

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, FEBRUARY 24, 2020 AT 4:30 P.M.

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BOARD MEMBERS PRESENT: DANIEL E. LYONS  
R. W. DAY  
L.E. AYERS  
D.B. MCDANIEL (arrived at approx. 4:40 p.m.)  
A.J. "JAY" LEWIS, II.

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

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CALLED TO ORDER:

Chairman Lyons called the Work Session to order.

**Rockbridge Regional Jail Budget Discussion:**

County Administrator Spencer Suter explained that the Jail's budget remains higher than anticipated. He advised that, following many meetings, the original budget request of \$6,127,324 has been reduced to \$5,304,928 of which the County's share is \$3,925,647, or \$663,515 above the current year - equivalent to 2.6 cents on the tax rate.

Jail Superintendent Derek Almarode explained that there are several increases. They included: base salary regrade for local positions; increase in VRS formula; health insurance increase; buildings and grounds projects; maintenance agreements such as the taser contract; capital improvements; and emergency housing, which is the most significant, at +\$642,300.

Mr. Suter noted that the State bases it's funding based on the rated capacity of 56 inmates, though the population is often much higher.

Supervisor Ayers asked if the jail had a rated capacity of 112, would it then receive double State funding.

Superintendent Almarode replied that funding would nearly double in that case. He advised that, should the State Comp Board approve increasing the rated capacity, it would then fund additional positions including fringe benefits. .

Chairman Lyons asked approximately how many State prisoners are at the Regional Jail currently.

Superintendent Almarode replied, approximately 20 are in-house and others are contracted out to other facilities.

Supervisor McDaniel questioned where the State's funding mechanism originated.

Mr. Suter replied, he was unsure where the formula originated.

Chairman Lyons noted that it would be better for the local jail to house State inmates and contract housing for local inmates because if not, the County would have to pay an outside facility to house the State inmate; in addition the State would pay that facility for the inmate.

Supervisor McDaniel asked if it were possible to pull the Jail study from 2010 for re-review.

Mr. Suter, yes, that the Jail's facilities committee is already looking at it as well as other options.

Supervisor McDaniel recommended, after the session ends, the Board ask its Delegate and Senator to come explain to the Board where the figures come from in regard to multiple areas, not only the jail but schools too, because there continue to be State mandates handed down without proper funding.

Chairman Lyons asked the County Administrator if he would extend the invitation as requested.

Mr. Suter agreed.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS  
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING  
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CALLED TO ORDER:

Chairman Lyons called the meeting to order at 5:33 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.

County Attorney Vickie Huffman called attention to the cancelled public hearing entitled "Request South River Volunteer Fire Department for Access across Blue Ridge Recreation Center (Fairfield Pool) Property Owned by the County". She advised that the cancellation was at the request of the South River Volunteer Fire Department.

## **Recognitions and Presentations:**

### **Introduction of New Employees:**

County Administrator Spencer Suter introduced Daniel Mear who was hired as the County's Solid Waste and Recycling Manager.

Mr. Mear thanked the Board for his employment.

Fiscal Services Director Steven Bolster introduced Stefan Janjic who was hired as the County's IT Technician.

Mr. Janjic thanked the Board for his employment and shared his excitement to work for the County.

Supervisor Lyons welcomed Mr. Mear and Mr. Janjic.

## **Citizens Comments:**

Susan Wood of the Natural Bridge Magisterial District provided the Board's clerk with the following written statement and then read it aloud:

"I'm here again to ask you to reconsider the 137% pay increase passed last year that you are now receiving. I understand that it is budget time so perhaps you should review what the last Board did, and at the very least, take into account the number of you enrolled in the health care plan this year and the number of you who has pocketed the \$6,780 increase.

You are civil servants. You chose to represent your districts' citizens. You enact ordinances (laws) that matter greatly to your citizens, from noise and pollution, to zoning and what a person can do with or on their property. You establish our tax rates and expenditures, and I assume, that each of you would never compromise good principles in return for keeping your power or money. But, you won't be here forever. Who will take your place? .Have you thought about the precedent that this

vote last year has set? History has taught us that money and power corrupt. Will this become a quid-pro-quo position where the wealthy can help a Supervisor stay in this seat if they get what they want?

What qualifies you to be eligible to enroll in the County employee health care plan in the first place? You are not an employee. You can't be fired if your citizens don't like what you do. So why do you qualify for an "employee" benefit? Do you get other employee benefits? If not, then why health care?

I was disappointed to learn that not one of you wanted to discuss this following my comments at the January 13<sup>th</sup> meeting or to have the topic put on a future meeting agenda.

I don't feel comfortable driving late at night, particularly when it's rainy, so I can't stay for your entire meeting. But I hope you consider my comments and requests seriously during your budgeting process, if not sooner, and explain to your constituents why this enormous pay increase and eligibility for health care insurance are good for our County."

**Approval of the February 10, 2019 Minutes:**

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

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

**Consideration of the School's Appropriation Resolution:**

Fiscal Services Director Steven Bolster presented the School's Appropriation Resolution.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, FEBRUARY 24, 2020 AT 5:30 P.M.

On motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the Board, by record vote adopted the following appropriation resolutions:

**APPROPRIATION RESOLUTION**

**BE IT RESOLVED:** By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby are made, for the period ending **June 30, 2020** in **FUND 50, SCHOOL FUND** and expended as follows:

**New Grants**

**IDEA Title VIB 611 2019**

4-50-61100-1120-220-200-904	Teacher Salaries.....	\$43,592.00
4-50-61100-1120-240-200-904	Teacher Salaries.....	\$9,399.00
4-50-61100-1120-270-200-904	Teacher Salaries.....	\$9,649.00
4-50-61100-1120-350-200-904	Teacher Salaries.....	\$20,734.00
4-50-61100-2100-220-200-904	FICA.....	\$3,050.00
4-50-61100-2100-240-200-904	FICA.....	\$562.00
4-50-61100-2100-270-200-904	FICA.....	\$614.00
4-50-61100-2100-350-200-904	FICA.....	\$1,486.00
4-50-61100-2210-220-200-904	VRS.....	\$6,548.00
4-50-61100-2210-270-200-904	VRS.....	\$1,766.00
4-50-61100-2210-350-200-904	VRS.....	\$2,086.00
4-50-61100-2220-220-200-904	VRS.....	\$1,656.00
4-50-61100-2220-240-200-904	VRS.....	\$1,769.00
4-50-61100-2220-350-200-904	VRS.....	\$174.00
4-50-61100-2300-220-200-904	Medical.....	\$2,706.00
4-50-61100-2300-240-200-904	Medical.....	\$1,853.00

4-50-61100-2300-270-200-904	Medical.....	\$1,677.00
4-50-61100-2300-350-200-904	Medical.....	\$2,716.00
4-50-61100-2400-220-200-904	GLI.....	\$686.00
4-50-61100-2400-240-200-904	GLI.....	\$148.00
4-50-61100-2400-270-200-904	GLI.....	\$152.00
4-50-61100-2400-350-200-904	GLI.....	\$326.00
4-50-61100-2510-220-200-904	VACORP.....	\$26.00
4-50-61100-2510-240-200-904	VACORP.....	\$27.00
4-50-61100-2510-350-200-904	VACORP.....	\$1,996.00
4-50-61100-2750-220-200-904	RHIC.....	\$628.00
4-50-61100-2750-240-200-904	RHIC.....	\$136.00
4-50-61100-2750-270-200-904	RHIC.....	\$139.00
4-50-61100-2750-350-200-904	RHIC.....	\$299.00
4-50-61310-1120-901-200-904	Teacher Salaries.....	\$8,308.00
4-50-61310-2100-901-200-904	FICA.....	\$831.00

**IDEA Title VIB 611 2019 cont'd**

4-50-61310-2210-901-200-904	VRS.....	\$1,959.00
4-50-61310-2300-901-200-904	Medical.....	\$1,357.00
4-50-61310-2400-901-200-904	GLI.....	\$164.00
4-50-61310-2750-901-200-904	RHIC.....	\$150.00
4-50-62230-1132-901-200-904	Teacher Salaries.....	\$12,276.00
4-50-62230-2100-901-200-904	FICA.....	\$912.00
4-50-62230-2220-901-200-904	VRS.....	\$2,173.00
4-50-62230-2300-901-200-904	Medical.....	\$1,316.00
4-50-62230-2400-901-200-904	GLI.....	\$176.00
4-50-62230-2510-901-200-904	VACORP.....	\$32.00
4-50-62230-2750-901-200-904	RHIC.....	<u>\$161.00</u>
<b>Sub-total</b>		<b>\$146,415.00</b>

**C&I 2019**

4-50-61100-1120-312-700-905	Teacher Salaries.....	\$1,393.00
4-50-61100-2100-312-700-905	FICA.....	<u>\$107.00</u>
<b>Sub-total</b>		<b>\$1,500.00</b>

**Title IVB 619 2019**

4-50-61310-6030-901-200-903	FICA.....	<u>\$1,888.00</u>
<b>Sub-total</b>		<b>\$1,888.00</b>

**Title I 2018**

4-50-61100-6030-220-100-888	Materials & Supplies.....	<u>\$569.00</u>
<b>Sub-total</b>		<b>\$569.00</b>

<b>TOTAL FUND 50 APPROPRIATIONS</b>		<b>\$150,372.00</b>
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**Consideration of Rockbridge County Public Schools CIP:**

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

"At its regular January 13th meeting, the Board of Supervisors provisionally adopted the County's FY 2021-2023 Capital Improvement Plan (CIP). At that time Supervisor McDaniel questioned the fact that the RCPS CIP was not included. The County and School CIP adoption processes are not currently aligned, but we continue working in that direction. The County provisionally adopts a 5-year CIP in January, with final adoption in conjunction with overall budget adoption in April. The School Board typically adopts a CIP in the May timeframe, which is after the County budget is approved.

Please recall that during the FY 2020 budget process in the winter/spring of 2019, the Boards ultimately did not jointly adopt a RCPS CIP. However, with the understanding that School and County staff needed firm direction for projects the RCPS wanted to complete in the current fiscal year (FY 2020), the Boards jointly approved a School Division CIP in July 2019, with the understanding that the FY 2020 projects were approved for execution, using the School Carryover Account, and that out-years were to be considered in each subsequent budget cycle. The FY 2020 RCPS projects are shown in the attached copy of the CIP.

School Superintendent Phillip Thompson has requested that that the HVAC systems for Fairfield and Central Elementary schools be considered for funding in the FY 2021 budget cycle. The RCHS (VOTECH) roof replacement project currently shown in FY 2021 may be amended based on the outcome of the RCPS Division-wide Feasibility study, which is currently underway.

Subsequently informed by the results of the feasibility study and with a plan for financing FY 2021 projects, adoption of a comprehensive

CIP could then be considered during the final budget adoption process in April.”

Mr. Suter asked that the Board to approve an increase from \$125,000 to \$200,000 for track resurfacing at RCHS and an increase from \$70,000 to \$80,000 for practice field upgrades at MRMS, with the funds to be taken from the School Capital Reserve fund.

Supervisor Lewis asked, if the Board provisionally approves the CIP with finance as a funding source, when the time comes, would there be other funding options to be considered?

Mr. Suter concurred.

Supervisor McDaniel asked, if they proceed with the procurement process right now, would they be ready by summer.

Mr. Suter replied that he was unsure as Dr. Thompson expressed some trepidation about that.

Chairman Lyons added that there is potential to look at cooperative procurement.

Supervisor McDaniel moved to honor staff's request and to provisionally adopt the School's CIP. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

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

## Consideration of PSA Support Agreement for Capacity Expansion in the US 60

### Corridor:

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

"At the meeting on February 10<sup>th</sup>, the Board approved additional support of the PSA's Rt 60E sewer expansion project, via dedication of \$1,283,916 in general fund reserves to the project. To recap, the upgrade is intended to 1) provide additional capacity to allow for increased development along the currently served area in the US Rt 60E corridor, and 2) provide potential for a future phase of development to reach the I-81 / Exit 188 interchange. In 2018, the Board approved a Support Agreement for the project, essentially agreeing to support the PSA in a 15-year, \$2.461M revenue bond issue through BB&T Bank, to fund the cost estimate provided by PSA's engineer, Hurt & Proffitt. The PSA subsequently approved the bond issue on March 13, 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, an invitation for bids (IFB) was issued. Ultimately, E.C. Pace Company, Inc., was the lowest responsive and responsible 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. Staff was directed to bring the Board a support agreement to formalize the arrangement. As discussed, it is important to note that the current revenue bond escrow account should be expended first, and that the remainder of the overage should be reserved, but remain in the County's coffers gaining interest until incremental project invoices are received from the PSA.

The proposed Supplemental Support Agreement, dated February 24, 2020, is attached for the Board's consideration, together with an Authorizing Resolution. The amount of maximum reserve for the Updated Project has been left open for the Board to consider an additional 10% to allow for potential change orders under the construction contract, if approved by the Project Engineer, the PSA Executive Director, and the County Administrator. The amount of Additional Funds required for the Updated Project, including the construction contract, is \$1,283,916; the total amount with a 10% change order allowance is \$1,412,308."

Supervisor Ayers asked if it were necessary to have a contingency when the funding is coming out of the County's reserves.

Mr. Suter replied that, if there were not contingency, the Board would have to approve the expenditures as occurred whereas otherwise, he and the PSA Executive Director would be authorized to approve up to 10%.

Supervisor McDaniel moved to exclude the contingency so that he would be able to see any overage and asked that future projects with Hurt and Proffitt be reconsidered due to the major difference between the estimated and actual costs. A second was provided by Supervisor Day. Supervisor

Lewis noted that he would not have had a problem with the contingency, however understood Supervisor McDaniel's point from a process prospective.

The motion then carried by the following roll call vote:

Ayes: McDaniel, Day, Lewis, Ayers, Lyons  
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  
FEBRUARY 24, 2020

**RESOLUTION TO APPROVE A SUPPLEMENTAL SUPPORT AGREEMENT IN CONNECTION WITH ADDITIONAL FUNDING OF THE PROJECT COSTS FOR ROUTE 60 PROJECT – PHASE I**

**WHEREAS**, the County of Rockbridge, Virginia (the "County"), acting pursuant to Sections 15.1-1239 to 15.1-1270 inclusive, recodified as Chapter 51, Title 15.2 of the Code of Virginia, 1950, as amended (the "Act"), duly created the Rockbridge County Public Service Authority (the "PSA") on October 10, 1966. The PSA is empowered to acquire, purchase, lease, construct, reconstruct, improve, extend, operate and maintain a stormwater control system or water or waste system or any combination of such systems and to issue its revenue bonds to pay all or any part of the cost thereof; and,

**WHEREAS**, pursuant to that certain authorizing resolution approved by the PSA on March 13, 2018, entitled, "*Resolution Authorizing The Issuance, Sale, and Award Of An Up To \$2,500,000 Rockbridge County Public Service Authority Wastewater Revenue Bond (Route 60 Project - Phase I), Series 2018, And Providing The Form And Details Thereof*" (the "PSA Authorizing Resolution"), the PSA has authorized the issuance, sale and delivery on the date hereof of the **\$2,461,000 Rockbridge County Public Service Authority Wastewater Revenue Bond (Route 60 Project – Phase I), Series 2018 ("Bank-Qualified")** (the "Bond") to the **BRANCH BANKING AND TRUST COMPANY** (the "Bank"), as purchaser thereof; and,

**WHEREAS**, proceeds of the Bond shall be used by the PSA to finance all or any portion of the costs to undertake the following capital projects, in one or more phases: (i) the acquisition, construction, reconstruction, expansion, upgrade and equipping of the PSA's wastewater system and facilities related thereto, including but not limited to installation of approximately 5,800 linear feet of 6" force main, 5,800 linear feet of 12" force main, 6" and 12" bridge crossing, construction of a pump station, and related appurtenances, and (ii) payment of costs for preliminary engineering and design plans and costs of issuance in connection with such undertakings (the "Project"); and,

**WHEREAS**, the Bond is a wastewater revenue bond obligation of the PSA for the payment of principal and interest on which the Revenues of the System have been pledged, subject to the PSA's right to apply such Revenues to the payment of Operation and Maintenance Expenses of the System; and,

**WHEREAS**, pursuant to the PSA Authorizing Resolution, the PSA Board has approved the due execution and delivery of a Support Agreement dated March 28, 2018, by the PSA; and,

**WHEREAS**, pursuant to that certain resolution entitled, “*Resolution To Approve A Support Agreement In Connection With The Issuance Of A Wastewater Revenue Bond By The Rockbridge County Public Service Authority*,” duly adopted on March 12, 2018, by the Board, acting as the governing body of the County, the Board has approved the due execution and delivery of said Support Agreement dated March 28, 2018, by the County in order, among other things, to set forth the non-binding obligation of the Board to consider certain appropriations in support of the payment of the PSA’s payment obligations under the Bond and the transactions contemplated thereby, all as required by the Bank in connection with its purchase of the Bond; and,

**WHEREAS**, as the Project design by Hurt & Proffitt proceeded, it became apparent that, in many areas, the Maury Service Authority (the “MSA”) waterline loop, within the same right-of-way and scheduled to be replaced within the next two years, was very close to the planned PSA sewer line replacement, and it was ultimately decided by the MSA and the PSA to merge these projects, with each paying its share of their respective projects; and,

**WHEREAS**, following preparation of a revised set of plans, which resulted in modifications to the PSA’s Project to (i) the acquisition, construction, reconstruction, expansion, upgrade and equipping of the PSA’s wastewater system and facilities related thereto, including but not limited to installation of approximately 6,600 linear feet of 6” force main, 4,600 linear feet of 12” force main, 905 linear feet of 8” force main, 6” and 12” force main bridge crossing, construction of a pump station, and related appurtenances, and (ii) payment of costs for preliminary engineering and design plans, contract administration, inspections, and costs of issuance in connection with such undertakings (the “Updated Project”), the PSA issued its Request for Bids (RFB) in October 2019; and,

**WHEREAS**, E.C. Pace Company, Inc., was the lowest responsive and responsible bidder at a cost exceeding the engineer’s original estimate of the PSA’s Updated Project by \$1,299,832; some minor savings in the related costs have lowered the total funding shortfall to an estimated \$1,283,916; and,

**WHEREAS**, the PSA has requested the additional funding of the Project from the County, and the Board has consented to provide such support.

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

1. In addition to the Board’s commitments and moral obligation authorized and approved by its Resolution adopted March 12, 2018, the Board hereby approves the execution and delivery of a Supplemental Support Agreement by the County, dated February 24, 2020, and executed by and among the County and the PSA (the “Supplemental Support Agreement”), in connection with the undertakings of the PSA under the Bond and pursuant to the Updated Project. The Chairman or Vice-Chairman of the Board, or the County Administrator, any one or more of whom may act (whether individually or collectively, the “County Representative”), are each hereby authorized and directed to execute and deliver the Supplement Support Agreement substantially in the form attached hereto as **Exhibit A**, which form is hereby approved.

To such end, the Board hereby covenants and agrees to undertake a nonbinding obligation to appropriate such amounts as may be requested from time to time, if any, in order to pay or reimburse the PSA for the Updated Project costs exceeding the available Bond proceeds, up to a total of \$1,283,916.00 (the “Additional Funds”), provided that the PSA shall first use all proceeds of its Bond issue approved on March 13, 2018, to pay the costs of the Route 60 Project – Phase 1, as may be modified or amended. Such moral obligation pledge of the County is hereby approved and made to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia, *provided, however*, that such pledge shall not be deemed to be a lending of the credit of the County to the PSA or to any other person or otherwise deemed to be

a pledge of the faith and credit or the taxing power of the County, and such pledge shall not bind or obligate the Board or any future Board to appropriate funds for such purposes or otherwise.

2. The County Representative and such officers, employees, and agents of the County as any one or more of them may designate, are each authorized and directed to execute and deliver any and all additional instruments, certificates and other documents as may be necessary or convenient in order to carry out the purposes of this Resolution, all as may be advised by counsel.

3. This Resolution shall be effective immediately upon its adoption.

Approved: February 24, 2020

**ROCKBRIDGE COUNTY, VIRGINIA**

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Chairman/ Vice-Chairman of the  
Board of Supervisors

Exhibit A: Form of Supplemental Support Agreement

**CERTIFICATE OF VOTES**

The undersigned Clerk of the Board of Supervisors of Rockbridge County, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of the foregoing Resolution adopted by the Board of Supervisors at a duly called public meeting thereof at which at least a quorum was present and acting throughout, and that the record of the roll-call vote is as follows:

<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<b>Leslie E. Ayers</b> Buffalo District	X			
<b>Daniel E. Lyons</b> Kerrs Creek District	X			
<b>David B. McDaniel</b> Natural Bridge District	X			
<b>R. W. Day</b> South River District	X			
<b>A. J. "Jay" Lewis, II</b> Walkers Creek District	X			

Date: February 24, 2020

[SEAL]

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Clerk of the Board of Supervisors of  
Rockbridge County, Virginia

**Natural Bridge Speedway and Dragstrip Annual Reports:**

Assistant Director of Community Development Chris Slaydon explained that the Natural Bridge Speedway and Dragstrip are required to present annual reports to the Board of Supervisors per condition number one of the special exception permits. He advised that the 2020 racing schedule was modified to eliminate racing during the County fair and that Mr. Fitzgerald was not planning to run the dragstrip in 2020.

As owner and operator of the Natural Bridge Speedway, and lessee of the Natural Bridge Dragstrip, G.W. Fitzgerald explained that 2019 was a good year for the dirt track other than a couple complaints about dust, ultimately handled by adding a chemical to the water. As for the dragstrip, he stated that it did not go as well and was unsure if he would lease it again this year. He then asked Mr. Slaydon if he could file to amend the special exception permit removing the condition to not run during the weekend of the County fair.

Mr. Slaydon concurred that he could apply for an amendment to remove that condition if he wanted to.

**Public Hearings at 6:00 p.m.:**

**Vacate an Unimproved ROW in Mt. Vista Subdivision:**

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

"Per last month's discussion, Robert Miles has requested the County consider vacating an old road R.O.W. between the two parcels of land he owns 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 R.O.W. Mr. Miles has talked to the Pastor of the Church and the Church supports this vacation. Once vacated, the R.O.W. will become a part of Mr. Miles' parcels and taxed accordingly." He reviewed the zoning map via power point. He then introduced applicant Robert Miles and his attorney Wayne Heslep..

Mr. Heslep explained that the church does not currently use the proposed property to access the main highway but could if they decide to via a current easement.

Mr. Miles shared his appreciation to the Board for considering the application.

Chairman Lyons opened the public hearing at 6:05 p.m. There were no comments. He then closed the public hearing.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON  
MONDAY, FEBRUARY 24, 2020

**ORDINANCE VACATING AND CLOSING AN UNIMPROVED AND UNUSED 50' RIGHT-OF-WAY, EXTENDING FROM MT. VISTA DRIVE BETWEEN LOT 14, BLOCK 6, UNIT 5 (TAX MAP #60A-5-6-14) AND LOT 15, BLOCK 6, UNIT 5 (TAX MAP #60A-5-6-15) IN MT.**

**VISTA SUBDIVISION, TO PROPERTY OWNED BY THE TRUSTEES OF BIBLE CHURCH AT ROCKBRIDGE (TAX MAP #60A-9-B), DEDICATED TO PUBLIC USE ON THE 'RECORD PLAT OF MT. VISTA SUBDIVISION UNIT 5' RECORDED IN PLAT BOOK 5, PAGE 149 (PLAT CABINET B), SAID ADJOINING LOTS 14 AND 15 BEING OWNED BY ROBERT S. MILES, JR., AND BECKY P. MILES, AND BEING LOCATED IN THE KERRS CREEK MAGISTERIAL DISTRICT**

WHEREAS, Petitioners Robert S. Miles, Jr., and Becky P. Miles, are the owners of Lot 14 and Lot 15, in Block 6, Unit 5 of Mt. Vista Subdivision, as shown on the 'Record Plat of Mt. Vista Subdivision Unit 5', recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, in Plat Book 5, Page 149 (Plat Cabinet B), and identified upon the Rockbridge County Land Records as Tax Map #60A-5-6-14 and Tax Map #60A-5-6-15; and,

WHEREAS, Petitioners have requested vacation of the 50' right-of-way, located between Lots 14 and 15, extending from Mt. Vista Drive to the property owned by the Trustees of Bible Church at Rockbridge (Tax Map #60A-9-B), dedicated to public use on the above-described subdivision plat; and,

WHEREAS, the subject right-of-way is an unused and unimproved road, is not within the state secondary road system, and has not been used by any surrounding property owners for access; and,

WHEREAS, §15.2-2272.2 of the Code of Virginia (1950, as amended) requires that such action be accomplished by the adoption of an ordinance by the governing body; and,

WHEREAS, notice has been given as required by §15.2-2204 of the Code of Virginia (1950, as amended), and the public hearing was held on February 24, 2020.

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

1. That the 50' right-of-way extending from Mt. Vista Drive to the property of owned by the Trustees of Bible Church at Rockbridge (Tax Map #60A-9-B), dedicated by the subdivision plat recorded in the aforesaid Clerk's Office in Plat Book 5, Page 149 (Plat Cabinet B), being located between Lot 14 and Lot 15, in Block 6, Unit 5 of Mt. Vista Subdivision, identified upon the Rockbridge County Land Records as Tax Map #60A-5-6-14 and Tax Map #60A-5-6-15, situate in the Kerrs Creek Magisterial District of Rockbridge County, said lots being owned by the Petitioners, Robert S. Miles, Jr., and Becky P. Miles, be, and hereby is, vacated and closed to the extent that any public or County interest may exist,

pursuant to Section 15.2-2272 of the Code of Virginia (1950, as amended), subject to the following conditions:

a. That fee simple title to the subject road shall vest as provided by law, and shall be added and combined to the abutting properties, in compliance with the Rockbridge County Land Development Regulations, and other applicable laws and regulations; and,

b. That this action shall be subject to the 50' private right-of-way, leading in a southerly direction from Mt. Vista Drive in Unit 5 of the Mt. Vista Subdivision between Lots 14 and 15 to the parcel of land containing 5.795 acres, more or less, as shown on a plat dated May 25, 1970, prepared by Higgs & Shumate, Engineers-Surveyors, and recorded in the aforesaid Clerk's Office in Plat Book 8, page 154, granted to the Trustees of the Bible Church at Rockbridge by deed dated November 16, 1984, from Harry E. Moore, III, and Betty Black Moore, recorded in the aforesaid Clerk's Office in Deed Book 412, at page 525.

c. That all costs and expenses associated herewith, including but not limited to publication, survey and recordation costs, shall be the responsibility of the Petitioners.

2. That the County Administrator or the County Subdivision Agent is hereby authorized to execute such documents and take such actions as may be necessary to accomplish the provisions of this ordinance, all of which shall be approved as to form by the County Attorney.

3. That this ordinance shall be effective on and from the date of its adoption, and a certified copy of this ordinance shall be recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, in accordance with §15.2-2272.2 of the Code of Virginia (1950, as amended).

Adopted this 24<sup>th</sup> day of February, 2020.

**Byers Technical Institute- Proffer Amendment in B-1:**

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

"BTI has applied to amend proffers associated with the conditional rezoning of the former Pepsi Warehouse property when Wright's Rides

purchased it for a used car lot and the adjoining church was still active in 2006. The proffer was a limitation on operating hours and to not conduct business during a funeral service. As BTI has purchasing the former church property, these proffers are no longer needed and could be substituted with a proffer to utilize the property for a vocational school and associated activities per Section 605.02-33of the Regulations. The Planning Commission has recommended approval of the proffer amendment.” Mr. Slaydon reviewed the zoning map of the property via Power Point as well as the proposed proffer condition associated with the Byers property, as included in the proposed ordinance as exhibit A. He then introduced Walt Johnson, Assistant Administrator/Senior Instructor for BTI.

Mr. Johnson advised that there is currently 100% enrollment in the day programs and 60% in the evenings.

Chairman Lyons opened the public hearing at 6:10 p.m. There were no comments. He then closed the public hearing.

Supervisor McDaniel shared his support of the program stating that it is beneficial for the students. He then moved to adopt the ordinance. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE  
OFFICES ON MONDAY, FEBRUARY 24, 2020

**Ordinance to Approve Amendment of the Proffered Conditions to a 2006 Conditional Rezoning to General Business District (B-1), of a 1-Acre Parcel of Land (Tax Map No. 108B1-1-A8) Owned by Byers, Inc. (Byers Technical Institute), Located on the West Side of Glasgow Highway Approximately .45 Mile North of Its**

## **Intersection With the Glasgow End of River Road in the Natural Bridge Magisterial District**

WHEREAS, Byers, Inc., is the owner of a 1-acre parcel of land located at 2694 and 2696 Glasgow Highway, on the west side of Glasgow Highway approximately .45 mile north of its intersection with the Glasgow End of River Road in the Natural Bridge Magisterial District, identified upon the Rockbridge County Land Records as Tax Map No. 108B1-1-A8; and,

WHEREAS, the subject property was conditionally rezoned to the General Business District (B-1) in 2006; and,

WHEREAS, Byers, Inc., has applied to amend the proffered conditions in the prior conditional rezoning, specifically to remove the restriction as to hours of operation and with acceptance of an additional proffer to utilize the property for a vocational school and associated activities per Section 605.02-33 of the Rockbridge County Land Development Regulations; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this application on February 12, 2020, and has recommended to the Board of Supervisors that the proposed amendment to the proffered conditions be approved; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on February 24, 2020; 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 determined that the amended proffered conditions to the original conditional rezoning of the property would generally promote the health, safety, convenience and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia.

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

1. That the application of Byers, Inc. (Byers Technical Institute) for amendment to the proffered conditions of the 2006 rezoning to General Business District (B-1), with removal of the restriction as to hours of operation and with acceptance of an additional proffer to utilize the property for a vocational school and associated activities per Section 605.02-33 of the Rockbridge County Land Development Regulations, on a 1-acre parcel of land located on the west side of Glasgow Highway and identified as Tax Map #108B1-1-A8, in the Natural Bridge Magisterial District of Rockbridge County, Virginia, with and subject to the proffered condition(s) as set forth on Exhibit A attached hereto and incorporated herein, and which the Board hereby accepts, be and hereby is approved.

2. That this action is taken upon the application of Byers, Inc., by Ron Byers, President.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 24<sup>th</sup> day of February, 2020.

**Byers Technical Institute- Conditionally Rezone from A-2 to B-1:**

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

"BTI has applied to conditional rezone the adjoining former church property from A-2 to B-1 which has recently been purchased to expand their programs and provide boarding opportunities for some of their students who may be traveling from some distance. This is an adjacent 1 acre parcel. The Planning Commission has recommended approval of the conditional rezoning and acceptance of the proffer." Mr. Slaydon reviewed the zoning map of the property via Power Point.

Mr. Johnson shared his excitement of how the program has grown and shared his appreciation of the County of Rockbridge for being so easy to work with. He stated that BTI plans to remodel the first 1/3 of the church to add additional classroom with the intention to add additional programs one being a public first aid/CPR program, and to utilize the property for additional parking. He added that, within about one year, he plans to add dormitories to the remaining 2/3 of the church building after hearing interest from students outside of the area. Mr. Johnson advised that BTI is currently in the process of purchasing the neighboring property, on which trailer is sited, to house supervisory personnel.

Chairman Lyons opened the public hearing at 6:15 p.m. There were no comments. He then closed the public hearing.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE  
OFFICES ON MONDAY, FEBRUARY 24, 2020

**Ordinance to Change the Zoning Classification from Agricultural and General Uses District (A-2) to General Business District (B-1), With Conditions, of a 1-Acre Parcel of Land (Tax Map No. 108B1-1-A7) Owned By Byers, Inc. (Byers Technical Institute), Adjoining the Existing Technical School and Located on the West Side of Glasgow Highway Approximately .5 Mile North of Its Intersection With the Glasgow End of River Road in the Natural Bridge Magisterial District**

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on February 12, 2020, and recommended to the Board of Supervisors that the proposed zoning classification amendment, with acceptance of proffered conditions, be approved; 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 held a public hearing on this matter on February 24, 2020; and,

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

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

1. That the zoning classification of a 1-acre parcel of real estate, owned by Byers, Inc., and identified upon the Rockbridge County Land Records as Tax Map #108B1-1-A7, located on the west side of Glasgow Highway approximately .5 miles north of its intersection with the Glasgow end of River Road in the Natural Bridge Magisterial District of Rockbridge County, adjoining the existing Byers Technical Institute, is hereby changed from Agricultural and General Uses District (A-2) to General Business District (B-1), with and subject to the conditions voluntarily proffered in writing by the property owner, as set forth on Exhibit A attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the property owner, Byers, Inc., by Ron Byers, President.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 24<sup>th</sup> day of February, 2020.

**VMI Off-Campus Parking- Comprehensive Plan Review:**

Director of Community Development Sam Crickenberger briefly reviewed the agenda item which included the following information:

"VMI is planning on constructing off-campus parking at Lackey Park adjacent to Hinty Hall, their maintenance facility across from the Armory. Such State projects are exempt from zoning but are to be reviewed by the Planning Commission for consistency with the Comprehensive Plan per Section 15.2-2232 of the Code of Virginia. The area is currently zoned C-1 as it is public land, but we have discussed the need to create an institutional zoning district that would be a better fit for the area Universities. In 2006 we approved the development of Hinty Hall as consistent with the comprehensive plan. Enclosed is a copy of the concept plan for parking, a project narrative, a zoning map, language from the Comprehensive Plan and the Code of Virginia. VMI has assured an adequate wooded buffer will either be maintained along the southern property line adjacent to the residential district or replaced if site grading is required in that area. All parking lot lighting will meet the requirements of our lighting ordinance. The Planning Commission has found the project to be consistent with the Comprehensive Plan."

Supervisor Ayers asked about stormwater management.

Mr. Crickenberger stated that stormwater management requirements would be met.

**Board Comments:**

Supervisor McDaniel asked if the finance committee could consider the public comment regarding Board salaries and bring their discussion back before the full Board.

Chairman Lyons asked Ms. Huffman when Board Salaries are looked at each year.

Ms. Huffman replied, May 1-June 30.

Chairman Lyons advised that Board salaries would be added to the appropriate agenda in May or June.

**Adjournment:**

Supervisor Lewis moved to adjourn. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

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

