

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON TUESDAY, NOVEMBER 13, 2018 AT 5:30 P.M.

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

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

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

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

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 items to be added to the Agenda. There were none.

Approval of the October 22, 2018 Minutes:

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

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

County Financial Package:

County Administrator Spencer Suter presented the County Financial Package in Finance Director Steven Bolster's absence. Mr. Suter briefly reviewed the memorandum which included the following information:

"Section I - Commissioner of the Revenue

Activities for Month:

1. Working land use revalidations as well as applications for 2019.
2. Working DMV report on new titles to enter into personal property tax rolls.
3. Completed Public Service Corporation Tax Book and Mineral Books to present to Treasurer for billing (October); booked @ \$1,391,118 and \$2,048 respectively.

4. Preparing the CY 2019 tax forms: tax-relief applications, business personal property, business licenses, short term rental and meals/lodging tax forms.

Section II - Treasurer

Activities for Month:

1. Mailed 2nd half of Real Estate taxes; booked @ \$9,153,298; due on or before Wednesday, December 5, 2018.

2. Continuing work on delinquent notifications for Personal Property.

3. Debt-Set-Off collections continue this FY; \$2,487.94 associated with 25 filings

4. CY 2019 Dog Tags started sale on November 1st and are due on or before January 31, 2019."

Mr. Suter then briefly reviewed the Revenues verses Expenditures Chart followed by the County's Appropriation Resolution. He noted that expenditures and most revenues were tracking above the pace of prior years. He called attention to several items which were driving up YTD expenditures above prior-year levels, including the RCPS energy savings project and increased jail and CSA costs. He noted that for an unknown reason, the Commonwealth had withheld sales tax revenues for the month, creating an unanticipated gap in revenues and expenditures. Supervisor Lyons pointed out that the revenues would be realized within the budget year and Mr. Suter affirmed.

Supervisor Lyons moved to approve the Appropriation Resolution. Supervisor Higgins provided the second, and the motion carried by the

following 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 COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON TUESDAY, NOVEMBER 13, 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:

4-11-32020-3501 Reimb-Fire Depts & Rescue Squads.....	\$2,650.00
4-11-99010-6791 Transfer to Capital Purchases Fund.....	<u>\$5,995.00</u>
Total General Fund Appropriations	\$8,645.00

CAPITAL PURCHASES 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 **CAPITAL PURCHASES FUND** and expended as follows:

4-376-95441-8001-004 Tire Balancing Machine, New.....	<u>\$5,995.00</u>
Total Construction Project Fund Appropriations	\$5,995.00

Total Appropriations	\$14,640.00
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Current County

11 - General Fund	\$540,046.05
94 - Central Stores	\$8,517.26
372 - Construction Project Fund	\$28,414.18
376 - Capital Purchases Fund	<u>\$6,861.12</u>

Total County Bills	\$583,838.61
Current Fiscal Agent	
80 - Regional Jail	\$173,456.91
241 - E-Summons Fees	<u>\$1,685.27</u>
Total Fiscal Agent	\$175,142.18
TOTAL ALL BILLS	\$758,980.79

Chairman Hinty reorganized items on the Agenda.

Consideration of PSA Board Compensation Increases:

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

"At its regular meeting on August 23rd, the Board considered a request by the Public Service Authority to increase PSA Board member compensation. After discussion, the Board declined to take action at that time." Mr. Suter and County Attorney Vickie Huffman advised that the proposed resolution included in the Board's packet was missing some information and clarified that the that the request from the PSA is for:

(1) \$110 per board meeting per member; (2) \$150 per meeting for the Chairman; and, (3) \$50 for additional called of committee meetings.

PSA Board Member Joe Sokolowski briefly reviewed the Board Member Compensation History handout provided in the Board Packets. He advised that the increase would come from the PSA's budget.

Supervisor Higgins moved to adopt the resolution as amended to state the PSA's request of: \$110 per board meeting per member; \$150 per meeting for the Chairman; and, \$50 for additional called of committee meetings. A second was provided by Supervisor Lewis, and the motion carried by the

following roll call vote by the Board:

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

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

Resolution To Set Compensation Rates for Appointed Members of the Board of Directors for the Rockbridge County Public Service Authority

WHEREAS, pursuant to Section 15.2-5113 of the Code of Virginia (1950, as amended), the Rockbridge County Public Service Authority (PSA) board member compensation is fixed by resolution of the Rockbridge County Board of Supervisors; and,

WHEREAS, the Board of Supervisors desire to authorize an increase in the compensation of the PSA board of directors.

NOW, THEREFORE, be it RESOLVED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. Compensation rates for members of the PSA Board of Directors are:
 - a. Board Meeting Compensation. Each director shall be compensated in the amount of \$110.00 per PSA Board meeting attended. The Chairman of the PSA Board of Directors shall be compensated in the amount of \$150.00 per PSA Board meeting attended.
 - b. Called and Committee Meeting Compensation. The Board Member Compensation rate shall be \$50.00 for any additional called meeting or committee meeting.
 - c. Mileage Compensation. Mileage reimbursement for official business shall be based on Internal Revenue Service rates current at the time the mileage was incurred.
2. That this Resolution shall be effective on and from the date of its adoption.

Adopted this 13th day of November, 2018.

Consideration to Further Engage Coffman and Canoles, PC in Study of Opioid

Impacts:

Ms. Huffman briefly reviewed the Agenda Item which included the following information:

"Kaufman & Canoles (working in conjunction with Sanford Heisler Sharp, LLP) has offered to represent the County of Rockbridge regarding the potential for recovery of increased costs for services in the County due to opioid use/abuse. On November 29, 2018, representatives of each firm made a presentation on this subject to interested parties at a meeting hosted by the City of Lexington. The City has since determined to move forward with the evaluation phase. As alleged in previously filed cases on behalf of other localities, there are several theories of recovery against the pharmaceutical manufacturers, distributors and health benefits managers, focusing on the defendants' knowledge of the highly addictive nature of opioids and the targeting of use by consumers despite that knowledge. In many areas, the opioid crisis has contributed to increased costs for services, such as law enforcement, jails, courts, social services, mental health services, health care costs or health care premiums for employees, and EMS responses. The initial evaluation phase would involve an in-depth analysis of the County's costs attributable to opioid use/abuse, and the firms would provide that information and a recommendation back to the Board. If the Board decides to proceed beyond the evaluation phase, the Kaufman & Canoles team would represent the County in a case to be filed against the designated defendants. There is

no cost to the County unless and until the County agrees to proceed beyond the evaluation phase.”

Supervisor Lewis shared his uncertainty to proceed with the first firm to show interest in representing the County when there was another firm who showed interest. He shared his thought that the County should explore all options before making its selection.

Ms. Huffman explained that the Board could forego the proposed resolution in order to review the other firm’s offer, which was received several months after that of Kaufman & Canoles. During discussion, she confirmed that, should the Board wish to proceed with Kaufman & Canoles after receiving the information from the discovery phase of the project, it would need to commit to staying with Kaufman and Canoles.

Supervisor Campbell advised that it would be hard for the County to deny the proposed firm because the City of Lexington already approved to move ahead with the evaluation process. He shared a concern about item number thirteen (13) in the Retainer Agreement, which stated that the County would be liable for attorney’s fees if there is no award or recovery. He asked that it be removed. Supervisor Lyons and Ms. Huffman clarified that the Code of Virginia requires that provision to remain.

Supervisors Higgins and Lyons discuss that proceeding with a lawsuit would not fix the opioid problem, it would only make money for the law firm, and maybe very little for the County.

Supervisor Lyons stated that he did not believe there was an opioid issue in Rockbridge County.

Supervisor Lewis suggested that the County pick whether or not they want to proceed with the evaluation phase, then select the firm they want to represent the County.

Supervisor Campbell restated that the evaluation phase would not put the County at any financial risk.

Supervisor Campbell asked Tom Bundy of the South River Magisterial District, as an attorney, to share his opinion.

Mr. Bundy stated that, should the suit be successful, it might serve to help reduce the overall opioid problem but providing the named defendants with an incentive to stop distribution of the drugs.

Supervisor Campbell thanked Mr. Bundy for making a valid point.

Supervisor Lyons indicated that, should the evaluation phase be conducted, it could prove that the County does not have an opioid problem, making the County even more attractive to families.

Supervisor Lewis noted that the Board had not heard a presentation from the second firm.

In response to a request from Supervisor Higgins, Ms. Huffman confirmed that there would be no cost to the County during the evaluation phase.

Supervisor Lyons moved to proceed with the contract with Kaufman & Canoles to conduct the evaluation phase. Supervisor Higgins provided the second stating that there would be no cost to the County for this phase, and the motion carried by the following roll call vote by the Board:

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

Additional Consideration of Electronic Message Centers for Schools:

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

"At its regular meeting on September 10th, the Board discussed the potential to consider allowing on-site Electronic Message Centers (EMCs) at public schools in the County. This was as the result of a request from the School Division and subsequent recommendation from the BOS/School Board Executive Committee. 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 Board did not take action on the request. Chairman Hinty has requested that the discussion be revisited, with the goal of alerting parents/guardians and the general public of upcoming events and other important messages. The signs could also be utilized to provide public information during emergencies. The proposed LDR amendment is attached. 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."

Supervisor Campbell reminded the Board that during previous discussion at a Board Meeting, a citizen requested that churches be allowed to have electronic message centers, also.

Supervisor Lewis stated his opinion that the Board should consider the request for an electronic message center at the high school because it was a request from the School Board.

Supervisor Higgins agreed with Supervisor Campbell's comment adding that he believed it would be hard to accept the request for the schools but not for churches.

(Someone brought up costs of the signs)

Chairman Hinty agreed with the high school being allowed to have one electronic message center on Greenhouse Road, not Route 11, and not just for emergencies, but to advertise for sports and other activities.

Supervisor Lewis suggested allowing this process to run through the Planning Commission even if the Board is uncertain.

Mr. Suter explained that, should the Board wish to limit the ordinance to only one school, staff would need to do more research to determine if a Special Exception Permit may be a better option.

Chairman Hinty asked the Board members if they would suggest tabling this item for a month to provide staff with time to discuss the options of just one school having the electronic message center and the costs associated with the electronic message center to include future repairs.

Supervisor Campbell stated that the Board should represent its citizens and further look into allowing churches to be included.

Supervisor Lyons stated that he did not care to table this item and did not need any additional time to gather more information as suggested.

Supervisor Higgins agreed that there is not enough information to convince him to move forward with the request.

Ms. Huffman indicated that the Board could decline taking any action on this item for 12 months.

Supervisor Lyons moved to decline taking any action on this item for 12 months. A second was provided by Supervisor Campbell, and the motion carried by the following roll call vote by the Board:

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

Consideration of Policy for Selection of Firms for Projects Under Open

Ended A&E Contract:

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

"At its regular meeting on September 10th, the approved contracting with 11 architectural, engineering and/or surveying firms for open-ended services. Contracts have been delivered to all qualifying firms. In order to comply with state procurement code, a policy to determine selection of firms (for specific projects/tasks) within that group must also be adopted." He then reviewed the criteria listed in the proposed resolution.

Supervisor Lyons asked if each firm would be weighted equally.

Mr. Suter advised that it would be project and site specific. He used an example of a second phase of a project being awarded to a firm who had successfully completed the first phase, noting that it would likely make sense to have them finish out the project.

Ms. Huffman noted that in cases where two or more firms were deemed to have equal abilities to complete a project, the original rankings could be used to make a selection.

Supervisor Lyons moved to adopt the proposed resolution shown below. Supervisor Campbell provided the second, 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 ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, NOVEMBER 13, 2018

RESOLUTION TO ADOPT A POLICY TO GUIDE SELECTION OF PREQUALIFIED ARCHITECTURAL, ENGINEERING AND SURVEYING FIRMS FOR SPECIFIC PROJECTS

WHEREAS, Section § 2.2-4303.1 of the Code of Virginia (1950, as amended) (Chapter 43 being the Virginia Public Procurement Act) allows for competitive negotiations for term contracts for professional services relating to construction projects that may result in awards to more than one offeror under certain conditions; and,

WHEREAS, these conditions are (1) the Request for Proposal so states and (2) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term; and,

WHEREAS, in accordance with the Code, Rockbridge County has solicited, evaluated and ranked contractor proposals for Architectural, Engineering and Surveying services.

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

Rockbridge County shall evaluate selected contractors based on the criteria below and, thereby, choose a contracted firm for a particular project.

- (1) Expertise and experience commensurate to the project.
- (2) Order of ranking from initial proposals.
- (3) Current work load or agreements in effect in Rockbridge County.
- (4) Prior work on the same or previous phase of the project.
- (5) Unique qualifications or developed processes for the project.
- (6) If known, current workload on projects other than in Rockbridge County.
- (7) Past performance on similar projects in Rockbridge County.
- (8) Prices and fees as negotiated during the contractor selection process; provided,

however, that competition among the selected contractors based on price shall be prohibited.

For each project, the scope, schedule, deliverables and fees will be negotiated with the selected provider to a result suitable to Rockbridge County.

This Resolution shall be effective as of October 1, 2018.

Adopted this _____ day of November, 2018.

Boards and Commissions Appointments:

Planning Commission- Mike Stolarz Resigned- Term will Expire

11/13/2022:

Chairman Hinty advised that Mike Stolarz resigned from the Planning Commission due to increased job responsibilities of running a new business.

Supervisor Higgins nominated David Whitmore to the Planning Commission effective January 1, 2019. Supervisor Lyons provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Monthly Staff Reports:

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

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

Adjournment:

Supervisor Higgins moved to adjourn at 6:28 p.m. A second was provided by Supervisor Lewis, and the motion carried by unanimous roll call vote by the Board.

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