

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, MARCH 25, 2019 AT 4:30 P.M.

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

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

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lewis opened the Work Session at 4:32 p.m.

Opioid Presentation:

County Attorney Vickie Huffman briefly reviewed the agenda item containing the following information: "At its regular, November 13th meeting, the Board authorized staff to engage with Sanford Heisler Sharp, LLP, and Kaufman & Canoles, P.C., to research and quantify the potential impacts of opioid use and/or abuse in the County. This was Phase 1 of a potentially multi-phased process. Subsequent phases may include authorizing the retained firms to represent the County in a lawsuit to attempt recovery of losses. The firm has completed its initial assessment and is prepared to brief the Board on its findings. As this topic involves legal advice and attorney work product in preparation for

potential litigation, it is recommended that the Board convene in closed session for receive the legal recommendations in closed session." She then introduced Andrew Miller, Senior Litigation Counsel with Sanford Heisler Sharp, LLP.

Mr. Miller advised that the first step in the process, gathering information locally about potential opioid impacts, has been completed. He then explained that 12 localities in Virginia have previously filed lawsuits, with another 5 filed on this day. He stated that the City of Lexington voted unanimously the prior Thursday to file a lawsuit and he strongly believed there will be many more cities and counties moving in that direction in the near future. He advised that many suits had been filed throughout the country. He further advised that their intentions are to file these suits through the state court systems instead of the federal court systems. Mr. Miller then advised that, prior to February 15th, the ethics rules mandated that law firms be reimbursed for their costs by clients in the event of a non-recovery suit. He shared that recently, the ethics rules changed and lifted that obligation and under no circumstances does the County have to reimburse costs from a non-recovery suit.

Supervisor Higgins asked if there were other law firms filing the same suit.

Ms. Huffman replied, yes, there are others who have pursued contracts with other localities but unsure if there are actual contracts executed.

Mr. Miller added that there are a couple other firms representing localities in the state of Virginia; however, his firm represents a majority.

Supervisor Lyons moved to enter into a closed meeting as Permitted by Virginia Code §2.2-3711(A)(7), consultation with legal counsel about probable future litigation, i.e. litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party because public discussion at this time would adversely affect the Board's negotiating or litigating posture. 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 Hinty moved to reconvene in open session following the closed meeting. 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
Nays: 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. 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

Chairman Lewis closed the Work Session at 5:25 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, MARCH 25, 2019 AT 5:30 P.M.

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

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

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lewis called the meeting to order at 5:33 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.

Recognitions and Presentations:

Chairman Lewis called for any recognitions of presentations. There were none.

Honorable Gordon F. Saunders Retirement Resolution:

Supervisor Hinty read aloud the following resolution:

**RESOLUTION EXPRESSING THE APPRECIATION OF THE BOARD OF SUPERVISORS OF
ROCKBRIDGE COUNTY TO THE HONORABLE GORDON F. SAUNDERS,
ROCKBRIDGE COUNTY GENERAL DISTRICT COURT JUDGE FOR THE 25TH
JUDICIAL DISTRICT, ON THE OCCASION OF HIS RETIREMENT**

WHEREAS, after many years of service to Rockbridge County, Virginia, the Honorable Gordon F. Saunders is retiring from his position as Rockbridge County General District Court Judge for the 25th Judicial District on April 1, 2019; and,

WHEREAS, Judge Saunders grew up in Rockbridge County and started his career in the legal field after earning a B.A. from Washington and Lee University in 1974 and a Juris Doctor from Marshall-Wythe School of Law in 1978; and,

WHEREAS, Judge Saunders has been an active and important part of his profession and community as former Special Assistant to the Attorney General, Transportation Division; Assistant Commonwealth's Attorney for Rockbridge County and the City of Lexington; Associate and later Partner for a prestigious Lexington law firm, Commonwealth's Attorney for Rockbridge County and the City of Lexington; and, for the last fifteen (15) years, as the General District Court Judge for the 25th Judicial District; and,

WHEREAS, Judge Saunders has held many other legal positions during his career, including Substitute Judge for the 25th Judicial District; County Attorney for Bath County; Assistant County Attorney for Alleghany, Bath and Rockbridge Counties; and Local Counsel for the Virginia Department of Transportation; and,

WHEREAS, Judge Saunders has held many other judicial positions during his tenure, including Chief Judge for the General District Courts for the 25th Judicial District; Resident Judge for Buena Vista, Lexington-Rockbridge, and Waynesboro General District Courts; Judge for the DUI Court Docket for Augusta County and the Cities of Staunton and Waynesboro; Mentor Judge for new General District Court Judges; member of the Executive Committee of the Judicial Conference of Virginia for District Court; and, member of the District Court Forms Advisory Committee; and

WHEREAS, Judge Saunders has earned the respect and support of the Board of Supervisors, County staff, and citizens by demonstrating an unwavering commitment to Rockbridge County and the City of Lexington, its people, and communities; and,

WHEREAS, Judge Saunders is highly regarded by leaders in Rockbridge County, the City of Lexington and throughout the Commonwealth of Virginia; and,

WHEREAS, Judge Saunders has served the citizens of Rockbridge County and the City of Lexington with honor and distinction for many years, and will retire as General District Court Judge for the 25th Judicial District on April 1, 2019.

NOW, THEREFORE, BE IT RESOLVED: That the Board of Supervisors of the County of Rockbridge, Virginia, does hereby express deep appreciation to Gordon F. Saunders for his many years of dedicated service to the citizens of Rockbridge County and the City of Lexington, and offers sincere congratulations and best wishes for a happy, healthy and productive retirement.

Adopted this 25th day of March, 2019.

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS:

The Honorable A. J. “Jay” Lewis, II, Chairman

The Honorable Daniel E. Lyons, Vice Chairman

The Honorable Robert W. Day, Supervisor

The Honorable David W. Hinty, Jr., Supervisor

The Honorable John M. Higgins, Supervisor

Supervisor Hinty moved to adopt the resolution. 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
Nays: None
Absent: None
Abstain: None

Photos were taken of Judge Saunders accepting the framed resolution.

Rockbridge County High School State Champions Recognition:

Chairman Lewis added this item to the agenda.

RCHS Principal Mike Craft introduced Danielle Crawford, RCHS Indoor Track Team member who won the shot put championship.

The Scholastic Bowl Team Champions were introduced by Head Coach Chris McGrath and Assistant Coach Pat Bradley. Those introduced were: Team Captain, Miranda Johnson; Cameron Gavaler; Will Hanstedt; Tieran McClure; Ben Newhouse; and Aili Waller.

The Board congratulated the champions. Mr. Suter suggested that, since there is potential for more championships in the remainder of the school year, that the Board consider inviting all champions back at the end of the year for formal recognition by resolution of the Board.

Citizens Comments:

Chairman Lewis called for citizens comments. There were none.

Items to be added to the Agenda:

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

Approval of the February 20, 2019 and March 11, 2019 Minutes:

Supervisor Lyons moved to approve the minutes. 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

Consideration of Schools Appropriation Resolution:

Fiscal Services Director Steven Bolster recommended approval of the presented resolution.

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

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, MARCH 25, 2018 AT 5:30 P.M.

On motion by Supervisor _____, seconded by Supervisor _____, the Board, by record vote adopted the following appropriation resolutions:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby are made, for the period ending **June 30, 2019** in **FUND 50, SCHOOL FUND** and expended as follows:

New Grants

Title III 2019

4-50-61100-3160-901-100-894 Purchased Services.....	\$300.00
4-50-61100-5540-901-100-894 Travel.....	\$400.00
4-50-61100-6030-901-100-894 Materials & Supplies.....	<u>\$3,491.00</u>
Subtotal	\$4,191.00

TOTAL FUND 50 APPROPRIATIONS **\$4,191.00**

Consideration of an Events Application for Fundraising Efforts for the Susan G. Komen Foundation:

Director of Community Development Sam Crickenberger briefly reviewed the Agenda Item containing the following information: "Connie Loughhead has applied for an events application per Article II, Section 4-16 through 25 of the County Code to raise money for the Susan G. Komen fund raising program. The event is scheduled for April 13, 2019 from 7:00 to 11:59 p.m. and will be held at Mr. Barger's warehouses at the end of Rocklawn Lane. It is by invitation only and will include food trucks, a D.J., corn hole and a silent auction to raise money throughout the night. They meet the requirements of the County Code."

Applicant Connie Loughhead spoke briefly and requested approval if acceptable to the board.

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

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

Consideration of BARC Electric Coop- Extension of Special Exception Permit for Laydown Yard:

Chairman Lewis abstained from all matters, discussions, or voting related to the BARC Electric Cooperative application for extension of Special Exception Permit for Laydown Yard, and my disclosure statement required under Virginia Code §2.2-3115(F) is on file with the Clerk to the Board of Supervisors. He then left the dais and Vice Chairman Lyons presided.

Mr. Crickenberger briefly reviewed the Agenda Item containing the following information: "BARC Electric has applied to extend their special exception permit for a contractor's lay down yard in A-2 per Section 603.03-9 of the Regulation which expires per their agreement April 12, 2019. They have asked for a two year extension. The purpose of the yard at the former Highland Belle is to provide space for the contractors and materials associated with the fiber project. Section 802.03-11 of the Regulations allows the Board to extend a permit as an agenda item. BARC will also need to re-apply for their temporary entrance permit on to Big Spring Road with VDOT." He then introduced Jamie Lowry of BARC.

Mr. Lowry shared that the project has gone well aside from a few minor issues that were addressed along the way.

Vice Chairman Lyons allowed for citizens comments.

Neighboring property owner Steve Hart shared his continued concern about what the project will look like at the very end of the project. He added that he has continued to come back before the board with his concern and wanted to know the end result.

Supervisor Hinty asked Mr. Lowry asked if this project was for BARC's fiber build-out.

Mr. Lowry confirmed.

Supervisor Higgins asked how long each phase will take for completion and if funding had anything to do with the timeline.

Mr. Lowry agreed that funding stream could change the timeline and indicated that phase one should be completed in the next few months. He noted that phase two if funding-dependent but should be completed in two years.

Supervisor Hinty moved to approve extension of the application. A second was provided by Supervisor Day, and the motion carried by unanimous roll call vote by the Board.

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

Chairman Lewis returned to the dais.

Consideration of MaxMark Homes- Final Subdivision Plat Approval for Pinnacle Phase 2B:

Mr. Crickenberger briefly reviewed the Agenda Item containing the following information: "Max Ivankov has applied for final approval of the next phase of this townhouse project in an R-2 zoning district located off of North Lee Highway on the hill behind Duke's Antique Mall. These next 10 lots are across the parking lot from the previous phase and appear consistent with the proffered conditions established in 2014 when the remaining property was rezoned from R-1 to R-2 in order to continue with the multi-family project. All lots are served by public water and sewer. The architectural and site plans were approved by the TCO Review Board in 2015 but the actual subdivision plat had not been finalized at that time. The Planning Commission has recommended approval as the plat meets the requirements of the subdivision ordinance."

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

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

Appointments:

Tourism Corridor Overlay Board- Charles Barger- Term Expires

4/8/2019:

Supervisor Higgins moved to nominate Charles Barger for reappointment to the TCO. A second was provided by Supervisor Lyons, and the motion carried by unanimous roll call vote by the Board.

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

Economic Development Authority- J. Lingon Jones- Term Expires

4/10/2019:

The Board agreed to postpone this appointment until the next meeting, to allow time to see if Mr. Jones is willing to be reappointed.

Social Services Board- Torben Pedersen- Term Expires 4/30/2019:

Supervisor Hinty moved to nominate Torben Pedersen for reappointment to the DSS Board. A second was provided by Supervisor Lyons, and the motion carried by unanimous roll call vote by the Board.

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

Public Hearings at 6:00 p.m.:

Special Events Definition- Text Amendment Public Hearing:

Mr. Cricknberger briefly reviewed the agenda item containing the following information: "When we defined Special Events Venues in 2014 and made them a use by special exception in the agricultural zoning districts, we considered such events as an accessory use to lodges/resorts and farm wineries/ farm (limited) breweries. State law exempts a number of activities normally associated with wineries and breweries unless there is an impact on health, safety or welfare of the public. There are specific provisions that allow a locality to exempt from local regulations minimum parking, road access or road upgrade requirements which implies that these areas may be regulated as necessary. Currently, we require these operations to get a low volume commercial entrance permit from VDOT but do not give much consideration to parking and road upgrades as it has been difficult to estimate the need until after the operation is up and running. Holding private function is another matter and not considered accessory to the primary use under State law. Consequently, we have been discussing this the Planning Commission who has recommended the enclosed proposed amendments to the special events definition. The category of venues that have been deleted would apply for a special exception permit to be an events venue per this definition. Existing facilities that have been holding these private events would be grandfathered to continue. The Planning Commission has recommended approval of these amendments."

Chairman opened the public hearing at 6:05 p.m. As there were no comments, he closed the public hearing.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES
ON MONDAY, MARCH 25, 2019

Ordinance to Amend Section 302.191A – Special Events in Section 302.00 – Specific Definitions of Article 3 – Definitions of Rockbridge Land Development Regulations to Remove Special Events as an Accessory Use to Lodges, Resorts, Farm Wineries and Farm Breweries, Requiring a Special Exception Permit for Such Uses Where Not Otherwise Authorized by State Code

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this amendment to the Land Development Regulations on March 13, 2019, and recommended approval to the Board; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on this amendment on March 25, 2019; and,

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

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, has determined that the provisions of this ordinance generally promote the health, safety and general welfare of the public, that the amendment is required by good zoning practice and accomplishes the objectives set forth in Va. Code Section 15.2-2200, and that the amendment serves one or more of the purposes set forth in Va. Code Section 15.2-2283.

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

1. That Section 302.191A – Special Events in Section 302.00 – Specific Definitions of Article 3 – Definitions of Rockbridge Land Development Regulations be amended and reenacted as follows:

ARTICLE 3. DEFINITIONS

302.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

302.191A Special Events. Weddings, receptions and reunions which are advertised or marketed in any form including, but not limited to, posters, business cards, internet, and media outlets; serves an entrepreneurial purpose; includes fees/charges for goods/services; and/or whenever there is an admission fee or leasing fee. This definition does not include private parties or private functions that do not meet the above stated criteria. Events regulated under Chapter 4, Article II of the County Code do not fall under this definition or associated requirements, and a special event for which a Special Exception Use Permit has been issued under these Regulations shall be exempt from Chapter 4, Article II of the County Code.

(Sec. 302.191A Added by Ord. of 5-27-14)

2. That this ordinance shall be in full force and effect on and from the date of its adoption.

Adopted this 25th day of March, 2019.

Telecommunications Ordinance- Text Amendment Public Hearing:

Mr. Crickenberger briefly reviewed the Agenda Item containing the following information: "Enclosed are the proposed amendments to the telecommunication ordinance. The purpose of these amendments is to align our ordinance with recent changes in State and Federal law and resolve some issues that came up during our last application review. These include:

- Defining administrative review eligible projects which are small cell facilities either on poles less than 50' tall or roof mounted
- Defining small cell facilities
- Eliminate the requirement to provide an inventory of existing structures which is considered proprietary and information we already have

- Eliminating the requirement to provide propagation maps as part of the application as this has been determined to be proprietary information
- To rely on photo simulations versus cross sections for view shed analysis
- To add a property line setback equal to the height of the tower for fall zone concerns
- To eliminate the notification requirement by the applicant as we do adjoining property notifications per State law and post the property
- To eliminate the bonding requirement for removal of towers that are no longer being utilized
- To eliminate the consultant review fee language as we include this in the application fee

The Planning Commission has recommended approval of these amendments."

Chairman Lewis opened the public hearing at 6:12 p.m.

Anthony Lawhorne of the Walkers Creek Magisterial District thanked the board for diligently looking into the towers being placed in the County, noting that he had setback issues with the proposed tower on Ridge Road.

Chairman Lewis closed the public hearing at 6:14 p.m.

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

Ayes: Higgins, Hinty, Lyons, Day, 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, MARCH 25, 2019

Ordinance to Amend the Rockbridge County Land Development Regulations in Section 302.00 – Specific Definitions of Article 3 – Definitions to Add Defined Terms for Administrative Review-Eligible Project in Section 302.04A and for Small Cell Facility in Section 302.191A, and to Amend Section 711.00 – Wireless Telecommunications Facilities of Article 7 – Use Regulations to Add Section 711.03-3 to Provide for Administrative Review of Eligible Projects, and to Remove Requirements in Section 711.05 – Inventory of Existing Facilities, Section 711.06(5) – Line of Sight and 711.06(6) – Propagation Coverage Maps, Section 711.15 – Public Notice, and Section 711.21 – Review Fees to be Consistent With Recent Changes in State and Federal Law, and to Amend Section 711.16 – Setbacks to Add a Minimum Setback of the Height of the Tower From the Property Line in Section 711.16(1) and to Change the Minimum Zoning District Setback Requirement from the Antenna Support Structure to the Compound Area in Section 711.16(2)

WHEREAS, the Rockbridge County Planning Commission held a public hearing on these amendments to the Land Development Regulations on March 13, 2019, and recommended approval to the Board; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on these amendments on March 25, 2019; and,

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

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, has determined that the provisions of this ordinance generally promote the health, safety and general welfare of the public, that the amendments are required by state and federal law and/or good zoning practice and accomplishes the objectives set forth in Va. Code Section 15.2-2200, and that the amendments serve one or more of the purposes set forth in Va. Code Section 15.2-2283 of the Code of Virginia.

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

1. That Section 302.00 – Specific Definitions of Article 3 – Definitions, and Section 711.00 – Wireless Telecommunications Facilities of Article 7 – Use Regulations, of the Rockbridge County Land Development Regulations be amended and reenacted, as follows:

ARTICLE 3. DEFINITIONS

301.00 GENERAL

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word "person" includes a firm, corporation, association, organization, partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure". The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

302.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

302.04 Accessory Use or Structure. A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

302.04A Administrative Review-Eligible Project. A telecommunications project that provides for:

(1) The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on underground projects since 1980; and (iv) designed to support small cell facilities; or

(2) The co-location on any existing structure of a wireless facility that is not a small cell facility.

302.191 Site Plan. The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as is required in applicable Sections of this Ordinance.

302.191A Small Cell Facility. A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

302.191B Special Events. *****

ARTICLE 7. USE REGULATIONS

711.00 WIRELESS TELECOMMUNICATION FACILITIES

The purpose of this Ordinance is to establish requirements for the development of wireless facilities. The goals of this Ordinance are to:

- (1) Accommodate the provision of wireless telecommunication services to County residents, businesses, visitors and travelers;
- (2) Minimize adverse visual effects of wireless facilities through careful siting and design;
- (3) Maximize use of existing structures to accommodate wireless facilities;

(4) Maintain the character of surrounding land uses and preserve historic, environmental and cultural resources of the County in accordance with the Comprehensive Plan; and,

(5) Avoid potential harm posed by wireless facilities to persons and property through design, construction, maintenance and removal standards.

711.03-3 Administrative Review-Eligible Project per §15.2-2316.3 of the Code of Virginia and defined in Section 302 of these Regulations shall be approved administratively. Aesthetics may be considered in the siting and design of these structures.

711.05 Reserved. (Sec.711.05 Deleted by Ord. of 3-25-19)

711.06 Application. Each applicant shall submit the following information and other supporting drawings, calculations and documentation, signed and sealed by the appropriate licensed professionals:

(5) Reserved. (Sec. 711.06(5) Deleted by Ord. of 3-25-19) (6) Reserved. (Sec. 711.06(6) Deleted by Ord. of 3-25-19)

711.15 Reserved. (Sec. 711.15 Deleted by Ord. of 3-25-19)

711.16 Setbacks. Setbacks shall be measured from the base of the structure. Setback requirements shall not preclude the construction of habitable structures on adjacent parcels following the construction of the structure.

(1) Antenna support structure must be set back a distance equal to two hundred percent (200%) of the height of the structure from any off-site residential structure and in no case less than four hundred (400) feet. In addition, it must be set back, at a minimum, the height of the tower from the property line.

- (2) The compound area, guys and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

711.21 Reserved. (Sec. 711.21 Deleted by Ord. of 3-25-19)

2. That this ordinance shall be in full force and effect on and from the date of its adoption.

Adopted this 25th day of March, 2019.

Budget Meeting #4- Draft Budget Update:

Supervisor Hinty read aloud the following disclosure statement on behalf of himself and Supervisors Lewis and Day: "As my wife is an employee of the Rockbridge County School Board, I have a personal interest in the consideration and adoption of the budget under the Conflict of Interest Act. However, I am not disqualified from participation in the adoption of the County budget. My disclosure statement is on file with the Clerk to the Board of Supervisors."

Supervisors Lewis and Day made the same assertion.

Supervisor Lyons then read aloud the following disclosure statement: "As my wife is an employee of the Rockbridge Area Health Center, I have a personal interest in the consideration and adoption of the budget under the Conflict of Interest Act. However, I am not disqualified from participation in the adoption of the County budget. My disclosure statement required under Virginia Code §2.2-3115(F) is on file with the

Clerk to the Board of Supervisors." He then asked the County Attorney to clarify that these disclosure statements do not prohibit any of the board members from voting on the budget, and asked if it prohibit discussions of individual budgets for specific agencies.

Ms. Huffman replied, it does not. She stated that the disclosure statements are sufficient to allow them to discuss those specific agencies' budgets.

Mr. Bolster briefly reviewed the agenda item containing the following information: "At a scheduled budget meeting on March 11th, staff provided an update to the FY 2020 draft budget and overall funding position to the Board of Supervisors. Staff requested that individual Board members communicate with Finance Committee members John Higgins and Dan Lyons on proposed plans of action to bridge the budget gap in order to attain a balanced budget.

Since the March 11th meeting, staff has worked with the Finance Committee to update the following changes to the FY 2020 draft budget:

- Staff received the Rockbridge Regional Jail's FY 2020 operational cost-share on March 20th - a total of \$1,718,747, down \$28,673.
- Staff received the School Division's FY 2020 Estimate of Needs on March 20th - a total of \$14,479,272 in local operational support, up \$264,438 from currently appropriated County budget. At the joint Board meeting on March 21st, School Division staff communicated an updated health insurance premium change which brought the operational ask down from \$14,479,272 to \$14,439,971 (down \$39,562).

As a result of these updates, the attached FY 2020 draft budget now reflects an expenditure over revenue gap of \$545,316 which is approximately 2.2 cents on the real estate tax rate.

Staff and the Finance Committee are requesting full-Board guidance on the following line-items:

- Board of Supervisors (11010-3001): professional services for federal consulting at \$21,000; currently draft budget is \$0.
- Health (51010-5609): updated contribution to the Rockbridge Area Transportation Services (from \$11,763 to \$15,000); currently draft budget reflects \$15,000.
- Health (51010-5613): Rockbridge Area Health Center capital campaign request for lump sum of \$100,000 or \$20,000 annually over five years; currently draft budget indicates \$0.
- Recreation & Culture (71005-XXXX): contribution to Boxerwood; currently draft budget reflects \$2,500 on a \$10,000 request."

He then reviewed the remaining dates in the FY 2020 budget cycle schedule.

- Monday, April 8th - Request advertisement of FY 2020 budget at the Board's scheduled budget meeting
- Wednesday, April 10th - Advertisement (FY 2020 draft budget) posted in News-Gazette for Public Hearing on Monday, April 22nd @ 6:00 PM
- Wednesday, April 17th - Advertisement (FY 2020 draft budget) posted in News-Gazette for Public Hearing on Monday, April 22nd @ 6:00 PM
- Monday, April 22nd - Public Hearing on FY 2020 Budget @ 6:00 PM
- Monday, April 29th - FY 2019 Budget Adoption Meeting @ 6 PM

He then asked the Board for guidance on the previously reviewed line items in question, noting that the plan moving ahead would be to incorporate any guidance into the budget document, present the final on April 9th and request permission to advertise the budget for public hearing on April 22nd.

Supervisor Hinty requested that the Board consider giving RATS \$15,000 to support the extended services they provide to those without transportation.

Chairman Lewis confirmed that Boxerwood's request of \$10,000 was a one-time contribution for capital improvements and not operational costs.

Chairman Lewis then shared his opinion that the board should assist in contribution for federal consulting fees.

Supervisor Lyons reminded the board that the budget either needed to be reduced or taxes will increase. He noted that the County has been contributing to this service for nearly a couple years.

There was consensus by the board to continue its contribution for the federal consulting fees.

Chairman Lewis shared his opinion that the County should contribute \$100,000 of one-time capital funding to the Rockbridge Area Health Center. He stated that statistics have proven the center to be an asset to the community.

Supervisor Hinty advised that the County contributed \$180,000 in capital costs to Stonewall Jackson Hospital and \$764,000 in both capital and operational contributions to the Health Center.

Supervisor Lyons stated that local physicians are not accepting new patients and the Health Center takes those citizens in to provide healthcare needs. He added that the Health Center now accepts both those with and those without insurance; whereas, the preceding Rockbridge Area Free Clinic used to only provide services to those who could not afford healthcare. He suggested that a contribution of \$20,000 per year for five (5) years instead of the \$100,000 lump sum would reduce the overall budget this year.

Supervisor Hinty indicated that the Health Center is already going to receive a \$50,000 operational contribution as it does each year and is asking for the additional \$100,000. He shared his position that he doesn't support a capital contribution made to the Health Center for a building that does not belong to the County. He added that the need is for healthcare services not a pretty building.

Supervisor Higgins shared his support of the board's contribution to the Health Center, noting that the Center now provides dental services, which used to cost \$70,000 annually when those services were provided by the local State Health Department.

Chairman Lewis stated that the initial request from the Health Center was for \$100,000 and he would agree to the board supporting that request and look into operational costs next year.

Supervisor Higgins agreed to support the initial request using the County's reserves using unassigned reserves in FY2020.

Chairman Lewis shared his support in using unassigned reserves in FY2020 to cover both, the one-time, capital contribution to the Health Center in the amount of \$100,000, and a one-time contribution to Boxerwood Education for capital improvements in the amount of \$10,000.

Supervisor Higgins recommended that the board look into setting up a capital fund for future needs. He suggested a one-cent tax increase be assigned to this new capital fund.

Supervisor Lewis agreed stating that the more money is directed to this new account will translate to less money that will have to be borrowed and less interest to pay back on the loans.

Mr. Suter explained that the total budget gap at this time will result in a about a 2.2 cent increase for real estate taxes.

Supervisor Hinty indicated that now would be the time to set the tax rate.

Chairman Lewis suggested the Finance Committee review the request.

Mr. Bolster shared that the board could round the 2.2 cent increase to the tax rate up to an even 3 cent and the remaining would go into the new capital account for future needs.

Mr. Bolster then recapped his understanding of the directives the Board had given during the discussion:

1. Add the \$21,000 back into the budget for federal consulting fees
2. Contribute \$15,000 to RATS
3. Contribute a lump sum of \$100,000 to the Health Center, from unassigned reserves.

4. \$10,000 to Boxerwood

Adjourn:

With there being no other discussion on the budget, Supervisor Higgins moved to adjourn this meeting at 7:11 p.m. A second was provided by Supervisor Hinty, and the motion carried by unanimous roll call vote by the Board.

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