

AT A WORK SESSION OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, JULY 23, 2018 AT 4:30 P.M.

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 opened the Work Session at 4:30 p.m.

Discussion on School Resource Officers:

Mr. Suter advised that on July 13th there was a notice of a federal COPS grant and the application period ends at the end of the month.

However, he advised that the grant included in the Board's packet is not the same grant; it is not for personnel.

He added that the grant for personnel is the one expiring at the end of the month.

Supervisor Lyons asked if the County should go ahead and apply for the COPS grant because it is for equipment.

Mr. Suter replied, yes, it could be discussed aside from the personnel grant that is due sooner.

Sheriff Blalock presented the Board with a list of how to expend the funds and how much funds are necessary to accomplish security in the schools.

Supervisor Lyons asked how long it takes to train a school security officer.

Sheriff Blalock replied, training would begin in January during the next academy.

Chairman Hinty asked who would respond during a call at Central Elementary.

Sheriff Blalock replied, the City.

Supervisor Lyons asked if a School Security Officer could be used.

Sheriff Blalock stated that he was not opposed.

Supervisor Lewis asked Schools Superintendent Dr. Thompson what his goal will be in the end.

Mr. Thompson replied that having a School Security Officer or School Resource Officer in each elementary school would be ideal.

Supervisor Lewis asked if there were vehicles available for these individuals to use.

Sheriff Blalock responded that County surplus vehicles could be used.

Supervisor Campbell asked how long the grants are good for.

Sheriff Blalock replied, one year.

Supervisor Higgins asked how many current officers are available to start now.

Sheriff Blalock stated that he had several already interested and ready to transition to the schools. He explained that the COPS Grant is for equipment only and that the SRO Grant for personnel has a deadline of late August. He noted that there is no funding budgeted for a grant match.

Supervisor Higgins stated that money would be saved if using a surplus vehicle.

Supervisor Campbell reminded the Board that they had assigned funds during the previous meeting specifically for school security needs.

Supervisor Lyons suggested that someone analyze inside and outside needs of security. It was determined that the School Division and Sheriff's Office would analyze needs and provide them back to the County Administrator as soon as possible, for review by the Board Finance Committee.

Mr. Suter stated that, with approval from the Finance Committee, they would go ahead and apply for the COPS Grant and bring back information on the SRO Grant during at the next meeting.

The Board agreed to review a request Board during the August 13th meeting

The Work Session closed at 5:13 p.m.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
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ON MONDAY, JULY 23, 2018 AT 5:30 P.M.

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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 5:31 p.m. He stated that Supervisor Campbell would deliver the invocation for anyone who wished to participate.

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

Recognitions and Presentations:

Chairman Hinty called for recognitions or presentations. There were none.

Citizens Comments:

Chairman Hinty called for citizens comments. There were none.

Items to be added to the Agenda:

Chairman Hinty called for any items to be added to the Agenda.

Supervisor Lewis asked to add a discussion travel reimbursements for the Board Members.

Approval of the June 25, 2018 Minutes:

Supervisor Lyons moved to approve the June 25, 2018 Board of Supervisors meeting Minutes. A second was provided by Supervisor Higgins, and the motion carried by unanimous roll call vote by the Board.

Ayes: Lyons, Higgins, Campbell, Lewis, Hinty
Nays: None
Absent: None
Abstain: None

County Financial Package:

Fiscal Service Director Steven Bolster reviewed his Monthly Memorandum, Revenues verses Expenditures Chart, and a request from the Rockbridge County School Division to set aside \$261,504.26 from FY 2018 local budget balance into the School Carryover account in the General Fund.

The Board unanimously agreed to the Schools request.

Mr. Bolster then presented the County's Appropriation Resolution noting changes to the General Fund FY 2018 Carryover. Line Item 4-11-32020-5628 for Regional Swift Water Rescue reduced from \$10,000 to \$2,000; and, Line Item 4-11-81090-3008 for Greenhouse Village Production Phase II increased from \$432,815 to \$435,063.

Supervisor Campbell moved to approve the County's Appropriation Resolution, as amended. A second was provided by Supervisor Higgins, and the motion carried by unanimous roll call vote by the Board.

Ayes: Campbell, Higgins, Lyons, Lewis, Hinty
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY, JULY 23, 2018 AT 5:30 P.M.

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

APPROPRIATION RESOLUTION

GENERAL FUND (FY 2018 Carryover):

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby is made, for the period ending **June 30, 2019**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-32020-5628 Cont-Regional Swift Water Rescue.....	\$2,000.00
4-11-81090-3008 GHV-House Production-Phase 2.....	<u>\$435,063.00</u>
Total General Fund Appropriations	\$437,063.00

CONSTRUCTION PROJECT FUND (FY 2018 Carryover):

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby is made, for the period ending **June 30, 2019**, from the UNAPPROPRIATED SURPLUS of the **CONSTRUCTION PROJECT FUND** and expended as follows:

4-372-94314-8001-001 Firing Range.....	\$736.00
4-372-94326-8001-001 911 Center - Lomax.....	\$75,000.00
4-372-94423-8001-001 Murat Collection Center.....	\$40,500.00
4-372-94423-8001-002 Kerrs Creek Collection Center...	\$110,154.00
4-372-94423-8001-004 Fancy Hill Collection Center.....	\$57,327.00
4-372-94432-8001-003 Public Bathrooms, Remodel.....	\$31,087.00
4-372-94432-8001-004 Boiler Replacement.....	\$48,478.00
4-372-94711-8001-001 Lake Robertson Cabins.....	\$2,714.00
4-372-94711-8001-002 Campground Electrical Upgrade.....	<u>\$7,515.00</u>
Total Construction Project Fund Appropriations	\$373,511.00

Total Appropriations	\$810,574.00
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Current County

11 - General Fund	\$1,057,513.34
94 - Central Stores	\$2,851.46
372 - Construction Project Fund	\$894.74
376 - Capital Purchases Fund	\$340.00

Total County Bills **\$1,061,599.54**

Current Fiscal Agent

80 - Regional Jail	\$186,488.42
241 - E-Summons Fees	\$1,251.25
710 - Communications Center	\$27,765.13

Total Fiscal Agent **\$215,504.80**

TOTAL ALL BILLS **\$1,277,104.34**

Consideration of Revised Virginia Horse Center Financing Request:

Chairman of the Economic Development Authority Lynn Jones opened the EDA meeting at 5:39 p.m.

Supervisor Campbell read aloud the following disclosure statement:

"To avoid any appearance of conflict due to my wife's employment with Cornerstone Bank, I hereby abstain from all matters, discussions, or voting related to the Board's consideration of the Virginia Horse Center's request for approval of a revised financing with Cornerstone Bank, and my disclosure statement required under Virginia Code 2.2-3115 € is on file with the Clerk to the Board of Supervisors". He then left the dais at 5:40 p.m.

County Administrator Spencer Suter briefly reviewed the Agenda Item which contained the following information: "At the Board's June 25 work session, held jointly with the EDA, staff provided an update on the VHC refinancing plans, noting that we would likely be returning to the Board with an official request to revise a previously-approved refinancing plan. That request, to include some background information, is attached in the

form of a letter to the Board and EDA, from VHC Executive Director John Nicholson. Since the June 25 work session, the VHC has received conditional approval from the USDA to complete the refinancing with the USDA. What is proposed in the VHCF's request is a modification of that approval, with a similar borrowing from Cornerstone Bank. The Borrowing would still adhere to the USDA's requirement for funding the debt service reserve. However, the request does not currently include extension of the 1% dedicated lodging tax beyond the current sunset of 2024." Mr. Suter then introduced staff members from the Virginia Horse Center, City of Lexington, and members of the EDA.

VHC Executive Director John Nicholson explained that it was advantageous to deal with a private lender. He stated that the activities held at the VHC remain positive. However, for the VHC to compete with other equine venues in the future, the deferred maintenance will have to be addressed. He then advised that a detailed plan, mapping how the funds will be used, has been received and will justify the use of funds for each project.

Supervisor Higgins asked for clarification on the similarity of the loans (Cornerstone vs. USDA) and for the difference in the interest rates.

Mr. Nicholson explained that the concepts of the loans are alike.

Sandra Thomas of the VHC responded to Supervisor Higgins, stating that the difference in the interest rates is about two percentage points.

Mr. Suter indicated that the USDA loan path would require full funding of the debt reserve and an extension of the 1% lodging tax until 2027.

Chairman Hinty asked how to meet the debt service requirement.

Ms. Thomas replied that the County would need to set up a separate account to hold the debt service amount of 604,555.00 and that there would be sufficient County and City funds to deposit that amount into the account already. Ms. Thomas did note that the account would fall below the required amount in February 2019 when the annual debt service payment is due, unless the Board approves the new funding mechanism being recommended. She then responded to Supervisor Higgins question about the differences in percentage rates stating that Cornerstone Banks is 5.85 and the USDA's is 3.875.

Chairman Hinty asked what the difference is in dollars.

Ms. Thomas replied, about \$70,000. She added that USDA will require the VHC to go to a commercial bank for a construction loan at about a 6.5% rate for about two years during construction. She added that after the two years, it would go back to USDA for permanent financing at the 3.875% rate for a 10 year period whereas the Cornerstone loan will be for seven (7) years at a 5.85% rate with a balloon payment at the end of the seven years. She noted that the Cornerstone Bank loan would require only seven (7) years of interest verses 12 if going with the USDA.

Supervisor Higgins asked Ms. Thomas how much the Cornerstone loan balloon payment will be at the end of seven years.

Mr. Nicholson advised that the USDA has restrictions on how to use the funds explaining that the VHC will not have the latitude to use the funds on some of the deferred maintenance projects that staff feels are necessary.

In response to Supervisor Higgins question pertaining to the balloon payment amount, Ms. Thomas explained that the annual payment will be

around \$200,000 and at the end of year seven the balloon payment will be about a half of a million dollars. She further explained that, based on projections, the balloon payment will not be a problem as the VHC will receive more of the additional 1% tax.

Supervisor Higgins asked if the VHC has a back-up plan should the economy crash again.

Ms. Thomas replied, they would assess the situation at that time and look at their options. She added that they could go to Cornerstone to refinance what is left of the loan at that time for an additional 5 year period.

Mr. Suter advised that the lodging tax has been consistent, moving steadily upward, and the existing \$450,000 loan was just paid off a year early.

EDA member Robbie Faulkner asked Ms. Thomas why the materials in their packets states that the VHC is not seeking an extension of the 1% tax. He asked if that meant that the value of the 1% is \$70,000.

Ms. Thomas replied, no, that the difference in the interest rates at the loans end would be around a \$70,000 difference.

EDA member Janie Harris asked Ms. Thomas what was being used as collateral. She asked if the 1% tax is used as collateral and the acreage on Alpine Road.

Ms. Thomas replied, yes, but clarified that the property used as collateral currently has a lien on it and is not the same as the property the County is considering for athletic fields.

Ms. Harris asked for the assessed value of the property on Alphin that would be used for collateral.

Ms. Thomas did not have the assessed value handy but indicated that the lender would be over-collateralized in using the property as collateral in addition to the tax.

Ms. Harris asked if some of the collateral could be released as the loan amount is paid down.

Ms. Thomas replied that it could be; however, they do not plan to do anything else with the property and there would be no purpose to have it released. She clarified that the VHC could go back to Cornerstone to release it, should a use be identified in the future.

Chairman Hinty asked for clarification that the property being offered as collateral currently has a lien placed on it.

Ms. Thomas confirmed stating that Cornerstone currently holds a lien on the property for the \$750,000 loan and that New River Bank had a lien on it prior to Cornerstone.

Chairman Hinty asked about the \$500,000 insurance policy from the New River Bank loan.

Ms. Thomas replied that those funds were used to catch up on old accounts payable. She noted that Cornerstone has about \$300,000 of those funds that will be released when the new loan is put in place. Ms. Thomas explained that \$150,000 of that will be used to pay off Cornerstone for the line of credit from last year and the remainder would repay a private lender who lent the VHC money to pay off a line of credit.

Mr. Suter added that this would assume the USDA approves this option, as they approve any additional borrowing.

Chairman Hinty asked the County Attorney if she had reviewed this and if she has any objection or comment.

Ms. Huffman replied she had reviewed and had no comment.

Mr. Suter explained that the new loan would be paying off old loans leaving around \$750,000 to use for capital maintenance projects.

Chairman Hinty asked if the \$750,000 would be used solely for capital maintenance.

Mr. Nicholson confirmed adding that the expenditures would be documented and that he would be updating the Board regularly as he has before.

Supervisor Higgins asked if the VHC would have to pay the same interest for the loan if only using half until the rest is needed.

Ms. Thomas replied, yes, the interest would be the same because it is a term loan and not a construction loan.

Mr. Suter stated that the recommendation is to go with the Cornerstone Option - Assuming that the USDA approves this option as well, and approve with the condition that the County and EDA receive at least biannual written progress updates from the VHC.

Supervisor Higgins asked how long the projects would take using the \$750,000. He asked if they thought it would take 6 months to one (1) year.

Mr. Nicholson replied, likely more than that because the VHC Board would need to approve each expenditure and review the physical master plan to see what needs to be done, while holding a contingency.

Ms. Thomas noted that it took about three (3) years to use the \$450,000 lent a few years back. She further noted that those projects were smaller compared to the projects to come.

Ms. Harris asked if the accrued interest could be used for small projects.

Ms. Thomas replied yes, that the interest can be written off after working with Cornerstone on it.

On a motion by EDA member Robbie Faulkner, and seconded by Roy Powell, the EDA voted to approve the recommendation for refinancing. David Farris abstained from the vote as an employee of Cornerstone Bank.

Supervisor Lewis moved to approve the recommendation. A second was provided by Supervisor Lyons, and the motion carried by unanimous roll call vote by the Board.

Ayes: Lewis, Lyons, Higgins, Hinty
Nays: None
Absent: None
Abstain: Campbell

Public Hearings at or around 6:00 p.m.:

South River Lease Agreement for Tony Bryant:

County Attorney Vickie Huffman briefly reviewed the Agenda Item which contained the following information: "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 to adjoiners. Tony L. Bryant has been leasing the 0.458-acre parcel of land (Tax Map #64-4-23), formerly owned by Carl and Brenda Hostetter, which adjoins his residence property. He is interested in continuing to lease the parcel of another five (5) years. A copy of the tax map is attached for the Board's reference. In accordance with the Open Space Policy, the lease to Mr. Bryant would be for a five (5) year period at a total annual rental of \$16.10, and would be subject to all of the

conditions imposed on the property in connection with the FEMA grant. The proposed new lease is the same as the previous one, with appropriate date changes and annual rent amount. Approval of this lease requires adoption of an Ordinance, following public hearing.”

Chairman Hinty opened the Public Hearing at 6:03 p.m. There were no comments by the public. Chairman Hinty closed the Public Hearing at 6:04 p.m.

Supervisor Campbell moved to adopt the Ordinance granting the Lease. A second was provided by Supervisor Lyons, and the motion carried by unanimous roll call vote by the Board.

Ayes: Campbell, Lyons, Lewis, Higgins, Hinty
Nays: 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
MONDAY, JULY 23, 2018

Ordinance Authorizing and Approving Execution of Land Lease Agreement With Tony L. Bryant to Lease County-Owned Property Acquired in Connection With the South River Flood Mitigation Project, Being 0.458 Acres Identified as Tax Map #64-A-28, Lying on the Southeast Side of State Road #608, a Short Distance North of Cornwall in the South River Magisterial District of Rockbridge County

WHEREAS, the County of Rockbridge has acquired a number of properties within the flood plain along South River using grants awarded from the Federal Emergency Management Agency (FEMA), through the Virginia Department of Emergency Management (VDEM), and from the Virginia Department of Housing and Community Development (VDHCD) for this Project; and,

WHEREAS, pursuant to the conditions of the grants, all structures on the parcels were demolished and the properties are to be maintained as open space in perpetuity; and,

WHEREAS, on March 13, 2006, the Board of Supervisors adopted the 'South River Flood Mitigation Project Open Space and Land Lease Policy, and the Board determined that those properties

not located directly on South River could be leased to former or adjoining property owners as provided in the Policy; and,

WHEREAS, Tony L. Bryant is an adjoining property owner to the parcel of land acquired from Carl and Brenda Hostetter, located on the southeast side of State Road #608, a short distance north of Cornwall in the South River Magisterial District of Rockbridge County, Virginia, and has been leasing the subject parcel since 2008, with his current lease to expire on June 30, 2018; and,

WHEREAS, Mr. Bryant has expressed an interest in continuing to lease the subject parcel for another five (5) years; and,

WHEREAS, the lease of said property requires the adoption of an ordinance, following notice and a public hearing, which was held on July 23, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, as follows:

1. That lease of the 0.458-acre parcel of land lying on the southeast side of State Road #608, a short distance north of Cornwall, and identified upon the Rockbridge County Land Records as Tax Map #64-A-28, to Tony L. Bryant, for a period of five (5) years at a total annual rental of \$16.10, payable annually in advance, is hereby authorized and approved, subject to the Open Space and Land Lease Policy (Exhibit B) adopted by the Board on March 13, 2006, and the Covenants and Restrictions (Exhibit C) applicable to the property.
2. That the funds generated by this lease shall be placed in the General Fund of the County.
3. That the County Administrator is hereby authorized to execute a land lease agreement on behalf of the Board of Supervisors of the County of Rockbridge and to execute such other documents and take such further actions as are necessary to accomplish this transaction, all of which shall be upon form and subject to the conditions approved by the County Attorney.
4. That this ordinance shall be effective upon the date of its adoption.

Adopted this 23rd day of June, 2018.

Brian Hamelman- Special Exception for Bed and Breakfast Homestay in R-1:

Assistant Director of Community Development Chris Slaydon briefly reviewed the Agenda Item which contained the following information: "Brian Hamelman has applied for a special exception permit to operate a B&B Homestay in the R-1 district per Section 604.03-1 of the Regulations. The property is at the end of Hunter Hill Extension but has had a separate apartment that is accessed off of Greenhouse Road which would be used as the short term rental. We have discussed addressing the apartment off of Greenhouse Road to avoid confusion. The Planning Commission has recommended approval."

Applicant Brian Hamelman explained his wish to rent out his basement as a B&B part-time to capitalize on his investment. He further explained that he would still be allowing family to stay in the basement when visiting from out of town, but renting it out when they were not there. He added that he intends to remain living upstairs and therefore would be able to keep a close watch on the renters, ensuring they are not distracting neighbors.

Chairman Hinty opened the Public Hearing at 6:12 p.m.

Neighboring property owner Cindy Wiseman Gilliam spoke on behalf of her the neighborhood who shared concern about their "family-like" neighborhood migrating to more of a "business-like" area.

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

Chairman Hinty asked Mr. Slaydon about other businesses in the area.

Mr. Slaydon responded that the Frog Hollow B&B was just down the road.

Supervisor Campbell moved to adopt the Ordinance granting the Special Exception Permit. A second was provided by Supervisor Higgins, and the motion carried by the following roll call vote by the Board:

Ayes: Campbell, Higgins, Lewis, Hinty
Nays: Lyons
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 MONDAY, JULY 23, 2018

Ordinance to Approve the Special Exception Permit Application for Brian M. Hamelman 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 62 Hunter Hill Extension, With Secondary Access Off of Greenhouse Road, in the Kerrs Creek Magisterial District and Further Identified as Tax Map #61A1-A-17

WHEREAS, Brian M. Hamelman 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 at 62 Hunter Hill Extension, with secondary access off of Greenhouse Road, in the Kerrs Creek Magisterial District, identified upon the Rockbridge County Land Records as Tax Map #61A1-A-17; 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 July 11, 2018, and recommended to the Board of Supervisors that the special exception permit be approved; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on July 23, 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, and after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in Sections 802.03-5 and 604.03-1 of the Rockbridge County Land 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 Brian M. Hamelman for a special exception permit to operate a Bed and Breakfast Homestay in the Applicant's home in the Residential General District (R-1), located at 62 Hunter Hill Extension, with secondary access off of Greenhouse Road, in the Kerrs Creek Magisterial District of Rockbridge County, identified upon the Rockbridge County Land Records as Tax Map #61A1-A-17, 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 23rd day of July, 2018.

East Lexington Towing- Special Exception for a Holding Yard in B-1:

Assistant Director of Community Development Chris Slaydon briefly reviewed the Agenda Item which contained the following information:
"Robert Clark has applied for a special exception permit to operate an automobile holding yard in the B-1 district per Section 605.03-16 of the Regulations and Section 16-103 of the County Code. The property is located off of Park Place next to the Go Cart Track and Park & Pool off of

North Lee Highway. The proposed holding yard is interior to the site as depicted on the enclosed plan. The Planning Commission has recommended approval with the following conditions:

- (1) Substantial Compliance with schematic plan titled Fence Plan for Robert E. Clark and Dawn H. Clark revised July 12, 2018.
- (2) Fence to be a solid pressure treated wooden privacy fence, 8' in height to be maintained in good condition.
- (3) Chain link gate with 90% forest green privacy slats.
- (4) All traffic associated with the holding yard shall use Park Place. No commercial traffic on Harmony Drive.
- (5) Entrance into the compound area to be paved from existing Park Place to the fenced area as shown on the referenced plan.
- (6) Maintain a minimum of twenty-five (25') foot vegetated buffer from property lines. In addition, no clearing north of the existing gas line.
- (7) Compliance with all regulations of County Code §23-103 for holding yards, and specifically including implementation of the screening plan within ninety (90) days."

Mr. Clark's Attorney, Jon Puvak, presented a revised site plan and conditions for the Board's consideration. The amendments included: substantial compliance with the revised schematic plan presented at the Public Hearing; changing from an 8' wooden privacy fence to a 5' chain link fence and using mesh screening instead of slats; maintain a minimum of 25' vegetated buffer on the North side of the property; and removing

the condition for the entrance into the compound area to be paved from existing Park Place to the fenced area as shown on the referenced plan.

Mr. Slaydon apologized to the Board that the revised plan was not presented prior to the Public Hearing, allowing the Board and staff time to carefully review and analyze it. He noted that the neighboring property belonging to the Berkstressers' is zoned agricultural making it a requirement that there is a 25' vegetated buffer, and with that, the plan presented by the applicant's attorney would need to be revised to reflect the 25' offset and screening. Mr. Slaydon stated that it would be staff's recommendation to allow them to review the plan and bring it back with additional information.

Chairman Hinty asked the County Attorney for a recommendation on how to proceed.

Ms. Huffman advised to open the Public Hearing to hear comments, followed by closing the Public Hearing and setting the motion over to the next meeting, or continue the Public Hearing.

Mr. Slaydon asked Mr. Puvak to clarify what had been cleared and if there remained a 25' vegetated buffer around the property line.

Mr. Puvak explained that the location of the holding yard had been cleared and was not sure if there was 25' of buffer on the property line.

Chairman Hinty asked the Board for recommendations on how they wished to proceed with this matter.

Supervisor Lyons suggested hearing Public Comments and then deciding.

Chairman Hinty opened the Public Hearing at 6:34 p.m.

Neighboring property owner Greg Obaugh shared his concern of dust coming from the gravel entry road. He proposed that the gravel up to the gate be paved.

Kelly Swink spoke in favor of the holding yard stating the need for more in the County. He stated that the proposed site is naturally screened and suggested allowing the applicant to use a chain link fence because it is sturdier and requires less maintenance.

Chairman Hinty closed the Public Hearing at 6:38 p.m.

Supervisor Higgins asked why paving is required now but not before.

Mr. Slaydon explained that this was the first time there were a right-of-way being used and that the ROW is paved.

Supervisor Higgins asked if there were any lighting requirements.

Mr. Slaydon replied that while there were no lighting requirements specifically for holding yards, all lighting would have to conform to the Outdoor lighting regulations set forth in the Land Development Regulations.

Supervisor Campbell asked if there were any gravel requirements.

Mr. Slaydon replied, not for Planning and Zoning but could be through the Erosion and Sediment Control.

Supervisor Campbell suggested bringing this back to the Board at the next meeting to review the revised plan.

Supervisor Lyons suggested a 25' buffer and 6' fence as security precaution. He stated that he would be prepared to vote on this item at this meeting.

Supervisor Lewis expressed a preference to bring it back at the next meeting.

Supervisor Higgins agreed with Supervisor Lyons for a 6' fence and move ahead during this meeting.

Applicant Robbie Clark indicated that he wished to proceed during this meeting and would agree to a 6' chain link fence with any color screening the Board preferred.

Mr. Slaydon advised that the County Code requires holding yards to be screened regardless of how the neighboring properties are zoned.

Mr. Puvak stated that the County Code references the State Code in terms of screening provisions and the State Code only applies to junk yards; therefore, making the screening requirement irrelevant in this case.

Mr. Slaydon disagreed, stating that the County Code for holding yards refers to junk yards in the State Code.

Supervisor Campbell asked what the State Code requires in regards to fencing.

Mr. Slaydon replied that State Code does not require fencing specifically; however, it does require the holding yards be screened; that could be accomplished by existing vegetation, topography, etc. He then advised that it is not fair to either staff, the Board, or the public to present revised documents just minutes before a Public Hearing and expect action to be taken.

Ms. Huffman stated that State Code does not specifically require a fence for a holding yard, however a holding yard and junk yard are defined alike - to store a wrecked and abandoned vehicles. She stated that she felt the fence requirement does apply in this case, however the screening requirements are not specifically by fencing.

Chairman Hinty suggested tabling this item until the August 13th meeting in order to provide staff with sufficient time to review and compare the plan and conditions provided in the Boards packet with the ones handed out during the meeting by the applicant's attorney. He then required that the applicant submit the revised plan and conditions to County staff no later than a week before the next Board Meeting.

Supervisor Lewis moved to table this item until August 13, 2018. A second was provided by Supervisor Higgins, and the motion carried by the unanimous roll call vote by the Board.

Ayes: Lewis, Higgins, Lyons, Campbell, Hinty
Nays: None
Absent: None
Abstain: None

Consideration of Mohawk Agreements:

Director of Community Development Sam Crickenberger briefly reviewed the Agenda Item which contained the following information: "Enclosed are two performance agreements associated with the expansion of Mohawk Industries in Glasgow. The first is the Commonwealth's Development Opportunity Fund in the amount of \$73,000 and the second is the agreement between the County, the County EDA and Mohawk totaling \$127,610. The total incentive package in \$200,610. The terms of these agreements were approved

in concept last year and we have finally reached agreement with the details. You may recall that we were competing with Mohawk's sister facilities in South Carolina and Georgia for this project which is the installation of extrusion equipment used to create the backing for their carpet tiles. This process is currently being outsourced and this project will make them a "four wall" facility meaning they will have complete control over their product. It is interesting to note that Mohawk recycles 6 billion plastic bottles a year for their carpet tiles. Based on a \$10 million investment that would net 15 jobs over a two year period, \$4 million of which would be invested in construction and \$6 million in machinery and tools, our offer breaks down as follows:

*County incentives totaling \$127,610 including:

*Machinery and Tools waiver of \$15,300 per year for five years totaling \$76,500.

*Building permit fee waiver for building and electrical work related to the new line, not to exceed \$31,110.

*Landfill fee waiver for costs related to construction of the new line, not to exceed \$20,000.

*Commonwealth of Virginia incentive of \$73,000 through the Commonwealth Development Opportunity Fund."

Supervisor Lyons asked for clarification on the Landfill rebate and if the County is entitled to make decisions, as it is no longer owned by the County.

Ms. Huffman explained that the Landfill rebate is done on a reimbursement basis.

Supervisor Higgins moved to adopt the Resolution approving the two (2) Performance Agreements. A second was provided by Supervisor Campbell, and the motion carried by the unanimous roll call vote by the Board.

Ayes: Higgins, Campbell, Lyons, Lewis, Hinty
Nays: None
Absent: None
Abstain: None

On a motion by Mr. Powell, seconded by Mr. Faulkner, the EDA unanimously adopted the same resolution.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JULY 23, 2018

Resolution to Approve a Performance Agreement Between the County of Rockbridge, Virginia, Aladdin Manufacturing Corporation, the Economic Development Authority of Rockbridge County, and the Virginia Economic Development Partnership for a Commonwealth's Development Opportunity Fund Grant in the amount of \$73,000, and to Approve a Performance Agreement Between the County of Rockbridge, Virginia, the Economic Development Authority of Rockbridge County, and Aladdin Manufacturing Corporation for a Local Grant Match of the Commonwealth's Development Opportunity Fund Grant in the amount of not less than \$73,000, and up to \$127,610, for Economic Development Purposes

WHEREAS, the County of Rockbridge, Virginia (the "County"), and the Economic Development Authority of Rockbridge County, Virginia (the "EDA"), desire to promote and encourage the economic development and vitality of the County and the Glasgow area through the recruitment of new industry and the expansion of existing business and through the creation of employment opportunities for the citizens of Rockbridge County, in order to provide for increased employment and corporate investment in the County; and,

WHEREAS, Aladdin Manufacturing Corporation, also referred to as Mohawk (the "Company") desires to support the economic development efforts of the County and the Authority, and proposes to

substantially expand its manufacturing facility in Rockbridge County, Virginia (the “Facility”), to equip, improve, expand, and operate its manufacturing facility, and to create and maintain a significant number of new jobs (hereinafter referred to as the “Project”); and,

WHEREAS, the County has been awarded a grant of and expects to receive \$73,000 from the Commonwealth’s Development Opportunity Fund (a “COF Grant”) through the Virginia Economic Development Partnership Authority (“VEDP”) for the purpose of inducing the Company to complete the Project; and,

WHEREAS, the County will match the COF Grant and provide additional assistance as set forth in the proposed Performance Agreement herein; and,

WHEREAS, the County is willing to provide the COF Grant funds and the local Grant Match funds (the “Grant Match”) to the Authority with the expectation that the Authority will provide the funds to or for the use of the Company, provided that the Company promises to meet certain criteria relating to Capital Investment and New Jobs; and,

WHEREAS, the County, the Authority, the Company and the VEDP propose to enter into the Commonwealth’s Development Opportunity Fund Performance Agreement (the “COF Performance Agreement”) dated July 24, 2018, to set forth their understanding and agreement as to the payout of the COF Grant, the use of the COF Grant proceeds, the obligations of the Company regarding Capital Investment and New Jobs, and the repayment by the Company of all or part of the COF Grant under certain circumstances, a copy of which is attached hereto as Exhibit 1; and,

WHEREAS, the County, the Authority and the Company propose to enter into a Performance Agreement (the “Local Grant Match Performance Agreement”) dated July 24, 2018, to set forth their understanding and agreement as to the payout of the COF Grant Match, the use of the Grant Match proceeds, the obligations of the Company regarding Capital Investment and New Jobs, and the repayment by the Company of all or part of the Grant Match under certain circumstances, a copy of which is attached hereto as Exhibit 2; and,

WHEREAS, the equipping, improvement, expansion, and operation of the Facility will entail a capital expenditure by or on behalf of the Company of at least \$10,000,000, of which approximately \$6,000,000 will be invested in machinery and tools and approximately \$4,000,000 will be invested in the up-fit of the building; and,

WHEREAS, the equipping, improvement, expansion, and operation of the Facility will further entail the creation and Maintenance of at least 15 New Jobs at the Facility; and,

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and New Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the COF Grant and the local COF Grant Match.

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

1. That the terms and provisions of the Commonwealth's Development Opportunity Fund Performance Agreement dated July 24, 2018, and attached hereto as Exhibit 1, between the County of Rockbridge, Virginia, Aladdin Manufacturing Corporation, the Economic Development Authority of Rockbridge County, and the Virginia Economic Development Partnership, are hereby authorized and approved.

2. That the terms and provisions of the Performance Agreement dated July 24, 2018, and attached hereto as Exhibit 2, between the County of Rockbridge, Virginia, the Economic Development Authority of Rockbridge County, and Aladdin Manufacturing Corporation, for the local COF Grant Match, are hereby authorized and approved.

3. That appropriation of the COF Grant Funds and the local COF Grant Match Funds shall be considered as provided in the Performance Agreements.

4. That the County Administrator is hereby authorized to execute the Performance Agreements approved in paragraphs 1 and 2 above, in substantial conformity to the proposed agreements herewith, and to execute such other and further documents and to take such further actions as are necessary to accomplish this transaction on behalf of the Board of Supervisors of Rockbridge County.

5. That this resolution shall be effective on and from the date of its adoption.

Adopted this 23rd day of July, 2018.

Resolution to Accept Springridge Lane into the State System:

Mr. Slaydon briefly reviewed the Agenda Item which contained the following information: "Spring Ridge Subdivision (Springridge Lane) is located on the east side of North Lee Highway (Route 11), approximately 450 feet south of the intersection with Jonestown Road (Route 707). On May 22, 2007, the subdivision plat was approved and a letter of credit in the amount of \$75,000 was posted for the road construction. In 2011, the developer of the Spring Ridge Subdivision defaulted on the project and the remaining lots were foreclosed on and sold at auction. The subdivision road was not completed. In July of 2017, the Office of Community Development drew down the letter of credit for the completion of the road work. In September of 2017, after issuing an Invitation for Bids, the contract for the required road work was awarded to the lowest bidder and the work was completed April of 2018. Since that time the Office of Community Development has worked with the Homeowner's Association on the remaining items that need to be addressed. The HOA has posted the required \$10,000 surety bond and paid the required maintenance and administrative fees."

Supervisor Campbell moved to adopt the Resolutions authorizing VDOT's acceptance of Springridge Lane. A second was provided by Supervisor Lyons, and the motion carried by the unanimous roll call vote by the Board.

Ayes: Campbell, Lyons, Lewis, Higgins, Hinty
Nays: None
Absent: None
Abstain: None

EDA Business Item:

The Economic Development Authority asked to take care of a business item pertaining to the BTI/Go Virginia/Project RAAMP in the amount of \$22,925.88. Chairman Hinty granted the request. Once the business item was taken care of, the EDA closed its meeting following unanimous vote at 7:02 p.m.

In the County of Rockbridge

By resolution of the governing body adopted July 23, 2018

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Spring Ridge

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

◆ **SpringRidge Lane, State Route Number 1065**

Old Route Number: 0

● From: Route 11

To: 0.21 miles south of Route 11, a distance of: 0.21 miles.

Recordation Reference: Plat Cab 4, Page 73

Right of Way width (feet) = 50

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
JULY 23, 2018

The Board of Supervisors of Rockbridge County, in a regular meeting on the 23rd day of July, 2018, adopted the following:

RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on a plat entitled 'Lot Line Revision & Division of Tax Parcels & Subdivision Plat for MC & NF PROPERTIES, LLC & MARK C. CLARK Showing 22 Lots for SPRING RIDGE' recorded in the Clerk's Office of the Circuit Court of Rockbridge County in Plat Cabinet 4, Slide 73; and,

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

Adopted this 23rd day of July, 2018.

Consideration of Architectural, Engineering, and Surveying RFP:

Mr. Suter briefly reviewed the Agenda Item which included the following information: "From time to time, the County engages in projects which require engineering, surveying, and to a lesser extent, architectural design services. Examples include small to mid-sized projects like grading, lot-line adjustments, etc. - some with short windows to complete. Prior to 2010, when the County had a staff engineer,

some of these design projects could be completed in-house. Since then, the County has relied on private firms to complete this work. In order to meet local and state procurement policies, work of this nature must be competitively procured. As you know, when taken on a case-by-case procurement basis, time for completing projects can be significantly extended when such professional services are purchased via an individual procurement process. An alternative to procuring each project would be to pre-qualify firms for these types of professional services, such that the County could select a firm from a list for qualifying projects. This would allow the County to be more nimble in our approach, while adhering to both the letter and intent of procurement law/policy. This process is quite common in Virginia localities. Should the Board be amenable to this proposal, staff would issue a Request for Proposals (RFP). Proposals would be reviewed for ability and experience. Those which are deemed acceptable would be added to a pre-qualified list for services and could be tapped to complete future projects without issuing separate Request for Proposals. Staff proposes a project limit of \$100,000. Any projects estimated to cost more than \$100,000 would be procured individually."

Supervisor Campbell moved to authorize staff to publish the RFP, review proposals and return to the Board with a recommended list of prequalified professional services providers. A second was provided by Supervisor Lewis, and the motion carried by the unanimous roll call vote by the Board.

Ayes: Campbell, Lewis, Lyons, Higgins, Hinty
Nays: None
Absent: None
Abstain: None

Update on Jordans Point Dam:

Chairman Hinty recognized members of the American Dams non-profit organization, City of Lexington representatives, and VMI representatives.

Mr. Suter briefly reviewed the Agenda Item which contained the following information: "As you are aware, the City of Lexington has determined to remove the Jordan's Point Dam, utilizing federal grant funding, with the project being administered by the Virginia Department of Game and Inland Fisheries (VDGIF). The City has signed an agreement with VDGIF specifying that and final decisions be made no later than August 1. In a parallel track, the U.S. Fish and Wildlife Service (USFWS) is leading a Historic Review process (entitled "section 106, from the National Historic Preservation Act). The County and other interested stakeholders were invited to participate as "consulting parties". Both the County and VMI have accepted. The County's letter of acceptance (and exhibit) is attached. The schedule of review process remains somewhat unclear at this time, but it is certain that it will not be complete by August 1.

Recently American Dams, a 501-C3, provided the City with a written offer to purchase the dam and make necessary repairs. The County's position has been and remains that the dam and pooled mill pond are both historic and valuable for our community, through contributions to tourism and recreational activities. In addition, dam removal would have adverse impacts to County residents upstream of the dam. Thus, we fully support further exploration of this or other options."

He then introduced Mark Findig and Dan Cranston of American Dams.

Mr. Cranston explained that time restraints have put pressure on everyone in making a decision on whether or not American Dams is credible to take over the dam. He stated that DCR and Game and Inland Fisheries have been involved in trying to push the City into making a decision on the dam that will be hard for citizens to stomach. He asked that the dam be preserved and even use it to create energy. Mr. Cranston added that he felt the dam could be repaired in a way that satisfies DCR.

Mr. Findig stated that he believed American Dams is capable of restoring the dam and that the estimated cost exceeded what it would truly cost to restore the dam. He stated that American Dams is willing to work with the County in any way to preserve the dam whether the County took ownership of it or American Dams.

Chairman Hinty asked Mr. Findig if, financially, American Dams could afford taking possession of the dam and its restoration, should the County accept possession of it from the City.

Mr. Suter assumed a non-disclosure would be executed.

Mr. Findig stated that their attorney is indicating that the County could not sign a disclosure due to FOIA requirements.

Supervisor Campbell asked how many members American Dams had.

Mr. Findig replied, about 25 members who are owners of dams and many volunteers who help with projects.

Supervisor Campbell asked how the non-profit received its funds.

Mr. Findig replied, through donations or private donations fundraising.

Supervisor Campbell asked how many dams he owned.

Mr. Findig replied, he himself owned 6 dams.

Supervisor Lyons asked what the plan will be should the County accept possession of the dam and American Dams finds out they cannot financially afford to repair the dam.

Mr. Cranston replied, they would then "pass-the-hat". He added that he felt very confident the repair costs are well within their means, however.

Chairman Hinty asked if the County is willing to have a dam to maintain.

Supervisor Higgins asked if the County is willing to be liable for \$190,000 to tear it down.

Supervisor Campbell stated that the County shouldn't be getting into the City's business.

Supervisor Lyons stated that VMI is willing to help with the expenses and the County needed to find out how much contribution they would be giving the County.

VMI representative COL Dallas Clark stated that VMI is considering all options.

Supervisor Lyons noted that the City currently owns the dam but the citizens of the Kerrs Creek Magisterial District are affected by the decision.

Mr. Suter suggested that perhaps a MOU could be drawn up going forward that could include all parties: the City, County, VMI, and American Dams.

Supervisor Lyons moved to authorize staff to draft an MOU of the County accepting the dam. A second was provided by Supervisor Higgins, and the motion carried by the following roll call vote by the Board.

Ayes: Lyons, Higgins, Lewis, Hinty
Nays: Campbell
Absent: None
Abstain: None

The Board agreed that the Finance Committee should review the expense owning the dam.

Consideration of School Resources Officers Grant:

This item was discussed during the 4:30 p.m. Work Session. No further discussion was necessary.

Boards and Commissions Appointments:

Consideration of Social Services Board Vacancy to fill an Unexpired Term- 4/30/2019:

Supervisor Lyons tabled this appointment until August 22nd.

Supervisor Higgins reminded the Board of prior action by Supervisor Lyons that any interested applicant attend the next Social Services Board meeting. The Board members agreed.

Consideration of Library Board Appointment:

Supervisor Lewis moved to nominate Tom Goodale to the Library Board of Directors. A second was provided by Supervisor Lyons, and the motion carried by the unanimous roll call vote by the Board.

Ayes: Lewis, Lyons, Campbell, Higgins, Hinty
Nays: None
Absent: None
Abstain: None

Regional Jail Commission:

Supervisor Hinty resigned from the Commission, citing an increase work demands preventing him from attending the meetings.

Supervisor Lyons moved to nominate County Administrator Spencer Suter to fill the unexpired term.

Supervisor Campbell asked Mr. Suter if he still believed there would be a conflict having him serve on the Jail Commission.

Mr. Suter replied, his concern has always been serving alongside a Board member; however, since Supervisor Hinty resigned, there would be no conflict.

A second was provided by Supervisor Lewis, and the motion carried by the unanimous roll call vote by the Board.

Ayes: Lyons, Lewis, Campbell, Higgins, Hinty
Nays: None
Absent: None
Abstain: None

Staff Reports:

Supervisor Campbell moved to accept the Board Reports. A second was provided by Supervisor Higgins, and the motion carried by the unanimous roll call vote by the Board.

Ayes: Campbell, Higgins, Lyons, Lewis, Hinty
Nays: None
Absent: None
Abstain: None

Board/Committee Reports:

There were none.

Added Item:

Supervisor Lewis asked to discuss travel reimbursement for the Board of Supervisors. He stated that the he and Supervisor Lyons were asked to serve on an ad hock committee to review the Board of Supervisors benefits. He moved to set a monthly amount of travel reimbursement for each Board member of \$400.

Supervisor Campbell stated he felt \$400 would be too much.

Supervisor Lyons asked that they look at last year's monthly average of travel reimbursements' for the Board of Supervisors.

Supervisor Campbell stated that, if mileage is not justified, it is not right to receive reimbursement.

Supervisor Higgins agreed that a monthly amount would be easier than filling out so much paperwork. He asked that the Board come up with a set amount.

Supervisor Lewis agreed with Supervisor Higgins in that he felt documenting each travel in detail takes up too much staff time.

The motion by Supervisor Lewis was withdrawn after a second was not provided.

Mr. Bolster indicated that he would need to look into whether or not the set fee would be taxable.

Adjourn:

On a motion by Supervisor Higgins, seconded by Supervisor Lyons, the Board meeting was adjourned at 8:02 p.m. by unanimous roll call vote by the Board.

Ayes: Higgins, Lyons, Campbell, Lewis, Hinty
Nays: None
Absent: None
Abstain: None