

AT A WORK SESSION 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 MONDAY, NOVEMBER 27, 2017 AT 4:30 P.M.

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

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

Chairman Hinty convened the Work Session at 4:36 p.m.

Review of draft FY 2019-2023 Capital Improvement Plan

Finance Director Steven Bolster briefly reviewed the Agenda Item:
"The Office of Community Development, in coordination with the Fiscal Services Department, is in the process of updating the Capital Improvement Program (CIP). The CIP serves as a planning tool that identifies needed capital projects and major equipment purchases, and coordinates the funding and the timing of improvements. For our purposes, capital projects and/or purchases are defined as facilities, equipment, or services that are valued at \$5,000 or greater with an expected life span of at least one year. The annual update includes modifying, adding, or eliminating capital projects/purchases from our long-term planning efforts. Copies of the approved FYE 2018-2022 CIPs for the County and the Rockbridge County Solid Waste Authority (RCSWA) are available at the Community Development offices. In addition, online copies are located at the following webpages:
Rockbridge County -

<http://www.co.rockbridge.va.us/ArchiveCenter/ViewFile/Item/894>

"During the past two months, staff has met three times to review the CIP worksheets in order to garner data we believe provides adequate information for each worksheet. In addition, the Finance Committee met once with staff to discuss each worksheet along with the long-term outlook for planned capital budgeting. Attached are the latest updates on the FY 2019-2023 CIP summary report and worksheets. Our goal is to review the summary page, and if requested, each worksheet and take note of those projects needing additional information and/or potential modifications. The current CIP schedule includes bringing a potential update to the draft FYE 2019-2023 to the Board/RCSWA at the regularly scheduled December 11, 2017 and at the January 8, 2018 meeting to seek provisional adoption of the applicable CIP. The Rockbridge County Public School CIP summary and worksheets are included as additional information."

Mr. Bolster then reviewed the CIP Summary Worksheets, noting that there was one error. He changed the Joint School Board Meeting date from November 11th to November 30th. Mr. Bolster then introduced an additional handout on the Sheriff's Department Vehicle Replacement Schedule that was not provided in the Board's packet.

During Mr. Bolster's review, Supervisor Higgins left the dais at 4:44 p.m. and returned at 4:48 p.m.

Supervisor Lewis shared his appreciation of the CIP progression, stating that 10 years ago the County was not operating with a CIP, but that he, Supervisor Ford, and others had advocated for it. He further shared that, through the first years in the CIP process, the Planning

Commission and Planning Department were involved, resulting overall in a wonderful document.

Supervisor Ford commended the Planning Department's Assistant Director Chris Slaydon for his work on the CIP over the years.

County Administrator Spencer Suter also commended Mr. Slaydon along with Mr. Bolster, who also has been heavily involved through the CIP process. He noted that the Office of Community Development, through Mr. Slaydon's hard work, remains in the process, though the CIP is no longer reviewed by the Planning Commission.

Mr. Bolster thanked Supervisor Lewis and Supervisor Ford for their recommendation to begin using a CIP for the County many years ago. He then transitioned to the Solid Waste Authority's CIP, which in anticipation of a change in January, has been renamed the Blue Ridge Resource Authority (BRRA) CIP. He noted that, in January or February 2018, the BRRA will review the CIP and make the decisions on included items.

Mr. Suter noted that, as in the past, the County created the Solid Waste Authority's CIP; this involvement will benefit the new BRRA.

Supervisor Ford asked whether the County would be working with the City in the future on the BRRA's CIP.

Mr. Suter replied that the Director of the BRRA would work closely with both the City and County. He suggested the BRRA could set up a Finance Committee of its own - just as the County does.

Mr. Bolster then advised that the closure of the old landfill has been pushed out to December 31, 2017.

Mr. Suter added that the County will be applying for another 6 month extension, which we hope will be granted, allowing us to use the old landfill cell for construction and demolition debris until June 30, 2018. He noted that every ton of waste which goes into the old cell will equate to savings in the new cell.

With no further business to discuss, Chairman Hinty closed the Work Session at 5:10 PM.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
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CLERK TO THE BOARD: S. H. SUTER
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Call to Order

Chairman Hinty called the meeting to order at 5:30 p.m. He stated that Supervisor Campbell would lead the Board in the invocation and invited everyone in the audience to join if they chose to do so.

Supervisor Campbell delivered the invocation and led in the Pledge of Allegiance.

Chairman Hinty then introduced and welcomed Supervisors-elect Jay Lewis and Dan Lyons - who will take office January 1, 2018.

Recognitions/Presentations

Proclamation Recognizing Mountain View Elementary School

Supervisor Ford read aloud the following proclamation:

PROCLAMATION RECOGNIZING MOUNTAIN VIEW ELEMENTARY SCHOOL FOR BEING NAMED AS A NATIONAL BLUE RIBBON SCHOOL BY THE UNITED STATES DEPARTMENT OF EDUCATION

WHEREAS, On November 8, 2017 Mountain View Elementary School was recognized as a 2017 National Blue Ribbon School by the U.S. Department of Education in Washington, D.C. and became the first school in the Rockbridge area to receive this distinction; and,

WHEREAS, Mountain View Elementary School was one of only six schools in the state of Virginia nominated for the Blue Ribbon distinction by the Virginia Department of Education as an "Exemplary High Performing School", thus having the highest achieving students (the top 15%) in English and mathematics, measured by state assessments for all schools in Virginia; and,

WHEREAS, The National Blue Ribbon School award acknowledges and validates the hard work of students, educators, families and communities in aiming for, and reaching educational excellence. In 2017, of more than 130,000 public schools in the United States, only 292 received designation as a National Blue Ribbon School; and,

WHEREAS, The Program honors and brings public attention to American schools for their overall academic excellence and their progress for closing the achievement gaps among students subgroups, demonstrating that all students can achieve high standards; and,

WHEREAS, Mountain View Elementary School's dedicated staff has nurtured a culture of excellence and caring for many years; and,

WHEREAS, As a result, students at Mountain View have consistently performed well on state assessments over the last ten years, and in the Spring of 2016, 100% of Mountain View Students passed the English, Math and Social Studies Standards of Learning tests; and,

WHEREAS, this amazing achievement is a testament to the dedication and caring environment fostered by the staff of Mountain View Elementary, and to the hard work and dedication of its students and their parents.

NOW, THEREFORE, We, the Rockbridge County Board of Supervisors, offer congratulations to all those incredibly dedicated and talented persons who collectively worked so hard to reach this pinnacle of educational achievement, and express deepest appreciation for the drive and commitment of the staff, students and parents who form the *Community* which is Mountain View Elementary School.

Adopted this 27th day of November, 2017.

Supervisor Ford moved adoption of the proclamation. 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

Resolution Supporting Virginia State Parks

Supervisor Lewis read aloud the following resolution:

Resolution Supporting Virginia's State Parks

WHEREAS, Virginia State Parks are a critical element of rural Virginia's travel and tourism infrastructure, contributing over \$224 million to state and local economies in 2016, and,

WHEREAS, the Natural Bridge State Park in Rockbridge County attracts over 178,000 visitors a year; and,

WHEREAS, tourists travel through and frequently stay overnight in Rockbridge County and the cities of Lexington and Buena Vista to visit Natural Bridge State Park; and,

WHEREAS, patrons to Natural Bridge State Park have spent in excess of \$10.4 million through the state between September 2016 and August, 2017 and approximately 76% of this spending was by out-of-state visitors; and,

WHEREAS, economic activity stimulated by Natural Bridge State Park generated approximately \$893,000 in state and local tax revenues between September 2016 and August 2017.

NOW, THEREFORE, BE IT RESOLVED, that the Rockbridge County Board of Supervisors, by this resolution, formally requests members of the Virginia General Assembly to support full funding of Virginia State Parks and to support what is needed to adequately maintain and operate what currently exists in terms of facilities, infrastructure and authorized construction, as detailed in the Virginia Association for Parks Needs Assessment.

BE IT FURTHER RESOLVED, that the Rockbridge County Board of Supervisors, also formally requests that the Virginia Association of Counties (VACo) place this issue on their legislative agenda and advocate for it to the General Assembly.

Adopted this 27th day of November, 2017.

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

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

The Resolution was presented to Natural Bridge State Park's Manager Jim Jones.

**Added Recognition: Letter recognizing Brian Brown, Director of
Economic Development for the City of Buena Vista**

County Administrator Spencer Suter advised that Brian Brown, formerly economic development director with the City of Buena Vista, had accepted another position elsewhere. He noted to the Board that, although this action is out of the ordinary, staff and Board members felt a need to recognize Mr. Brown for his contributions to the region. He indicated that the idea had originated with Supervisor Campbell and that a letter to Mr. Brown had collectively been drafted.

Supervisor Campbell then read aloud the following letter to Mr.

Brown:

Dear Brian:

Collectively, as a Board and staff, we were saddened to learn of your departure from your position in Buena Vista, although we are pleased for you and your family as you enter a new chapter in your career. Though it may be a bit out of the norm, we felt this occasion warranted more than a cursory phone call or email of congratulations.

We want you to know how appreciative we are for your service to the entire Rockbridge area and even the region. While you were clearly a strong advocate for Buena Vista, in our collective interactions with you, no one recalls your ever uttering a word of divisiveness. On the contrary, you routinely utilized the words "collaboration", "cooperation" and "together." Working together with our staff, you never hesitated to jump into a project with positive and infectious energy, providing fresh ideas and seeking opportunities in every challenge.

You have our deepest thanks for your service, not just to Buena Vista but the region. Your energy and creativity will be greatly missed. Please know that your hard work, contribution and dedication to the larger community have and will always be recognized and remembered. We wish you the very best in your new position and hope that your memories of time spent here are fond. Please don't be a stranger.

With kindest regards and our best wishes [signed],

David Hinty, Natural Bridge Magisterial District Supervisor
Ronnie Campbell, South River Magisterial District Supervisor
John Higgins, Buffalo Magisterial District Supervisor
Rusty Ford, Kerrs Creek Magisterial District Supervisor
Buster Lewis, Walkers Creek Magisterial District Supervisor
Spencer Suter, County Administrator and Clerk to the Board
Sam Crickenberger, Director of Community Development
Brandy Flint, Business Development Assistant
Steve Bolster, Director of Fiscal Services
Jean Clark, Director, Office of Tourism

Supervisor Campbell then shared his appreciation for all that Mr. Brown did not only for the City of Buena Vista, but for what he did for the entire region.

Citizens' Comments

Chairman Hinty called for citizen comments. There were none.

Items to be added to the Agenda

Chairman Hinty called for items to be added to the Agenda. There were none. Chairman Hinty asked to remove the item entitled "Consideration to Set Public Hearing for a Cable Franchise Agreement with Co-Mo Comm, Inc." and table it for the December meeting.

Approval of the November 13, 2017 and November 20, 2017 Minutes

Supervisor Ford moved approval of the November 13, 2017 and November 20, 2017 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

Convene Solid Waste Authority (SWA)

Chairman Hinty convened the SWA at 5:44 p.m.

Consideration of VA SNAP Authorizing Resolution- Fund Investment

Mr. Bolster briefly reviewed the agenda item: "For the past several weeks, staff has been working with PFM Asset Management LLC (PFM), the Investment Manager for the Virginia State Non-Arbitrage Program (VA SNAP), to coordinate and establish an investment account to meet the Virginia Resource Authority's (VRA) requirement for a Rate Stabilization Fund (RSF). VRA is requiring 'a balance of not less than \$796,337.60 in the Rate Stabilization Fund established under the Members Use Agreement'. Additionally, the amended financing agreement includes the following language related to the RSF:

The Rate Stabilization Fund may be invested and reinvested in (i) bills, notes and any other obligation or security issued or backed by the full faith and credit of the United States Treasury, (ii) bonds, notes and other obligations issued by any federal government agency or instrumentality or government sponsored enterprise except for collateralized mortgage obligations or (iii) investments provided under the Virginia SNAP; provided that at all times the lesser of the balance in the Rate Stabilization Fund or the amount of the RSF Requirement will be invested under Virginia SNAP. The final maturity of such securities shall

not exceed a period of 10 years from the time of purchase or shall be subject to redemption at the option of the Local Government no later than 10 years from the time of purchase. (emphasis added) The attached resolution is a VA SNAP requirement in setting up the investment account. In addition, PFM provided staff with the state contract which created the VA SNAP Pool and the latest information statement. Staff reviewed these documents and took part in a teleconference with PFM representatives on November 14th to discuss the program, understand the RCSWA's arbitrage rebate calculation responsibility, and ask any questions/seek further information. Due to the size of the contract and informational statement, staff provided hyperlinks to these files below."

VA SNAP Contract, dated October 27, 2016 (hyperlink to document):

https://www.vasnap.com/uploadedFiles/VSNAP/UpperMenu/Home/SNAP_Contract.pdf

VA SNAP Informational Statement, dated October 27, 2016 (hyperlink to document):

https://www.vasnap.com/uploadedFiles/VSNAP/UpperMenu/Home/SNAP_Information_Statement_102716.pdf

"Staff action items moving ahead include the following:

- Deposit required funds into VA SNAP account, if resolution is approved
- RCSWA-approved representative signs the Assumption and Amendment Agreement, preferably by the RCSWA Chair
- Rockbridge County, RCSWA and Lexington City representatives sign their respective General Certificates
- Original documentation forwarded to County's Bond Counsel Daniel Lauro for submission to VRA

- RCSWA submits the joinder and amendment documents to the SCC for approval

ACTION REQUESTED:

If acceptable to the RCSWA Board following review and discussion, adopt the attached VA SNAP Resolution authorizing investment of the required balance of no less than \$796,337.60 with VA SNAP to meet VRA's requirement."

Supervisor Higgins moved to approve the resolution as presented.

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 SOLID WASTE AUTHORITY,
HELD AT THE COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY, NOVEMBER 27, 2017 AT 5:30 P. M.

On motion of Supervisor _____, with second by Supervisor _____, the Authority, by record vote, adopted:

A RESOLUTION AUTHORIZING THE SOLID WASTE DIRECTOR OF THE SOLID WASTE AUTHORITY OF ROCKBRIDGE COUNTY, VIRGINIA TO INVEST FUNDS RELATED TO PRIOR BONDS IN THE STATE NON-ARBITRAGE PROGRAM.

BE IT RESOLVED by the Solid Waste Authority of Rockbridge County (the "Issuer"), Virginia, as follows:

1. The Solid Waste Authority hereby finds and determines that (a) the Solid Waste Authority has received and reviewed (i) the Information Statement dated October 27, 2016, describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP"), and (ii) the Contract respecting the State Non-Arbitrage Program; and (b) the Solid Waste Authority of Rockbridge County has been afforded the opportunity to discuss SNAP with the Investment Manager and Special Counsel to SNAP, and the Solid Waste Authority has determined that it is in the best interests of the Solid Waste Authority of

Rockbridge County to authorize the Solid Waste Director of the Solid Waste Authority of Rockbridge County to participate in SNAP. Such funds being invested in SNAP are not bond proceeds, but funds required to be maintained on deposit in connection with the amendments to certain prior bonds of the Solid Waste Authority of Rockbridge County.

2. The Contract is hereby approved.
3. The Solid Waste Authority acknowledges that its decision to authorize the participation in SNAP is based solely on the information set forth in the Information Statement and in the Contract, and the Solid Waste Authority hereby acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the Solid Waste Authority of Rockbridge County in connection with SNAP, except as otherwise provided in the Contract.
4. This resolution shall take effect immediately upon its adoption.

Chairman Hinty closed the SWA at 5:47 p.m. and reconvened the Board of Supervisors meeting.

Consideration of Greenhouse Village Engineering Proposal Ranking

Director of Community Development Sam Crickenberger briefly reviewed the Agenda Item: "We received three proposals for completing the design and engineering for Greenhouse Village Phase II. Two firms, Perkins & Orrison and Hurt & Proffitt, were selected to interview. The Committee agreed that either firm was qualified to complete the required services but is recommending that competitive negotiation take place with the top ranked firm, Perkins & Orrison. Should efforts in that regard fail, negotiations would cease with this top ranked firm and begin anew with the 2nd ranked firm, until a suitable contract is reached for consideration by the Board. At that time, the Committee will return to the Board with a draft contract for consideration. Based on the previously established schedule, it is anticipated that we would return to the Board at its regular December 11th

meeting for contract approval. If in agreement, authorize the Committee to enter into competitive negotiations with the proposers according to ranking, returning to the Board at a later date with a draft contract for further consideration."

Supervisor Ford moved to authorize the Committee to enter into negotiations according to the ranking. 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

Consideration to Set Public Hearing for Cable Franchise Agreement with Co-Mo Comm, Inc.

Chairman Hinty tabled this item until December 11th.

Appointments

Consideration of Dabney S. Lancaster CC Appointment to Replace Bob Claytor

Supervisor Lewis shared that he felt this appointment is very important and moved to table this item until the January 8th organizational meeting so that the newly elected Supervisors are included in the decision. Supervisor Higgins provided the second, and the motion carried by the following roll call vote by the Board:

AYES: Lewis, Higgins, Hinty

NAYES: Ford, Campbell
ABSTAIN: None
ABSENT: None

Recess

There was a brief recess at 5:50 p.m. until 6:00 p.m. to begin Public Hearings.

Reconvene

Chairman Hinty reconvened the Board of Supervisors Meeting at 6:00 p.m.

Public Hearings at 6:00 p.m.

Jonathan Tarris- Special Exception for B&B in R-1

Assistant Director of Community Development Chris Slaydon introduced applicant Jonathan Tarris. He then briefly reviewed the agenda item: "Mr. Tarris has applied for a special exception for a B&B Homestay in R-1 per Section 604.03-1 of the Land Development Regulations. Property is located off of the east side of Shenandoah Road approximately .35 miles south of its intersection with McCormick Street in the Buffalo Magisterial District and further identified as Tax Map 75B-5-4. Mr. Tarris plans to live in the house and rent three extra rooms. Numerous neighbors showed up to the Planning Commission's meeting with concerns about additional traffic on a narrow road, inadequate on-site parking in inclement weather, a commercial use in a single family neighborhood, and inconsistency with restrictive

covenants. We received 9 petitions and one letter in opposition. A map of those locations is enclosed. Due to these issues, the Commission voted to deny the application." Mr. Slaydon then read aloud the code sections pertaining to Bed and Breakfast Homestay versus Bed and Breakfast Inns.

302.24 Bed and Breakfast Homestay. Overnight accommodations plus breakfast in a private, owner-occupied home that provides one (1) to three (3) guest rooms for occasional bed and breakfast guests. Primary use of the home remains as a residence, not as a lodging establishment. Signs are generally not displayed on the property and all reservations are made in advance. Income derived from the bed and breakfast activity is a source of supplemental income and does not usually represent a primary source of income.

302.25 Bed and Breakfast Inn. Overnight accommodations plus breakfast in a commercial (business) property that is primarily used for lodging even though the owners may live on the premises. Signs are displayed on the property - which encourages direct bookings from the general public. Activity from the business enterprise provides a major source of income to the proprietors.

Applicant, Jonathan Tarris then addressed some of the concerns as such:

-In relation to speed traveled on an already dangerous road, he believed visitors would drive slower because they would be looking for their destination in an unfamiliar area.

-In relation to parking, he would be completely willing to use onsite parking.

-In relation to the petitions objecting to the application, he has also started a petition in favor of the application.

-In relation to the covenant restricting the B&B in a residential neighborhood, he stated that his intentions for the use of the property will be exactly as the definition of a residential use specifies.

-In relation to benefits of approving the application, Mr. Tarris advised that homestays benefit Rockbridge County by the fact that they make housing more affordable and benefit tourism.

Chairman Hinty opened the Public Hearing at 6:10 p.m.

Ann Jones of 921 Shenandoah Road in the Buffalo Magisterial District shared her concern at having such a business in a residential neighborhood. She stated that there is a dangerous 5-way intersection down the hill from the property, and that young children are in the neighborhood; as such she disapproved of traffic increase. She added that Mr. Tarris bought the property with all intentions of renting rooms out. She suggested to the Board that the proposed business would not be in the best interest of their neighborhood.

Nena Faulkner Woody of 927 Shenandoah Road in the Buffalo Magisterial District shared her agreement with Ms. Jones' concerns. She agreed that the road is already dangerous, and that increased traffic would be a big safety concern.

Curtis Wilbur of 922 Shenandoah Road in the Buffalo Magisterial District also shared his concern at the location of such a business in a residential neighborhood. He stated that he had retired to the neighborhood 10 years prior, primarily because the home he purchased was

in a "reserved" neighborhood. He agreed that there are blind curves and that safety around the sharp turns would be a big concern.

Timothy Harrison of 1002 Shenandoah Road in the Buffalo Magisterial District agreed that there are blind turns with no pole lights at night, making it already dangerous before adding additional traffic. He shared that people park their vehicles on the side of the road when it snows so they are not stuck at home without transportation. Mr. Harrison stated that there are people who jog on the road as well as children who ride their bikes and that approval of the application would change the dynamic of the neighborhood.

Wayne Dymacek of 103 Monticello Road in the Buffalo Magisterial District advised that approving such an application would set a bad precedent and would change the meaning of "residential" use. He shared his concern over decreased property values throughout the entire neighborhood if the business were to be accepted - which could ultimately lead to a decrease in real estate tax revenues to the County. He requested denial of the business in his residential neighborhood.

Julia Arndt of 111 Monticello Road in the Buffalo Magisterial District shared that covenants initiated with development of the neighborhood around 1973 included a covenant prohibiting businesses there. She agreed with all oppositions previously mentioned.

Bob Culpepper of 105 Monticello Road in the Buffalo Magisterial District advised that one of the signees on Mr. Tarris' petition does not own property in his neighborhood, but rather, is just a renter who should not have a say in this matter. He further advised that commercial activity

is prohibited in a residential district and that residential usage should be protected, especially since there are restrictive covenants for the neighborhood.

Jennifer Huffman of the Kerrs Creek Magisterial District, the applicant's sister, spoke in favor of the proposed business, stating that there would be no traffic increase concerns. "Change is inevitable, but it can be a good change," she said.

Paul Bryant of the Natural Bridge Magisterial District also spoke in favor of the proposed business use.

With no further public comment, Chairman Hinty closed the Public Hearing at 6:43 p.m.

Supervisor Higgins agreed with the Planning Commission's recommendation to deny the application. He shared that he too, could see a concern with increased traffic when adding a business in a residential subdivision. He also stated that there were covenants in place for 44 years that should not be changed now.

Supervisor Campbell asked Mr. Tarris about the garage the property originally had.

Mr. Tarris replied that the former garage connected to the house will be his living quarters.

Supervisor Campbell then asked County Attorney Vickie Huffman if the covenant is restrictive enough that the proposal cannot be considered at all in the future.

Ms. Huffman replied that the covenant is a private restriction, whereas the zoning action is a public action. She added that she had never seen a Board approve a Special Exception Permit where there was a private restriction unless there was a release on the restriction. Ms. Huffman stated that there is no way the Board can enforce anything related to the private covenant.

Supervisor Campbell then advised that next to his home, there is a weekday rental home, and that he has never had any traffic issues even though they share the same driveway.

Supervisor Lewis shared that he felt the restrictive covenant remains a mystery, as Mr. Tarris' understanding is different than the neighbors'. He asked what good the restrictive covenant does if a person buying a home in the neighborhood doesn't interpret the covenant as do the other people in the neighborhood.

Ms. Huffman replied that, when a restrictive covenant is placed on a property, it usually applies to all lots within that subdivision, and the owners of the lots would be entitled to enforce the restrictive covenant by legal action. Ms. Huffman continued to explain that the neighbors could file civil action against the other party or by a declaratory judgement action. She further advised that the Board of Supervisors have no authority to enforce the restriction or file for judgment.

Supervisor Ford shared that in his district, there are many student rentals where there is loud noise and debris from parties, and that he felt that Mr. Tarris' proposal is nothing like what residents have dealt with in the Kerrs Creek Magisterial District. He added that Mr. Tarris

could, without any Board action, turn the home into a student rental, resulting in a much greater impact.

Chairman Hinty asked if Mr. Tarris' house could ultimately be rented to students.

Mr. Slaydon replied that under current zoning it could be rented to students.

Chairman Hinty advised that the property behind his home is a short term rental and that he didn't have any issues with excessive traffic. He agreed with Supervisor Ford in that Mr. Tarris' property could be used for something much worse. He stated that the issues with the restrictive covenant would be for the neighbors to negotiate with Mr. Tarris.

Supervisor Lewis reiterated that Mr. Tarris was willing to accept any recommendations from the Board on special conditions for the usage of his property.

Supervisor Campbell recommended adding a condition that the Special Excerption Permit be approved for one (1) year and then be reevaluated.

Ms. Huffman advised that there was no way to approve a temporary Special Exception Permit under the circumstances.

Mr. Slaydon stated that there could be conditions related to street parking and the number of cars allowed. He shared that there could be a provision that no parking be allowed on VDOT maintained roads.

The chair then asked Mr. Culpepper, a retired judge, to comment. Mr. Culpepper noted that a Special Exception Permit would be passed on to

future homeowners, with no one able to determine the nature of possible future businesses. He suggested the one (1) year permit.

Director of Community Development Sam Crickenberger stated that there would become an issue in terms of enforcement when trying to limit the number of vehicles allowed in the Special Exception Permit, as there would be no way to tell if the vehicles are those of renters or Mr. Tarris' friends/family who are hosting a gathering.

Supervisor Ford asked the County Attorney if the Board can impose conditions on Special Exception Permits of this type.

Ms. Huffman replied that the Board could do that.

Supervisor Ford asked if there were other counties in Virginia where time limits have been set for Special Exception Permits.

Ms. Huffman replied that some treat it as a routine matter to impose a time limitation and others do not. She further stated that the Code of Virginia grants specific authority to certain localities to impose time restrictions; however in Rockbridge County, the Board of Supervisors does not have that specific authority in this case, per the Dillon Rule. Ms. Huffman noted that the Board of Supervisors can give the BZA the authority to determine Special Exception Permits and impose time limitations.

Supervisor Ford asked if the County's BZA could impose time limitations.

Ms. Huffman replied that the BZA could impose such limits if they were given the authority to hear all Special Exception Permits.

Supervisor Ford asked the Board if they wished to provide that authorization to the BZA.

Mr. Crickenberger suggested that this not be done.

Supervisor Lewis stated that there don't seem to be any obvious conditions that could be placed on this permit.

Supervisor Campbell moved to accept the Special Exception Permit.

Ms. Huffman advised that the ordinance as presented denies the permit and therefore would require revision if the Board wished to approve the permit.

Supervisor Campbell moved to approve the Special Exception Permit, modifying the draft ordinance to "approve" versus "deny". Supervisor Ford provided the second, and the motion carried by the following roll call vote:

AYES: Campbell, Ford, Lewis, Hinty
NAYES: Higgins
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 MONDAY, NOVEMBER 27, 2017**

Ordinance to Approve the Special Exception Permit Application for Jonathan B. Tarris To Operate a Bed and Breakfast Homestay in the Residential General District (R-1) Per Section 604.03-1 of the Land Development Regulations, in the Applicant's Home Located at 1006 Shenandoah Road in the Buffalo Magisterial District and Further Identified as Tax Map #75B-5-4

WHEREAS, Jonathan B. Tarris has filed an application for a special exception permit to operate a Bed and Breakfast Homestay out of his home in the Residential General District (R-1), located off of the east side of Shenandoah Road approximately .35 Miles south of its intersection with

McCormick Street in the Buffalo Magisterial District, identified upon the Rockbridge County Land Records as Tax Map #75B-5-4; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on November 8, 2017, and recommended to the Board of Supervisors that the special exception permit be denied; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on November 27, 2017; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

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

1. That the application of Jonathan B. Tarris for a special exception permit to operate a Bed and Breakfast Homestay in the Residential General District (R-1) on his property located at 1006 Shenandoah Road in the Buffalo Magisterial District of Rockbridge County, identified on the Rockbridge County Land Records as Tax Map #75B-5-4, is hereby approved.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed.

Adopted this 27th day of November, 2017.

Spirit Wind LLC (Don Wetsel)- Special Exception for Upper Story

Residential in B-1

Mr. Slaydon briefly reviewed the Agenda Item: "Spirit Wind LLC (Don Wetsel) has applied for a special exception permit to allow for upper story residential at this address in General Business District (B-1) per Section 605.03-24 of the Land Development Regulations. Property is up on the hill behind the BP Station in Fairfield in the South River Magisterial District and has been used for professional offices since it was built in 1995. The Planning Commission felt this use would be a good fit for the area and recommended approval."

Applicant Don Wetsel explained that he and his wife had operated a business at the property being reviewed for many years. Mr. Wetsel further advised that, since her passing, he has been working out of his Staunton office, and is asking for help in making the proposed property work since it has been on the market for years but has not sold.

Chairman Hinty opened the Public Hearing at 7:15 p.m. There were no comments. Chairman Hinty then closed the Public Hearing.

Supervisor Campbell moved to approve the ordinance 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

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, NOVEMBER 27, 2017**

**Ordinance Granting a Special Exception Permit to Spirit Wind LLC to Allow for Upper
Story Residential Use in the General Business District (B-1) Per Section 605.03-24 of
the Land Development Regulations, for Property Located at 5819 North Lee Highway
in the South River Magisterial District and Further Identified as Tax Map #39-29-A**

WHEREAS, Don Wetsel, on behalf of Spirit Wind LLC, the applicant and owner, has filed an application for upper story residential use in the structure located in the General Business District (B-1) at 5819 North Lee Highway, on the west side of Lee Highway just past its intersection with Sterrett Road in the South River Magisterial District, and further identified as Tax Map #39-29-A; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on November 8, 2017, and recommended to the Board of Supervisors that the special exception permit be approved, subject to approval from the Rockbridge County Building Department; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on November 27, 2017; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that, with the specified condition, the proposed use is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

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

1. That the Board of Supervisors finds that the granting of a special exception permit to Spirit Wind LLC to allow for upper story residential use in the General Business District (B-1) on property located at 5819 North Lee Highway in the South River Magisterial District of Rockbridge County, and

identified on the Rockbridge County Land Records as Tax Map #39-29-A, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby granted and approved, with and subject to the condition of approval from the Rockbridge County Building Department.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed.

Adopted this 27th day of November, 2017.

Continued Meeting

At 7:16 p.m., Chairman Hinty continued the meeting until Thursday, November 30, 2017 at 4:30 p.m. for a Joint School Board Meeting at the School Board Office- Effinger Central Office, 2893 Collierstown Road, Lexington.

Mr. Hinty reminded the Board that there would only be one (1) Board Meeting in December.