

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, JULY 22, 2019 AT 4:30 P.M.

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

ABSENT: 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 4:31 p.m.

Presentation by the Innovation Center:

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

"Over the past year, Chairman Lewis (as the Board Economic
Development Liaison), Mr. Crickenberger and I have been working
with Annette Patterson, President of the Advancement Foundation,
based in Vinton. The Advancement Foundation (AF) is a nonprofit
group which fosters and supports entrepreneurial activity in the

Roanoke area. Over the past several years, they have extended their sphere of influence to include Botetourt County and the Alleghany Highlands, with a significant level of success. As noted in the attached proposal letter, they have expressed an interest to further expand to the Rockbridge Region via their Gauntlet business program and competition. The competition pairs would-be entrepreneurs with existing business leaders to refine business plans. The competitors are judged at the end of the process, with winners earning cash prizes, grants and in-kind services to support their fledgling business. In the Alleghany Highlands, DSLCC has partnered with the Advancement Foundation as well. There is a cost to providing the program and we are currently working with DSLCC in exploring fund sources." Mr. Suter introduced Annette Patterson, Gail Johnson, Kathleen Carr, and Nick Morgan.

Advancement Foundation founded in 2007

Focus is on Building Local Entrepreneurial Ecosystems that

Connect Regionally by:

Increase Business Knowledge

1. Workshops/Gig Economy
2. Gauntlet
3. Innovation Mill

Engage Community Assets

1. Mentors -Business leaders
2. Industry experts
3. Higher education, micro internships

Build the Culture

1. Connect Resource Agencies
2. Awareness
3. Incubation Spaces
4. Networking

Access to Resources

1. Gauntlet cash awards
2. In-kind prizes
3. Low/ No interest loans
4. Investors

Ms. Patterson advised that gauntlet participants have increased from 15 in 2015 to 122 in 2019 representing 84 businesses. She added that the gauntlet award resources provided to business which completed the program have grown from \$15,000 in 2014-15 to \$300,000 in 2018-19.

2019 gauntlet winner Nick Morgan shared his experience with the Innovation Center and presented his product, the Formidable Grabber.

Mr. Suter stated that he would seek collaboration from the cities of Lexington and Buena Vista and that the localities should show get an update on potential funding sought by DSLCC.

Chairman Lewis closed the Work Session at 4:59 p.m.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF
SUPERVISORS
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ABSENT: 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 5:31 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.

Changes to the Agenda:

Chairman Lewis called for changes to the Agenda. There were none.

Recognitions and Presentations:

Chairman Lewis called for any recognitions or presentations.

Fiscal Services Director Steven Bolster introduced the County's new Accounting Clerk Heather Arehart.

Citizens Comments:

Chairman Lewis called for citizens comments.

Luke Begovich, a council representative for Keystone Mountain Lakes (KML) Regional Council of Carpenters, advised the

Board that some contractors working in the area hire sub-contractors who are committing tax fraud by paying their employees "under-the-table" in cash. Mr. Begovich shared that he works for a union based in East Charleston, West Virginia, but has a local office in Fairfield. He noted that a specific construction project he is referring to is underway at VMI.

Mr. Suter agreed to contact Mr. Begovich to discuss the claim.

Approval of the June 24, 2019 Minutes:

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

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

Consideration of the County's Appropriation Resolution and

Payment of Bills:

Mr. Bolster reviewed his Financial Memorandum which included the following information:

"Section I - Commissioner of the Revenue

Activities for Month:

1. Continue effort on the 2019 Personal Property tax book.

2. Preparing to issue summons for business licenses not paid in March 2019.
3. Analyzing new construction assessments.
4. Continuing effort on audits of Schedule C as well as meals and lodging taxes and short-term rentals.
5. Two staff members attending BAI Municipal Software training in August 2019.

Section II - Treasurer

Activities for Month:

1. Debt Set-off collections continue \$4,927.37 associated with 28 filings.
2. Delinquent Real Estate letters were sent on June 25, 2019.
3. Delinquent Real Estate parcels that were in the Special Programs of Land Use or Tax Relief that remained delinquent as of June 1, 2019 were reported to the Commissioner of the Revenue on June 17, 2019 for removal from the program.
4. Preparing fiscal year-end reports for Board of Supervisors, Commonwealth Department of Accounts and anticipated audits of FY 2018-2019 in October.

Section III - Director of Fiscal Services

Information Items:

1. Twenty-two invoices paid after June 24th Board meeting"

He then reviewed the Revenues Verses Expenditures Chart followed by a request to transfer \$116,406.17 into General Fund's Restricted Cash-School Carryover account to support the School's CIP efforts.

Chairman Lewis authorized the requested transfer.

Mr. Bolster then presented the County's Appropriation Resolution and requested approval as presented.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY, JULY 22, 2019 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, 2020**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-32020-5700 \$4 for Life-Rescue Squads.....	\$5,000.00
4-11-81090-3008 GHV-House Production-Phase 2.....	<u>\$119,661.00</u>
Total General Fund Appropriations	\$124,661.00

CONSTRUCTION PROJECT FUND (FY 2019 Carryover):

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, 2020**, from the UNAPPROPRIATED SURPLUS of the **CONSTRUCTION PROJECT FUND** and expended as follows:

4-372-94423-8001-001 Murat Collection Center.....	\$36,640.00
4-372-94423-8001-003 Sallings Mtn Collection Center...	\$69,954.00
4-372-94423-8001-006 Site B Collection Center.....	\$254,640.00
4-372-94432-8001-003 Public Bathrooms, Remodel.....	\$29,658.00
4-372-94432-8001-005 Roof Replacement.....	\$90,000.00
4-372-94435-8001-001 Crths Perf Contract Project.....	<u>\$52,745.00</u>
Total Construction Project Fund Appropriations	\$533,637.00

CAPITAL PURCHASES FUND (FY 2019 Carryover):

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, 2020**, from the UNAPPROPRIATED SURPLUS of the **CAPITAL PURCHASES FUND** and expended as follows:

4-376-95432-8001-001 County Admin Bldg Telephone Sys..	\$23,000.00
4-376-95435-8001-001 Courthouse Telephone System.....	<u>\$35,000.00</u>
Total Capital Purchases Fund Appropriations	\$58,000.00

Total Appropriations
\$716,298.00

Current County

11 - General Fund	\$1,487,884.42
94 - Central Stores	<u>\$8,441.42</u>
Total County Bills	\$1,496,325.84

Current Fiscal Agent	
80 - Regional Jail	\$52,529.66
241 - E-Summons Fees	<u>\$1,884.06</u>
Total Fiscal Agent	\$54,413.72
TOTAL ALL BILLS	\$1,550,739.56

Consideration of the School's Appropriation Resolution:

Mr. Bolster advised that the resolution being presented is a corrective action from the last Board Meeting.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, JULY 22, 2019 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, 2020** in **FUND 50, SCHOOL FUND** and expended as follows:

Updated FY 2020 Appropriation Resolution

4-50-61100-1120-390-100-100	Salaries.....	\$332,965.00
4-50-62120-1112-902-000-100	Salaries.....	\$120,000.00
4-50-62160-2300-902-000-100	Insurance.....	\$229,474.00
4-50-62230-1132-909-000-100	Salaries.....	\$140,000.00
4-50-63200-1170-903-000-100	Salaries.....	\$109,870.00
4-50-67100-9250-910-000-100	Capital Lease.....	\$53,566.00
4-50-68100-6050-908-000-100	Materials.....	<u>\$65,869.00</u>
Subtotal		
\$1,051,744.00		

TOTAL FUND 50 APPROPRIATIONS	\$1,051,744.00
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Resolution Requesting Legislative Support for Natural Bridge State Park:

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

"Please recall that in June, Natural Bridge State Park Manager Jim Jones provided the Board with an update on activities and park visitation statistics. At the conclusion of his presentation, he requested that the Board adopt a resolution supporting the Park - with the specific request that the Governor and General Assembly support the Park in the 2020 budget session. The requested resolution is attached for your consideration. Consider the attached resolution and discuss as desired. If in support, adopt the resolution and direct staff to remit it Governor Northam, Senator Deeds, Delegate Campbell and the Virginia Association of Counties."

Natural Bridge State Park's Business Manager Lisa Wilhelm asked the Board to support the resolution.

Supervisor Higgins moved to approve the Resolution.

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

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

Resolution Supporting Natural Bridge State Parks

WHEREAS, Virginia State Parks are a critical element of rural Virginia's travel and tourism infrastructure, contributing over \$267.8 million to state and local economies in 2018, and,

WHEREAS, patrons to Natural Bridge State Park contributes in excess of \$11.2 million to state and local economies in 2018, and,

WHEREAS, the Natural Bridge State Park in Rockbridge County attracts over 172,000 visitors in 2018; and,

WHEREAS, admission revenues for the first six months of 2019 are trending at almost 9% greater than 2018; and,

WHEREAS, by the measures described above, the Virginia Department of Conservation and Recreation and the leadership of Virginia State Parks have proven to be excellent stewards of limited funding by returning \$14.06 for every \$1.00 invested; and,

WHEREAS, the Virginia State Parks are requesting much-needed additional funding in the FY2021 budget; and,

WHEREAS, such funds would help Natural Bridge State Park expand its ability to serve the public, with significant returns to the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, that the Rockbridge County Board of Supervisors, by this resolution, formally requests members of the Virginia General Assembly and the Governor of this Commonwealth to support the requested increase of Natural Bridge State Park's budget

to support four additional full time positions and a critically needed increase of operational funds to properly support current full time positions.

BE IT FURTHER RESOLVED that the Rockbridge County Board of Supervisors, also formally requests that the Virginia Association of Counties (VACo) place this issue on their legislative agenda and advocate for it to the General Assembly.

Adopted this 22nd day of July 2019.

Consideration of Citizen Request to Abandon Dogtown Loop:

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

"Recently, Natural Bridge District Supervisor David Hinty was approached by a constituent - Rick Siler, who requested Board support for VDOT to abandon State Route 737 - Dog Town Loop. As the result of a recent land purchase, members of the Siler family now own all private properties accessed by or adjacent to Route 737. I have spoken to Mr. Siler and the Siler family understands that if the road is removed from the State secondary system, the owners of property accessed by the road will be responsible for all future maintenance. Additionally, Mr. Siler has agreed to pay for new signs (which would be white rather than green). The road name and addresses would remain the same for mailing and emergency service purposes. Code requires that the County advertise the proposed abandonment and solicit public comment through petition. The attached resolution authorizes such publication. If, after advertisement, any public comment

is received by staff, a public hearing would need to be scheduled. If there is no public petition filed, staff would bring the Board a resolution requesting VDOT abandonment at the next regular meeting following the end of the 30-day period for comment."

He then introduced Rick Siler, who advised the Board of the danger on the road as a result of it only being one lane. He further advised that Google directs travelers down this road to get to the Natural Bridge Cabins.

Supervisor Higgins moved to approve the Resolution.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JULY 22, 2019

RESOLUTION TO PUBLISH NOTICE OF INTENT TO ABANDON SECONDARY HIGHWAY ROUTE 737 (DOG TOWN LOOP) IN THE NATURAL BRIDGE MAGISTERIAL DISTRICT OF ROCKBRIDGE COUNTY

WHEREAS, it appears to the Board of Supervisors of Rockbridge County that Secondary Highway Route 737 (Dog Town Loop) from Route 11 to Route 11, for a distance of approximately .36 miles, serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforementioned segment, pursuant to §33.2-909 of the Code of Virginia of 1950, as amended.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

Adopted this ____ day of July, 2019.

Consideration of Refund to a Qualified Veteran for Tax Exemption that Exceeds \$2500:

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

"On July 10, 2019, Brian Thomas submitted an application, along with supporting documentation, to the Rockbridge County Commissioner of Revenue, for the real property tax relief for veterans with 100% service-connected disabilities. Brian and Erica Thomas, husband and wife, own property at 90 Walnut Grove Lane, Rockbridge Baths, VA 24473, and said property is further identified upon the Rockbridge County Land Records as Tax Map #035A2004000000B1. After reviewing the application and supporting documentation, the Commissioner of Revenue determined that Mr. Thomas does qualify for the 100% veterans' tax relief, to be effective July 13, 2018 - the official date of disability (see attached certification letter from David Whitesell). Based on his determination and in accordance with Virginia Code §58.1-3219.5, a refund is due Mr. Thomas in the amount of \$3,802.37, said refund representing the 2nd half of real estate taxes for

2018 in the amount of \$1,861.30 and the 1st half of real estate taxes for 2019 in the amount of \$1,941.07. The 2nd half of 2019 real estate taxes is not due until December 5th and therefore, Mr. Whitesell will abate those taxes. Rockbridge County Code §25-1, adopted pursuant to Virginia Code §58.1-3981, provides that any correction of an erroneous assessment, resulting in a refund of \$2,500 or greater, requires certification by the Commissioner of Revenue, and approval of the County Attorney, to the Board of Supervisors. The Board of Supervisors may authorize the Treasurer to issue the refund as a result of the erroneous assessment; interest on the refund is not required per Va. Code §58.1-3219.5. Approve, appropriate and direct the Treasurer to issue the refund to Brian and Erica Thomas, in the amount of \$3,802.37, with no interest."

Chairman Lewis commended Mr. Thomas for his services.

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

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

Appointments:

RARO Board: Hunter McClung's Term Expired 6/30/2019:

Chairman Lewis carried this appointment over to the next meeting.

**Rockbridge Regional Communications Center Management Board
(911 Board) - Alternate Member: Robert Hickman's Term Expired
6/30/2019:**

Supervisor Higgins moved to nominate Mickey Cochrane for appointment to the 911 Board. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

**Blue Ridge Criminal Justice Board: John Higgin's Term
Expired 6/30/2019:**

Supervisor Higgins moved to nominate Jared Moon for appointment to the Blue Ridge Criminal Justice Board. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

Monthly Staff Reports:

Supervisor Higgins moved to accept the Monthly Staff Reports as presented. Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

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

Recess:

At 5:53 p.m., Chairman Lewis called for a short recess until the Public Hearings could be heard at 6:00 p.m.

Reconvene:

At 6:00 p.m., Chairman Lewis reconvened the meeting.

Public Hearings at 6:00 p.m.

Rockbridge County Code Amendment- Erosion & Sediment

Control Fees:

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

"At its last regular meeting on June 24th, the Board authorized staff to advertise amendments to Chapters 12 (Soil and Erosion Control) and 27 (Stormwater Management) in the County's Code. As discussed in that meeting, these changes are required to address increases in fees charged by the Virginia Department of Environmental Quality (DEQ) and increases in third party plan

review fees. The advertisements were subsequently published in accordance with code. Suggested amendments to County Code §12-7 are straightforward and deal with increasing the application fees assessed by the County to applicants so that they match the increases noted above. In addition, the provisions of County Code §12-7(G) are proposed to be deleted. The application fee increases are also included in the suggested amendments to County Code §27-15, which is the next item on the agenda." Mr. Suter noted one (1) change in the Ordinance, he stated that the language under letter "G" had been struck as part of the draft Ordinance, but would actually remain in the final.

Chairman Lewis read aloud the following statement:

"Prior to the public hearings, I'd ask that members of the public remain considerate of speakers and others by not calling out or clapping. We want to hear from anyone who wishes to speak on this matter. I'd ask that all comments be addressed to the Board, and not staff or the audience, and that speakers limit their comments to 3 minutes. Finally, if as a speaker you agree with prior comments, we'd ask that you simply note your agreement rather than reiterating. Thank you for your cooperation."

Chairman Lewis opened the Public Hearing at 6:03 p.m. Hearing no comment, Chairman Lewis closed the Public Hearing at 6:04 p.m.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE
COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, JULY 22, 2019

**An Ordinance to Amend Permit Fees in Section 12-7 of Rockbridge
County Code Chapter 12 -- Erosion and Sediment Control**

BE IT ENACTED by the Rockbridge County Board of Supervisors that:

1. Section 12-7 in Chapter 12 – Erosion and Sediment Control of the
Rockbridge County Code is hereby amended and re-enacted as follows:

ROCKBRIDGE COUNTY CODE

Chapter 12

EROSION AND SEDIMENT CONTROL

Section 12-7. Permits; fees; security for performance.

A. No person may engage in any land-disturbing activity until he has paid the required fees, posted any required bond, escrow or letter of credit, and acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this Chapter.

B. Any land-disturbing activity, regardless of use or exemption from this Chapter, deemed an erosion impact area shall require immediate application for a permit and shall be subject to the provisions of this Chapter.

C. Any applicant for a permit under this Chapter shall pay the required fees to the County, in accordance with the following schedule, at the time of submission of an Erosion and Sediment Control plan or Agreement in Lieu of plan, to cover the administrative expense of plan review, permitting, and inspections, unless the land disturbing activity is also subject to County Code Chapter 27 and applicable fees therein have been paid by the applicant.

Development Size and Type	Total Fee
*Single Family Residence Construction: Agreement In Lieu of an official Erosion and Sediment Control plan with land disturbance less than 1 acre.	\$100
*Commercial / Industrial Construction Activity / Land Clearing with land disturbance acreage less than 1 acre.	\$1000

***Third and subsequent plan reviews will be provided on an hourly basis at \$128.20**
(Sec. 7 Amended by Ord. of 8-11-14)

D. No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

E. Officials, departments, agencies or authorities authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit until the permit required by this Chapter has been issued and the applicant certifies that the plan or agreement will be implemented. No building permits shall be issued in a single-family subdivision, multi-family development, or for any commercial or industrial use property until the owner has received a written inspection report from the Program Administrator confirming that all controls shown on the approved plan (including required stormwater facilities) are properly installed and all denuded areas are properly stabilized. In addition, all new road construction is to be at final grade and covered with stone with proper ditch lining.

F. All applicants for permits shall provide to the County a reasonable performance bond with surety, cash escrow, an irrevocable letter of credit, or any combination thereof, acceptable to the County Program Administrator, to ensure that measures could be taken by the County of Rockbridge at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent (25%) of the cost of the conservation action. Should it be necessary for the County to take such conservation action, the County may collect from the applicant any costs in excess of the amount of the surety held.

Within sixty (60) days of adequate stabilization, as determined by the County Program Administrator in any project or section of a project, but not before receiving all documentation required under this Chapter, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

G. The record owner of the property at the time of permit issuance shall provide a signed and notarized Stormwater Maintenance Agreement with the County, together with a map or plat in recordable form showing the stormwater management facilities to be maintained, all of which shall be recorded in the Clerk's Office of the Circuit Court of Rockbridge County. The maintenance agreement may be transferred to another responsible person or entity, such as a property owners' association, provided that such association has been properly established and transfer of maintenance responsibility is completed prior to conveyance of any out-parcel in the project.

As-built plans showing the final stormwater management facilities, man-made ditches and channels, and storm sewer systems shall be provided to the Program Administrator upon completion of the project. No surety will be released until all items are provided to the County Erosion and Sediment Control Department. Failure to respond to an initial request for the required documentation will result in enforcement action in accordance with County Code Section 12-8 and Section 12-10.

H. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

2. This Ordinance shall be effective on and from the date of its adoption.

Adopted this 22nd day of July, 2019.

Rockbridge County Code Amendment- Stormwater Management

Fees:

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

“At its last regular meeting on June 24th, the Board authorized staff to advertise amendments to Chapters 12 (Soil and Erosion Control) and 27 (Stormwater Management) in the County’s Code. As discussed in that meeting, these changes are required to address increases in fees charged by the Virginia Department of Environmental Quality (DEQ) and increases in third party plan review fees. The advertisements were subsequently published in accordance with code. Amendments to Section 12-7 are scheduled for public hearing just prior to the public hearing for Section 27-15. The application fee increases shown in Table 1 of the attached ordinance mirror those contained in the suggested changes to those in Section 12-7. However, during the June 24 meeting, there was discussion about whether or not to assess maintenance fees associated with Stormwater Management. Section 27-7(C) provides for *annual* maintenance fees to cover local inspections while a permit is active. These fees were originally adapted into local code from a model developed by DEQ

and were based on the fees DEQ would charge if that agency was doing the inspections. Please recall that like many localities, Rockbridge opted to locally administer our program, rather than ceding it fully to DEQ. However, at some point since adoption, the annual maintenance fees imposed in the County Code have actually not been assessed. We have provided the Board with two proposed Ordinances for amendment of Section 27-7 related to stormwater management fees - one provides for assessment of increased maintenance fees and the other eliminates maintenance fees."

Chairman Lewis opened the Public Hearing at 6:06 p.m. Hearing no comment, Chairman Lewis closed the Public Hearing at 6:06 p.m.

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, Higgins, Lewis
Nays: None
Absent: Hinty
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JULY 22, 2019

An Ordinance to Amend the Permit Issuance Fees and Eliminate Permit Maintenance Fees in Section 27-15 of Rockbridge County Code Chapter 27 – Stormwater Management to Cover Costs Associated with Plan Review

BE IT ENACTED by the Rockbridge County Board of Supervisors that:

1. Section 27-15 -- Fees in Chapter 27 – Stormwater Management is hereby amended and re-enacted as follows:

ROCKBRIDGE COUNTY CODE

Chapter 27

STORMWATER MANAGEMENT

Sec. 27-15. Fees.

A. Fees to cover costs associated with plan review, VSMP land disturbance permits and the Department’s Construction General Permit coverage shall be imposed in accordance with Table 1.

Table 1: Fees for permit issuance

Development Size and Type	Total Fee
Single Family home construction (an agreement in lieu of a plan within or outside a common plan of development)*	\$100
General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within commons plans of development or sale with land disturbance acreage less than 1 acre.)	\$1000
General/Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 acres) [single family home construction]	\$1000
General/Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 acres)	\$4,900
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres) [single family home construction]	\$1000

General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$6,435
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$9,100
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$12,900
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$18,000
Third and subsequent plan reviews will be charged on an hourly basis	\$128.20

*Agreement in lieu of stormwater management plans may be issued at the discretion of the VSMP Authority as defined in Section 27-2 of this Chapter.
(Sec. 15(A), Table 1 (and corresponding reference note) Amended by Ord. of 8-11-04)

B. Modifications to or transfers of the General permit to another permittee are subject to additional fees.

(1) Prepayment of a \$50.00 administrative processing fee is required from any General permit holder wishing to modify or transfer a General permit.

(2) In addition, review fees will be billed at actual cost, based on a rate of \$128.20 per hour.

(3) Modifications resulting in an increase in total disturbed acreage shall pay the difference between the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage as shown in Table 1.

(4) No General permit modification or transfer will be approved until payment in full for all fees.

C. Reserved.

D. The fees set forth in Subsections (A) and (B) above, shall apply to:

- (1) All persons seeking coverage under the General permit.
- (2) All permittees who request modifications to or transfers of their existing Registration Statement for coverage under a General permit.
- (3) Permit fees shall apply to each General permit holder.

E. No general permit application fees will be assessed to:

- (1) Permittees who request Minor modifications to general permits as defined in Section 27-2 of this Chapter. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.
- (2) Permittees whose General permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.

F. Persons whose coverage under the General permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater from Construction Activities.

G. All incomplete payments will be deemed as nonpayment, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A ten percent (10%) late payment fee shall be charged to any delinquent (over ninety (90) days past due) account. The County of Rockbridge shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

2. This Ordinance shall be effective on and from July 22, 2019.

Adopted this 22nd day of July, 2019.

**Shenandoah Valley Workforce Development Board Chief Elected
Officials Consortium Agreement:**

Director of Community Development Sam Crickenberger briefly reviewed the Agenda Item which included the following information:

"This past November the Board approved the Consortium Agreement. Since that time some minor changes were made and we need to re-approve. Those changes include:

- Added an explanation of the statutory bases for SVWDB work to the Consortium Agreement. A local government attorney that will be reviewing this agreement on behalf of the localities will be very concerned with the statutory authority to adopt an agreement like this one.

- Removed most of the information about the governing procedures, etc., for the Board (as opposed to the consortium) - which does not need to be in this Agreement, because the Board is governed by its own bylaws and articles of incorporation.

- Clarified the nomination process by which local governments can nominate and appoint up to 3 private sector members and that required agency representation nominations come from the required state agency and are approved by the consortium.

- Updated the conflict of interest information (this was done in the original update and tweaked in the final agreement based on feedback from the state). As a reminder, this agreement is very similar to the original approved a couple of years ago but reflects the changes required when the Workforce Investment

Board was renamed the Workforce Development Board. As a reminder, the Chief Elected Officials (CEO) Consortium is comprised of a Chief Elected Official from each jurisdiction in the Shenandoah Valley Workforce Development Board (SVWDB) service area which stretches from Frederick County to Rockbridge County. The Chair of the SVWDB Board of Directors is also a voting member of the Consortium. The CEO Consortium serves as the policy Board for the Shenandoah Valley Workforce Development Area and makes appointments to the Shenandoah Valley Workforce Development Board. As Mr. Lewis is the current Chair of the Board of Supervisors, he is officially the Chief Elected Official and I have been appointed his alternate to act on your behalf. I am the Vice-Chair of the CEO. Morgan Phoenix, Supervisor, Page County is the Chair. Page County also serves as the fiscal agent for the Board."

Joan Hollen, Data and Communications Specialist for the Workforce Development Board, advised of the changes made to the previously adopted Consortium Agreement noting that the Board needed to adopt an ordinance approving the Agreement.

Chairman Lewis opened the Public Hearing at 6:09 p.m. Hearing no comment, Chairman Lewis closed the Public Hearing at 6:09 p.m.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JULY 22, 2019

Ordinance to Authorize and Approve a New Shenandoah Valley Chief Elected Officials Consortium Agreement to Plan, Establish, and Operate a Local Workforce Development Area and Workforce Development Services Delivery System through the Shenandoah Valley Workforce Development Board in Accordance with the Provisions of the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128, codified at 29 U.S.C. §3100, et seq.) Between the Counties of Rockbridge, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren, and the Cities of Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro, and Winchester

WHEREAS, the Workforce Innovation and Opportunity Act of 2013 (“WIOA”) is the vehicle by which federal funding for workforce training is administered and disbursed; and,

WHEREAS, under WIOA and its corresponding Virginia implementation legislation in Virginia Code §2.2-2470, et seq., these programs are implemented through a “local workforce development board”, which, for this region, is the Shenandoah Valley Workforce Development Board (the “SVWDB”), organized as a Virginia non-stock corporation; and,

WHEREAS, the WIOA requires appointments to be made by the chief elected officials of the localities that the SVWDB serves, and further requires the localities to agree how to discharge the functions that WIOA delegates to the chief elected officials; and,

WHEREAS, the localities have had a CEO Consortium Agreement in the past to provide for the mechanisms by which the chief elected officials of the participating localities would exercise, jointly, the functions committed to CEO's under WIOA; and,

WHEREAS, comments from a recent administrative audit under the prior agreement necessitated a revised agreement; and,

WHEREAS, this agreement is being considered by the Board of Supervisors of Rockbridge County, Virginia, as a joint exercise of powers by multiple political subdivisions under the provisions of Virginia Code § 15.2-1300; and,

WHEREAS, legal notice of a public hearing and consideration of this Ordinance on July 22, 2019, has been published as required by law.

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

1. That the terms and provisions of the Shenandoah Valley Chief Elected Officials Consortium Agreement, dated for purposes of identification as of May 1, 2019, between the Counties of Rockbridge, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren, and the Cities of Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro, and Winchester, the participating localities served by the Shenandoah Valley Workforce Development Board, to establish the Shenandoah Valley Chief Elected Officials Consortium and outline the Consortium's duties and

responsibilities, to remain in effect until terminated upon the repeal of the WIOA or successor legislation, or upon mutual consent of at least 2/3's of the voting members of the Consortium, are hereby authorized and approved. A copy of said Agreement is on file with the Clerk to the Board of Supervisors.

2. That the County Administrator is hereby authorized to execute the Agreement dated as of May 1, 2019, and such other and further documents, and to take such further actions, as are necessary to accomplish this transaction on behalf of the Board of Supervisors, all of which shall be approved as to form by the County Attorney.

3. That this ordinance shall be effective on and from the date of its adoption.

Adopted this 22nd day of July, 2019.

Steeles Tavern Manor- Expansion of Lodge/Resort in A-2:

Assistant Director of Community Development Chris Slaydon briefly reviewed the Agenda Item which included the following information:

"Trey and Dana Tumminello have applied for a special exception to build up to three more cabins, in addition to the three already on site, at the Steeles Tavern Manor per Section 603.03-1 (lodges or resorts, Country Inn) of the Land Development Regulations. The 2008 County rezoning removed lodges/resorts as permitted use and made them a use by special exception. Therefore any new expansion requires a special exception permit. A total of eight could be allowed per our regulations. See

enclosed description and location plan. The Planning Commission has recommended approval conditioned on substantial compliance with concept plan presented.”

Applicant Trey Tumminello advised the Board of his intentions for an expansion to prevent having to turn guests away as he has in the past, for lack of additional rooms.

Chairman Lewis opened the Public Hearing at 6:14 p.m. Hearing no comment, Chairman Lewis closed the Public Hearing at 6:14 p.m.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JULY 22, 2019

Ordinance to Grant a Special Exception Permit to Albert J. Tumminello and Dana S. Tumminello for Expansion of the Steeles Tavern Manor to Add Three Additional Rental Cabins in the Agricultural and General Uses District (A-2) on Property Located Along the East Side of North Lee Highway Approximately 500 Feet South of Its Intersection with Tye River Turnpike (Tax Map #29-1-OA) in the South River Magisterial District

WHEREAS, Albert J. Tumminello and Dana S. Tumminello are the current owners and operators of the Steeles Tavern Manor, on their property located along the

east side of North Lee Highway approximately 500 feet south of its intersection with Tye River Turnpike, in the South River Magisterial District of Rockbridge County; and,

WHEREAS, the Tumminellos' predecessors in title operated the Steeles Tavern Manor, with the three existing cabins, as a permitted use in the Agricultural and General Uses District (A-2) prior to amendment of the Land Development Regulations (LDR's) in 2008 to allow a lodge, resort, or country inn as a use by special exception permit under Section 603.03-1; and,

WHEREAS, the Tumminellos have filed an application for a special exception permit, pursuant to LDR Section 603.03-1, to expand the Steeles Tavern Manor with an additional three rental cabins on property identified on the Rockbridge County Land Records as Tax Map #29-1-OA in the Agricultural and General Uses District (A-2); 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 Planning Commission held a public hearing on this matter on July 10, 2019, and recommended approval with the condition of substantial compliance with the development plan presented; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on July 22, 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 of the Rockbridge

County Land Development Regulations, finds and determines that the proposed use, with the herein specified condition, 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 finds that the granting of a special exception permit, pursuant to Section 603.03-1 of the Rockbridge County Land Development Regulations, to Albert J. Tumminello and Dana S. Tumminello to expand the Steeles Tavern Manor with an additional three rental cabins on property identified as Tax Map #29-1-OA in the South River Magisterial District of Rockbridge County, located in the Agricultural and General Uses District (A-2), 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 approved, with and subject to the condition of substantial compliance with the development plan presented, titled Steeles Tavern Manor.

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 22nd day of July, 2019.

Apex Towers- Telecommunication Tower in A-2:

Assistant Director of Community Development Chris Slaydon reviewed a PowerPoint presentation that included the following information:

Existing Macro Telecommunication Towers

Historically, Macro Tower construction has been along the Interstate corridor. There are also existing cell towers in the City of Lexington, in the City of Buena Vista. An existing tower, in the City of Lexington is located on top of the RE lee Hotel and is concealed as a fake chimney.

Telecommunication Towers in Rockbridge County

Early in the 1990's, the cellular towers were commonly in the 185' to 199' range. Once we hit the 2000's, the request for the larger towers was reduced. Of the 11 towers since the year 2000, the County has approved one 199' tower. That tower was in a rural portion of the County (the Knob Road - Goshen). The average height of the towers since 2000 has been 140'.

Micro Telecommunication Towers in Rockbridge County

The County has been seeing some small cell construction. Small cells do not require a SEP. These are less than 50' in height and each tower has a limited service range.

While more prevalent in urban areas, the County is starting to see the development of small cell technology.

The County has two small cell projects in the Raphine area that have been developed.

The City of Lexington is currently discussing a small cell construction on top of a building in the downtown area.

Macro and Micro cell construction work together.

Proposed 199' Telecommunication Apex Tower

The proposed tower is 195' in height with a 4' lighting rod.

It is proposed to be a Monopole construction with Internal Antennas, Referred to as a "Slick Stick" and is located at 1265' in elevation.

The Planning Commission has recommended approval of the project with the following Conditions:

- 1) Substantial Compliance with site plan, compound plan and elevation plan prepared by NB+C and Apex Towers dated 3/19/2019.
- 2) Tower shall be designed as shown on the plan as a monopole with internal antenna(s)
- 3) No future external antenna, dishes and cables shall be allowed on the tower
- 4) Pole to have a dull gray galvanized finish
- 5) No lighting on the tower

There was more discussion on the need for a light on the Tower. The FFA has determined a light is not required. However due to the flight path of Life Guard 12, staff felt it would be beneficial to reach out to the medevac service provider and review any questions or concerns they may have. In follow up, Marcus Holden, the Regional Aviation Manager for Med-trans Corporation stated that the tower would pose no inherent risk to the aircraft during normal day or night operations. He did state that the addition of a night vision compatible light would serve to enhance safety. Again, the PC has recommend a condition that prohibits lighting.

Due to the distance off of Route 11, the TCO Board reviewed the site plan for the proposed site. The TCO Board expressed concerns on the proposed height of the tower. However, the Board recognized that their scope of review was with the aesthetics from the corridor. With limited visibility from the corridor and proposed distance from the corridor, the TCO board felt that impact to the corridor was reduced. The TCO Board voted to approve the application as submitted (contingent on SEP approval). Additionally, the TCO Board respectfully asked that the Board of Supervisors review height concerns and review the recent change in ideology that 199' towers were better for the County than the historically lower height towers.

Propagation Mapping (AFTER)

State law has been amended and localities can no longer require propagation mapping. As shown with the next Public Hearing on the Verizon Wireless Raphine application, staff has been successful in requesting the before and after mapping. However staff has not been able to obtain the entire propagation mapping for the Apex Tower LLC tower.

At the beginning of the process, staff requested the propagation mapping. The Applicant reached out to the carrier but was unable to secure propagation maps for the project. The applicant has stated that the proposed carrier had not been responsive to County's request. Therefore, only a small portion of the proposed service area was made available.

The primary task of the proposed tower is to reduce the load on the existing tower in the City of Lexington (On top of RE LEE Hotel) and ensure service stays in the downtown area. The second task of the proposed tower is for increased service along 251 and Route 11 South. Mapping shows the proposed propagation in the southwest portion of the City and along Thornhill Road approximately one mile into the County.

Discussion on Alternative Sites

Staff and Planning Commission has had discussion on alternative sites in the area. This included discussion on the potential to locate the tower on City owned land, in the County, but adjacent to the City, near the existing water tank (off of the bypass). This was not achievable due to the City land being located in the Conservation (C-1) Zoning District. Additionally, we have had discussion with another tower company and the land owner on developing a tower on the southernmost knoll on the property.

The original tower site that was discussed is closer to the problematic areas along Route 11 south and is higher elevation. At the Planning Commission meeting, when asked about this at the potential site, Apex tower representative stated that this location takes away from the main purpose of the tower, and that is the penetration back to Lexington proper.

Staff also has had discussions with a land owner off of Jacobs Ladder Road that stated they were contacted by a tower company to erect a structure on his property.

Section 711.04 of the Rockbridge County Land Development
Regulations_____

- (a) Height of the proposed structure
- (b) Proximity of the proposed structure to residential structures and residential district boundaries

- (c) Compatibility with surrounding land uses
- (d) Surrounding topography
- (e) Surrounding tree coverage and foliage
- (f) Design of the structure, with special consideration given to design elements that have the effect of mitigating or eliminating visual obtrusiveness
- (g) RF Coverage
- (h) Use of existing structures
- (I) Co-location policy
- (j) Consistency with the comprehensive plan and the purposes to be served by zoning"

Mr. Slaydon then introduced Apex Tower's Zoning/Project Manager Dale Hill.

Mr. Hill provided a PowerPoint presentation to include a number of images showing the visibility of the proposed tower from multiple locations in the surrounding areas. He stated that the structure will be concealed, having all internal antennas, and service will be covered another 1.8 miles outside of what the map showed. Mr. Hill stated that the County's consultant (ATC) identified 25 tower sites that would cover the underserved portions of the County. Mr. Hill stated that the proposed Apex

Tower would be an acceptable replacement for the Murat location identified in the consultant's report.

Mr. Hill continued his review by stating that, even on a really good day, it is hard to provide coverage 4 miles from these towers. He provided the Board with a sample of the dull-galvanized finish that would be used on the tower and noted that they are able to get the dull finish by using an aging treatment.

Chairman Lewis asked if staff had comments. Mr. Slaydon stated that he disagreed that the proposed tower would be an acceptable replacement for the Murat location, and stated that the Murat location is located 3.5 to 4 miles away from the proposed Apex Tower site.

Supervisor Lyons asked if silo towers were looked at since it will be located on a farm.

Mr. Hill replied, yes silo towers had been looked at, however they would be more detectable verses the proposed tower.

Supervisor Lyons noted that the tower will be on a farm and silos are on farms.

Chairman Lewis opened the Public Hearing at 6:36 p.m.

Roy Powell of the Natural Bridge Magisterial District expressed his support of towers that provide data to

smartphones. He added that today, having a smartphone with internet access could be a requirement for some employees in order to be able to check their emails and do work outside of the office.

Hampden Smith of Old Farm Road stated that it is not in question whether or not the tower should go up, but rather where is the right place to put the tower. He added that it is okay for the County to provide service to its neighbors in the City of Lexington, but maybe we should focus more on the needs of the citizens in the County. Mr. Smith shared that technology is changing rapidly and 5G will be coming soon, and asked that the condition listed for no future external antenna, dishes and cables be strictly enforced.

A.P. Smith, also of Old Farm Road, shared that, in part, she moved to the County because of the beautiful views and requested that, instead of poles being put up, perhaps bury the electric lines to eliminate cluttering the beautiful views. She added that she did not think this was a good idea five years ago when first proposed and she still feels the same. .

Hearing no additional comments, Chairman Lewis closed the Public Hearing.

Supervisor Higgins shared that he has received many calls from his constituents who need more coverage in the Buffalo

District. He agreed that more coverage is needed in his district because the City of Lexington currently uses the available data in that area. He added that perhaps the towers can be taken down once satellites are providing the service, but for right now, these towers are needed.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JULY 22, 2019

Ordinance to Grant a Special Exception Permit to Apex Towers, LLC for a New 199' Telecommunications Tower and Facility Per LDR Section 603.03-10, on Property in the Agricultural and General Uses District (A-2) Owned By Mack Randolph Smith, Identified as Tax Map No. 75-A-6, Located on the West Side of South Lee Highway Approximately .6 Miles South of Its Intersection with South Main Street in the Buffalo Magisterial District

WHEREAS, Apex Towers, LLC, the applicant, has filed an application for a special exception permit, to construct a new 199-foot telecommunications tower and facility on a leased site measuring 100' x 100' of leased area, with a 50' x 50' fenced compound, on a portion of property owned by Mack Randolph Smith and located on the west side of South Lee Highway approximately .6 Miles south of its intersection with

South Main Street, in the Buffalo Magisterial District of Rockbridge County and identified upon the Rockbridge County Land Records as Tax Map #75-A-6; and,

WHEREAS, the subject site is located in the Agricultural and General Uses Zoning District (A-2), and telecommunication and wireless facilities are uses requiring a special exception permit per Section 603.03-10 of the Rockbridge County Land Development Regulations; and,

WHEREAS, the Planning Commission held a public hearing on this matter on July 10, 2019, and recommended approval with specified conditions to the Board of Supervisors; 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 of Rockbridge County, Virginia, held a public hearing on this matter on July 22, 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 §711.04 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, 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, per Section 603.03-10 of the Rockbridge County Land Development Regulations, to Apex Towers, LLC, to construct a new 199-foot telecommunications tower and facility on a leased site measuring 100' x 100' of leased area, with a 50' x 50' fenced compound, in the Agricultural and General Uses District (A-2), on a portion of property owned by Mack Randolph Smith and located on the west side of South Lee Highway approximately .6 Miles south of its intersection with South Main Street, in the Buffalo Magisterial District of Rockbridge County, identified upon the Rockbridge County Land Records as Tax Map #75-A-6, 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 set forth on Exhibit A attached hereto and incorporated herein.

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

Adopted this 22nd day of July, 2019.

EXHIBIT A

SPECIAL EXCEPTION PERMIT CONDITIONS

Applicant: Apex Towers, LLC

Owner: Mack Randolph Smith

- (1) Substantial Compliance with site plans, compound plan and elevation plan entitled Lexington II, Apex Towers Site Number: VARBL T02, dated March 19,

2019, prepared by NB+C Engineering Services, LLC, and Apex Towers, on file in the office of Community Development.

- (2) Tower shall be designed, as shown on the plans, as a monopole with internal antenna(s).
- (3) No future external antenna, dishes and cables shall be allowed on the tower.
- (4) Pole to have a dull gray galvanized finish.
- (5) No lighting on the tower.

Verizon Wireless- Telecommunication Tower in A-2:

Mr. Slaydon reviewed a PowerPoint presentation that included the following information:

"Proposed 199' Telecommunication Tower:

195' with 4' lighting Rod Monopole construction with Flush mount antennas Elevation of Site = 1937' - a 29.5' reduction to the first application that was withdrawn in February of this year. The PC has recommended approval of the project with the following conditions:

- 1) Substantial compliance with site plan (site plan by NB+C titled Vesuvius Project 100374 dated May 8, 2019)
- 2) All proposed and future antennas will not be greater than a 18" standoff (flush mount design)

Discussion on Alternative Sites:

There has been some discussion on the site selection process. At the first meeting with the representatives for the applicant, staff expressed concerns on the proposed location. The

concerns included the proposed location in relationship to the existing topography, and the proximity to residential structures.

Since that time, we have discussed several alternative locations.

- Closer to the Raphine interstate interchange.
- Properties to the north and east that are uninterested in have towers developed on their property
- Properties to the south and west that have indicated that they have interest in having tower on their property.
- After initially recommending approval for the first site, Atlantic Technologies Consultants, the County Cellular Consultant has provided alternative site that, in their opinion, would have less visual impact on the surrounding residences and would be a more appropriate location.

Mr. Slaydon stated that each special exception permit application has to be weighed for its own merits.

In addition, Mr. Slaydon briefly reviewed before and after propagation maps.

Consultant for Verizon Wireless Dave Beniamino explained that the proposed tower would help to expand coverage and that there was no way to collocate using any of the existing poles in the area. He stated that future antennas will be close-mounted with no more than a 28" standoff, that the balloon tests that

were required had been completed, and that Verizon agrees to Mr. Hill's dull-galvanized finish as presented during the APEX Tower discussion. He noted that one criterion for most homebuyers today good broadband..

Mr. Slaydon clarified that what is being presented to the Board in condition number two (2) is not what was presented at the Planning Commission.

Chairman Lewis opened the Public Hearing at 7:11 p.m.

Bruce Lillegard of the Walkers Creek Magisterial District stated that he was unsure what criteria was used to determine the location of the tower but did not believe that the proposed location was the only one that would work. He added that the tower should be closer to Interstate 81.

Stephen Young of the Walkers Creek Magisterial District stated that the proposed tower will be offensive to the Ridgemoor Community and advised that George Condyles with Atlantic Technologies Consultants (ATC), with whom the County has a contract for consulting services, did not recommend this specific location on the Bezok property.

Sharon Pecoraro of the Walkers Creek Magisterial District shared her disapproval of the proposed tower site, stating that it will be even more noticeable from her house than it would have been in the original location. She noted that the proposed

property is deed-restricted and asked the Board to follow its Comprehensive Plan.

Glenn Wilson of the Walkers Creek Magisterial District shared his support of the tower, stating that cell service is limited right now in the western parts of the County near Wades Mill.

Jennifer Perdeu of the Walkers Creek Magisterial District stated that she moved to the County because of its beautiful views, not for cell phone service. She added that the map presented was deceptive.

Gail Balka of the Walkers Creek Magisterial District asked the Board to reconsider the placement of the tower.

Joe Costello of the Walkers Creek Magisterial District stated that they do not need a tower in their view and suggested adding a tower silo next to the two existing silos on the nearby vineyard property.

Robert Beard of the Walkers Creek Magisterial District commented that silos are usually no taller than 45'. He then stated that he thought the tallest silo in the County was 80' in height. He stated that the proposed tower will provide more cell service in the area, which he hopes could benefit him and his family because he has a special needs daughter who needs to be able to call 911 in the event of an emergency. He added that

the process to this point has been extensive and was properly conducted and he therefore shared his support of the project.

Robert Whipple of the Walkers Creek Magisterial District supported the tower and comments made by Mr. Beard and Mr. Wilson.

Tom Templeton of the Walkers Creek Magisterial District stated that the Rockbridge Vineyard was never discussed and that the photos of the monopole shown in the presentation did not show everything that will be mounted on the tower.

Anthony Lawhorne stated that adding additional carriers was never discussed and that the setbacks were changed only because the County demanded it - not because of Verizon's claim of being good-hearted.. He further stated that the tower is going to be in the wrong place and will not even help with cell service in the western part of the County where the service is really needed.

Ray Wimer of the Walkers Creek Magisterial District shared his support of the tower as it is modern day technology.

Irwin McCumber of the Walkers Creek Magisterial District asked the Board to base its decision on the facts given and not emotions. He stated that property values will suffer and the need for cell service in the western part of the County will still not be met.

Mike Bezok of the Walkers Creek Magisterial District shared his disbelief that the tower will cause property values to suffer.

Chairman Lewis closed the Public Hearing at 7:40 p.m.

Mr. Slaydon provided the following additional comments: there was a willing landowner on higher elevation who offered their land for the tower; Rockbridge Vineyard was one of the County consultant's recommendations, however was not sure if they were contacted by Verizon or even willing to offer their property for the tower; and, the Clark's were willing to offer their land, but were never contacted by Verizon. Mr. Slaydon then asked the Board to consider the following staff recommendations in regard to amended conditions:

1. Substantial compliance with site plans entitled Vesuvius Project #100374, dated May 8, 2019, prepared by NB+C Engineering Services, LLC, on file in the office of Community Development.
2. All proposed and future antennas will not be greater than 28" standoff (close mount design).
3. The pole shall have a dull gray galvanized finish.
4. The compound will be screened with an 8 foot board fence.

Supervisor Higgins shared his belief that the tower will be worth it even if it only helps one (1) person in the event of an emergency. He then moved to adopt the ordinance granting the

SEP, as amended, shown below. A second was provided by Supervisor Day. Supervisor Lyons commended those who participated in the meeting and how they conducted business. He shared his uncertainty that the proposed location will help satisfy the need for cell service in the western part of the County and in changes in property values. The motion carried by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON MONDAY, JULY 22, 2019

Ordinance to Grant a Special Exception Permit to Verizon Wireless for a New 199' Telecommunications Tower and Facility Per Section 603.03-10 of the Land Development Regulations on Property in the Agricultural and General Uses Zoning District (A-2) Owned By Michael A. Bezok, Located on the South Side of Oakland Circle in the Walkers Creek Magisterial District and Identified as Tax Map #28-A-23

WHEREAS, Verizon Wireless, the applicant, has filed an application for a special exception permit to construct a new 199-foot telecommunications tower and facility on a leased site measuring 70' x 70' of leased area, with a 50' x 50' secure compound, on a portion of property owned by Michael A. Bezok and located on the south side of Oakland Circle, approximately .3 mile east of its intersection with Ridge Road in the Walkers Creek Magisterial District and identified upon the Rockbridge County Land Records as Tax Map #28-A-23; and,

WHEREAS, the subject site is located in the Agricultural and General Uses Zoning District (A-2), and telecommunication and wireless facilities are uses requiring a special exception permit per Section 603.03-10 of the Rockbridge County Land Use Regulations; 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 Planning Commission held a public hearing on the application on June 12, 2019, and recommended approval with the specified conditions to the Board of Supervisors; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on July 22, 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 §711.04 of the Rockbridge County Land Development Regulations, finds and determines that the proposed application 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, per Section 603.03-10 of the Rockbridge County Land Development

Regulations, to Verizon Wireless to construct a new 199-foot telecommunications tower and facility on a leased site measuring 70' x 70' of leased area, with a 50' x 50' secure compound, in the Agricultural and General Uses District (A-2), on a portion of property owned by Michael A. Bezok and located on the south side of Oakland Circle, approximately .3 mile east of its intersection with Ridge Road in the Walkers Creek Magisterial District and identified upon the Rockbridge County Land Records as Tax Map #28-A-23, 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 approved with and subject to the conditions 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 22nd day of July, 2019.

EXHIBIT A
SPECIAL EXCEPTION PERMIT CONDITIONS

Applicant: VERIZON WIRELESS

Owner: Michael A. Bezok

1. Substantial compliance with site plans entitled Vesuvius Project #100374, dated May 8, 2019, prepared by NB+C Engineering Services, LLC, on file in the office of Community Development.
2. All proposed and future antennas will not be greater than 28" standoff (close mount design).
3. The pole shall have a dull gray galvanized finish.
4. The compound will be screened with an 8' board fence.

Rockbridge County- Increase Building Height in B-1:

Mr. Slaydon briefly reviewed the Agenda Item that included the following information:

"On May 13, 2019, the Board of Supervisors passed a resolution to have the Planning Commission (PC) consider and hold a public hearing on Zoning Text Amendments in order to increase the overall allowable building height from 45' to 55' for hotels/motels. The PC discussed the proposed text amendment at their June 12, 2019 meeting and a motion was passed to hold the public hearing the following month. The public hearing was held on July 10, 2019. There were no comments during the Public Hearing. The PC (4-0 Vote - one member absent) has recommended that the proposed amendments not be approved. While the PC expressed excitement about the hotel prospect, concerns on the proposed amendment included historical growth patterns for building heights in the County/surrounding Cities, Towns, and Villages, rolling topography/view shed concerns, and consistency with zoning practices. The PC expressed the need to stay consistent with the current building height limit in the County. Additionally, they felt that the current height limits for the County were consistent with other localities that were studied. The Tourism Corridor Overlay (TCO) Board discussed the

proposed amendment at their June 5th, July 9th, and continued July 16th meetings. The TCO (2-1 Vote - one member absent and one member abstained) has recommended denial of the proposed amendments. The TCO Board felt that there were some locations along the corridor that would be appropriate for five story hotels, while expressing concerns about other locations that would have potential conflicts with existing building heights. Overall the TCO Board was not comfortable approving the proposed amendments as drafted.

John Neal of Christiansburg and engineer for the proposed project for KM Hotels shared his support of the proposed amendments, stating that it will provide more business opportunities for the County.

Supervisor Day asked if more rooms will be added with the increase.

Mr. Neal replied that the footprint would be reduced.

Mr. Slaydon added that approximately six rooms would be added with the increase in height.

Supervisor Lyons asked if the air conditioning units would be stored on the rooftop and if so, would it be within the allowed height.

Mr. Neal stated that the AC units were placed on the ground for other hotel projects.

Chairman Lewis opened the Public Hearing at 8:08 p.m.

Leslie Ayers of the Buffalo Magisterial District asked if lighting had been considered.

Chairman Lewis replied that the Board is considering the specifics included in the proposed Ordinance and it does not pertain to lighting.

Hearing no additional comments, Chairman Lewis closed the Public Hearing at 8:09 p.m.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JULY 22, 2019

Ordinance to Amend Notes 2 and 5 of Table 1 – Area and Setback Requirements to Allow an Increase in Building Heights for Hotels/Motels in the General Business District (B-1) from 45’ and Four Stories to 55’ and Five Stories, Provided Side Line Setbacks are Increased a Minimum of One Foot for Each Additional Foot of Building Height Over 35’ and to Allow an Increase in Height Limit to 75’ By Special Exception for Architectural Purposes With Additional Setback in a 1:1 Ratio; and for a Corresponding Amendment to Section 605.03-20 for Special Exceptions in the General Business District – B-1 in Article 6 – Uses in Districts of Article 6 – Uses in Districts

WHEREAS, the Rockbridge County Planning Commission held a public hearing on these amendments to the Land Development Regulations on July 10, 2019, and recommended to the Board that the proposed changes not be approved; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on these amendments on July 22, 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 good zoning practice and accomplish 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 605.03-20 under Section 605.03 – Special Exceptions of Section 605.00 – General Business District – B-1 in Article 6 – Uses in Districts, be amended and reenacted, as follows:

ARTICLE 6. USES IN DISTRICTS

605.00 GENERAL BUSINESS DISTRICT - B-1

605.03 Special Exceptions. In General Business, special exceptions may be granted for one (1) or more of the following uses:

605.03-20 Increase in building height up to seventy-five (75) feet for architectural purposes, not to increase habitable floor space beyond five (5) stories or for advertising purposes.

2. That Notes 2 and 5 to Table 1 – Area and Setback Requirements and Table 2 – Residential District – Area Requirements be amended and reenacted as follows:

TABLE 1. AREA AND SETBACK REQUIREMENTS

DISTRICT	AREA (ACRES)	SETBACK	FRONTAGE	SIDE	REAR	HEIGHT	ACCESSORY BUILDINGS
C-1	N/A	N/A	N/A	25'	50'	N/A	N/A
A-1	See Notes 8 and 9	65'	175'	50'	50'	35'*	5*
A-2	See Notes 8 and 9	65'	175'	50'	50'	35'*	5*
A-T	2	65'	175'	50'	50'	35'*	5*
R-1	See Table 2	25'	100'	15'	25'	35'*	5*
R-2	See Table 2	25'	75'	10'	25'	35'*	5*
B-1	N/A	20'	N/A	20'*	20'	35'*	20'*
I-1	N/A	20'	N/A	20'*	20'	35'*	20'*

(Table 1 Amended by Ord. of 4-14-08; Table 1 Amended by Ord. of 5-27-08)

TABLE 2. RESIDENTIAL DISTRICT- AREA REQUIREMENTS

USE	PUBLIC WATER & SEWER	PUBLIC/PRIVATE WATER & PRIVATE DRAINFIELD
R-1	.5 ACRES	1 ACRE
R-2	.25 ACRES	N/A
MULTI FAMILY	.5 ACRES PLUS 2000 SF EACH ADDITIONAL UNIT	N/A

(Table 2 Amended by Ord. of 4-14-08)

*** NOTES**

1. Height measured from average grade to highest point of structure. The height limit for dwellings may be increased to a maximum of 45' and up to 3 stories provided the side line setbacks are increased a minimum of one foot for each additional foot of building height over 35'.
2. The height limit for buildings (except hotels/motels) in the B-1 and I-1 Districts may be increased to 45' and up to 4 stories provided the side line setbacks are increased a minimum of one foot for each additional foot of building height over 35'. The height limit for hotels/motels in the B-1 District may be increased to 55' and up to 5 stories, provided the side line setbacks are increased a minimum of one foot for each additional foot of building height over 35'. This limit may be increased to 75' by special exception for architectural purposes with additional setback in a 1:1 ratio.
(Note 2 Amended by Ord. of 11-22-10)
3. A public or semi-public building such as a school, church, library, or hospital may be erected to a height of 60' from grade provided required front, side, and rear setbacks are increased one foot for each additional foot of building height over 35'.
4. Church spires, belfries, cupolas, monuments, water towers, silos, tanks, chimneys, flues, flag poles, television and radio antennae, and associated poles or towers are exempt from height requirement. Parapet walls may be erected up to 4' above building height.
(Note 4 Amended by Ord. of 4-14-08; Note 4 Amended by Ord. of 10-27-14)
5. Side yard setbacks for B-1 and I-1 Districts are applicable only when adjacent to residential or agricultural districts or corner lots, except when the building height exceeds 35'. When the building exceeds 35' in height, side line setbacks are increased a minimum of one foot for each additional foot of building height that exceeds 35'.
6. Accessory buildings/structures limited to 15' at the highest point when within 20' of property lines. If over 20' from property line (15' in R-1, 10' in R-2) building/structure may be up to 35'. All accessory buildings/structures shall be less than the main building in height except farm and industrial buildings/structures. Accessory buildings/structures shall meet the required front setback of the primary building and shall have a required minimum separation of 5' from the primary building.
(Note 6 Amended by Ord. of 4-14-08)
7. Decks, ramps, landings, garages and other structures attached to the primary structure shall meet the setbacks applicable to the primary structure except for the ordinary projection of steps, sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections are 2' or less.

8. The minimum lots size in A-1, A-2 and A-T shall be 2 acres unless approved as a clustered development pursuant to Section 712.00, Cluster Developments.

(Note 8 Added by Ord. of 4-14-08; Note 8 Amended by Ord. of 5-27-08)

9. As stated in Note 8, the minimum lot size in the A-1 and A-2 Districts shall be 2 acres. In addition, density in the A-1 and A-2 Districts is regulated by Sections 701.05 through 701.05-4, Section 712.02-1 and Tables 4 and 5.

(Note 9 Added by Ord. of 5-27-08)

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

Adopted this 22nd day of July, 2019.

Adjournment :

Supervisor Higgins moved to adjourn the meeting. Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Higgins, Lyons, Day, Lewis

Nays: None

Absent: Hinty

Abstain: None