

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, SEPTEMBER 10, 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

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.

Prayer and Pledge:

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

Recognitions and Presentations:

Recognition of Fire Captain Kevin Moore for Emergency Management Certification:

Fire Chief Nathan Ramsey recognized Captain Kevin Moore for receiving the National Emergency Management Basic Academy certification. He explained that Captain Moore participated in a total of 176 hours of training in the following categories:

- .Emergency Operations Center Operation
- .Foundations of Emergency Management
- .Science of Disasters
- .Planning Emergency Operations
- .Homeland Security Evaluation Exercise Program
- .Public Information and Warning

Chairman Hinty commended Captain Moore for his efforts.

Emergency Preparedness Month Proclamation:

Supervisor Lewis read aloud the following Proclamation:

PROCLAMATION BY THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS EXPRESSING THE IMPORTANCE OF EMERGENCY PREPAREDNESS

WHEREAS, The President of the United States traditionally designates the month of September as Disaster Preparedness Month; and,

WHEREAS, the Virginia Department of Emergency Management (VDEM) provides safety information and preparedness techniques for Virginians; and,

WHEREAS, families and individuals throughout Virginia are encouraged to join these efforts so that they are better prepared to meet the challenges that may occur when disaster strikes; and,

WHEREAS, the Commonwealth of Virginia, in conjunction with VDEM, continues to work toward a strong and viable culture of preparedness throughout state and local government, colleges and universities, the private sector, and families; and,

WHEREAS, National Preparedness Month is an opportunity to encourage Americans to take the necessary steps to prepare for any and all emergencies in their homes, businesses, and communities.

NOW, THEREFORE, the Rockbridge County Board of Supervisors recognize the month of September as National Preparedness Month, during which all of our residents should join in the efforts, making our community better prepared for any disaster that may arise.

Adopted this 10th day of September, 2018.

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

AYES: Lewis, Lyons, Campbell, Higgins, Hinty

NAYES: None

ABSENT: None

ABSTAIN: None

Citizens Comments:

Joey Jones of the South River Magisterial District spoke in regard to Electronic Message Centers. He asked the Board to consider allowing non-profit organizations such as churches to use electronic message centers as a means to share church announcements and safety messages. He stated that it is safer for the elderly members of churches to sit inside and make changes to the electronic message board as opposed to making manual changes each week.

Items to be added to the Agenda:

Supervisor Campbell added a discussion pertaining to the closure of the Montvale tank farm.

Supervisor Higgins asked to add authorization for a closed meeting at the Boards September 24th meeting regarding a personnel request.

Chairman Hinty added a discussion about an article in the Roanoke Times regarding Tourism.

Approval of the August 27, 2018 Minutes:

Supervisor Lyons moved to approve the August 27, 2018 minutes. Supervisor Campbell provided the second, and the motion carried by the following roll call vote:

AYES: Lyons, Campbell, Lewis, Higgins, Hinty

NAYES: None

ABSENT: None

ABSTAIN: None

Approval of the County's Appropriation Resolution and Payment of Bills:

Finance Director Steven Bolster reviewed his memorandum:

Section I - Commissioner of the Revenue

Activities for Month:

1. Continue reconciliation of delinquent business tax report.
2. Working audit of Schedule Cs, meals, lodging and business license taxes to ensure compliance.
3. Working DMV report for August 2018.
4. Presented Personal Property tax book to Treasurer on August 27th.
5. Assisting taxpayers with 2018 personal property bills.
6. Land use re-validations packaged and will be mailed on September 14th.

Section II - Treasurer

Activities for Month:

1. Sent letters out on June 22, 2018 on severely delinquent real estate with due date of September 14, 2018.
2. Third quarter estimated income due September 15, 2018.
3. Auditors scheduled on site September 17th through the 19th for final fieldwork.
4. The 2018 Personal Property tax bills were sent out on August 31st - due date October 5, 2018.
5. Decree of sale held August 31st; all judicial sale parcels were approved by the judge.

6. There are a total of 11 judicial & non-judicial parcels currently on the list for auction to be held on Friday October 19, 2018 at 11:00 AM.

Section III - Director of Fiscal Services

Information Items:

- 1. Procurement update
- 2. FY 2019 financial update."

Mr. Bolster then presented the County's Appropriation Resolution shown below and recommended approval as presented.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
 VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING,
 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
 ON MONDAY, SEPTEMBER 10, 2018 AT 5:30 P.M.

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

APPROPRIATION RESOLUTION

GENERAL FUND:

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:

4-11-32020-3010 Rescue Sq Assist Fund Grant.....	\$33,090.00
4-11-81090-5623 Cont-Horse Center Debt-Lodging Tax...	\$151,350.00
Total General Fund Appropriations	\$184,440.00

CONSTRUCTION PROJECT FUND:

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:

4-372-94326-8001-001 911 Center - Lomax..... \$60,170.00
Total Construction Project Fund Appropriations \$60,170.00

Total Appropriations \$244,610.00

Current County

11 - General Fund \$1,649,490.21
94 - Central Stores \$7,060.50
372 - Construction Project Fund \$236,959.86
376 - Capital Purchases Fund \$3,793.43

Total County Bills \$1,897,304.00

Current Fiscal Agent

80 - Regional Jail \$150,949.61
241 - E-Summons Fees \$3,676.03
710 - Communications Center \$2,172.68
721 - Comm Atty Forfeiture Fund \$2,093.08

Total Fiscal Agent \$158,891.40

TOTAL ALL BILLS \$2,056,195.40

Review of Annual Report from the Central Shenandoah Planning District Commission (CSPDC):

County Administrator Spencer Suter introduced Bonnie Reidisel, Executive Director of the Central Shenandoah Planning District Commission who presented a power point presentation detailing information on past and current projects which impact the County. These included: development and submission of VDOT SMARTSCALE projects, grant application assistance with GoVirginia (resulting in award for the Byers Technical Institute); the ongoing, regional Fields of Gold agritourism program; regional Wildfire Protection Plan; Greenhouse Village (Habitat for Humanity) program project management; and a nearly-complete regional (Rockbridge/Lexington/Buena Vista) Emergency Operations Plan.

Spencer Eavers, Fields of Gold Coordinator, presented a short video showing stories from members of the Fields of Gold program.

Chairman Hinty thanked the Ms. Reidisel and Ms. Eavers for their efforts and presentations.

Consideration of License for the South River Volunteer Fire Department to use the Tractor Pull Facility at the Virginia Horse Center:

County Administrator Spencer Suter briefly reviewed the Agenda Item containing the following information:

"You may recall that in 2017, the South River Volunteer Fire Department utilized the Virginia Horse Center tractor pull facilities off Alphin Lane, to hold a tractor pull as a fund raiser. This followed years of the same usage by the Farm Bureau. On September 5, I received notice that the SRVFD has scheduled an event for Saturday, September 16th. Recall that earlier in the year, the County executed a long term lease of the tractor pull area for potential private construction of athletic fields. As the Lessee, the County needs to provide a license for activities on the property. The VHC must also agree to the usage, per the lease. Additionally, the County needs to be named as an additional-insured entity on SRVFD's insurance policy." He then noted that the County is expecting significant rainfall during the time of this event. He added that, if postponed, it appeared October 20th would be the new date for the event and that the insurance policy would be changed accordingly.

Chairman Hinty asked if there is a license fee.

Mr. Suter replied, no.

Supervisor Campbell moved to authorize staff to execute the license agreement for the listed date, or if necessary, for the alternative dates in October. Supervisor Higgins provided the second, and the motion carried by the following roll call vote:

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

Mr. Suter advised that this was a last minute addition to the Agenda and shared his appreciation to the County Attorney for her efforts in preparing the agreement in such a short notice.

Consideration of A&E Proposals:

Mr. Suter briefly reviewed the Agenda Item containing 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. At its regular, July 23rd meeting, the Board authorized staff to issue an RFP for such services (attached). A total of 20 proposals were received. Using the evaluation criteria in the RFP, a staff team consisting of Spencer Suter, Sam Crickenberger, Kenny Wilson and Tracy Shafer ranked the proposals, and recommends awarding to the top-ranked 11 firms, which include:

Morton Thomas & Associates	Balzer & Associates, Inc.
Civil Consulting Group, P.C.	Draper Aden Associates
Engineering Concepts	Frazier Associates
Hurt & Proffitt	Lineage Architects
Perkins & Orrison	Spectrum Design
WW Associates	

Evaluation criteria included:

- 1. The ability, capacity, skill, reputation and experience of the firm and assigned personnel to provide the services required.*
- 2. Experience of the firm and assigned personnel working together on similar projects in Virginia, with an emphasis on experience in Rockbridge County.*
- 3. The ability of the firm to complete the work efficiently.*
- 4. Demonstrated capacity to meet time schedules.*
- 5. References pertaining to similar projects in which the Offeror has provided like requirements within the last ten years including contact person, telephone number and services provided.*
- 6. Overall strength of proposal submitted by firm in specifically understanding and addressing the County's needs and objectives as expressed in the RFP.*
- 7. Any other relevant information offered or discovered during the evaluation process."*

Per request by Chairman Hinty, Mr. Suter read aloud each of the 11 firms.

Supervisor Higgins moved to authorize staff to execute agreements with each of the 11 firms. Supervisor Campbell provided the second, and the motion carried by the following roll call vote:

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

Electronic Message Center Discussion:

Mr. Suter briefly reviewed the Agenda Item which included the following information:

"Over the past several months, the BOS/School Board Executive Committee has discussed a request from the School Division to allow public schools to utilize on-site Electronic Message Centers (EMCs). EMCs are essentially digital signs, which allow administrators to quickly and easily change messages for public information purposes. Currently, County Land Development Regulations (LDRs) only allow such signs in special districts and at volunteer Fire/EMS buildings. The initial goal would be to add such a sign at Rockbridge County High School, to alert parents/guardians and the general public of upcoming events and other important messages. They could also be utilized to provide public information during emergencies. The Executive Committee supports this request. Should the Board agree in concept, the process would be as follows:

- 1) Refer the proposal to the Planning Commission with the request for consideration and recommendation through standard process (either for, against, or with amendments).
- 2) Receive and consider the Planning Commission's recommendation at a future BOS meeting.
- 3) If a change to the LDR is subsequently desired, direct staff to advertise for public hearing."

Chairman Hinty asked if an electronic message center could be used to direct citizens to an emergency shelter in the event of an emergency.

Supervisor Higgins asked what the Board thought about allowing churches to use electronic message centers.

Supervisor Campbell stated that Mr. Jones raised a compelling argument during citizen's comment as to why churches should be allowed to use electronic message centers.

Chairman Hinty shared that there is a business in his district that has asked to use an electronic message center.

Supervisor Higgins asked Mr. Crickenberger and Mr. Slaydon why this had not been done in the past.

Mr. Crickenberger advised that this had been brought up for a number of years and the TCO felt electronic message centers are inconsistent with the design characteristics of the corridor and that they have expressed a desire to continue maintain the current aesthetics of the corridor. He added that the Raphine interchange was unique and different than the corridors throughout the County and therefore were allowed electronic centers in that specific overlay zone because of the trucking community in that area. Mr. Crickenberger indicated that the fire departments were allowed electronic message centers after one of the departments illegally

placed one at its facility and then applied for the amendment. He noted that only one fire department uses an electronic message center and that no other fire department has shared interest in using one. He agreed that if schools are allowed to use EMC's, then churches and businesses will follow.

Chairman Hinty shared his appreciation that the County is one of few which does not have electronic message signs all over the place. He shared his agreement with keeping the county unique. As for schools, he noted that the High School is not sitting in the corridor and therefore the sign would not be sitting along Route 11.

Supervisor Higgins agreed that the County is special in the fact that EMCs are not prevalent.

Mr. Crickenberger added that there are state requirements controlling what an how messages can be displayed. He used the examples of how often the messages can be displayed, color restrictions, and scrolling limitations. He noted that it is nearly impossible to monitor all signs for compliance.

Supervisor Higgins asked if there are options of using a temporary sign at the high school for emergency situations only.

Mr. Crickenberger replied that the County could work with VDOT for a portable sign in the event of an emergency.

Supervisor Lyons shared his concern about signs being distracting and noted that a VDOT sign in the Rt. 11 cooridor northeast of Lexington was actually advertising job vacancies. He suggested leaving things the way they are.

Supervisor Campbell suggested either allowing EMC's at schools and churches or leave as is.

Chairman Hinty agreed that it would be best to place this item on hold.

Mr. Crickenberger asked that if the Board wished to proceed at a later date to let him know and he would involve the TCO.

No action or recommendation was made.

Update on Jordans Point Dam:

Mr. Suter briefly reviewed the Agenda Item which contained the following information:

"At the Board's last two regular meetings, I provided a brief report on Jordan's Point Dam, to include the schedule below:

- 1) Progress meetings
 - Tues. August 21st - *Complete*
 - Tues. Sept. 4th - *Complete*

- 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

On September 4th, I, Supervisors Lyons and Lewis, VMI's COL Dale Brown and Brigadier General Dallas Clark, and American Dams (AD) representatives Wayne Dyok and Mark Fendig met via teleconference to ascertain progress.

Structural Analysis - Kleinschmidt and Associates

<http://www.kleinschmidtgroupp.com/> has delivered a draft report to AD. According to AD, study somewhat conflicts with the original, 2007 engineer's report on the dam. The final report will be stamped by a Virginia-licensed engineer and they are working to have additional review by a local engineer experienced with the dam. It is expected that the final report will be delivered on or about September 11 (hopefully ahead of the original target of September 15).

Dam Break Analysis - Mr. Dyok noted that the information provided by the County (topo, etc.) was quite helpful and that volume calculations were underway.

He also reported on his conversation with DCR's Rob VanLier. He noted that Mr. VanLier wanted all the information at the same time (structural and inundation). Mr. Dyok reported that the structural study could impact additional studies, so he would prefer to send the structural first, so that DCR could assess.

Section 106 Historic Resources Study

Comments are all in to USFWS. Mr. Dyok reported that typically, there is an individual response to comments, and that the final report would include any amendments if deemed appropriate/warranted.

Environmental Assessment

VMI's comments have been submitted. County comments are being drafted. There was discussion concerning the timing of the comment period relative to the DGIF deadline. The comment period ends on 9/28 and the DGIF deadline has been listed as 10/1. It is unclear at this point how and if any comments could be reviewed and addressed in the short time window.

Agreements

- American Dams - Target remains 9/21
- City of Lexington (Would be informed by any agreement with American Dams).

Mr. Dyok noted that he would be in the Lexington area on 9/18 and 9/20 and offered to attend City Council meeting or perhaps a joint meeting with Council and the Board of Supervisors.

List of Key Dates:

- 9/10 - BOS Meeting
- 9/15 - Structural report complete
- 9/18 - 8/20 - W. Dyok in the area
- 9/20 - Lexington City Council Meeting
- 9/21 - Dam break study complete (if ultimately required)
- 9/21 - Draft agreement with AD
- 9/24 - BOS Meeting
- 9/28 - EA comments due
- 9/?? - Potential for Lex Council to have a final, called meeting to decide?
- 9/30 - Drop dead date for DGIF"

There was no discussion.

Consideration of Short Term Rental Registry Ordinance:

County Attorney Vickie Huffman briefly reviewed the Agenda Item containing the following information:

"The 2017 Virginia General Assembly enacted Va. Code §15.2-983, allowing localities to require providers of transient rental services (through platforms such as Airbnb and VRBO) to register with the locality. The requirement to register is independent of the requirement to comply with other laws, such as zoning, building code, health department regulations, and payment of taxes. A proposed Ordinance to implement the short term rental registry is attached for the Board's consideration. The registration requirement is solely to require providers of transient rental services to identify themselves. Once registered, the Commissioner of the Revenue, the Zoning Administrator, and the Building Official can address tax, zoning, and building code issues, if any. County officials cannot address matters with unknown short term rental operators. A simple registration form (draft attached) will be made available in the Commissioner of the Revenue's office, and the departments of Community Development and Building, as well as on the County Website. Although a fee to defray costs of administration is permissible, no charge is recommended at this time, to further encourage compliance. The proposed Ordinance provides for the maximum penalty of \$500.00 for each failure to register violation, with each day of continuing offer or rental without registration constituting a separate offense. In addition, an operator may be prohibited from continuing to engage in short-term rentals upon two (2) or more violations for failure to register, or for three (3) or more violations of other Code provisions." Ms. Huffman noted that the Commissioner of the Revenue had graciously agreed to administer the ordinance should it be adopted."

Supervisor Higgins asked if rentals had to have certain requirements pertaining to fire alarms and other inspections.

Ms. Huffman replied, she believed the Building Department inspects such properties if 5 bedrooms or more rooms are rented.

Supervisor Lewis moved to schedule a Public Hearing on this matter for September 24, 2018. Supervisor Higgins provided the second, and the motion carried by the following roll call vote:

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

Monthly Staff Reports:

Supervisor Campbell moved to accept the Staff Reports. Supervisor Lyons provided the second, and the motion carried by the following roll call vote:

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

Items added to the Agenda:

Closed Meeting:

Supervisor Higgins added a closed meeting to the September 24, 2018 Agenda.

Montvale Tank Farm Closure:

Supervisor Campbell shared his concern about the closure of a Montvale tank farm in Bedford on September 30th. He shared his concern about this closure causing a serious economic impact in the community by increasing fuel and gas prices. He asked that a letter be sent to Richmond and Washington that the Board opposes its closure due to its impact on citizens.

Mr. Suter advised that the planned closure is the result of lack of private funds to repair the existing pipeline.

Supervisor Campbell shared his concern about safety hazards of using a trucking system to haul such fuels. Using the pipeline, he noted, keeps trucks from having to haul the fuels on our roadways.

Mr. Suter agreed to draft a letter of opposition from the Chairman of the Board on behalf of the Board of Supervisors.

Tourism Article:

Chairman Hinty asked for discussion and clarification on an article published in the Roanoke Times regarding tourism's emergency funds being used to increase marketing for Lexington. He noted that this was construed as an expenditure with the intent to help the Red Hen's

business.

Supervisor Campbell stated that the article produced false information and listed his personal contact information, which he did not approve. He stated that the Red Hen was brought up during a recent joint meeting of the Tourism Board and Lexington City Council. For background, he noted that last year, the Tourism office had invested in a program to assist in tracking tourism activities, to ultimately aid in marketing. He stated that an attendee at the meeting had asked if the program could assist in tracking impacts from issues such as the recent Red Hen Event.

Lexington City Manager Noah Simon advised that the City had released information on its website showing its revenue during the period of time the Red Hen event took place and its aftermath. He shared that there was a small increase of around a 1.4% in revenues. He added that the Tourism Board's initiative is to highlight, promote, and market the entire region and its assets to boost the overall economy.

Supervisor Campbell added that the Tourism Board is not paying any business for its loss and that if that ever occurred he would remove himself from the Tourism Board.

Lexington City Council Member Chuck Smith shared that he had served on the Tourism Board for years and one thing he has learned from Tourism Director Jean Clark is that you have to "fish where the fish are." He added that the money being spent is to find out where the fish are in order to bring them in.

Supervisor Higgins added that Labor Day weekend was one of the best weeks the Natural Bridge State Park has ever seen in terms of sales.

Supervisor Campbell added that the total number of visitors thus far this year at the Natural Bridge is unbelievable. He then added that the County is very privileged to have the Natural Bridge State Park.

Continued Meeting:

At 6:55 P.M., Chairman Hinty continued this meeting until Monday, September 17, 2018 at 5:30 p.m. at Waddell Elementary School in Lexington, Virginia for a presentation by a private legal firm regarding a class action opioid lawsuit.

The meeting was rescheduled.