

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS  
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING  
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA  
ON MONDAY, SEPTEMBER 23, 2019 AT 5:30 P.M.

*The Work Session for 4:30 P.M. was cancelled.*

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

COUNTY ATTORNEY: VICKIE L. HUFFMAN

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**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 removed two items from the Agenda. They were, "Consideration of Contract with Recycling & Disposal Solutions (RDS)" and the Closed Meeting.

**Recognitions and Presentations:**

**Recognition of the Annual Goad's Classic Cruise-In:**

Chairman Lewis recognized Goad's Body Shop for its annual car show that supports Rockbridge Area Hospice.

Supervisor Higgins commended W.D. Goad for his continued fundraising efforts to support Rockbridge Area Hospice. He shared that this year's car show brought in roughly 1,100 vehicles, over 10,000 people, and raised around \$110,000. Supervisor Higgins shared his appreciation for this tourism attraction.

Supervisor Hinty also commended Goad's Body Shop for this event adding that roughly \$50 million dollars in cars showed up this year, one being the owner of Bacardi Rum.

**Citizens Comments:**

Chairman Lewis called for citizens comments. There were none.

**Approval of the September 9, 2019 Minutes:**

Supervisor Higgins moved to approve the minutes and Supervisor Lyons provided the second. Supervisors Day and Hinty abstained due to their absence during the September 9<sup>th</sup> meeting. The motion carried by the following roll call vote by the Board:

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

**Consideration of Schools Appropriation Resolution:**

Fiscal Services Director Steven Bolster presented the resolution and recommended approval as presented.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, SEPTEMBER 23, 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:

**New Grants**

**Title IV 21<sup>st</sup> Century MRMS 2019**

4-50-61100-1130-350-500-901	Grant Coordinator.....	\$30,000.00
4-50-61100-1120-350-500-901	Teacher Salaries.....	\$81,704.00
4-50-61100-2100-350-500-901	FICA.....	\$21,280.00
4-50-61100-3160-350-500-901	Purchased Services.....	\$8,950.00
4-50-61100-4000-350-500-901	Internal Services.....	\$49,423.00
4-50-61100-5510-350-500-901	Mileage.....	\$1,552.00
4-50-61100-6030-350-500-901	Materials & Supplies.....	<u>\$7,091.00</u>
<b>Total</b>		<b>\$200,000.00</b>

**Approved FY 2020 CIP Projects**

4-50-66200-8100-220-001-000	CES Field Drain Improve...	\$50,000.00
4-50-66200-8100-350-001-000	MRMS Prac Field Upgrade...	\$70,000.00
4-50-66200-8100-390-001-000	RCHS Track Resurfacing...	\$125,000.00
4-50-66300-3160-904-001-000	Feasibility A&E Study.....	\$68,500.00
4-50-66400-8200-910-001-000	Alternate Educ Program....	<u>\$50,000.00</u>
<b>Total</b>		<b>\$363,500.00</b>

**TOTAL FUND 50 APPROPRIATIONS** **\$563,500.00**

### **Update on the 2019 Rockbridge Regional Fair and Expo:**

Fair Board Chair Janelle Vess provided an update on the 2019 Rockbridge Regional Fair and Expo to include the following information:

- The Fair Board will have approximately \$1,000 remaining in its bank account following this year's event
- Providing the public with so many free activities is believed to have attracted more attendees, roughly 7,500 attendees this year, a significant increase from last year
- Volunteers dedicated approximately 3,000 hours for the year in preparation for the 2019 event and roughly 900 volunteer hours during the event
- 26 girls signed up for the pageant
- 20 teams of horses participated in the horse pull
- The rodeo was a success but did not bring in any revenue for the Fair Board

Supervisor Higgins added that there were approximately 130 lambs and 50 goats that participated in various shows at the Fair. He commended Ms. Vess for building a team of staff and volunteers. He then thanked Steve Hart and his family for its efforts and participation in the Fair.

Ms. Vess thanked the Board for its continued support.

### **Update on Refunding of the 2013 Courthouse Loan Opportunity:**

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

"On September 9th, staff provided the Board an overview of a potential

refunding opportunity in the Virginia Resource Authority's (VRA) Virginia Pooled Financing Program (VPFP) for Fall 2019. This opportunity is linked to the County's Series 2013A VPFP loan which refinanced the original 2005 courthouse loan. As discussed at the Board update, this subject was on the agenda for a September 12th Finance Committee meeting. Prior to the Finance Committee meeting, staff coordinated an analysis by the County's Financial Advisor, Davenport & Company, about current and future opportunities related to this refunding. A summary of their analysis is attached. Staff will provide an overview of the information as part of this agenda item. In addition, staff tracked the changes of the daily Treasury yield curve rates for 10-year and 20-year maturities. A snapshot of the changes is below.

<b>Date</b>	<b>10-yr</b>	<b>20-yr</b>
1/2/2019	2.66%	2.83%
8/22/2019	1.62%	1.90%
8/27/2019	1.49%	1.77%
9/4/2019	1.47%	1.77%
9/13/2019	1.90%	2.37%
9/18/2019	1.80%	2.25%

The Finance Committee reviewed the available information and recommends to the Board that the County forego this current opportunity and to direct staff to remain in contact with VRA representatives each VPFP cycle (Spring, Summer, Fall) to discuss possible refunding opportunities which may be available. If in agreement with the Finance Committee recommendation, there is no further action. If the Board elects to move ahead now with the advanced refunding opportunity, staff will re-engage with our bond counsel, financial advisor, and VRA personnel to complete

the necessary documentation for consideration at the October 15th Board meeting."

Chairman Lewis asked Mr. Bolster if there were any alternative ways to improve the strategy to make it more efficient.

Mr. Bolster replied that there are other financing processes that can be taken outside of the VRA pool program, but staff would need to work through County's Financial Advisors to coordinate such an effort.

The Board Members concurred with the Finance Committees recommendation.

**Schedule Public Hearing on Lease Extension with Verizon Wireless at Greenhouse Road Tower Site:**

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

"Rockbridge County owns a parcel of land, consisting of 2.73 acres, more or less, located off Greenhouse Road in the Kerrs Creek Magisterial District, identified on the Rockbridge County Land Records as Tax Map #61-7-B. The front (eastern) portion of the property is currently leased to Randy Hostetter's business for overflow parking. The next section of the property is the Greenhouse Road Collection Center. The Verizon Wireless telecommunications tower is located on the far westerly portion of the property. By Land Lease Agreement dated January 10, 2007, the County leased to CELLCO PARTNERSHIP, d/b/a Verizon Wireless, a 2500 square-foot (50' x 50') site for construction of a wireless communications tower, together with a 20-foot access and utility easement. The layout of the site was later amended to a 30' by 67' parcel containing 2010 square feet,

by First Amendment to Land Lease Agreement dated November 15, 2007. (Copies attached.) The lease term, commencing as of August 1, 2007, was for an initial period of 5 years, with provision for automatic extension of the term for 4 additional 5-year terms, unless sooner terminated by Verizon Wireless. The total of 25 years would terminate on July 31, 2032. The annual rental payment to the County was initially \$9,600.00, in equal monthly installments. The lease contains a provision for a 3% annual increase in rent. The current annual rent is \$13,687.20, with a monthly payment of \$1,140.60. Verizon has contracted with ATC Sequoia LLC ("American Tower") to manage their tower sites. American Tower has approached the County on several occasions over the last few years, with various proposals ranging from a one-time buyout for a perpetual lease, to signing bonuses for a longer term lease. Previous negotiations (presented to the Finance Committee) have been unsuccessful, with Board members expressing concerns regarding the long-term commitment of public property. Recently, we reached terms the County Administrator and Finance Committee felt confident bringing to the full Board for consideration. The proposed Second Amendment to Land Lease Agreement, providing for extension of the original lease for 3 additional 5-year terms, totaling 15 years through July 31, 2047, upon a one-time payment of \$25,000.00 to the County, is attached. The annual/monthly rent would remain the same, with the 3% escalator per year. Staff recommends that, if the Board approves, the funds be placed in the restricted construction fund for future capital improvement projects. Extension of the lease requires a public hearing and adoption of an ordinance. If the Board is in agreement, following any

questions or discussion, authorize staff to schedule and advertise a public hearing for Tuesday, October 15<sup>th</sup>."

Supervisor Day asked why Verizon is approaching the Board for extension of their current lease that does not expire until year 2032.

Mr. Huffman advised that some sub-leases require specific lease terms.

Supervisor Hinty moved to schedule a Public Hearing on Tuesday, October 15<sup>th</sup>. Supervisor Lyons provided the second, and the motion carried by the following 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.:**

**Constance Dorsey- Rezone from A-T/B-1 to R-1:**

Assistant Director of Community Development Chris Slaydon reviewed the Dorsey Tract via PowerPoint and the Planning Commission's recommendation as follows: On September 11, 2019 the Planning Commission held their Public Hearing. The Planning Commission has recommend approval of the Rezoning Application. The application requested consideration to rezone the Constance Dorsey Property from AT/B1 to R1.

Brandon Dorsey, representing the applicant, advised that it just made sense to rezone, stating that his mother may want to move back and build on the property or for future marketing.

Chairman Lewis opened the Public Hearing at 6:08 p.m. There were no comments. Chairman Lewis closed the Public Hearing.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, SEPTEMBER 23, 2019

**Ordinance to Change the Zoning Classification from Agricultural Transitional District (A-T) and General Business District (B-1) to Residential General District (R-1) of a 4.5-Acre Parcel of Land (Tax Map #49-10-5A), Located on the South Side of Boundary Line Lane in the Walkers Creek Magisterial District of Rockbridge County, Owned By Constance C. Dorsey**

WHEREAS, the Planning Commission held a public hearing on this matter on September 11, 2019, and recommended approval of the application to the Board; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on September 23, 2019; and,

WHEREAS, the Board of Supervisors has determined that the rezoning of the property would generally promote the health, safety and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia.

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

1. That the zoning classification of a parcel of land, containing 4.5 acres, located on the south side of Boundary Line Lane in the Walkers Creek Magisterial District of Rockbridge County,

identified upon the Rockbridge County Land Records as Tax Map # 49-10-5A, owned by Constance C. Dorsey, be and hereby is changed from Agricultural Transitional District (A-T) and General Business District (B-1) to Residential General District (R-1).

2. That this action is taken upon the application of the property owner, Constance C. Dorsey.

3. 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. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 23<sup>rd</sup> day of September, 2019.

#### **Appointments:**

**Social Services Board- Candace Berry Resigned- Term Expires**

**7/31/2020:**

Supervisor Higgins shared his sadness that members of the public were not applying for membership on this Board. He advised that Tony McFaddin from the Sheriff's Department had applied and would make a good candidate. However, he expressed concern that there could be a conflict in him serving on this particular Board as there are many pending investigations with the Department of Social Services.

Chairman Lewis shared his hope that there would not be any conflicts of interest, should Mr. McFaddin serve on this board.

Supervisor Hinty asked if Mr. McFaddin understood the potential conflicts in serving on this board.

Supervisor Lyons moved to appoint Tony McFaddin to fill the vacancy on the Social Services Board in place of Candace Berry. Supervisor Day

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

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

**Central Shenandoah EMS Council- Nathan Ramsey's Term Expires**

**10/01/2019:**

Supervisor Hinty moved to reappoint Fire-Rescue Chief Nathan Ramsey to the Central Shenandoah EMS Council. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

**PSA- Joe Sokolowski's Term Expires 10/14/2019:**

This appointment was carried over to the next meeting.

**Board Comments:**

Supervisor Lyons requested that members of the Department of Social Services provide the Board with an update on its potential new lease.

Supervisor Hinty requested that all County-marked vehicles be parked at the bottom of the parking lot to allow citizens' easier access to the Admin Building when the lot is full.

**Continued Meeting:**

Chairman Lewis continued the meeting until Wednesday, September 25, 2019 at 5:30 P.M. for an Interjurisdictional Meeting to be held at the

Vista Links Clubhouse, 100 Vista Links Dr., Buena Vista, Virginia 24416.