

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, AUGUST 27, 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
ABSENT: 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.

Cellular Telephone Coverage Discussion:

County Administrator Spencer Suter briefly reviewed the Agenda Item which contained the following information: "At its last regular meeting on July 13, the Board directed staff to schedule a work session to discuss cellular phone service coverage in the County. More specifically, it was staff's impression that the Board wished to determine where cellular coverage is lacking, and how the County could go about correcting deficiencies. In July, at the request of Supervisor Lewis, I contacted the County's contracted cellular consultant, Atlantic Technologies, Inc. to make a similar inquiry. As a result, I received the attached proposal. For the sake of discussion, I have also attached a basic coverage map generated by the Office of Community Development. Please note that this is general in nature (3 mile radius from all cell towers), and is not a true propagation map."

George Condyles with Atlantic Technologies provided an overview of the map showing Rockbridge County towers within a three mile buffer.

Assistant Director of Community Development Chris Slaydon noted that one (1) tower was missing from the map. It was the Fancy Hill site.

Mr. Condyles described his capability to study the County and provide options for filling in the gaps of wireless cell and data coverage in Rockbridge County, similar to what he did for Bedford County. He provided handouts to the Board showing what he had done for Bedford.

Supervisor Campbell asked if the FCC gives frequencies with towers.

Mr. Condyles replied, unlicensed frequencies.

Supervisor Campbell asked if the towers would assist with the new radio system.

Mr. Condyles replied, new towers would not assist the 911 Center. He added that it would assist with cell phone coverage.

Supervisor Campbell asked if it were true that, according to federal regulations, the County has very little say over tower placements/replacements.

Mr. Condyles stated that the local government is able to create ordinances for guidelines on towers that the Planning Commission would review followed by the Board of Supervisors.

Mr. Suter showed Sharon Pecoraro's property on the map. Ms. Pecoraro had previously shared her concern about Verizon seeking to build a new tower behind her house when data service was already being provided to her door by BARC.

Mr. Condyles advised that one of the congested areas as far as coverage is in the Raphine interchange, where truck drivers want good service to watch TV and use the internet.

Supervisor Higgins asked if counties are restricted from telling some companies where they can put up smaller towers. He noted that there are citizens in low population areas in the county who would like to have better service; however due to the slim number of users, companies do not want to add structures there.

Mr. Condyles advised that unlicensed can put up short, unlicensed poles.

Supervisor Campbell asked Mr. Condyles what his plan would give to the County in areas such as Brownsburg.

Mr. Condyles replied - adding more coverage.

Chairman Hinty closed the Work Session at 5:10 p.m.

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 27, 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
ABSENT: A.J. "JAY" LEWIS, II.

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

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Hinty called the meeting to order at 5:31 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.

Mark Reed of the City of Lexington shared his support of the appointments of Candace Berry and Cheryl Nester to the Social Services Board.

Items to be added to the Agenda:

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

Supervisor Campbell added a discussion at the end of the meeting regarding Board member travel reimbursement / vehicle allowance options.

Approval of the August 13, 2018 Minutes:

Supervisor Lyons moved to approve the August 13, 2018 Board of Supervisors meeting Minutes. A second was provided by Supervisor Campbell, and the motion carried by the following roll call vote by the Board:

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

School Appropriation Resolution:

Fiscal Service Director Steven Bolster reviewed School's Appropriation Resolution and recommended approval as presented.

Supervisor Campbell moved to approve the School's Appropriation Resolution. Supervisor Higgins provided the second, and the motion carried by the following roll call vote by the Board:

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

Consideration of Burn Building Usage and Maintenance Agreement:

Mr. Suter briefly reviewed the Agenda Item which contained the following information: "As you may recall, the County won a Virginia Department of Fire Programs grant in the amount of \$445,204 to renovate/construct a new firefighter training/burn building on property

owned by City of Buena Vista. Essentially, it would fully renovate and rejuvenate the currently unutilized training center, which was constructed in the 1980's off Vista Links Drive in Buena Vista. In order to memorialize ongoing responsibilities with regard to record keeping, administration and maintenance, we need to enter into a usage agreement with the City of Buena Vista and the Rockbridge County Firefighters Association (RCFFA). The attached draft agreement spells out such responsibilities. Given the fact that the County has the capacity (with staff and geographic accessibility), to manage the center, the agreement calls for the County to provide daily oversight, with the RCFFA providing maintenance funding. As the owner of the property, Buena Vista is party to the agreement and would provide maintenance of the grounds. The agreement has been agreed to in concept by both Buena Vista and the RCFFA. At time of agenda posting on 8/23/18, Buena Vista is conducting a final review. Thus there is potential for some minor changes to the attached agreement. If there is any change, staff will provide the revision to the Board at its meeting on Monday night. The previously-presented award letter and grant program agreement are also attached. As previously discussed, this project would rejuvenate the old facility and significantly improve our ability to train firefighters." He then recommended the Board authorize him to enter into the use agreement with Buena Vista and the Rockbridge County Firefighters Association.

County Attorney Vickie Huffman added that the City of Buena Vista would maintain insurance on the property.

Supervisor Lyons moved to approve the recommendation. Supervisor Campbell provided the second, and the motion carried by the following roll call vote by the Board:

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

Consideration to Join Class Action Lawsuit Seeking Recovery of Federal

PILT Funding:

Mr. Suter briefly reviewed the Agenda Item which contained the following information: "Annually, the County receives formula-based funding from the Federal government intended to partially replace taxes which would have been generated through private ownership of federal lands - principally in Rockbridge, National Forest. The program was created under the PILT Act, which stands for "Payment in Lieu of Taxes." As a result of economic downturn, the federal government began reducing the amount of funding (sequestration) in 2015. Since that time, localities have only received approximately 92 - 93% of the funds that are due under the Act. Recently, a class action suit has been filed, which covers all underpaid U.S. localities, for the years 2015-2017. Virginia localities have been offered the option to join the suit. So far 31 counties have signed on (listing attached). Director of Fiscal Services Steve Bolster's calculation of payment shortfall to Rockbridge is listed below.

FY	Estimated PILT due	Collected	Estimated Shortfall
2017	\$112,489	\$104,615	\$7,824
2016	\$116,266	\$108,127	\$8,138
2015	\$96,110	\$89,382	\$6,728
	Estimated Total		\$22,690

However, please understand that this is not the amount that the County would receive. In addition to the fact that there may be a different calculation of the total owed (perhaps as low as \$3,000), the legal firm(s) handling the case may receive up to 33.2% of any funds awarded, in addition to other legal costs. Our other option would be to file on our own, County Attorney Vickie Huffman and I agree that the costs would outweigh the benefit. A copy of the invitation to the suit is attached." He recommended opting into the class action lawsuit."

Supervisor Higgins asked the County Attorney if filing would put a lot of work on her.

Ms. Huffman responded, not really.

Supervisor Campbell moved to approve the recommendation. Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

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

Consideration of Compensation increase for Public Service Authority Board

Members:

Chairman Hinty, as an appointee on the Public Service Authority, abstained from voting, discussion, or participation.

Vice Chairman Higgins presided.

Mr. Suter explained that the PSA had requested that the Board consider and increase in compensation for PSA Board members, and that as the Board had formed the PSA, it would need to approve any increases. He

noted that any increase in funding would come from the PSA's budget and not the County's.

Director of the PSA Melissa Alexander explained that the PSA Board Members currently receive \$50 for Board Members and \$65 for the Chair per meeting, and are requesting \$125 for Board Members and \$165 for the Chair for regular meetings, and \$65 for called meetings.

Vice Chairman Higgins asked if the PSA is aware that the compensation would be taxable.

Ms. Alexander replied, yes.

Supervisor Lyons stated it appeared to be a 250% increase.

Vice Chairman Higgins agreed with compensating volunteer Board members to some extent and asked if maybe they had been underpaid for a while.

Supervisor Campbell stated it is a big jump all at once.

The request for a compensation increase for PSA Board members died due to a lack of a motion.

Update on Jordans Point Dam:

Mr. Suter briefly reviewed the Agenda Item which contained the following information: "At its last regular meeting on August 13, I provided the Board with a brief update on Jordans Point Dam. At that time I presented the following schedule:

1) Progress meetings

- Tues. August 21st
- Tues. Sept. 4th

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

In accordance with the schedule, I, Supervisors Lyons and Lewis, VMI's COL Dale Brown and American Dams representatives met via teleconference on August 21 to ascertain progress.

Structural Analysis- American Dams has retained Kleinschmidt and Associates <http://www.kleinschmidtgroup.com/> to complete the structural analysis of the dam. They have provided the engineers with all known information. Preliminary analysis based on this information is expected by 8/24, with more detailed analysis to follow.

Dam Break Analysis - It is not yet clear if Kleinschmidt will be able to complete this task, based on timeframe and availability of staffing. AD is working on options. Data gathering is currently underway. The County has provided summary and detailed FEMA FIRM map data to American Dams, as well as underwater topography data.

Agreements - Should the structural analysis show feasibility of economical and safe repair, an agreement would need to be drafted with American Dams. Similarly, and depending on successful construction of such an agreement, the County would need to negotiate an agreement with the City of Lexington to transfer ownership. In the meantime, DGIF has notified Lexington that it is moving ahead with a hard deadline of October 1. The notification

letter is attached. The deadline is based on a US Fish and Wildlife grant, with the requirement that funds be obligated in the current federal fiscal year."

There was no discussion.

Boards and Commissions Appointments:

RANA Appointment- Ronnie Campbell's Term Expires 9/3/2018:

Supervisor Higgins moved to nominate Ronnie Campbell for reappointment to the RANA Board. Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

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

PSA Appointment- David Hinty, Jr.'s Term Expires 10/14/2018:

Supervisor Higgins moved to nominate David Hinty, Jr. for reappointment to the PSA Board. Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

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

Social Services Board Appointments- Three (3) vacancies:

Supervisor Higgins nominated Torben Pedersen. Supervisor Campbell nominated Candace Berry. Supervisor Lyons nominated Michelle Watkins.

Supervisor Lyons moved to second the slate of appointees, and the motion carried by the following roll call vote by the Board:

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

Supervisor Campbell commended the three Social Services Board Members who resigned from the Board, sharing that one person's mistake affected everyone on the Board, that led to mistreatment of the Board members. He wished to thank them for the time they served on the Board. Supervisors Hinty and Higgins agreed.

Added Item(s):

Board of Supervisors Travel Reimbursement/ Vehicle Allowance options:

Supervisor Campbell asked for further discussion on travel reimbursement for the Board Members.

Chairman Hinty asked if the Board would like to add a discussion on the next Board Agenda, as Supervisor Lewis was absent.

Supervisor Higgins suggested going ahead with a discussion, as the motion by the Board during the previous meeting was unclear.

Supervisor Higgins moved that Board Members have the option to: (1) accept a \$250 monthly vehicle allowance, (2) continue to submit travel reimbursement forms, or (3) opt out of receiving any form of stipend for travel if the member so chooses.

Chairman Hinty noted that the \$250 monthly vehicle allowance would be taxable and that the effective date would be August 1st.

Supervisor Campbell provided the second, and the motion carried by the following roll call vote:

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

Adjourn:

Supervisor Lyons moved to adjourn at 5:59 p.m. Supervisor Higgins provided the second, and the motion carried by the following roll call vote:

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