

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, JANUARY 28, 2019 AT 4:30 P.M.

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BOARD MEMBERS PRESENT: A.J. "JAY" LEWIS, II.  
DANIEL E. LYONS  
DAVID W. HINTY, JR.  
JOHN M. HIGGINS  
R. W. DAY

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

COUNTY ATTORNEY: VICKIE L. HUFFMAN

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CALLED TO ORDER:

Chairman Lewis called the Work Session to order at 4:34 p.m.

**Consideration of Employee Recognition Program:**

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

"In recent years, the Board has made significant efforts to show appreciation for staff's efforts. Recently, Human Resources Manager Heidi Hoke has worked on a draft policy intended to recognize and reward dedication of staff, to include a more standardized method of celebrating retirements. We approached the personnel committee with the concept and were asked to bring it to the full Board in a work-session format. A draft policy is attached. In addition to providing guidance on retirement recognition, the program would provide for recognition of staff longevity milestones each December at a regular meeting of the Board of Supervisors.

Staff reaching a 5 year milestone would be presented a certificate of achievement/appreciation and award of \$50 for their first 5-year milestone and an additional \$25 for each 5 years of service. For example, an employee reaching the 5 year milestone would receive the base of \$50. An employee reaching the 15 year milestone would receive \$125 (\$50 + \$25 + \$25 + 25). In order to achieve equity, it is recommended that, in the first year of the program, all employees who have hit milestones in their tenure receive recognition for their last milestone achieved. For example, an employee with 9 years of service would receive the 5 year award and an employee with 13 years of service would receive the 10 year award. Awards would be calculated in gross amounts to account for any taxes taken out. In this way, employees would receive the full, round number of the award. The total estimated cost in the first year would be \$3,750. Succeeding year costs would fluctuate depending on the number of employee reaching milestones, but would be much less, since "catch-up" is being completed in the first year."

Supervisor Hinty shared his support.

Supervisor Lyons suggested that, instead of certificate, perhaps a lapel pen.

Mr. Suter shared that perhaps both could be awarded.

Supervisor Higgins shared his support of the program, adding that the County Administrator and County Attorney be included.

Mr. Suter advised that both he and the County Attorney are included.

Supervisor Day asked about Constitutional Officers.

Supervisor Higgins suggested they find funding in their budgets if they wish to utilize the same program.

Supervisor Lyons asked if the Board could take action on this matter during the regular meeting.

Mr. Suter suggested they wait until after the budget Public Hearing.

Supervisor Higgins asked that Constitutional Officers be advised of the County's program.

**Update on Lime Kiln:**

Lime Kiln's Executive Director Spencer McElroy provided a presentation that detailed the growth of Lime Kiln since 2014 and the impact it has had on tourism in Rockbridge County. The following were key points presented to the Board:

Growth 2014-2018

	Concert Ticket Revenue	Average Tickets Per Show	Show Attendance	Artist Expense	Marketing Expenses	Site Improvements + Maintenance
2014	\$60,056	484	3,556	\$32,181	\$7,501	\$27,129
2015	\$71,791	494	4,549	\$43,872	\$8,542	\$44,257
2016	\$91,789	489	4,595	\$59,496	\$14,288	\$26,331
2017	\$98,368	583	5,346	\$61,916	\$9,125	\$20,857
2018	\$138,726	607	6,611	\$85,047	\$13,362	\$162,001

Impact on Tourism in Rockbridge County

	Total Guests*	% from outside Rockbridge County	% from Outside Virginia
2015	9,000	50%	8%
2016	9,500	52%	9%
2017	10,500	62%	10%
2018	12,000	72%	24%

Mr. McElroy shared his intentions for Lime Kiln to become the premier outdoor music venue in the entire east coast. He stated that he hopes to expand shows this year by about 30%. He also mentioned that there is a non-profit organization in Charlottesville called The Front Porch which is interested in partnering with Lime Kiln in a westward expansion. Currently, he explained, this organization provides music lessons and a variety of workshops to over 300 students.

Mr. McElroy went on to note that the County and Lexington's combined contribution to Lime Kiln is about \$6500 a year. However, he advised, no funding is received from the Regional Tourism Office, even though presentations have been made to them each year showing the benefits the Lime Kiln had on tourism. He noted that similar non-profit organizations such as the Harvester in Rocky Mount are typically fully funded by their local tourism department or local government.

Supervisor Hinty suggested that the County and Mr. McElroy meet with Tourism Office Director Jean Clark to discuss the potential for funding assistance for Lime Kiln.

Chairman Lewis asked how Lime Kiln planned to increase its shows by 30% this year.

Mr. McElroy stated that they plan to hold 12 concerts this year verses 9 this past season and increase the cost of tickets to be commensurate with the more popular bands.

Supervisor Higgins agreed with Supervisor Hinty's suggestion to approach Ms. Clark to see if they could help in any way.

Supervisor Hinty stated that he would meet with Ms. Clark along with Mr. McElroy and Mr. Suter.

Chairman Lewis called for a break at 5:20 p.m. until the regular meeting at 5:30 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, JANUARY 28, 2019 AT 5:30 P.M.

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BOARD MEMBERS PRESENT: A.J. "JAY" LEWIS, II.  
DANIEL E. LYONS  
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COUNTY ADMINISTRATOR  
AND CLERK TO THE BOARD: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

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CALLED TO ORDER:

Chairman Lewis called the meeting to order at 5:30 p.m. He advised that Supervisor Higgins would deliver the invocation for anyone who wished to participate.

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

The Board then observed a moment of silence for Monica Dock, a Rockbridge County employee from the Pre-School department.

**Remembrance Resolution for Pre-School Teacher Monica Dock:**

Supervisor Hinty read aloud the following resolution:

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**A RESOLUTION EXPRESSING DEEPEST SYMPATHY AND CONDOLENCES  
TO THE BEREAVED FAMILY OF MRS. MONIC DOCK – A LONG TERM EMPLOYEE OF  
ROCKBRIDGE COUNTY, VIRGINIA**

**WHEREAS**, Mrs. Monica Dock was a long-term and highly valued and respected employee of Rockbridge County; and,

**WHEREAS**, Ms. Dock began her employment with Rockbridge County as a teacher for the Preschool On-and-Off The Bus program in 2002, a position she would hold for almost 18 years; and,

**WHEREAS**, Mrs. Dock was taken from us unexpectedly on December 27, 2018; and,

**WHEREAS**, Mrs. Dock was an incredibly dedicated educationalist, giving special and individual attention to each child she taught; and,

**WHEREAS**, these children's lives were truly enriched by Mrs. Dock's caring and skillful guidance; and,

**WHEREAS**, it is without doubt that the children she mentored admired Mrs. Dock for her kindness, gentleness, humility, and caring attitude – qualities for which she will always be fondly remembered.

**NOW, THEREFORE, BE IT RESOLVED**, that members of the Rockbridge County Board of Supervisors and staff express their heartfelt condolences and support to and for the family of Mrs. Monica Dock.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors of Rockbridge County, Virginia, adopts this resolution on the 28<sup>th</sup> day of January, 2019, followed by a moment of silence.

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The Board of Supervisors presented Ms. Dock's family with a framed resolution and shared their condolences.

Supervisor Hinty moved to adopt the resolution. A second was provided by Supervisor Higgins, and the motion carried by the following roll call vote by the Board:

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

**A Resolution of Appreciation to former Board Member Ronnie Campbell:**

Supervisor Lyons read aloud the following resolution:

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**RESOLUTION EXPRESSING THE APPRECIATION OF THE ROCKBRIDGE COUNTY BOARD OF  
SUPERVISORS TO SOUTH RIVER DISTRICT REPRESENTATIVE  
RONNIE R. CAMPBELL, FOR DEDICATED SERVICE  
TO ROCKBRIDGE COUNTY**

**WHEREAS**, Ronnie R. Campbell began service on the Rockbridge County Board of Supervisors as the South River District representative on January 1, 2012 and served until January 1, 2019; and,

**WHEREAS**, Mr. Campbell served as Chairman of the Board in 2012 and 2013; and,

**WHEREAS**, while serving on the Board, Mr. Campbell was very active on multiple boards and committees, including the Board of Supervisors' Solid Waste and Personnel Committees, Rockbridge Area Network Authority, Virginia Horse Center, Rockbridge Regional Solid Waste Authority, Blue Ridge Resource Authority and Chamber of Commerce; and,

**WHEREAS**, Mr. Campbell was closely involved in the success of many critical County projects including but not limited to; development of a long-term solid waste solution in the form of a new regional lined landfill, construction of a new regional 911 Communications Center, implementation of a new, regional emergency communications system, transition of The Natural Bridge to Virginia's 37<sup>th</sup> state park, revitalization of the Virginia Horse Center, repurposing of three County schools into beneficial uses, implementation of career Fire and Rescue staffing, and development of many new policies and procedures in the area of fiscal health and economic development; and,

**WHEREAS**, prior to his service on the Board of Supervisors, Mr. Campbell served his community in numerous other capacities; and

**WHEREAS**, after retiring from the Virginia State Police, Mr. Campbell was a member of the Rockbridge County School Board from 1996 through 2009, serving as Chairman for five (5) years; and,

**WHEREAS**, during his service on the School Board, Mr. Campbell was closely involved with many advancements, including renovation of the County's elementary schools, implementation of the dual-enrollment program at Rockbridge County High School, and a pay study/compensation adjustment plan for teachers; and,

**WHEREAS**, Mr. Campbell's retired from the Board as the result of winning the 24<sup>th</sup> District seat in the Virginia House of Delegates in December 2018.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Rockbridge County express sincere appreciation to Mr. Campbell for his lengthy and dedicated service to the citizens of Rockbridge County; and

**BE IT FURTHER RESOLVED** That the Board of Supervisors hereby offers congratulations and best wishes to Mr. Campbell as he continues his public service to the Citizens of the 24<sup>th</sup> District of the Virginia House of Delegates, and to all Citizens of the Commonwealth.

Adopted this 28<sup>th</sup> day of January, 2019.

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Supervisor Lyons moved to adopt the resolution. A second was provided by Supervisor Hinty, and the motion carried by the following roll call vote by the Board:

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

Mr. Campbell was unable to accept the resolution due to job responsibilities in Richmond, Virginia. In his absence, his wife Ellen Campbell accepted the resolution and thanked the Board on behalf of Mr. Campbell.

**Citizens Comments:**

Irwin McCumber of the Walkers Creek Magisterial District shared his concern about the proposed Verizon cell tower coming into his neighborhood. He asked that the Board look at other viable sites and find a solution that would not cause a decrease in property values.

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

Chairman Lewis called for any items that should be added to the agenda. There were none.

**Approval of the January 14, 2019 Minutes:**

Supervisor Lyons moved to approve the January 14, 2019 minutes.

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

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

**Natural Bridge Speedway and Dragstrip Reports:**

Assistant Director of Community Development Chris Slaydon introduced G.W. Fitzgerald.

Mr. Fitzgerald shared his concern about one of the conditions in the Special Exception Permit (SEP) pertaining to having an ambulance onsite during all events at the Natural Bridge Speedway. He advised that often, an ambulance is not available due to lack of volunteers.

Supervisor Higgins noted that there are paid transport services that other local businesses hire.

Mr. Fitzgerald then asked if it was necessary for the Speedway to be closed the weekend of the Rockbridge Regional Fair.

Supervisor Higgins explained that the Fair used to be held in the summer and the condition may have been added to prevent loss of attendees due to the Speedway being open during the same weekend. He advised that the Fair is now held in the fall and that the condition may not be as important now.

Mr. Slaydon advised that removing the condition would require an amendment to the SEP.

When asked for the dates of the 2019 Fair, staff was unsure. Chairman Lewis then asked that the dates be identified.

Mr. Fitzgerald asked for explanation as to why the dragstrip and speedway were the only tracks in the State of Virginia that could not run on Sundays. He explained that he had thought about running the dragstrip some this year in addition to the speedway, and running both tracks on the same day would be difficult.

Supervisor Hinty asked about the consequences of running the dragstrip this year when a report from last year was not submitted.

Director of Community Development Sam Crickenberger explained that the dragstrip did not operate in 2018 and that the owners are still unsure on plans for 2019. He advised that Sunday racing was prohibited long ago to give neighbors a break during summer weekends.

Supervisor Hinty noted that, as representative of the Natural Bridge District, he receives complaints all season from neighboring property owners. He added that most of the complaints were related to dust issues. Supervisor Hinty shared his support of the speedway.

Chairman Lewis asked if Eastside Speedway in Waynesboro, Virginia operated its dragstrip on Sundays.

Mr. Fitzgerald replied, yes, for many years now.

## **Consideration of Burn Building Design Proposal:**

Fire Chief Nathan Ramsey briefly reviewed his agenda item which contained the following information:

"As you may recall, in May of last year we received a grant through the Virginia Department of Fire Programs (VDFP) in the amount of \$445,204 to renovate the regional fire training center (burn building) located at 11 Vista Links Drive, Buena Vista. The renovation is necessary because currently the facility is out of service as it does not meet the NFPA 1403 standard for Live Fire Training. The project will include renovating the current ground floor, with an addition of a second floor and upgrading the temperature monitoring system to bring the building up to the standard which allows for realistic training and Firefighter I & II certification for the region. After the Board accepted the grant, we worked collectively with the Virginia Department of Fire Programs (VDFP), the City of Buena Vista and County leadership to establish a usage and maintenance agreement, which was approved all parties in September. The next step was to procure an engineering firm to design the renovation and provide construction monitoring. A Request for Proposals was advertised according to County policy and only one proposal (attached) was received, from Engineering Solutions & Construction Management, PLC, (ESCM) based in Harrisonburg. We feel that that this may be because of the unique nature of the work (design of a VDFP-compliant facility). A staff team comprised of Kevin Moore, Amy Milliner and I evaluated the proposal and checked references. ESCM recently completed a similar project for the City of Harrisonburg, which also received a VDFP burn building grant and the City has been very satisfied with the services provided. Given the sum of

information available, staff recommends entering into negotiations with EMSC for design and construction administration services.”

Supervisor Higgins moved to authorize staff to enter into negotiations with Engineering Solutions & Construction Management, PLC, and if successful, return to the Board with an agreement for consideration at a future Board meeting. Supervisor Hinty provided the second, and the motion carried by the following roll call vote by the Board:

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

**Consideration of EMS Billing Rate Adjustment:**

Chief Ramsey briefly reviewed his Agenda Item which contained the following information:

“As you may recall, in 2011 the Board determined to implement a revenue recovery program using a third-party service billing for EMS (ambulance) transports. Allowable under the Code of Virginia and local ordinance, billing for ambulance transport services is standard practice for Virginia-licensed EMS agencies and is intended to offset some of the costs of providing the service. Locally, we practice “soft billing”, since residents subsidize the service through their tax dollars. The majority of collections come from Medicare and 3<sup>rd</sup> party insurance. The billing service is contracted and our original vendor was EMS Management & Consultants (EMS/MC). The service was re-procured in 2017 and Quick Med Claims (QMC) was awarded the billing contract. Fees we charge for service include:

- Mileage

- Basic Life Support (BLS) services (most common)
- Advance Life Support (ALS) services
  - o Level 1 ALS
  - o Level 2 ALS

Annually, our billing company reviews our fee structure, and where necessary, makes recommendations for adjustment. Recommendations are based on the federally-set maximum rates allowed by Medicare (base rate). Private insurance providers typically pay more than Medicare for these services, so rates are set higher to maximize allowable revenues. Industry standard rates are approximately 150% higher than Medicare. As such, QMC has recommended that we increase our rates in accordance with the table below. Suggested rate changes are highlighted. As noted in the attached except from County Code, rate adjustment may be recommended by the County Administrator and must be approved by resolution of the Board. A resolution is attached for your consideration. If approved, the rate change will be communicated with QMC for immediate adjustment in billing."

Supervisor Lyons asked how the County handles billing for those without insurance.

Chief Ramsey advised that after 90 days, the County writes off the bill for County residents.

Chairman Lewis asked if the rates listed in the proposed resolution could use percentages instead of dollar amounts.

Mr. Suter replied, it has never been done that way before. Ms. Huffman concurred.

Supervisor Lyons moved to adopt the resolution updating the County's ambulance transport cost recovery fee structure. Supervisor Higgins provided the second and the motion carried by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JANUARY 28, 2019

**RESOLUTION TO ESTABLISH MINIMUM AMBULANCE TRANSPORT RATES AND FEES FOR THE PROVISION OR EMERGENCY RESCUE SERVICES**

WHEREAS, by Ordinance adopted by the Board of Supervisors of Rockbridge County on February 28, 2011, "ARTICLE II. FEE FOR SERVICES", Section 14-10, et seq., was added to Chapter 14 of the Rockbridge County Code to establish the legal structure for providing emergency medical transport services and accompanying fees as authorized by §32.1-111.14 of the Code of Virginia (1950, as amended); and,

WHEREAS, Section 14-11 of the Rockbridge County Code provides that the Board of Supervisors, by resolution, may establish reasonable fees for the provision of emergency medical services by all emergency medical service personnel, whether provided by volunteers or public employees.

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

1. That the following minimum rates and fees are hereby established for the specified level of emergency medical services provided by or in the County of Rockbridge:

Basic Life Support (BLS) Emergency	\$ 562.77
Advanced Life Support (ALS) I Emergency	\$ 668.28
Advanced Life Support (ALS) 2 Emergency	\$ 967.26
Mileage:	\$13.01/mile

2. That this Resolution shall be effective on and from the date of its adoption.

Adopted this 28<sup>th</sup> day of January, 2019.

**Public Hearings:**

**Special Exception Public Hearing for Matthew Paxton- B&B Homestay in**

**R-1:**

Mr. Slaydon briefly reviewed the agenda item which contained the following information:

"The Paxtons have applied for a special exception permit to operate a B&B Homestay in the Residential General District per Section 604.03-1 of the Regulations. The 2.5 acre parcel is located at 178 Huffman Lane just outside of Fairfield. The Planning Commission has recommended approval conditioned on only one bedroom being rented out."

Mr. Paxton confirmed that only one bedroom would be rented out.

Chairman Lewis opened the Public Hearing at 6:10 p.m. There were no comments. Chairman Lewis closed the Public Hearing.

Supervisor Day moved to adopt the proposed Ordinance. Supervisor Higgins provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, Higgins, Lyons, Hinty, Lewis  
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, JANUARY 28, 2019

**Ordinance to Approve the Special Exception Permit Application for Matthew W. Paxton, IV, and Lynne C. Paxton to Operate a Bed and Breakfast Homestay in the Residential General District (R-1) Per Section 604.03-1 of the Land Development Regulations, in the Applicant's Home Located at 178 Huffman Lane, Fairfield, Virginia, in the Walkers Creek Magisterial District and Further Identified as Tax Map #38B-3-20**

WHEREAS, Matthew W. Paxton, IV, and Lynne C. Paxton have filed an application for a special exception permit to operate a Bed and Breakfast Homestay out of their home in the Residential General District (R-1), located at 178 Huffman Lane, Fairfield, Virginia in the Walkers Creek Magisterial District, identified upon the Rockbridge County Land Records as Tax Map #38B-3-20; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on January 9, 2019, and recommended approval with the specified condition to the Board of Supervisors; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on January 28, 2019; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, and after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in Sections 802.03-5 and 604.03-1 of the Rockbridge County Land Regulations, finds and determines that the proposed use is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

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

1. That the application of Matthew W. Paxton, IV, and Lynne C. Paxton for a special exception permit to operate a Bed and Breakfast Homestay in the Residential General District (R-1) on their property

located at 178 Huffman Lane, Fairfield, Virginia, in the Walkers Creek Magisterial District of Rockbridge County, identified on the Rockbridge County Land Records as Tax Map #38B-3-20, is hereby approved, with and subject to the condition that rental is limited to one (1) bedroom only.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed.

Adopted this 28<sup>th</sup> day of January, 2019.

**Special Exception Public Hearing for Nicholas and Bethany Iocco-  
Commercial Kennel in A-2:**

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

"The Ioccos have applied for a special exception permit to operate a commercial dog kennel in A-2 per Section 603.03-5 of the Regulations. The Ioccos live on a 1.5 acre parcel located off of Raphine Road and are purchasing an adjoining 30 acres. This is a breeding operation per the enclosed narrative, not a boarding facility. They currently own ten female and two male Golden Retrievers that have been on the property since September when they moved from Vermont, but have not engaged in commercial activities since the move. The Planning Commission has recommended approval of the application conditioned on no more than 10 female Golden Retrievers, no boarding/grooming of other dogs and puppies to kept inside until an enclosed kennel is built. The breed was specified as it appears Golden Retrievers are pretty calm and do not bark as much as other dogs."

Mr. Iocco explained that his wife was a breeder of golden retrievers in Vermont and hopes to continue her business in Rockbridge County. He advised that his wife breeds very health retrievers.

Mr. Crickenberger advised that he visited the Iocco's residence where they currently have over 10 retrievers, most of which are family pets and not for breeding. He shared that there was minimum noise from the dogs. He also shared that the dogs would be kept in the Iocco's basement until a building could be constructed to house them. He noted that the Iocco's have been on their property since September and no noise complaints have been made to date.

Supervisor Hinty asked the applicants if they agreed with the proposed conditions.

Mr. Iocco confirmed, but added that originally they had hoped to be allowed a total of 15 female dogs instead of 10.

Mr. Crickenberger advised that the Planning Commission reviewed the Iocco's request and agreed that 10 female dogs would be a good starting point, and that the Ioccos could come back in one year to request an amendment to the limit of dogs.

Supervisor Higgins asked the Ioccos if they had a timeframe for building the structure for the dogs outside of their home.

Mr. Iocco replied, within the year.

Chairman Lewis opened the Public Hearing at 6:25 p.m. There were no comments. Chairman Lewis closed the Public Hearing.

Supervisor Lyons moved to adopt the Ordinance. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lyons, Day, Hinty, Higgins, Lewis  
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, JANUARY 28, 2019

**Ordinance Granting a Special Exception Permit To Nicholas R. Iocco and Bethany A. Iocco for a Commercial Dog Kennel on Their Property Per Section 603.03-5 of the Land Development Regulations in the Agricultural and General Uses (A-2) Zoning District, Located at 1372 Raphine Road, Raphine, Virginia, on a 1.5-Acre Parcel (Tax Map #27-A-23C) in the Walkers Creek Magisterial District**

WHEREAS, Nicholas R. Iocco and Bethany A. Iocco, the applicants and owners, have applied for a special exception permit to operate a commercial dog kennel, for breeding only, on their property consisting of 1.5 acres, more or less, located at 1372 Raphine Road, Raphine, Virginia, identified as Tax Map #27-A-23C, in the Walkers Creek Magisterial District; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on January 9, 2019, 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 January 28, 2019; 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 and §603.03-5 of the Rockbridge County Land Development Regulations, finds and determines that,

the proposed use is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

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

1. That the Board of Supervisors finds that the granting of a special exception permit to Nicholas R. Iocco and Bethany A. Iocco for a commercial dog kennel, for breeding only, at 1372 Raphine Road, Raphine, Virginia, on a 1.5-acre parcel identified upon the Rockbridge County Land Records as Tax Map #27-A-23C, in the Agricultural and General Uses (A-2) Zoning 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 as set forth on Exhibit A attached hereto and incorporated herein.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed.

Adopted this 28<sup>th</sup> day of January, 2019.

#### **EXHIBIT A**

#### **SPECIAL EXCEPTION PERMIT CONDITIONS**

#### **Nicholas R. Iocco and Bethany A. Iocco**

1. Breeding of Golden Retrievers only.
2. Limited to ten (10) female and two (2) male Golden Retrievers for breeding.
3. Puppies will be kept inside the dwelling until a permanent enclosed structure can be constructed.
4. Boarding and grooming operations shall be prohibited.

#### **Appointments**

**Board of Zoning Appeals:**

Supervisor Hinty moved to appoint Grigg Mullen, III to the Board of Zoning Appeals in place of Thomas Anderson who resigned. Supervisor Higgins provided the second, and the motion carried by the following roll call vote by the Board:

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

Supervisor Hinty noted that he was still working on filling the Natural Bridge District seat on the BZA.

**Chamber of Commerce Economic Development Committee**

This item was removed from the Agenda.

**Closed Meeting:**

Supervisor Lyons moved to enter into a Closed Meeting as permitted by Virginia Code §2.2-3711(A) (1), a personnel matter involving Appointment or Promotion of Particular Officers, Appointees, or Employees. A second was provided by Supervisor Hinty, and the motion carried by unanimous roll call vote by the Board.

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

Supervisor Lyons moved to reconvene in open session following the Closed Meeting. Supervisor Hinty provided the second, and the motion carried by the following roll call vote:

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

Supervisor Lyons moved that the Board certify that, in the closed meeting just concluded, to the best of each member's knowledge, nothing was heard, discussed or considered except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed as exempt from open meeting requirements under the provisions of the Virginia Freedom of Information Act cited in that motion. Supervisor Hinty provided the second, and the motion carried by the following roll call vote:

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

**Adjourn:**

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

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