

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

BOARD MEMBERS PRESENT: DANIEL E. LYONS
JOHN M. HIGGINS
R. W. DAY
DAVID W. HINTY, JR.

ABSENT: A.J. "JAY" LEWIS, II.

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

COUNTY ATTORNEY: VICKIE L. HUFFMAN

Solid Waste Update:

County Administrator Spencer Suter provided the Board with an update on Solid Waste collections. He explained that staff and the Board solid waste committee had done additional research on modified solid waste collection sites, noting that such sites could potentially be utilized for waste disposal only, as the County had multiple sites where recycling services are available. He noted that sites would therefore require a smaller footprint. He explained that modified sites envisioned would be unstaffed but monitored by part time personnel who would periodically cycle the compactor. He added that the sites should be equipped with cameras which could be remotely recorded to help reduce abuse. It is also recommended to fence and light the sites. Per site costs would be variable depending on the site, but an initial estimate is around \$179,000. Areas where such sites could be considered include the Rockbridge Baths / Walkers Creek, Forge Road and South River areas.

He then reported on progress made on other, full service sites that the Board had planned for:

- o We continue to work toward an upgrade at Murat
- o We are still working on a site for Natural Bridge Station to relocate the Sallings Mountain in accordance with the Solid Waste plan.
- o The target date for opening the new Fancy Hill site was late November, but we are tentatively planning for November 13th. A few punch list items still remain. He noted that Solid Waste and Recycling Manager Tracy Shafer is coordinating with VDOT and contractors on closure plans for the Buffalo Creek site, to include cleanup of trash dragged off by bears.

He then provided a list of unstaffed sites the Board has closed thus far, including the Rt. 501, US 60 West, Zollmans, Natural Bridge and Flowers Lane. He noted that some but not all were due to bear issues.

He then asked the Board for direction on closure of any additional sites. He noted that he had received and passed on a petition from residents asking the Board to keep the Rural Valley site.

Supervisor Higgins advised that he had received a call about a bear at the Route 700 dumpsters. He recommended that that site be closed as well as Rural Valley as listed in the plan. He noted that he is still working on a site in the area of Route 60 East.

Supervisor Hinty advised that his recommendation was for closure of four sites in the Natural Bridge Station area as soon as the planned staffed center opens in that area.

Supervisor Higgins asked Supervisor Day for his thoughts in regard to the Timber Ridge site. He stated that prior Board Member Ronnie Campbell had planned to close the site. He added that it has and continues to require a lot of clean up and expenses.

Supervisor Day stated that he did not disagree with Supervisor Higgins' statement.

Supervisor Higgins asked Solid Waste and Recycling Manager Tracy Shafer if Greenhouse Road and Fairfield would be able to handle the additional waste if Timber Ridge is closed.

Ms. Shafer replied, yes. She added that the closure could help businesses in the surrounding area and advised that the owner of Maple Hall has been ready for the County to do something with the Timber Ridge site.

Supervisor Higgins asked that a cost analysis be done to see what it would cost for the County to add Tuesdays back into the schedule.

Ms. Shafer advised that it would likely cost under \$50,000 to bring back Tuesdays.

Supervisor Higgins stated that the County should see significant savings for cleanup costs once sites are closed.

Mr. Suter noted that adding a container at staffed sites for bulky items has been a tremendous help.

Supervisor Day asked for clarification that Greenhouse Road and Fairfield's staffed sites would be able to handle the additional waste once Timber Ridge closes.

Ms. Shafer again replied, yes.

Supervisor Day indicated that he had four citizens who stopped by his house regarding his candidacy and asked him who is patrolling the dumpsters. He asked if there was a way to determine how many summonses have been issued.

Mr. Suter stated that there are a lot of sites for the Sheriff's Office to try to patrol.

Supervisor Higgins asked Mr. Suter to find out how many summonses were issued and to email that information to the Board. He shared that he had heard they have been issuing more but that it takes time to issue the summons and attend court over a \$25 fine.

Supervisor Hinty asked if all staffed sites would be given a bulky item container.

Mr. Suter advised that the all staffed sites have already been given a container for bulky items.

Supervisor Higgins recommended that staff look into opening sites on Tuesdays.

Vice Chairman Lyons agreed adding that it could be a half day instead of a whole day if needed.

In review, Mr. Suter listed the Boards directives as follows:

- In conjunction with the opening of the Fancy Hill site, close Buffalo Creek, Route 700, and Rural Valley sites.
- Determine costs to open sites on Tuesday both for half and whole days.
- Ascertain the number of illegal dumping summonses that have been issued.
- He then asked the Board to clarify its directive for Timber Ridge. He suggested that he talk with C&S, our hauling contractor to see if they have any comments. Supervisor Lyons noted that it never hurts to get additional input. Mr. Suter asked that, if C&S did not see significant issues with closing Timber Ridge, was the Board's directive to close the site?

The Board concurred.

Economic Development Committee Update:

Mr. Suter reviewed the following:

"Over the past several months, the Economic Development committee, comprised of Supervisor Jay Lewis, Director of Community Development Sam Crickenberger and I, have met on multiple occasions to discuss economic development opportunities. One specific area of focus has been maximizing the County's existing or planned water and sewer infrastructure investments. We have also met regularly with our consultant Nick Crockett. As you are aware, plans to increase sewer capacity in the existing Rt 60 east corridor have already generated plans for development. The committee now recommends an increased level of study at interstate

interchanges where utilities currently exist and/or have potential for future development. In this way, we could actively assist willing sellers along the corridors in getting their property marketed at the state level on VSCAN."

Business Development Assistant Brandy Flint shared the public site where she maintains the list of potential developments of which she updates every six-months. She stated that the data sheets submitted have to be zoned business or industrial or listed in the Comprehensive Plan to be rezoned business or industrial.

Mr. Suter added that their intentions are to solicit additional properties to add to the list.

Supervisor Higgins asked how the State is looking at the County with regard to assistance. He stated that, about 8 years ago when he and other Board members met with representatives in Richmond, they looked at the County negatively.

Mr. Crickenberger stated that that is not how they feel about the County at all today, that we have a good relationship with the Shenandoah Valley Economic Development Partnership who he recently met with to visit the potential sites. He advised that other localities have a benefit that the County does not have right now and that is site-readiness. Another issue the County faces is availability of gas lines. Mr. Crickenberger then reviewed the maps of interchanges and potential sites via the State's VSCAN listing. His review included sites that were appropriate for growth in those areas.

Supervisor Higgins encouraged staff to continue doing what they have been doing.

Mr. Suter stated that staff would come back periodically to give the Board updates.

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HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, OCTOBER 28, 2019 AT 5:30 P.M.**

**BOARD MEMBERS PRESENT: DANIEL E. LYONS
JOHN M. HIGGINS
R. W. DAY
DAVID W. HINTY, JR.**

ABSENT: A.J. "JAY" LEWIS, II.

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

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

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

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

Changes to the Agenda:

Vice Chairman Lyons called for items to be added to the Agenda. There were none.

Recognitions and Presentations:

Vice Chairman Lyons called for recognitions and presentations. There were none.

Citizens Comments:

Vice Chairman Lyons called for citizens comments. He asked that comments be addressed to the Board and to respect other speakers by not applauding or commenting.

Martha Hust of the Kerrs Creek Magisterial District stated that she is an owner of a farm on Murat Road that has been in her family for generations. She asked the Board to appeal the judge's decision on Quail Ridge. She stated that the County did its due diligence, seeking information from similar shooting range businesses, to ensure they knew what was grandfathered in back in 2007. Ms. Hust added that the former owners, the Salbs, indicated that he was offering "sporting clays". At the Board of Zoning Appeals meeting, she shared, Mr. Salb advised that he did not have insurance for rifles or pistols, and therefore could not advertise it. However, she added, if someone wanted to shoot one anyway, they only had to pay him \$10, making it an occasional use which cannot be grandfathered. Ms. Hust advised that shortly after purchasing the business, the Guises' put a video on YouTube touring the facility and showing a path with a pile of rocks that Mr. Guise called the shooting

range. Ms. Hust stated that this so-called shooting range was not created until 2012-2013, which was after the ordinance was passed. Ms. Hust shared that at the end of the YouTube video, Mr. Guise stated he would be increasing the range from 1500 feet to 1600 feet, although he did not know if the County would approve him doing so; he stated that if not, he would do it anyway for himself. She stated that Mr. Guise, as he said he would, increased the distance without a Land Disturbance Permit. Ms. Hust asked the Board to appeal the judge's decision.

Quail Ridge property owner Scott Guise stated that he was drawn to Rockbridge County because of the friendliness and welcoming nature of those he initially met. He added that he had intentions to continue an outdoor shooting range for veterans and persons with disabilities. He stated that the court case was a waste of taxpayers' dollars with the intent to overturn a ruling rightly decided by a court judge, adding that the ruling cannot be reversed during an appeal. Mr. Guise added that appealing the decision will only double the waste of taxpayers' money and bring grief on those who believe this is how the process works. He advised that certain elements of this case thus far have cost the County \$30,000 of taxpayer money to fight his family and business unjustifiably. Given that he and his wife are taxpayers themselves, he has not only been paying for his own legal fees, but watched his taxpayer dollars be spent to fight himself. He encouraged the Board to listen to the rule of reason and not to those who are just not satisfied with the rule of law and are attempting to try the case outside of the court. Mr. Guise continued, stating that he and his wife did not ask for this case but will defend themselves. He stated his fear that the appeal will only damage the

reputation of the Board, sending a message that Rockbridge County is not veteran owned, small business friendly nor responsible with spending taxpayer money.

Collette Barry-Rec stated that she had heard rumors that there are some in the community that want the Board to reopen the Quail Ridge case and even take it up to the Supreme Court and, much to her shock, that the Board has spent in excess of \$30,000 so far on the case. As a member of the community, she asked the Board to stop spending money on the case especially after the judge has come to the conclusion that the Guises' would not have purchased the property without being told sincerely, and in writing, that they can do what they had planned to do with the property. She suggested that anyone who has fears about what is going on at Quail Ridge visit the business and its owners. She assured that anyone who takes the time to go see the facility would be blown away by Mr. Guise's meticulous attention to safety.

Jake Balser shared his concern about taxpayer money being used to fight Mr. Guise in this case when it has been judged that they can do what they are doing. If sending the case to the Supreme Court, he advised, they (the Guises) would need to come up with more money themselves.

John Metzger of Vesuvius stated that, after reading the judge's decision and discussing with his friends who are lawyers, there is nothing to dispute or appeal. He stated that the judge cited case law that this business was in fact a shooting range and listed a number of activities that a shooting range can offer. He then stated that Mr. Guise is not so naive that he would walk right in and buy the place and start a business. He added that the business was already in place and that the previous

owner went with Mr. Guise to the Planning and Zoning Department where Zoning Administrator Sam Crickenberger gave them a letter that confirmed that any and all activities were grandfathered back in 2007. He noted that the shooting range had been operating since 2007, and a little before that, and that there is absolutely nothing to dispute or appeal. Mr. Metzger shared that the judge described what was done with the code as a tortuous use of the English language in their effort to describe the code to make it look like it was in their favor. He concluded by stating that this was a slam-dunk on the County, that the County got crushed again.

Jerry Deacon of the Kerrs Creek Magisterial District stated that the entire neighborhood is upset about Quail Ridge and it seems as though they all have their hands tied. He stated that Mr. Guise put in a rifle range strip without any permit and when notified about it they went and got one, going under the radar to make this happen. Mr. Deacon advised that the noise has increased because they are shooting a lot more than before. He added that he did not understand why the range is right up against another property line without any type of buffer. He stated that there are neighbors living within 2000 feet, and further stated that one would need a valley to run a shooting range and not be 1500-2000 feet from a neighbor. Mr. Deacon shared that the County is going to lose money if the range stays because a study shows that properties within 2 or 3 miles of the range will have decreased property values. He asked the Board to appeal the judge's decision and send the case to a higher court to get it straightened out. Mr. Deacon stated that the Guises' are good people just like the previous owners were, but he was not aware of what all was really going on with the property.

Doug Wainwright who identified himself as a being from the Lexington District, shared that he had been watching this case for the past 2.5 years while watching taxpayers' money go down the drain. He quoted the Court's standard of review stating that granting a summary judgment motion is an extreme remedy and that there must be no genuine dispute of any material fact for a court to grant a summary judgement. He stated that there is no dispute of the facts so why would you appeal it.

Jimmy Knick of the Kerrs Creek Magisterial District shared his disbelief that the business ever got started. He stated that there are some wonderful places to have a range where the noise does not get out and it is safe to shoot, but this particular place was never meant to be a shooting range.

Robin Arrowsmith advised that she lives approximately one and a quarter miles, as the crow flies, from Quail Ridge in the Kerrs Creek Magisterial District and expressed her concern about the safety of children who ride the school bus. She stated that there will not only be impacts to neighbors, but to animals and wildlife. Ms. Arrowsmith stated that any wildlife near the site will likely leave because of the noise and that cows will be stressed and not able to give milk. She stated that the range will devalue land and houses nearby and advised that someone had found a similar case where a police academy came in and devalued the surrounding properties by 25%. For someone who is retired, she stated, she had no choice but to deal with the noise. Ms. Arrowsmith stated that she used to work on her garden during the day, but because of the noise, decided to stay in and wait until the evening. However, it was no better

in the evening. She concluded her comments by stating that her property will go on the market if the range stays.

Andrew Campbell, of Augusta County, shared that he had known Mr. Guise for a while and had been keeping tabs on the situation. He stated that Mr. Guise brings up safety in meticulous detail and any increase in sound will only mean that his business is being successful, for which he should be congratulated. He added that there are no roadways in the line of sight and that, should property values drop, it means the property owner pays less taxes.

Washington and Lee student Jace Calhoun shared that he has known Mr. Guise for two years and that he shoots clay targets at his range where he provides a safe environment. He added that he intends to go into law enforcement, and if he cannot continue practicing with Mr. Guise, it will put him significantly behind in the career he wants to pursue.

Vice Chairman Lyons thanked everyone for their comments and their conduct by respecting others.

Approval of the October 15, 2019 Minutes:

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

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

VASAP Annual Report / Update:

Mr. Bolster introduced VASAP's Executive Director Miles Bobbitt who provided the Board with an overview of the report. In his report, Mr. Bobbitt noted that the number of DUI referrals began to stabilize in FY2017. Mr. Bobbitt then commended Rockbridge County staff who assisted in VASAP's move into the Courthouse.

**Consideration of a request from RARO for improvements to the old RMS
Baseball Field:**

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

"Please recall that both RARO and the South Augusta Baseball league continue to utilize the baseball field behind Rivermont School (the old Rockbridge Middle School). The County supports these activities through mowing an occasional small maintenance projects. We have received a letter from RARO requesting assistance with some additional safety and field surface improvements (attached). As noted in the letter, the request is for an additional appropriation. Prior to bringing the request to the full Board, I reviewed it with the Finance Committee.

The Finance Committee supports the concept of the improvements and recommends that the Board encourage RARO to utilize its current budget, in hope that the amount budgeted for FY2020 will realize a similar surplus in the current fiscal year as it did in the last when it returned \$38,240 to the County.

In addition, the Committee recommends that the Board provide an assurance to RARO that, if their current year funds run short, the Board

intends provide additional funding up to the requested amount of \$8,000 for the project.

Mr. Suter then asked if there were questions. Hearing none, he advised a motion to authorize the County Administrator to provide RARO with a letter stating that the Board support the improvements listed in RARO's attached letter, and that if RARO requires additional funding at the end of the fiscal year as a result of such costs, it is the Board's intention to fund those costs up to \$8,000.

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

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

Request for Town of Glasgow for Additional Support for Pavilion

Construction Costs:

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

"In February, after receiving a request from then-interim Glasgow Town Manager Jon Ellestad, to share in pavilion construction costs, the Board agreed to fund on a 50/50 share, up to \$15,000 (the estimated cost was \$30,000). Funding was conditioned on the Town receiving title to property (or a long-term lease), and submittal of invoices. The Town has since successfully completed the project, celebrating with a ribbon cutting ceremony on August 27th.

Per our agreement, Town Manager Eric Pollitt recently submitted invoices with request for payment. In the request, he notes that the

actual cost of the construction exceeded the estimate by \$6,135.15 asks if the Board would be willing to share the overage on a 50/50 basis. In that scenario, the County's total share would be \$\$18,067.85 (\$3,067.58 more than the originally agreed cap). I approached Natural Bridge Supervisors David Hinty with the request and he supported bringing it to the Board for consideration."

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

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

Public Hearings at 6:00 P.M.:

Alyson and Bennett Ross- B&B Homestay in R-1:

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

"The Ross's have applied for a special exception permit to operate a B&B Homestay in R-1 per Section 604.03-1 of the Regulations. They have purchased and live in Thornhill Estates which sits on 17 acres off of Thornhill Road. Per the attached narrative, they plan to rent three rooms associated with a guest cottage and a former detached kitchen which meets the requirements of our regulations. The Planning Commission has recommended approval of this application." He reviewed the location of the business as well as applicable sections from the Land Development Regulations via PowerPoint.

Applicant Bennett Ross reiterated his intentions with the business as mentioned in the agenda item. He noted that their intentions at this time are to utilize the business on weekends only, or possibly an extended weekend, but not 7-days a week.

Vice Chairman Lyons opened the Public Hearing at 6:06 P.M. Hearing no comment, he then closed the Public Hearing.

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

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

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

Ordinance to Approve a Special Exception Permit for Bennett L. Ross and Alyson C. Ross to Operate a Bed and Breakfast Homestay in the Residential General District (R-1) Per Section 604.03-1 of the Land Development Regulations, in the Applicants' Home Located at 1196 Thornhill Road in the Buffalo Magisterial District and Further Identified as Tax Map #74-A-49

WHEREAS, Bennett L. Ross and Alyson C. Ross have filed an application for a special exception permit to operate a Bed and Breakfast Homestay out of their home in the Residential General District (R-1), located on the northwest side of Thornhill Road in the Buffalo Magisterial District of Rockbridge County, and identified upon the Rockbridge County Land Records as Tax Map #74-A-49; and,

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

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on October 9, 2019, and recommended to the Board of Supervisors that the special exception permit be approved; and,

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

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

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

1. That the application of Bennett L. Ross and Alyson C. Ross for a special exception permit to operate a Bed and Breakfast Homestay in their home in the Residential General District (R-1), located at 1196 Thornhill Road in the Buffalo Magisterial District of Rockbridge County, Identified on the Rockbridge County Land Records as Tax Map #74-A-49, is hereby approved.

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.

Consideration of Interest Payment Program for Solar Projects at Volunteer Fire and Rescue Agencies:

Mr. Suter introduced Dr. Fred Fevrier and then briefly reviewed his agenda item which included the following information:

"Two years ago, the Walkers Creek VFD contracted to have solar panels installed on the roof of their firehouse. At its regular meeting on May 13th, the Board received a report on the energy savings the WCVFD has, and will continue to realize. Since that time Dr. Fred Fevrier, a member of the Department, has suggested (on behalf of the Department) that the Board consider providing incentives to Volunteer Fire and Rescue Agencies, to follow the same path. His communication is paraphrased below:

On the basis of this experience, we recommend that the County encourage other volunteer fire and rescue agencies to explore and install similar solar electric systems. Because money saved after the 10-15 year return on investment period (assuming a 25-30 year system lifetime) will be directed toward normal agency objectives, the public is the winner.

We suggest that the County offer the following inducements:

- 1) Issue a statement of encouragement to Volunteer Agencies stating that the County desires such exploration and installation, if each Department sees fit to do so.
- 2) Develop an agreement to carry the interest burden of any reasonable financing, subject to County approval (as is currently done with capital expenditure financing).
- 3) If necessary, agree to cosign or underwrite any reasonable loan for the purpose of purchase and installation of a solar electric system.
- 4) Direct interested agencies to the currently available Federal USDA 3% per annum loans for solar electric system purchase by agencies as one possible loan source.

5) Offer a modest stipend (to be determined by the BOS) to act as a good faith inducement for those FDs that decide to acquire a solar electric system.

Currently, the Board offers an interest payment plan for apparatus purchase. Under the plan, \$50,000 is budgeted annually for interest payments on volunteer apparatus purchases. Operating under a first-come, first served basis, the fund is fully utilized by volunteer agencies. The suggestion above is intended to mirror that program, utilizing a separate fund.

We ran a scenario and determined that at \$45,000 project financed over 15 years at 3% would result in overall interest payment of just over \$11,000 over the course of the loan. Under this scenario, if five agencies implemented in the same year, the total initial (first year) interest cost to the County would be \$6,615, with gradual annual reduction as the terms mature.

The Finance Committee has reviewed the request and recommends approval of items 1 - 4 above. If the Board is in agreement, we would develop a policy administratively to guide the application, approval and reimbursement process. Should any agencies choose to implement in the near term, resulting in an interest payment reimbursement in the current fiscal year, staff would request appropriation of the required amount."

Supervisor Hinty moved to authorize staff to develop guidelines and communicate the offer to Volunteer Fire and Rescue agencies. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

Greenhouse Village Phase II Water and Sewer System Deed to PSA:

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

"Infrastructure construction is completed at Greenhouse Village for Phase II. The water and sewer lines have been inspected by the Public Service Authority and meet all requirements. When the subdivision was platted, the easements were dedicated for public use meaning the County currently owns them and they need to be transferred to the appropriate Authority upon completion of work. When three houses are occupied on each of the two new road segments, Vallance Way and Spencer Court, we will go through a similar process to transfer the roads to VDOT. Enclosed is the draft Deed for the Water and Sewer easements, a plat of the subdivision and the Resolution prepared by Ms. Huffman."

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

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

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

Resolution To Authorize and Approve Transfer of the Water and Sewer Infrastructure for Greenhouse Village, Section 7, Phase II, to the Rockbridge County Public Service Authority (PSA)

WHEREAS, the County of Rockbridge has received a Community Development Block Grant (“CDBG”), through the Virginia Department of Housing and Community Development (“VDHCD”), in an amount of up to \$476,693.00, for an affordable housing project known as Greenhouse Village Housing Production Project - Phase II (“Greenhouse Village Phase II” or the “Project”); and,

WHEREAS, by Agreement dated June 15, 2018, between the County and Randy Hostetter Excavating, LLC, the County contracted for construction of the roads, driveway entrances, water infrastructure, and sewer infrastructure for the Project; and,

WHEREAS, the construction has been completed and the water and sewer facilities are ready to be transferred to the Rockbridge County Public Service Authority (PSA) to provide water and sewer service to the residences/customers in Greenhouse Village, Phase II.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, as follows:

1. That the transfer and conveyance of the water and sewer infrastructure for Greenhouse Village, Section 7, Phase II, to the Rockbridge County Public Service Authority is hereby authorized and approved.
2. That the County Administrator is hereby authorized to execute the Water and Sewer System Deed to the PSA, and to take such further actions and to execute such further documents on behalf of the Board of Supervisors, as are necessary to accomplish this transaction, all of which shall be approved as to form by the County Attorney.
3. That this Resolution shall be effective upon the date of its adoption.

Consideration of FY2021 Funding Priorities and Budget Schedule:

Mr. Bolster briefly reviewed his agenda item which included the following information:

“As you know, the Board traditionally adopts both a budget schedule and a listing of funding priorities, prior to embarking on the annual

budget process. These documents provide guidance for both staff and the Board as we work through the budget process.

At the Board's regular meeting on October 15th, a draft budget schedule and draft listing of funding priorities were presented to the Board. Both had been adapted from prior year documents. On behalf of the Finance Committee, staff requested that individual members submit any suggested additions or amendments to Supervisors Higgins and Lyons and/or staff for consideration by the Finance Committee. The Finance Committee met on October 17th for a final review of the draft budget schedule and funding priorities. There were no edits made to the draft funding priorities presented to the Board on the 15th. The calendar year (2019 to 2020) was updated on page 2 of the draft budget schedule."

Supervisor Day moved to approve the FY2021 Funding Priorities and Budget Schedule. Supervisor Hinty provided the second, and the motion carried by the following roll call vote by the Board:

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

Supervisor Hinty asked that Mr. Bolster re-review the Funding Priorities.

Mr. Bolster concurred and reviewed the list as presented.

Consideration of Roof Replacement Bid:

Mr. Bolster briefly reviewed his agenda item which included the following information:

“From September 27th to October 17th, the County advertised an Invitation for Bids to complete a turn-key project to replace the County Administration Building roof. The advertisement efforts included local print, the County website, and the Virginia eProcurement Portal (eVA). Ten companies attended the mandatory pre-bid meeting on October 3rd. The pre-bid meeting included accessing the roof by representatives of each potential bidder. Several contractors inquired about potential asbestos testing of roofing material based on the age of the building. County staff coordinated the testing of roof samples for asbestos; this was completed on October 11th. The Commonwealth Environmental Associates, Inc. report, dated October 15th, states the sample testing reflected no trace amounts of asbestos. County staff issued Addendum #1 on October 11th in response to a series of written requests for clarification. Five contractors submitted bids to the County by the advertised due date and time. These bids were opened and read at the Rockbridge County Administration Building not on October 17th beginning at 2:00 p.m.; see summary table below.

1.	AAR of North Carolina, Inc	\$124,000.00
2.	S.G. Young Contracting	\$129,987.00
3.	Skyline Roofing, Inc.	\$138,430.00
4.	Vertex Roofing, Inc.	\$172,400.00
5.	Custom Roofing, Inc.	\$190,585.00

The lowest responsive and responsible bid was submitted by AAR of North Carolina, Inc. However, the bid amount exceeds the available balance for this approved FY 2020 CIP project by \$34,000. The Finance Committee met on October 17th to discuss the project and options available to the County. The Finance Committee is recommending the Board approve \$34,000 from unassigned reserves from the Construction Project Fund (Fund 372) to move this effort forward towards completion. If approved by the Board,

staff will bring the appropriation resolution to the Board at their regular meeting on November 12th. A resolution authorizing contract award is attached for the Board's review and consideration. The resolution authorizes the County Administrator to execute the contract documents on behalf of the Board of Supervisors of Rockbridge County, and to take such other and further actions as may be necessary and appropriate to accomplish this transaction, which shall be approved as to form by the County Attorney.

In accordance with standard procurement policy, if a contract is not reached with the lowest bidder, staff would move to the next bidder and bring a contract back to the Board for consideration."

Supervisor Hinty moved to adopt the resolution shown below.

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

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

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

RESOLUTION AUTHORIZING AWARD OF BID TO AND EXECUTION OF THE CONTRACT DOCUMENTS WITH AAR OF NORTH CAROLINA, INC. FOR THE ROOF REPLACEMENT AT THE COUNTY ADMINISTRATION BUILDING

WHEREAS, on September 27, 2019, the County of Rockbridge issued an Invitation for Bids for the roof replacement at the Rockbridge County Administration Building; and,

WHEREAS, the County has received competitive sealed bids in accordance with Chapter 43, the Virginia Public Procurement Act, of Title 2.2 of the Code of Virginia (1950, as amended) and of the Rockbridge County Public Procurement Policy; and,

WHEREAS, five bids shown upon the Bid Tabulation dated October 17, 2019, have been determined by staff to be responsive to the County's Invitation to Bid # 2019-09-002; and,

WHEREAS, the lowest responsive and responsible bidder for the construction services is AAR of North Carolina, Inc.; and,

WHEREAS, the award of the bid to the lowest responsive and responsible bidder and approval of a contract have been submitted to the Rockbridge County Board of Supervisors.

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

1. That AAR of North Carolina, Inc., is deemed the lowest responsive and responsible bidder, and the bid is hereby accepted.

2. That AAR of North Carolina, Inc., be, and hereby is, awarded the contract at a price of \$124,000.00 to replace the roof at the Rockbridge County Administration Building located at 150 South Main Street in Lexington, Virginia.

3. That upon receipt of the completed Contract Documents from AAR of North Carolina, Inc., and compliance with all remaining requirements therefor, the County Administrator is hereby authorized to execute the construction Agreement, in substantial conformity to the Agreement presented herewith, on behalf of the Board of Supervisors of Rockbridge County, and to take such other and further actions as may be necessary and appropriate to accomplish this transaction, which shall be approved as to form by the County Attorney.

4. That this Resolution shall be effective upon the date of its adoption.

Update on Proposal to Establish New Area Code:

County Attorney Vickie Huffman briefly reviewed her agenda item which included the following information:

"The North American Numbering Plan Administrator ("NANPA"), as a neutral third-party numbering plan area relief planner for the Commonwealth of Virginia and on behalf of Virginia's telecommunications industry ("Industry"), has filed an application with the State Corporation Commission ("SCC") for approval of a plan for assignment of a new area

code, when the supply of available numbers in the 540 area code is exhausted in 2022. Copies of the Application and the SCC Order for Appointment of a Hearing Examiner are attached.

The NANPA, with Industry consensus, recommends an all-services overlay, superimposing a new area code over the same geographic area covered by the existing 540 area code. Existing customers would retain the 540 area code and would not have to change numbers. New customers would receive numbers with the new area code. Once the plan is implemented, calling would require 10-digit dialing for all calls within the 540 and new area codes. The Application includes information on the alternatives considered, the pros and cons for each, the proposed timeframe for implementation, and the process for gaining a recommendation by consensus among the Industry.

The SCC has docketed this matter to hold public hearings and invite public comment. A Hearing Examiner has been appointed to schedule hearings to receive public testimony on the best method for implementing a new area code. Notice(s) of the public hearings is to be published, along with information on how interested persons may submit written comments to the SCC. In addition, any interested person may file written comments on the best method for implementing a new area code by submitting comments to: Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia, 23218-2118."

No action was recommended or required.

Appointments:

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

Supervisor Day moved to appoint David Renalds to serve on the PSA in place of Mr. Sokolowski. Supervisor Higgins provided the second, and the motion carried by the following roll call vote by the Board:

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

Supervisor Hinty moved to enter into a closed meeting as Permitted by Virginia Code §2.2-3711(A) (7), a matter involving consultation with legal counsel about the pending case of *Guise v. Board of Supervisors of Rockbridge County*, because public discussion at this time would adversely affect the Board's negotiating or litigating posture. A second was provided by Supervisor Day, and the motion carried by unanimous roll call vote by the Board.

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

In regards to the Closed Meeting involving acquisition of real property, 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 Day, and the motion carried by unanimous roll call vote by the Board.

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

In regards to the Closed Meeting involving consultation with legal counsel, 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 Day, and the motion carried by unanimous roll call vote by the Board.

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

Supervisor Hinty moved to approve purchase of property from B.G. Locher, Jr. A second was provided by Supervisor Day, and the motion carried by unanimous roll call vote by the Board.

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

Supervisor Day moved to authorize appealing the Guise decision. A second was provided by Supervisor Higgins, and the motion carried by unanimous roll call vote by the Board.

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

Adjournment:

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

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