

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON TUESDAY, OCTOBER 15, 2019 AT 5:30 P.M.

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

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

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lewis called the meeting to order at 5:31 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 added a Drought Designation Resolution.

Recognitions and Presentations:

Chairman Lewis called for recognitions and presentations. There were none.

Citizens Comments:

Natalie Elliott of Intercept Health advised that, since the Board adopted the Foster Awareness Resolution in May, Intercept Health and the local Department of Social Services have created a Foster Awareness Campaign for recruiting foster families. She added that they have partnered with four (4) local churches, Collierstown Baptist, Grace Presbyterian, Lexington Baptist, and Rockbridge Church. She then announced a "Foster Rockbridge" event planned for Friday, November 15th from 5:30 p.m. - 8:00 p.m. at the Lexington Baptist Church. Ms. Elliot invited members of the Board and the entire community to attend this free community dinner event where multiple agencies will be present to answer questions about becoming a foster and/or adoptive parent.

Dr. Robert Hull, owner of Magnolia Square, asked for clarification on what the holdup has been on the proposed lease with the Department of Social Services (DSS). He stated that he was asked to accommodate the DSS' changes to the facility, which would result in large construction costs, and now did not know if they would be leasing his facility or not.

Approval of the September 23, 2019 and September 25, 2019 Minutes:

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

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

County Financial Package:

Fiscal Services Director Steven Bolster presented his monthly

memorandum which included the following information:

"Section I - Commissioner of the Revenue

Activities for Month:

1. Working on adjustments to personal property (PP) accounts for 2019 PP tax.
2. Preparing 2019 supplemental tax book for personal property.
3. Working land-use revalidations for CY 2020.
4. Starting to prepare CY 2020 tax forms.
5. Continuing audits of Schedule C.
6. Preparing 2019 Public Service Corporation Tax book and to be presented to Treasurer for billing.
7. Brooke Tomlin and I attended Bright User's Group Meeting Charlottesville.
8. Updating change of addresses for 2nd half Real Estate billing.

Section II - Treasurer

Activities for Month:

1. State Auditors on site to conduct audit of State files and Sheriff fees Sept 24th & 25th. Received letter stating the Treasurer has complied with state laws and all is in good standing.
2. Collections of the Personal Property tax continue, due October 7, 2019.
3. External auditors on site to complete final fieldwork FY 2019 October 9th through October 11th.
4. External auditors on site to complete final fieldwork FY 2019 October 21st through October 24th.

5. Beginning work at month-end on delinquent notices for Personal Property tax.
6. Preparing list of outstanding Delinquent Real Estate (2016 and earlier) files advancing to Taxing Authority Consulting Services attorney for collection.
7. End-of-month preparation of Real Estate billings due December 5, 2019.

Section III - Director of Fiscal Services

Information Items:

1. External auditors on site for final FY 2019 fieldwork: October 8-11 and 21-24.
2. Review draft FYE 2021 budget cycle schedule and funding priorities (see attachments). The draft budget schedule and funding priorities were reviewed by the Finance Committee. Staff is requesting feedback from the Board on potential changes prior to bringing these documents back on October 28th for consideration of Board Adoption. Feedback is welcomed at the October 15th meeting or to Supervisors Higgins and Lyons over the next week." Mr. Bolster then presented the County's Appropriation Resolution as presented.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
 VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING,
 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
 ON TUESDAY, OCTOBER 15, 2019 AT 5:30 P.M.

On motion by Supervisor Lyons, seconded by Supervisor Higgins, 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:

4-11-31020-7005 Police Equipment.....	\$1,009.00
4-11-32020-5700 \$4 For Life-Rescue Squads.....	<u>\$20,000.00</u>
Total General Fund Appropriations	\$21,009.00
 Total Appropriations	 \$21,009.00
 Current County	
11 - General Fund	\$937,137.43
94 - Central Stores	\$8,110.51
372 - Construction Project Fund	\$121,481.24
376 - Capital Purchases Fund	<u>\$14,173.41</u>
Total County Bills	\$1,080,902.59
 Current Fiscal Agent	
80 - Regional Jail	\$166,506.92
241 - E-Summons Fees	\$1,395.36
721 - Comm Atty Forfeiture Fund	<u>\$1,910.00</u>
Total Fiscal Agent	\$169,812.28
 TOTAL ALL BILLS	 \$1,205,714.87

Schools Appropriation Resolution

Mr. Bolster presented the School's Appropriation Resolution 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

Chairman Lewis asked that education not be left out and forgotten in the Funding Priorities.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON TUESDAY, OCTOBER 15, 2019 AT 5:30 P.M.

On motion by Supervisor Hinty, seconded by Supervisor Day, 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 VI-B 619 2019	
4-50-61310-1120-901-200-903 Teacher Salaries.....	<u>\$10,360.00</u>
Sub-total	\$10,360.00
TOTAL FUND 50 APPROPRIATIONS	\$10,360.00

Department of Social Services Facility/Office Space Update:

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

"As you know, the Department of Social Services (DSS) Board has been seeking office space options for the past two years. They issued a request for proposals last year and received one proposal. After negotiation, they submitted a proposed lease cost to the three member localities and ultimately decided to pause the process for additional discussion.

At your last regular meeting on September 25th, staff was asked to request that a DSS representative attend the next Board meeting to provide an update." He then introduced the County's DSS Board appointees Michelle Watkins and Torben Pedersen who were present.

Ms. Watkins advised that the DSS is not looking at a specific location and would be issuing another request for proposals (RFP) to explore their options.

DSS Director Dinah Clark added that they would be seeking to contract someone to help draft a more comprehensive RFP.

When the question was posed, County Attorney Vickie Huffman advised that the DSS is not required to issue an RFP.

Supervisor Hinty asked if there would be any back payment or penalty (to Dr. Hull) for work already performed during negotiations.

Ms. Huffman replied that there are never any recoverable costs on work performed during negotiations.

Supervisor Hinty suggested that the RFP include specific needs.

Ms. Clark agreed, adding that it would make for an even playing field.

Supervisor Hinty asked if the security issues at the current facility had been taken care of.

Ms. Clark indicated that they are working with their landlord on a security system.

Supervisor Lyons asked when their current lease expires.

Ms. Clark replied March 2020.

Added Item:

Drought Designation Resolution:

Tom Stanley, Extension Agent Agriculture and Natural Resources, Farm Business Management, briefly reviewed his report which included the following information:

"Drought Indicators and Data:

Attached are tables showing rainfall and temperature data for official weather data collection sites in Rockbridge County. The Glasgow and Lexington sites have equipment and monitors approved by the National Climatic Data Center to which they submit their data. The Raphine site is at the Shenandoah Valley Agriculture Research and Extension Center (McCormick Farm) and that equipment is used by the National Soil Climate Analysis Network run by USDA's Natural Resource Conservation Service (NRCS).

The data supports observations that many areas of Rockbridge began to be impacted by drought the last 10 days of August (and some isolated spots before that) and by mid-September all of Rockbridge was drying rapidly. By the end of September, rainfall totals were just 15% of normal for the month. The precipitation shortfall has been exacerbated by higher than normal daytime high temperatures. August and September typically have some of the highest evaporation rates of the year. This year, evaporation

rates were likely above long-run average since daily high temperatures recorded at Lexington were 7° F above the 30-year average.

By mid-September a significant number of farmers reported they were starting to feed hay due to limited pasture growth. The rapid onset of drought conditions are not reflected in corn or hay yields since growing conditions and rainfall were relatively good up until mid-August for most of Rockbridge. However, with many farmers beginning to feed winter hay inventories in September (90 days ahead of schedule) there are concerns of a hay supply shortage by mid-winter. The current forecast at this writing gives no indication of significant precipitation before October 20.

Likely Needs of the Community at this point:

The greatest drought impact at this point is from the expense of feeding livestock. There are some cases of farms with limited water resources where the farmer has been forced to haul water or relocated those animals to a different farm with adequate water. These circumstances are isolated at this point. I have not heard any reports of residential water shortages in Rockbridge as a result of the current dry weather.

Qualifying for Assistance:

The USDA's Drought Monitor (<https://droughtmonitor.unl.edu/>) is the definitive authority to designate specific areas of the country as being impacted by drought. There has typically been about a two-week lag between the onset of discernable drought impacts and the drought conditions showing up on the Drought Monitor mapping system. New this year is a drought report submission system the Drought Monitor team has implemented. Going to the website above, any person can scroll down and

click on 'submit a report' and write their own narrative of what they are observing and submit photos. The Drought Monitor's stated intent is to "encourage regular reporting and photos, even when areas are not impacted by drought, to 'build a publicly available online atlas' of how weather conditions impact communities across the country. I am encouraging Rockbridge Farmers to submit their own drought impact reports and I am submitting observations and data to this system as well.

The most significant help to farmers in Rockbridge impacted by drought will probably be the 'Livestock Forage Disaster Program' (https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/2018/livestock_forage_disaster_program-july2018.pdf). A locality's eligibility for this program is strictly defined by the Drought Monitor's drought status designation (D2 for 6 weeks or D3 for any period of time, we are currently at D1, with a small area of D2 between Buena Vista and Glasgow).

Is a Drought Declaration Helpful?:

A 'Drought Declaration' by the county will not make a significant difference in Rockbridge's eligibility for the "Livestock Forage Disaster Program". However, a Drought Declaration could be a useful 'benchmark', or 'paper trail', in the event the dry conditions persist. If impacts extend beyond agriculture and additional Federal or State funds come available through other programs, a Drought Declaration can be a useful reference point to corroborate weather data with what people have been experiencing. In short, a Drought Declaration by the County "couldn't hurt" and it is probably the one means by which the Supervisors can demonstrate their awareness and sensitivity to what farmers are

experiencing as well as raising awareness by the general public.

Cumulative subnormal precipitation over a period of months can seriously impact everyone - not just farmers. Subnormal precipitation over the fall and winter can be deceiving since temperatures are cooler and most vegetation is naturally dormant. Recharging of our soil moisture and groundwater should occur during a winter with normal precipitation. Our current moisture deficit warrants close monitoring over the coming months."

Supervisor Higgins moved to approve Drought Designation Resolution. Supervisor Hinty provided the second, and the motion carried by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, OCTOBER 15, 2019

RESOLUTION DECLARING A DROUGHT EMERGENCY IN ROCKBRIDGE COUNTY, AND REQUESTING DISASTER ASSISTANCE FROM THE COMMONWEALTH OF VIRGINIA AND THE UNITED STATES

WHEREAS, over the period from August 25, 2019, to October 15, 2019, Rockbridge County has had an eighty-five percent (85%) deficit in rainfall and daytime high temperatures thirteen percent (13%) above long-run average, creating agricultural drought conditions throughout areas of the County; and,

WHEREAS, these drought conditions have resulted in serious and irreversible damage to pasture growth, necessitating supplemental feeding of livestock ninety (90) days earlier than the

normal winter feeding period and the loss of fall harvested hay for a total forage loss in excess of thirty-five percent (35%) of season-long production; and,

WHEREAS, in recognition of these serious drought conditions and financial losses that are being experienced by local farmers, the County desires and respectfully urges that the appropriate Federal and State agencies declare Rockbridge County to be experiencing a drought disaster in order that any available financial assistance be provided.

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

1. That the Board of Supervisors recognizes that a drought disaster exists in Rockbridge County and respectfully requests that the appropriate Federal and State agencies recognize these conditions and have the County declared a drought disaster area in order for the County to qualify for all financial assistance which may be available to the local farmers through this or a similar designation.

2. The onset of this drought is documented with this declaration and may serve as a point of reference should the precipitation deficit persist through the winter and have additional impacts to agriculture, ground water levels, or other natural resources in the County.

3. That the County petitions the Honorable Ralph S. Northam, Governor of the Commonwealth, and all of its Federal and State legislators, namely the Honorable U.S. Senators Mark R. Warner and Tim M. Kaine, the Honorable U.S. Representative Ben Cline, the Honorable Senator R. Creigh Deeds, and the Honorable Delegate Ronnie R. Campbell, together with the local Farm Service Agency of the U.S. Department of Agriculture, to proceed as soon as possible to have the County declared a drought disaster or similar area and to obtain all possible financial assistance from any available Federal or State agency to the farmers who are being so seriously injured by the extreme conditions in the County.

4. That the Clerk is directed to send a copy of this Resolution to Governor Northam, Senators Warner and Kaine, Congressman Cline, Senator Deeds and Delegate Campbell.

Adopted this 15th day of October, 2019.

Consideration of Proclamation for Rockbridge to Become a Dementia-Friendly Community:

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

"Recently, I have been in discussions with Jeri Shaff, Executive Director of the Valley Program for Aging Services (VPAS), regarding the potential for Rockbridge to become a certified "Dementia-Friendly Community." The nationally recognized program provides opportunity to raise community awareness of the challenges that dementia presents for many of our friends and neighbors, and their caregivers. The proposed program is in extension of the pilot program Mr. Shaff coordinated several months ago in the City of Lexington. The ultimate goal of the program would be to include the entire region."

Supervisor Hinty moved to adopt the Proclamation. 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

PROCLAMATION DECLARING ROCKBRIDGE COUNTY AS A DEMENTIA FRIENDLY COMMUNITY

WHEREAS, Rockbridge County is home to as many as many as 1360 residents living with dementia or caring for someone who is; and,

WHEREAS, the number of people living with dementia or caring for someone with dementia is expected to grow in coming years and the number of older residents increases; and,

WHEREAS, the Rockbridge County Board of Supervisors wants to ensure that the County is welcoming and inclusive to all those impacted by dementia; and,

WHEREAS, the government, businesses, faith community, financial institutions, first responders, health care providers, educational institutions, and citizens of the County can make small changes to provide a community in which people living with dementia can continue to be involved, active, respected, valued and understood; and,

WHEREAS, the Dementia Friendly Rockbridge initiative is dedicated to raising community awareness of dementia and the needs of those living with dementia and their caregivers; and,

WHEREAS, today marks the official launch of the County's efforts to join other localities in our region by making Rockbridge County a DEMENTIA FRIENDLY COMMUNITY.

NOW, THEREFORE, we, the Rockbridge County Board of Supervisors do hereby proclaim that Rockbridge County will be, from this day forward, a Dementia Friendly Community, and urge all our citizens to join in this coordinated effort.

Adopted this 15th day of October, 2019.

Public Hearings at 6:00 p.m.:

Lease Extension with Verizon Wireless at Greenhouse Road Tower Site:

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

"BACKGROUND:

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.

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.

SUMMARY OF INFORMATION:

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. The attached spreadsheet, prepared by the County Fiscal Services Director, reflects the rent payable over the existing term and the proposed extended term of the lease. 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. At its meeting on September 23rd, the Board authorized scheduling public hearing on the proposal.”

Supervisor Hinty asked if there is additional space on the tower for the County.

County Attorney Vickie Huffman replied, yes, that the County has reserved space on the tower.

Supervisor Day suggested that, if there are additional tenants on the tower, the County should receive additional funding.

Chairman Lewis opened the Public Hearing at 6:22 p.m. Hearing no comment, Chairman Lewis closed the Public Hearing.

Supervisor Lyons moved to move forward by adopting the ordinance. Supervisor Higgins provided a second. He and Supervisor Hinty shared their support of adding the \$25,000 lease fee to an athletics line in the County's CIP to be used specifically for athletic purposes.

Supervisor Lyons stated that they should not be so specific given that the CIP funds are used as needed and he does not want to tie the

hands of future Board Members.

Supervisor Hinty stated that either way, the hands of future Board Members are tied because the lease does not expire until 2032 or 2047 depending on what action the Board takes.

The motion on the floor to move forward by adoption of the Ordinance carried by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER, ON TUESDAY, OCTOBER 15, 2019

Ordinance Authorizing and Approving Execution of a Second Amendment to Land Lease Agreement With Virginia RSA 5 Limited Partnership d/b/a/ Verizon Wireless, to Extend the Term for an Additional Fifteen Years, for a Lump Sum Payment of \$25,000, and Continuation of the Current Annual Rent With a 3% Annual Escalator, for the 2,010 Sq. Ft. Tower Site on Property Owned By the County of Rockbridge Located Off Greenhouse Road in the Kerrs Creek Magisterial District and Identified on the Rockbridge County Land Records as Tax Map No. 61-7-B

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, is the owner of a parcel of land located off Greenhouse Road, adjoining the Regional Jail property, in the County of Rockbridge, Virginia, and designated on the Rockbridge County Land Records as Tax Map #61-7-B; and,

WHEREAS, by Ordinance adopted on October 10, 2006, the Board approved and authorized execution of a Land Lease Agreement dated January 10, 2007, with Celco Partnership, d/b/a Verizon Wireless, for lease of a 2500 square-foot site for construction of a tower and wireless communication facilities, for an initial period of five (5) years at an annual rental of \$9,600.00, payable in equal monthly installments, with a 3% annual increase in rent, and with provision for automatic extension of

the term for four (4) additional five-year terms, totaling twenty-five (25) years, unless sooner terminated by Cellco Partnership; and,

WHEREAS, the County and Verizon agreed to reconfiguration of the site to accommodate the possibility of future construction of a new Sheriff's Office on the property, and Verizon provided notification by letter dated July 12, 2007, of commencement of the lease and began construction of its facilities on the reconfigured site; and,

WHEREAS, on August 28, 2007, the Board of Supervisors authorized and approved the First Amendment to Land Lease Agreement dated November 15, 2007, with Cellco Partnership, d/b/a Verizon Wireless, to substitute a new Exhibit A with a revised description of the leased premises, and a new Exhibit B showing the revised location of the leased premises described as "NEW 30' x 67' LEASE LOT" on the Site Survey prepared by Engineering Concepts, Inc., dated August 8, 2007; and,

WHEREAS, subsequent to November 15, 2007, Cellco Partnership d/b/a Verizon Wireless assigned its interest in the Lease to Virginia RSA 5 Limited Partnership, d/b/a Verizon Wireless (the "Tenant"); and,

WHEREAS, Tenant, Verizon Communications Inc., a Delaware corporation, and other parties identified therein, entered into a Management Agreement and a Master Prepaid Lease, both with an effective date of March 27, 2015, and both with ATC Sequoia LLC, a Delaware limited liability company ("*American Tower*"), pursuant to which American Tower subleases, manages, operates and maintains, as applicable, the Leased Premises, all as more particularly described therein; and,

WHEREAS, American Tower has proposed an extension of the term of the Lease for three (3) additional five (5) year renewal terms, through July 31, 2047, in exchange for a lump-sum payment of \$25,000.00; and,

WHEREAS, the conveyance of an interest in real estate, including leases, requires the adoption of an Ordinance, following a public hearing, held on October 15, 2019.

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

1. That the Second Amendment to Land Lease Agreement, effective as of the latter signature date thereof, with Virginia RSA 5 Limited Partnership, d/b/a Verizon Wireless, to provide Tenant with the option to extend the Lease for each of three (3) additional five (5) year renewal terms, upon a one-time payment in the amount of Twenty Five Thousand and No/100 Dollars (\$25,000.00), and continuation of the annual rent, payable in equal monthly installments, with a 3% annual increase, is hereby authorized and approved, and except as specifically amended in the Second Amendment to Land Lease Agreement, all other terms and provisions of the original Land Lease Agreement dated January 10, 2007, as amended in the First Amendment to Land Lease Agreement dated November 15, 2007, shall remain in full force and effect.

2. That the funds generated by the lease shall be placed in the General Fund of the County and the one-time payment funds generated by this second amendment shall be placed in a restricted construction fund for future capital improvement projects.

3. That the County Administrator is hereby authorized to execute a Second Amendment to Land Lease Agreement on behalf of the Board of Supervisors of the County of Rockbridge and to execute such other documents and take such further actions as are necessary to accomplish this transaction, all of which shall be approved as to form by the County Attorney.

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

Adopted this 15th day of October, 2019.

Request from the MSA for Board Member Compensation Increase:

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

"Last spring, the MSA Board approved an increase in Board member compensation. They have since discovered that approval by the County and Cities of Lexington and Buena Vista is required."

Supervisor Higgins explained that approval of a resolution is required for a compensation increase for MSA members.

Supervisor Hinty moved to approve the 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 ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, OCTOBER 15, 2019

Resolution to Authorize and Approve Compensation Rates for Appointed Members of the Board of Directors for the Maury Service Authority

WHEREAS, pursuant to Section 15.2-5113 of the Code of Virginia (1950, as amended), the Maury Service Authority (MSA) board member compensation is fixed by resolution of the governing bodies of its members; and,

WHEREAS, the MSA has recommended to the governing bodies of the City of Lexington, the City of Buena Vista, and the County of Rockbridge that the compensation for the MSA board members be increased and set at: (i) \$110.00 to each director per MSA regular monthly Board meeting; (ii) \$150.00 to the Chairman per MSA regular monthly meeting; and (iii) \$50.00 to each director (including the Chairman) per MSA Board meeting in addition to the regular monthly meeting; and,

WHEREAS, the Board of Supervisors of Rockbridge County desires to authorize the requested increase in the compensation of the MSA board of directors.

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

1. Compensation for members of the MSA Board of Directors, effective as of May 1, 2019, shall be:

a. Regular Monthly Board Meeting Compensation. Each director shall be compensated in the amount of \$110.00 per MSA Board meeting attended. The Chairman of the MSA Board of Directors shall be compensated in the amount of \$150.00 per MSA Board meeting attended.

b. Additional Board Meeting Compensation. Each director shall be compensated in the amount of \$50.00 per MSA Board meeting attended in addition to the regular monthly Board meetings. The Chairman of the MSA Board of Directors shall be compensated in the amount of \$50.00 per MSA Board meeting attended in addition to the regular monthly Board meetings.

2. That this Resolution shall be effective on and from May 1, 2019.

Adopted this 15th day of October, 2019.

Consideration of Resolution Authorizing First Response Training to Operate a Standby EMS Business in the County:

Fire and EMS Chief Nathan Ramsey briefly reviewed the Agenda Item which included the following information:

"For several years, First Response Medical Training, a local for-profit EMS company licensed by the Virginia Office of EMS (VAOEMS), has provided standby EMS services onsite at the Virginia Horse Center. The services provided are "non-emergency response", meaning that the company maintains a presence with certified personnel during equine events, but does not provide any emergency vehicle response or patient transportation within the County.

As described in the code excerpt below, VAOEMS requires that any licensed EMS agency have on file a resolution from the local governing body where the agency is based, authorizing the agency to operate as an EMS agency.

First Response Medical Training has been based in the City of Buena Vista for several years and now wishes to move their office to 3382 West Midland Trail. As noted above, due to the business being moved to Rockbridge County, VAOEMS regulations require an authorizing resolution or ordinance from the Rockbridge County Board of Supervisors.

The attached resolution contains the language necessary for the agency to continue its operations at the Virginia Horse Center. However, First Response Medical Training will not be a part of the official safety program of the County as referenced in County Code, section 14-2 "Composition of Department." Additionally, the resolution does not authorize emergency response in the County - only onsite, standby EMS services.

Finally, First Response Medical Training has applied for a business license at the listed address. The Department of Community Development has reviewed the application and the business use is consistent with zoning. They have notified the applicant that a business license would be issued subject to Board approval of the attached resolution."

Matt Daniels, Executive Director of First Response Medical Training, Inc. explained that the business has been helping the Virginia Horse Center (VHC) with about 90 percent of its shows.

Mr. Suter advised that this is a non-transport company.

Chairman Lewis commented that BMX would be coming to the VHC.

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

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

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY SOLID WASTE AUTHORITY, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, OCTOBER 15, 2019

RESOLUTION TO AUTHORIZE FIRST RESPONSE MEDICAL TRAINING, INC., TO OPERATE A NON-RESPONSE EMERGENCY MEDICAL SERVICE IN ROCKBRIDGE COUNTY

WHEREAS, First Response Medical Training, Inc., (FRM) is a private EMS business licensed by the Virginia Office of Emergency Medical Services (VAOEMS); and,

WHEREAS, FRM's license with VAOEMS lists the business address in the City of Buena Vista, and FRM proposes to move its business to a location in Rockbridge County; and,

WHEREAS, VAOEMS regulations require that the governing body, where a VOEMS licensed EMS agency is sited, authorize the agency to operate and designate the authorized area of operation; and,

WHEREAS, FRM will be providing standby EMS services at locations in the County, such as the Virginia Horse Center, and will not conduct any emergency response in any vehicle; and,

WHEREAS, FRM is not considered as part of the County's official Safety Program, as set forth in Rockbridge County Code, Chapter 14; and,

WHEREAS, FRM has acknowledged its requirement to comply with all applicable State and Local codes and regulations.

NOW THEREFORE, BE IT RESOLVED that, pursuant to 12VAC5—31-420 of the Virginia Administrative Code, First Response Medical Training, Inc., is hereby authorized to operate non-response, on-site standby EMS services in Rockbridge County, with a service area within the

geographic boundaries of the County, subject to adherence to all applicable State and Local codes and regulations.

This Resolution shall be effective upon the date of its adoption.

Adopted this 15th day of October, 2019.

Consideration of Opioid Retainer Agreement:

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

"BACKGROUND:

At its meeting on November 13, 2018, the Board authorized staff to engage with Sanford Heisler Sharp, LLP, and Kaufman & Canoles, P.C., to research and quantify the impacts of opioid use and/or abuse in the County. This was Phase 1 of a potentially multi-phased process, and the firm completed its initial assessment. Andrew Miller, Senior Litigation Counsel with Sanford Heisler Sharp, LLP ("SHS"), briefed the Board on its findings, in open and closed sessions at the Board's March 25th Work Session. On April 8, 2019, the Board adopted a Resolution Declaring the Opioid Epidemic a Public Nuisance and Authorizing Suit. The Complaint, styled Rockbridge County, Virginia v. Purdue Pharma, L.P., et als, was filed in the Circuit Court of Rockbridge County on April 29, 2019. The case is proceeding in the litigation process as expected.

SUMMARY OF INFORMATION:

Based on a recent decision in the matter of State of Oklahoma v. Purdue Pharma, L.P., et als, Andrew Miller has recommended filing separate

legal action against Johnson & Johnson and its subsidiaries, namely Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc., Noramco, Inc., and Tasmanian Alkaloids Pty. Ltd. (collectively, "J&J Defendants") in connection with their manufacture and sale of active ingredients used in the production of final prescription opioid products, and the manufacture, marketing and distribution of final prescription opioid products that have caused harm to Rockbridge County. This agenda item is to request authorization from the Board to proceed and to execute a Retainer Agreement with Sanford Heisler Sharp, LLP, to serve as lead counsel for the County in these proceedings. Kaufman and Canoles, P.C., is conflicted out of providing representation to the County against the J&J Defendants."

Supervisor Lyons moved to proceed with the proposed Retainer Agreement. Supervisor Higgins provided the second, and the motion carried by the following roll call vote by the Board:

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

Designation of Voting Delegate for Annual VACO Meeting:

Mr. Suter explained that the Virginia Association of Counties requires that member localities certify a Supervisor and/or alternate (proxy) to cast votes at the annual VACO meeting in November. He suggested that Chairman Lewis be certified as the County's voting delegate. He noted that the Board could certify at one of two levels - either "Instructed" or "Noninstructed", explaining that noninstructed certification would allow the voting delegate carte blanche authority to

cast votes on behalf of the County. Supervisor Hinty moved to certify Supervisor Lewis with noninstructed voting authority, with Mr. Suter serving as the alternate (proxy) if needed. 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

Appointments:

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

Chairman Lewis postponed this appointment until the next meeting.

Monthly Staff Reports:

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

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

Closed Meeting:

Supervisor Hinty moved to enter into a closed meeting as Permitted by Virginia Code §2.2-3711(A) (3), discussion or consideration of a matter involving acquisition of real property for public purposes, where discussion in open meeting would adversely affect the County's bargaining

position or negotiating strategy. A second was provided by Supervisor Higgins, and the motion carried by unanimous roll call vote by the Board.

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

Supervisor Day moved to reconvene in open session following the closed meeting. A second was provided by Supervisor Higgins, and the motion carried by unanimous roll call vote by the Board.

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

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

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

Adjournment:

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

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