN AND POLICY, AND ESTABLISH THE SECTION 504 GRIEVANCE PROCEDURE

WHEREAS, the Section 504 Handicapped Accessibility and Nondiscrimination Plan and Policy has been completed as required by the Federal Department of Housing and Urban Development concerning access of services and facilities to persons with handicap conditions; and,

WHEREAS, certain accommodations and other changes are necessary to insure reasonable access to both facilities and services; and,

WHEREAS, as required under Housing and Urban Development Regulations 24 CFR Part 8.53(b), the County of Rockbridge has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) 24CFR 8.53 (b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29USA 794); and

WHEREAS, Section 504 states, in part that "no otherwise qualified handicapped individual shall solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

WHEREAS, complaints should be addressed to the Human Resources Manager as thus:

Human Resources Manager
County Administration Offices
150 S. Main Street
Lexington, VA 24450
(540) 463-1468
Virginia Relay 711

WHEREAS, the Human Resources Manager has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 5 (five) business days after the complainant becomes aware of the alleged

violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Human Resources Manager. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the County of Rockbridge need not process complaints from applicants for employment or from applicants for admission to housing.
4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the Human Resources Manager and a copy forwarded to the complainant no later than 10 (ten) after its filing.
5. The Section 504 coordinator shall maintain the files and records of the County of Rockbridge relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 5 (five) days to the Chairman of the Board of Supervisors of Rockbridge County.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the County of Rockbridge complies with Section 504 and the HUD regulations.

WHEREAS, the Section 504 Plan should be updated and amended in the future as changes occur and the need arises.

NOW THEREFORE BE IT RESOLVED that the Section 504 Plan and Policy is accepted by the Board as a guide assuring that persons with handicapping conditions have reasonable access to all services and facilities provided directly or indirectly by the County of Rockbridge; and the Human Resources Manager is designated as the 504 Coordinator; and,

FURTHER BE IT RESOLVED that the Section 504 Handicapped Accessibility and Nondiscrimination Plan and Policy and Section 504 Grievance Procedure be adopted as thus;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Rockbridge County, Virginia, to be duly affixed this 10th day of October, 2017

Building Code Board of Appeals- Keith Holland- Term Expires 10/22/2017

Supervisor Higgins nominated Keith Holland for reappointment to the Building Code Board of Appeals. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Higgins, Lewis, Ford, Campbell, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None

Staff Reports

Supervisor Ford moved to accept the staff reports. Supervisor Higgins provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Ford, Higgins, Campbell, Lewis, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None

Added Item(s)

Drought discussion

Supervisor Ford advised that he had heard from farmers and a fish/wildlife specialist, who have all advised that streams and springs are at the lowest levels in a generation. He stated that farmers are already having to modify their grazing plans for cattle and added that wells are going dry. He further stated that there is a possibility the Farm Service Administration may free up funds to help those who are

dealing with the water shortage. He asked that, in order for the County to be in a place to take advantage of those funds, a resolution be prepared for adoption. The rest of the Board concurred.

Adjourn

Supervisor Higgins moved to adjourn the meeting. Supervisor Lewis provided the second, and the meeting was adjourned after roll call vote at 6:56 p.m.

AYES: Higgins, Lewis, Ford, Campbell, Hinty
NAYES: None
ABSTAIN: None
ABSENT: None