

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, JANUARY 27, 2020 AT 4:30 P.M.

BOARD MEMBERS PRESENT: D.E. LYONS
R.W. DAY
L.E. AYERS
D.B. MCDANIEL

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

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

Discussion on the Formation of a Fire and Rescue Association:

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

"At the February 25, 2019 meeting of the Board of Supervisors, the Board asked staff to explain the purpose for the three Fire and Rescue-related organizations in the County/Region and to report back on the makeup of the three groups. The request was made as the result of conflicting budget requests from the groups. The groups are: the Rockbridge Regional Fire Rescue Commissions (RRFRC), Rockbridge County Firefighters Association (RCFA) and the Rockbridge Emergency Rescue Group (RERG).

Over the next 6 months, I met with the three groups (separately), as well as the Board Fire and Rescue Committee (at the time, Supervisors Day and Higgins). I provided feedback from the various groups/agencies and history of the discussion. The Committee asked Mr. Suter and I to work on

a solution whereby a single countywide association could be established to assist in efficient coordination and communication. I created the attached memo, dated October 18th, summarizing this information. We subsequently worked on a draft, formative document and I again met with leaders of the groups to gain feedback. One request was to wait until after January 1 to present to the full Board, so that new members would have opportunity to review and weigh in.

To recap, the Firefighters Association and RERG are independent entities which were not created by the Board. Thus, it is fully up to the members of those organizations as to whether to continue to exist, should the Board move forward with a newly formed organization. The County, Lexington and Buena Vista, formed the Fire and Rescue Commission in 2010 via the attached agreement. The agreement provides for dissolution of the Commission by any of the parties, upon written notice to the others.

If approved, the RFRA would include all County fire and rescue agencies. The Cities of Lexington and Buena Vista Fire and Rescue agencies are invited to participate as well. This is an effort to create a countywide organization, whose members meet on a regular basis to discuss and make collaborative recommendations related to Fire and EMS challenges and opportunities to the County Fire-Rescue Chief.

Should the Board wish to take action, it would require:

- Notice to the Lexington and Buena Vista
- Notice to the members of the Fire and Rescue Commission
- Notice to the Fire Association and RERG
- Edits to chapter 14 of County code, to replace references to the three organizations (would require public hearing)

- Development of articles of incorporation and bylaws for a new regional body, with acceptance by the Cities.

As this is a great deal of information to process, we asked that the topic be presented in a work session for discussion. The intent would be to ensure full understanding and to receive final direction from the Board."

County Administrator Spencer Suter added a comment that the Board's Fire and Rescue Committee was updated on this throughout the year and also through a change in its membership. He noted that this is the first update being heard before the full Board.

Supervisor McDaniel asked for more information as to why the RERG is not on board with the proposed changes.

Chief Ramsey explained that the RERG feel that they would be outnumbered in voting situations.

Supervisor McDaniel asked if the Board's Fire and Rescue Committee met with the RERG to hear its concerns.

Chief Ramsey replied, it had not.

Supervisor McDaniel suggested they meet.

Chief Ramsey confirmed. He then advised that the Fire Association is on board with the proposed changes.

Supervisor Day asked how many of the County's Fire Departments are running as first responders.

Chief Ramsey replied, all but two (2), the Glasgow Fire Department and the Goshen Fire Department.

Supervisor McDaniel suggested hearing the concerns of the RERG in order to better understand their feelings on the suggested changes.

Chairman Lyons asked the Board's Fire and Rescue Committee if they are willing to meet with the RERG.

Members Ayers and Day concurred.

Supervisor Ayers asked how long staff had been working on this.

Chief Ramsey replied, since the original request by the Board on February 25, 2019.

Mr. Suter added that it had been talked prior to then as well, but not with the full Board.

Chairman Lyons asked how many members the new association would have.

Chief Ramsey replied, if the new association is approved, it would be comprised of an officer from every fire and rescue organization.

Mr. Suter added that the two (2) cities would not automatically be included in the association but would be invited to full participate as voting members.

Chairman Lyons asked if this was just a concept right now.

Mr. Suter concurred, adding that there is a working draft, but the County Code would have to be amended. He added that the two (2) cities would consist of the Buena Vista Fire and Rescue Departments and the City of Lexington's member would likely be Chief Ty Dickerson. Mr. Suter suggested the next step be to finalize a draft, share it with the Board, and then honor the Board's request to schedule a meeting with the RERG to review the draft.

Chairman Lyons asked, if the association is created, would there only be one (1) proposed budget.

Chief Ramsey concurred sharing his intention to have several sub-committees, one being for budget, the others for training purposes.

Supervisor McDaniel asked Chief Ramsey what his position will be should the association be created.

Chief Ramsey replied, the concept would be for the association to make recommendations to the Fire Chief's position. He added that he would not be the Chair of the association.

Chairman Lyons asked if there would be any advantages for the fire fighters in regard to the number of participants they will have verses rescue.

Chief Ramsey replied, Chief Steve Reese, who was present, had advised that the RERG would continue to do business as normal. He added that the concept would be to have an executive committee that would attempt to make the numbers even among the different groups.

Update on PSA Sewer Capacity Expansion in the US 60 Corridor:

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

"For a number of years, the Board of Supervisors and Public Service Authority have discussed the need for increase sewer capacity on Rt 60 East of Lexington. Though water was available, developable sites were hindered by lack of sewer capacity. In 2016, the PSA received an engineer's estimate of \$2.4M for the work. In 2017, the Boards determined to move forward with an initiative to improve capacity in the currently served area, while also building future capacity for eventual extension of sewer to the US60/I81 interchange.

At a joint meeting on December 6, 2017, the Boards received a presentation from Davenport, our financial advisor, regarding funding

mechanisms. As a result, on March 12, 2018, the Board of Supervisors approved a Support Agreement for the project, essentially agreeing to support the PSA in a 15-year, \$2.461 M revenue bond issue through BB&T Bank, to fund the cost estimate provided by PSA's engineer, Hurt & Proffitt. The documents are attached. The project included installation of new lines in the VDOT ROW along the US 11 bypass.

The PSA subsequently approved the bond issue on March 18th, 2018. As plans were drawn by Hurt & Proffitt, it became apparent that in many areas, the Maury Service Authority waterline loop (in the same ROW) was very close to the planned PSA sewer line replacement. Given the fragility of the pipe and that the section of MSA waterline was slated for replacement within the next 2 years, the MSA suggested moving that replacement up in schedule and doing them both at the same time. Both the MSA and PSA Boards approved the merged projects and plans were revised. In October 2019, a request for bids (RFB) was issued. Ultimately, E.C. Pace Company, Inc. was the low bidder at a cost exceeding the original engineer's estimate of the PSA portion of the project by \$1,299,832. However, some minor savings in the related costs have lowered the total shortfall to an estimated \$1,283,916.

Engineering fees -	\$301,860
Construction bid -	\$3,272,052
Inspection fees -	\$111,000
Total Project Cost -	\$3,684,912
<u>Bond Revenue -</u>	<u>\$2,400,996</u>
Total Shortfall -	\$1,283,916

The request from the PSA is for the Board to fund the shortfall. Supervisor Hinty who continues to serve on the PSA Board after his December 31 retirement from the Board of Supervisors, had aimed to report this information for Board of Supervisor's consideration in December, but at the time not all of the financial information was available.

The MSA Board determined to secure their portion of the now joint project from a short term loan to bridge them to a long term loan with the final project completion. The objective of this work session is to fully update the Board on the project and budget shortfall, and to determine a path ahead."

Mr. Suter then introduced PSA Executive Director Melissa Alexander, and engineer for Hurt and Proffitt Jessica Littlejohn, who were present to provide an overview and answer any questions the Board may have. He also introduced Jordan Combs, Executive Director of the MSA.

Ms. Littlejohn shared that she and Ms. Alexander had been working on this project since 2013, and advised that in 2016, they updated the preliminary engineering report (PER) because there was interest in additional capacity of the sewer system in the area. She then addressed the changes in costs, advising the following: combining the MSA and PSA projects will result in savings by having one contractor doing all the work; however, sewer costs increased around \$1.2 M. over budget; about \$80,000 was added in structural engineering fees for the East Lexington Bridge due to the fact that the bridge was ultimately not built according to the original plan, which for additional utilities to run along the bottom of the bridge; additional engineering costs were associated with re-evaluating the use of the bridge, ultimately running two pipes instead

of one , due to limited space; there was about \$150,000 added for the bridge crossing cost due to the structure modifications to hang two sets of hangers for the pipes verses the anticipated one. The pump station that would be adjacent to Taco Bell was about \$200,000 additional due to the fact that where rock was expected, they found very poor soils, resulting in the need to excavate and add flowable fills; they would be installing the meter outside of the pump station, so that it could be read without having to enter the pump station; and provisions were added for the Supervisory Control and Data Acquisition (SCADA) communication center to send signals to the MSA and the PSA.

Ms. Alexander advised that the SCADA is what the MSA uses to bill the PSA.

Ms. Littlejohn continued her review of the cost overrun sharing that the largest increase was around \$650,000 for pipe work. She noted that when the PER was completed in 2016, they used and was due to the contractors now having knowledge about the current sub-surface conditions and how little of piping will need to be laid whereas before they did not. Lastly, she stated that there is around a \$150,000 increase for VDOT casing that crosses the approach roads to the East Lexington Bridge because there a different angle and size that will need to be used.

Supervisor McDaniel asked if they should consider running the line all the way to Buena Vista along Route 60 to eliminate additional construction costs in the future should the need occur.

Ms. Alexander advised that it was not studied.

Mr. Suter added that a water interconnection would likely be something to consider before sewer, as Buena Vista has a sewage treatment plant.

Ms. Alexander asked MSA's Executive Director Jordan Combs if that would require an upgrade to the pump station.

Mr. Combs replied that it would all depend on whether or not the pipes could handle going up and down the hills.

Ms. Littlejohn advised that she did not believe the 12" pipes being laid would inhibit the potential of additional line to Buena Vista should that ever be needed. Another pump station could be required, she added.

Supervisor McDaniel asked if a contingency fee is incorporated in what was being presented.

Ms. Littlejohn replied that there was no contingency fee included in the actual bid.

Supervisor McDaniel asked why the bond was issued before the actual costs were received.

Ms. Alexander replied that the design cost alone was around \$300,000, and having not taken out the bond, it would be an out-of-pocket expense. She added that the typical progression of projects is to do a PER to show roughly what costs are associated, get the bond, use the bond to plan, and then build the project.

Ms. Littlejohn added that the PER efforts ran around \$13,000.

Supervisor McDaniel asked why this process has taken four years.

Ms. Alexander responded that bids were only received in December 2019.

Chairman Lyons asked how the County could pay for the overage.

Mr. Suter replied, potentially through reserves.

Chairman Lyons asked how long the Board has to make a decision.

Ms. Littlejohn responded that there is a 90-day guarantee on the bid that was received in December.

Supervisor McDaniel asked if anyone was concerned that there is no contingency in the bidder's contract.

Ms. Littlejohn advised that they typically do not see that because the builder is saying they can build the project for the amount they have bid. She added that, by not adding a contingency in their bid, they are at risk.

Ms. Alexander stated that it is concerning to her based on prior experience. She added that she hopes, if there are change orders, they would not be related to funding.

Ms. Littlejohn shared that she does not anticipate many change orders because the bidder is saying they can build the project for what their bid shows.

Mr. Suter concurred to bring back funding options at the Boards next meeting.

The Work Session concluded at approximately 5:22 p.m.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, JANUARY 27, 2020 AT 5:30 P.M.

BOARD MEMBERS PRESENT: DANIEL E. LYONS
R. W. DAY
L.E. AYERS
D.B. MCDANIEL

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

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lyons called the meeting to order at 5:30 p.m. and offered an invocation for anyone who wished to participate.

The Board then led in the Pledge of Allegiance.

Changes to the Agenda:

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

Recognitions and Presentations:

Chairman Lyons called for any recognitions or presentations. There were none.

Citizens Comments:

Chairman Lyons called for citizen comments. There were none.

Approval of the January 13, 2020 Minutes:

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

Ayes: McDaniel, Day, Ayers, Lyons
Nays: None
Absent: Lewis
Abstain: None

Consideration to Schedule a Public Hearing to Vacate an Unimproved ROW in the Mt. Vista Subdivision:

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

"Robert and Becky Miles have requested the County consider vacating an old road right of way (ROW) between the two parcels of land they own in Mt. Vista Subdivision. Mt. Vista was platted September 17, 1974. If it had ever been constructed, this short section of road would have connected the Bible Church of Rockbridge with Mt. Vista Drive. The Church has more direct access to West Midland Trail by way of West Whistle Creek. VDOT, BARC Electric, Dominion, RANA and the PSA have been contacted and none of these utility providers have a concern with vacating this ROW. Mr. Miles has talked to the Pastor of the Church and the Church supports this vacation, as the Church has a separate granted easement. Once vacated, the ROW will become a part of Mr. Miles' parcels and taxed accordingly."

Supervisor McDaniel asked for the original intent of the ROW.

Mr. Slaydon replied, per attorney records, the only group which has the right to use this access is the church and that right will still be available.

County Attorney Vickie Huffman advised that, typically a developer will leave a ROW through a section of lots to allow access for further development off of that subdivision. She added that the landowner granted the church a private easement, however, it is a platted public ROW that can be used by anyone. She added that she had included in the proposed ordinance a reservation of the easement to the church.

Supervisor Ayers asked if the subdivision is built-out.

Mr. Slaydon replied, he did not foresee any subdivision off to the south because it solely goes to the church parcel.

Supervisor Day moved to authorize scheduling a public hearing on this matter for February 24, 2020. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, Ayers, McDaniel, Lyons
Nays: None
Absent: Lewis
Abstain: None

Schedule Public Hearing on the Request from the South River Volunteer Fire Department for Access Across the Blue Ridge Recreation Center (Fairfield Pool) Property Owned by the County:

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

"Last spring/summer, the South River Volunteer Fire Department (SRVFD) expressed an interest in establishing a truck and tractor pull track on its property, identified as Tax Map #39-A-50B, to hold fundraising events. On June 24, 2019, the Board adopted amendments to the County Code to allow for permitting of truck and tractor pull events conducted by local fire and rescue agencies. A permit application has not

yet been submitted. However, the SRVFD has recently commenced development planning for the site and is working through its plans for compliance with Erosion and Sediment Control and Stormwater Management requirements.

In addition, the SRVFD has requested rights of access between the proposed truck/track pull site (Tax Map #39-A-50B) and its property on Greystone Lane, known as the Carnival Grounds (Tax Map #39-A-52), along the northwestern property line of the County's Fairfield Pool property. The requested use is for coordination of construction and for parking during events. The proposed access is twenty feet (20') in width and is depicted on the attached map of 'Proposed South River Fire Department Right of Way'. A survey or site plan depicting the access area is expected from the SRVFD by the next Board meeting.

The recommended means of granting this access is by lease of the area to the SRVFD, rather than a permanent right-of-way. A draft lease agreement is attached; it includes an initial 5-year term, which is automatically renewable unless terminated. No monetary consideration is provided.

Since this is a grant of an interest in real estate, approval would require adoption of an Ordinance, following public hearing."

Supervisor Day asked Ms. Huffman if she had received the required materials from the SRVFD, such as the survey or site plan.

Ms. Huffman replied, no.

Supervisor Day asked if it were possible to schedule the Public Hearing in March or April to allow more time.

Ms. Huffman advised that the SRVFD asked to hold the Public Hearing in two (2) weeks.

Chairman Lyons suggested scheduling the Public Hearing for February 24, 2020, subject to receipt of the necessary materials received by February 17th.

Supervisor Day moved to schedule the Public Hearing for February 24, 2020, subject to receipt of the necessary materials received by February 17th. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, McDaniel, Ayers, Lyons
Nays: None
Absent: Lewis
Abstain: None

Appointments:

Ag/Forestal Committee- Replacement of Board Member- Term Ending

1/12/2021 (carried over):

Chairman Lyons advised that Supervisor Lewis has offered to serve in this capacity.

Supervisor McDaniel nominated Supervisor Lewis to be appointed to the Ag/Forestal Committee. A second was provided by Supervisor Ayers, and the nomination passed by the following roll call vote by the Board:

Ayes: McDaniel, Ayers, Day, Lyons
Nays: None
Absent: Lewis
Abstain: None

Jail Commission- Recommendation of a Goshen Representative:

Mr. Suter advised that Goshen Town Council has not been able to have a meeting to recommend an appointee due to lack of a quorum, but after discussion with a Town official, he was confident that the Board would have a recommendation by its next meeting.

TCO- Robert Mish- Term Expires 1/28/2020:

Supervisor Day nominated Mr. Mish for reappointment to the TCO. A second was provided by Supervisor Ayers, and the nomination passed by the following roll call vote by the Board:

Ayes: Day, Ayers, McDaniel, Lyons
Nays: None
Absent: Lewis
Abstain: None

Planning Commission- Lee McLaughlin, Jr.- Term Expires 1/28/2020:

Supervisor Day nominated Mr. McLaughlin for reappointment to the Planning Commission. A second was provided by Supervisor Ayers, and the nomination passed by the following roll call vote by the Board:

Ayes: Day, Ayers, McDaniel, Lyons
Nays: None
Absent: Lewis
Abstain: None

TCO- Lee McLaughlin, Jr.- Term Expires 2/12/2020:

Supervisor Day nominated Mr. McLaughlin for reappointment to the TCO. A second was provided by Supervisor Ayers, and the nomination passed by the following roll call vote by the Board:

Ayes: Day, Ayers, McDaniel, Lyons
Nays: None
Absent: Lewis
Abstain: None

Break:

Chairman Lyons offered a break at approximately 5:52 p.m. until the Public Hearings could be heard at 6:00 p.m.

Public Hearings:

Holocene Solar- Solar Array in A-2:

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

"Holocene Solar has applied for special exception permit to develop a twenty acre solar array off of Walkers Creek Road on the Mohler property in the A-2 district per Section 603.03-9 of the Regulations. A community meeting was held at the Rockbridge Baths FD on Wednesday, August 28th, attended by about 20 area residents followed by a presentation with the Planning Commission prior to making a formal application. Viewshed appears to be the primary concern as well as trying to understand the benefit to the community. Photo simulations of the project area have been developed by NB&C depicting pre and post conditions with landscaping from key vantage points. Mike Keyser, CEO, BARC Electric, has provided a letter explaining the project benefits. This project is adjacent to some lands to the northeast in the Rockbridge Baths Ag/Forest Overlay District but we do not see how it will have an effect on the District. A list of Goals and Objectives from the Comprehensive Plan relative to the project is enclosed. The Plan supports both the preservation of Agricultural lands and the development of Green Energy projects.

During the first Planning Commission public hearing we learned that the hill behind the project is to be clear-cut to daylight the panels earlier in the morning. This backdrop is important to helping the project blend into the area and supports the comp plan goal of protecting our scenic corridors and rural areas. Holocene has re-evaluated the need to clear-cut the slope and provided an alternative landscape plan which

reflects some of the concerns expressed. The proposed clearing and grubbing of the slope is defined by the scalloped line on the plan approximately 100 feet past the fence line. Holocene has also worked with Mrs. Huffman to develop a Decommissioning Agreement with the County.

The following conditions have been recommended:

- (1) Substantial compliance with the "Site Plan and Landscape Plan" prepared by Perkins and Orrison, PLC, dated October 25, 2019, and revised December 2, 2019, on file in the office of the Clerk to the Board of Supervisors.
- (2) The maximum height of the tilt for the solar array shall be fifteen feet (15').
- (3) Landscaping shall be maintained in healthy condition for the life of the project.
- (4) Acceptance of Decommissioning Agreement, incorporating decommissioning plan dated August 26, 2019, in lieu of bond, but which shall be re-evaluated every five years."

Laura Merten, Market Analyst for Holocene Clean Energy, briefly reviewed the Holocene Clean Energy power point presentation provided in the Board's packet.

Chairman Lyons asked how large the panels will be.

Ms. Merten replied, about 6-8 feet.

Chairman Lyons asked for comparison of the proposed solar array site and BARC's solar array site.

Mr. Slaydon explained that BARC is slightly under two (2) acres whereas the proposed is 14.5 acres.

Supervisor Ayers asked if the property would always be kept under vegetative state or if it would ever have any gravel.

Ms. Merten replied, always vegetative with potential for sheep grazing and mowing on an alternating basis.

Supervisor Ayers asked what the maintenance will be like.

Ms. Merten replied, it will be busy in the beginning phases of construction with trucks entering and leaving, but soon after, maintenance is very minimal with the occasional mowing.

Chairman Lyons opened the Public Hearing at 6:21 p.m.

Margaret McDonald of the Walkers Creek Magisterial District shared her support of the proposed project and commended the efforts of building energy above the ground.

With there being no additional comments, Chairman Lyons closed the Public Hearing at 6:23 p.m.

County Attorney Vickie Huffman then advised that the condition for maximum height of the tilt for the solar array shall be fifteen feet (15') was added after the Planning Commission and after speaking with the developer.

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

Ayes: Ayers, Day, McDaniel, Lyons
Nays: None
Absent: Lewis
Abstain: None

Following adoption of the Ordinance, Russ Orrison of Perkins and Orrison commended County staff for helping with this long process.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, JANUARY 27, 2020

Ordinance to Grant a Special Exception Permit to Holocene Clean Energy for Development of a Solar Field for Power Generation in the Agricultural and General Uses District (A-2) on Property Owned by Kenneth W. Mohler and Susan A. Mohler, Identified as Tax Map #36-A-65 Located at the Intersection of Maury River Road and Walkers Creek Road in Rockbridge Baths, in the Walkers Creek Magisterial District

WHEREAS, Holocene Clean Energy, the applicant, has proposed to permit, construct, operate and maintain solar generation facilities, known as Bustleburg Solar I, (the “Project”), on a portion of property owned by Kenneth W. Mohler and Susan A. Mohler, identified as Tax Map #36-A-65 and located at the intersection of Maury River Road and Walkers Creek Road in Rockbridge Baths, in the Walkers Creek Magisterial District of Rockbridge County, Virginia; and,

WHEREAS, Holocene Clean Energy has applied for a special exception permit to develop said solar field for power generation on the subject property in the Agricultural and General Uses District (A-2), pursuant to Section 603.03-9 of the Rockbridge County Land Development Regulations; 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 Planning Commission held a public hearing on this matter on November 13, 2019, with continued discussion and consideration on December 11, 2019, and recommended approval with specified conditions to the Board of Supervisors; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on January 27, 2020; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due

consideration to the presentations and comments at the public hearing hereon, after consideration of potential impact of the Project on the adjacent lands in the Rockbridge Baths Agricultural/Forestral Overlay District, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

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

1. That the Board finds that the granting of a special exception permit to Holocene Clean Energy to develop, operate and maintain solar generation facilities, known as Bustleburg Solar I, located on a portion of the property at the intersection of Maury River Road and Walkers Creek Road in Rockbridge Baths, owned by Kenneth W. Mohler and Susan A. Mohler, and identified as Tax Map #36-A-65, in the Walkers Creek Magisterial District of Rockbridge County, Virginia, in the Agricultural and General Uses District (A-2) pursuant to Section 603.03-9 of the Rockbridge County Land Development Regulations, as shown on the 'Site Plan and Landscape Plan' prepared by Perkins and Orrison, PLC, dated October 25, 2019, and revised December 2, 2019, on file in the office of the Clerk to the Board of Supervisors, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby approved with and subject to the conditions set out on Exhibit A attached hereto and incorporated herein by reference.

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

Adopted this 27th day of January, 2020.

EXHIBIT A

HOLOCENE CLEAN ENERGY SPECIAL EXCEPTION PERMIT CONDITIONS JANUARY 27, 2020

- (1) Substantial compliance with the "Site Plan and Landscape Plan' prepared by Perkins and Orrison, PLC, dated October 25, 2019, and revised December 2, 2019, on file in the office of the Clerk to the Board of Supervisors.
- (2) The maximum height of the tilt for the solar array shall be fifteen feet (15').
- (3) Landscaping shall be maintained in healthy condition for the life of the project.
- (4) Acceptance of Decommissioning Agreement, incorporating decommissioning plan dated August 26, 2019, in lieu of bond, but which shall be re-evaluated every five years.

AMC Pet Grooming- Pet Grooming in A-T:

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

"Angela Clark has applied for a special exception permit to operate a pet grooming business in the A-T District per Section 603B.03-4 of the Regulations. The property is located off of Wert Faulkner Highway across from the Natural Bridge Industrial Park and surround mostly by family land. She had been operating out of the Natural Bridge Heating and Air building and desires to move the operation to her own property. There will be no boarding of animals. See description enclosed. The Planning Commission has recommended approval conditioned on no boarding of animals."

Supervisor Day asked if for the permit allows someone to drop their pet off with Ms. Clark one evening, leave it there overnight, and pick it up the next day.

Mr. Slaydon replied, no, this would not be allowed as it would be considered boarding.

Supervisor McDaniel asked if Ms. Clark had operated a business prior to this one.

Ms. Clark replied, she did run her business part time out of Donnie Shanks Heating and Air Conditioning business. However, she was also working full time at another job and it became too much.

Mr. Slaydon explained that Donnie Shanks Heating and Air Conditioning location was in a business zone, and therefore it was legal for Ms. Shanks to conduct her business there. However, when she decided to move her business next to her home, a new zoning verification form was required.

Chairman Lyons opened the Public Hearing at 6:33 p.m. With there being no one signed up to speak, Chairman Lyons closed the Public Hearing.

Supervisor McDaniel asked for clarification as to why breeding and boarding small animals was prohibited and why it did not say all animals.

Mr. Slaydon replied, being in an A-T zone, she would be able to raise livestock.

Supervisor McDaniel moved to adopt the ordinance. A second was provided by Supervisor Ayers, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Ayers, 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, JANUARY 27, 2020

Ordinance Granting a Special Exception Permit to Angela M. Clark, d/b/a AMC Pet Grooming, to Operate a Dog Grooming Business on Her Property Per Section 603B.03-4 of the Land Development Regulations in the Agricultural Transitional District (A-T), Located on Train Whistle Lane (Private Road) in the Natural Bridge Magisterial District, Identified as Tax Map #113E2-4-1.

WHEREAS, Angela M. Clark, the applicant and owner, has applied for a special exception permit to operate a dog grooming business known as AMC Pet Grooming, on her property in the Agricultural Transitional District (A-T), consisting of 25 acres, more or less, located at 22 Train Whistle Lane, Glasgow, VA, identified as Tax Map #113E2-4-1, in the Natural Bridge Magisterial District; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on the application on December 11, 2019, and recommended approval with the specified conditions; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on January 27, 2020; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that, with the specified conditions, 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 Board of Supervisors finds that the granting of a special exception permit to Angela M Clark, d/b/a AMC Pet Grooming, to operate a dog grooming business on her property, containing a total of 25 acres, more or less, located at 22 Train Whistle Lane, identified as Tax Map #113E2-4-1, in the Natural Bridge Magisterial District, in the Agricultural Transitional District (A-T), is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby granted and approved, with and subject to the condition that there will be no boarding or breeding of dogs, cats, or other small animals for commercial purposes.

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

Adopted this 27th day of January, 2020.

Board Comments:

Supervisor McDaniel stated that, at the last meeting, the Board heard comments from the public for and against the Board of Supervisors salaries. He asked the Board members if they felt as though future discussion would be necessary.

Chairman Lyons suggested the Board be looking at this between now and May when they can take action on their salary.

Closed Meeting:

At approximately 6:38 p.m., Supervisor Day moved to enter into a closed meeting as Permitted by Virginia Code §2.2-3711(A)(1), a personnel matter involving appointment or promotion of particular officers, appointees or employees; and, 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 McDaniel, and the motion carried by the following roll call vote by the Board.

Ayes: Day, McDaniel, Ayers, 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 McDaniel, and the motion carried by the following roll call vote by the Board.

Ayes: Day, McDaniel, Ayers, Lyons
Nays: None
Absent: Lewis
Abstain: None

Supervisor Day 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, as to both matters for which the closed meeting was convened. A second was provided by Supervisor McDaniel, and the motion carried by the following roll call vote by the Board.

Ayes: Day, McDaniel, Ayers, Lyons
Nays: None
Absent: Lewis
Abstain: None

Other Discussions:

Supervisor Ayers raised concerns with the Ben Salem Wayside dumpster site. She advised that she received a complaint from a citizen regarding the use of the site by Buena Vista residents. She requested posting a larger, easier to read, sign.

Mr. Suter noted enforcement for this site sharing that special enforcement has written multiple tickets at that site recently. He noted that he would investigate the signage request.

Adjournment:

With no further business to discuss, Supervisor McDaniel moved to adjourn the meeting. A second was provided by Supervisor Day, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Day, Ayers, Lyons
Nays: None
Absent: Lewis
Abstain: None