

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON TUESDAY, MAY 29, 2018 AT 5:30 P.M.

Please note that the Work Session scheduled for 4:30 p.m. was cancelled.

BOARD MEMBERS PRESENT: DAVID W. HINTY, JR. (CHAIRMAN)
 JOHN M. HIGGINS (VICE-CHAIRMAN)
 RONNIE R. CAMPBELL
 DANIEL E. LYONS
 A.J. "JAY" LEWIS, II.

COUNTY ADMINISTRATOR
AND CLERK TO THE BOARD: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Hinty called the meeting to order at 5:30 p.m. He stated that Supervisor Campbell would deliver the invocation for anyone who wished to participate.

Prayer and Pledge:

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

Recognitions and Presentations:

Resolution of Appreciation of a Long-time County Employee:
Supervisor Lewis read aloud the following resolution:



ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

**A RESOLUTION PRESENTED TO JENNIE GAINES FOR HER
41 YEARS OF SERVICE TO ROCKBRIDGE COUNTY**

WHEREAS, Jennie K. Gaines, Administrative Staff Specialist for the Rockbridge Regional Jail, retired on May 1, 2018; and,

WHEREAS, Ms. Gaines began her employment with Rockbridge County on January 1, 1977 as Secretary for the Sheriff; and,

WHEREAS, over the next 15 years, Ms. Gaines had the pleasure of working for Sheriff W. B. Chittum, Sheriff S.M. Reynolds, and Sheriff F.M. Spence; and, **WHEREAS**, on January 1, 1992, Ms. Gaines transferred to the Rockbridge Regional Jail as Secretary II where she served for 26 years; and,

WHEREAS, Ms. Gaines was promoted in 2003 to Administrative Staff Specialist by Jail Superintendent John M. Higgins; and,

WHEREAS, throughout her 41 years of service to Rockbridge County, Ms. Gaines consistently shared with others her kind and loving personality that will forever be remembered by her fellow co-workers; and,

WHEREAS, Ms. Gaines has set an example to all Rockbridge County employees of dedication, loyalty, and outstanding accuracy, filling her job responsibilities with a generous and grateful heart; and,

WHEREAS, Ms. Gaines has been an inspiration to the community using her spare time volunteering as an Officer of Election, assisting the Kerrs Creek Fire Department where needed, and knitting more than 1,000 Prayer Blankets for those who suffered from an illness in hopes of helping lift their spirits; and,

WHEREAS, during her career, Ms. Gaines experienced a rare opportunity, accepting an invitation to watch George H.W. Bush, **the 41st President of the United States, deliver the State of the Union Address at the United States Capitol Building on January 28, 1992, and where she later met President Bush in person, shaking his hand, and making a memory of a lifetime.**

NOW, THEREFORE, BE IT RESOLVED, that members of the Rockbridge County Board of Supervisors wish to share their sincere appreciation to Ms. Jennie K. Gaines for her 41 years of dedicated service to Rockbridge County; and,

BE IT FURTHER RESOLVED, that members of the Rockbridge County Board of Supervisors do hereby congratulate Ms. Gaines on her well-earned retirement, and send best wishes to her and her family for continued joy, happiness, and good health in the years to come.

Adopted by the Rockbridge County Board of Supervisors on Tuesday, May 29, 2018.

David W. Hinty, Jr.

John M. Higgins

Ronnie R. Campbell

A.J. "Jay" Lewis, II

Daniel E. Lyons

Supervisor Lewis made the motion to adopt the resolution, a second was provided by Supervisor Higgins, and the resolution was adopted by the following roll call vote by the Board:

AYES: Lewis, Higgins, Lyons, Campbell, Hinty

NAYES: None

ABSENT: None

ABSTAIN: None

Chairman Hinty and his fellow Board Members left the dais to present a framed resolution to Ms. Jennie Gaines. Photos were taken of her acceptance.

Citizens Comments:

Chairman Hinty called for citizens who wished to speak to the Board. At this time, there were none. However, later in the meeting, a late-arriving citizen was granted time by the Chairman to make a comment.

Items to be added to the Agenda:

Chairman Hinty asked the Board Members if there were any items to be added to the Agenda. There were no additions. Chairman Hinty then reminded the Board that the annual employee appreciation luncheon would be held on June 6th at the Fire-Rescue Administration Building.

Approval of the May 14, 2018 and May 17, 2018 Minutes:

Supervisor Lyons made the motion to approve the May 14 and May 17, 2018 Minutes, a second was provided by Supervisor Higgins, and the Minutes were adopted by the following roll call vote by the Board:

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

Consideration of an Event Application for the Fourth of July Balloon Rally:

Director of Community Development Sam Crickenberger introduced Beth Armstrong, who was accompanied by Racheal Killingsworth and Dee Miriello, all representing the non-profit organization, "Balloons over Rockbridge".

Ms. Killingsworth advised that Balloons over Rockbridge is in their second year of operation. She added that 14 balloons are expected this year compared to 10 last year. Ms. Killingsworth noted that there will be many activities for both adults and children.

Supervisor Higgins made the motion to approve the Event Application for Balloons over Rockbridge, a second was provided by Supervisor Lewis, and the Event Application was approved by the following roll call vote by the Board:

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

Consideration of RANA Agreement:

County Administrator Spencer Suter briefly reviewed the following Agenda Item:

"At its last regular meeting on May 14th, the Board adopted a resolution in lieu of bond in support of RANA's installation and maintenance work in VDOT right of way (ROW). To recap, the RANA Board and management continue to look for ways to help grow the network in a steady, efficient fashion. One challenge they have faced is meeting VDOT bond requirements, when they make drops and short expansions in the VDOT Right of Way. The original network backbone was installed with assurances backed by the County. Now RANA must maintain a district-wide permit at a cost of \$1,300 per year and must also post bonds for every new installation or maintenance project they undertake. Though it is fully recognized that VDOT must require assurance, the costs of the bonds can be onerous and reduces the amount of gain RANA can realize. However, VDOT offers the option to allow a county to offer a resolution in lieu of bond for public authorities and others.

After gaining approval from the RANA Board of Directors, RANA Executive Director Scott Robertson approached me with an oral request for such consideration, followed by a letter (attached). As a result, the Board adopted the aforementioned resolution, with the following condition: That staff and RANA return to the Board at its May 29 meeting, with an agreement stating that RANA would be responsible for any and all costs incurred by the County as a result of adopting the resolution."

He then noted that, since the May 29 meeting, staff had worked with the County's insurance provider, VACorp to obtain a quote for increased coverage. He added that a quote of \$200 per year had been received earlier in the afternoon. The increased coverage would be for projects up to \$20,000.

Mr. Suter introduced RANA Board Chair David Saccke.

Supervisor Higgins asked what the additional insurance would cover while sharing his confusion as to why it would be necessary, as the contractors would hold insurance.

Mr. Suter replied, the additional insurance is to ensure that funding is available in case RANA does not satisfactory complete a project in the VDOT right of way.

County Attorney Vickie Huffman further explained that the additional liability insurance would cover the County's expense should the County need to step in to meet RANA's obligation to VDOT.

Supervisor Campbell shared his confusion as to whether or not VDOT actually requires this additional insurance.

Ms. Huffman explained that the additional insurance was required by VDOT and added that it was included in the Land Use Permit Resolution that was adopted by the Board on May 14th.

RANA Board Member David Saccke advised that RANA had communicated with VDOT's Land Use Specialist in Richmond, who stated the insurance was not required; however, his understanding is that the local VDOT officials have indicated it is. He stated that although there is a disagreement as to whether or not the insurance is required, RANA will pay the \$200 annually even though they feel it is unnecessary.

Chairman Campbell reiterated that there is a discrepancy.

Supervisor Lewis asked Mr. Saccke to let the Board know when he finds out whether or not it is required.

Mr. Saccke agreed and added that RANA would pay the additional insurance as it will add another layer of coverage.

Chairman Hinty shared his concern about the discrepancy and asked that it be resolved.

Ms. Huffman stated that Susan Hammond, VDOT's local Residency Administrator, stated to her that the additional insurance is required.

Supervisor Lyons made the motion to approve the VDOT Land Use Permit Agreement, a second was provided by Supervisor Campbell, and the Event Application was approved by the following roll call vote by the Board:

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

Consideration of Acceptance of Virginia Department of Fire Programs Burn Building Grant:

Mr. Suter briefly reviewed the following Agenda Item:

"As you may recall, an update was presented April 23rd as to the changes made to the burn building grant application. The positive change was made due to recommendations from the engineering firm who inspected our building that will provide a better construction and longer-lasting training facility. The revision came with both a significant increase in grant funding, and the potential that a small amount of local funding would be required. As noted at that time, Mr. Bolster identified some restricted Fire Programs funds which would be available for this purpose if needed.

Subsequent to the last update and on April 25th, the Virginia Department of Fire Programs approved Rockbridge County's application in the amount of \$445,204. This is for construction cost of renovating the first floor, adding a concrete second floor onto the existing structure, updating the

temperature monitoring system and conforming to the NFPA 1403 standards for Firefighter I&II certifications.

The award letter and grant program agreement is attached. As previously discussed this project would rejuvenate our old facility and significantly improve our ability to train firefighters.

We had originally placed this on the Board's May 14 agenda, but requested that it be postponed as we work out additional language to include the City of Buena Vista as a party to the grant acceptance, as the property is owned by the City. The language in the grant acceptance document has been revised and approved by the County Attorney. The revised document has been reviewed and endorsed by the Virginia Department of Fire Programs (VDFP) Grant and Budget Manager. However, it is still moving through the process at the state level - currently under review by the Office of the Attorney General. Buena Vista staff has also reviewed and will be recommending approval to City Council at their next meeting.

Given the fact that both the state and grant recipients would like to move swiftly upon execution, we placed on the agenda for BOS consideration, with the hope that the OAG will approve soon. Please be aware that though we anticipate no substantive changes coming back from the State, the possibility exists that we would need to bring a revised copy back to you at a later date.

Receive a brief staff report and pose any questions you may have. If in agreement, authorize the County Administrator to execute the attached grant program, subject to similar execution by the Virginia Department of Fire Programs and the City of Buena Vista."

Mr. Suter introduced Fire Chief Nathan Ramsey who was present to answer questions.

Supervisor Campbell made the motion to proceed with execution of the Grant Program Agreement, a second was provided by Supervisor Lewis, and the Agreement was approved by the following roll call vote by the Board:

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

Chief Ramsey commended Ms. Huffman for her efforts on the Agreement.

Consideration of South River Lease Agreement for Tony Jarvis:

Ms. Huffman briefly reviewed the following Agenda Item:

"The County owns a number of properties on South River that were acquired in connection with the South River Flood Mitigation Project. The Open

Space Policy adopted by the Board of Supervisors gives leasing priority to former property owners, then the adjoining property owners.

Edward A. Jarvis has been leasing three (3) parcels of land that adjoin his property on Coffey Hill Drive, since April 15, 2008. Mr. Jarvis has paid his rent and managed the properties in accordance with the terms of his lease agreement. With his lease scheduled to expire on April 14, 2018, Mr. Jarvis had requested approval of a renewal lease for another five (5) years, at the annual rent of \$220.17. However, reassessment of the properties and incremental tax increases would have resulted in a significant increase in the rent, which is based upon the amount that would be payable in real estate taxes.

Following up on the April 9th meeting, Wingate re-evaluated the assessments on the Flood Mitigation parcels, in view of the no-build restrictions and the majority of the properties being in the flood zone. However, the rental on the 3 parcels previously leased by Mr. Jarvis would still have increased to \$365.40 per year.

Since this amount is more than Mr. Jarvis is willing to lease the properties for, he is requesting a lease for only one parcel, which is described as "Parcel B3 - 7.303 Acres", located north of Camille Lane closest to his property. The parcel is shown highlighted on the attached tax map. The annual rental on this parcel would be \$204.48.

Approval of this lease requires adoption of an Ordinance, following public hearing. A proposed Ordinance is attached for the Board's review and consideration, as well as a copy of the proposed Lease Agreement.

If acceptable to the Board, action to authorize scheduling the public hearing on this matter for June 25, 2018, is required."

Supervisor Campbell made the motion to schedule a public hearing on this matter for June 25th, a second was provided by Supervisor Lyons, and the authorization to schedule public hearing was approved by the following roll call vote by the Board:

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

Boards and Commissions Appointments:

Consideration of a Rockbridge Regional Library Board of Directors

Appointment: Paul Leonhard's Term Expires 6/30/18: (carried over from the May 14th meeting):

Mr. Suter advised that Library Director Julie Goyette had not been successful finding representation on the Library Board. He recommended

tabling this appointment seeing as the current term does not expire until June 30th.

Supervisor Higgins noted that he may have an interested citizen willing to serve.

Supervisor Lewis noted that he too may have an interested citizen willing to serve.

Consideration of a Rockbridge Regional Communications Center Management Board (911 Board) Appointment: PJ Sibold and Robert Hickman's terms expire 6/30/18.

Mr. Suter advised that both representatives agreed to continue serving at the Board's pleasure. He noted that Mr. Hickman currently serves as the Alternate Member.

Supervisor Higgins made the motion to nominate reappointment of 911 Board Member P.J. Sibold and Alternate Member Robert Hickman for another term, a second was provided by Supervisor Campbell, and the reappointment of both current members was approved by the following roll call vote by the Board:

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

Consideration of a Shenandoah Valley Partnership Appointment: Sam Crickenberger's term expires 6/30/18:

Supervisor Campbell made the motion to nominate reappointment of current representative Sam Crickenbeger for another term, a second was provided by Supervisor Higgins, and the reappointment of Sam Crickenberger was approved by the following roll call vote by the Board:

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

Break:

Chairman Hinty called for a break at 5:52 p.m. until the Public Hearings could be heard at 6:00 p.m.

Reconvene:

Chairman Hinty reconvened the Board Meeting at 6:01 p.m.

Citizen Comment:

Chairman Hinty granted a late-arriving citizen to make a comment to the Board.

Sharon Pecoraro of the Walkers Creek Magisterial District advised that Verizon field workers have visited her neighbor's land, mapping out plans to construct a cell phone tower. She asked that, should such application be made to the Board in the future, the Board deny a special exception permit. She then listed reasons that she would like to see the request denied, which included: decrease of her property value; the tower could injure her horses; it will disrupt the beauty of the land, which was the reason for her purchasing the property; the noise, and disturbing others' quality of life.

Mr. Crickenberger advised that the Planning Department had yet to receive the Special Exception Permit Application for such tower but would be looking for it.

Ms. Pecoraro added that she had communicated with Verizon staff at the corporate level and would forward any future communications to Mr. Crickenberger to keep him apprised of the situation.

Public Hearings:

Consideration of the VDOT Six Year Plan:

Mr. Suter advised that, to date, no comments from the public had been received on the proposed 6-Year Plan. He did however note that Route 659, Little Dry Hollow Road, was added back into the proposed plan. He explained that Supervisor Higgins had point out the omission, noting that its addition had been discussed in 2014. Mr. Suter then introduced VDOT representatives Susan Hammond, Residency Administrator and Michael Branscomb, District Program Manager.

Supervisor Higgins advised that, as a requirement by VDOT in 1980, residents on Route 659 moved their fences back for reconstruction of the roadway. However, since then, the project was removed from the plan, then added again, and again removed. Supervisor Higgins thanked Ms. Hammond for adding this project back into the proposed Plan at his request.

He then noted that since it has been added back into the plan in the sixth year, and that he would like to see work commence sooner if at all possible. He requested that Ms. Hammond consider doing any work possible on the road with safety funds or savings from other projects. He pointed out that most of the traffic is on the first approximately 0.9 mile of road, which is where the focus should be.

Chairman Hinty opened the Public Hearing at 6:08 p.m. There were no comments. Chairman Hinty closed the Public Hearing at 6:09 p.m.

Supervisor Higgins made the motion to approve the 6-Year Plan with emphases on advanced funding the Route 659, Little Dry Hollow project if at all possible, using left-over funds from another project. He stated that if the necessary funds were not available, use funds that were available and complete part of the project as soon as possible. Supervisor

Campbell provided the second to the motion, and the 6-Year Plan was approved by the following roll call vote by the Board:

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

(The 6-Year Plan can be reviewed in the Office of the Clerk to the Board of Supervisors.)

RYT, LLC: Special Exception for a Holding Yard in B-1 (Fancy Hill):

Mr. Crickenberger briefly reviewed the following Agenda Item:

"Discussion continues on Robert Young's application for a special exception permit to operate an automobile holding yard in the General Business District (B-1) per Section 605.03-16 of the Land Development Regulations and Section 16-103 of the County Code. Property. As discussed, this is the former Ferguson Grocery Store which Mr. Young has been operating out of for nine years with a business license as a towing operator. His business license was issued before our office was involved in the review process and was an oversight that he was also storing vehicles. Following the initial review, we met on site to discuss landscaping options that made the most sense for reducing the visual impact in this corridor and gateway to Natural Bridge. The enclosed plan prepared by staff is our recommendation for landscaping and cleaning up the site. Mr. Young has provided an updated fencing plan."

Applicant Robert Young agreed to the conditions incorporated in the Ordinance.

Chairman Hinty opened the Public Hearing at 6:13 p.m.

Craig Campbell of the Natural Bridge Magisterial District shared his appreciation to Mr. Young for his cooperation. He then shared his concern about items that were viewed as "removed" according to a 2017 map.

Mr. Crickenberger replied that those issues are addressed in the proposed Ordinance.

Mr. Campbell shared his appreciation.

Chairman Hinty closed the Public Hearing at 6:15 p.m.

Supervisor Higgins agreed with the condition to add an 8 foot privacy fence even though originally he hoped it would be 10.

Chairman Hinty asked the applicant to comply with the conditions keeping the property cleaned up.

Supervisor Campbell indicated that Mr. Young had been operating his business on this property for 11 years and felt appreciative that the Board was able to work something out with Mr. Young to support his business.

Supervisor Higgins agreed.

Supervisor Lewis asked for a timeline of the fence installation.

Mr. Young replied, "around 60 days."

Supervisor Campbell made the motion to adopt the Ordinance granting a Special Exception Permit to Mr. Young. Supervisor Higgins provided the second to the motion, and the Ordinance was adopted by the following roll call vote by the Board:

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

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON TUESDAY, MAY 29, 2018**

**Ordinance to Grant a Special Exception Permit to Robert Young's Auto & Truck, Inc.,
for a Wrecked/Abandoned Vehicle Holding Yard in the General Business District (B-1)
on a Parcel of Land Owned By RYT, LLC (Tax Map No. 106-33-D12) Located at 4811
South Lee Highway, South of Its Intersection with Tinkerville Road in the Natural
Bridge Magisterial District**

WHEREAS, the Planning Commission has held a public hearing on this matter on November 8, 2017, and following several postponements, continued discussion on February 14, 2018; 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 March 26, 2018, continued to April 23, 2018, and further continued to May 29, 2018; 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, with the herein specified conditions, 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 finds that the granting of a special exception permit to Robert Young's Auto & Truck, Inc., for a wrecked/abandoned vehicle holding yard, pursuant to Rockbridge County Code Section 23-101(B) and Section 23-103, in the General Business District (B-1), on a 1.592-acre parcel of land depicted on 'Map Showing RYT LLC' on file in the department of Community Development, located at 4811 South Lee Highway, south of its intersection with Tinkerville Road in the Natural Bridge Magisterial District of Rockbridge County, owned by RYT, LLC, identified upon the Rockbridge County Land Records as Tax Map #106-33-D12, 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 conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

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

Adopted this ____ day of May, 2018.

EXHIBIT A

SPECIAL EXCEPTION PERMIT CONDITIONS

Robert Young's Auto & Truck, Inc.

1. Substantial compliance with the Zoning Plan, including continued maintenance of landscaping in healthy condition, and including maintenance of fence screening in presentable condition, as shown on the 'Zoning Plan', prepared by L.M.W. P.C., and attached hereto as Attachment 1 and incorporated herein.

2. In addition to the Zoning Plan, a solid wooden fence, 8' in height, shall be constructed around the holding yard.
3. Compliance with all regulations of County Code §16-103 for holding yards, and specifically including implementation of the screening plan, incorporated in the Zoning Plan, within ninety (90) days.
4. Removal of the non-conforming, abandoned signs, specifically the "gas price" sign at the front of the property, the reader board sign, and sign/structure at the back of the property.

RYT, LLC: Special Exception for a Holding Yard in I-1 (Greenlee):

Mr. Crickenberger briefly reviewed the following Agenda Item:

"Robert Young has applied for a special exception permit to operate an automobile holding yard in the I-1 district per Section 605.03-16 of the Regulations and Section 16-103 of the County Code. The property is located below the Arnolds Valley Bridge on former WestRock property and had been used as a chip yard and most recently by C&S Disposal as a contractor's equipment storage yard. The primary view of this property is from the bridge which is problematic to screen. See plans enclosed. The Planning Commission has recommended approval of the application with conditions outlined in Mrs. Huffman's ordinance."

Chairman Hinty opened the Public Hearing at 6:18 p.m. There were no comments. Chairman Hinty closed the Public Hearing at 6:19 p.m.

Supervisor Higgins asked the difference between the proposed property, which is located next to a waterway, and previously denied properties located next to waterways.

Mr. Crickenberger replied that the proposed is in the 500 year level flood plain whereas the denied properties were in the 100 year flood plain. He added that the neighbors across the river were a little concerned about being able to see the business; therefore, the Planning Commission honored their concern and made fencing a condition for the permit.

Mr. Young advised that the location he has occupied for years is beneath the bridge and therefore cannot easily be seen from the bridge itself.

Supervisor Campbell made the motion to adopt the Ordinance granting a Special Exception Permit to Mr. Young. Supervisor Higgins provided the second to the motion, and the Ordinance was adopted by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON TUESDAY, MAY 29, 2018

Ordinance to Grant a Special Exception Permit to Robert Young's Auto & Truck, Inc., for a Wrecked/Abandoned Vehicle Holding Yard in the General Industrial District (I-1) on Parcels of Land Owned By RYT, LLC (Tax Map No. 108A1-6-4D and 108A3-2-1B1) Located at 225 Greenlee Road, Natural Bridge Station, Lying Below the Arnolds Valley Road Bridge in the Natural Bridge Magisterial District

WHEREAS, the Planning Commission held a public hearing on this matter on April 11, 2018, and a continued public hearing on May 9, 2018; 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 May 29, 2018; 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, with the herein specified conditions, 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 finds that the granting of a special exception permit to Robert Young's Auto & Truck, Inc., for a wrecked/abandoned vehicle holding yard, pursuant to Rockbridge County Code Section 23-101(B) and Section 23-103, in the General Industrial District (I-1), on portions of two parcels of land owned by RYT, LLC (Tax Map No. 108A1-6-4D and 108A3-2-1B1) located at 225 Greenlee Road, Natural Bridge Station, lying below the Arnolds Valley Road Bridge in the Natural Bridge Magisterial District, and shown outlined in blue on the aerial map showing 'Storage' for RYT, LLC, prepared by LMW, P.C., on file in the department of Community Development, 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 conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

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

Adopted this ____ day of May, 2018.

EXHIBIT A

SPECIAL EXCEPTION PERMIT CONDITIONS

Robert Young's Auto & Truck, Inc.

- (1) Substantial Compliance with schematic plan, designated as "Storage" (Sheet 1) and screening plan, designated as "Fence Detail" (Sheet 2), including maintenance of fence screening in presentable condition, entitled 'RYT LLC, 225 Greenlee Road, Natural Bridge Station, Virginia,' prepared by LMW P.C., and identified as Attachment 1 hereto, incorporated herein by reference.
- (2) The "WOOD PRIVACY FENCE", as shown on the plans described in Condition #1, shall be a solid wooden fence, 8' in height.
- (3) Compliance with all regulations of County Code §16-103 for holding yards, and specifically including implementation of the screening plan within ninety (90) days.

Dominion Energy: Special Exception for Transmission Line Upgrade:

Chairman Hinty abstained from all matters, discussions, or voting related to the application of VEPCO, Dominion Virginia Power, for a special exception permit for the transmission line upgrade. He left the dais at 6:24 p.m.

Vice Chairman Higgins began serving in Chairman Hinty's absence.

Mr. Crickenberger introduced John Mulligan, Dominion's Senior Siting and Permit Specialist and then briefly reviewed the following Agenda Item:

"Dominion Energy has applied for a special exception permit per Sections 603.03-9 (A-2), 603B.03-14 (A-T), 604.03-3 (R-1), 604B.03-3 (R-2), and 605.03-10 (B-1) to rebuild the portion of their 115kV transmission line that runs from the Lexington Substation (Turkey Hill Road) to the Rockbridge Substation (Econo Lane) in the Kerrs Creek and Walkers Creek

Magisterial Districts. Lines less than 138kV fall under local zoning versus the 150kV line which was rebuilt previously from Turkey Hill to Dooms. All rebuild work will be within the existing right-of-way with wooden structures to be replaced by steel structures. See plans enclosed. A public informational meeting was held at the High School on March 27th. The Planning Commission has recommended approval of the application with conditions outlined in Mrs. Huffman's ordinance." Mr. Crickenberger further explained that Dominion would have private contracts with the property owners for access to the towers.

Mr. Mulligan introduced Mercedes Maldonado, Dominion's Transmission Engineer; Greg Mathe, Dominion's Communication Specialist; Emmett Toms, Government Affairs; and Bret Harmly, Project Manager. Mr. Mulligan reviewed the presentation showing the current structures built in the 1950's and the proposed structures. He then noted that an open house had been held in April at the Rockbridge County High School, where property owners could view the details of the project, ask questions and provide Dominion with feedback.

Supervisor Higgins asked if the property owners with pasture agreed to the additional fencing and gating by Dominion accessing the structures.

Mr. Mulligan replied, he believed so.

Mr. Toms noted that Dominion typically installs mats leading to the structure; however in response to a concern by one property owner about her horses, Dominion will be using gravel, fence, and gates instead.

Supervisor Lewis asked if guy wires would be removed, as the new poles would be steel.

Mr. Mulligan replied, the guy wires are being removed.

Vice Chairman Higgins opened the Public Hearing at 6:30 p.m. There were no comments. Vice Chairman Higgins closed the Public Hearing at 6:31 p.m.

Supervisor Campbell made the motion to adopt the Ordinance granting a Special Exception Permit to Dominion Power. Supervisor Lyons provided the second to the motion, and the Ordinance was adopted by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, MAY 29, 2018

Ordinance Granting a Special Exception Permit to Virginia Electric and Power Company, d/b/a Dominion Energy, for Rebuild and Improvement of a Portion of the 115kV Transmission Line Extending From the Rockbridge Substation (on Turkey Hill) to the Lexington Substation (on Econo Lane) Within Existing Easements in the Kerrs Creek and Walkers Creek Magisterial Districts Through Multiple Zoning Districts

WHEREAS, Virginia Electric and Power Company, d/b/a Dominion Energy, owns, operates and maintains a 115kV transmission line extending through existing easements from the Rockbridge Substation (Turkey Hill) to the Lexington Substation (Econo Lane); and,

WHEREAS, Dominion Energy has filed an application to rebuild a portion of the transmission line, including replacement of current wooden H-frame structures with similar steel structures; and,

WHEREAS, the transmission line runs through properties located in the Agricultural and General Uses District (A-2), Agricultural Transitional District (A-T), Residential General District (R-1), Residential Mixed District (R-2), and General Business District (B-1); and,

WHEREAS, the proposed rebuild requires a special exception permit in accordance with Section 603.03-9 (A-2), Section 603B.03-14 (A-T), Section 604.03-3 (R-1), Section 604B.03-3 (R-2), and Section 605.03-10 (B-1) of the Rockbridge County Land Development Regulations; and,

WHEREAS, the Planning Commission reviewed this application, following public hearing on April 11, 2018, and continued public hearing on May 9, 2018, and has recommended approval of the special exception permit, subject to the specified conditions; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing in this matter on May 29, 2018; 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, 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, with the herein specified conditions, 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 in the A-2, A-T, R-1, R-2, and B-1 Districts to Virginia Electric and Power Company, d/b/a Dominion Energy, for Virginia Electric and Power Company for rebuild of its 115kV transmission line, including replacement of current wooden H-frame structures with similar steel structures, extending through existing easements from the Rockbridge Substation (Turkey Hill) to the Lexington Substation (Econo Lane) in the Kerrs Creek and Walkers Creek Magisterial Districts, 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 conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

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 29th day of May, 2018.

EXHIBIT A

SPECIAL EXCEPTION PERMIT CONDITIONS

Virginia Electric and Power Company, d/b/a Dominion Energy

(1) Dominion shall comply with the chart entitled 'Dominion 26 Line Rebuild, Lexington – Rockbridge Project 70280', dated April 30, 2018, and shall be allowed a 10% variation in structure height for all structures referenced therein, not to exceed 100' in height for any structure.

(2) Upright support structure/poles shall be H-Frame construction made of corten/weathered steel with weathered galvanized steel cross arms.

(3) Poles and cross arms on proposed switch structures (26/155A and 26/160A) shall be weathered galvanized steel.

Chairman Hinty returned to the dais at 6:33 p.m.

Rockbridge County: Special Exception for Athletic Fields in A-T:

Mr. Suter briefly reviewed the following Agenda Item:

"The County has applied for a special exception permit to develop athletic fields in the A-T district per Section 603B.03-18 of the Land Development Regulations on a portion of the property owned by the Virginia Horse Center Foundation off of Alphin Lane. This is the former tractor pull site. The two fields are intended for day use only with no lighting planned. The Planning Commission has recommended approval of the application with conditions outlined in Mrs. Huffman's ordinance." Mr. Suter noted that he had spoken with Ms. Carol Shaw on several occasions regarding her concerns as a neighboring bed and breakfast owner. He noted that he wanted to ensure that the Board was aware of her concerns, which included traffic, noise and security.

Chairman Hinty opened the Public Hearing at 6:35 p.m.

Bernard Shaw, husband of Carol Shaw and neighboring bed and breakfast owner, shared his and his wife's concern about increased traffic on Route 39 and Alphin Lane. He noted concern about a narrow turn in the road.

Chairman Hinty closed the Public Hearing at 6:36 p.m.

Chairman Hinty advised that a traffic study was conducted when Dominion Power decided to construct its facility. He added that Dominion vehicles must exit the facility onto Route 39 unless there is an emergency. He also added that Dominion had VDOT expanded the roadway in the turn that was in question.

Supervisor Higgins asked why no lighting was permitted, as the nearby surrounding properties and businesses have lights.

Mr. Suter responded, if ever there were a need for lights on the athletic fields, they would need to repeat the process and bring it back before the Planning Commission and Board for approval.

Supervisor Higgins asked that the Minutes reflect that lights on the athletic fields could be a possibility in the future.

Mr. Shaw asked how long the lease would be for on the athletic fields.

Mr. Suter replied, 50 years.

Mr. Crickenberger recommended adoption of the Ordinance as written, revising it later if needed should lighting be necessary in the future.

Supervisor Higgins made the motion to adopt the Ordinance granting a Special Exception Permit for Athletic Fields. Supervisor Campbell provided the second to the motion, and the Ordinance was adopted by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON TUESDAY, MAY 29, 2018

Ordinance to Grant a Special Exception Permit to the County of Rockbridge to Development Athletic Fields in the Agricultural Transitional District (A-T) on a County-Leased Portion of a Parcel of Land Owned by the Virginia Horse Center Foundation and Identified as Tax Map #61-A-115, Lying on the North Side of Alphin Lane (Route 750) in the Walkers Creek Magisterial District

WHEREAS, the Planning Commission held a public hearing on this matter on May 9, 2018, and recommended approval with the specified conditions; 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 May 29, 2018; 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, with the herein specified conditions, 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 finds the granting of a special exception permit to the County of Rockbridge to develop public athletic fields on a portion of the property owned by the Virginia Horse Center Foundation, identified as Tax Map #61-A-115, lying on the north side of Alphin Lane (Route 750) in the Walkers Creek Magisterial District of Rockbridge County, in the Agricultural Transitional District (A-T) pursuant to Section 603B.03-18 of the Land Development Regulations, 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 following conditions:

(a) Substantial Compliance with the schematic plan titled 'Exhibit Showing Reconfiguration of Assignment Parcel #8, With Improvements, Virginia Horse Center' prepared by Perkins and Orrison, dated October 19, 2017, and revised November 7, 2017, on file in the office of Community Development.

(b) The athletic fields are limited to daytime use with no lighting.

(c) The entrance to the facility will be gated when the fields are not in use.

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

Adopted this 29th day of May, 2018.

County Code Revision: Precious Metals:

Ms. Huffman briefly reviewed the following Agenda Item:

"Commissioner of the Revenue Whitesell has recently had the owner of a local business, who deals in coins, raise concerns with the County's Code provisions related to dealers in precious metals. Virginia Code §54.1-4100 provides that dealers covered by the provisions are those dealing in precious metals and gems. "Precious metals" is defined as excluding coins. These state code provisions have been in effect since sometime before 1988.

County Code §19-72, in which coins have not been excluded, has been in effect since sometime prior to the recodification in 2000. Correction is recommended.

This action requires adoption of an Ordinance to amend the County Code, following a public hearing. The proposed Ordinance is attached for the Board's review."

Chairman Hinty opened the Public Hearing at 6:41 p.m.

Charles Kraut advised that the County's Commissioner of the Revenue David Whitesell brought this to his attention and he then brought it to the County Attorney's attention. He added that by adoption of the proposed amendment, the County Code would be in compliance with the Commonwealth's Code.

Chairman Hinty closed the Public Hearing at 6:42 p.m.

Supervisor Lyons made the motion to adopt the Ordinance amending the County's Code. Supervisor Campbell provided the second to the motion, and the Ordinance was adopted by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY,
MAY 29, 2018

Ordinance to Amend and Reenact Section 19-72 of Article III – Dealers in Precious Metals and Jewels, in Chapter 19 – Licenses and Business Regulations, of the Rockbridge County Code, to Amend the Definition of Precious Metals to be Consistent with State Code By Exclusion of Coins

BE IT ENACTED by the Rockbridge County Board of Supervisors that, in accordance with, and from time to time may be amended, pursuant to Section 58.1-3515, *et seq.*, in Chapter 35 of Title 58.1 of the Code of Virginia (1950, as amended), Section 19-72 of Article III in Chapter 19 – LICENSES AND BUSINESS REGULATIONS of the Rockbridge County Code be and hereby is amended and reenacted as follows:

ROCKBRIDGE COUNTY CODE

Chapter 19

LICENSES AND BUSINESS REGULATIONS*

ARTICLE III. DEALERS IN PRECIOUS METALS AND JEWELS*

Sec. 19-72. Definitions.

For the purposes of this Article, the following words shall have the meanings ascribed to them by this Section:

“Dealer” means any person, firm, partnership, corporation or association engaged at any location in the County in the business of purchasing precious metals or gems or making loans for which precious metals or gems are received and held as security and shall include merchants whose business is itinerant in the County. A dealer includes employers and principals on whose behalf the purchase or loan was made and all employees and agents who personally make such purchases and loans. The term dealer shall not include any retail or wholesale jewelry establishment duly licensed at a permanent location for the conduct of business within the County insofar as such businesses make purchases directly from manufacturers or wholesalers of precious metals or gems for inventory purposes.

“Gems” or *“jewels”* shall mean any item containing or having any precious or semiprecious stones customarily used in jewelry or ornamentation.

“Precious metals” means any item, except coins, composed in whole or in part of gold, silver, platinum, or platinum alloys.

Cross reference(s)--Definitions and rules of construction, §1-2.

This Ordinance shall be effective on and from the date of adoption this 29th day of May, 2018.

Closed Meeting:

At 6:42 p.m., Supervisor Higgins moved to enter into a Closed Meeting as permitted by Virginia Code Section 2.2-3711(A)(5), discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its

***Cross reference(s)**--Amusements and entertainment, Ch. 4; permits for musical or entertainment festivals, §4-18; licensing of dogs, Ch. 5; building permits, Ch. 7; land-disturbing permit, Ch. 12; motor vehicle license tax, §25-96 et seq.; home occupations, App. A, §705.00; zoning and building permit procedures, App. A, §802.00.

State law reference(s)--Local license taxes, Code of Virginia, §58.1-3700 et seq.

***State law reference(s)**--Precious metals dealers, Code of Virginia, §54.1-4100 et seq.

facilities in the community. Supervisor Lewis provided the second, and the motion carried by the following roll call vote:

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

Supervisor Lyons moved to reconvene in open session following the Closed Meeting. Supervisor Higgins provided the second, and the motion carried by the following roll call vote:

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

Supervisor Higgins moved that the Board certify that, in the closed meeting just concluded, to the best of each member's knowledge, nothing was heard, discussed or considered except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed as exempt from open meeting requirements under the provisions of the Virginia Freedom of Information Act cited in that motion. Supervisor Lewis provided the second, and the motion carried by the following roll call vote:

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

Adjournment:

Supervisor Lyons moved to adjourn the meeting. Supervisor Lewis provided the second, and the motion carried by the following roll call vote:

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