

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 MONDAY, AUGUST 13, 2018 AT 5:30 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

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**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.

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.

Sharon Pecoraro of the Walkers Creek Magisterial District shared her continued concern about Verizon looking to build a cell phone tower behind her house on her neighbor's property. She reminded the Board of their May

29<sup>th</sup> meeting where she provided details on the monopole and shared pictures of what it would look like. Ms. Pecoraro provided the Board with updated images of what the tower would look like behind her property. She shared her concern about the impact it will have on property values in her neighborhood, aside from being an eyesore. Ms. Pecoraro explained that since BARC is already installing high speed internet lines for her neighborhood, additional options from other companies are unnecessary. All of her concerns and requests were included in a letter she provided to the Board.

Don Henke and Gretchen Sukow of the Walkers Creek Magisterial District invited the Board to a climate change presentation hosted by 50 Ways Rockbridge on September 8<sup>th</sup> from 9:00 a.m. until 12:00 p.m. Ms. Sukow, Chairperson for the Environmental Committee of 50 Ways Rockbridge, advised the Board that Mr. Henke had lectured on the subject throughout Virginia over 20 times within the past 5 years. She provided the Board with a letter of invitation and details of the event. She noted that this would be a private event, not open to the public.

Supervisor Lyons questioned whether or not it would be considered a meeting if more than two (2) Board members attended the presentation.

Chairman Hinty suggested that only two (2) members attend.

Candace Berry of the South River Magisterial District spoke of her desire to serve on the Social Services Board. She advised that the State had the authority to remove any of the current members serving on the Social Services Board, leaving vacancies at their next meeting on August 22<sup>nd</sup>. Ms. Berry explained that she is a practicing, licensed professional councilor and has provided mental health services to children and families

for about 20 years. She stated that she has worked closely with Social Services in the foster care and child protective services divisions.

John Young of the Walkers Creek Magisterial District voiced agreement with Ms. Pecoraro's concerns regarding the Verizon monopole being proposed in the subdivision on Ridge Road.

Mary Harvey-Halseth of the City of Lexington read a letter containing the following information: "As I am sure you are aware, the contract between the localities and our SPCA has not been reviewed nor updated since December 1992 to reflect current needs of the community. In the ensuing 26 years, a large and growing movement of animal advocacy has taken root in our area. Our wish is to support the local contracted SPCA in its endeavors to reduce its kill rate to at or below 20%. The hard work exhibited by the SPCA in 2017 in reducing its overall rate to 17% has been remarkable and we congratulate them on these numbers. We have seen that the staff, the Board, and the volunteers at the SPCA have embraced the life-saving techniques to make these numbers possible and we wish to support and continue such great advances in shelter care. The separate localities were approached in May and June of 2016 requesting review of the existing contract. We feel that 26 months is a long enough time to produce such a document. We ask today that the contract be renewed and presented to the public for review, with no more delay, with the goal of ensuring assistance to the SPCA in continuing to improve its euthanasia rate."

**Items to be added to the Agenda:**

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

Supervisor Lyons asked for an update on the SPCA and Regional Library Agreements.

Supervisor Higgins asked to discuss telecommunications towers.

**Approval of the July 23, 2018 Minutes:**

Supervisor Campbell moved to approve the July 23, 2018 Board of Supervisors meeting Minutes. 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

**County Financial Package:**

Fiscal Service Director Steven Bolster reviewed his Monthly Memorandum which included the FY 2018 Tax Report from the Treasurer.

County Treasurer Betty Trovato presented the FY 2018 Tax Report and provided a delinquent tax book to Mr. Bolster.

Mr. Bolster advised that there weren't any appropriations at this time. He recommended approval to pay the bills.

Supervisor Lyons moved to pay the bills. A second was provided by Supervisor Campbell, and the motion carried by unanimous roll call vote by the Board.

Ayes: Lyons, Campbell, 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 COUNTY ADMINISTRATIVE BUILDING,  
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,  
ON MONDAY, AUGUST 13, 2018 AT 5:30 P.M.

On motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the Board, by record vote, approved the payment of bills for the month as follows:

**Current County**

|                                 |                    |
|---------------------------------|--------------------|
| 11 - General Fund               | \$552,627.91       |
| 94 - Central Stores             | \$6,418.82         |
| 372 - Construction Project Fund | \$133,783.39       |
| 376 - Capital Purchases Fund    | <u>\$37,981.50</u> |

**Total County Bills** **\$730,811.62**

**Current Fiscal Agent**

|                             |                 |
|-----------------------------|-----------------|
| 80 - Regional Jail          | \$103,206.82    |
| 710 - Communications Center | <u>\$178.29</u> |

**Total Fiscal Agent** **\$103,385.11**

**TOTAL ALL BILLS** **\$834,196.73**

**School Resource Officers Discussion:**

County Administrator Spencer Super briefly reviewed the Agenda Item which contained the following information: "At its July 23 work session, the Board received information on two grant possibilities. The first, a federal COPS grant, was limited to training and equipment supporting school safety. Unfortunately and given the short application window, we were unable to take advantage of that grant. However, we anticipate another round in the future. The second grant involves state funding and is intended for school resource officers (SROs) and/or school security officers (SSOs). The grant application must come from the locality (Rockbridge County) and grant would cover approximately 55% of the first year salary and benefits for new SROs/SSOs. Future grant funding may be available but is not guaranteed. The discussion centered on SROs for the County's elementary schools. Subdiscussion included:

- Number of SROs (two or four)
- Whether they would be full time or part time
- Whether they would be assigned cars
- The timeframe associated with hiring and training new SROs (the first opportunity for academy training in is January).

The Board asked the Superintendent Thompson and Sheriff Blalock to bring back a recommendation, which is attached hereto. Dr. Thompson also provided an overview of the grant:

- The application must come from the local government.
- The application due August 24th
- Priority will be given to localities that are requesting positions for middle and high schools.
- SROs must be assigned to one school
- Funding is for 12 months beginning Oct. 1, 2018
- There is no guarantee of continued funding. There could be another round if funds are available.
- Request may be for SRO or SSO:
  - o SRO employee of local law enforcement and assigned to one school
    - For SRO- request may be for a salary and benefits up to \$70,000, but this includes a local match equal to our Local Composite Index of .4498. We have to show the local cash match for the salary and the benefits. May only ask for funds for salary and benefits. Must have a MOU with sheriff's dept. which should already be in place
  - o SSO employee of local school board -may be full time or part time.

- For a SSO—maximum request is for a salary of \$35,000, including local match.

- The application must include an itemized budget; budget narrative; project narrative; needs assessment; project description; goals and objectives; MOU, certification SRO training; and sustainment plan.

If you would like to see more detailed information on the grant, please go to: <http://www.dcjs.virginia.gov/grants/programs/fall-2018-2019-school-resource-officer-school-security-officer-incentive-grant>

The School Division will complete the grant documents for the County to submit. Should the Board support the recommendation, you would need to approve on Monday night, in order to meet the application deadline of August 24. As a reminder, there is no funding currently budgeted for this purpose. The Board would need to identify fund source(s) for FY2019 and beyond to support this initiative. Superintendent Thompson and Sheriff Blalock plan to be in attendance Monday evening to discuss the recommendation / request."

Dr. Thompson explained that the School division would like to have four (4) SROs but that two (2) would be great. He stated that, because of the distance from the Fairfield and Natural Bridge Elementary Schools and town, they would plan to place one of the officers at each school.

Supervisor Lewis stated that he could see the breakdown on the salaries and benefits using grant funding, and asked where the information was on vehicles.

Sheriff Blalock replied, the grant only covers salaries and benefits, and any equipment or vehicles would be at the County's expense.

Supervisor Lewis then asked if used County vehicles were still an option to reduce the overall expense.

Sheriff Blalock confirmed that this would be possible.

Supervisor Higgins asked if the positions would be full time or part time.

Sheriff Blalock stated that the grant does not allow for part time.

Mr. Suter added that part time positions are only allowed for School Security Officers.

Supervisor Higgins asked for clarification of the request at this time.

Sheriff Blalock stated that two full time School Resource Officers are being requested. He added that the cost figures shown are maximum amounts allowed for by the grant. He noted that the actual costs may be lower, depending on the experience and qualifications of applicants.

Supervisor Lyons asked for clarification on where the in-kind local match amount of \$62,970 to fill both positions will come from.

Dr. Thompson stated that the School Division is expecting grant reimbursements in the amount of around \$100,000. He noted that they may receive the full amount, a lesser amount, or none at all. He suggested that, should the grant not cover the \$62,970, the Board look at using the Schools escrow account funds to assist. Dr. Thompson indicated that, should funds from the escrow account be utilized for this purpose, he intended to replenish the funds used by grant funding.

Supervisor Campbell asked when they would know for sure if they were approved for the grant.

Sheriff Blalock replied, around October. He noted that the Sheriff's Department may already have employees certified to fill one of the positions and the other would need to be hired prior to the January 2019 academy.

Supervisor Lyons asked if the certification for the two positions would be for SRO only or the same as the law officials.

Sheriff Blalock replied he would prefer that the officers be fully certified. He stated that the SRO training would be in the fall.

Supervisor Lyons stated that the current SRO's are much appreciated and do a great job.

Sheriff Blalock stated that the grant application is generally complete and only asks for two positions.

Supervisor Lyons asked if the School Board had already approved the grant application.

Dr. Thompson replied, it is on the Agenda for tomorrow's meeting.

Chairman Hinty agreed with the placement of the one of the SROs at Natural Bridge Elementary School after review of the calls to that school in the past.

Supervisor Campbell agreed with Dr. Thompson that he would like to see one SRO in each of the County's schools. He reminded the Board that the grant would only be for one year and that the County will have to fund the two positions on its own next year.

Supervisor Higgins shared his support of the positions. He stated that, if just one child can lean on the officer for help, the money to fill the positions would be worth it.

Supervisor Lyons shared his support of school safety and asked that the School Board prioritize its fund usage now and in the future.

Supervisor Higgins suggested a motion to approve the recommendation pending the School Board's approval the following night.

Chairman Hinty agreed with the comments adding that the Board will work with the School Board the following year to try to find funding for the positions.

Supervisor Lyons shared his concern about the Board of Supervisors continuously using funds from the Schools escrow account for reasons other than what the money is intended for.

Supervisor Higgins agreed with Supervisor Lyons, noting that there is a provision for using the funds for "emergency" situations such as this.

Supervisor Lewis stated that the escrow account funds are supposed to be assigned for capital improvements. He added that the Boards need to come up with a better plan in assigning funds for capital improvements, aside from its other needs.

Supervisor Campbell stated that he understood that the School's request is to use funds that were set aside for something else, but the issue at hand regarding security in the schools is very important. He added that it appears the Schools are willing to use the funds set aside for a different purpose for something they really want. Supervisor Campbell stated that he would like to see the School Board approve such use of their escrow funds at its meeting the following evening. He suggested that the motion be that the Board of Supervisors supports the idea of two (2) School Resource Officers, with the Schools using capital improvement funds this year to pay for the balance of the grant.

Supervisor Higgins provided a second to the motion made by Supervisor Campbell.

Supervisor Lyons noted that the School Superintendent offered to replenish the funds in the escrow account using grant funding.

Chairman Hinty shared his opinion that safety is needed and the Board could work with the Schools during the upcoming budget season to find ways to fund the safety positions.

Supervisor Higgins suggested moving the officers around to all the schools to be proactive for the upcoming year.

Sheriff Blalock replied that the grant requires that the schools where the officers are to be stationed be identified.

Supervisor Lyons noted that the positions would receive salary; however, they will not be needed when schools are not operating. He suggested that those officers report to the Sheriff's Department during the times schools are not operating and that the Sheriff's budget share the salary.

Supervisor Lewis asked that the Board be reminded that, in the upcoming budget year, we cannot continue to look at the escrow account funds to cover the salaries.

Mr. Suter reiterated that unless additional grant funds were realized, the County would have to fully fund both positions next year, totaling around \$140,000.

Supervisor Lyons stated he didn't think the Board was committing to next year. He stated that some people, believe it or not, are not in favor of resource officers. He added that this would be a trial.

Supervisor Lewis stated it would change the entire thing if not committing to these officers from now on.

Chairman Hinty asked if the same grant could be applied for every year.

Sheriff Blalock replied that we could apply, but it is not guaranteed funding.

Chairman Hinty stated that this would be a good way to see how these positions fit into the schools safety plans.

Supervisor Lyons clarified what his understanding was of the motion on the floor: Following the School Board's approval to submit the grant application, the School Board is requesting that the grant be approved by the Board of Supervisors. He continued, like any other year, the schools will submit a budget and prioritize what they want, and if this is something they want to continue, it will be part of their budget request.

Chairman Hinty noted that the Sheriff's department will need to submit a request for its side of the funding also.

The motion on the floor was presented by Supervisor Campbell, and seconded by Supervisor Higgins. It carried by the following roll call vote by the Board:

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

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

**Continued from 7/23/2018:**

Chairman Hinty advised that the Public Hearing on this matter was held during the July 23<sup>rd</sup> meeting.

Assistant Director of Community Development Chris Slaydon briefly reviewed the following information: "At the last meeting the Board had requested the Clark's revise the plan and resubmit for tonight's discussion. The plan was revised and has been included in your package and on Board Doc's. County Staff reviewed the revised plan and proposed conditions and found some deficiencies.

- 1) The August 6<sup>th</sup> conditions did not have the green mesh screening on all four sides. This would have been problematic on the north side (Reveley Property). This has been revised to have all four sides screened.
- 2) The August 6<sup>th</sup> condition proposed a 5' chain link with 1' of barb wire. Staff feels that a 5' fence would not properly screen most vehicles. At the July 23<sup>rd</sup> meeting, there was some discussion on a 6' fence. Staff would recommend a minimum of a 6' fence.
- 3) The August 6<sup>th</sup> conditions specified that LC would be planted between the holding yard and the property to the southeast (Berkstresser Tract). This condition has been revised to reflect that LC are to be planted in the area that was cleared. This condition was also revised from a single row to a double staggered row. Staff feels that a staggered row provides a better buffer."

Mr. Slaydon then read aloud the proposed Conditions:

- (1) Substantial Compliance with schematic plan titled Fence Plan for Robert E. Clark and Dawn H. Clark revised July 25, 2018.
- (2) The proposed screening from Route 11 will be accomplished by the proposed location of the holding yard and proposed fence screen. The perimeter of the holding yard shall be fenced with a 6' chain link fence. The fence shall be lined with green mesh screening providing a minimum of

98% blockage for privacy. The mesh and fencing screening shall be maintained in good condition.

(3) Chain link gate with green mesh screening with a minimum of 98% blockage for privacy.

(4) Applicant shall maintain a 25 foot buffer along the entire property line between the subject parcel and the adjoining agricultural property located to the south east (Tax Map #62-5-1). In the area where significant portions of the existing vegetation have been removed, the 25 foot buffer shall be screened using a staggered double row of 3' (minimum height) Leyland Cypress trees, feathered into the remaining vegetation at approximately 10' spacing. Landscaping shall be maintained in healthy condition.

(5) All traffic associated with the holding yard shall use Park Place. No commercial traffic on Harmony Drive.

(6) The interior surface of the holding yard shall be gravel.

(7) All towed vehicles must be held within the fenced area as shown on the schematic plan.

(8) There shall be no clearing of vegetation north of the existing gas line easement.

(9) Any grading of the property shall be completed in compliance with all County regulations.

(10) Compliance with all regulations of County Code §23-103 for holding yards, and specifically including implementation of the screening plan within ninety (90) days.

Supervisor Lyons stated that he had visited the site on three (3) occasions to review. He advised that the Clark's had met him on site over

the weekend and showed him the markings of where the trees would be planted. Supervisor Lyons did note however that the double-row of Leyland Cypress trees will be planted up to the point of current woodlands. He stated that it would be a good site for this type of business.

Supervisor Lyons moved to adopt the Ordinance presented.

Chairman Hinty advised that he too had visited the site and agreed with Supervisor Lyons.

A second to Supervisor Lyons' motion 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,  
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE  
OFFICES ON MONDAY, AUGUST 13, 2018

**Ordinance to Grant a Special Exception Permit to East Lexington Towing, LLC, to Operate an Automobile Holding Yard in the General Business District (B-1) on a Parcel of Land Owned By Robert E. Clark and Dawn H. Clark (Tax Map No. 62-5-1D1) Located at the End of Park Place Off of Route 11 North, in the South River Magisterial District**

WHEREAS, East Lexington Towing, LLC, has filed an application for a special exception permit to operate an automobile holding yard in the General Business District (B-1) located at the end of Park Place, off of the east side of North Lee Highway adjacent to the Go Cart track (Tax Map #62-5-1D1) in the South River Magisterial District of Rockbridge County; and,

WHEREAS, the Planning Commission held a public hearing on this matter on July 11, 2018, and recommended approval with the conditions in Exhibit A attached hereto; 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 July 23, 2018, and has set the matter over for continued discussion and consideration on August 13, 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 East Lexington Towing, LLC, to operate an automobile holding yard, pursuant to Section 23-103 of the Rockbridge County Code and Section 605.03-16 of the Land Development Regulations, in the General Business District (B-1), on property owned by Robert E. Clark and Dawn H. Clark, identified on the Rockbridge County Land Records as Tax Map No. 62-5-1D1, located at the end of Park Place off of the east side of North Lee Highway, in the South River Magisterial District, 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 13<sup>th</sup> day of August, 2018.

**EXHIBIT A**  
**SPECIAL EXCEPTION PERMIT CONDITIONS**  
**East Lexington Towing, LLC**  
**TM# 62-5-1D1**

- (1) Substantial Compliance with schematic plan titled Fence Plan for Robert E. Clark and Dawn H. Clark revised July 25, 2018.
- (2) The proposed screening from Route 11 will be accomplished by the proposed location of the holding yard and proposed fence screen. The perimeter of the holding yard shall be fenced with a 6' chain link fence. The fence shall be lined with green mesh screening providing a minimum of 98% blockage for privacy. The mesh and fencing screening shall be maintained in good condition.
- (3) Chain link gate with green mesh screening with a minimum of 98% blockage for privacy.
- (4) Applicant shall maintain a 25 foot buffer along the entire property line between the subject parcel and

the adjoining agricultural property located to the south east (Tax Map #62-5-1). In the area where significant portions of the existing vegetation have been removed, the 25 foot buffer shall be screened using a staggered double row of 3' (minimum height) Leyland Cypress trees, feathered into the remaining vegetation at approximately 10' spacing. Landscaping shall be maintained in healthy condition.

- (5) All traffic associated with the holding yard shall use Park Place. No commercial traffic on Harmony Drive.
- (6) The interior surface of the holding yard shall be gravel.
- (7) All towed vehicles must be held within the fenced area as shown on the schematic plan.
- (8) There shall be no clearing of vegetation north of the existing gas line easement.
- (9) Any grading of the property shall be completed in compliance with all County regulations.
- (10) Compliance with all regulations of County Code §23-103 for holding yards, and specifically including implementation of the screening plan within ninety (90) days.

#### **Update on Jordans Point Dam:**

Mr. Suter briefly reviewed the Agenda Item which contained the following information: "At its last regular meeting on July 23<sup>rd</sup>, the Board heard a presentation from American Dams, the entity which had previously offered to buy the Jordan's Point Dam (the dam) from the City of Lexington. As you are aware, the previous Thursday (July 19<sup>th</sup>), City Council agreed to a special meeting on Saturday July 28<sup>th</sup> in order to make a final decision on disposition of the dam prior to the August 1 deadline contained in its dam-removal agreement with the Virginia Department of Game and Inland Fisheries (DGIF). After discussion on the 23<sup>rd</sup>, the Board voted to authorize staff to draft a MOU for the County to take possession of the dam. Later in the week the County received word from the Department of Conservation and Recreation (DCR) that the deadline would be extended. The City received the same information from DGIF. Subsequently, Mayor Frank Friedman cancelled the specially-called City Council meeting. Chairman Hinty appointed an ad hoc Board committee

comprised of Supervisors Lyons and Lewis, with whom I have been working to develop a path forward. On Friday, August 3<sup>rd</sup>, I learned that the extension of the DGIF deadline is approximately 60 days (thus, October 1). On Tuesday, August 7<sup>th</sup>, Supervisor Lyons and I met with American Dams members Mark Fendig, Dan Cranston and Executive Director Wayne Dyok, who had travelled here from his home in California. Also in attendance was VMI's COL Dale Brown. In the meeting we discussed the schedule and steps moving ahead. Due diligence study of American Dams is also underway. Agreed upon milestones:

1) Progress meetings (telephonic.- Spencer to coordinate) Target - 5:30

PM EST

- Tues. August 21<sup>st</sup>

- Tues. Sept. 4<sup>th</sup>

2) September 14 - Engineer's Study and cost estimate delivered to County for further distribution.

3) September 21 (all actions below dependent on outcome of engineer's study)

a. Inundation Study complete

b. Rockbridge County / American Dams MOU draft complete

If all actions above are successfully performed and it is agreed and the Board of Supervisors is satisfied with the outcome, a proposed MOU with the City of Lexington will need to be submitted to the City for consideration. Additionally, DCR would need to review and approve the engineer's study (timeframe is unknown at this point).

A proposed meeting with stakeholders has not yet been confirmed (City/County/DCR/DGIF/VMI)."

Chairman Hinty thanked those who served on the ad-hock committee.

Mr. Suter noted that DCR has submitted a request to the City of Lexington a requirement for a \$3M bond should they divest themselves from the dam. He added that DCR based the amount on the old engineering study.

Supervisor Lewis asked if the amount of the bond required would decrease if the new engineering study is not as high as the old one.

Mr. Suter replied, it could be discussed.

### Consideration to Set Monthly Travel Reimbursement for the Board of

#### Supervisors:

Supervisor Lewis shared that, pursuant to Board discussion, and further discussion and information, would like to set the monthly reimbursement at \$250.

Supervisor Campbell shared that, for the last 7 years, he has been willing to take any committee assignment that the Board asked him to do because he realized that most of the Board members had jobs. He mentioned the prior meeting where Chairman Hinty stepped down from a committee due to his job. He stated that he (Supervisor Campbell) probably travels more than anybody else in one single month; however, he uses a very simple method. He puts the committee meeting in his phone on the calendar and tracks mileage. If he has to go to two meetings he ignores the second one, so as to not nickel and dime tax payer dollars. He does not find that there is a problem to sit down twice a year in June and January to fill out the mileage reimbursement forms using the calendar in his phone. He stated that it was said at the last Board meeting that it is too hard to keep track of everything. However, he personally believes what is about to

be done would put members in a tax liability status and in addition, it would be unfair to him.

Supervisor Lyons asked that the wording be changed to "the Supervisors may request up to that amount a month if they see fit." He determined that he would not to be bothered by it because by the time you pay your taxes on it is more trouble than it is worth. However, if any other member is on board and wants to request the allowance, then they should go for it and try to document it, so they do not have to pay those taxes.

Supervisor Higgins asked, if it is a car allowance, do you have to keep documentation of it like reimbursements? He stated that his understanding was that a car allowance differs from reimbursement.

Ms. Huffman replied, reimbursement is direct reimbursement for mileage accounted for whereas car allowance is a specified amount per month which can also be accounted for the same way by tracking your mileage for the county and accountability for income taxes. She added that, if you have the taxes taken out of the monthly allowance as you go along, then you do not have to do the accounting.

Supervisor Lewis stated that part of the goal in making this change is to save staff time.

Supervisor Campbell stated that one of the things we should do is to set guidelines for how to request the reimbursements - what it's for - if left in place. If not, the Board needs to look at everyone's committee assignments and everyone get an equal number of monthly assignments.

Supervisor Lyons clarified that to mean everyone who accepts the stipends.

Supervisor Higgins asked Supervisor Lewis if his motion was to receive an "allowance" and not reimbursement.

Supervisor Lewis replied yes. He added that he serves on committees also, but didn't know how it would always be possible to have equal assignments.

Supervisor Higgins stated that he had only turned in one ticket (reimbursement) and that was when he went to a Supervisors training in Richmond when first elected. He agreed that, for future Board members, something good be put into place is an allowance. He added that sometimes it is hard to keep up with tracking destinations. He stated that he did not have a problem calling it an allowance instead of reimbursement.

Mr. Suter noted that the current travel line in the Board's budget includes \$6,500. He explained that, should each member take advantage of the allowance, the budget line for the Board's travel would need an annual total of at least \$15,000, which would be an increase of \$8,500. He added that the Board would need to appropriate the additional \$8,500, should all members take the allowance and it be retroactive to July 1.

Supervisor Lewis clarified that the allowance would not be all new expenditures because they would be submitting travel reimbursements close to that amount anyway.

Mr. Suter noted that the line was intended was cover all travel costs including food, lodging and mileage, and the budgeted amount of \$6,500 was based on prior years' expenditures.

Supervisor Higgins then provided the second.

Supervisor Lyons clarified that this would be optional.

Ms. Huffman stated that she did not believe the motion was amended to specify that it would be optional.

Supervisor Lewis stated he did not see a problem with that because the mileage reimbursement function has been optional to some extent, they have either chosen it or not chosen it. He stated he did not see any changes to the inherent part and had no problem amending his motion. He asked if he should withdraw his motion and make a new one.

Ms. Huffman replied, the person who provided the second has also agreed and so it was fine.

The motion carried by the following roll call vote by the Board:

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

**Consideration of BZA Appointment- Joseph Clemmer's Term Expires**

**September 26, 2018:**

Supervisor Higgins recommended the reappointment of Joseph Clemmer to the BZA, subject to the Judge's final approval. Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

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

**Monthly Staff Reports:**

Supervisor Lewis moved to accept the reports. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

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

**Added Items:**

**Pending Agreements:**

Supervisor Lyons asked for an update on the SPCA Agreement and the Regional Library Agreement, both being revised.

Mr. Suter briefly noted that Lexington City and County staff have been working on the SPCA Agreement for a long time. He described that staff had met with SPCA staff on several occasions and thought they had come to agreement. The agreement received back from the SPCA was not what City and County staff had understood to be agreed upon. Thus another round of meetings are planned with the SPCA. He stated that Lexington and County staff are in agreement about what should be contained in the final document.

Mr. Suter advised that the review of the SPCA Agreement had been going on for over two (2) years. It has been a back and forth kind of thing. We have worked with City Managers and mainly working with the City of Lexington right now. Have had two (2) meetings this past month with Josh Elrod, Lexington's Attorney. Have gone back and forth at staff level with an agreement. The Agreement is not what we considered comfortable bring forth to the Board of Council and at the same time the SPCA is going

back to their Board. What happened was, we thought some things were worked out and then got an agreement back that did not reflect what we thought was determined. Would like to take one more shot at this and take it back to staff again. Want to be comfortable bringing back to the Board and Councils.

County Attorney Vickie Huffman advised that she had previously reported to the Board an update following her review of the Regional Library Agreement. She advised that several of the provisions requested are in violation of State Code.

**Cell Towers:**

Supervisor Higgins asked that staff research how many towers the County currently has and where additional towers would be beneficial.

Mr. Suter advised that the County has an on-call consultant who reviews all applications for towers. He noted that one of the services he provides is the overall review of the locality to see where there are gaps in coverage exist. Mr. Suter explained that there is no funding in the current budget for such services.

Supervisor Higgins asked if the consultant could speak with BARC to see if there were a system that could be incorporated with our system for connection of service, to avoid adding a tower.

Mr. Suter advised that the County's GIS department has provided a rough estimate providing a 4-mile radius of cell coverage.

Mr. Crickenberger advised that the Telecommunications Act does not allow a locality to ask a company, such as BARC, about its business decisions. He noted that, any proposed tower construction would need a

special exception permit, where approval by the Board would be required. Mr. Crickenberger advised that the County's consultant plans to attend the upcoming Planning Commission meeting to discuss how small tower deployment will fall under the current regulations. He added that the current telecommunications ordinance will need to be amended to comply with new law.

Supervisor Higgins asked if there are laws in place where the County is guaranteed space on any tower deployed within its locality.

Mr. Crickenberger replied that the County would have take a number just like everyone else who wants to go on it. There are location requirements based on the height of the tower.

Mr. Suter stated that the problem with reserving that right is they will want to know what height and what kind of equipment you want on it.

Supervisor Higgins requested that a discussion on telecommunication towers be added to the upcoming work session.

**Continued Meeting:**

At 6:57 p.m., Chairman Hinty continued the meeting until Tuesday, August 14<sup>th</sup> at 5:30 p.m. for a presentation by the Rockbridge Area Health Center to be held at Kendall.

Ultimately, due to lack of a quorum, the meeting did not reconvene at Kendall.